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# reminders

(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.)

## Rules Going Into Effect Today

There were no items published after October 1, 1972 eligible for inclusion in this list.

## Next Week's Deadlines for Comments On Proposed Rules

### ACTION

Volunteer legal expenses; domestic programs; comments by 11-25-74. 37779; 10-24-74

### AGRICULTURE DEPARTMENT

#### Agricultural Marketing Service

Broccoli, frozen; grade standards; comments by 11-30-74. 22959; 6-25-74

Oranges, grapefruit, tangerines and tangelos grown in Florida; expenses and rate of assessment for 1974-75 fiscal period; comments by 11-29-74. 39565; 11-8-74

#### Animal and Plant Health Inspection Service

Dogs and cats; veterinary care; space and exercise requirements; comments by 11-25-74. 34420; 9-25-74

#### Farmers Home Administration

Plan to notify borrowers of expiration of 1-year warranty period; comments by 11-25-74. 37992; 10-25-74

### ATOMIC ENERGY COMMISSION

Preservation of records; maintenance requirements for licensees and applicants; comments by 11-29-74. 36871; 10-15-74

### COST ACCOUNTING STANDARDS BOARD

Allocation of business unit general and administrative expense to cost objectives; comments by 11-25-74. 34300; 9-24-74

### ENVIRONMENTAL PROTECTION AGENCY

Nevada; air quality implementation plans; comments by 11-25-74. 37784; 10-24-74

Standards of performance for new stationary air pollution sources; modification, notification, and reconstruction; comments by 11-29-74. 36946; 10-15-74

### FEDERAL COMMUNICATIONS COMMISSION

Low power communications devices; extension of comment period to 11-29-74. 36493; 10-10-74

Nebraska; FM broadcast stations; table of assignments; comments by 11-25-74. 38395; 10-31-74

### FEDERAL TRADE COMMISSION

Automobile fuel economy claims; public hearing and opportunity to submit data, views or arguments; comments by 11-25-74. 34382; 9-24-74

### HEALTH, EDUCATION, AND WELFARE DEPARTMENT

#### Food and Drug Administration

Biological products; additional standards for cholera vaccine; comments by 11-25-74. 34297; 9-24-74

Methicillin; revision of pyrogens test; comments by 11-25-74. 34562; 9-26-74

Zinc Bacitracin; change in method for determining zinc content; comments by 11-25-74.

#### RENEGOTIATION BOARD

Cost accounting standards; proposed conformance requirements for financial statements; comments by 11-25-74. 36352; 10-9-74

### SECURITIES AND EXCHANGE COMMISSION

Increased disclosure of relationships, registrants and independent accountants; comments by 11-30-74. 37999; 10-25-74

### TRANSPORTATION DEPARTMENT

#### Coast Guard

Great Lakes pilotage regulations; operating requirements; comments by 11-26-74. 39047; 11-5-74

#### Federal Aviation Administration

Certain transition areas; comments by 11-29-74. 38238; 10-30-74

Douglas, Ga., transition area; comments by 11-25-74. 37993; 10-25-74

Pratt and Whitney aircraft model JT3D engines; airworthiness standard; comments by 11-30-74. 39733; 11-11-74

#### Federal Highway Administration

Program and project procedures; comments by 11-30-74. 38911; 11-4-74

#### National Highway Traffic Safety Administration

Lamps, reflective devices, and associated equipment; comments by 11-29-74. 35179; 9-30-74

Seat belt warning system; motor vehicle safety standards; comments by 11-25-74. 38391; 10-31-74

### TREASURY DEPARTMENT

#### United States Customs Service

Field organization; Region VI; Anapra, N.M.; comments by 11-29-74.

## NEXT WEEK'S HEARINGS

### ENVIRONMENTAL PROTECTION AGENCY

Indiana; water quality standards; to be held in Indianapolis, Ind., on 11-26-74. 37808; 10-24-74

### FEDERAL TRADE COMMISSION

Automobile fuel economy claims; public hearing and opportunity to submit data, views, or arguments; to be held in Washington, DC (open with restrictions) 11-25-74. 34382; 9-24-74

## NEXT WEEK'S MEETINGS

### ADVISORY COUNCIL ON HISTORIC PRESERVATION

Neighborhood Development Project WVA; to be held at St. Albans, West Virginia (open) 11-25-74. 39594; 11-8-74

### AGRICULTURE DEPARTMENT

#### Forest Service

Rock Creek Advisory Committee; to be held in Drummond, Mont. (open), 11-26-74. 38264; 10-30-74

### DEFENSE DEPARTMENT

Defense Science Board Task Force on Training Technology; to be held in Arlington, Va. (closed) 11-25-74 and 11-26-74. 39297; 11-6-74

Defense Wage Committee, to be held in Washington, D.C. (closed); 11-26-74. 36497; 10-10-74

#### Department of Navy

Navy Research Systems Advisory Committee; to be held in New York, N.Y. (closed); 11-25-74. 38241; 10-30-74

### HEALTH, EDUCATION, AND WELFARE DEPARTMENT

#### Food and Drug Administration

Panel on Review of Topical Analgesics; to be held in Rockville, Md. (open with restrictions) 11-26-74 and 11-27-74. 37234; 10-18-74

#### National Institutes of Health

National Advisory Dental Research Council; to be held at Bethesda, Md. (open with restrictions) 11-25 and 11-26-74. 37085; 10-17-74

National Advisory General Medical Sciences Council; to be held at Bethesda, Md. (open with restrictions) 11-26 and 11-27-74. 37085; 10-17-74

### INTERIOR DEPARTMENT

#### Bureau of Land Management

Idaho Falls District Advisory Board; to be held at Idaho Falls, Idaho. (open) 11-26-74. 38005; 10-25-74

### TRANSPORTATION DEPARTMENT

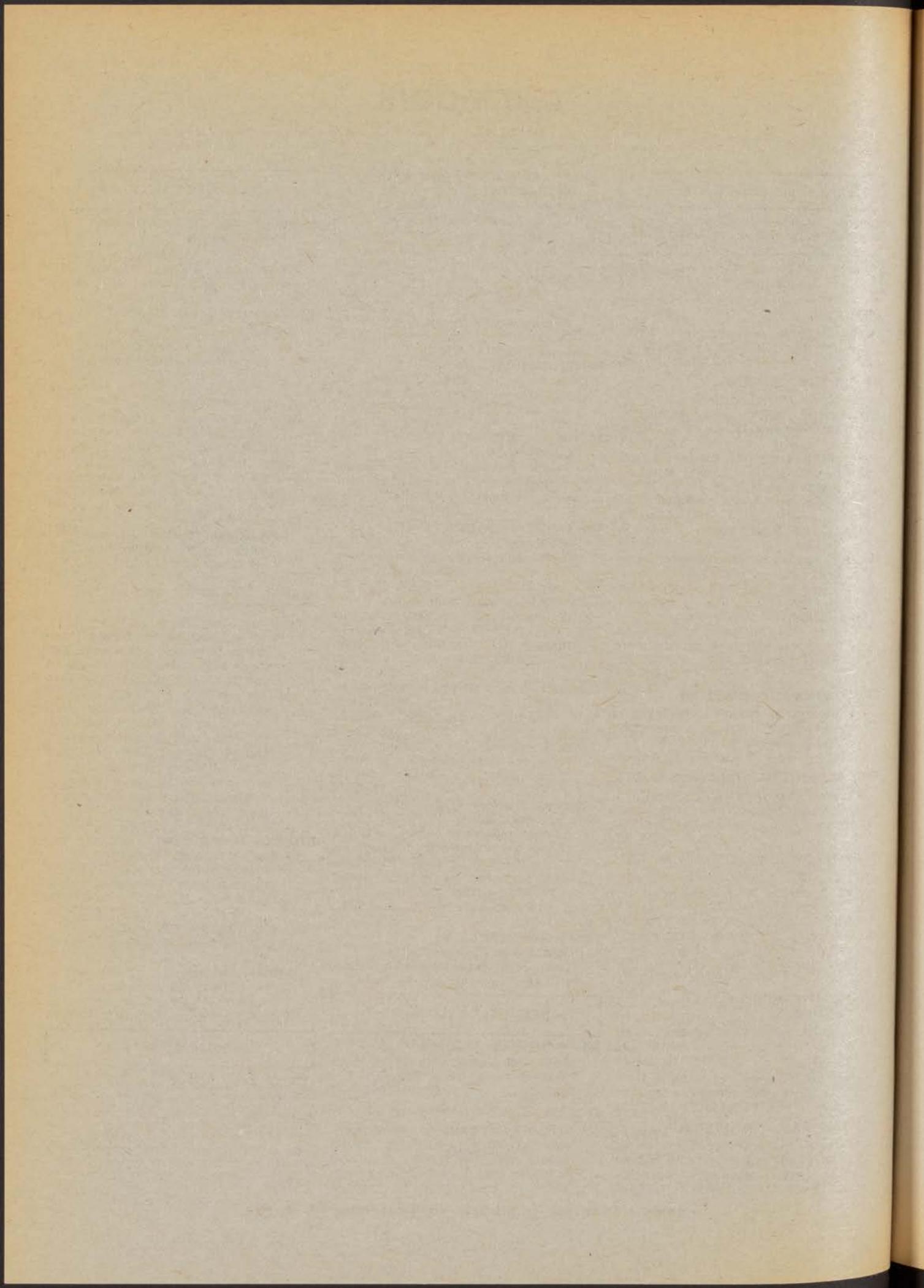
#### Urban Mass Transportation Administration

Elderly and Handicapped Regulations; to be held in Washington, D.C. (open) 11-25-74 through 11-27-74. 39901; 11-12-74

## Weekly List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

No acts approved by the President were received by the Office of the Federal Register from Friday, November 8 to Friday, November 15, 1974.



# presidential documents

## Title 3—The President

PROCLAMATION 4334

### Establishment of Tariffs and Quota on Certain Sugars, Sirups and Molasses

*By the President of the United States of America*

#### A Proclamation

1. WHEREAS, pursuant to section 201(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)), on June 30, 1967, the President entered into a trade agreement consisting of the Geneva (1967) Protocol to the General Agreement on Tariffs and Trade, including a schedule of United States concessions annexed thereto (hereinafter referred to as "Schedule XX (Geneva—1967)"), together with the Final Act Authenticating the Results of the 1964-67 Trade Conference Held under the Auspices of the Contracting Parties to the General Agreement, and, by Proclamation No. 3822 of December 16, 1967 (82 Stat. 1455) proclaimed such modifications of existing duties and other import restrictions of the United States and such continuance of existing customs or excise treatment of articles imported into the United States as were then found to be required or appropriate to carry out that agreement on and after January 1, 1968;

2. WHEREAS, among such modifications and continuances, was Note 1 of Unit A, Chapter 10, Part I of Schedule XX (Geneva—1967);

3. WHEREAS, Headnote 2, Subpart A, Part 10 of Schedule 1 of the Tariff Schedules of the United States (19 U.S.C. 1202, hereinafter referred to as (TSUS)), which was added to the TSUS by Proclamation No. 3822 on the basis of said note 1 referred to in recital 2, provides in relevant part as follows:

2. The rates in column numbered 1 in items 155.20 and 155.30 on January 1, 1968, shall be effective only during such time as Title II of the Sugar Act of 1948 or substantially equivalent legislation is in effect in the United States . . . *Provided,*

(i) That, if the President finds that a particular rate not lower than such January 1, 1968, rate, limited by a particular quota, may be established for any articles provided for in item 155.20 or 155.30, which will give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade, he shall proclaim such particular rate and such quota limitation, to be effective not later than the 90th day following the termination of the effectiveness of such legislation;

4. WHEREAS, Section 201(a)(2) of the Trade Expansion Act of 1962 authorizes the President to proclaim the modification or continuance of any existing duty or other import restriction or such additional import restrictions as he determines to be required or appropriate to carry out any trade agreement entered into under the authority of that Act;

5. AND WHEREAS it is determined that the rates and quota limitation hereinafter established are appropriate to carry out the portion of a trade agreement referred to in recitals 2 and 3, and give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade;

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, acting under the authority vested in me by the Constitution and statutes, including Section 201(a)(2) of the Trade Expansion Act of 1962 and in conformity with Headnote 2 of Subpart A of Part 10 of Schedule 1 of the TSUS do hereby proclaim until otherwise superseded by law:

(1) Subpart A, Part 10, Schedule 1 of the TSUS is modified by adding thereto a new headnote as follows:

(3) The total amount of sugars, sirups, and molasses described in items 155.20 and 155.30, the products of all foreign countries, entered in any calendar year shall not exceed, in the aggregate, 7,000,000 short tons, raw value. For the purposes of this headnote, the term "raw value" means the equivalent of such articles in terms of ordinary commercial raw sugar testing 96 degrees by the polariscope as determined in accordance with regulations issued by the Secretary of the Treasury. The principal grades and types of sugar shall be translated into terms of raw value in the following manner:

(i) For sugar described in item 155.20, by multiplying the number of pounds thereof by the greater of 0.93, or 1.07 less 0.0175 for each degree of polarization under 100 degrees (and fractions of a degree in proportion).

(ii) For sugar described in item 155.30, by multiplying the number of pounds of the total sugars thereof (the sum of the sucrose and reducing or invert sugars) by 1.07.

(iii) The Secretary of the Treasury shall establish methods for translating sugar into terms of raw value for any special grade or type of sugar for which he determines that the raw value cannot be measured adequately under the above provisions.

(2) The rate of duty in rate column numbered 1 for items 155.20 and 155.30 is established as follows:

155.20-----	0.6625¢ per lb. less 0.009375¢ per lb. for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 0.428125¢ per lb.
155.30-----	Dutiable on total sugars at the rate per lb. applicable under Item 155.20 to sugar testing 100 degrees.

(3) The provisions of this proclamation shall become effective with respect to articles entered, or withdrawn from warehouse, for consumption on and after January 1, 1975, and shall remain in effect until the President otherwise proclaims or until otherwise superseded by law.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of November, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-ninth.

*Gerald R. Ford*

[FR Doc.74-27293 Filed 11-18-74;4:17 pm]

## PROCLAMATION 4335

# Temporary Quantitative Limitation on The Importation Into The United States of Certain Cattle, Beef, Veal, Swine and Pork From Canada

*By the President of the United States of America*

## A Proclamation

WHEREAS, Section 252(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1882(a)) authorizes the President to impose duties or other import restrictions on the products of any foreign country establishing or maintaining unjustifiable import restrictions against United States agricultural products which impair the value of tariff commitments made to the United States, oppress the commerce of the United States, or prevent the expansion of trade on a mutually advantageous basis;

WHEREAS, Canada has imposed unjustifiable restrictions on cattle and meat imports from the United States;

WHEREAS, such restrictions violate the commitments of Canada made to the United States, including the provisions of Article XI of the General Agreement on Tariffs and Trade, and impair the value of tariff commitments made to the United States, oppress the commerce of the United States and prevent the expansion of trade on a mutually advantageous basis; and

WHEREAS, I deem it necessary and appropriate to impose the restrictions hereinafter proclaimed on imports of cattle, beef, veal, swine, and pork, which are the products of Canada, in order to obtain the removal of such unjustifiable restrictions and to provide access for United States cattle and meat to the markets of Canada on an equitable basis;

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, acting under the authority vested in me by the Constitution and statutes, including Section 252(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1882(a)), do hereby proclaim [(until such time as the President otherwise proclaims)]—

(1) Subpart B of part 2 of the Appendix to the Tariff Schedules of the United States (TSUS) is amended by inserting in numerical sequence the following new items:

<i>Item</i>	<i>Articles</i>	<i>Quota Quantity</i>
	Whenever, in any 12-month period beginning August 12 in 1974 or in any succeeding year, the respective quantity or aggregate quantity of the cattle, the swine, the beef and veal, or the pork specified below, the product of Canada, has been entered, no such cattle, swine, beef and veal, or pork, respectively, the product of Canada, may be entered during the remainder of such period:	
945.01	Cattle provided for in items 100.40, 100.43, 100.45, 100.53, and 100.55 of part 1, schedule 1.	17,000 head (aggregate quantity).
945.02	Swine provided for in item 100.85 of part 1, schedule 1.	50,000 head.
945.03	Beef and veal, fresh, chilled, frozen, prepared, or preserved, provided for in items 106.10 and 107.60, part 2B, schedule 1.	17,000,000 pounds (aggregate quantity).
945.04	Pork, fresh, chilled, frozen, prepared or preserved, provided for in items 106.40, 107.30 and 107.35, part 2B, schedule 1.	36,000,000 pounds (aggregate quantity).

(2) Notwithstanding the provisions of paragraph (1) hereof, not in excess of one-twelfth of the respective quota quantity specified for each item in said paragraph (1) may be entered, or withdrawn from warehouse, for consumption during the 30 day period beginning on the date of this proclamation.

(3) The provisions of this proclamation shall become effective upon publication in the Federal Register, but the provisions of paragraph (1) hereof do not apply to any articles in excess of the respective quota quantity specified for each item in said paragraph (1) which—

(a) prior to such date of publication, have been duly entered, or withdrawn from warehouse, for consumption or have been released under the provisions of section 448(b) of the Tariff Act of 1930 (19 U.S.C. 1448(b)), or

(b) have been entered or withdrawn pursuant to paragraph (2) hereof.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of November in the year of our Lord nineteen hundred and seventy-four, and of the Independence of the United States of America the one hundred ninety-ninth.

*Gerard R. Ford*

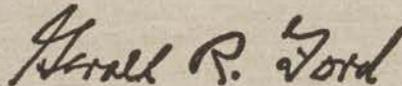
IFR Doc.74-27294 Filed 11-18-74;4:17 pml

## EXECUTIVE ORDER 11819

## Membership of the Energy Resources Council

By virtue of the authority vested in me as President of the United States of America, by the Constitution and laws of the United States, particularly section 108 of the Energy Reorganization Act of 1974, section 2 of Executive Order No. 11814 of October 11, 1974, is hereby amended to read as follows:

"SEC. 2. The Council shall consist of the Secretary of the Interior, who shall be its Chairman, the Assistant to the President for Economic Affairs, the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Attorney General, the Secretary of Commerce, the Secretary of Transportation, the Chairman of the Atomic Energy Commission, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the Administrator of the Federal Energy Administration, the Administrator of the Energy Research and Development Administration (upon entry into office), the Administrator of the Environmental Protection Agency, the Chairman of the Council on Environmental Quality, the Director of the National Science Foundation, the Executive Director of the Domestic Council, the Administrator of General Services, the Director of the Office of Consumer Affairs, and such other members as the President may, from time to time, designate. The Chairman of the Federal Power Commission is invited to attend meetings of the Council."



THE WHITE HOUSE,

November 16, 1974.

[FR Doc.74-27292 Filed 11-18-74;4:17 pm]

OF THE UNITED STATES

OF AMERICA

The history of the United States is a subject of great interest and importance. It is a subject which has attracted the attention of the world, and which has been the subject of many valuable works of history. The history of the United States is a subject which has attracted the attention of the world, and which has been the subject of many valuable works of history. The history of the United States is a subject which has attracted the attention of the world, and which has been the subject of many valuable works of history.

James R. Smith

# 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 7—Agriculture

### CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

#### PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

##### Subpart—United States Standards for Grades of Orange Marmalade<sup>1</sup>

###### REDUCTION OF MINIMUM SOLUBLE SOLIDS CONTENT

On page 34056 of the FEDERAL REGISTER of September 23, 1974 a notice of proposed rulemaking was published that would amend the United States Standards for Grades of Orange Marmalade by reducing the minimum soluble solids content (for the finished product) from the present 68 percent to 65 percent. Interested persons were given until October 25, 1974 to submit written data, views, or arguments regarding the proposed amendment.

###### STATEMENT OF CONSIDERATION LEADING TO THE AMENDMENT

The National Preservers Association, representing a large segment of the preserving industry, requested the amendment to the U.S. grade standards proposed in the FEDERAL REGISTER of September 23, 1974. The amendment would lower the present minimum soluble solids content of the finished product from 68 percent to 65 percent. Reducing the soluble solids is in keeping with the new minimum soluble solids for fruit preserves under the amended Food and Drug Standards of Identity for Fruit Preserves which became effective October 29, 1974.

One dissenting consumer comment was received. The objector expressed displeasure at the potential reduction in the firmness of the finished product as a result of reducing the soluble solids. Reducing the soluble solids will have no discernible effect upon the finished product. The "firmness" or "looseness" of the finished product is adjusted primarily in the blending of the selected ingredients (pectins, food acids and buffering agents) under scientifically controlled conditions rather than the degree of concentration (cooking) of the product. There has been no change

<sup>1</sup> Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

made in amounts of fruit and sugar required to make Orange Marmalade conforming with the product description of the grade standards.

Comments were received from industry supporting the reduced soluble solids percentage.

Section 52.1451 is changed to read: § 52.1451 Product description.

Orange Marmalade is the semi-solid or gel-like product prepared from orange fruit ingredients together with one or more sweetening ingredients and may contain suitable food acids, food pectins, lemon juice, or lemon peel. The ingredients are concentrated by cooking to such a point that the soluble solids of the finished marmalade is not less than 65 percent.

*Effective date.* This amendment becomes effective December 31, 1974.

Dated: November 14, 1974.

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

[FR Doc. 74-27175 Filed 11-19-74; 8:45 am]

### CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Orange Reg. 73, Amtd. 2; Grapefruit Reg. 75, Amtd. 2; Tangerine Reg. 46, Amtd. 2; Tangelo Reg. 46, Amtd. 2]

#### PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

##### Limitation of Shipments

These amendments prescribe total limitation of shipment regulations for oranges, grapefruit, tangerines and tangelos during the period beginning at 6 p.m., e.s.t., November 27, 1974, and ending at 12:01 a.m., e.s.t., December 1, 1974. The regulations are designed to avert the accumulation of excessive market supplies of the specified fruits during the Thanksgiving holiday period in which, historically, there has been greatly reduced market demand.

*Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the

committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, grapefruit, tangerines and tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) These amendments reflect the Department's appraisal of the potential marketing situation during the week in which Thanksgiving Day occurs and for the period immediately following. Historically, there has been heavy purchasing of fresh oranges, grapefruit, tangerines and tangelos in the terminal markets prior to Thanksgiving Day followed by a period of slow movement immediately following the holiday. An accumulation of excessive quantities of fruit in the markets during and immediately following the Thanksgiving Day week contributes to unstable marketing conditions. Hence, the curtailment of such shipments, as hereinafter specified, would contribute to a better-managed supply situation and in turn to the establishment of orderly marketing.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of these amendments until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which these amendments are based became available and the time when these amendments must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Domestic shipments of Florida oranges, grapefruit, tangerines and tangelos are currently regulated pursuant to Orange Regulation 73 (39 FR 32976, 37186), Grapefruit Regulation 75 (39 FR 32976, 37186), Tangerine Regulation 46 (39 FR 32976, 37186) and Tangelo Regulation 46 (39 FR 32976, 37186) and, unless sooner terminated or modified, will continue to be so regulated through September 28, 1975; determinations as to the need for, and extent of, regulation under § 905.52(a)(3) of the order must await the development of the crops and the availability of information about the demand for such fruits; the recommendation and supporting information for limiting the total quantity of fresh oranges,

grapefruit, tangerines and tangelos by prohibiting shipments thereof, pursuant to said section, during the period herein provided, were promptly submitted to the Department after an open meeting of members of the Growers Administrative Committee on November 12, 1974, held to consider recommendations for such regulations, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; necessary supplemental information was submitted to the Department on November 12, 1974; information regarding the provisions of the regulations recommended by the committees has been disseminated among shippers of such fruits grown in the production area, and these regulations, including the effective time thereof, are identical with the recommendations of the committees; and compliance with these regulations will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

**Order. 1.** In § 905.555 (Orange Regulation 73; F.R. 32976, 37186) the provisions of paragraph (b) preceding subparagraph (1) thereof are revised, and a new paragraph (d) is added to read as follows:

§ 905.555 Orange Regulation 73.

(b) Except as otherwise provided in paragraph (d), during the period October 21, 1974, through September 28, 1975, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(d) During the period beginning at 6:00 p.m., e.s.t. November 27, 1974, and ending at 12:01 a.m., e.s.t. December 1, 1974, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any oranges grown in the production area.

2. In § 905.556 (Grapefruit Regulation 75; 39 FR 32976, 37186) the provisions of paragraph (b) preceding subparagraph (1) thereof are revised, and a new paragraph (d) is added to read as follows:

§ 905.556 Grapefruit Regulation 75.

(b) Except as otherwise provided in paragraph (d), during the period October 21, 1974, through September 28, 1975, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(d) During the period beginning at 6:00 p.m., e.s.t. November 27, 1974, and ending at 12:01 a.m., e.s.t. December 1, 1974, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any grapefruit grown in the production area.

3. In § 905.557 (Tangerine Regulation 46; 39 FR 32976, 37186) the provisions of paragraph (b) preceding subparagraph (1) thereof are revised, and a new paragraph (d) is added to read as follows:

§ 905.557 Tangerine Regulation 46.

(b) Except as otherwise provided in paragraph (d), during the period October 21, 1974, through September 28, 1975, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(d) During the period beginning at 6:00 p.m., e.s.t. November 27, 1974, and ending at 12:01 a.m., e.s.t. December 1, 1974, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any tangerines grown in the production area.

4. In § 905.558 (Tangelo Regulation 46; 39 FR 32976, 37186) the provisions of paragraph (b) preceding subparagraph (1) thereof are revised, and a new paragraph (d) is added to read as follows:

§ 905.558 Tangelo Regulation 46.

(b) Except as otherwise provided in paragraph (d), during the period October 21, 1974, through September 28, 1975, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(d) During the period beginning at 6:00 p.m., e.s.t. November 27, 1974, and ending at 12:01 a.m., e.s.t. December 1, 1974, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any tangelos grown in the production area.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 15, 1974.

CHARLES R. BRADER,  
Deputy Director, Fruit and  
Vegetable Division, Agricultural  
Marketing Service.

[FR Doc. 74-27113 Filed 11-19-74; 8:45 am]

**PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA**

**Expenses and Rate of Assessment, California Date Administrative Committee, the 1974-75 Crop Year**

Notice was published in the October 25, 1974, issue of the FEDERAL REGISTER (39 FR 37999) regarding proposed expenses of the California Date Administrative Committee for the 1974-75 crop year

totaling \$25,186, and a rate of assessment for that crop year of 7 cents per hundred-weight on all assessable dates. The action hereinafter set forth authorizes the Committee to incur such expenses and fixes such assessment rate. It is pursuant to §§ 987.71 and 987.72 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987). The amended marketing agreement and order regulate the handling of domestic dates produced or packed in Riverside County, California, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposal. None were received.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the California Date Administrative Committee, and other available information, it is found that the expenses of the California Date Administrative Committee, and the rate of assessment, for the 1974-75 crop year (which began on October 1, 1974, and ends on September 30, 1975) shall be as hereinafter set forth.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular crop year shall be applicable to all dates certified during that crop year as meeting the requirements for marketable dates, including the eligible portion of certain field-run dates; and (2) the current crop year began October 1, 1974, and the rate of assessment herein fixed will automatically apply to all such dates beginning with that date.

The expenses and assessment rate are as follows:

**§ 987.319 Expenses of the California Date Administrative Committee and rate of assessment for the 1974-75 crop year.**

(a) *Expenses.* Expenses in the amount of \$25,186 are reasonable and likely to be incurred by the California Date Administrative Committee during the 1974-75 crop year beginning October 1, 1974, for its maintenance and functioning, and for such other purposes as the Secretary may, pursuant to the applicable provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for that crop year which handler is required, pursuant to § 987.72, to pay to the California Date Administrative Committee as his pro rata share of the expenses is fixed at 7 cents per hundred-weight on all assessable dates. Assessable dates are dates which the handler has certified during the crop year as meeting the requirements for marketable dates,

including the eligible portion of any field-run dates certified and set aside or disposed of pursuant to § 987.45 (f).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 15, 1974.

CHARLES R. BRADER,  
Deputy Director,  
Fruit and Vegetable Division.

[FR Doc.74-27174 Filed 9-19-74; 8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 73—SCABIES IN CATTLE

Area Quarantined

This amendment quarantines a portion of Cochran County in Texas because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the area quarantined.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, a new paragraph (a) relating to the State of Texas is added to read:

§ 73.1a Notice of quarantine.

(a) Notice is hereby given that cattle in certain portions of the State of Texas are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following area in such State is hereby quarantined because of said disease:

That portion of Cochran County comprised of Greer County school land league 85-86, secs. 3, 4, 21 and 22.

(Sec. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f; 37 F.R. 28464, 28477; 38 FR 19141.)

**Effective date.** The foregoing amendment shall become effective November 12, 1974.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that 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 notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of November 1974.

J. M. HEJL,  
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-27173 Filed 11-19-74; 8:45 am]

PART 79—SCRAPIE IN SHEEP

Area Quarantined

This amendment quarantines De Kalb County in Illinois because of the existence of scrapie in sheep. This action is deemed necessary to prevent further spread of the disease. Therefore, the restrictions pertaining to the interstate movement of sheep from or through quarantined areas as contained in 9 CFR Part 79, as amended, will apply to the quarantined area.

Accordingly, Part 79, Title 9, Code of Federal Regulations restricting the interstate movement of sheep because of scrapie is hereby amended as follows:

A new § 79.2 is added to read:

§ 79.2 Notice of quarantine.

Notice is hereby given that sheep in Illinois are affected with scrapie, a contagious, infectious, and communicable disease, and the following area in said State is hereby quarantined because of said disease:

De Kalb County.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141)

**Effective date.** The foregoing amendment shall become effective November 13, 1974.

The amendment imposes certain restrictions necessary to prevent the interstate spread of scrapie in sheep, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that 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 notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of November 1974.

J. M. HEJL,  
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

United States Department of Agriculture, Animal and Plant Health Inspection Service, Office of the Administrator. Notice is hereby given that because of the existence of scrapie in sheep in certain parts of Illinois, and the

nature and extent of outbreaks of this disease, De Kalb County in Illinois is quarantined under an amendment of the regulations in 9 CFR Part 79, as amended, effective November 13, 1974. Therefore, the restrictions pertaining to the interstate movement of sheep from and through quarantined areas as contained in Part 79, as amended, apply to the area quarantined.

The amendment of the regulations is published in the FEDERAL REGISTER. Detailed information concerning the amendment may also be obtained from Dr. H. D. White, Area Veterinarian in Charge, Suite 1000, 5610 Crawfordsville Road, Indianapolis, Indiana 46224.

Done at Washington, D.C., this 13th day of November 1974.

J. M. HEJL,  
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

IMPORTANT—REPLY NECESSARY

UNITED STATES DEPARTMENT OF AGRICULTURE, ANIMAL AND PLANT HEALTH INSPECTION SERVICE, OFFICE OF THE ADMINISTRATOR

Washington, D.C.

Sir: You are requested to date and sign the blank receipt below, indicating your official title, and mail this card to the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, thereby acknowledging receipt of the enclosed copy of a document containing an amendment of the regulations relating to scrapie in sheep (9 CFR Part 79), effective on November 13, 1974, and acknowledging receipt of the notice given hereby.

Notice is hereby given to the transportation company you represent that because of the existence of scrapie in sheep in certain parts of Illinois, and the nature and extent of outbreaks of this disease, De Kalb County in Illinois is quarantined under the amendment of the regulations. Therefore, the restrictions pertaining to the interstate movement of sheep from and through quarantined areas as contained in 9 CFR Part 79, as amended, apply to the area quarantined.

Sincerely,

J. M. HEJL,  
Deputy Administrator.

Enclosure

(Do not retach this receipt)

Received this notice and the enclosure referred to therein this \_\_\_\_\_ day of \_\_\_\_\_ 1974.

(Signature) \_\_\_\_\_  
(Title) \_\_\_\_\_

[FR Doc.74-27112 Filed 11-19-74; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74-NW-21-AD; Amdt. 39-2018]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727-200 Airplanes

There have been two reported instances of wires to the nose landing gear lock switch being found broken. Since the existing design of the nose landing gear lock switch uses the open position to indicate that the nose gear is "locked", a broken wire to that switch or a failed switch could result in a false "Down and Locked" indication. A false "Down and

Locked" indication could lead to a landing or ground operation with the nose gear in the "Not Locked" position. Since this condition may go undetected and is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection and modification of the nose landing gear position indication system in accordance with Boeing Service Bulletin 727-32-222 dated September 6, 1974, or Boeing Service Bulletin 727-32-222, Revision 1, dated November 15, 1974, or later FAA approved revisions or an equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

**BOEING:** Applies to Boeing Model 727-200 airplanes, listed in Boeing Service Bulletin 727-32-222 dated September 6, 1974, or later FAA approved revisions.

(1) To detect broken wires or a failed nose landing gear position indicator lock switch, perform an operational test of the nose landing gear position indication system per Boeing 727 Maintenance Manual, Chapter 32-61-71, within the next 300 hours time in service after the effective date of this AD, unless Service Bulletin 727-32-222 is already accomplished.

(2) As terminating action to prevent false "Down and Locked" nose landing gear position indication, within the next 1,000 hours time in service after the effective date of this AD, unless already accomplished, modify the wiring in accordance with Boeing Service Bulletin 727-32-222 dated September 6, 1974, or Boeing Service Bulletin 727-32-222, Revision 1, dated November 15, 1974, or later FAA approved revisions, or an equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may be examined at FAA Northwest Region, 9010 East Marginal Way, Seattle, Washington 98108.

This amendment becomes effective November 26, 1974.

(Secs. 313(a), 601, 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Seattle, Washington on November 12, 1974.

C. B. WALK, JR.,  
Director,  
Northwest Region.

**NOTE:** The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.74-27085 Filed 11-19-74; 8:45 am]

[Airworthiness Docket No. 74-WE-43-AD;  
Amdt. 39-2017]

### PART 39—AIRWORTHINESS DIRECTIVES

#### AiResearch Model TPE331-3, -5, and -6 by Specific Serial Number

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an Airworthiness Directive was adopted October 21, 1974, and distributed by airmail letter, dated October 22, 1974, to all known United States operators or owners of aircraft incorporating AiResearch Model TPE331-3, -5, and -6 series engines of specific serial numbers. The directive requires an inspection and replacement, if necessary, of the propeller pitch control sleeve assembly and replacement of the hydraulic turbine bearing support mount retainer.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known operators of AiResearch Model TPE331-3, -5, and -6 series engines of specific serial numbers by individual airmail letters dated October 22, 1974.

After issuing this emergency AD, the Agency determined that additional engines were affected; that a vibration test procedure developed by the manufacturer is equivalent to the inspection of the propeller pitch control sleeve pin; and, that certain engines had been tested per this procedure before delivery. Therefore, prior to publishing the original emergency AD in the FEDERAL REGISTER, an emergency amendment superseding the AD of October 21, 1974, was adopted on October 31, 1974, and made effective immediately as to all known operators by individual airmail letters dated November 1, 1974. This airmail letter specifies additional affected engines, authorizes an optional vibration test, identifies engines already subjected to this test, authorizes ferry flight to a base where these inspections and maintenance can be performed and clarifies compliance requirements. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons:

**AIRESEARCH MANUFACTURING COMPANY OF ARIZONA.** Applies to AiResearch Model TPE331 Series engines of the following specific models and listed serial numbers: TPE331-3U-303G; S/N 03127 through 03173 and 03176; TPE331-3UW-303G, S/N 05031 through 05042; TPE331-5-251C, S/N 22007 through 22045 and 22047 through 22050; TPE331-5-251K, S/N 06227 through 06238, 06240 through 06418 and 06420 through 06435; and, TPE331-6-251M, S/N 20267 through 20437, 20439 through 20468 and 20470 through 20478.

In addition to the above listed serial numbers, other engines of these models which have been modified by incorporation of AiResearch Service Bulletin No. TPE331-72-0055 are also affected. To determine if this service bulletin has been accomplished, refer to the engine logbook and the engine power section nameplate. The following "Power Section Change No's" indicate incorporation of this service bulletin: TPE331-3U-303G and -3UW-303G, Ch. No. 42; TPE331-5-251C, Ch. No. 8; TPE331-5-251K, Ch. No. 25; and TPE331-6-251M, Ch. No. 18.

Compliance required as indicated: To detect, correct and prevent fatigue failure of the pin in the propeller pitch control sleeve assembly accomplish the following:

(A) For engines with less than 100 hours time in service or since incorporation of AiResearch Service Bulletin TPE331-72-0055: Within the next 25 hours time in service after receipt of this airmail letter, unless previously accomplished, perform the following: (1) Inspect the propeller pitch control sleeve assembly per Paragraph 2.B. or perform the vibration test per paragraph 2.C. of AiResearch Service Bulletin TPE331-72-0087, Rev. 1, dated October 29, 1974, or later FAA approved revisions. Note: The inspection or test prescribed above need not be performed on the following listed engines since the vibration test was accomplished by the manufacturer prior to delivery: TPE331-3U-303G, S/N 03170 through 03173 and 03176; TPE331-5-251C, S/N 22047, 22048 and 22050; TPE331-5-251K, S/N 06418 and 06420 through 06435; and, TPE-331-6-251M, S/N 20382, 20451, 20471 and 20473 through 20478. (2) Replace the hydraulic turbine bearing support mount retainer per paragraph 2.D. of AiResearch Service Bulletin TPE331-72-0087, Rev. 1, dated October 29, 1974, or later FAA approved revisions.

(B) For engines with more than 100 hours time in service or since incorporation of AiResearch Service Bulletin TPE331-72-0055: Within the next 300 hours time in service after receipt of this airmail letter, unless previously accomplished, accomplish the inspection or test and replacement described in (A), above.

(C) For new, overhauled or repaired engines not in service: Before placing these engines in service, after receipt of this airmail letter, unless previously accomplished, accomplish the inspection or test and replacement described in (A) above.

(D) Equivalent procedures may be approved by the Chief, Aircraft Engineering Division, FAA Western Region, upon submission of adequate substantiation data.

(E) Aircraft may be flown to a base for performance of maintenance required by this AD per FAR's 21.197 and 21.199.

This amendment becomes effective November 26, 1974, for all persons except those to whom it was made effective by airmail letter dated November 1, 1974.

(Secs. 313(a), 601 and 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423) sec. 6(c) Department of Transportation Act (49 U.S.C. 1z55(c)))

Issued in Los Angeles, California, November 11, 1974.

ROBERT O. BLANCHARD,  
Acting Director,  
FAA Western Region.

[FR Doc.74-27086 Filed 11-19-74; 8:45 am]

**CHAPTER II—CIVIL AERONAUTICS BOARD**

**SUBCHAPTER A—ECONOMIC REGULATIONS**

[Reg. ER-888, Amdt. 33]

**PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION**

**Logair and Quicktrans**

NOVEMBER 14, 1974.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. November 14, 1974.

By EDR-262, January 15, 1974, the Board initiated a full-scale review of the minimum rates applicable to Logair and Quicktrans domestic cargo charters performed by air carriers for the Department of Defense (DOD), and proposed interim rates to be effective pending completion of the full-scale review. The proposed interim rates, which were based upon reported operating results for the year ended September 30, 1973, were finalized by ER-853, May 17, 1974, retroactive to January 15, the date of the notice.

An integral part of the interim rate concept is a continued monitoring of recurring reports in order to maintain fair and reasonable compensation for Military Airlift Command (MAC) contract services pending completion of the full-scale review.<sup>1</sup> An analysis of reported results for Overseas National Airways, Inc. (ONA) and Saturn Airways, Inc. (Saturn) for fiscal year 1974 Logair/Quicktrans operations has now been completed, the results of which are set forth in the attached appendices. Adjustments to the carriers' reported expense and investment data have been made on the same basis as in EDR-262. Results for fiscal year 1974 operations with L-188 aircraft have not been included in the data since this aircraft type has been eliminated from the fiscal 1975 MAC domestic procurement program. To the extent that any MAC domestic charters are performed with this aircraft type, such operations will be commensurate with DC-9 services.

The adjusted reported returns on investment for fiscal year 1974 operations, as set forth in Appendix C, were as follows: 8.90 percent for Saturn's Logair operations with L-100 aircraft; 7.77 percent for Saturn's Quicktrans operations with L-100 aircraft; and 10.88 percent for ONA's Logair operations with DC-9 aircraft. As set forth in Appendix B, Saturn requires revenue increases of \$473,000 and \$604,000, respectively, for its L-100 Logair and Quicktrans services to achieve the recognized level of return on investment. Increases in the current linehaul rates for Logair and Quicktrans services with L-100 aircraft of 4.30 and 7.15 percent, respectively, are necessary to provide these additional revenues. No adjustment in the current rates for Logair service with DC-9 aircraft is necessary since the return realized by ONA, the only carrier operating this equipment type, approximates the recognized return

of 10.5 percent. Also, no adjustment has been made in the DC-8/61/63 rates established in ER-853. On the basis of these results, we will make the following amendments in the existing linehaul rates for Logair/Quicktrans cargo charter services: (1) increase the Logair L-100 rate by 4.30 percent; and (2) increase the Quicktrans L-100 rate by 7.15 percent.

These amendments are to be effective seven calendar days after the adoption of this rule. This is in conformance with the revised interim rate procedure adopted in ER-879, October 22, 1974, with respect to MAC international contract services. Interested persons may file petitions for reconsideration of the within amendments. Twelve (12) copies of such petitions shall be filed with the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428 on or before December 3, 1974. Copies of any petitions filed will be available for inspection and copying in the Docket Section, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. The filing of petitions shall not operate to stay the effective date of the within amendment. Any action taken in response to such petitions will be effective prospectively.

Finally, we will dismiss the petition for rule making filed April 17, 1974, by Saturn (Docket 26627), requesting a fuel surcharge to the Quicktrans rate based upon increased commercial fuel costs. The relatively small rate impact of commercial fuel cost increases experienced by Saturn,<sup>2</sup> as determined on the basis of monthly fuel cost data submitted by the carrier for the period October 1972 through October 1974, does not warrant the burden involved in administering a surcharge formula. However, we will continue to review Saturn's fuel price data, and are prepared to take such action as may be indicated.

In view of the carriers' need for prompt rate relief, we find good cause exists to make the amendments effective on less than thirty (30) days' notice. Also, in order to eliminate retroactive application of final adjusted interim rates, as more fully set forth in ER-879, we find that notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the Board hereby amends Part 288 of its Economic Regulations (14 CFR Part 288) effective December 3, 1974, as follows:

Amend the table of rates in § 288.7(b) to read as follows:

**§ 288.7 Reasonable level of compensation.**

- (b) For Logair and Quicktrans services, other than specified in paragraph (c) of this section:

\* \* \* \* \*

<sup>2</sup> Most of the fuel used in these operations is supplied by the military and price fluctuations are covered by a fuel price adjustment clause. See § 288.7(b).

Aircraft type	Linehaul rate per course-flown statute mile		Rate per directed landing
	Logair	Quicktrans	
DC-9-30.....	\$1.8152	\$1.7079	\$150
L-188C.....	.....	.....	.....
L-100-20/30.....	2.3329	2.4680	150
DC-8-61/63.....	4.3262	4.3779	275

(Secs. 204, 403, 416 Federal Aviation Act of 1958, as amended; 72 Stats. 743, 758, 771, as amended; 49 U.S.C. 1324, 1378 and 1386)

By the Civil Aeronautics Board.<sup>3</sup>

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.74-27058 Filed 11-19-74;8:45 am]

**Title 15—Commerce and Foreign Trade**  
**SUBTITLE A—OFFICE OF THE SECRETARY OF COMMERCE**

**PART 7—FLAMMABLE FABRICS ACT PROCEDURES**

**Subpart A—Procedures for the Development of Flammability Standards**

**Subpart B—National Advisory Committee for the Flammable Fabrics Act**

**REVISION AND TRANSFER OF REGULATIONS**

Appearing elsewhere in this issue of the FEDERAL REGISTER is a document deleting 15 CFR Part 7, consisting of Subparts A and B, and revising and reissuing the material, for reasons given, as Parts 1607 and 1609 of Title 16, Chapter II, Subchapter D.<sup>1</sup>

Dated: November 15, 1974.

SADYE E. DUNN,  
Secretary, Consumer Product  
Safety Commission.

[FR Doc.74-27171 Filed 11-19-74;8:45 am]

**Title 16—Commercial Practices**

**CHAPTER I—FEDERAL TRADE COMMISSION**

[Docket No. 8895]

**PART 13—PROHIBITED TRADE PRACTICES**

**Pioneer Associated Contractors, Inc., et al.**

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading quarantees*; § 13.73 *Formal regulatory and statutory requirements*; 13.73-92 *Truth in Lending Act*; § 13.105 *Individual's special selection or situation*; § 13.125 *Limited offers or supply*; § 13.155 *Prices*; 13.155-70 *Percentage savings*; 13.155-95 *Terms and conditions*; 13.155-95(a) *Truth in Lending Act*; 13.155-100 *Usual as reduced, special, etc.*; § 13.170 *Qualities or properties of product or service*; 13.170-30 *Durability or permanence*; § 13.240 *Special or limited offers*. Subpart—Contracting for sale any evidence of indebtedness prior to specified time:

<sup>3</sup> Appendices A, B, C and D filed as part of the original document.

<sup>1</sup> See FR Doc. 74-27172, page 40758 of this issue.

<sup>1</sup> See ER-819, August 28, 1973, at 11.

§ 13.527 Contracting for sale any evidence of indebtedness prior to specified time. Subpart—Delaying or withholding corrections, adjustments or action owed; § 13.675 Delaying or withholding corrections, adjustments or action owed; § 13.677 Delaying or failing to deliver goods or provide services or facilities. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 Formal regulatory and statutory requirements; 13.1623-95 Truth in Lending Act; § 13.1647 Guarantees; § 13.1663 Individual's special selection or situation; § 13.1710 Qualities or properties; § 13.1747 Special or limited offers; § 13.1760 Terms and conditions; 13.1760-50 Sales contract. —Prices: § 13.1800 Demonstration reductions; § 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; § 13.1855 Identity; § 13.1857 Instrument's sale to finance companies; § 13.1876 Notice of third party sale of contract; § 13.1892 Sales contract, right-to-cancel provision; § 13.1905 Terms and conditions; 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, Pioneer Associated Contractors, Inc., et al., Denver, Colo., Docket 8895, Sept. 5, 1974]

*In the matter of Pioneer Associated Contractors, Inc., a Corporation, and Robert Rudey, and Duane Morey, and Ray Grass, Individually and as Officers of Said Corporation*

Consent order requiring a Denver, Colo., home improvement firm, among other things to cease making false pricing, savings and guarantee claims; inducing purchasers to sign blank or partially blank legal documents, and failing to disclose to consumers; in connection with the extension of consumer credit, such information as required by Regulation Z of the Truth in Lending Act. Further, respondent is required to include on the face of its notes, a notice that any subsequent holder takes the note with all conditions of the contract evidencing the debt.

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

#### COUNT I

It is ordered, That respondents Pioneer Associated Contractors, Inc., a corporation, its successors and assigns, and its officers, and Robert Rudey, Duane Morey, and Ray Grass, individually and as officers of said corporation trading under

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

said corporate name or any trade name or names, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with advertising, offering for sale, sale, distribution or installation of residential siding materials or other home improvement products or services or 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 that respondents' offer of products or services is limited as to time or limited in any other manner.

2. Representing directly or by implication that any price for home improvement materials or other products or services, sold or installed by respondents, is a special or reduced price; unless respondents can affirmatively show that such price constitutes a significant reduction from the price at which respondents have sold or installed substantially similar home improvements, or other products or services, for a reasonably substantial period of time in the regular course of their business.

3. Representing directly or by implication that purchasers of respondents' residential siding materials and/or services will realize any specific percentage or amount of savings in the cost of heating or air conditioning their property as a result of the installation of respondents' siding materials.

4. Representing directly or by implication that residential siding materials sold and/or installed by respondents will never require repairing, or misrepresenting, in any manner, the durability, performance or quality of respondents' products.

5. Representing directly or by implication that any of respondents' products or installations are guaranteed unless the nature, extent and duration of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed in writing to the purchaser before the transaction is consummated, and unless the guarantor will, in fact, perform as stated in the disclosed guarantee.

6. Representing directly or by implication, that the home of any of respondents' customers or prospective customers has been specially selected as a model home, or otherwise, for advertising, demonstration or sales purposes.

7. Representing, directly or by implication, that any allowance, discount, or commission is granted by respondents to purchasers, in return for permitting the premises on which respondents' products are installed to be used for model homes or demonstration purposes.

8. Representing directly or by implication that purchasers of respondents' materials and installation will receive referral commissions from respondents for referral of potential customers in such amount as to pay for a substantial portion of the cost to the purchaser of the materials and installation; or, in any

manner, misrepresenting the amount of referral commissions receivable by purchasers of respondents' materials and installation.

9. Representing that purchasers will receive referral commissions; or misrepresenting, in any manner, the amount of referral commissions purchasers will receive.

10. Inducing or causing purchasers or prospective purchasers of respondents' merchandise or service to sign blank or partially completed sales contracts, or any other instruments.

11. Failing to deliver any and all free gifts and other promotional materials as promised to respondents' customers or prospective customers.

12. Failing to install all materials and perform all work as agreed to by both parties.

13. 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 with respect to such indebtedness are preserved and may be asserted against any assignee or subsequent holder of such note, contract, or other such documents evidencing the indebtedness.

14. Failing to include the following statement clearly and conspicuously on the face of any note, contract, or other evidence 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.

15. Failing to furnish the buyer with a fully completed copy of any contract pertaining to such sale at the time of its execution, which is in the same language as that principally used in the oral sales presentation and which shows the date of the transaction and contains the name and address of the seller, and in immediate proximity to the space reserved in the contract for the signature of the buyer or on the front page of the receipt if a contract is not used and in bold face type of a minimum size of ten (10) points, a statement in substantially the following form:

You, the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation form for an explanation of this right.

16. Failing to furnish each buyer, at the time he signs the door-to-door sales contract or otherwise agrees to buy consumer goods or services from the seller, a completed form in duplicate, captioned "Notice of Cancellation", which shall be attached to the contract and easily detachable, and which shall contain in ten (10) point bold face type the following information and statements in the

same language as that used in the contract:

NOTICE OF CANCELLATION

(Enter date of transaction)

(Date)

You may cancel this transaction, without any penalty or obligation, within three (3) business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within ten (10) business days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be cancelled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale; or you may if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller's expense and risk.

If you do not agree to return the goods to the seller and if the seller does not pick them up within twenty (20) days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram, to (name of seller), at (address of seller's place of business) not later than midnight of \_\_\_\_\_

(Date)

I hereby cancel this transaction

(Date)

(Buyer's signature)

17. Failing, before furnishing copies of the "Notice of Cancellation" to the buyer, to complete both copies by entering the name of the seller, the address of the seller's place of business, the date of the transaction, and the date, not earlier than the third business day following the date of the transaction, by which the buyer may give notice of cancellation.

18. Failing to inform each buyer orally, at the time he signs the contract or purchases the goods or services, of his right to cancel.

19. Misrepresenting in any manner the buyer's right to cancel.

20. Failing or refusing to honor any valid notice of cancellation by a buyer and within ten (10) business days after the receipt of such notice, to (a) refund all payments made under the contract or sale; (b) return any goods or property traded in, in substantially as good condition as when received by the seller; (c) cancel and return any negotiable instrument executed by the buyer in connection with the contract or sale and take any action necessary or appropriate to terminate promptly any security interest created in the transaction.

21. Negotiating, transferring, selling, or assigning any note or other evidence of indebtedness to a finance company or other third party prior to midnight of the fifth business day following the day the contract was signed or the goods or services were purchased.

22. Failing, within ten (10) business days of receipt of the buyer's notice of

cancellation, to notify him whether the seller intends to repossess or to abandon any shipped or delivered goods.

COUNT II

*It is further ordered*, That respondents Pioneer Associated Contractors, Inc., a corporation, its successors and assigns, and its officers, and Robert Rudey, Duane Morey, and Ray Grass, individually and as officers of said corporation, trading under said corporate name or trading or doing business under any other name or names, and respondents' 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, (P.L. 90-321, 15 U.S.C. 1601 *et seq.*), do forthwith cease and desist from:

1. Failing to disclose the annual percentage rate, computed in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

2. Failing to disclose the due dates or period of payments scheduled to repay the indebtedness, and the sum of such payments, using the term "total of payments", as required by § 226.8(b)(3) of Regulation Z.

3. Failing to provide a clear identification of the property to which any security interest relates or, if such property is not identifiable, an explanation of the manner in which the creditor retains or may acquire a security interest in such property the creditor is unable to identify as required by § 226.8(b)(5) of Regulation Z.

4. Failing to disclose the cash price of the goods or services sold, using the term "cash price", as required by § 226.8(c)(1) of Regulation Z.

5. Failing to use the terms "cash downpayment" and "total downpayment" and failing to provide the corresponding disclosures with those terms, as required by § 226.8(c)(2) of Regulation Z.

6. Failing to use the term "deferred payment price" and failing to provide the corresponding disclosure with that term as required by § 226.8(c)(8)(ii) of Regulation Z.

7. Failing to disclose the difference between the amount of the cash price of the property or service and amount of the downpayment, and failing to use the term "unpaid balance of cash price" as required by § 226.8(c)(3) of Regulation Z.

8. Failing to disclose all other charges, individually itemized which are included in the amount financed but which are not a part of the finance charge as required by § 226.8(c)(4) of Regulation Z.

9. Failing to use the term "unpaid balance" and failing to provide the corresponding disclosure as required by § 226.8(c)(5) of Regulation Z.

10. Failing to provide the "notice to customer required by federal law" to the

customer on one side of a separate statement which identifies the transaction to which it relates, and in the form prescribed by § 226.9(b) of Regulation Z.

11. Failing to set out the "effect of rescission", required by § 226.9(d) of Regulation Z, in the manner and form prescribed by § 226.9(b) of Regulation Z.

12. Failing to furnish two copies of the "notice to customer required by federal law", as prescribed by § 226.9(b) of Regulation Z.

13. Representing directly or by implication on retail installment contracts, promissory notes, or on any written document or orally, that customers will or may be liable for damages, penalties, or any other charges for exercising their right to rescind that is provided by § 226.9 of Regulation Z.

14. Supplying any additional information, contract clause, or other statement about the customer's liability or obligations in the event that the customer exercises his right to rescind except that information furnished in accordance with § 226.9 of Regulation Z.

15. 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.

16. Supplying any additional information, contract clause, or other statement pertaining to a transaction generally; unless such additional information, contract clause, or other statement is provided in a fashion that complies with § 226.6(c) of Regulation Z.

*It is further ordered*, That respondents shall forthwith deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale, installation, advertising, or financing of respondents' products or services and shall secure from each such salesman or other person 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 respondents maintain adequate records which disclose the factual basis for any representations or statements as to any type of savings claims, including reduced price claims and comparative value claims, and as to any similar representations or statements of the type disclosed in the various paragraphs of this order; and from which the validity of the aforesaid representations or statements can be determined.

*It is further ordered*, That the individual respondents named herein promptly notify the Commission of the

discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their 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.

The decision and order was issued by the Commission, September 5, 1974.

CHARLES A. TOBIN,  
Secretary.

[FR Doc.74-27130 Filed 11-19-74;8:45 am]

[Docket No. C-2540]

### PART 13—PROHIBITED TRADE PRACTICES

#### Meyers Outfitters, Inc. and Charles Adler

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly*; 13.10-1 Availability of merchandise and/or facilities; § 13.135 *Nature of product or service*. Subpart—Disparaging products, merchandise, services, etc.: § 13.1042 *Disparaging products merchandise, services, etc.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records*; 13.1051-20 Adequate. Subpart—Misrepresenting oneself and goods—Goods: § 13.1572 *Availability of advertised merchandise and/or facilities*. Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising*.

(Secs. 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, Meyers Outfitters, Inc., et al., Newark, N.J., Docket C-2540 Sept. 5, 1974]

#### *In the Matter of Meyers Outfitters, Inc., a Corporation, and Charles Adler, Individually and as an Officer of Said Corporation*

Consent order requiring a Newark, N.J., retailer of furniture and appliances, among other things to cease using bait advertising.

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

*It is ordered.* That respondents Meyers Outfitters, Inc., a corporation, its successors and assigns, and its officers, and Charles Adler, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division or any other device in connection with the purchasing, advertising, offering for sale,

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

sale and distribution of furniture and appliances, 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 indirectly that any product or services are offered for sale when such is not a bona fide offer to sell such products or services.

2. Advertising or offering any products for sale for the purpose of obtaining leads or prospects for the sale of different products unless the advertised products are capable of adequately performing the function for which they are offered, and respondents maintain an adequate and readily available stock of said products.

3. Disparaging in any manner, or refusing to sell any product advertised.

4. Using any advertising, sales plan or procedure involving the use of false, deceptive or misleading statements or representations designed to obtain leads or prospects for the sale of other merchandise.

5. Failing to maintain and produce for inspection and copying for a period of three years adequate records to document for the entire period during which each advertisement was run and for a period of six weeks after the termination of its publication in press or broadcast media:

a. The cost of publishing each advertisement including the preparation and dissemination thereof;

b. The volume of sales made of the advertised product or service at the advertised price; and

c. A computation of the net profit from the sales of each advertised product or service at the advertised price.

*It is further ordered.* That respondents shall maintain for at least a one (1) year period, following the effective date of this order, copies of all advertisements, including newspaper, radio and television advertisements, direct mail and in-store solicitation literature, and any other such promotional material utilized in the advertising, promotion or sale of merchandise.

*It is further ordered.* That for a period of one year, respondents post in a prominent place in each salesroom or other area wherein respondents sell furniture or other products and services, a copy of this cease and desist order, with a notice that any customer or prospective customer may receive a copy on demand.

*It is further ordered.* That nothing contained in this Order shall be construed in any way to annul, invalidate, repeal, terminate, modify or exempt respondents from complying with agreements, orders or directives of any kind obtained by any other municipal, state or federal agency or act as a defense to actions instituted by municipal, state or federal agencies.

*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 consumer credit transaction or in any aspect of preparation, creation, or placing of advertising, and to all personnel of respondents responsible for the sale or offering for sale of all products covered by this order, and that respondents secure a signed statement acknowledging receipt of said 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 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 respondents' 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 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 September 5, 1974.

CHARLES A. TOBIN,  
Secretary.

[FR Doc.74-27131 Filed 11-19-74;8:45 am]

[Docket No. C-2543]

### PART 13—PROHIBITED TRADE PRACTICES

#### Santa Clara Sewing Machine Center, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly*; 13.10-1 Availability of merchandise, services and/or facilities; § 13.135 *Nature of product or service*. Subpart—Disparaging products, merchandise, services, etc.: § 13.1042 *Disparaging products, merchandise, services, etc.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records*; 13.1051-20 Adequate. Subpart—Misrepresenting oneself and goods—Goods: § 13.1572 *Availability of advertised merchandise, services and/or facilities*.

(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, Santa Clara Sewing Machine Center, Inc., et al., Santa Clara, Calif., Docket C-2543, Sept. 12, 1974]

*In the Matter of Santa Clara Sewing Machine Center, Inc., a Corporation, and Jerome Kushner and Martin Ivener, Individually and as Officers of Said Corporation*

Consent order requiring a Santa Clara, Calif., sewing machine retailer, among other things to cease using bait and switch tactics in the advertising and sale of sewing machines. Specifically, respondents are prohibited from advertising a product for the purpose of obtaining leads, unless the product will do the job expected of it, and is adequately stocked and readily available for sale.

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

It is ordered, That respondents Santa Clara Sewing Machine Center, Inc., a corporation, its successors and assigns, and its officers, and Jerome Kushner and Martin Ivener, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of sewing machines or any other products in commerce, as "commerce" is defined in Federal Trade Commission Act, do forthwith cease and desist from:

1. Advertising or offering any products for sale for the purpose of obtaining leads or prospects for the sale of different products unless the advertised products are capable of adequately performing the function for which they are offered, and respondents maintain an adequate and readily available stock of said products.
2. Disparaging in any manner, or refusing to sell, any product advertised.
3. Representing directly or indirectly that any products or services are offered for sale when such is not a bona fide offer to sell said products or services.
4. Failing to maintain and produce for inspection and copying for a period of three years adequate records to document for the entire period during which each advertisement was run and for a period of six weeks after the termination of its publication in press or broadcast media:
  - a. The cost of publishing each advertisement including the preparation and dissemination thereof;
  - b. The volume of sales made of the advertised product or service at the advertised price; and
  - c. A computation of the profit from the sales of each advertised product or service at the advertised price.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the 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 this order.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business. Such notice shall include respondents' new business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their 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 Sept. 12, 1974.

CHARLES A. TOBIN,  
Secretary.

[FR Doc.74-27132 Filed 11-19-74;8:45 am]

[Docket No. C-2539]

**PART 13—PROHIBITED TRADE PRACTICES**

*International Service Industries, Inc., et al.*

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees*; § 13.75 *Free goods or services*; § 13.125 *Limited offers or supply*; § 13.155 *Prices*; 13.155-70 *Percentage savings*; § 13.160 *Promotional sales plans*; § 13.190 *Results*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services*; § 13.1647 *Guarantees*; § 13.1747 *Special or limited offers*;—Promotional sales plans: § 13.1830 *Promotional sales plans*.

(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, International Service Industries, Inc., et al., Downey, Calif., Docket C-2539, Sept. 5, 1974]

*In the matter of International Service Industries, Inc., a corporation, and Sidney Craig, and Allen Bergendahl, individually and as officers of said corporation*

Consent order requiring a Downey, Calif., operator of physical fitness and/or health salons, among other things to cease misrepresenting its promotional sales plans, services as free, limited offers, savings which purchasers may achieve, and guarantees.

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

It is ordered, That respondents International Service Industries, Inc., a corporation, its successors and assigns, and its officers, and Sidney Craig and Allen Bergendahl, individually and as

officers of said corporation, and respondents' officers, agents, affiliates, franchisees, licensees, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, and sale of health salon membership, or related services, 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 or in writing, that:

(a) Prospective purchasers will receive free figure analyses, complimentary treatments or similar inducements to visit respondents' health salons, without disclosing, clearly and conspicuously, in writing, that an attempt will be made to sell fitness and/or health salon memberships to said prospective customers.

(b) Membership in respondents' fitness and/or health salon programs and/or use of respondents' fitness and/or health salon facilities automatically means that every such member will alter his body size or configuration or will lose weight.

(c) Respondents' fitness and/or health salon memberships are available for any period of time less than the shortest period for which a significant number of memberships are in fact sold to the public.

(d) Respondents' fitness and/or health salon programs will allow purchasers to save money, by producing weight reduction more rapidly than comparable weight reduction programs.

(e) Any reduction in body size or configuration or in weight will be lasting, without regard to dietary habits.

2. Representing that any of respondents' health salon programs or related services are guaranteed unless:

(a) Respondents disclose clearly, adequately and accurately in immediate conjunction therewith:

- (1) The nature and extent of the guarantee;
- (2) The conditions and limitations on the guarantee;
- (3) Which programs are guaranteed;
- (4) The duration of the guarantee;
- (5) The manner in which the guarantor will perform; and

(b) Respondents promptly and fully perform all of their obligations and requirements, directly or impliedly represented, under the terms of each such guarantee; and

(c) Respondents honor the guarantees of all purchasers who have substantially complied with the conditions of their guarantee, allowing flexibility for sickness and vacations.

It is further ordered, That respondents herein deliver by registered mail a copy of this Decision and Order to each of the present and future employees, salesmen, agents, solicitors, independent contractors, advertising agent, or to any other person who promotes, offers for sale, sells or distributes any health club membership or any other product or service offered by respondents.

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

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

*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 Sept. 5, 1974.

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 74-27133 Filed 11-19-74; 8:45 am]

[Docket No. 8950]

### PART 13—PROHIBITED TRADE PRACTICES

#### Lens Craft Research and Development Co., et al.

Subpart—Advertising falsely and misleadingly: § 13.10 *Advertising falsely or misleadingly*; § 13.15 *Business status, advantages or connections*; 13.15-150 *Endorsement*; 13.15-250 *Qualifications and abilities*; § 13.110 *Endorsements, approval and testimonials*; § 13.135 *Nature of product or service*; § 13.170 *Qualities or properties of product or service*; 13.170-22 *Corrective, orthopedic, etc.*; 13.170-52 *Medicinal, therapeutic, healthful, etc.*; § 13.175 *Quality of product or service*; § 13.195 *Safety*; 13.195-60 *Product*; § 13.205 *Scientific or other relevant facts*; § 13.280 *Unique nature or advantages*. Subpart—Claiming or using endorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using endorsements falsely or misleadingly*; 13.330-33 *Doctors and medical profession*; 13.330-85 *State agencies*. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1535 *Qualifications*. —Goods: § 13.1685 *Nature*; § 13.1690 *Non-standard character*; § 13.1710 *Qualities or properties*; § 13.1715 *Quality*; § 13.1740 *Scientific or other relevant facts*; § 13.1770 *Unique nature or advantages*.

(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, 52.) [Cease and desist order, Lens Craft Research and Development Co., et al., Escondido, Calif., Docket 8950, Sept. 4, 1974.]

*In the matter of Lens Craft Research and Development Co., a corporation, John L. Burnor, and Terry E. Gustine, individually and as officers of said corporation.*

Consent order requiring an Escondido, Calif., seller of contact lenses and advertising literature and brochures designed to assist in the sale of the lenses,

among other things to cease making false claims for its Burnor hard plastic contact lenses, and to run corrective advertisements.

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

*It is ordered.* That respondent Lens Craft Research and Development Co., a corporation, its successors and assigns, and John L. Burnor and Terry E. Gustine, individually and as officers of said corporation, and respondents' officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the sale, advertising, offering for sale, or the transportation or distribution of any contact lens or any related products, do forthwith cease and desist from:

A. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or indirectly that:

1. The respondents' contact lenses are the result of 12 years of extensive research; or misrepresents in any manner the length of time or amount of research conducted on respondents' contact lenses or on any of their related products.

2. Members of the medical profession generally prescribe 24 hour wear for respondents' contact lenses.

3. Sleeping in respondents' contact lenses and wearing them for 5 to 7 days continuously is possible without disclosing, clearly and conspicuously, that such practices may be injurious to the eyes; or misrepresents in any manner the wearing characteristics of any of their contact lenses or any related products.

4. Persons who wear the Burnor lenses while sleeping do so under the supervision of an ophthalmologist, if such is not the fact; or misrepresents in any manner that the supervision provided for Burnor lens wearers is by a person or persons professionally qualified to do so.

5. All persons can wear respondents' contact lenses without discomfort, or that most people can wear said contact lenses without discomfort except after they have become fully adjusted thereto; or misrepresents in any manner the wearing comfort or the period of time required for the initial adjustment.

6. Respondents' contact lenses are unique; or misrepresents in any manner the character or quality of any of respondents' contact lenses or any of their related products.

7. Every person whose healthy eyes can be corrected can successfully wear respondents' contact lenses.

8. Respondents' fitting process is revolutionary or uniquely different from other processes; or that the use of a lacometer in the fitting process is revolutionary or a new technique in fitting contact lenses; or misrepresents in any manner the ability of respondents to fit contact lenses or any related products.

9. Sleeping in respondents' contact lenses will improve the eye comfort or the eyesight of the wearer.

10. Respondents' hard plastic contact lenses are specifically designed for 24 hour wear; or misrepresents in any manner that their design is a significant improvement over other contact lenses; or misrepresents in any manner that their design is generally approved by persons professionally qualified to make such approval.

11. The content of respondents' advertising claims has been approved by the California Board of Medical Examiners; or misrepresents in any manner that an approval of any product or service or an approval of advertising claims relating to any product or service has been obtained from any individual or organization.

B. Disseminating, or causing the dissemination of any advertisement, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said contact lenses, or any related products, which advertisements contain any of the representations prohibited in Paragraph A hereof.

C. Communicating orally, in writing or in any other manner, directly or by implication, any of the representations prohibited in Paragraph A hereof; except, that this order provision is not intended to apply to representations made orally, in writing or in any other manner, directly or by implication, to ophthalmologists or optometrists in furtherance of research and development of respondents' contact lenses.

*It is further ordered.* That respondents shall cause dissemination, clearly and conspicuously, of the affirmative disclosure attached hereto as Appendix A<sup>2</sup> in the same section of each newspaper used by Lens Craft or licensees of said Lens Craft to advertise the Burnor lens two or more times in the past two years. The affirmative disclosure shall be at least 4¼ inches by 4¼ inches in size and shall be published thirty (30) days after this order becomes final, at least once each week in each publication for four consecutive weeks.

*It is further ordered.* That respondents shall cause dissemination of the affirmative disclosure attached hereto as Appendix B\* on each radio station used by Lens Craft or licensees of Lens Craft to advertise the Burnor lens two or more times in the last two years. Thirty (30) days after this order becomes final, said affirmative disclosure shall be made on each radio station for one week in the exact manner and time periods as previous advertising.

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

<sup>2</sup> Copies of the complaint, decision, and order and appendices, filed with the original document.

[Docket No. C-2544]

**PART 13—PROHIBITED TRADE PRACTICES**

**Gloria Stevens, Inc., et al.**

Subpart—Advertising falsely or misleadingly: § 13.135 *Nature of product or service*; § 13.155 *Prices*; 13.155-70 *Percentage savings*; § 13.160 *Promotional sales plans*; § 13.190 *Results*; § 13.205 *Scientific or other relevant facts*; § 13.240 *Special or limited offers*. Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1685 *Nature*; § 13.1730 *Results*; § 13.1740 *Scientific or other relevant facts*; § 13.1747 *Special or limited offers*. — Prices: § 13.1825 *Usual as reduced or to be increased*. — Promotional sales plans: § 13.1830 *Promotional sales plans*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1870 *Nature*; § 13.1895 *Scientific or other relevant facts*. Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising*.

(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, Gloria Stevens, Inc., et al., Brockton, Mass., Docket C-2544, Sept. 12, 1974]

*In the matter of Gloria Stevens, Inc., J & M of Fall River, Inc., corporations, doing business as Gloria Stevens Figure Salons, and John Martin, individually and as an officer of said corporations*

Consent order requiring Brockton and Fall River, Mass., figure salons, among other things to cease misrepresenting the prices and benefits of their figure improvement programs. Further, respondents must disclose to prospective patrons the nature of their equipment, programs and suggested diets, and suggest that prospective patrons under medical supervision consult with their physician before joining to insure that respondents' programs are compatible with health plans prescribed by such physician.

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

*It is ordered*, That respondents Gloria Stevens, Inc., and J & M of Fall River, Inc., corporations, doing business as Gloria Stevens Figure Salons or under any other trade name or names, and their officers, and John Martin, individually and as an officer of said corporations, and respondents' officers, successors, assigns, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, or sale of figure improvement programs and related services in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that the price charged for any reducing program or related service is a special or reduced price unless such price represents a significant reduction from an established selling price at which such program or service has been sold with substantial frequency by respondents in the recent regular course of their business; or misrepresenting, in any manner, the amount of savings available to purchasers or prospective purchasers of respondents' reducing programs.

2. Misrepresenting, directly or by implication, that the availability of any service, specially priced program or other inducement for enrollment is limited in time or otherwise; or failing to disclose completely and accurately in immediate conjunction with any represented promotional inducement all conditions and limitations on its availability.

3. Representing, directly or by implication, that:

A. Respondents' programs are effective in reducing body weight or dimensions, unless respondents disclose in immediate conjunction therewith that said programs include a suggested diet.

B. Respondents' programs are effective in reducing body weight or dimensions, unless respondents disclose in immediate conjunction therewith that said programs include a series of physical exercise.

C. Respondents' programs will cause any stated change in body size, configuration or weight in any specified period of time, unless such representation is fully substantiated by controlled scientific tests conducted by independent experts, and the results are available for inspection by the general public at no charge.

4. Failing to disclose clearly, conspicuously, completely and accurately, both orally and in writing, before enrolling any person in any program:

A. The nature of respondents' programs, equipment and suggested diets.

B. That prospective patrons with health problems or who are under a doctor's care should consult their physician to be sure that respondents' programs are not incompatible with figure control or other health plans prescribed by such physician.

5. Using any advertising, sales plan or procedure involving the use of false, deceptive or misleading statements or representations for the purpose of obtaining leads or prospects for the sale of reducing programs.

*It is further ordered*, That respondents shall forthwith deliver a copy of this order to cease and desist to all present and future personnel of respondents now or hereafter engaged in the offering for sale, or sale of respondents' programs or services, or in any aspect of 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 maintain at all times complete records relative to the manner and form of their

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

*It is further ordered*, That respondents deliver a copy of this order to cease and desist to all present and future licensees of respondents engaged in the offering for sale or the sale of any of respondents' products, or in any aspect of preparation, creation or placing of advertising for the offering for sale, sale, or distribution of respondents' contact lenses or any related products, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

*It is further ordered*, That respondents obtain from each present and future distributor, franchisee, licensee, or sales representative an agreement in writing (a) to abide by the prohibitions of Paragraphs A, B, and C of this order, and (b) to cancellation of their license or franchise for failure to do so; and cancel the license or franchise of any distributor, franchisee, or licensee, or terminate the employment of any sales representative, who fails to abide by the prohibitions of Paragraphs A, B, and C of this order; *Provided, however*, That no such agreement is required from an ophthalmologist or optometrist who is a distributor, franchisee, or licensee, whether or not engaged in research, if a copy of this order is given to such exempted ophthalmologist or optometrist, and a signed acknowledgement of receipt of this order is secured and retained by respondents in a manner available for inspection by the Commission staff upon reasonable notice.

*It is further ordered*, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

*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.

The Decision and Order was issued by the Commission, Sept. 4, 1974.

CHARLES A. TOBIN,  
*Secretary.*

[FR Doc.74-27134 Filed 11-19-74; 8:45 am]

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

compliance, during the immediately ensuing twelve-month period, with the above terms and provisions of this order. Such records shall include copies of all advertising, and shall indicate with respect to each sale the type of program and/or service, the price charged for such program and/or service, the terms of each such program or service and the name and address of each purchaser thereof.

*It is further ordered,* That respondents notify the Commission at least thirty (30) days prior to any proposed change in any of the corporate respondents, such as dissolution, assignment or sale resulting in the emergence of any successor corporation or corporations, the creation or dissolution of subsidiaries, or any other change in the corporations 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 respondents' 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 Sept. 12, 1974.

CHARLES A. TOBIN,  
Secretary.

[FR Doc.74-27135 Filed 11-19-74; 8:45 am]

[Docket No. C-2542]

#### PART 13—PROHIBITED TRADE PRACTICES

##### Lear Siegler, Inc. and Royal Industries, Inc.

Subpart—Interlocking directorates unlawfully: § 13.1106 *Interlocking directorates unlawfully.*

(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; sec. 8, 38 Stat. 732; 49 Stat. 717; 15 U.S.C. 19) [Cease and desist order, Lear Siegler, Incorporated, et al., Pasadena, Calif., Docket C-2542, Sept. 12, 1974]

*In the Matter of Lear Siegler, Incorporated, a corporation, and Royal Industries, Incorporated, a Corporation.*

Consent order requiring Santa Monica and Pasadena, Calif., manufacturers of safety helmets, among other things to cease interlocking directorates. Further, each corporation is required, for a five-year period, to obtain from each director or prospective director an annual report disclosing other corporations with sales over \$1 million of which he is a director and their principal products; and not to permit on their boards of direc-

tors anyone who fails to submit such a report or whose report reveals he is a director of a competing corporation.

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, their successors and assigns, do forthwith cease and desist from permitting any individual to serve on the Boards of Directors of Lear Siegler or Royal, if such individual is or would be at the same time a director of both corporations.

#### II

*It is further ordered,* That Lear Siegler and Royal shall within thirty days after service of this order, and annually for a period ending five years thereafter, obtain from each member of their respective Boards of Directors a written statement which discloses the name, location, and business, including principal products manufactured and sold of each other corporation having capital, surplus and undivided profits in excess of one million dollars of which such member is also a director.

#### III

*It is further ordered,* That for a period ending five years after service of this order, Lear Siegler and Royal, at least thirty (30) days prior to any directors' meeting at which one or more directors will be elected or the mailing of proxy statements for any shareholder meeting at which one or more directors will be elected, shall obtain from each person who is being considered as a member of their respective Boards of Directors, but has not been a member of the Board of Directors during the previous year, a written statement showing:

1. The name and address of each corporation having capital, surplus and undivided profits in excess of one million dollars of which the potential director is a director, and

2. The nature of its business including principal products manufactured and sold.

#### IV

*It is further ordered,* That for a period ending five years after service of this order, Lear Siegler and Royal shall not permit on their respective Boards of Directors any person who fails to submit a written statement pursuant to Paragraphs Two and Three, or any person who is a director of another corporation named in response to the statements required pursuant to Paragraphs Two and Three when said statement also reveals to respondents that such other corporation is a competitor due to its principal product or products, business and location of operation.

#### V

*It is further ordered,* That Lear Siegler and Royal notify the Commission at least thirty (30) days prior to any proposed

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

change in or to their respective corporations, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or any other change in the corporations which may affect compliance obligations arising out of this order.

#### VI

*It is further ordered,* That the respondents herein shall, within thirty (30) 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 Sept. 12, 1974.

CHARLES A. TOBIN,  
Secretary.

[FR Doc.74-27136 Filed 11-19-74; 8:45 am]

[Docket No. C-2553]

#### PART 13—PROHIBITED TRADE PRACTICES

##### K mart Enterprises, Inc.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.20 Comparative data or merits; § 13.135 Nature of product or service; § 13.170 Qualities or properties of product or service; § 13.205 Scientific or other relevant facts. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; 13.1051-10 Accurate. Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 Comparative data or merits; § 1685 Nature; § 13.1710 Qualities or properties; § 13.1740 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 28 Stat. 719, as amended; 15 U.S.C. 45.) [Cease and desist order, K mart Enterprises, Incorporated, Royal Oak, Mich., Docket C-2553, Oct. 1, 1974]

*In the Matter of K mart Enterprises Incorporated, a Corporation*

Consent order requiring a Royal Oak, Mich., seller and distributor of automobile tires, among other things to cease misrepresenting the performance characteristics, construction, and structure of its tires. Further, respondent is required to maintain accurate records for Commission inspection.

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

*It is ordered,* That respondent K mart Enterprises, Incorporated, its successors and assigns, 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 respective products herein-after referred to, do forthwith cease and desist from:

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

1. Making, directly or by implication, any statement or representation in any advertising or sales promotional material as to the performance characteristics, construction or structure of any automobile tire vended by respondent or by any division, subdivision or subsidiary of respondent, unless at the time of such statement or representation respondent has a reasonable basis for such statement or representation, which shall consist of competent scientific tests, or other similar objective material, and where such statement or representation includes a comparison to other products, directly or by implication, such statement or representation shall be supported by competent scientific tests showing not less than a ninety-five percent confidence level when subjected to an appropriate statistical analysis.

2. Failing to maintain and produce accurate records which may be inspected by Commission staff members upon reasonable notice:

(a) Which consist of documentation in support of any statement or representation referred to in paragraph one (1) *supra*, included in advertising or sales promotional material disseminated by respondent, insofar as the text of such statement or representation is prepared, or is authorized and approved, by any person, who is an officer or employee of respondent, or of any division, subdivision, or subsidiary of respondent, or by any advertising agency engaged for such purpose by respondent or by any such division, subdivision or subsidiary; and

(b) Which provided the basis upon which respondent relied as of the time the claim was made; and

(c) Which shall be maintained by respondent for a period of three years from the date such advertising or sales promotional material is last disseminated by said respondent or any division, subdivision or subsidiary of said respondent.

*It is further ordered*, That respondent shall forthwith distribute a copy of this order to each of its operating divisions, subdivisions, and subsidiaries and to each of its officers, agents, representatives or employees who are engaged in the preparation or placement of advertisements.

*It is further ordered*, That respondent 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, or any other changes in the corporation which may materially affect compliance obligations arising out of the order.

*It is further ordered*, That respondent shall, within sixty (60) days, and at the end of six (6) months after the effective date of the order served upon it, file with the Commission a report, in writing, signed by respondent, setting forth in detail the manner and form of its compliance with the order to cease and desist.

The decision and order was issued by the Commission October 1, 1974.

CHARLES A. TOBIN,  
*Secretary.*

[FR Doc.74-27137 Filed 11-19-74;8:45 am]

[Docket No. C-2538]

**PART 13—PROHIBITED TRADE PRACTICES**

**Fieldston Clothes, Inc., et al.**

Subpart—Misbranding or mislabeling: § 13.1185 *Composition*; 13.1185-90 *Wool Products Labeling Act*; § 13.1212 *Formal regulatory and statutory requirements*; 13.1212-90 *Wool Products Labeling Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition*; 13.1845-80 *Wool Products Labeling Act*; § 13.1852 *Formal regulatory and statutory requirements*; 13.1852-80 *Wool Products Labeling Act*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Fieldston Clothes, Inc., et al., New York, N.Y., Docket C-2538, Sept. 5, 1974]

*In the Matter of Fieldston Clothes, Inc., a Corporation, and Marvin Mantin and Stanley J. Miles, Individually and as Officers of Said Corporation*

Consent order requiring a New Jersey Corporation located in New York City, a manufacturer and distributor of wool products, including boy's clothing, among other things to cease misbranding its wool products.

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

*It is ordered*, That respondents Fieldston Clothes, Inc., a corporation, its successors and assigns, and its officers, and Marvin Mantin and Stanley J. Miles, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the introduction or manufacture for introduction, into commerce or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

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

3. Failing to securely affix labels to samples, swatches or specimens of wool fiber products, used to promote or effect the sale of such wool fiber products, showing in words and figures plainly legible all the information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act.

*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 respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business and address, the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

*It is further ordered*, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

*It is further ordered*, That respondents 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 the order to cease and desist contained herein.

Decision and order issued by the Commission September 5, 1974.

CHARLES A. TOBIN,  
*Secretary.*

[FR Doc.74-27138 Filed 11-19-74;8:45 am]

[Docket No. C-2541]

**PART 13—PROHIBITED TRADE PRACTICES**

**Grayco Chemical Corp., et al.**

Subpart—Advertising falsely or misleadingly: § 13.55 *Demand, business or other opportunities*; § 13.60 *Earnings and profits*; § 13.75 *Free goods or services*; § 13.195 *Safety*; § 13.195-30 *Investment*. Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1610 *Demand for or business opportunities*; § 13.1615 *Earnings and profits*; § 13.1625 *Free goods or services*. Subpart—Securing agents or representatives by misrepresentation: § 13.2125 *Demand or business opportunities*; § 13.2130 *Earnings*; § 13.2132 *Exclusive territory*.

(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, Grayco Chemical Corp., et al., Westwood, N.J., Docket C-2541, Sept. 11, 1974]

*In the matter of Grayco Chemical Corp., a corporation, and Grayco Industries, Inc., a corporation, and Alvin Serkez, individually and as an officer of said corporation*

Consent order requiring two affiliated Westwood, N.J., wholesale merchandisers from using exaggerated earnings claims and other misrepresentations to recruit salesmen for their products.

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

*It is ordered*, That respondents Grayco Chemical Corp., and Grayco Industries, Inc., corporations, their successors and assigns, and their officers, and Alvin Serkez, individually and as an officer of said corporations, and respondents' 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 of personal protection devices, automotive and household cleaning products, or any other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing directly or by implication that:

1. There is a substantial demand for respondents' products.

2. Salesmen can sell substantial quantities of respondents' products easily and quickly.

3. Salesmen may secure exclusive territories without any fees, obligations, or hidden costs.

4. Salesmen can sell respondents' products without risk of loss.

B. Representing any sum of money as possible earnings which might be made by selling respondents' products, unless such sum is not greater than the average net earnings consistently made by all salesmen of respondents' products in the ordinary course of business and under normal conditions and circumstances.

C. Publishing any representation of earnings made by any person which does not reflect the average net earnings, after costs and operating expenses, made consistently by such person in the ordinary course of business and under normal conditions and circumstances.

D. Publishing any representation of wholesale purchases of merchandise by salesmen in terms of the retail value of such merchandise or in any other manner which does not reflect the wholesale value of such merchandise.

E. Publishing any representation of earnings, sales or wholesale purchases made by any person which is in excess of the average earnings, sales or wholesale purchases made by all of respondents'

salesmen, unless such representation is immediately and conspicuously followed by disclosures which:

1. state that such earnings, sales or wholesale purchases are exceptional and unusual, and

2. indicate the average earnings, sales or wholesale purchases made by all of respondents' salesmen.

F. Publishing any statement concerning an experience had by a salesman or user of respondents' products, unless such statement is immediately and conspicuously followed by the date when the experience occurred.

G. Representing that salesmen of respondents' products can receive a free Cadillac or other prize, unless immediately and conspicuously following such representation respondents disclose:

1. The number of salesmen who have in fact received such prize,

2. The dollar amount of purchases a salesman must make in order to receive such prize, and

3. Any applicable time limit or other condition which may serve to disqualify a salesman from receiving such prize.

*It is further ordered*, That respondents shall maintain for at least a three (3) year period following each publication, copies of each advertisement, including newspaper, radio and television advertisements, direct mail and in-store solicitation literature, and any other such promotional material utilized for the purpose of soliciting salesmen to sell any product or utilized in the advertising, promotion, or sale of any product, together with all documentation and factual material in substantiation of the claims appearing in said advertisements and promotional materials.

*It is further ordered*, That respondents maintain files containing all inquiries or complaints from any source relating to acts or practices described in this order, for a period of three years after their receipt, and that such files be made available for examination by a duly authorized agent of the Federal Trade Commission during the regular hours of the respondents' business for inspection and copying.

*It is further ordered*, That respondents or their successors or assigns notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents 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 corporate respondents which may affect compliance obligations arising out of this 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 Sept. 11, 1974.

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 74-27139 Filed 11-19-74; 8:45 am]

## CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

### SUBCHAPTER D—FLAMMABLE FABRICS ACT REGULATIONS

#### PART 1607—PROCEDURES FOR THE DEVELOPMENT OF FLAMMABILITY STANDARDS

#### PART 1609—NATIONAL ADVISORY COMMITTEE FOR THE FLAMMABLE FABRICS ACT

##### Revision and Transfer of Regulations

Effective May 14, 1973, section 30(b) of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1231; 15 U.S.C. 2079(b)) transferred to the Consumer Product Safety Commission functions under the Flammable Fabrics Act. (15 U.S.C. 1191, et seq.).

Before May 14, 1973, in administering statutorily assigned duties under the Flammable Fabrics Act:

1. The Department of Commerce promulgated procedural regulations regarding the development of flammability standards (15 CFR Part 7, Subpart A) and regulations on the establishment and functions of the National Advisory Committee for the Flammable Fabrics Act (15 CFR Part 7, Subpart B). The Department of Commerce also issued flammability standards, amendments thereof, and appendices thereto; however, these issuances were in the form of notices published in the "Notices" section of the FEDERAL REGISTER and accordingly do not appear in the Code of Federal Regulations.

2. The Federal Trade Commission promulgated administrative and enforcement rules and regulations under the act (16 CFR Part 302).

In a series of documents, the Consumer Product Safety Commission intends to recodify the above-specified regulations and codify for the first time the standards as amended and appended so that all of this material under the Flammable Fabrics Act will appear in Title 16, Chapter II, Subchapter D, of the Code of Federal Regulations.

The purpose of this document, the first of said series, is to revise and transfer the above-identified regulations (15 CFR Part 7, Subparts A and B) promulgated by the Department of Commerce.

The material is revised to update names, titles, etc., and to present as separate Parts what were Subparts A and B.

Accordingly, pursuant to section 30(b) of the Consumer Product Safety Act, the Consumer Product Safety Commission hereby (1) deletes Part 7 from Title 15;

<sup>1</sup> See FR Doc. 74-27171, page 40749 of this issue.

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

Subtitle A, and (2) revises and reissues those regulations as Parts 1607 and 1609 of Title 16, Chapter II, Subchapter D.

Since no new requirements are added by this revision and transfer, notice and public procedure are not prerequisites to this issuance.

Parts 1607 and 1609 of Title 16, Chapter II, Subchapter D, read as follows:

- Sec.
- 1607.1 Purpose.
- 1607.2 Definitions.
- 1607.3 Transfer of functions.
- 1607.4 Records of proceedings.
- 1607.5 Authority of the Commission to obtain testimony or records by regulation or subpoena.
- 1607.6 Advance notice of finding that a flammability standard may be needed.
- 1607.7 Proceedings for development of a proposed flammability standard.
- 1607.8 Publication of proposed flammability standard.
- 1607.9 Participation of interested persons in rulemaking proceedings.
- 1607.10 Informal public oral hearings.
- 1607.11 Adoption of a final flammability standard.
- 1607.12 Effective date.
- 1607.13 Exemption of items in inventory.
- 1607.14 Petitions for rulemaking.

AUTHORITY: Secs. 1-17, 67 Stat. 111-115, as amended 81 Stat. 568-574; 15 U.S.C. 1191-1204.

**§ 1607.1 Purpose.**

The purpose of this Part 1607 is to prescribe procedures relating to the discharge of the responsibilities of the Consumer Product Safety Commission under section 4 of the Flammable Fabrics Act (15 U.S.C. 1193). See § 1607.2(a) for information identifying the act.

**§ 1607.2 Definitions.**

As used in this Part 1607—

(a) "Act" means the Flammable Fabrics Act (15 U.S.C. 1191-1204) enacted June 30, 1953 (Pub. L. 83-88; 67 Stat. 111-115), amended August 23, 1954 (Pub. L. 83-629; 68 Stat. 770), and amended and revised December 14, 1967 (Pub. L. 90-189; 81 Stat. 568-574).

(b) "Commission" means the Consumer Product Safety Commission established by the Consumer Product Safety Act (Pub. L. 92-573, sec. 4, 86 Stat. 1210; 15 U.S.C. 2053).

(c) "Article of wearing apparel" means any costume or article of clothing worn or intended to be worn by individuals.

(d) "Interior furnishing" means any type of furnishing made in whole or in part of fabric or related material and intended for use, or which may reasonably be expected to be used, in homes, offices, or other places of assembly or accommodation.

(e) "Fabric" means any material (except fiber, filament, or yarn for other than retail sale) woven, knitted, felted, or otherwise produced from or in combination with any natural or synthetic fiber, film, or substitute thereof which is intended for use, or which may reasonably be expected to be used, in any prod-

uct as defined in paragraph (g) of this section.

(f) "Related material" means paper, plastic, rubber, synthetic film, or synthetic foam that is intended for use, or that may reasonably be expected to be used, in any product as defined in paragraph (g) of this section.

(g) "Product" means any article of wearing apparel or interior furnishing.

(h) "Person" means an individual, partnership, corporation, association, or any other form of public or business organization.

(i) "Flammability standard" means any standard (including conditions and manner of testing) or other regulation, including any labeling regulation, or any revision or amendment thereto, relating to the flammability of a fabric, related material, or product.

(j) "Written comments" means legible comments, data, arguments, views, or other information, submitted in writing (preferably in five copies) by interested persons for the public record.

**§ 1607.3 Transfer of functions.**

Effective May 14, 1973, section 30(b) of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1231; 15 U.S.C. 2079(b)) transferred functions under the Flammable Fabrics Act from the Federal Trade Commission and the Departments of Commerce and Health, Education, and Welfare to the Consumer Product Safety Commission.

**§ 1607.4 Records of proceedings.**

Records of the Commission relating to rulemaking proceedings, available for public inspection and copying in accordance with 5 U.S.C. 552 or other applicable laws or regulations, may be obtained at the Office of the Secretary, Consumer Product Safety Commission, 10th floor, 1750 K Street NW., Washington, D.C. 20207. Interested persons may obtain copies upon payment of the prescribed fees.

**§ 1607.5 Authority of the Commission to obtain testimony or records by regulation or subpoena.**

(a) Section 4(c) of the act authorizes the Commission to obtain from any person by regulation, or subpoena issued pursuant thereto, such information in the form of testimony, books, records, or other writings as is pertinent to any findings or determinations that the Commission is required or authorized to make under the act.

(b) All information reported to or otherwise obtained by the Commission pursuant to section 4(c) of the act that contains or relates to a trade secret or other matter referred to in 18 U.S.C. 1905 shall be considered confidential for the purposes of 18 U.S.C. 1905 and withheld from the public record. Such information, however, may be disclosed to other officers or employees concerned with carrying out the provisions of the act or disclosed when relevant to any proceeding under the act. Any information submitted to the Commission that contains

or relates to a trade secret or other matter referred to in 18 U.S.C. 1905 should be so identified clearly and should set forth adequate justification for its inclusion in this category. All such information should be submitted separately from comments for the public record.

**§ 1607.6 Advance notice of finding that a flammability standard may be needed.**

Whenever the Commission finds on the basis of investigations or research conducted under the authority of section 14 of the act that a flammability standard for a fabric, related material, or product may be needed to protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage, the Commission shall publish a notice in the FEDERAL REGISTER declaring that such standard may be needed and stating concisely the basis therefor.

**§ 1607.7 Proceedings for development of a proposed flammability standard.**

(a) Whenever a notice is published under § 1607.6, the Commission shall also publish simultaneously a notice in the FEDERAL REGISTER instituting proceedings for the development of an appropriate flammability standard and inviting interested persons to submit written comments to the Commission relative to:

(1) The finding published under § 1607.6 that a flammability standard may be needed; and

(2) The terms or substance of a flammability standard that might be adopted in the event that a final finding is made by the Commission that such a flammability standard is needed.

(b) Written comments shall be post-marked or delivered within 30 days after publication of a notice under this section, unless specified otherwise. All materials considered relevant to any statement of fact or argument should be submitted with such written comments.

(c) To obtain additional information for the development of a proposed flammability standard and to protect the public interest, the Commission may invite the views of local, State, and Federal agencies and other interested persons and may provide interested persons an opportunity for oral presentation, as provided in 5 U.S.C. 553(c), which may include an informal oral hearing.

**§ 1607.8 Publication of proposed flammability standard.**

(a) As soon as practicable following the conclusion of the initial proceedings under § 1607.7, the Commission shall publish in the FEDERAL REGISTER:

(1) A notice withdrawing its finding that a new or amended flammability standard may be needed (in no event, however, shall the withdrawal preclude the conduct of further investigation or research under section 14 of the act or preclude the initiation of another proceeding regarding the same or similar subject matter under the procedures in this part); or

(2) A notice proposing a flammability standard.

(b) The notice of a proposed flammability standard under paragraph (a) (2) of this section shall include:

(1) The provisions of such proposed flammability standard, stated in objective terms; and

(2) The preliminary findings of the Commission, together with a concise statement of the basis therefor, that such a flammability standard:

(i) Is needed to adequately protect the public against unreasonable risk of the occurrence of fire leading to death, injury, or significant property damage;

(ii) Is reasonable, technologically practicable, and appropriate; and

(iii) Is limited to fabrics, related materials, or products that have been determined to present such unreasonable risks.

#### § 1607.9 Participation of interested persons in rulemaking proceedings.

(a) Within 30 days (unless specified otherwise) after publication of a notice under § 1607.8 proposing a flammability standard in the FEDERAL REGISTER, interested persons may participate in the rulemaking proceedings in accordance with 5 U.S.C. 553 by submitting written comments relevant to the proposed flammability standard.

(b) The Commission may solicit comments from local, State, and Federal agencies and other interested persons and may give interested persons an opportunity for oral presentation, as provided in 5 U.S.C. 553, to assure development of an appropriate standard and to protect the public interest.

#### § 1607.10 Informal public oral hearings.

(a) At its discretion, the Commission may include in the notice of a proposed flammability standard, published in the FEDERAL REGISTER under § 1607.8, an invitation to interested persons to participate in an informal oral hearing under 5 U.S.C. 553. If the published notice does not provide for such hearing, any interested person may request in writing, within 15 days after publication of such notice, an informal oral hearing under 5 U.S.C. 553. Upon receipt by the Commission of such a request, the Commission shall grant the request and publish in the FEDERAL REGISTER a notice of an informal public oral hearing at least twenty (20) days in advance of the hearing.

(b) Sections 556 and 557 of 5 U.S.C. do not apply to hearings held under this section. Unless specified otherwise, such hearings shall be informal, nonadversary proceedings (no formal pleadings or adverse parties). A stenographic transcript of such hearings and any exhibits submitted thereat shall be made a part of the public record.

(c) A hearing held under this section shall be conducted by a presiding officer designated by the Commission and empowered to establish reasonable procedures governing conduct of the hearing.

#### § 1607.11 Adoption of a final flammability standard.

(a) The Commission shall consider all oral and written comments and other materials received in accordance with any proceedings under this Part 1607. Comments filed after expiration of the designated time periods may be considered insofar as practicable.

(b) As soon as practicable after considering the comments and other material under paragraph (a) of this section and after consulting with the National Advisory Committee for the Flammable Fabrics Act, the Commission shall publish in the FEDERAL REGISTER either:

(1) A document promulgating a flammability standard, stated in objective terms, and presenting the Commission's findings with respect to the requirements of section 4(b) of the act with a concise statement of the basis for such findings; or

(2) A notice terminating, suspending, or amending the instant proceedings for the adoption of the flammability standard concerned.

(c) In no event shall notice of the termination or suspension of proceedings under this section operate to preclude the conduct of further investigation or research under section 14 of the act or to preclude the initiation of another proceeding regarding the same or similar subject matter under these procedures.

#### § 1607.12 Effective date.

Each flammability standard promulgated under this Part 1607 shall become effective 12 months after publication in the FEDERAL REGISTER, unless the Commission finds for good cause shown that an earlier or later effective date is in the public interest. Any such finding by the Commission will be published in the FEDERAL REGISTER with a concise statement of the basis for such finding.

#### § 1607.13 Exemption for items in inventory.

Each flammability standard promulgated in accordance with this Part 1607 shall exempt fabrics, related materials, or products in inventory or with the trade as of the date that such standard becomes effective. If the Commission finds, however, that any such fabric, related material, or product is so highly flammable as to be dangerous when used by consumers for the purposes for which intended, the Commission may, under such conditions as it prescribes, withdraw or limit the exemption for such fabric, related material, or product. Any such finding by the Commission will be published in the FEDERAL REGISTER with a concise statement of the facts upon which the finding is based.

#### § 1607.14 Petition for rulemaking.

(a) Any interested person may petition the Commission to issue, amend, or revoke a flammability standard or the procedural rules established in this Part 1607.

(b) Each petition filed under this section shall:

(1) Be submitted, preferably in five copies, to the Consumer Product Safety Commission, Office of the Secretary, 1750 K Street NW., Washington, D.C. 20207.

(2) Set forth the text or substance of the proposed flammability standard or procedural rule, or proposed amendment thereto, or specify the flammability standard or procedural rule the petitioner seeks to have revoked, as the case may be;

(3) Explain the interest of the petitioner in the action requested; and

(4) Contain any information and arguments available to the petitioner in support of the action sought.

(c) Unless the Commission specifies otherwise, no public hearing, argument, or other proceeding shall be held on a petition before its disposition. If the Commission determines that a petition does not justify rulemaking, it shall deny the petition. If the Commission determines that a petition contains adequate justification, it shall take appropriate action in accordance with the provisions of the act including, where necessary, the institution of proceedings to consider the issuance, amendment, or repeal of the flammability standard or procedural rule concerned.

(d) The Commission shall notify each petitioner, in writing, of the action taken on his petition.

(e) The filing of a petition under this section does not of itself stay the effective date of any flammability standard or procedural rule concerned.

#### Sec.

- 1609.1 Purpose.
- 1609.2 Membership.
- 1609.3 Compensation.
- 1609.4 Organization.
- 1609.5 Duties and procedures.

AUTHORITY: Sec. 17, 67 Stat. 115, as amended 81 Stat. 574; 15 U.S.C. 1204.

#### § 1609.1 Purpose.

The purpose of this Part 1609 is establishment of the National Advisory Committee for the Flammable Fabrics Act (referred to in this part as the "Committee") as provided under section 17 of the Flammable Fabrics Act (15 U.S.C. 1204). See § 1607.2(a) of this chapter for information identifying the act.

#### § 1609.2 Membership.

(a) The Committee shall be composed of not less than nine members appointed by the Consumer Product Safety Commission (referred to in this part as the "Commission"). The Committee shall, in the judgment of the Commission, be fairly representative of manufacturers, distributors, and the consuming public.

(b) All appointments shall be for a term of not more than 2 years. Any member may be reappointed upon expiration of his or her term.

(c) The Commission shall also designate full-time salaried employees of the Commission as Chairman and alternate to the Chairman of the Committee. The Chairman and alternate to the Chairman shall not be members of the Committee.

### § 1609.3 Compensation.

(a) Members of the Committee, except those who are officers or employees of the United States, are entitled to receive compensation at a rate fixed by the Commission, but not exceeding \$100 per diem, including travel time, while attending meetings or conferences of the Committee or otherwise engaged in business of the Committee.

(b) As authorized in 5 U.S.C. 5703, members may be allowed travel expenses, including per diem in lieu of subsistence, while away from their homes or regular places of business.

(c) Payments made under this section shall not render members of the Committee employees or officials of the United States for any purpose.

### § 1609.4 Organization.

(a) The Chairman, or alternate to the Chairman in the Chairman's absence shall preside at all meetings of the Committee and shall have the usual powers of a presiding officer. The Chairman shall make provision for the necessary secretarial services to the Committee, The Chairman may adjourn any meeting.

(b) All meetings of the Committee shall be called by the Commission or by the Committee Chairman. The agenda for each meeting shall be formulated or approved by the Chairman and furnished in advance to each member of the Committee, along with a copy of any proposed flammability standard to be considered by the Committee.

(c) Minutes shall be taken of all meetings of the Committee and shall include, as a minimum, a record of persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the Committee. The accuracy of all minutes shall be certified to by the Chairman, or alternate to the Chairman in the Chairman's absence, prior to distribution of the minutes to members of the Committee.

### § 1609.5 Duties and procedures.

(a) The Commission may consult with the Committee whenever the Commission deems such action appropriate and shall consult with the Committee before promulgating a flammability standard under the Act.

(b) At the request of the Commission or the Chairman of the Committee, the Committee shall meet to consider the provisions of a proposed flammability standard, including the record of proceedings developed under Part 1607 of this chapter and other information relevant to the proposed standard.

(c) After the Committee has considered the provisions of a proposed flammability standard, the record of proceedings, and other relevant information in accordance with this section, each member shall be requested to prepare an individual report advising the Commission, in writing, of his or her views and recommendations concerning the proposed flammability standard under con-

sideration. Unless specified otherwise by the Commission, such reports shall be submitted within 15 days after the conclusion of the Committee meeting concerned. Copies of each report will be furnished to all members of the Committee and will be available for inspection and copying at the Office of the Secretary, Consumer Product Safety Commission, 10th floor, 1750 K Street NW., Washington, D.C.

Dated: November 15, 1974.

SADYE E. DUNN,  
Secretary, Consumer Product  
Safety Commission.

[FR Doc.74-27172 Filed 11-19-74;8:45 am]

## SUBCHAPTER E—POISON PREVENTION PACKAGING ACT OF 1970 REGULATIONS PART 1700—POISON PREVENTION PACKAGING

### Exemption of Certain Isosorbide Dinitrate-Containing Drugs

The purpose of this document is to promulgate an exemption of the isosorbide dinitrate-containing sublingual tablets and chewable preparations described below from child protection packaging requirements for human prescription drugs in oral dosage forms by revising 16 CFR 1700.14(a)(10).

*Background.* On May 30, 1973, ICI America, Inc., Wilmington, Delaware, petitioned the Consumer Product Safety Commission to exempt the drugs Chewable Sorbitrate and Sorbitrate Sublingual Tablets, each containing isosorbide dinitrate and each available in 2.5-milligram and 5.0-milligram dosage strengths, from the regulation requiring child protection packaging for human prescription drugs in oral dosage forms. At the time of petitioning, the regulation in question was 21 CFR 295.2(a)(10); however, due to a revision and transfer of regulations on August 7, 1973 (38 FR 21247), the regulation became 16 CFR 1700.14(a)(10).

Grounds given for exemption are that these drugs should be readily accessible in times of stress to individuals who use these drugs for management of angina pectoris. Further, nitroglycerin in sublingual dosage forms has already been exempted from the packaging requirements for the same reason.

In the FEDERAL REGISTER of September 12, 1973 (38 FR 25195), the Commission, acting on the petition, proposed to exempt sublingual and chewable forms of isosorbide dinitrate in dosage strengths of 5-milligrams or less. No comment was received in response to the proposal.

The Commission agrees with the petitioner that the needed rapid accessibility to the drugs for treatment of angina pectoris could be hampered by child protection packaging. The Commission also recognizes that sublingual nitroglycerin has been exempted for the same reason.

The Commission has received no information that the accidental ingestion

of these drugs has caused serious personal injury or serious illness in young children. Information from the National Clearinghouse for Poison Control Centers for the years 1969-1972, shows 74 cases of ingestion of these drugs by children under 5 years of age with symptoms of lethargy in two cases, and with 3 hospitalizations reported for observation purposes.

*Conclusion.* Therefore, having considered the petition, human experience data from the National Clearinghouse for Poison Control Centers, and other relevant material, the Commission concludes that the proposed exemption should be adopted.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (Pub. L. 91-601, secs. 2(4), 3, 5, 84 Stat. 1670-72; 15 U.S.C. 1471(4), 1472, 1474) and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92-573, sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)), 16 CFR 1700.14(a)(10) is revised to read as follows:

### § 1700.14 Substances requiring special packaging.

(a) \* \* \*

(10) *Prescription drugs.* Any drug for human use that is in a dosage form intended for oral administration and that is required by Federal law to be dispensed only by or upon an oral or written prescription of a practitioner licensed by law to administer such drug shall be packaged in accordance with the provisions of § 1700.15(a), (b), and (c), except for the following:

(i) Sublingual dosage forms of nitroglycerin.

(ii) Sublingual and chewable forms of isosorbide dinitrate in dosage units containing isosorbide dinitrate in strengths of 5-milligrams or less.

*Effective date.* The above revision of 16 CFR 1700.14(a)(10) shall become effective on December 20, 1974.

(Pub. L. 91-601, secs. 2(4), 3, 5, 84 Stat. 1670-72; 15 U.S.C. 1471(4), 1472, 1474)

Dated: November 15, 1974.

SADYE E. DUNN,  
Secretary, Consumer Product  
Safety Commission.

[FR Doc.74-27170 Filed 11-19-74;8:45 am]

## Title 18—Conservation of Power and Water Resources

### CHAPTER VI—WATER RESOURCES COUNCIL

#### PART 701—COUNCIL ORGANIZATION Freedom of Information; Disclosure of Records

On pages 36870 and 36871 of the FEDERAL REGISTER of October 15, 1974, there was published a notice of a proposed policy with a proposal to add a new Subpart D to Part 701 of Chapter VI, Title 18 of the Code of Federal Regulations.

This new Subpart D to Part 701 describes the availability to the public of records of the Water Resources Council pursuant to the Freedom of Information Act, 5 U.S.C. 552.

This subpart states the Council's policy of the fullest possible disclosure of records consistent with those obligations of confidentiality and administrative procedures which are recognized by the Act. In regard both to the information that is available to the public and to the sources from which it may be obtained this subpart supplements existing procedures and does not replace or restrict them. The normal channels through which information has regularly been made available to the public will continue to be accessible.

This subpart is intended to be consistent with, but separate from, the public participation provisions of the Council's principles and standards (38 FR 174, September 10, 1973) and subsequent implementing procedures. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed policy.

No written objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

*Effective date.* This policy on disclosure of records is effective November 20, 1974.

Approved November 14, 1974. By direction of the Director.

GARY D. COBB,  
Acting Director,  
Water Resources Council.

#### Subpart D—Availability of Information

- Sec.  
701.200 Statement of policy.  
Sec.  
701.201 Availability of records and informational materials.  
701.202 Procedure.  
701.203 Denial of a request for identifiable records or materials.  
701.204 River basin commissions and field committees.

AUTHORITY: 5 U.S.C. 552 and 42 U.S.C. 1962d-1.

#### Subpart D—Availability of Information

##### § 701.200 Statement of policy.

Water Resources Council records and informational materials are available to the fullest extent possible consistent with 5 U.S.C. section 552 and will be promptly furnished to any member of the public.

##### § 701.201 Availability of records and informational materials.

(a) Except for records and materials exempted from disclosure pursuant to paragraph (b) of this section, any person may inspect and copy any document in the possession and custody of the Water Resources Council in accordance with the procedure provided in § 701.202.

(b) The provisions of 5 U.S.C. section 552 which require that agencies make their records available for public inspection and copying do not apply to matters which are:

(1) Specifically required by Executive order to be kept secret in the interest of national defense or foreign policy;

(2) Related solely to the internal personal rules and practices of the Council;

(3) Specifically exempted from disclosure by statute;

(4) Trade secrets and information which is privileged or which relates to the business, personal or financial affairs of any person and which is furnished and accepted in confidence;

(5) Interagency and intra-agency memoranda or letters which would not be available by law to a private party in litigation with the Council;

(6) Personnel, medical, and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

##### § 701.202 Procedure.

(a) A member of the public who requests records or materials from the Water Resources Council must provide a reasonably specific description of the records or materials sought so that such records or materials may be located without undue search or inquiry.

(b) Requests for identifiable records or materials should be directed to the Director, Water Resources Council, Suite 800, 2120 L Street, NW., Washington, D.C. 20037.

(c) Records or materials will be available for inspection and copying in person during normal business hours or by mail.

(d) Requests for records which originate in or concern matters which originate in another Department or agency may be forwarded to the Department or agency primarily concerned and the requester so notified.

(e) Fees. (1) The Water Resources Council will, to the extent practicable encourage the widest possible distribution of information by permitting requests for inspection or copies of records or materials to be met without cost to the person making the request.

(2) Fees will be charged in the case of requests which are determined to involve a burden on staff or facilities significantly in excess of that normally accepted by the Council in handling routine requests for information.

(3) In determining whether a fee will be charged, the Director will consider costs of identifying and locating records or materials as well as costs of copying and mailing.

(4) In no event shall the fee for identifying and locating records or materials exceed \$2.50 per half hour, nor shall the fee for copying exceed \$0.25 per page.

(5) The Council reserves the right to limit the number of copies of any document that will be provided to any one person.

##### § 701.203 Denial of a request for identifiable records or materials.

(a) A request to the Council for identifiable records or materials may be denied by the Director only upon the basis of the exemptions listed in § 701.201(b).

(b) The specific reasons for the denial shall be stated in writing and furnished to the person submitting the request.

##### § 701.204 River basin commissions and field committees.

(a) River basin commissions established pursuant to Title II of the Water Resources Planning Act are encouraged to establish, pursuant to section 205(c) of that Act, procedures for public availability of information that are consistent with 5 U.S.C. 552 and this Subpart.

(b) Field committees will be governed by the procedures adopted by the lead Federal agency to implement 5 U.S.C. 552, except that if the lead agency of a field committee is a non-Federal entity, the standards of this Subpart shall apply.

(c) Requests for documents and informational materials may be made to the chairmen of the field committees and river basin commissions at the following addresses.

##### (1) River Basin Commissions:

- Great Lakes Basin Commission, P.O. Box 999, Ann Arbor, Michigan 48106;  
New England River Basins Commission, 55 Court Street, Boston, Massachusetts 02108;  
Ohio River Basin Commission, 36 East 4th Street, Suite 208-220, Cincinnati, Ohio 45202;  
Pacific Northwest River Basins Commission, P.O. Box 908, Vancouver, Washington 98660;  
Upper Mississippi River Basin Commission, Federal Office Building, Room 510, Fort Snelling, Twin Cities, Minnesota 55111;  
Missouri River Basin Commission, 10050 Regency Circle, Suite 403, Omaha, Nebraska 68114.

##### (2) Field Committees:

- Arkansas-White-Red Inter-Agency Committee, Room 4030, Federal Building, Albuquerque, New Mexico 87101;  
Pacific Southwest Inter-Agency Committee, 630 Sansome Street, Room 1216, San Francisco, California 94111;  
Southeast Basins Inter-Agency Committee, 402 Walton Building, Columbus, Georgia 30303.

[FR Doc. 74-27203 Filed 11-19-74; 8:45 am]

#### Title 21—Food and Drugs

#### CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

##### SUBCHAPTER C—DRUGS

#### PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

##### Repository Corticotropin Injection and Oxytocin Injection, Veterinary

The Commissioner of Food and Drugs has been advised by Burns-Biotec Division, Chromalloy Pharmaceutical, Inc., a subsidiary of Chromalloy American

Corp., Oakland, CA 94621, of the acquisition of the assets of Armour-Baldwin Laboratories, including among other items, the sponsorship of certain new animal drug applications, specifically NADA No. 8-760V, repository corticotropin injection, and NADA No. 9-055V, oxytocin injection, veterinary. The Commission also has been advised by Armour Pharmaceutical Co. of the transfer of these assets of Armour-Baldwin Laboratories to Chromalloy Pharmaceutical, Inc. The Commissioner acknowledges this transfer and accordingly amends the regulations to reflect the change of sponsor.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135b is amended as follows:

1. In § 135b.30 *Repository corticotropin injection*, paragraph (b) is amended by deleting the number "075" and substituting the number "070."

2. In § 135b.64 *Oxytocin injection*, veterinary, paragraph (b) is amended by deleting the number "075" and substituting the number "070."

*Effective date.* This order shall be effective November 20, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360(i))

Dated: November 13, 1974.

C. D. VAN HOUWELING,  
Director,

Bureau of Veterinary Medicine.

[FR Doc.74-27090 Filed 11-19-74;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER E—PLANNING

PART 473—FEDERAL-AID URBAN SYSTEM

Correction

In FR Doc. 74-26314 appearing at page 39658 of the issue for Friday, November 8, 1974, the fourth line of § 473.104 (a) (2) was inadvertently omitted, and should read as follows: "routes, including access roads to major".

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 298-6]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

S-[(Tert-Butylthio)Methyl]O,O-Diethyl Phosphorodithioate

A petition (PP 4F1496) was filed (39 FR 20538) by American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of toler-

ances for combined negligible residues of the insecticide S-[(tert-butylthio) methyl] O,O-diethyl phosphorodithioate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities field corn grain, fodder, and forage at 0.05 part per million.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerances are being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), Part 180 is amended as follows:

1. In Subpart A, § 180.3(e)(5) by alphabetically inserting the following new item in the list of cholinesterase-inhibiting pesticides:

§ 180.3 Tolerances for related pesticide chemicals.

\* \* \* \* \*  
(e) \* \* \* \* \*  
(5) \* \* \* \* \*

S-[(tert-Butylthio)methyl] O,O-diethyl phosphorodithioate and its cholinesterase-inhibiting metabolites.

2. In Subpart C by adding the following new section:

§ 180.352 S-[(tert-butylthio)methyl] O,O-diethyl phosphorodithioate; tolerances for residues.

A tolerance of 0.05 part per million is established for combined negligible residues of the insecticide S-[(tert-butylthio)methyl] O,O-diethyl phosphorodithioate and its cholinesterase-inhibiting metabolites in or on the raw agriculture commodities field corn grain, fodder and forage.

Any person who will be adversely affected by the foregoing order may at any time on or before December 20, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective on November 20, 1974.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: November 14, 1974.

HENRY J. KORP,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc.74-27068 Filed 11-19-74;8:45 am]

[FRL 298-7]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2,6-Dichloro-4-Nitroaniline

A petition (PP 4F1500) was filed (39 FR 20538) by the Upjohn Co., Kalamazoo, MI 49001, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing a revision of the existing tolerance (40 CFR § 180.200) for residues of the fungicide 2,6-dichloro-4-nitroaniline in or on the raw agricultural commodity apricots at 20 parts per million to allow postharvest application.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The fungicide is useful for the purpose for which the revised tolerance is being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The tolerance of 20 parts per million for residues of the fungicide in or on apricots is adequate to cover residues resulting from the proposed postharvest use as well as the existing preharvest use.

4. The revised tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.200 is amended by revising the paragraph "20 parts per million \* \* \*", to read as follows:

§ 180.200 2,6-dichloro-4-nitroaniline; tolerance for residues.

\* \* \* \* \*  
20 parts per million in or on apricots, nectarines, peaches, and sweet cherries (all from preharvest and postharvest application), and snap beans.  
\* \* \* \* \*

Any person who will be adversely affected by the foregoing order may at any time on or before December 20, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person

filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective November 20, 1974.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: November 14, 1974.

HENRY J. KOPP,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc. 74-27067 Filed 11-19-74; 8:45 am]

#### Title 47—Telecommunication

#### CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20032; FCC 74-1186]

#### PART 91—INDUSTRIAL RADIO SERVICES

##### Petroleum Geophysical Operations

In the matter of Amendment of §§ 91.302 and 91.304 of the Commission's rules and regulations to codify practices and procedures for use of certain frequencies for petroleum geophysical operations. Docket No. 20032, RM-1917.

1. On April 25, 1974, the Commission released a notice of proposed rulemaking (39 FR 15509), in the above entitled matter. Comments were filed by the Central Committee on Communication Facilities of the American Petroleum Institute (API) and the International Association of Geophysical Contractors.

2. The notice of proposed rulemaking sought comments on our proposal to incorporate into the rules governing the Petroleum Radio Service, special rules for the assignment and use of certain petroleum frequencies in connection with petroleum geophysical operations. The proposal included limiting nine Petroleum Radio Service frequencies to geophysical operations only; making 24 other petroleum frequencies available to geophysical operations on a secondary, non-interference basis; issuing multiple frequency assignments; and limiting the transmitter power when employing secondary tone signalling in geophysical operations to 50 watts output. These proposals closely followed an existing informal plan adhered to by both the Commission and the petroleum industry for more than twenty years. The Commission however, did propose two changes to the plan. One would deny the use of F9 emissions on frequencies below 25 MHz and the second would add a two second transmission limitation on all geophysical tone signalling operations so as to reduce possible interference to

co-channel voice users and conform with proposals for other non-voice operations.

3. API generally agreed with the proposed amendments as set forth in the Notice. However, they did recommend certain changes. Aside from comments suggesting several minor editorial changes to eliminate possible ambiguities, there were comments about the proposed transmission limitation of 2 seconds on secondary tone signalling operations. API argues that they cannot operate with a two second time limit on tone signalling transmissions. They state that certain petroleum geophysical signalling operations take up to several minutes of continuous transmissions to obtain the proper measurements, depending on the specific technique employed. And, if a two second limitation were imposed, petroleum licensees could not use any of the radio techniques presently available to them for the gathering of seismic data.

4. The Commission believes on the basis of the comments that the tone signalling requirements of geophysical licensees are unique. While other land mobile non-voice operations can live with a two second limitation on each transmission, apparently geophysical signalling operations cannot. It seems, depending on the specific technique used, it can take up to several minutes of continuous transmission in order to obtain usable data. The Commission, however, still believes there should be some reasonable time limit placed on secondary tone signalling operations to prevent abuse. We have discussed this issue with the petroleum industry and have concluded that a time limit of three minutes should be sufficient for any type of geophysical operation. Accordingly, we will modify our proposal and limit the duration of any transmission in geophysical secondary tone signalling operations to not more than three minutes.

5. API also recommended several minor changes to eliminate possible ambiguities. We agree with these editorial changes and they are reflected in the attached Appendix.

6. We also propose to change the maximum number of frequencies the licensee is permitted to use at any one time. In the Notice, the Commission followed the existing plan and limited the number of frequencies each geophysical party may use at any one time to two. However, it has come to our attention that certain geophysical operations at sea using anchored buoys to collect geophysical data, require the use of four frequencies at one time. This buoy system is currently operating under a developmental license without causing any reported instances of interference. Such operations are conducted far out at sea and very infrequently. Accordingly, we will modify our proposal and permit each geophysical party to use four frequencies at a time.

7. In view of the foregoing it appears that the public interest can be served by

adopting the rules amendments set forth in the Appendix. Accordingly, *It is ordered:* That pursuant to authority contained in section 303 of the Communications Act of 1934, as amended; Part 91 of the Commission rules and regulations is amended effective December 20, 1974. *It is further ordered:* That this proceeding is hereby terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: November 6, 1974.

Released: November 12, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] VINCENT J. MULLINS,  
Secretary.

#### APPENDIX

Part 91 of the Commission's rules and regulations is amended as follows:

1. In § 91.302, paragraph (e) is added to read as follows:

§ 91.302 Availability and use of service.

(e) Geophysical operations may use tone or impulse signalling for purposes other than indicating failure of equipment or abnormal conditions on those frequencies designated for such transmissions in § 91.304. Authorizations for multiple frequency operations will be granted upon request notwithstanding the provisions of § 91.8(c). Each geophysical exploration party, however, may only use a maximum of four frequencies at any given time. All such tone or impulse signalling shall be on a secondary basis subject to the following limitations:

(1) That harmful interference is not caused to the primary operations of any other licensee on that particular frequency.

(2) Maximum duration of a single non-voice transmission, may not exceed three minutes.

(3) The bandwidth utilized for secondary tone or impulse signalling shall not exceed that authorized to the licensee for voice emission on the frequency concerned.

(4) Frequency loading resulting from the use of secondary tone or impulse signalling will not be considered in whole or in part, as a justification for authorizing additional frequencies in the licensees mobile service system.

(5) The maximum transmitter output power for tone or impulse transmissions shall not exceed 50 watts.

2. In § 91.304 (a) the table is amended, and paragraph (b) (38), (39) & (40) added to read as follows:

§ 91.304 Frequencies available.

(a) \* \* \*

<sup>1</sup> Commissioner Reid absent.

Petroleum radio services frequency table

Frequency or band	Class of station (s)	Limitations
<b>kHz</b>		
1614	Base or mobile	8, 38, 39
1628	do	8, 38, 39
1652	do	8, 38, 39
1676	do	8, 38, 39
1700	do	8, 38, 39
2292	do	8, 38, 40
2396	do	8, 38, 40
4037.5	do	8, 38, 40
<b>MHz</b>		
25.02	do	39
25.04	do	39
25.06	do	39
25.08	do	16
25.10	do	16, 39
25.12	do	39
25.14	do	39
25.16	do	39
25.18	do	39
25.20	do	40
25.22	do	40
25.24	do	40
25.26	do	40
25.28	do	40
25.30	do	40
25.32	do	40
30.06	Base or mobile	12, 40
30.70	do	40
30.74	do	40
30.78	do	40
30.82	do	12, 40
153.05	Base or mobile	12, 40
153.08	do	11, 40
153.11	do	11, 40
153.14	do	11, 40
153.17	do	11, 40
153.20	do	11, 40
153.23	do	11, 40
153.26	do	11, 40
153.29	do	11, 40
153.32	do	11, 40
153.35	do	11, 40
158.31	Base or mobile	11, 40
158.37	Base or mobile	11, 40
158.43	Base or mobile	11, 40
451.550	Base or mobile	10, 32, 40
451.600	Base or mobile	10, 32, 40
451.650	Base or mobile	10, 32, 40
451.700	Base or mobile	10, 32, 40
451.750	do	10, 32, 40

- (b) \* \* \*
- (38) Use of this frequency is limited to an amplitude modulation mode of operation.
- (39) This frequency is available for assignment only to stations utilized for geophysical purposes.
- (40) This frequency is available for assignment to geophysical stations on a secondary, non-interference basis to other Petroleum licensees. Geophysical stations must cease operations on this frequency immediately upon receiving notice that interference is being caused to mobile service stations.

[FR Doc.74-27025 Filed 11-19-74; 8:45 am]

**Title 49—Transportation**  
**CHAPTER X—INTERSTATE COMMERCE COMMISSION**  
**SUBCHAPTER A—GENERAL RULES AND REGULATIONS**  
 [S.O. 1202]  
**PART 1033—CAR SERVICE**  
**Missouri-Kansas-Texas Railroad Co.**  
 At a session of the Interstate Commerce Commission, Railroad Service

Board, held in Washington, D.C., on the 13th day of November 1974.

It appearing, that the Missouri-Kansas-Texas Railroad Company (MKT) is unable to operate over its line into Oklahoma City, Oklahoma, because of extensive track damage caused by flooding; that MKT services to and from Oklahoma City can be continued by the use by the MKT of tracks of the Chicago, Rock Island and Pacific Railway Company (RI) between McAlester, Oklahoma, and Oklahoma City, Oklahoma; that the RI has consented to use of these tracks by the MKT; that operation by the MKT over these tracks of the RI is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

**§ 1033.1202 Service Order No. 1202.**

(a) *Missouri-Kansas-Texas Railroad Company authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company.* The Missouri-Kansas-Texas Railroad Company (MKT) be, and it is hereby, authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) between a connection between the RI and the MKT at RI milepost 366.4 at McAlester, Oklahoma, and a connection between these railroads at RI milepost 484.0 at Oklahoma City, Oklahoma, a distance of 117.6 miles.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Effective date.* This order shall become effective at 12:01 a.m., November 15, 1974.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,  
 Secretary.

[FR Doc.74-27182 Filed 11-19-74; 8:45 am]

**Title 50—Wildlife and Fisheries**

**CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR**

**PART 32—HUNTING**

**Horicon National Wildlife Refuge, Mayville, Wisconsin**

The following special regulation is issued and is effective on November 20, 1974.

**§ 32.32 Special Regulations; big game; for individual wildlife refuge areas.**

**WISCONSIN**

**HORICON NATIONAL WILDLIFE REFUGE**

The public hunting of deer on the Horicon National Wildlife Refuge, Wisconsin, is permitted only on the area designated by signs as open to hunting, during the period November 23 through December 1, 1974, with designated firearms, and during the period December 7 through December 31, 1974 with bow and arrow. The open area, comprising 20,700 acres, is delineated on maps available at refuge headquarters, Mayville, Wisconsin, and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1974.

ROBERT G. PERSONIUS,  
 Refuge Manager, Horicon National Wildlife Refuge, Mayville, Wisconsin.

NOVEMBER 13, 1974.

[FR Doc.74-27079 Filed 11-19-74; 8:45 am]

**PART 32—HUNTING**

**Great Swamp National Wildlife Refuge, N.J.**

In the FEDERAL REGISTER, Volume 39, No. 202, page 37064, dated October 17, 1974, it was proposed that deer hunting on Great Swamp National Wildlife Refuge, New Jersey, be permitted during the periods December 10, 1974, to December 14, 1974, inclusive, and during December 18, 1974. It was proposed that the effective date of such regulations would be December 10, 1974. It was noted that the draft environmental impact statement discussing this proposed action was filed with the Council on Environmental Quality, and that copies were available from the Fish and Wildlife Service. Public comments were invited with regard to the proposal, and were to be submitted before November 18, 1974. Comments have been received and were duly considered in establishing the regulations. The final environmental impact statement with regard to this proposal was filed with the Council on Environmental Quality on October 17, 1974.

For the following reasons, the Department of Interior has determined that a

finding of "good cause" is warranted with the terms of 5 U.S.C. section 553 (d) (3).

(1) Inconvenience to the general public as a result of public announcements on the hunt.

(2) Administrative expense and confusion if the hunt were not held within the planned period.

(3) The biological need to initiate a program to bring the Great Swamp deer population to a level compatible with the habitat.

Accordingly, the effective date of this regulation shall be December 10, 1974.

**§ 32.32 Special regulations; big game; for individual wildlife refuge areas.**

**NEW JERSEY**

**GREAT SWAMP NATIONAL WILDLIFE REFUGE**

Public hunting of deer of either sex with shotguns on the Great Swamp National Wildlife Refuge, New Jersey, is permitted, except on areas designated by signs as closed, during the period of December 10, 1974, to December 14, 1974, inclusive, and December 18, 1974. Hunting of deer with firearms shall be in accordance with all applicable State and Federal regulations in effect at the date of publication of this regulation, subject to the following special conditions:

Deer may be taken throughout the hunt between the hours of 7 a.m. e.s.t. and 5 p.m. e.s.t. Participation will be limited to the 400 hunter permittees randomly selected for the special Great Swamp hunt. Only 150 hunters will be allowed to hunt on any given day during the hunt period. Special armbands and parking area permits will be issued and must be displayed as designated. Armbands and permits must be surrendered prior to departure from the refuge. Hunters must furnish and wear a minimum of 200 square inches of blaze or hunter orange. All deer taken must be checked out at the refuge check station. Vehicles are restricted to public roads and areas designated by parking permits.

A shot gun not smaller than 12 gauge will be permitted for hunting deer, and buckshot not smaller than Number 4 nor larger than 000 will be permitted in possession during the hunt. Hunter permittees will be required to have shotguns and loans certified prior to the hunt. Target practice or test firing is not permitted, and guns must be unloaded when in areas posted as "closed." Baiting or hunting with the aid of bait is prohibited.

Regulations summaries, maps delineating open hunting areas, and shotgun and load certification forms and requirements are available at refuge headquarters, R.D. 1, Box 148, Basking Ridge, New Jersey 07920, or from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

Other than on the days of the hunt, entry is permitted only on approved Public Use Areas as designated by signs.

The provisions of this special regulation supplements the regulations which

govern hunting on wildlife refuge areas generally, which are set forth in 50 CFR Part 32, and are effective through December 20, 1974.

LYNN A. GREENWALT,  
Director, U.S. Fish and  
Wildlife Service.

[FR Doc. 74-27254 Filed 11-19-74; 8:45 am]

**Title 17—Commodity and Securities Exchanges**

**CHAPTER II—SECURITIES AND EXCHANGE COMMISSION**

[Release Nos. 34-11079; 35-18648; IC-8563]

**PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934**

**Annual Reports**

The Securities and Exchange Commission today announced the amendment of Rule 14a-3 (17 CFR 240.14a-3) of its Regulation 14A (17 CFR 240.14a-101) relating to the solicitation of proxies under the Exchange Act and Rules 14c-3 (17 CFR 240.14c-3) and 14c-7 (17 CFR 240.14c-7) of its Regulation 14C (17 CFR 240.14c-101) relating to the distribution of information statements under the Exchange Act. The Commission proposed amendments to these rules on January 10, 1974 in Exchange Act Release No. 10591 (39 FR 3834) and received more than 160 letters of comment from interested persons in response thereto. Based upon its consideration of these letters of comment and based on its own experience, the Commission has determined to adopt certain of the amendments as proposed for comment, to adopt certain of the amendments in a modified form, and to withdraw certain of the proposals at this time.

The amendments to Rules 14a-3 and 14c-3 generally will require that annual reports to security holders include at least the following information, all of which may be set forth in any form deemed suitable by management: certified financial statements for the issuer's last two fiscal years; a summary of the issuer's operations for the last five fiscal years and a management analysis thereof; a brief description of the issuer's business; a lines of business breakdown for the issuer's last five fiscal years; the identification of the issuer's directors and executive officers and the disclosure of each such person's principal occupation or employment and of the name and principal business of any organization by which such person is so employed; and the identification of the principal market in which securities entitled to vote at the meeting are traded and a statement of the market price ranges of such securities and dividends paid on such securities for each quarterly period during the issuer's two most recent fiscal years. The amendments to such rules also generally will require an issuer to undertake to furnish without charge to its security holders as of the record date, upon the written request of any such person, a copy of its Form 10-K

(17 CFR 249.308a) or 12-K (17 CFR 249.312), including the financial statements and the schedules thereto, required to be filed with the Commission for the issuer's most recent fiscal year and to provide copies of the exhibits to such reports upon payment of a reasonable fee which shall be limited to the issuer's reasonable expenses in furnishing such exhibits. Finally, the amendments to Rules 14a-3 and 14c-7 generally will require that, if an issuer knows certain of its securities are held of record by a broker, dealer, bank, voting trustee, or their nominees, the issuer must inquire as to whether such record holder is holding on behalf of one or more beneficial owners and, if so, the number of copies of the proxy and proxy soliciting materials (or of the information statement) and, in the case of an annual meeting at which directors are to be elected, the number of copies of the annual report to security holders necessary to supply such material to the beneficial owners. The issuer must then furnish such record holders with an appropriate number of copies assembled in such a form and at such a place as each such record holder may reasonably request, and must pay the reasonable expenses of each such record holder, if so requested, for mailing such material to the beneficial owners.

The Commission's purpose in so amending the proxy rules is twofold: (i) to require additional information in annual reports furnished to security holders to make disclosures therein more meaningful, while generally leaving management the discretion to choose the content and the format of such reports for communicating effectively with security holders, and (ii) to improve the dissemination of the annual report to security holders and of the annual report on Form 10-K or 12-K filed with the Commission under the Exchange Act.

**BACKGROUND**

Rule 14a-3 generally provides that any solicitation of security holders, made on behalf of management and relating to an annual meeting of security holders at which directors are to be elected, must be accompanied or preceded by a written proxy statement conforming to Schedule 14A and that each such proxy statement must be accompanied or preceded by an annual report to security holders containing certain specified information. Rule 14c-3 contains substantially similar provisions with respect to the furnishing of information statements. Prior to the adoption of the amendments set forth herein, annual reports to security holders were only required to contain certain basic financial information and were not required to contain any textual disclosures.

The annual report to security holders has long been recognized as the most effective means of communication between management and security holders. Such reports are readable because they generally avoid legalistic and technical terminology and present information in an understandable, and often innovative,

form. However, some issuers present very little meaningful information regarding their operations other than the basic financial information required by the existing proxy rules. The Commission believes it is in the public interest that all security holders be provided with meaningful information regarding the business, management, operations and financial position of the issuer and that the annual report to security holders is the most suitable vehicle presently available for providing this information. Accordingly, the Commission has amended Rules 14a-3 and 14c-3 to require that an annual report to security holders contain a minimum quantum of meaningful business and financial information, most of which is already required in the annual report on Form 10-K which most issuers subject to the proxy rules file with the Commission. The Commission continues to encourage issuers to improve voluntarily the content and format of their annual reports to security holders.

It should be particularly noted that the annual report to security holders will retain its status as a non-filed document and as non-proxy soliciting material pursuant to Rules 14a-3(c) and 14c-3(b), so that it is not subject to the express civil liability provisions of section 18 of the Exchange Act or to Rule 14a-9 (17 CFR 240.14a-9) thereunder. As in the past, there will be no review of the annual report to security holders by the Commission's staff prior to such reports being furnished to security holders.

#### SYNOPSIS OF THE AMENDMENTS

##### Disclosure in Annual Reports to Security Holders:

1. *Financial Statements.* As amended, Rules 14a-3 and 14c-3 will now require certified financial statements for the last two fiscal years, rather than for just the last year, and will continue to require the same financial information previously required by paragraphs (b)(1) through (b)(3) and (a)(1) through (a)(3), respectively. In addition, paragraphs (b)(1) of Rule 14a-3 and (a)(1) of Rule 14c-3 have been amended to provide that financial statements and the notes thereto contained in the annual report to security holders must now be set forth in roman type at least as large and as legible as 10-point modern type except that to the extent necessary for convenient presentation the financial statements may be set forth in roman type at least as large and as legible as 8-point modern type. Finally, paragraphs (b)(2) of Rule 14a-3 and (a)(2) of Rule 14c-3 have been amended to clarify that any material differences between the financial statements included in an annual report to security holders and the financial statements required to be filed with the Commission must be noted and the effect thereof reconciled "in the financial statements or the notes thereto" in the annual report to security holders.

2. *Summary of Operations.* New paragraphs (b)(4) of Rule 14a-3 and (a)(4) of Rule 14c-3 require that an annual report to security holders include a sum-

mary of operations containing certain information required by Item 2 of Form 10-K. As proposed, the summary of operations would have been required to be "in substantially the form" required by Form 10-K. The phrase "in substantially the form" has been deleted and a note has been added to clarify that this information may be set forth in any form deemed suitable by management. Attention is called to the fact that Guide 1 of the Guides for the Preparation and Filing of Reports and Registration Statements under the Exchange Act (Release No. 34-10961, Aug. 14, 1974) (39 FR 31894) applies to annual reports to security holders so that a management analysis of the summary of operations may be appropriate.

3. *Description of Business.* New paragraphs (b)(5) of rule 14a-3 and (a)(5) of Rule 14c-3 require that an annual report to security holders contain a brief description of the business done by the issuer and its subsidiaries during the most recent fiscal year which will, in the opinion of management, indicate the general nature and scope of the business of the issuer and its subsidiaries. This requirement was formerly applicable only to issuers who had not previously solicited proxies or furnished information statements subject to Regulation 14A or 14C under the Exchange Act. Contrary to the apparent understanding of many persons commenting on these requirements as proposed, these Subparagraphs do not require the inclusion of the detailed information called for by Items 1(a) and 1(b) of Form 10-K.

4. *Lines-of-Business Information.* New paragraphs (b)(6) of Rule 14a-3 and (a)(6) of Rule 14c-3 require that an annual report to security holders contain information in any form deemed suitable by management regarding the issuer's lines of business and its classes of similar products and services as comprehensive as that required by Items 1(c)(1) and 1(c)(2) of Form 10-K, respectively.

5. *Management Information.* New paragraphs (b)(7) of Rule 14a-3 and (a)(7) of Rule 14c-3 require that an annual report to security holders identify each of the issuer's executive officers and directors and indicate the principal occupation or employment of each such person and the name and principal business of any organization by which such person is so employed. The definition of the term "executive officer," as set forth in Item 8 of Form 10-K, has been included for convenience in its entirety as a note to these paragraphs. As proposed, these paragraphs would have required this information "at a minimum." This phrase has been deleted in response to letters of comment indicating that the phrase created confusion as to the extent of disclosure required. Issuers may, of course, include additional management information in their annual reports.

6. *Market and Dividend Information.* New paragraphs (b)(8) of Rule 14a-3 and (a)(8) of Rule 14c-3 require that an annual report to security holders identify the principal market for each

class of the issuer's securities entitled to vote at the meeting of security holders, and include the high and low sales price (or the range of bid and asked quotations) and the dividends paid for each quarterly period within the two most recent fiscal years. As proposed in Exchange Act Release No. 10591, an annual report to security holders would have been required to contain a statement of the issuer's dividend policy with respect to securities entitled to vote at the annual meeting of security holders. The Commission has determined at this time not to adopt this proposal because this type of disclosure may, in part, involve future orientated information, which is not presently required to be disclosed in filings with the Commission, and may result in meaningless "boiler plate" statements.

7. *Format of Annual Report to Security Holders.* As amended, paragraphs (b)(10) of Rule 14a-3 and (a)(10) of Rule 14c-3 provide that the annual report to security holders may be in any form deemed suitable by management so long as the information required by Rules 14a-3 and 14c-3 is contained therein. The paragraphs specifically permit the information required by the amended rules to be set forth in an appendix or other separate section of the annual report to security holders. A note to such Subparagraphs encourages the utilization of charts and graphic illustrations to present financial information in an understandable format. However, such presentations of financial information must be consistent with the data in the financial statements and notes thereto contained in the annual report to security holders.

8. *Applicability to Investment Companies.* New paragraphs (b)(11) of Rule 14a-3 and (a)(11) of Rule 14c-3 permit the annual report to security holders of a registered investment company to be in any form deemed suitable by management so long as the financial statements required by paragraphs (b)(1) through (b)(3) of Rule 14a-3 and (a)(1) through (a)(3) of Rule 14c-3 are contained therein. The paragraphs also provide that the information requirements of paragraphs (b)(4) through (b)(10) of Rule 14a-3 and (a)(4) through (a)(10) of Rule 14c-3 are not applicable to reports of such investment companies.

9. *Proposed Amendment Not Adopted.* As proposed in Exchange Act Release No. 10591, an annual report to security holders would have been required to include textual information which would, in the opinion of management, indicate the nature and scope of the issuer's liquidity position and working capital requirements based on such considerations as peak seasonal demands for working capital, availability and cost of credit, policies associated with the extension of credit to customers, purchase commitments related to inventories, policies followed as to the magnitude of inventory to be maintained, and future financing requirements and plans. The Commission

has determined not to adopt this proposal at this time because of a lack of objective standards with respect to these types of disclosure.

#### Dissemination of Annual Reports to Security Holders:

The Commission is concerned that some security holders whose securities are held in street name or otherwise by a record holder may not receive copies of the annual report or of proxy solicitation material. Since, in many cases, brokers, dealers, banks, or their nominees, hold securities in their names on behalf of a beneficial owner, the issuer will only have the names and addresses of the record holders and will not be able to forward directly to its beneficial owners its proxy soliciting material and the annual report to security holders.

Rule 14c-7 of the Information Statement Rules under the Exchange Act presently requires that, if the issuer knows that securities of any class entitled to vote at a meeting are held of record by a broker, dealer, bank or voting trustee, or their nominees, the issuer must inquire of such record holder whether other persons are the beneficial owners. If there are other beneficial owners, the rule requires the issuer to obtain from the record holder information as to the number of copies of the information statement, and if an annual report is required of the annual report, necessary to supply these documents to the beneficial owners of the securities. The issuer is then required to supply as many copies as are needed and to pay reasonable expenses to the record holder for completing the mailing of the material to the beneficial owners.

As adopted, Paragraph (d) of Rule 14a-3 will impose the same obligations on the issuer when it solicits proxies in order to help assure that all beneficial owners have timely access to the financial and business information now required to be included in the annual report to security holders. A note has been added under Rules 14a-3(d) and 14c-7 to clarify the issuer's obligations to make appropriate inquiry of a central certificate depository system and of the participants in such a system whenever some of the issuer's securities are registered in the name of a nominee for a central depository system, such as "Cede & Co." A second note, formerly under Rules 14a-3(b) and 14c-3(a), has been set forth under Rules 14a-3(d) and 14c-7 to permit issuers to send one annual report to a holder of record at a particular address whenever there are several holders of record at that same address who agree in writing to such a procedure. The note has been revised, however, to indicate clearly that such a procedure is not available where banks, broker-dealers and other persons hold securities on behalf of beneficial owners and that such persons are not relieved of any obligation to obtain or send annual reports to the beneficial owners. A third note calls the attention of issuers to the fact that broker-dealers have an obligation pursuant to the applicable

self-regulatory requirements to obtain and distribute annual reports in a timely manner to beneficial owners for whom such broker-dealers hold securities.

#### Dissemination of Annual Reports on Form 10-K or 12-K:

The amendments to Rules 14a-3 and 14c-3 have been designed to help assure that security holders, including beneficial owners of securities, receive an annual report to security holders containing meaningful business and financial information. However, some security holders will be interested in more detailed and extensive information of the type that appears in an issuer's annual report on Form 10-K or 12-K required to be filed with the Commission pursuant to Rule 13a-1 under the Exchange Act. Such reports are available for inspection and copying at the Commissions' Public Reference Rooms upon the payment of the requisite fees. The Commission is of the opinion that interested security holders, as of the record date for an annual meeting of security holders, should be able to obtain such reports directly from the issuer on a timely basis. Accordingly, the Commission has adopted paragraphs (b) (9) of Rule 14a-3 and (a) (9) of Rule 14c-3 which require that management's proxy statement, or the issuer's information statement, or the annual report to security holders contain an undertaking in bold face or otherwise reasonably prominent type to provide without charge to each person solicited, or to each person furnished an information statement, on the written request of any such person, a copy of the issuer's annual report on Form 10-K or 12-K, including the financial statements and the schedules thereto, for its most recent fiscal year required to be filed with the Commission pursuant to Rule 13a-1 under the Exchange Act. Because of the length of certain exhibits to such reports an issuer may impose a reasonable fee limited to its reasonable expenses in connection with providing copies of the exhibits to the annual reports on Form 10-K or 12-K, provided that all annual reports on Form 10-K or 12-K furnished to requesting security holders are accompanied by a list briefly describing all exhibits not contained therein and indicating the reasonable fee for obtaining any such exhibit. Issuers who elect to file an annual report under the Exchange Act on Form U5S are also required to undertake to furnish copies of such a report in accordance with these Subparagraphs.

Several letters of comment requested a clarification as to whether an issuer, upon written request, would be required to furnish copies of its annual report on Form 10-K or 12-K to beneficial owners of its securities. A note has been added indicating that an issuer shall furnish a copy of its annual report on Form 10-K or 12-K upon receipt of a beneficial owner's written request containing a good faith representation that the person making the request was the beneficial owner, as of the record date,

of securities entitled to vote at the meeting of security holders.

Several letters of comment requested a clarification with respect to an issuer's obligation to furnish copies of the amendments to its annual report on Form 10-K or 12-K. It is the Commission's position that an issuer, upon receipt of an appropriate written request at any time prior to the record date for the next annual meeting of security holders, must furnish a copy of its annual report on Form 10-K or 12-K including all amendments, if any, which have been filed to that date. However, an issuer is not required under the proxy rules to furnish subsequently filed amendments to its Form 10-K or 12-K to security holders previously furnished copies of the annual report on Form 10-K or 12-K unless a security holder had specifically requested a copy of the annual report on Form 10-K or 12-K and all amendments subsequently filed, in which case the issuer would furnish all subsequently filed amendments until it files a Form 10-K or 12-K for its next fiscal year.

Sections 240.14a-3, 240.14c-3, and 240.14c-7 are revised to read as follows:

#### § 240.14a-3 Information to be furnished to security holders.

(a) No solicitation subject to this regulation shall be made unless each person solicited is concurrently furnished or has previously been furnished with a written proxy statement containing the information specified in Schedule 14A (§ 240.14a-101).

(b) If the solicitation is made on behalf of the management of the issuer, and relates to an annual meeting of security holders at which directors are to be elected, each proxy statement furnished pursuant to paragraph (a) of this section shall be accompanied or preceded by an annual report to security holders as follows:

(1) The report shall contain, in comparative columnar form, such financial statements for the last two fiscal years, prepared on a consistent basis, as will in the opinion of the management adequately reflect the financial position of the issuer at the end of each such year and the results of its operations for each such year: *Provided, however,* That investment companies registered under the Investment Company Act of 1940 need include such financial statements only for the last fiscal year. Consolidated financial statements of the issuer and its subsidiaries shall be included in the report if they are necessary to reflect adequately the financial position and results of operations of the issuer and its subsidiaries, but in such case the individual statements of the issuer may be omitted even though they are required to be included in reports to the Commission. Such financial statements and the notes thereto shall be in roman type at least as large and as legible as 10-point modern type except that to the extent necessary for convenient presentation financial statements, but not the notes thereto, may be in roman type at least as large and as

legible as 8-point modern type. All such type shall be leaded at least 2 points. The Commission may, upon the request of the issuer, permit the omission of financial statements for the earlier of such two fiscal years upon a showing of good cause therefor.

(2) Any differences, reflected in the financial statements included in the report to security holders, from the principles of consolidation or other accounting principles or practices, or methods of apply accounting principles or practices, applicable to the financial statements of the issuer filed or proposed to be filed with the Commission, which have a material effect on the financial position or results of operation of the issuer, shall be noted and the effect thereof reconciled or explained in the financial statements or the notes thereto in such report. Financial statements included in the report may, however, omit such details or employ such condensation as may be deemed suitable by the management: *Provided*, That such statements, considered as a whole in the light of other information contained in the report shall not by such procedure omit any material information necessary to a fair presentation or to make the financial statements not misleading under the circumstances.

(3) The financial statements for the last two fiscal years required by paragraph (b)(1) of this section shall be certified by independent public or certified accountants, unless (i) the corresponding statements included in the issuer's annual report filed or to be filed with the Commission for the same fiscal years are not required to be certified, or (ii) the Commission finds in a particular case that certification would be impracticable or would involve undue effort or expense.

(4) The report shall include a summary of the issuer's operations containing the information required by Item 2 of Form 10-K (§ 249.308a) except for the reconciliations, exhibits and supplemental information required by the instructions thereto.

*NOTE 1:* Subparagraph (b)(10) permits the information required by this subparagraph to be set forth in any form deemed suitable by management.

*NOTE 2:* Guide 1 of the Guides for the Preparation and Filing of Reports and Registration Statements Under the Act (Release 34-10961, August 14, 1974) (39 FR 31894) and any other guides subsequently published by the Commission relating to Item 2 of Form 10-K (§ 249.308a) apply to annual reports to security holders.

(5) The report shall contain a brief description of the business done by the issuer and its subsidiaries during the most recent fiscal year which will, in the opinion of management, indicate the general nature and scope of the business of the issuer and its subsidiaries.

(6) The report shall contain information as comprehensive as that required by Item 1(c)(1) of Form 10-K (§ 249.308a) regarding the issuer's lines of business and by Item 1(c)(2) of Form 10-K (§ 249.308a) regarding its classes of similar products and services.

*NOTE:* Subparagraph (b)(10) permits the information required by this subparagraph to be set forth in any form deemed suitable by management.

(7) The report shall identify each of the issuer's directors and executive officers, and shall indicate the principal occupation or employment of each such person and the name and principal business of any organization by which such person is so employed.

*NOTE:* The term "executive officer" means the president, secretary, treasurer, any vice president in charge of a principal business function (such as sales, administration or finance) and any other person who performs similar policy making functions for the issuer.

(8) The report shall identify the principal market in which securities of any class entitled to vote at the meeting are traded, and shall state the high and low sales prices for such securities (or, in the absence of such information, the range of bid and asked quotation) and the dividends paid on such securities for each quarterly period during the issuer's two most recent fiscal years.

(9) Management's proxy statement, or the report, shall contain an undertaking in bold face or otherwise reasonably prominent type to provide without charge to each person solicited, on the written request of any such person, a copy of the issuer's annual report on Form 10-K (§ 249.308a) or 12-K (§ 249.312) including the financial statements and the schedules thereto, required to be filed with the Commission pursuant to Rule 13a-1 (§ 240.13a-1) under the Act for the issuer's most recent fiscal year, and shall indicate the name and address of the person to whom such a written request is to be directed. In the discretion of management, an issuer need not undertake to furnish without charge copies of all exhibits to its Form 10-K (§ 249.308a) or 12-K (§ 249.312) provided that the copy of the annual report on Form 10-K (§ 249.308a) or 12-K (§ 249.312) furnished without charge to requesting security holders is accompanied by a list briefly describing all the exhibits not contained therein and indicating that the issuer will furnish any exhibit upon the payment of a specified reasonable fee which fee shall be limited to the issuer's reasonable expenses in furnishing such exhibit.

*NOTE:* Pursuant to the undertaking required by the above subparagraph, an issuer shall furnish a copy of its annual report on Form 10-K (§ 249.308a) or 12-K (§ 249.312) to a beneficial owner of its securities upon receipt of a written request from such person. Each request must set forth a good faith representation that, as of the record date for the annual meeting of the issuer's security holders, the person making the request was a beneficial owner of securities entitled to vote at such meeting.

(10) Subject to the foregoing requirements, the report may be in any form deemed suitable by management and the information required by paragraphs (b)(4) to (b)(9) of this section may be presented in an appendix or other separate section of the report, provided that the

attention of security holders is called to such presentation.

*NOTE:* Issuers are encouraged to utilize tables, schedules, charts, and graphic illustrations to present financial information in an understandable manner. Any presentation of financial information must be consistent with the data in the financial statements contained in the report and, if appropriate, should refer to relevant portions of the financial statements and notes thereto.

(11) Paragraphs (b)(4) through (b)(10) of this section shall not apply to an investment company registered under the Investment Company Act of 1940. Subject to the requirements of paragraphs (b)(1) through (b)(3) of this section, the annual report to security holders of such investment company may be in any form deemed suitable by management.

(12) This paragraph (b) of this section shall not apply, however, to solicitations made on behalf of the management before the financial statements are available if solicitation is being made at the time in opposition to the management and if the management's proxy statement includes an undertaking in bold face type to furnish such annual report to all persons being solicited, at least 20 days before the date of the meeting.

(c) Seven copies of the report sent to security holders pursuant to this rule shall be mailed to the Commission, solely for its information, not later than the date on which such report is first sent or given to security holders or the date on which preliminary copies of solicitation material are filed with the Commission pursuant to Rule 14a-6(a) (§ 240.14a-6(a)), whichever date is later. The report is not deemed to be "soliciting material" or to be "filed" with the Commission or subject to this regulation otherwise than as provided in this rule, or to the liabilities of section 18 of the Act, except to the extent that the issuer specifically requests that it be treated as a part of the proxy soliciting material or incorporates it in the proxy statement by reference.

*NOTE:* To assist the staff, managements of issuers are requested to indicate in a letter transmitting to the Commission copies of their annual reports to shareholders or in a separate letter at or about the time the annual report is furnished to the Commission, whether the financial statements in the report reflect a change from the preceding year in any accounting principles or practices or in the method of applying any such principles or practices.

(d) If the issuer knows that securities of any class entitled to vote at a meeting with respect to which the issuer intends to solicit proxies, consents or authorization are held of record by a broker, dealer, bank or voting trustee, or their nominees, the issuer shall inquire of such record holder whether other persons are the beneficial owners of such securities and, if so, the number of copies of the proxy and other soliciting material and, in the case of an annual meeting at which directors are to be elected, the number of copies of the annual report to security holders, necessary to supply such material to such beneficial owners.

The issuer shall supply such record holder with additional copies in such quantities, assembled in such form and at such a place, as the record holder may reasonably request in order to address and send one copy of each to each beneficial owner of securities so held and shall, upon the request of such record holder, pay its reasonable expenses for completing the mailing of such material to security holders to whom the material is sent.

**NOTE 1:** If the issuer's list of security holders indicates that some of its securities are registered in the name of "Cede & Co.", a nominee for the Depository Trust Company, or in the name of a nominee for any central certificate depository system, an issuer shall make appropriate inquiry of the central depository system and thereafter of the participants in such a system who may hold on behalf of a beneficial owner, and shall comply with the above paragraph with respect to any such participant.

**NOTE 2:** The requirement for sending an annual report to security holders of record having the same address will be satisfied by sending at least one report to a holder of record at that address provided that those holders of record to whom a report is not sent agree thereto in writing. This procedure is not available to issuers, however, where banks, broker-dealers, and other persons hold securities in nominee accounts or "street names" on behalf of beneficial owners, and such persons are not relieved of any obligation to obtain or send such annual report to the beneficial owners.

**NOTE 3:** The attention of issuers is called to the fact that broker-dealers have an obligation pursuant to applicable self-regulatory requirements to obtain and forward annual reports and proxy soliciting materials in a timely manner to beneficial owners for whom such broker-dealers hold securities.

#### § 240.14c-3 Annual report to be furnished security holders.

(a) If the information statement relates to an annual meeting of security holders at which directors are to be elected, it shall be accompanied or preceded by an annual report to such security holders as follows:

(1) The report shall contain, in comparative columnar form, such financial statements for the last two fiscal years, prepared on a consistent basis, as will in the opinion of the management adequately reflect the financial position of the issuer at the end of each such year and the results of its operations for each such year: *Provided, however,* That investment companies registered under the Investment Company Act of 1940 need include such financial statements only for the last fiscal year. Consolidated financial statements of the issuer and its subsidiaries shall be included in the report if they are necessary to reflect adequately the financial position and results of operations of the issuer and its subsidiaries, but in such case the individual statements of the issuer may be omitted even though they are required to be included in reports to the Commission. Such financial statements and the notes thereto shall be in roman type at least as large and as legible as 10-point modern type except that to the extent necessary for convenient presenta-

tion financial statements, but not the notes thereto, may be roman type at least as large and as legible as 8-point modern type. All such type shall be leaded at least 2 points. The Commission may, upon the request of the issuer, permit the omission of financial statements for the earlier of such two fiscal years upon a showing of good cause therefor.

(2) Any differences, reflected in the financial statements included in the report to security holders, from the principles of consolidation or other accounting principles or practices, or methods of applying accounting principles or practices, applicable to the financial statements of the issuer filed or proposed to be filed with the Commission, which have a material effect on the financial position or results of operation of the issuer, shall be noted and the effect thereof reconciled or explained in the financial statements or the notes thereto in such report. Financial statements included in the report may, however, omit such details or employ such condensation as may be deemed suitable by the management: *Provided,* That such statements, considered as a whole in the light of other information contained in the report shall not by such procedure omit any material information necessary to a fair presentation or to make the financial statements not misleading under the circumstances.

(3) The financial statements for the last two fiscal years required by paragraph (a)(1) of this section shall be certified by independent public or certified accountants, unless (i) the corresponding statements included in the issuer's annual report filed or to be filed with the Commission for the same fiscal years are not required to be certified, or (ii) the Commission finds in a particular case that certification would be impracticable or would involve undue effort or expenses.

(4) The report shall include a summary of the issuer's operations containing the information required by Item 2 of Form 10-K (§ 249.308a) except for the reconciliations, exhibits and supplemental information required by the instructions thereto.

**NOTE 1:** Subparagraph (a)(10) permits the information required by this subparagraph to be set forth in any form deemed suitable by management.

**NOTE 2:** Guide 1 of the Guides for the Preparation and Filing of Reports and Registration Statements Under the Act (Release 34-10961, August 14, 1974) (39 Fed. Reg. 31894) and any other guides subsequently published by the Commission relating to Item 2 of Form 10-K (§ 249.308a) apply to annual reports to security holders.

(5) The report shall contain a brief description of the business done by the issuer and its subsidiaries during the most recent fiscal year which will, in the opinion of management, indicate the general nature and scope of the business of the issuer and its subsidiaries.

(6) The report shall contain information as comprehensive as that required by Item 1(c)(1) of Form 10-K (§ 249.308a) regarding the issuer's lines of

business and by Item 1(c)(2) of Form 10-K (§ 249.308a) regarding its classes of similar products and services.

**NOTE:** Subparagraph (a)(10) permits the information required by this subparagraph to be set forth in any form deemed suitable by management.

(7) The report shall identify each of the issuer's directors and executive officers, and shall indicate the principal occupation or employment of each such person and the name and principal business of any organization by which such person is so employed.

**NOTE:** The term "executive officer" means the president, secretary, treasurer, any vice president in charge of a principal business function (such as sales, administration or finance) and any other person who performs similar policy making functions for the issuer.

(8) The report shall identify the principal market in which securities of any class entitled to vote at the meeting are traded, and shall state the high and low sales prices for such securities (or, in the absence of such information, the range of bid and asked quotation) and the dividends paid on such securities for each quarterly period during the issuer's two most recent fiscal years.

(9) The information statement, or the report, shall contain an undertaking in bold face or otherwise reasonably prominent type to provide without charge to each person furnished a copy of the information statement, on the written request of any such person, a copy of the issuer's annual report on Form 10-K (§ 249.308a) or 12-K (§ 249.312), including the financial statements and the schedules thereto, required to be filed with the Commission pursuant to Rule 13a-1 (§ 240.13a-1) under the Act for the issuer's most recent fiscal year, and shall indicate the name and address of the person to whom such a written request is to be directed. In the discretion of management, an issuer need not undertake to furnish without charge copies of all exhibits to its Form 10-K (§ 249.308a) or 12-K (§ 249.312), provided that the copy of the annual report on Form 10-K (§ 249.308a) or 12-K (§ 249.312) furnished without charge to requesting security holders is accompanied by a list briefly describing all the exhibits not contained therein and indicating that the issuer will furnish any exhibit upon the payment of a specified reasonable fee which fee shall be limited to the issuer's reasonable expense in furnishing such exhibit.

**NOTE:** Pursuant to the undertaking required by the above subparagraph, an issuer shall furnish a copy of its annual report on Form 10-K (§ 249.308a) or 12-K (§ 249.312) to a beneficial owner of its securities upon receipt of a written request from such person. Each request must set forth a good faith representation that, as of the record date for the annual meeting of the issuer's security holders, the person making the request was a beneficial owner of securities entitled to vote at such meeting.

(10) Subject to the foregoing requirements, the report may be in any form

deemed suitable by management and the information required by paragraphs (a)(4) to (a)(9) of this section may be presented in an appendix or other separate section of the report, provided that the attention of security holders is called to such presentation.

NOTE: Issuers are encouraged to utilize tables, schedules, charts, and graphic illustrations to present financial information in an understandable manner. Any presentation of financial information must be consistent with the data in the financial statements contained in the report and, if appropriate, should refer to relevant portions of the financial statements and notes thereto.

(11) Paragraphs (a)(4) through (a)(10) of this section shall not apply to an investment company registered under the Investment Company Act of 1940. Subject to the requirements of paragraphs (a)(1) through (a)(3) of this section, the annual report to security holders of such investment company may be in any form deemed suitable by management.

(b) Seven copies of the report sent to security holders pursuant to this rule shall be mailed to the Commission, solely for its information, not later than the date on which such report is first sent or given to security holders or the date on which preliminary copies of the information statement are filed with the Commission pursuant to Rule 14c-5 (§ 240.14c-5), whichever date is later. The report is not deemed to be "filed" with the Commission or subject to this regulation otherwise than as provided in this rule, or to the liabilities of section 18 of the Act, except to the extent that the issuer specifically requests that it be treated as a part of the information statement or incorporates it therein by reference.

NOTE: To assist the staff, managements of issuers are requested to indicate in a letter transmitting to the Commission copies of

their annual reports to shareholders or in a separate letter at or about the time the annual report is furnished to the Commission, whether the financial statements in the report reflect a change from the preceding year in any accounting principles or practices or in the method of applying any such principles or practices.

**§ 240.14c-7 Providing copies of material for certain beneficial owners.**

If the issuer knows that securities of any class entitled to vote at a meeting are held of record by a broker, dealer, bank or voting trustee, or their nominees, the issuer shall inquire of such record holder whether other persons are the beneficial owners of such securities and, if so, the number of copies of the information statement and, in the case of an annual meeting at which directors are to be elected, the number of copies of the annual report to security holders, necessary to supply such material to such beneficial owners for whom proxy material has not been and its not to be made available. The issuer shall supply such record holder with additional copies in such quantities, assembled in such form and at such a place, as the record holder may reasonably request in order to address and send one copy of each to each beneficial owner of securities so held and shall, upon the request of such record holder, pay its reasonable expenses for completing the mailing of such material to security holders to whom the material is sent.

NOTE 1: If the issuer's list of security holders indicates that some of its securities are registered in the name of "Cede & Co.", a nominee for the Depository Trust Company, or in the name of a nominee for any central certificate depository system, an issuer shall make appropriate inquiry of the central depository system and thereafter of the participants in such a system who may hold on behalf of a beneficial owner, and to comply with the above rule with respect to any such participant.

NOTE 2: The requirement for sending an annual report to security holders of record having the same address will be satisfied by sending at least one report to a holder of record at that address provided that those holders of record to whom a report is not sent agree thereto in writing. This procedure is not available to issuers, however, where banks, broker-dealers and other persons hold securities in nominee accounts or "street names" on behalf of beneficial owners, and such persons are not relieved of any obligation to obtain or send such annual report to the beneficial owners.

NOTE 3: The attention of issuers is called to the fact that broker-dealers have an obligation pursuant to applicable self-regulatory requirements to obtain and forward annual reports and information statements in a timely manner to beneficial owners for whom such broker-dealers hold securities.

The Commission hereby amends rules 14a-3, 14c-3 and 14c-7 pursuant to sections 14(a), 14(c) and 23(a) of the Securities Exchange Act of 1934, as amended, effective December 20, 1974 with respect to issuers who have fiscal years ending on or after that date and who solicit proxies or furnish information statements on or after that date. The Commission finds that the changes reflected in the amendments from the amendments as proposed for comment have already been generally subject to public comment or are technical in nature and that further notice and other rule making procedure pursuant to the Administrative Procedure Act are not necessary.

(Sections 14, 23, 48 Stat. 895, 901; sec. 203 (a), 49 Stat. 704; sec. 8, 49 Stat. 1379; sec. 5, 78 Stat. 569, 570; 15 U.S.C. 78n(a), 78n(c), 78w(a))

Dated: October 31, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,  
Assistant Secretary.

[FR Doc. 74-27274 Filed 11-19-74; 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

### Customs Service

#### [ 19 CFR Part 6 ]

### AIR COMMERCE REGULATIONS

#### Entry and Clearance of Aircraft in the Virgin Islands

On June 28, 1972, a notice of proposed ruling was published in the FEDERAL REGISTER (37 FR 12728) which proposed to make applicable to aircraft in the Virgin Islands of the United States the navigation laws of the United States extended to the Virgin Islands by Executive Order No. 9170, dated May 21, 1942, and the regulations issued under such laws which are applicable to aircraft in the United States. A proposed amendment of the Customs Regulations to implement the proposal was not included in the notice in order that consideration could first be given to any relevant data, views, or arguments which might be submitted in response to the notice of proposed ruling. No comments were received.

Accordingly, notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), section 624, 46 Stat. 759 (19 U.S.C. 1624), section 36, 49 Stat. 1816 (48 U.S.C. 1406i), and section 1109, 72 Stat. 799, as amended (49 U.S.C. 1509), it is proposed to amend, Part 6 of the Customs Regulations (19 CFR Part 6) by adding a new section, § 6.14 by amending § 6.1(a) to make applicable to aircraft in the Virgin Islands of the United States the air commerce regulations issued under the navigation laws of the United States which were extended to the Virgin Islands by Executive Order No. 9170, and by amending subparagraphs (1) and (3)(ii) of § 6.2(d) to provide that Customs Form 7507, General Declaration, shall be used as the permit to proceed in lieu of Customs Form 4449, Permit to Proceed, which has been abolished.

Accordingly, it is proposed to revise § 6.1(a) of the Customs Regulations to read as follows:

#### § 6.1 Scope and definitions.

(a) The regulations in this part shall not be applicable in the islands of Guam, Midway, American Samoa, Wake, Kingman Reef, and Johnson Island and other insular possessions not specified herein. The regulations shall be applicable to aircraft flying to and from the Virgin Islands of the United States in accordance with § 6.14.

#### § 6.2 [Amended]

It is also proposed to amend subparagraphs (1) and (3)(ii) of § 6.2(d) by

substituting "a permit to proceed on Customs Form 7507" for "a permit on Customs Form 4449".

It is also proposed to amend Part 6 by adding a new § 6.14 to read as follows:

#### § 6.14 Flights to and from the Virgin Islands; provisions applicable.

(a) *Flights between the Virgin Islands and a place other than a State, the District of Columbia, or Puerto Rico.* Aircraft arriving in the Virgin Islands from a place other than a State, the District of Columbia, or Puerto Rico are subject to the provisions of this part which are applicable to aircraft arriving in a State from a place other than a State, the District of Columbia, or Puerto Rico. Aircraft departing from the Virgin Islands for a place other than a State, the District of Columbia, or Puerto Rico are subject to the provisions of this part which are applicable to aircraft departing from a State for a place other than a State, the District of Columbia, or Puerto Rico.

(b) *Flights from a State, the District of Columbia, or Puerto Rico to the Virgin Islands.* Aircraft on flights from a State, the District of Columbia, or Puerto Rico to the Virgin Islands are subject to the provisions of this part which are applicable to aircraft on a flight between two States except that aircraft transporting merchandise to the Virgin Islands subject to Bureau of the Census regulations requiring shipper's export declarations (15 CFR Part 30) must obtain permission to depart from the district director of Customs. Permission to depart shall not be granted until a complete manifest and required shipper's export declarations are filed unless the aircraft departs under bond pursuant to the incomplete manifest procedure (15 CFR 30.24) which requires the filing of a complete manifest and shipper's export declarations not later than the seventh business day after departure.

(c) *Flights from the Virgin Islands to a State, the District of Columbia, or Puerto Rico.* (1) Aircraft which are not inspected by Customs officers in the Virgin Islands are subject upon departure from the Virgin Islands for a State, the District of Columbia, or Puerto Rico to the provisions of this part which are applicable to aircraft departing from a State for a place outside the United States.

(2) Upon arrival in a State, the District of Columbia, or Puerto Rico from the Virgin Islands, aircraft which were not inspected by Customs officers in the Virgin Islands are subject to the provisions of this part which are applicable

to aircraft arriving in a State from a place outside the United States.

(3) Aircraft on a flight from the Virgin Islands to a State, the District of Columbia, or Puerto Rico which were inspected by Customs officers in the Virgin Islands are subject upon departure from the Virgin Islands and upon arrival in the State, the District of Columbia, or Puerto Rico only to the provisions of this part which are applicable respectively to aircraft departing for or arriving in a State from another State.

(4) For the purpose of this section, the term "inspected by Customs officers in the Virgin Islands" means whatever supervision of the aircraft is deemed necessary by the district director of Customs to protect the revenue and enforce the laws administered by the United States Customs Service, including the collection of duty and taxes on articles purchased in the Virgin Islands.

(5) In the case of aircraft arriving in a State, the District of Columbia, or Puerto Rico from the Virgin Islands which were inspected there by Customs officers, the aircraft commander shall be prepared to present evidence of such inspection to Customs officers upon request. The evidence of inspection in the Virgin Islands shall be as follows:

(i) For aircraft registered in the United States of domestic origin or of foreign origin if duty paid and proceeding in ballast or solely with cargo or passengers or both from the Virgin Islands, a certificate on Customs Form 7507, General Declaration, endorsed by the Customs officers who inspected the aircraft in the Virgin Islands. The commander shall present the certificate in duplicate to the inspecting officers in the Virgin Islands, who will endorse the port of inspection thereon, date and sign the certificate and return the original to the commander. The commander or his representative shall retain the certificate for a reasonable time after termination of the flight to a State, the District of Columbia, or Puerto Rico, for presentation to Customs officers upon request, and then it may be destroyed or otherwise disposed of at the discretion of the commander or his representative.

(ii) For aircraft registered in the United States but of foreign origin and not duty paid and proceeding in ballast, the permit to proceed on Customs Form 7507, required by § 6.2(d)(3)(ii), endorsed with the port and date of inspection by the inspecting officers in the Virgin Islands. For aircraft registered in a foreign country and proceeding in ballast, the permit to proceed on Customs

Form 7507, required by § 6.2(d) (1), endorsed with the port and date of inspection by the inspecting officers in the Virgin Islands.

(iii) For aircraft proceeding with residue cargo or residue passengers or both, the permit to proceed required by § 6.9 or any other Customs form used to cover the transportation of the residue cargo or passengers, endorsed with the port and date of inspection and signed by the inspecting officers in the Virgin Islands.

Data, views, or arguments with respect to the foregoing proposals may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communications, they must be received not later than December 20, 1974.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL] VERNON D. ACREE,  
Commissioner of Customs.

Approved: November 8, 1974.

DAVID R. MACDONALD,  
Assistant Secretary of the  
Treasury.

[FR Doc. 74-27167 Filed 11-19-74; 8:45 am]

#### Internal Revenue Service

#### [ 26 CFR Parts 1, 301 ]

### COORDINATION OF UNITED STATES AND GUAM INDIVIDUAL INCOME TAXES

#### Notice of Proposed Rule Making

EDITORIAL NOTE: The Office of the Federal Register is reprinting below the full text of FR Doc. 74-26617 which appeared at 39 FR 40022 of the issue of Wednesday, November 13, 1974. This reprinting has been deemed necessary because the copy submitted for printing did not conform in all respects to the text of the original signed document. Due to this reprinting, the date for receipt of comments has been extended to December 20, 1974.

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by Dec. 20, 1974. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be

presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d) (9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by Dec. 20, 1974. 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 the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in sections 7805 (68A Stat. 917; 26 U.S.C. 7805) and 7654(e) (86 Stat. 1496; 26 U.S.C. 7654(e)) of the Internal Revenue Code of 1954.

DONALD C. ALEXANDER,  
Commissioner of Internal Revenue.

This document contains proposed amendments to conform the Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) to the amendments made to the Internal Revenue Code of 1954 by the Act of October 31, 1972 (P.L. 92-606, 86 Stat. 1494), relating to coordination of United States and Guam individual income taxes. The Act applies in the case of taxable years beginning after December 31, 1972, unless otherwise noted, infra.

The Act adds to section 881 a new subsection (b) which provides that for purposes of section 881, relating to tax on income of foreign corporations not connected with United States business, a Guamanian corporation will not be treated as a foreign corporation for taxable years beginning after December 31, 1971.

The Act adds to section 931(c) the provision that Guam will not be treated as a possession of the United States with respect to citizens of the United States having income from sources within Guam.

The Act amends section 932(a) so as to make such section inapplicable to Guam. Thus, a citizen of Guam will not be treated as a nonresident alien for purposes of various sections of the Code, some of which are listed in § 1.932-1(b) as proposed.

The Act amends section 932(c) to provide a cross-reference to sections 935 and 7654 of the Code and to sections 30 and 31 of the Act of August 1, 1950 (48 U.S.C., secs. 1421h and 1421i) for provisions relating to the individual income tax in the case of Guam.

The Act adds a new section 935 to the Code, relating to coordination of United States and Guam individual income taxes. Section 935(a) provides

that the section applies to any individual for the taxable year who (1) is a resident of Guam, (2) is a citizen of Guam but not otherwise a citizen of the United States, (3) has income from Guam for the taxable year and is a citizen or resident of the United States, or (4) files a joint return for the taxable year with an individual described in (1), (2), or (3). Section 1.935-1(a)(3) as proposed provides rules for determining the residence and citizenship of individuals.

Section 935(b) provides that an individual to whom section 935 applies for a taxable year shall file his income tax return for the year with the United States if he is a resident thereof or with Guam if he is a resident thereof. An individual who is not resident in either jurisdiction shall file his income tax return with Guam if he is a citizen of Guam but not otherwise a citizen of the United States. In all other cases, the individual shall file his income tax return with the United States. Determinations of residence and citizenship for a taxable year are made as of the close of the year under § 1.935-1(a)(3) as proposed. In the case of a joint return, the residence and citizenship of the spouse having the greater adjusted gross income (without regard to community property laws) for the year are the bases for determining with which jurisdiction the joint return should be filed. Section 1.935-1(b)(4) as proposed provides certain tax accounting standards for an individual who files his return under this section with one of the jurisdictions for a prior taxable year and must, under this section, file his return for a later taxable year with the other jurisdiction.

Section 935(c) provides that with respect to an individual to whom section 935 applies for a taxable year, for purposes of the taxes imposed by chapter 1 of the Code (other than under sections 935 and 7654), the United States will be treated as including Guam and, for purposes of the Guam Territorial income tax, Guam will be treated as including the United States. Such individual who is required to file his income tax return under section 935(b) with one jurisdiction will not be liable for income tax for the year to the other jurisdiction. Section 1.935-1(c)(1) as proposed sets forth the significance and application of the foregoing rules under which one jurisdiction may be treated as including the other jurisdiction.

Section 935(d) provides that, if it appears that section 935 will apply to an individual for a taxable year, he shall file any declaration of estimated income tax with the jurisdiction with which he would be required to file his income tax return for the year under section 935(b) if his year closed on the date he is first required to file his declaration. He need not file a declaration with the other jurisdiction. However, his liability for underpayments of estimated income tax is to the jurisdiction with which he is required to file his income tax return for the year under section 935(b). Section

## PROPOSED RULES

1.935-1(d)(2) as proposed expands the application of the foregoing rules to the filing of joint declarations. Section 1.935-1(e) as proposed illustrates the application of section 935.

The Act adds to section 1442 of the Code a new subsection (c) which provides that for purposes of section 1442, relating to withholding of tax on foreign corporations, a Guamanian corporation will not be treated as a foreign corporation after October 31, 1972. Thus, section 1.141-1, relating to withholding of tax on foreign persons, is amended to provide that a Guamanian corporation will not be treated as a foreign corporation with respect to payments made after October 31, 1972.

The Act adds a new section 6687 to the Code, relating to assessable penalties with respect to information required to be furnished under section 7654 of the Code as added by the Act. Section 6687 was redesignated as section 6688 by section 1016(b)(4) of P.L. 93-406, 88 Stat. 932. A person who fails without reasonable cause to furnish information required by the regulations under section 7654 shall pay upon notice and demand a penalty of \$100 for each such failure. Section 301.6688-1(c) as proposed defines reasonable cause.

The Act adds a new section 7654 to the Code, relating to coordination of United States and Guam individual income taxes. Section 7654(a) provides that net collections of income taxes, imposed with respect to an individual to whom section 935 applies if he has (or, in the case of a joint return, he and his spouse have) adjusted gross income of \$50,000 or more and gross income of \$5,000 or more from sources within the jurisdiction (either the United States or Guam) with which he is not required under section 935(b) to file his income tax return, shall be covered into the Treasury of the United States if attributable to United States source income or the treasury of Guam if attributable to Guam source income. Other net collections of taxes are covered into the treasury of the jurisdiction with which the individual is required under section 935(b) to file his income tax return.

Section 7654(b)(1) provides for taking into account credits and refunds of income taxes in determining net collections for a taxable year. Additional substantive rules are provided in proposed § 301.7654-1(c)(1) with respect to the credit for taxes withheld under section 3402 on wages, for underpayments of tax, and for net operating losses. The term "income taxes" is defined in section 7654(b)(2), and a cross-reference is provided in section 7654(b)(3) for determining the source of income.

Proposed § 301.7654-1(d), which is based upon the authority of section 7654(e)(2), provides for the filing of information returns by individuals to whom section 7654(a) applies.

Section 7654(c) provides for transfer of funds to be made between the jurisdictions not less frequently than annually. Section 301.7654-1(f) as proposed substantially elaborates this rule.

Section 7654(d) provides that the United States shall pay to Guam the amount of taxes deducted and withheld by the United States under chapter 24 with respect to compensation paid to members of the Armed Forces stationed in Guam who have no income tax liability to Guam by reason of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 App. U.S.C., sec. 501 et seq.).

The Act amends section 7701(a)(12)(B), relating to the performance of certain functions in Guam, by defining the term "delegate" for such purposes to include certain officers and employees.

In order to conform the Income Tax Regulations and Regulations on Procedure and Administration to such changes, the regulations are hereby amended as follows:

PARAGRAPH 1. Section 1.881 is amended by redesignating subsection (b) of section 881 as subsection (c), by adding a new subsection (b) to such section, and by revising the historical note, to read as follows:

§ 1.881 Statutory provisions; tax on income of foreign corporations not connected with United States business.

Sec. 881. Tax on income of foreign corporations not connected with United States business. \* \* \*

(b) Exception for Guam corporations. For purposes of this section, the term "foreign corporation" does not include a corporation created or organized in Guam or under the law of Guam.

(c) Doubling of tax. For doubling of tax on corporations of certain foreign countries, see section 891.

[Sec. 881 as amended by sec. 104(a), Foreign Investors Tax Act 1966 (80 Stat. 1555); sec. 313 (a) and (c), Rev. Act 1971 (85 Stat. 526); sec. 1(e)(1), Act of Oct. 31, 1972 (Pub. Law 92-606, 86 Stat. 1497)]

PAR. 2. Section 1.881-1 is amended by revising paragraph (c) to read as follows:

§ 1.881-1 Manner of taxing foreign corporations.

(c) Meaning of terms. For the meaning of the term "engaged in trade or business within the United States", as used in section 881 and this section, see section 864(b) and the regulations thereunder. For determining when income, gain, or loss of a foreign corporation for a taxable year is effectively connected for that year with the conduct of a trade or business in the United States, see section 864(c), the regulations thereunder, and § 1.882-2. The term "foreign corporation" has the meaning assigned to it by section 7701(a)(3) and (5) and § 301.7701-5 of this chapter (Regulations on Procedure and Administration), except that, for purposes of section 881 and § 1.881-2, in the case of taxable years beginning after December 31, 1971, the term "foreign corporation" does not include a corporation created or organized in Guam or under the law of Guam. Thus, for example, for such a taxable year the first sentence of paragraph (b)(1), and the second sentence of para-

graph (b)(2), of this section do not apply to a Guamanian corporation.

PAR. 3. Section 1.931 is amended by revising subsection (c) of section 931 and the historical note to read as follows:

§ 1.931 Statutory provisions; income from sources within possessions of the United States.

Sec. 931. Income from sources within possessions of the United States. \* \* \*

(c) Definition. For purposes of this section, the term "possession of the United States" does not include the Virgin Islands of the United States, and such term when used with respect to citizens of the United States does not include Puerto Rico or Guam.

[Sec. 931 as amended by sec. 107, Foreign Investors Tax Act 1966 (80 Stat. 1571); sec. 502(d), Rev. Act 1971 (85 Stat. 550); sec. 1(f)(1), Act of Oct. 31, 1972 (Pub. Law 92-606, 86 Stat. 1497)]

PAR. 4. Section 1.931-1 is amended by revising the heading and paragraph (a)(1) to read as follows:

§ 1.931-1 Citizens of the United States and domestic corporations deriving income from sources within a possession of the United States.

(a) Definitions. (1) As used in section 931 and this section, the term "possession of the United States" includes American Samoa, Guam, Johnston Island, Midway Islands, the Panama Canal Zone, Puerto Rico, and Wake Island. However, the term does not include (i) the Virgin Islands and (ii), when used with respect to citizens of the United States, the term does not include Puerto Rico or, in the case of taxable years beginning after December 31, 1972, Guam.

PAR. 5. Section 1.932 is amended by revising subsections (a) and (c) of section 932 and the historical note to read as follows:

§ 1.932 Statutory provisions; taxation of citizens of possessions of the United States.

Sec. 932. Citizens of possessions of the United States—(a) General rule. Any individual who is a citizen of any possession of the United States (but not otherwise a citizen of the United States) and who is not a resident of the United States shall be subject to taxation under this subtitle in the same manner and subject to the same conditions as in the case of a nonresident alien individual. This section shall have no application in the case of a citizen of Puerto Rico or Guam.

(c) Guam. For provisions relating to the individual income tax in the case of Guam, see sections 935 and 7654; see also sections 30 and 31 of the Act of August 1, 1950 (48 U.S.C., secs. 1421h and 1421i).

[Sec. 932 as amended by sec. 103(m), Foreign Investor Tax Act 1966 (80 Stat. 1554); sec. 1(f)(2) and (3), Act of Oct. 31, 1972 (Pub. Law 92-606, 86 Stat. 1497)]

PAR. 6. Section 1.932-1 is amended by revising paragraphs (a)(1) and (b) to read as follows:

**§ 1.932-1 Status of citizens of United States possessions.**

(a) *General rule*—(1) *Definition and treatment.* A citizen of a possession of the United States (except Puerto Rico and, for taxable years beginning after December 31, 1972, Guam), who is not otherwise a citizen or resident of the United States, including only the States and the District of Columbia, is treated for the purpose of the taxes imposed by subtitle A of the Code (relating to income taxes) as if he were a nonresident alien individual. However, for purposes of the tax imposed on self-employment income by chapter 2 of the Code, the term "possession of the United States" as used in section 932 and the preceding sentence does not include American Samoa, Guam, or the Virgin Islands. See section 1402(a)(9). See subpart A (section 871 and following), part II, subchapter N, chapter 1 of the Code, and the regulations thereunder, for rules relating to imposition of tax on nonresident alien individuals. For Federal income tax purposes, a citizen of a possession of the United States who is not otherwise a citizen of the United States is a citizen of a possession of the United States who has not become a citizen of the United States by naturalization in a State, Territory, or the District of Columbia. The fixed or determinable annual or periodical income from sources within the United States of a citizen of a possession of the United States who is treated as if he were a nonresident alien individual is subject to withholding. See section 1441.

(b) *Nonapplication to citizen of Puerto Rico or Guam.* The provisions of section 932(a) and paragraph (a) of this section do not apply in the case of a citizen of Puerto Rico or, for taxable years beginning after December 31, 1972, a citizen of Guam. Thus, for example, any such citizen who is not a resident of the United States will not be treated by the United States as a nonresident alien individual for purposes of section 2(b)(3)(A) or (d), relating to definitions and special rules; section 4(d)(1), relating to taxpayers not eligible to use the optional tax tables; section 37(h), relating to denial of retirement income credit; section 116(d), relating to taxpayers ineligible for dividend exclusion; section 142(b)(1), relating to taxpayers ineligible for standard deduction; section 152(b)(3), relating to definition of "dependent"; section 402(a)(4), relating to distributions by the United States to nonresident aliens; section 545(d), relating to certain foreign corporations; section 565(e), relating to certain consent dividends; section 861(a)(1), relating to interest from sources within the United States; sections 871 to 877, relating to nonresident alien individuals; section 1303(b), relating to individuals not eligible for income aver-

aging; section 1371(a)(3), relating to definition of small business corporation; section 1402(b), relating to definition of "self-employment income"; section 1441, relating to withholding of tax on nonresident aliens; section 3401(a), relating to definition of wages; section 6013(a)(1), relating to inability to make a joint return; section 6015 (b) and (i), relating to declaration of estimated income tax by nonresident alien individuals; section 6017, relating to self-employment tax returns; section 6042(b)(2), relating to returns regarding payments of dividends; section 6049(b)(2), relating to returns regarding payments of interest; section 6072 (c), relating to time for filing returns of nonresident alien individuals; section 6091(b), relating to place for filing returns of nonresident aliens; and section 6096(a), relating to designation of tax payments to Presidential Election Campaign Fund. For other rules applicable to citizens of Puerto Rico, see §§ 1.1-1 (b) and 1.933-1. For other rules applicable to citizens of Guam, see §§ 1.1-1 (b) and 1.935-1 of this chapter (Income Tax Regulations) and § 301.7654-1 of this chapter (Regulations on Procedure and Administration).

PAR. 7. The following new sections are inserted immediately after § 1.934-1:

**§ 1.935 Statutory provisions; coordination of United States and Guam individual income taxes.**

SEC. 935. *Coordination of United States and Guam individual income taxes*—(a) *Application of section.* This section shall apply to any individual for the taxable year who—

- (1) Is a resident of Guam,
- (2) Is a citizen of Guam but not otherwise a citizen of the United States,
- (3) Has income derived from Guam for the taxable year and is a citizen or resident of the United States, or
- (4) Files a joint return for the taxable year with an individual who satisfies paragraph (1), (2), or (3) for the taxable year.

(b) *Filing requirement*—(1) *In general.* Each individual to whom this section applies for the taxable year shall file his income tax return for the taxable year—

- (A) With the United States, if he is a resident of the United States,
- (B) With Guam, if he is a resident of Guam, and
- (C) If neither subparagraph (A) nor subparagraph (B) applies—
  - (i) With Guam, if he is a citizen of Guam but not otherwise a citizen of the United States, or
  - (ii) With the United States, if clause (1) does not apply.

(2) *Determination date.* For purposes of this section, determinations of residence and citizenship for the taxable year shall be made as of the close of the taxable year.

(3) *Special rule for joint returns.* In the case of a joint return, this subsection shall be applied on the basis of the residence and citizenship of the spouse who has the greater adjusted gross income (determined without regard to community property laws) for the taxable year.

(c) *Extent of income tax liability.* In the case of any individual to whom this section applies for the taxable year—

- (1) For purposes of so much of this title (other than this section and section 7654) as relates to the taxes imposed by this chap-

ter, the United States shall be treated as including Guam,

(2) For purposes of the Guam territorial income tax, Guam shall be treated as including the United States, and

(3) Such individual is hereby relieved of liability for income tax for such year to the jurisdiction (the United States or Guam) other than the jurisdiction with which he is required to file under subsection (b).

(d) *Special rules for estimated income tax.* If there is reason to believe that this section will apply to an individual for the taxable year, then—

(1) He shall file any declaration of estimated income tax (and all amendments thereto) with the jurisdiction with which he would be required to file a return for such year under subsection (b) if his taxable year closed on the date he is required to file such declaration,

(2) He is hereby relieved of any liability to file a declaration of estimated income tax (and amendments thereto) for such taxable year to the other jurisdiction, and

(3) His liability for underpayments of estimated income tax shall be to the jurisdiction with which he is required to file his return for the taxable year (determined under subsection (b)).

[Sec. 935 as added by sec. 1(a), Act of Oct. 31, 1972 (Pub. Law 92-606, 86 Stat. 1494).]

**§ 1.935-1 Coordination of U.S. and Guam individual income taxes.**

(a) *Application of section*—(1) *Scope.* Section 935 and this section set forth the special rules relating to the filing of income tax returns, income tax liabilities, and estimated income tax of individuals described in subparagraph (2) of this paragraph. For additional rules relating to the collection of income tax at source on the wages of certain individuals, the furnishing of certain information with the returns of certain individuals, and the covering over to the treasury of Guam of net collections of income taxes imposed on certain individuals, see section 7654 and § 301.7654-1 of this chapter (Regulations on Procedure and Administration).

(2) *Individuals covered.* This section shall apply for a taxable year to any individual who—

- (i) Is a resident of Guam, whether or not he is a citizen of the United States,
- (ii) Is a citizen of Guam but not otherwise a citizen of the United States,
- (iii) Has income derived from Guam for the taxable year and is a citizen or resident of the United States, or
- (iv) Files a joint return for the taxable year with any individual described in subdivision (i), (ii), or (iii) of this subparagraph.

(3) *Determination of residence and citizenship.* For purposes of this section, determinations of residence and citizenship for a taxable year shall be made (except as provided to the contrary in paragraph (d)(1) and (2) of this section) as of the close of the taxable year. A citizen of the United States is any individual who is a citizen within the meaning of paragraph (c) of § 1.1-1, except that the term does not include an individual who is a citizen of Guam but not otherwise a citizen of the United States. An individual who is a citizen

of Guam but not otherwise a citizen of the United States is any individual who has become a citizen of the United States by birth or naturalization in Guam. Whether an individual is a resident of Guam or a resident of the United States shall generally be determined by applying to the facts and circumstances in each case the principles of §§ 1.871-2 through 1.871-5 relating to what constitutes residence or nonresidence, as the case may be, in the United States in the case of an alien individual. However, for special rules for determining the residence for tax purposes of individuals under military or naval orders, see section 514 of the Soldiers' and Sailors' Civil Relief Act of 1940, 50 App. U.S.C. 574. The residence of an individual, and, therefore, the jurisdiction with which he is required to file an income tax return under paragraph (b) of this section, may change from year to year.

(b) *Filing requirement*—(1) *Tax Jurisdiction*. An individual described in paragraph (a) (2) of this section shall file his return of income tax for the taxable year—

(i) With the United States if he is a resident of the United States, whether or not he is a citizen of the United States,

(ii) With Guam if he is a resident of Guam, whether or not he is a citizen of Guam, or

(iii) If neither subdivision (i) nor (ii) of this subparagraph applies,

(A) With Guam if he is a citizen of Guam but not otherwise a citizen of the United States, as defined in paragraph (a) (3) of this section, or

(B) With the United States if he is a citizen of the United States, as defined in paragraph (a) (3) of this section.

Thus, for example, if a U.S. citizen employed by the United States in Guam becomes a resident of Guam for the taxable year, he must file his return of income tax for such year with Guam. The tax shown on the return shall be paid to the jurisdiction with which such return is required to be filed and shall be determined by taking into account any credit under section 31 for tax withheld by Guam or the United States on wages, any credit under section 6402(b) for an overpayment of income tax to Guam or the United States, and any payments under section 6315 of estimated income tax paid to Guam or the United States. See paragraph (a) (3) of this section for the rule that determinations of residence and citizenship are to be made as of the close of the taxable year.

(2) *Joint returns*. In the case of married persons, if one or both spouses is an individual described in paragraph (a) (2) of this section and they file a joint return of income tax, the spouses shall file their joint return with, and pay the tax due on such return to, the jurisdiction where the spouse who has the greater adjusted gross income for the taxable year would be required under subparagraph (1) of this paragraph to file his return if separate returns were filed. For this purpose, adjusted gross income of each spouse is determined under section 62 and the reg-

ulations thereunder but without regard to community property laws; and, if one of the spouses dies, the taxable year of the surviving spouse shall be treated as ending on the date of such death.

(3) *Place for filing returns*—(i) *U.S. returns*. A return required under this paragraph to be filed with the United States shall be filed in accordance with § 1.6091-2, except that such return of a citizen or resident of the United States who is described in § 301.7654-1(a) (2) of this chapter (Regulations on Procedure and Administration) shall be filed with the Internal Revenue Service Center, 11601 Roosevelt Boulevard, Philadelphia, Pennsylvania 19155.

(ii) *Guam returns*. A return required under this paragraph to be filed with Guam shall be filed with the Commissioner of Revenue and Taxation, Agana, Guam 96910.

(4) *Tax accounting standards*. A taxpayer who has filed his return with one of the jurisdictions named in subparagraph (1) of this paragraph for a prior taxable year and is required to file his return for a later taxable year with the other such jurisdiction may not, for such later taxable year, change his accounting period, method of accounting, or any election to which he is bound with respect to his reporting of taxable income to the first jurisdiction unless he obtains the consent of the second jurisdiction to make such change. However, such change will not be effective for returns filed thereafter with the first jurisdiction unless before such later date of filing he also obtains the consent of the first jurisdiction to make such change. Any request for consent to make a change pursuant to this subparagraph must be made to the office where the return is required to be filed under subparagraph (3) of this paragraph and in sufficient time to permit a copy of the consent to be attached to the return for the taxable year.

(c) *Extent of liability for income tax*—(1) *Extension of territory*—(i) *General rule*. With respect to an individual who, for a taxable year, is described in paragraph (a) (2) of this section—

(A) For purposes of so much of the Internal Revenue Code of 1954 as relates to the normal taxes and the surtaxes imposed by chapter 1 thereof, the United States shall be treated, in a geographical and governmental sense, as including Guam, and

(B) For purposes of the Guam Territorial Income Tax (48 U.S.C. 1421), Guam shall be treated, in a geographical and governmental sense, as including the United States,

except that this subdivision shall not apply for purposes of this section, section 7651, and section 7654.

(ii) *Application of general rule*. (A) The significance of the application of the rule of subdivision (i) of this subparagraph will depend upon the facts and circumstances of the particular case. The rule will not be applied where its application would be manifestly in-

applicable or incompatible with the intent thereof. Thus, the rule will not be applied for purposes of section 3401, relating to definition of wages. Also, the rule will not be applied in determining the sources of dividends and interest from a domestic corporation. For example, if less than 20 percent of a domestic corporation's gross income is from U.S. sources for the period described in section 861(a) (1)(B) and (2)(A), but more than 20 percent of its gross income is from U.S. and Guam sources taken together for such period, the dividends and interest derived from it will be treated as derived from sources without the United States. In addition, for purposes of section 1372(e) (4), relating to whether an election of a small business corporation has been terminated because it derived more than 80 percent of its gross receipts from sources outside the United States, gross receipts from sources within Guam will be treated as gross receipts from sources outside the United States. On the other hand, some of the conclusions which may be reached as a result of the application of subdivision (i) of this subparagraph to a U.S. taxpayer (that is, an individual described in paragraph (b) (1) (i) or (iii) (B) of this section) are as follows. A U.S. taxpayer may not claim a foreign tax credit based upon his income from sources within Guam. Income tax paid to Guam may be taken into account under sections 31, 6315, and 6402(b) as payments to the United States. For purposes of section 116(a), relating to the partial exclusion of dividends received by individuals, dividends paid to a U.S. taxpayer by a corporation created or organized in Guam or under the law of Guam will be treated as dividends paid by a domestic corporation. Taxes paid to Guam and otherwise satisfying the requirements of section 164(a) will be allowed as a deduction under that section, but income taxes paid to Guam will be disallowed as a deduction under section 275(a).

(B) If a U.S. taxpayer has a net operating loss carryback or carryover under section 172, a foreign tax credit carryback or carryover under section 904, an investment credit carryback or carryover under section 46, a capital loss carryover under section 1212, or a charitable contributions carryover under section 170, the United States will take such carryback or carryover into account for a taxable year for which the taxpayer's return is required to be filed with the United States, and make a refund to the extent required under section 6402, even though the return of the taxpayer for the taxable year (whether beginning on, before, or after December 31, 1972) giving rise to the carryback or carryover was required to be filed with Guam.

(C) For purposes of income averaging of a U.S. taxpayer under sections 1301 through 1305, the taxpayer will not be denied status as an "eligible individual" merely because he was during the base period defined in section 1302(c)

(2) treated under section 932 as a non-resident alien individual because he was a citizen of Guam but not otherwise a citizen of the United States. See section 1303(b). Furthermore, in determining the base period of such a U.S. taxpayer under section 1302(c)(2), taxable years for which a return was required to be filed with Guam shall be taken into account.

(D) In applying the Guam Territorial income tax the converse of the preceding rules under this subdivision will apply. Thus, for example, income tax paid to the United States may be taken into account under sections 31, 6315, and 6402(b) as payments to Guam. Moreover, a citizen of the United States (as defined in paragraph (a)(3) of this section) not a resident of Guam will not be treated as a nonresident alien individual for purposes of the Guam Territorial income tax. Thus, for example, a citizen of the United States (as so defined), or a resident of the United States, will not be treated as a nonresident alien individual for purposes of section 1371(a)(3) of the Guamanian Territorial income tax.

(2) *Liability to other jurisdiction*—(i) *Filing with Guam*. If for a taxable year an individual is required under paragraph (b)(1) of this section to file a return with Guam, he is relieved of liability to file an income tax return with, and to pay an income tax to, the United States for the taxable year.

(ii) *Filing with the United States*. If for a taxable year an individual is required under paragraph (b)(1) of this section to file a return with the United States, he is relieved of liability to file an income tax return with, and to pay an income tax to, Guam for the taxable year.

(d) *Special rules for estimated income tax*—(1) *Declaration of estimated income tax*. If, under all the facts and circumstances existing at the date an individual is required to file a declaration of estimated income tax, there is reason to believe that he will, for the taxable year, be an individual described in paragraph (a)(2) of this section, he must file his declaration of estimated income tax (and all amendments thereof) with the jurisdiction with which he would be required to file a return under paragraph (b)(1) of this section if his taxable year had closed on the date he is first required to file a declaration of estimated income tax for the taxable year. If an individual has in fact filed a declaration of estimated income tax earlier than the time he is first required to file a declaration, and such declaration was not filed where it is required to be filed under the immediately preceding sentence, only subsequent amendments of the declaration are required to be filed pursuant to such preceding sentence with the other jurisdiction and only subsequent installments of the estimated income tax are required to be paid to the other jurisdiction. Except as provided in subparagraph (5) of this paragraph (relating to underpayments of estimated income tax), payments of

estimated income tax shall be made to the jurisdiction with which he is required to file the declaration even though for the taxable year he is required under paragraph (b)(1) of this section to file his return with the other jurisdiction. In determining the amount of such estimated income tax, income tax paid to Guam may be taken into account under sections 31 and 6402(b) as payments to the United States, and vice versa. For rules relating to the determination of, and time for filing, declarations of estimated tax, see sections 6015 and 6073; for rules relating to the time for paying installments of the tax, see section 6153.

(2) *Joint declaration of estimated income tax*. In the case of married persons, if, under all the facts and circumstances existing at the date a spouse is required to file a declaration of estimated income tax, there is reason to believe that he will, for the taxable year, be an individual described in paragraph (a)(2) of this section and the spouses file a joint declaration of estimated income tax, the spouses must file their joint declaration of estimated income tax (and all amendments thereof) with the jurisdiction where the spouse who has the greater estimated adjusted gross income for the taxable year would be required under subparagraph (1) of this paragraph to file his declaration of estimated income tax if separate declarations were filed. For this purpose, estimated adjusted gross income of each spouse for the taxable year is determined without regard to community property laws. Except as provided in subparagraph (5) of this paragraph, payments of estimated income tax shall be made to the jurisdiction with which the spouses are required to file the joint declaration.

(3) *Place for filing declarations*. A declaration of estimated income tax required under subparagraph (1) of this paragraph to be filed with Guam, shall be filed as prescribed in paragraph (b)(3)(ii) of this section. A declaration of estimated income tax required under subparagraph (1) of this paragraph to be filed with the United States shall be filed at the place prescribed by § 1.6073-1(c).

(4) *Liability to other jurisdiction*—(i) *Filing with Guam*. If, for a taxable year, an individual is required under this paragraph to file a declaration of estimated income tax with Guam, he is relieved of liability to file a declaration of estimated income tax (and any amendments thereof) with, and to make payments of estimated income tax to, the United States for the taxable year.

(ii) *Filing with the United States*. If, for a taxable year, an individual is required under this paragraph to file a declaration of estimated income tax with the United States, he is relieved of liability to file a declaration of estimated income tax (and any amendments thereof) with, and to make payments of estimated income tax to, Guam for the taxable year.

(5) *Underpayments*. The liability of an individual described in paragraph (a)(2) of this section for underpayments

of estimated income tax for a taxable year, as determined under section 6654 and the regulations thereunder, shall be to the jurisdiction with which he is required under paragraph (b) of this section to file his return for the taxable year.

(e) *Illustration*. The application of this section may be illustrated by the following examples:

*Example (1)*. B, an individual, files returns on a calendar year basis. B is a resident of the United States at the time he is required to file his declaration of estimated income tax for 1974. If, under the facts and circumstances, B does not reasonably expect at the time he files his declaration of estimated income tax that he will be a resident of Guam at the close of 1974, he will not be subject to this section at the time of such filing. However, B subsequently receives Guam source income which necessitates an amendment of his declaration, and some time later in 1974 he becomes a resident of Guam for the remainder of the year. B is required under paragraph (d)(1) of this section to file his amended declaration with the United States and to make payments of the estimated tax to the United States. However, B is required to file his income tax return for 1974 with Guam and to make any underpayments of estimated tax to Guam, pursuant to paragraphs (b)(1) and (d)(5) of this section.

*Example (2)*. C, an individual, files returns on a calendar year basis. On March 1, 1974, C is a resident of the United States, files his declaration of estimated income tax for 1974 with the United States, and pays his first installment of estimated tax to the United States. Prior to the date C would otherwise be required to file his declaration of estimated income tax for 1974 (April 15, 1974), C becomes a resident of Guam for the remainder of the year. C is required under paragraph (d)(1) of this section to make only his remaining payments of installments of estimated tax to Guam. C is also required to file his income tax return for 1974 with Guam and to make any underpayments of estimated tax to Guam, pursuant to paragraphs (b)(1) and (d)(5) of this section.

*Example (3)*. D, an individual, files returns on a calendar year basis. On August 1, 1974, D ceases to be a resident of the United States for the year and becomes a resident of Guam for the remainder of the year. D is first required to file a declaration of estimated income tax for 1974 on September 15, 1974, because of his receipt of an extraordinary item of income after June 15, 1974. D is required under paragraph (d)(1) of this section to file his declaration with Guam and to make payments of the estimated tax to Guam. D is also required to file his income tax return for 1974 with Guam and to make any underpayments of estimated tax to Guam, pursuant to paragraphs (b)(1) and (d)(5) of this section.

(f) *Effective date*. This section shall apply for taxable years beginning after December 31, 1972.

PAR. 8. Section 1.1441-1 is revised to read as follows:

§ 1.1441-1 Requirement for withholding of tax on nonresident aliens, foreign partnerships, and foreign corporations.

Except as otherwise provided in §§ 1.1441-3, 1.1441-4, and 1.1441-6, to the extent that the items specified in § 1.1441-2 constitute gross income from

sources within the United States, withholding of a tax of 30 percent is required in the case of items of income specified in paragraphs (a) and (b) of § 1.1441-2 when such income is paid to a nonresident alien individual, a foreign partnership, or a foreign corporation, except that with respect to payments made after March 4, 1964, withholding of a tax of 14 percent is required in the case of items of income specified in paragraph (c) of § 1.1441-2. The rate of 30 percent or 14 percent shall be reduced as may be provided by a treaty with any country. See §§ 1.894-1 and 1.1441-6 relating to income affected by treaty. For purposes of this section, the term "nonresident alien individual" includes an alien resident of Puerto Rico. In the case of payments occurring after October 31, 1972, the term "foreign corporation" does not include a corporation created or organized in Guam or under the law of Guam.

PAR. 9. Section 1.1442 is amended by revising subsection (a) of section 1442, by adding a new subsection (c) to section 1442, and by revising the historical note, to read as follows:

**§ 1.1442 Statutory provisions; withholding of tax on foreign corporations.**

Sec. 1442. *Withholding of tax on foreign corporations*—(a) *General rule.* In the case of foreign corporations subject to taxation under this subtitle, there shall be deducted and withheld at the source in the same manner and on the same items of income as is provided in section 1441 or section 1451 a tax equal to 30 percent thereof; except that, in the case of interest described in section 1451 (relating to tax-free covenant bonds), the deduction and withholding shall be at the rate specified therein. For purposes of the preceding sentence, the references in section 1441(b) to sections 871(a)(1) (C) and (D) shall be treated as referring to sections 881(a) (3) and (4), the reference in section 1441(c)(1) to section 871(b)(2) shall be treated as referring to section 842 or section 882(a)(2), as the case may be, the reference in section 1441(c)(5) to section 871(a)(1) (D) shall be treated as referring to section 881(a)(4), and the reference in section 1441(c)(8) to section 871(a)(1)(C) shall be treated as referring to section 881(a)(3).

(c) *Exception for Guam corporations.* For purposes of this section, the term "foreign corporation" does not include a corporation created or organized in Guam or under the law of Guam.

[Sec. 1442 as amended by sec. 104(c), Foreign Investors Tax Act 1966 (80 Stat. 1557); sec. 313(e), Rev. Act 1971 (85 Stat. 528); sec. 1(e)(2), Act of Oct. 31, 1972 (Pub. Law 92-606, 86 Stat. 1497)]

PAR. 10. Section 1.6091-1 is amended by adding a new subparagraph to paragraph (b), as follows:

**§ 1.6091-1 Place for filing returns or other documents.**

(b) *Place for filing certain information returns.* \*\*\*

(16) For the place for filing information returns on Form 5074 with respect to the allocation of individual income tax to Guam, see paragraph (b)(3) of

§ 1.935-1 and paragraph (d) of § 301.7654-1 of this chapter (Regulations on Procedure and Administration).

PAR. 11. Section 1.6091-4 is amended by adding a new paragraph, as follows:

**§ 1.6091-4 Exceptional cases.**

(c) *Residents of Guam.* Income tax returns of an individual citizen of the United States who is a resident of Guam shall be filed with Guam, as provided in paragraph (b)(1) of § 1.935-1.

PAR. 12. The following new sections are inserted immediately after § 301.6685-1:

**§ 301.6688 Statutory provisions; assessable penalties with respect to information required to be furnished under section 7654.**

Sec. 6688. *Assessable penalties with respect to information required to be furnished under section 7654.* In addition to any criminal penalty provided by law, any person described in section 7654(a) who is required by regulations prescribed under section 7654 to furnish information and who fails to comply with such requirement at the time prescribed by such regulations unless it is shown that such failure is due to reasonable cause and not to willful neglect, shall pay (upon notice and demand by the Secretary or his delegate and in the same manner as tax) a penalty of \$100 for each such failure.

[Sec. 6688 as added by sec. 1(c), Act of Oct. 31, 1972 (Pub. Law 92-606, 86 Stat. 1496); as amended by sec. 1016(b)(4), Employee Retirement Income Security Act 1974 (88 Stat. 932)]

**§ 301.6688-1 Assessable penalties with respect to information required to be furnished under section 7654 on allocation of tax to Guam or the United States.**

(a) *In general.* Each individual to whom paragraph (a)(2) of § 301.7654-1 applies for a taxable year who fails to file for such year the information return required by paragraph (d) of such section within the time prescribed therein, or who files such a return but does not show the information required thereon, shall, in addition to any criminal penalty provided by law, pay a penalty of \$100 for each such failure.

(b) *Manner of payment.* The penalty set forth in paragraph (a) of this section shall be paid in the same manner as tax upon the issuance of a notice and demand therefor.

(c) *Reasonable cause.* The penalty set forth in paragraph (a) of this section shall not apply if it is established, to the satisfaction of the district director (or of the Commissioner of Revenue and Taxation of Guam if the individual was required to file his return of income tax for the taxable year with Guam) that the failure to file the information return or furnish the information within the prescribed time was due to reasonable cause and not to willful neglect. An individual who wishes to avoid the penalty must make an affirmative showing of all facts alleged as a reasonable cause for his failure to file the information return on time, or furnish the information on time, in the form of a written statement containing a declaration that it is made

under penalties of perjury. Such statement must be filed with the district director (or with the Commissioner of Revenue and Taxation, Agana, Guam 96910, if the individual was required to file his return of income tax for the taxable year with Guam). In determining whether there was reasonable cause for failure to furnish the required information, account will be taken of the fact that the individual was unable to furnish the required information in spite of the exercise of ordinary business care and prudence in his effort to furnish the information. An individual will be considered to have exercised ordinary business care and prudence in his effort to furnish the required information if he made reasonable efforts to furnish the information but was unable to do so because of a lack of sufficient facts on which to make a proper determination. See paragraph (b) of § 1.935-1 of this chapter (Income Tax Regulations) for the rules which specify where returns of income tax must be filed for the taxable year by individuals to whom this section applies.

(d) *Effective date.* This section shall apply for taxable years beginning after December 31, 1972.

PAR. 13. Section 301.7654 is amended to read as follows:

**§ 301.7654 Statutory provisions; coordination of United States and Guam individual income taxes.**

Sec. 7654. *Coordination of United States and Guam individual income taxes*—(a) *General rule.* The net collections of the income taxes imposed for each taxable year with respect to any individual to whom this subsection applies for such year shall be divided between the United States and Guam according to the following rules:

(1) Net collections attributable to United States source income shall be covered into the Treasury of the United States;

(2) Net collections attributable to Guam source income shall be covered into the treasury of Guam; and

(3) All other net collections of such taxes shall be covered into the treasury of the jurisdiction (either the United States or Guam) with which such individual is required by section 935(b) to file his return for such year.

This subsection applies to an individual for a taxable year if section 935 applies to such individual for such year and if such individual has (or, in the case of a joint return, such individual and his spouse have) (A) adjusted gross income of \$50,000 or more and (B) gross income of \$5,000 or more derived from sources within the jurisdiction (either the United States or Guam) with which the individual is not required under section 935(b) to file his return for the year.

(b) *Definitions and special rules.* For purposes of this section—

(1) *Net collections.* In determining net collections for a taxable year, appropriate adjustment shall be made for credits allowed against the tax liability for such year and refunds made of income taxes for such year.

(2) *Income taxes.* The term "income taxes" means—

(A) With respect to taxes imposed by the United States, the taxes imposed by chapter 1, and

(B) With respect to Guam, the Guam territorial income tax.

(3) *Source.* The determination of the source of income shall be based on the principles contained in part I of subchapter N of chapter 1 (section 861 and following).

(c) *Transfers.* The transfers of funds between the United States and Guam required by this section shall be made not less frequently than annually.

(d) *Military personnel in Guam.* In addition to any amount determined under subsection (a), the United States shall pay to Guam at such times and in such manner as determined by the Secretary or his delegate the amount of the taxes deducted and withheld by the United States under chapter 24 with respect to compensation paid to members of the Armed Forces who are stationed in Guam but who have no income tax liability to Guam with respect to such compensation by reason of the Soldiers and Sailors Civil Relief Act (50 App. U.S.C., sec. 501 et seq.).

(e) *Regulations.* The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section and section 935, including (but not limited to)—

(1) Such regulations as are necessary to insure that the provisions of this title, as made applicable in Guam by section 31 of the Organic Act of Guam, apply in a manner which is consistent with this section and section 935, and

(2) Regulations prescribing the information which the individuals to whom section 935 may apply shall furnish to the Secretary or his delegate.

[Sec. 7654 as revised by sec. 1(b), Act of Oct. 31, 1972 (Pub. Law 92-606, 86 Stat. 1495)]

PAR. 14. The following new section is added immediately after § 301.7654:

§ 301.7654-1 Coordination of U.S. and Guam individual income taxes.

(a) *Application of section—(1) Scope.* Section 7654 and this section set forth the general procedures to be followed by the Government of the United States and the Government of Guam in the division between the two governments of revenue derived from collections of the income taxes imposed for any taxable year beginning after December 31, 1972, with respect to any individual described in subparagraph (2) of this paragraph and paragraph (e) of this section. To the extent that section 7654 and this section are inconsistent with the provisions of section 30 of the Organic Act of Guam (48 U.S.C. 1421h), relating to duties and taxes to be covered into the treasury of Guam and held in account for the Government of Guam, such section 30 is superseded.

(2) *Individuals covered.* Paragraph (b) of this section applies only to an individual who, for a taxable year, is described in paragraph (a)(2) of § 1.935-1 of this chapter (Income Tax Regulations) and has (or in the case of a joint return, such individual and his spouse have)—

(i) Adjusted gross income of \$50,000 or more, and

(ii) Gross income of \$5,000 or more from sources within the jurisdiction (either the United States or Guam) other than the jurisdiction with which the individual is required to file his in-

come tax return under paragraph (b) of § 1.935-1 of this chapter.

For the determination of gross income and adjusted gross income see sections 61 and 62, and the regulations thereunder, or, when applicable, the corresponding provisions as made applicable in Guam by the Guam Territorial income tax (48 U.S.C. 1421i). For purposes of this subparagraph, gross income consisting of compensation for military or naval service shall be taken into account notwithstanding section 514 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 App. U.S.C. 574). However, see paragraph (e) of this section.

(b) *Allocation of tax.* (1) Net collections of income taxes imposed for each taxable year beginning after December 31, 1972, with respect to each individual described in paragraph (a)(2) of this section for such year shall be divided between the United States and Guam by the Commissioner of Internal Revenue and the Commissioner of Revenue and Taxation of Guam as follows:

(i) Net collections attributable to income from sources within the United States shall be covered into the Treasury of the United States,

(ii) Net collections attributable to income from sources within Guam shall be covered into the treasury of Guam, and

(iii) Net collections not described in subdivision (i) or (ii) of this subparagraph (i.e., net collections attributable to income from sources other than within the United States or Guam) shall be covered into the treasury of the jurisdiction (either the United States or Guam) with which the individual is required to file his return under paragraph (b) of § 1.935-1 of this chapter for such year.

(2) The amount of tax of any individual for a taxable year which shall be allocated to Guam for purposes of determining the portion of the net collections from such individual which shall be covered into the treasury of Guam by the United States for such year shall be that amount which bears the same ratio to such amount of tax as the adjusted gross income of that individual for such year which is allocable to sources in Guam bears to the total adjusted gross income of such individual for such year. For purposes of such allocation by the United States, the adjusted gross income of the taxpayer shall be determined by taking into account any compensation of any member of the Armed Forces for services performed in Guam the withheld tax on which is paid into the treasury of Guam pursuant to paragraph (e) of this section. The amount of tax of any individual for any taxable year which shall be allocated to the United States for purposes of determining the portion of the net collections from such individual which shall be covered into the Treasury of the United States by Guam for such year shall be that amount which bears the same ratio to such amount of tax as the adjusted gross income of that individual for such year which is allocable to sources

in the United States bears to the total adjusted gross income of such individual for such year.

(c) *Definitions and special rules.* For purposes of this section—

(1) *Net collections.* (i) In determining net collections for a taxable year, appropriate adjustment between the two jurisdictions shall be made on a proportionate basis for underpayments of income taxes for such taxable year, credits allowed against the income tax for such taxable year (other than the credit for taxes withheld under section 3402 on wages), and refunds made of income taxes paid with respect to such taxable year. Thus, if a net operating loss results in a carryback to an earlier taxable year which gives rise to a refund for that earlier year, an adjustment must be made based upon the proportion which the amount of tax covered by one jurisdiction into the treasury of the other jurisdiction for that earlier year bears to the total amount of tax paid for that earlier year, even though the loss may have resulted from activities in one jurisdiction and the income, against which the loss was offset, was earned in the other jurisdiction. Similar adjustments must be made for foreign tax credit carrybacks even though different jurisdictions are involved. If, for example, an individual pays income tax of \$30,000 to the United States for 1974 and \$10,000 of such tax is covered into the treasury of Guam, and if for 1975 such individual has a net operating loss attributable to a trade or business carried on in the United States which loss is carried back to 1974 and gives rise to a refund of \$15,000 by the United States, Guam must cover into the Treasury of the United States the amount of \$5,000 which is the adjustment based upon the refund  $(\$15,000 \times \$10,000 / \$30,000 = \$5,000)$ .

(ii) Tax withheld from the compensation of any member of the Armed Forces described in paragraph (a)(2) of this section which is paid to Guam pursuant to section 7654(d) and paragraph (e) of this section shall be taken into account in determining the amount required to be covered into the treasury of Guam under paragraph (b)(1)(ii) of this section.

(iii) For purposes of this subparagraph, any underpayment of tax is treated as attributable on a pro rata basis to income from sources within the United States, Guam, and sources other than within the United States or Guam, respectively, and is divided between the United States and Guam under the rules in paragraph (b) of this section.

(2) *Income taxes.* The term "income taxes" means—

(i) With respect to taxes imposed by the United States, the income taxes imposed by chapter 1 of the Code, and

(ii) With respect to taxes imposed by Guam, the Guam Territorial income tax (48 U.S.C. 1421i).

(3) *Source rules.* The determination of the source of income shall be based on the principles contained in sections 861

through 863, and the regulations thereunder, or, when applicable, in those sections as made applicable in Guam for the Guam Territorial income tax. For such purposes the provisions of section 514 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 App. U.S.C. 574) relating to the determination of the source of income of members of the Armed Forces shall not be taken into account. For purposes of this subparagraph, the provisions in section 935(c) treating Guam as part of the United States, and vice versa, do not apply. For definition of the terms "United States" and "Guam" (see section 7701(a)(9) of the Code and section 2 of the Organic Act of Guam (48 U.S.C. 1421).

(d) *Information return.* Each individual described in paragraph (a)(2) of this section for a taxable year who is required by paragraph (b)(1) of § 1.935-1 of this chapter to file his return of income for such year with the United States shall timely file a properly executed Form 5074 (Allocation of Individual Income Tax to Guam) by attaching such form to his income tax return. Each individual described in paragraph (a)(2) of this section for a taxable year who is required by paragraph (b)(1) of § 1.935-1 of this chapter to file his return of income for such year with Guam shall timely file such information as may be required by the Commissioner of Revenue and Taxation with respect to his income derived from sources within the United States. See section 6688 and § 301.6688-1 for the penalty for failure to comply with this paragraph.

(e) *Military personnel in Guam.* The Commissioner of Internal Revenue shall arrange to pay to Guam the amount of the taxes deducted and withheld by the United States under section 3402 from wages paid to members of the Armed Forces who are stationed in Guam but who have no income tax liability to Guam with respect to such wages by reason of section 514 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 App. U.S.C. 574). Section 514 of that Act provides in effect that for purposes of the taxation of income by Guam a person shall not be deemed to have lost a residence or domicile in the United States solely by reason of being absent therefrom in compliance with military or naval orders and the compensation for military or naval service of such a person who is not a resident of, or domiciled in, Guam shall not be deemed income for services performed within, or from sources within, Guam. Any amount paid to Guam under this paragraph in respect of a member of the Armed Forces described in paragraph (a)(2) of this section shall be taken into account in determining the amount required to be covered into the treasury of Guam under paragraph (b)(1)(ii) of this section. For purposes of this paragraph, the term "Armed Forces of the United States" has the meaning provided by § 301.7701-8 of this chapter. This paragraph does not apply to wages for services performed in Guam by members of the Armed

Forces of the United States which are not compensation for military or naval service. In determining the amount of tax to be covered into the treasury of Guam under this paragraph with respect to remuneration for services performed in Guam by members of the Armed Forces of the United States, the special procedure agreed upon with the Department of Defense in 1951 shall not apply to remuneration paid after December 31, 1974. Under that procedure the tax withheld under section 3402 upon such remuneration for services performed in Guam during April and October of each year was to be projected for the appropriate six-month period of which the base month is a part, thereby arriving at an estimated figure for semi-annual withholding tax to be covered over.

(f) *Transfers of funds.* The transfers of funds between the United States and Guam required to effectuate the provisions of this section shall be made when convenient for the two governments, but not less frequently than once in each calendar year. In complying with paragraph (b) of this section, only net balances will be transferred between the two governments. Further, amounts transferred pursuant to paragraph (b) of this section may be determined on the basis of estimates rather than the actual amounts derived from information furnished by taxpayers, except that the net collections for 1973 and every third calendar year thereafter are to be transferred on the basis of the information furnished by taxpayers pursuant to paragraph (d) of this section. In order to facilitate the transfer of funds pursuant to this section, the Commissioner of Internal Revenue and the Commissioner of Revenue and Taxation of Guam shall exchange such information, including copies of income tax returns, as will ensure that the provisions of section 7654 and this section are being properly implemented.

PAR. 15. Section 301.7701 is amended by revising paragraphs (12)(B) and (32) of section 7701(a) and the historical note to read as follows:

§ 301.7701 Statutory provisions; definitions.

Sec. 7701. Definitions—(a) \* \* \*

(12) *Delegate.* \* \* \*

(B) *Performance of certain functions in Guam or American Samoa.* The term "delegate", in relation to the performance of functions in Guam or American Samoa with respect to the taxes imposed by chapters 1, 2, and 21, also includes any officer or employee of any other department or agency of the United States, or of any possession thereof, duly authorized by the Secretary (directly, or indirectly by one or more delegations of authority) to perform such functions.

(32) *Cooperative bank.* The term "cooperative bank" means an institution without capital stock organized and operated for mutual purposes and without profit, which—

(A) *Either—*

(1) Is an insured institution within the meaning of section 401(a) of the National Housing Act (12 U.S.C., sec. 1724(a)), or

(ii) Is subject by law to supervision and examination by State or Federal authority having supervision over such institutions, and

(B) Meets the requirements of subparagraphs (B) and (C) of paragraph (19) of this subsection (relating to definition of domestic building and loan association).

In determining whether an institution meets the requirements referred to in subparagraph (B) of this paragraph, any reference to an association or to a domestic building and loan association contained in paragraph (19) shall be deemed to be a reference to such institution.

[Sec. 7701, as amended by sec. 22 (g) and (h), Alaska Omnibus Act (73 Stat. 146, 147); sec. 18 (i) and (j), Hawaii Omnibus Act (74 Stat. 416); sec. 103(t), Social Security Amendments 1960 (74 Stat. 941); secs. 6(c) and 7(h), Rev. Act 1962 (76 Stat. 982, 988); sec. 5, Act of Oct. 23, 1962 (Pub. Law 87-870, 76 Stat. 1161); secs. 204(a)(3) and 234 (b)(3), Rev. Act 1964 (78 Stat. 36, 114); sec. 102(b)(5), Tax Adjustment Act 1966 (80 Stat. 64); sec. 103(1)(1), Foreign Investors Tax Act 1966 (80 Stat. 1554); sec. 103(e)(6), Revenue and Expenditures Control Act 1968 (82 Stat. 264); sec. 432 (c) and (d), Tax Reform Act 1969 (83 Stat. 622, 623); sec. 1(f)(4), Act of Oct. 31, 1972 (Pub. L. 92-606, 86 Stat. 1497)]

[FR Doc. 74-26617 Filed 11-12-74; 8:45 am]

[ 26 CFR Part 53 ]

ADMINISTRATION OF PRIVATE FOUNDATION EXCISE TAXES

Notice of Public Hearing on Proposed Regulations

Proposed regulations under section 6001, etc. of the Internal Revenue Code of 1954, relating to administration of private foundation excise taxes, appear in the FEDERAL REGISTER for Monday, June 17, 1974 (39 FR 20975).

A public hearing on the provisions of such proposed regulations will be held on Thursday, December 12, 1974, beginning at 10 a.m., e.s.t., in the George S. Boutwell Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, D.C. 20224.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935.

Under such § 601.601(a)(3), persons who have submitted written comments within the time prescribed in the notice of proposed rule making, and who desire to present oral comments at the hearing on such proposed regulations, should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by December 3, 1974. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. Under § 601.601(a)(3) (26 CFR Part 601) each speaker

will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers thereto.

Persons who desire a copy of such written comments or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by December 5, 1974. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is ten cents (\$0.10) per page.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of this agenda will be available free of charge at the hearing, and information with respect to its contents may be obtained on December 11, 1974, by telephoning (Washington, D.C.) 202-964-3935.

JAMES F. DRING,  
Director, Legislation  
and Regulations Division.

[FR Doc. 74-27179 Filed 11-19-74; 8:45 am]

## DEPARTMENT OF THE INTERIOR

Office of the Secretary

[ 43 CFR Part 4 ]

### INTERIOR BOARD OF CONTRACT APPEALS

#### Special Procedural Rules

Pursuant to authority contained in 5 U.S.C. 301, it is proposed to amend Department Hearings and Appeals Procedures in 43 CFR Part 4, Subpart C—Special Rules Applicable to Contract Appeals, by revising §§ 4.113, 4.115 and 4.116 pertaining, respectively, to accelerated procedure; depositions; and interrogatories to parties, inspection of documents, and admission of facts. The revised rules provide for an optional accelerated procedure in the case of disputes involving \$25,000 or less, and improved, clarifying language with respect to procedures for depositions, interrogatories to parties, inspection of documents, and admission of facts. In its report issued in December 1972, the Commission on Government Procurement recommended uniform procedures for contract appeals boards particularly in these areas. The proposed revised regulations follow rules adopted in 1973 by the Armed Services Board of Contract Appeals, with minor deletions of references to "Vice Chairman." Promulgation of the revised rules will bring the procedures of the Interior Board of Contract Appeals into uniformity with those of the Armed Services Board of Contract Appeals in these important areas, and in line with the Procurement Commission's report.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed revisions,

set forth below, to the Director, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203, by December 20, 1974. All written submissions made pursuant to this notice will be available for public inspection in the Office of Hearings and Appeals during regular business hours.

Dated: November 14, 1974.

JAMES R. RICHARDS,  
Director,  
Office of Hearings and Appeals.

Dated: November 14, 1974.

1. § 4.113 is revised to read as follows to provide for an optional accelerated procedure in disputes involving \$25,000 or less:

#### § 4.113 Optional accelerated procedure.

(a) In appeals involving \$25,000 or less, either party may elect, in his notice of appeal, complaint, answer, or by separate correspondence or statement prior to commencement of hearing or settlement of the record, to have the appeal processed under a shortened and accelerated procedure. For application of this rule the amount in controversy will be determined by the sum of the amounts claimed by either party against the other in the appeal proceeding. If no specific amount of claim is stated, a case will be considered to fall within this rule if the sum of the amounts which each party represents in writing that it could recover as a result of a Board decision favorable to it does not exceed \$25,000. Upon such election, a case shall then be processed under this rule unless the other party objects and shows good cause why the substantive nature of the dispute requires processing under the Board's regular procedures and the Board, acting through the Chairman, sustains such objection. In cases proceeding under this rule, parties are encouraged, to the extent possible consistent with adequate presentation of their factual and legal positions, to waive pleadings, discovery, and briefs.

(b) Written decisions by the Board in cases proceeding under this rule normally will be short and contain summary findings of fact and conclusions only. The Board will endeavor to render such decisions within 30 days after the appeal is ready for decision. Such decisions will be rendered for the Board by a single Board member with the concurrence of the Chairman; except that in cases involving \$5,000 or less where there has been a hearing, the single Board member presiding at the hearing may, in his discretion, at the conclusion of the hearing and after entertaining such oral arguments as he deems appropriate, render on the record oral summary findings of fact, conclusions and decision of the appeal. In the latter instance, the Board will subsequently furnish the parties a typed copy of such oral decision for record and payment purposes and to establish the date from which the period for filing a motion for reconsideration under § 4.125 commences.

2. §§ 4.115 and 4.116 are revised to read as follows to provide improved, clarifying language:

#### § 4.115 Discovery—Depositions.

(a) *General policy and protective orders.* The parties are encouraged to engage in voluntary discovery procedures. In connection with any deposition or other discovery procedure, the Board may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, and those orders may include limitations on the scope, method, time and place for discovery, and provisions for protecting the secrecy of confidential information or documents.

(b) *When depositions permitted.* After an appeal has been docketed and complaint filed, the parties may mutually agree to, or the Board may, upon application of either party and for good cause shown, order the taking of testimony of any person by deposition upon oral examination or written interrogatories before any officer authorized to administer oaths at the place of examination, for use as evidence or for purpose of discovery. The application for order shall specify whether the purpose of the deposition is discovery or for use as evidence.

(c) *Orders on depositions.* The time, place, and manner of taking depositions shall be as mutually agreed by the parties, or, failing such agreement, governed by order of the Board.

(d) *Use as evidence.* No testimony taken by depositions shall be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at such hearing. It will not ordinarily be received in evidence if the deponent is present and can testify personally at the hearing. In such instances, however, the deposition may be used to contradict or impeach the testimony of the witness given at the hearing. In cases submitted on the record, the Board may in its discretion receive depositions as evidence in supplementation of that record.

(e) *Expenses.* Each party shall bear its own expenses associated with the taking of any deposition.

#### § 4.116 Interrogatories to parties; inspection of documents; admission of facts.

Under appropriate circumstances, but not as a matter of course, the Board will entertain applications for permission to serve written interrogatories upon the opposing party, applications for an order to produce and permit the inspection of designated documents, and applications for permission to serve upon the opposing party a request for the admission of specified facts. Such applications shall be reviewed and approved only to the extent and upon such terms as the Board in its discretion considers to be consistent with the objective of securing just and inexpensive determination of appeals without unnecessary delay, and essential to

the proper pursuit of that objective in the particular case.

[FR Doc.74-27116 Filed 11-19-74;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[7 CFR Parts 1030, 1001, 1002, 1004, 1006, 1007, 1011, 1012, 1013, 1015, 1032, 1033, 1036, 1040, 1044, 1046, 1049, 1050, 1060, 1061, 1062, 1063, 1064, 1065, 1068, 1069, 1070, 1071, 1073, 1075, 1076, 1078, 1079, 1090, 1094, 1096, 1097, 1098, 1099, 1101, 1102, 1104, 1106, 1108, 1120, 1121, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1136, 1137, 1138, 1139]

[Docket Nos. AO361-A12, etc.]

### MILK IN THE CHICAGO REGIONAL, AND CERTAIN OTHER MARKETING AREAS

#### Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR part	Marketing area	Docket No.
1030	Chicago Regional.....	AO 361-A12.
1001	Boston Regional.....	AO 14-A54.
1002	New York-New Jersey.....	AO 71-A69.
1004	Middle Atlantic.....	AO 180-A52.
1006	Upper Florida.....	AO 356-A12.
1007	Georgia.....	AO 366-A12.
1011	Appalachian.....	AO 251-A17.
1012	Tampa Bay.....	AO 347-A16.
1013	Southeastern Florida.....	AO 246-A24.
1015	Connecticut.....	AO 305-A32.
1082	Southern Illinois.....	AO 313-A26.
1033	Ohio Valley.....	AO 166-A45.
1036	Eastern Ohio-Western Pennsylvania.....	AO 179-A40.
1040	Southern Michigan.....	AO 225-A29.
1044	Michigan Upper Peninsula.....	AO 299-A21.
1046	Louisville - Lexington-Evansville.....	AO 123-A41.
1049	Indiana.....	AO 319-A24.
1050	Central Illinois.....	AO 355-A17.
1060	Minnesota-North Dakota.....	AO 360-A11.
1061	Southeastern Minnesota-Northern Iowa (Dairyland).....	AO 367-A10.
1062	St. Louis-Ozarks.....	AO 10-A48.
1063	Quad Cities-Dubuque.....	AO 105-A40.
1064	Greater Kansas City.....	AO 23-A47.
1065	Nebraska-Western Iowa.....	AO 86-A33.
1068	Minneapolis-St. Paul.....	AO 178-A34.
1069	Duluth-Superior.....	AO 158-A23.
1070	Cedar Rapids-Iowa City.....	AO 229-A29.
1071	Neosho Valley.....	AO 227-A30.
1073	Wichita.....	AO 173-A31.
1075	Black Hills, S. Dak.....	AO 248-A16.
1076	Eastern South Dakota.....	AO 260-A22.
1078	North Central Iowa.....	AO 272-A24.
1079	Des Moines, Iowa.....	AO 295-A29.
1090	Chattanooga, Tenn.....	AO 286-A19.
1094	New Orleans, La.....	AO 103-A36.
1096	Northern Louisiana.....	AO 257-A24.
1097	Memphis, Tenn.....	AO 219-A30.
1098	Nashville, Tenn.....	AO 184-A36.
1099	Paducah, Ky.....	AO 183-A30.
1101	Knoxville, Tenn.....	AO 195-A23.
1102	Fort Smith, Ark.....	AO 237-A24.
1104	Red River Valley.....	AO 298-A24.
1106	Oklahoma Metropolitan.....	AO 275-A39.
1108	Central Arkansas.....	AO 210-A37.
1120	Central Arkansas.....	AO 243-A28.
1121	Lubbock-Plainview, Tex.....	AO 328-A17.
1121	South Texas.....	AO 364-A9.
1124	Oregon-Washington.....	AO 308-A7.
1125	Puget Sound, Wash.....	AO 226-A27.
1126	North Texas.....	AO 231-A42.
1127	San Antonio, Tex.....	AO 232-A28.
1128	Central West Texas.....	AO 238-A31.
1129	Austin-Waco, Tex.....	AO 256-A24.
1130	Corpus Christi, Tex.....	AO 259-A28.
1131	Central Arizona.....	AO 271-A18.
1132	Texas Panhandle.....	AO 262-A26.
1133	Inland Empire.....	AO 275-A27.
1134	Western Colorado.....	AO 301-A15.
1136	Great Basin.....	AO 309-A21.
1137	Eastern Colorado.....	AO 326-A19.
1138	Rio Grande Valley.....	AO 335-A22.
1139	Lake Mead, Nev.....	AO 374-A2.

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and orders regulating the handling of milk in the aforesaid marketing areas.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, on or before December 5, 1974. The exceptions should be filed in quadruplicate. 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)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

#### PRELIMINARY STATEMENT

The hearing on the record of which the recommended decision is based was conducted at Rosemont, Illinois, on October 8-10, 1974, pursuant to notice thereof which was issued September 18, 1974 (39 FR 34295).

The material issues on the record relate to:

1. Revising the basic formula floor price for Class I pricing purposes during the next few months; and
2. Whether an emergency exists to warrant the omission of a recommended decision.

#### FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I price level.* No action should be taken at this time to raise the minimum "floor" price for Class I milk in the Federal milk orders.

Presently, Class I prices under all orders are determined by adding a specified differential to a basic formula price, which is the average of prices paid during the second preceding month for manufacturing grade milk in Minnesota and Wisconsin. The basic formula price provisions of the orders specify that for the purpose of computing Class I prices such basic formula price shall be not less than \$4.33. (The Red River Valley order does not have a basic formula price provision. Class prices under this order are tied to the Oklahoma Metropolitan order that uses the basic formula price.)

As stated in the hearing notice, the purpose of the hearing was to receive evidence with respect to the economic and emergency marketing conditions that relate to the minimum level of Class I price to be established for the forthcoming fall and winter months under

each order. The specific proposal considered was to "amend each of the respective orders to provide immediately for a minimum basic formula price of up to \$7.50 and for each of the months through March 1975."

Producer cooperative representatives in all markets testified in support of a basic formula "floor" price of \$7.50 for computing Class I prices November 1974 through March 1975. Such witnesses stated that a \$7.50 basic formula "floor" price is the minimum amount needed to help maintain an adequate supply of milk this fall and winter because recent large increases in the price of feed and other production items (notably fuel, fertilizer, machinery, electricity, hardware, and supplies) in the face of a drastic drop in milk prices last summer has placed dairy farmers in a severe cost-price squeeze which threatens the continued production of milk.

Milk producers from all regions of the country testified on the cost and returns situation on their farms. They cited rising production costs and the recent decline in the prices received for the milk, cattle, and calves they ship to market, and stated that they could not continue in milk production without significant improvement in the price received for their milk.

Cooperative association and producer witnesses were supported in their request for emergency price action by several members of Congress; state officials; representatives of national, state and local farm organizations; as well as certain proprietary handlers and associations of handlers. Other handler witnesses and a consumer witness gave proponents qualified support in that they do not expect dairy farmers to produce at a loss.

Certain handler witnesses expressed concern that immediate adoption of a \$7.50 basic formula "floor" price would force handlers to increase resale prices too rapidly and would result in some loss in fluid milk sales volume. In this regard one handler proposed that any basic formula "floor" price be not more than \$7.25 and not be made effective before December 1974. Handlers also expressed their concern that it takes some time to adjust their resale prices and therefore urged that they be afforded 25 days of advance notice of any class I price increase.

Milk and dairy product prices, which declined sharply in the second quarter of this year, have been rising seasonally. This is reflected in the M-W price, which increased from \$6.29 per hundredweight pounds in July to \$6.82 in October.<sup>1</sup> Further seasonal rises are expected during the rest of the year and in early 1975.

<sup>1</sup> Official notice is taken of the Dairy Market News Report of November 7, 1974, issued by the Agricultural Marketing Service of the U.S. Department of Agriculture for the purpose of noting recent dairy product prices and the Minnesota-Wisconsin price for October.

Wholesale butter and cheese prices have strengthened since mid-year, although nonfat dry milk remains at the CCC support purchase price levels. Wholesale dairy product prices will likely show further seasonal increases in early 1975.

The decline in milk production that we have been experiencing for some time has slackened. Milk production was up almost 3 percent over a year ago in September, the sharpest increase in almost a decade. This followed production gains during July and August. Increased production by farmers in the third quarter accompanied by lower fluid milk sales pushed more milk into manufacturing uses, particularly into butter and nonfat dry milk.

On the demand side fluid milk consumption has been hit hard by rapidly rising retail milk prices. Class I sales in Federal order markets in the first six months of this year were about 5 percent below a year ago, an unprecedented year-to-year Class I sales decline.

The Commodity Credit Corporation has purchased substantial quantities of dairy products under the price support program this year. Purchases of nonfat dry milk continues to be sizable and some cheese is still being purchased. CCC inventories of nonfat dry milk are rising at a rapid rate reaching about 135 million pounds at the end of October; a year ago CCC had no stocks.

The anticipated seasonal increase in milk prices will tend to attract the production of adequate supplies of milk for the nation's needs and will contribute to achieving for dairy farmers a more normal cost-price relationship.

On the other hand, an increase in the level of the Class I price, that could result from the cooperatives' proposal, would result in a further increase in milk prices to consumers with a consequent further decline in Class I sales. In turn, the milk production that otherwise would be used in Class I would be moved to manufacturing channels, thereby increasing the purchases of manufacturing milk products at the support price by the Government. This would not be in the best long-run interest of dairy farmers.

2. *Need for omitting recommended decision.* This proceeding should include the issuance of a recommended decision and the opportunity to file exceptions thereto.

Consideration was given at the hearing to the need for omitting certain customary procedural steps to expedite the effectuation of any pricing amendments that might result from the hearing. For reasons set forth earlier, it is concluded that the orders should not be amended. Thus, there is no emergency that necessitates the omission of a recommended decision and the opportunity for interested parties to file exceptions to the proposed findings and conclusions.

**RULING ON PROPOSED FINDINGS AND CONCLUSIONS**

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evi-

dence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

**DETERMINATION**

The findings and conclusions of this decision do not require any change in the regulatory provisions of the orders regulating the handling of milk in the aforesaid marketing areas.

Signed at Washington, D.C., on November 13, 1974.

RICHARD L. FELTNER,  
*Assistant Secretary.*

[FR Doc.74-26984 Filed 11-19-74;8:45 am]

**[ 7 CFR Part 1060 ]**

**MILK IN THE MINNESOTA-NORTH DAKOTA MARKETING AREA**

**Proposed Suspension of Certain Provisions of the Order**

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Minnesota-North Dakota marketing area is being considered for the months of December 1974, January and February 1975.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, on or before November 20, 1974. The time provided for such filing is reasonable under the circumstances. If it should be found that an emergency marketing situation exists that would warrant suspension action and an effective date beginning December 1, 1974, as proposed, only a limited time would be available to effectuate such emergency action. Any such action would not require of persons affected substantial or extensive preparation prior to the effective date. Persons known to be interested in the proposed suspension have been notified prior to FEDERAL REGISTER publication of this notice. All documents filed should be in quadruplicate.

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)).

The provisions proposed to be suspended are as follows:

1. In § 1060.13, *Producer milk*:

a. The parts of paragraph (c) (1) that read, "During March through June" and "During the months of July through February such handler may divert an aggregate quantity not exceeding 50 percent of the milk of all such producers whose milk has been received at a pool plant(s) for at least 3 days during the month."

b. The parts of paragraph (c) (2) that read, "During March through June" and "During the months of July through February such handler may divert an aggregate quantity not exceeding 50 percent of the milk of all such producers whose milk has been received at his pool plant(s) for at least 3 days during the month."

c. Paragraph (c) (3) in its entirety.

**STATEMENT OF CONSIDERATION**

The proposed suspension would permit unlimited diversion of producer milk under the Minnesota-North Dakota order during the months of December 1974 and January and February 1975.

The order provides that during any month of July through February a co-operative association may divert for its account a total quantity of milk not in excess of 50 percent of the milk of all member producers whose milk has been received at a pool plant(s) for at least 3 days during the month. Similarly, a handler in his capacity as the operator of a pool plant, may divert for his account the milk of producers (other than a member of a cooperative association that is a diverting handler during the same month) in a total quantity not exceeding 50 percent of the milk of all such producers whose milk has been received at his pool plant(s) for at least 3 days during the month. Provision is made for unlimited diversion during the months of March through June.

The suspension action is requested by Mid-America Dairymen, Inc., to accommodate the handling of reserve milk on the market. The producer association claims that such suspension action is necessary in order to enable certain of its member producers to maintain producer status under the order during the three specified months, and thereby continue receiving the uniform price for their milk pursuant to the order. The association states that as an alternative to the suspension action, reserve milk of the market would have to be moved from farms to pool distributing plants and then reshipped to its manufacturing plant rather than being moved directly from the farms to such plant. The additional labor and hauling costs involved with such movement of milk, the association contends, would adversely affect economical handling of milk in excess of fluid requirements.

Signed at Washington, D.C., on November 15, 1974.

JOHN C. BLUM,  
*Associate Administrator.*

[FR Doc.74-27246 Filed 11-19-74;8:45 am]

DEPARTMENT OF  
TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-AL-15]

LOW FREQUENCY AIRWAYS, REPORTING  
POINTS, AND CONTROLLED AIRSPACE

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would: 1. realign low frequency airways and additional control areas; 2. redefine reporting points and a control zone, as the result of the proposed decommissioning of the Fort Randall, Alaska, NDB and the Naknek River, Alaska, NDB. The Cold Bay, Alaska, LOM (Lat. 55°17'51" N., Long. 162°47'15" W.) and the King Salmon, Alaska, LOM (Lat. 58°44'17" N., Long. 156°46'31" W.) will be used in their places.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received on or before December 5, 1974 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW, Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over

high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The FAA proposes to amend Part 71 of the Federal Aviation Regulations as follows:

1. G-8 would be revised by deleting "20 AGL INT Fort Randall, Alaska, RBN 255° and Cape Sarichef, Alaska, RBN 344° bearings; 20 AGL Fort Randall RBN; 20 AGL Naknek River, Alaska, RBN;" and substituting "20 AGL INT Cold Bay, Alaska, LOM 253° (236°M) and Cape Sarichef, Alaska, NDB 344° (328°M) bearings; 20 AGL Cold Bay LOM; King Salmon, Alaska, LOM;" therefor.

2. G-11 would be revised by deleting "From INT Fort Randall, Alaska, RBN 041° and Port Moller, Alaska, RBN 313° bearings," and substituting "From INT Cold Bay, Alaska, LOM 041° (024°M) and Port Moller, Alaska, NDB 313° (295°M)" therefor.

3. B-27 would be revised by deleting "Naknek River, Alaska, RBN;" and substituting "King Salmon, Alaska, LOM;" therefor.

4. Control 1400 would be redefined as follows:

CONTROL 1400

That airspace within 5 miles each side of the 262° T (241° M) bearing from the King Salmon, Alaska, LOM extending from the LOM to the Anchorage CTA/FIR boundary, and between lines diverging at an angle of 5° from the King Salmon LOM to the Anchorage CTA/FIR boundary, excluding the airspace below 2,000 feet MSL outside the United States.

5. Control 1401 would be redefined as follows:

CONTROL 1401

That airspace within 5 miles each side of the 246° T (225° M) bearing from the King Salmon, Alaska, LOM extending from the LOM to longitude 160°00'00" W, and between lines diverging at an angle of 5° from the King Salmon, LOM 246° T (225° M) bearing extending from the LOM to longitude 160°00'00" W, excluding the airspace below 2,000 feet MSL outside the United States.

6. The Cold Bay, Alaska Control Zone would be redefined as follows:

COLD BAY, ALASKA

Within a 5-mile radius of the Cold Bay Airport (latitude 55°12'08" N., longitude 162°43'28" W.); within 3 miles each side of the 339° bearing from the Cold Bay LOM, extending from the 5-mile radius zone to 10.5 miles north of the LOM, and within 5 miles west and 2.5 miles east of the Cold Bay VORTAC 150° radial, extending from the 5-mile radius zone to 18 miles south of the VORTAC.

7. Six low altitude reporting points would be redefined as follows:

a. Crab INT (CRACK) "Lat. 57°21'23" N., Long. 159°23'14" W. (INT King Salmon, Alaska, LOM 226° T (205° M), Port Heiden, Alaska, NDB 314° T (294° M) bearings)."

b. Gar INT (GARRS) "Lat. 58°19'09" N., Long. 161°20'25" W. (INT King Salmon, Alaska, LOM 262° T (241° M), Cape Newenham, Alaska, NDB 131° T (113° M) bearings)."

c. Herring INT (HERRY) "Lat. 57°50'30" N., Long. 160°20'27" W. (INT King Salmon, Alaska, LOM 246° T (225° M), Cape Newenham, Alaska, NDB 131° T (113° M) bearings)."

d. Marlin INT (DEPTH) "Lat. 56°19'17" N., Long. 161°09'43" W. (INT Cold Bay, Alaska, LOM 041° T (024° M), Port Moller, Alaska, NDB 313° (295° M) bearings)."

e. Mordvinoff INT (MORDI) "Lat. 54°52'29" N., Long. 165°03'54" W. (INT Cold Bay, Alaska, LOM 253° (236° M), Cape Sarichef, Alaska, NDB 355° (339° M) bearings)."

f. Wide Bay INT (WIDTH) "Lat. 57°21'18" N., Long. 155°59'40" W. (INT King Salmon, Alaska, LOM 163° T (142° M), Port Heiden, Alaska, NDB 074° T (054° M) bearings)."

8. Two high altitude reporting points would be redefined as follows:

a. Gar INT (GARRS) "Lat. 58°19'09" N., Long. 161°20'25" W. (INT King Salmon, Alaska, LOM 262° T (241° M), Cape Mewenham, Alaska, NDB 131° T (113° M) bearings)."

b. Herring INT (HERRY) "Lat. 57°50'30" N., Long. 160°20'27" W. (INT King Salmon, Alaska, LOM 246° T (225° M), Cape Mewenham, Alaska, NDB 131° T (113° M) bearings)."

This amendment is proposed under the authority of section 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 14, 1974.

EDWARD J. MALO,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc. 74-27088 Filed 11-19-74; 8:45 am]

[14 CFR Parts 71, 73]

[Airspace Docket No. 74-SO-90]

FEDERAL AIRWAY AND DESIGNATION OF  
TEMPORARY RESTRICTED AREAS

Proposed Temporary Alteration

The Federal Aviation Administration (FAA) is considering amendments to

Parts 71 and 73 of the Federal Aviation regulations that would designate temporary restricted areas in the vicinity of Onslow Beach, Camp LeJeune, N.C., to contain a military joint training exercise, AGATE PUNCH. The exercise would extend from 0800 G.m.T., April 14, 1975, to 2300 G.m.T., April 26, 1975. Two of the restricted areas would contain airspace at or above 14,500 feet MSL, and they would therefore be included in the continental control area for the duration of their time of designation. During the period of the exercise, a portion of VOR Federal Airway, V-139, would also be reduced in width to three nautical miles on its east side.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before December 20, 1974, will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendments would designate the following temporary restricted areas:

**R-5315A EXERCISE AGATE PUNCH**

*Boundaries.* Beginning at Lat. 34°17'45" N., Long. 77°37'50" W.; thence via the 13 nautical mile arc of Wilmington, N.C., VORTAC (Lat. 34°21'05" N., Long. 77°52'29" W.); to Lat. 34°28'00" N., Long. 77°39'00" W.; to Lat. 34°50'30" N., Long. 77°13'00" W.; to Lat. 34°49'30" N., Long. 77°10'00" W.; thence south along the westerly and southerly boundaries of R-5306C, E and D and W-122 to point of beginning.

*Designated altitudes.* 1,000 feet AGL to FL 180.

*Time of designation.* Continuous, 0800 GMT, April 14 to 2300 GMT, April 26, 1975.

*Controlling agency.* Federal Aviation Administration, Washington ARTC Center.

*Using agency.* COMSECONDFLT, Norfolk, Va.

**R-5315B EXERCISE AGATE PUNCH**

*Boundaries.* Beginning at Lat. 34°56'00" N., Long. 77°01'00" W.; to Lat. 34°43'15" N., Long. 76°47'30" W.; to Lat. 34°42'00" N., Long. 76°54'45" W.; to Lat. 34°51'00" N., Long. 77°05'30" W.; to Lat. 34°49'30" N., Long. 77°10'00" W.; to Lat. 34°52'30" N., Long. 77°04'30" W.; to point of beginning.

*Designated altitudes.* 1,000 feet AGL to 3,000 feet MSL.

*Time of designation.* Continuous, 0800 GMT, April 14 to 2300 GMT, April 26, 1975.

*Controlling agency.* Federal Aviation Administration, Washington ARTC Center.

*Using agency.* COMSECONDFLT, Norfolk, Va.

**R-5315C EXERCISE AGATE PUNCH**

*Boundaries.* Beginning at Lat. 34°43'15" N., Long. 76°47'30" W.; to Lat. 34°38'15" N., Long. 76°41'30" W.; to Lat. 34°37'30" N., Long. 76°56'20" W.; thence north and east along the easterly and southerly boundaries of R-5306C and B to point of beginning.

*Designated altitudes.* 1,000 feet AGL to FL 180.

*Time of designation.* Continuous, 0800 GMT, April 14 to 2300 GMT, April 26, 1975.

*Controlling agency.* Federal Aviation Administration, Washington ARTC Center.

*Using agency.* COMSECONDFLT, Norfolk, Va.

**R-5315D EXERCISE AGATE PUNCH**

*Boundaries.* A circular area with a 3 nautical mile radius centered on OLF Camp Davis (Lat. 34°31'00" N., Long. 77°32'30" W.)

*Designated altitudes.* Surface to 1,000 feet AGL.

*Time of designation.* Continuous, 0800 GMT, April 14 to 2300 GMT, April 26, 1975.

*Controlling agency.* Federal Aviation Administration, Washington ARTC Center.

*Using agency.* COMSECONDFLT, Norfolk, Va.

R-5315A and R-5315C would be included in the continental control area for the duration of their time of designation.

VOR Federal Airway, V-139, would be reduced to a width of three nautical miles on its east side from a point 13 nautical miles northeast of the Wilmington, N.C., VORTAC to a point 16 nautical miles southwest of the New Bern, N.C., VORTAC.

Exercise AGATE PUNCH would involve amphibious assault operations supported by numerous exercise aircraft providing close air support and high speed reconnaissance and interdiction missions as well as counter air activity. The temporary restricted areas are deemed necessary because the exercise could be hazardous to nonparticipating aircraft. Supersonic flights will not be conducted in the temporary restricted areas, nor will any live ordnance be dropped except on designated impact ranges contained in the R-5306 complex.

Reducing the width of V-139 would further alleviate potential flight hazards by separating V-139 airway traffic from exercise air support activities at Camp Davis, N.C., and from exercise flights attempting to interdict proposed targets along the western boundaries of R-5306B, C, D and E.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 14, 1974.

EDWARD J. MALO,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc.74-27087 Filed 11-19-74; 8:45 am]

[ 14 CFR Part 91 ]

[Docket No. 14128; Notice No. 74-35]

SPECIAL FLIGHT AUTHORIZATIONS

Notice of Proposed Rulemaking

The Federal Aviation Administration is considering amending Part 91 of the Federal Aviation regulations to provide for the issuance of special flight authorizations to operators of Canadian registered amateur-built experimental aircraft who desire to attend certain airshows in the United States.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before January 20, 1975, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 610(a)(1) of the Federal Aviation Act provides that no person may operate a civil aircraft in air commerce without an appropriate airworthiness certificate, or in violation of its terms. The Canadian flight permits which are issued for Canadian amateur-built experimental aircraft are not considered appropriate airworthiness certificates under the Act. However, section 610(b) authorizes the Administrator to grant exemptions to paragraph (a) in the public interest. Accordingly, the FAA presently issues exemptions under that authority and Part 11 of the Federal Aviation regulations to permit the operation of these aircraft at certain airshows within the United States.

Section 91.28 of the Federal Aviation regulations provides an alternative to the issuance of exemptions in accordance with FAR, Part 11. Paragraph (a) of that section states that a foreign civil aircraft may be operated in the U.S. without an airworthiness certificate if a special flight authorization is issued for its operation. However, as presently worded, the regulation does not provide for the issuance of special flight authorizations for the operation of Canadian registered amateur-built experimental aircraft at airshows within the U.S.

The issuance of special flight authorizations under § 91.28 is considered appropriate when the Administrator determines that the operation of foreign civil aircraft within the U.S. is in the public interest. That regulation was adopted

by the FAA to avoid the need to repeatedly issue Part 11 exemptions for the same type of operation.

The FAA has determined that the demonstration of Canadian registered amateur-built experimental aircraft at airshows within the United States is in the public interest when safety is not compromised because the demonstration, by affording the public an opportunity to observe the configuration and performance of the aircraft, encourages the development of civil aviation in the United States. Therefore, it has issued exemptions to permit Canadian operators of these aircraft to attend certain airshows, such as those sponsored by affiliates of the Experimental Aircraft Association. However, petitions for exemptions to attend airshows have increased dramatically in recent years, and over 90 percent of those which the FAA has received are from Canadians.

The FAA believes that the issuance of special flight authorizations under § 91.28 to the operators of Canadian amateur-built experimental aircraft would not adversely affect safety. The requirements for a Canadian flight permit are equivalent to those for an experimental airworthiness certificate for U.S. amateur-built aircraft. In addition, the safety record of the Canadian amateur-built aircraft operated under past exemptions is good. Moreover, under § 91.28(b) the Administrator may attach conditions and limitations to a special flight authorization considered necessary for safe operation. Therefore, the FAA considers it appropriate to provide for the issuance of a special flight authorization for the demonstration of a Canadian registered amateur-built experimental aircraft at an airshow within the United States.

These amendments are proposed under the authority of sections 313(a), 601, 603, and 610(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, and 1430(b)), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 91.28 of the Federal Aviation regulations by adding a sentence to paragraph (a), and by adding a new paragraph (b) (6) to read as follows:

**§ 91.28 Special flight authorizations for foreign civil aircraft.**

(a) \* \* \* Application for a special flight authorization must be made to the Regional Director of the FAA Region in which the applicant is located. However, application for a special flight authorization for an aircraft to be demonstrated at an airshow must be made to the Regional Director of the FAA Region in which the airshow is located.

(b) \* \* \*

(6) The flight of a Canadian registered amateur-built experimental aircraft for demonstration at an airshow within the United States.

Issued in Washington, D.C., on November 12, 1974.

C. R. MELUGIN, Jr.,  
Acting Director,  
Flight Standards Service.

[FR Doc. 74-27089 Filed 11-19-74; 8:45 am]

**ENVIRONMENTAL PROTECTION  
AGENCY**

[40 CFR Part 52]

**NEW YORK**

**State Implementation Plan**

On August 29, 1974, the Commissioner of the New York State Department of Environmental Conservation (NYSDEC) submitted a proposed revision to the New York State implementation plan which consisted of a revised Part 225 (Fuel Composition and Use), of Subchapter A, Chapter III, Title 6 of New York's Official Compilation of Codes, Rules and Regulations (6 NYCRR). Technical background information supporting this was received on October 11, 1974.

The revised Part 225 replaces the existing Parts 225, 226 and 230 of 6 NYCRR and was subject to New York State public hearings during the period of November 14-19, 1973. Revised Part 225 became effective on September 26, 1974. The major purposes of the regulation are to remove Suffolk County from the sulfur limitations of the New York City Metropolitan Area and to revise the sulfur in fuel requirements for distillate oil in the New York City Metropolitan Area. With regard to Suffolk County, the maximum allowable sulfur content of fuel oil for Eastern Suffolk was changed from the previous limitations in effect for the New York City Metropolitan Area to an allowable maximum sulfur limitation of 2.0 percent for oil and 1.9 lbs/10<sup>6</sup> Btu for solid fuel. In Western Suffolk the maximum oil sulfur content changes to 1.0 percent. In addition, the regulation accomplishes the following:

(1) provides for consistency with the New York City regulation dealing with sulfur in fuel limitations for residual oil;

(2) changes the maximum sulfur content of residual oil from 0.3 percent to 0.37 percent for Nassau, Rockland and Westchester Counties;

(3) delays until September 26, 1974 the 1.7 lbs/10<sup>6</sup> Btu maximum of the 1.4 lbs/10<sup>6</sup> Btu three-month average sulfur content of solid fuel used in the Niagara Frontier;

(4) changes the solid fuel sulfur limitations to 1.9 lbs/10<sup>6</sup> Btu three-month average from 1.85 lbs/10<sup>6</sup> Btu; and

(5) changes the rest of State oil sulfur limits from 1.1 lbs of sulfur/10<sup>6</sup> Btu to 2.0 percent which is essentially no change.

The Commissioner's submission of October 11, 1974 contained a control strategy analysis which predicted the sulfur dioxide concentrations which are expected as a result of the modifications brought about by the revised Part 225.

The State's control strategy analysis for the New York City Metropolitan Area was based on 1972 air quality and emissions data. Using this data as a base and projecting to 1975, annual average and 24-hour concentrations for sulfur dioxide are predicted to be below the national standard for sulfur oxides. During 1973 and 1974 to date, the annual average and 24-hour concentrations were above those recorded in 1972, even though total emissions had decreased. The State contends that these high results have been caused by variances granted during 1973 and 1974 because of fuel insufficiencies. The State and City of New York, in cooperation with EPA, will ascertain the localized impact of the variances on air quality to determine whether the variances contributed significantly to the high values recorded in 1973 and 1974. The State has stated that if it is shown that national standards would have been attained in 1973 and 1974 without the variances, then the existing plan will be considered sufficient. If, however, the variances do not explain the 1973 and 1974 results in whole or in part, then a revised sulfur dioxide plan will be developed. With regard to the other affected portions of the State, the State's analysis shows that there will be no violations of any national standard for sulfur oxides.

Sections 225.2(b) and 225.2(c) of Part 225 would allow the Commissioner to authorize the use of fuel oil with a sulfur content of up to 3.0 percent by weight and coal with a sulfur content of 2.8 lbs/10<sup>6</sup> Btu if it can be shown that the use of such fuel would not contribute to the contravention of ambient air quality standards. Furthermore, § 225.3(a) would allow the Commissioner to grant exceptions to the sulfur in fuel requirements of the regulation if it is shown that there is an insufficient supply of conforming fuel, as certified by the Chairman of the State Public Service Commission. Section 225.3(b) would allow the Commissioner to grant exceptions to the sulfur in fuel limitations for a period of 45 days if the Commissioner determines that a delay in issuing such exceptions would be detrimental to the public health and welfare. Issuance of exceptions under § 225.3 are not contingent upon the attainment and maintenance of national ambient air quality standards.

Recommendations will be made to the Administrator that §§ 225.2 (b) and (c) and 225.3 be disapproved as part of the State's implementation plan. Exceptions granted by the Commissioner under §§ 225.2 (b) and (c) will be considered on a case-by-case basis as revisions to the State's implementation plan. Approval of these sections by the Administrator would pre-empt the Administrator from determining the impacts upon ambient air quality of any exceptions granted by the New York State Commissioner.

With regard to § 225.3, it is recommended that the final FEDERAL REGISTER notice on Part 225 contain a disapproval

of this section since the Commissioner's exception order based on fuel shortage in § 225.3(a) will be considered a plan revision requiring EPA approval. The 45-day exception order under § 225.3(b) is also a plan revision requiring EPA approval and should not be approved.

This notice is issued to advise the public that, as required by section 110 of the Clean Air Act (42 U.S.C. 1857c-5(a)), comments may be submitted on whether the proposed revision should be approved or disapproved. Only comments received on or before the end of the 30-day comment period will be considered. The Administrator's decision to approve or disapprove the proposed revision will be based on whether the revision meets the requirements of section 110(a)(2)(A)-(H), (42 U.S.C. 1857c-5(a)(2)(A)-(H)), and EPA regulations in 40 CFR Part 51.

Copies of the proposed plan revision are available for public inspection during normal business hours at the Office of Public Affairs, EPA, Region II, 26 Federal Plaza, New York, New York 10007 and at the New York State Department of Environmental Conservation, Air Pollution Control Program, 50 Wolf Road, Albany, New York 12233. Additional copies are available at the Freedom of Information Center, EPA, 401 M Street, SW., Washington, D.C. 20460. All comments should be addressed to the Regional Administrator, EPA, Region II, 26 Federal Plaza, New York, New York 10007.

Dated: November 8, 1974.

ERIC B. OUTWATER,  
Acting Regional Administrator.

[FR Doc. 74-27069 Filed 11-19-74; 8:45 am]

## FEDERAL POWER COMMISSION

[18 CFR Parts 35, 101, 104, 154, 201, 204]

[Docket No. RM75-13]

### ACCOUNTS AND REPORTS

#### Construction Work in Progress

NOVEMBER 14, 1974.

Amendments to Uniform Systems of Accounts for Public Utilities and Licensees and for Natural Gas Companies (Classes A, B, C and D) and to Regulations Under the Federal Power Act and the Natural Gas Act, to Provide for Inclusion of Construction Work in Progress in Rate Base.

Pursuant to 5 U.S.C. 553, sections 3, 4, 208, 301, 304, 308 and 309 of the Federal Power Act (41 Stat. 1063, 1065; 49 Stat. 853, 854, 855, 858; 16 U.S.C. 796, 797, 824g, 825c, 825g, 825h) and sections 6, 8, 10 and 16 of the Natural Gas Act (52 Stat. 824, 825, 826, 830; 15 U.S.C. 717e, 717g, 717i, 717o), the Commission gives notice it proposes to amend:

A. An instruction in the Uniform System of Accounts for Class A and Class B Public Utilities and Licensees, prescribed by Part 101, Chapter I, Title 18, CFR.

B. An instruction and an account in the Uniform System of Accounts for Class C and Class D Public Utilities and Licensees, prescribed by Part 104, Chapter I, Title 18, CFR.

C. Regulations Under the Federal Power Act, Subchapter B, Chapter I, Title 18, CFR.

D. An instruction in the Uniform System of Accounts for Class A and Class B Natural Gas Companies, prescribed by Part 201, Chapter I, Title 18, CFR.

E. An instruction and an account in the Uniform System of Accounts for Class C and Class D Natural Gas Companies, prescribed by Part 204, Chapter I, Title 18, CFR.

F. Regulations Under the Natural Gas Act, Subchapter E, Chapter I, Title 18, CFR.

The Commission proposes to change its ratemaking policy regarding investments in plant under construction to provide for the inclusion of such investment in the rate bases of electric utilities and natural gas companies in determining the allowable rates to be charged by such companies subject to its jurisdiction, and to amend its Uniform Systems of Accounts and Regulations Under the Federal Power and Natural Gas Acts to reflect this change. Amounts allowable for inclusion in the rate bases of natural gas companies pursuant to this policy would be those amounts expended and recorded in Account 107, Construction Work in Progress, related to the gas plant accounts as provided for in the Uniform Systems of Accounts as of the time the rates became effective either after suspension or after final Commission action. Expenditures on facilities subject to certification by the Commission would be includible only if the certificate had been granted. Amounts allowable for inclusion in the rate bases of electric utilities would be those expended or to be expended during the test period, included or includible in Account 107, related to the electric plant accounts as provided for in the Uniform Systems of Accounts.

For electric utilities, an allowance for funds used during construction (AFUDC) would not be allowed on construction work in progress equal to that proportion of electric plant in service included in rate base to support rates subject to the jurisdiction of the Commission. For natural gas companies, no AFUDC would be allowed upon expenditures for construction projects allowed in the utility's rate base.

The Commission is proposing these changes in policies and procedures primarily to help alleviate the current financing problems being experienced by utility companies. The changes would enable companies to obtain current cash flow applicable to investments in construction work in progress instead of waiting until plant is placed in service before any cash flow is received.

In relation to the foregoing, it may be noted that although a higher current revenue requirement would initially be established if the proposed ratemaking policy is adopted, the effect of the cessation of accruing AFUDC on construction costs could be to reduce the cost of facilities and revenue requirements in the future.

Comments are invited regarding the necessity and feasibility of providing for a transition period during which a gradual shift to the proposed ratemaking treatment of construction work in progress would be made. Comments are also invited as to a method of providing reasonable assurance that customers subject to rates set by the Commission would not be required to pay depreciation, return and taxes on plant costs which include AFUDC after having rates set on a rate base in which plant construction costs have been allowed.

Changes to reflect the adoption of this new policy would be required in one electric plant instruction and one gas plant instruction in each of the Commission's Uniform Systems of Accounts, in one account of the Class C and Class D Uniform Systems of Accounts for both Public Utilities and Licensees and Natural Gas Companies, and in one section of one part of both the regulations Under the Federal Power Act and the regulations Under the Natural Gas Act.

Under Electric and Gas Plant Instruction 3, *Components of Construction Cost*, for Classes A and B Public Utilities and Natural Gas Companies, item (17) "Allowance for funds used during construction" would be amended to provide that no allowance for funds charges would be included in these (electric and gas plant) accounts upon amounts, in the case of electric companies, of construction work in progress equal to that proportion of electric plant in service included in rate base, or upon amounts, in the case of gas companies, expended for construction projects allowed in the utility's rate base.

Similarly, Electric and Gas Plant Instruction 2, *Components of Construction Cost*, for Classes C and D Public Utilities and Natural Gas Companies, would be amended to provide for the same restrictions.

The text of Account 419.1, Allowance for Funds Used During Construction, for Classes C and D Public Utilities and Natural Gas Companies, would be amended by adding a statement directing reference to electric and gas plant instruction 2, as noted above.

Section 35.13 of the Commission's regulations Under the Federal Power Act would be amended by changing the requirement under *Statement D—Cost of plant*, to provide for a statement of the cost of plant including construction work in progress, and by adding a new *Statement D1—Construction work in progress*, to provide for filing a list of uncompleted work orders claimed in the rate base, with supporting detail.

Section 154.63 of the Commission's regulations Under the Natural Gas Act would be amended by deleting the requirement under *Schedule C-1 of Statement C—Cost of plant*, that Account 107 shall be adjusted to exclude plant in process of construction which is not expected to be in service by the end of the test period.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than Dec. 30,

## PROPOSED RULES

1974, data, views, comments or suggestions in writing concerning the amendments proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed revisions. The staff, in its discretion, may grant or deny requests for conference.

(A) The following is a proposed amendment to the Uniform System of Accounts for Class A and Class B Public Utilities and Licensees in Part 101, Chapter I, Title 18 of the Code of Federal Regulations:

Amend subparagraph "(17) Allowance for funds used during construction" of Electric Plant Instruction "3. Components of Construction Cost." by revising the last sentence. As amended, subparagraph (17) will read:

**Electric Plant Instructions**

\* \* \* \* \*

3. *Components of Construction Cost.*

\* \* \* \* \*

(17) "Allowance for funds used during construction" includes the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate on other funds when so used. No allowance for funds used during construction charges shall be included in these accounts upon expenditures for construction projects which have been abandoned, or upon amounts of construction work in progress equal to that proportion of electric plant in service included in rate base.

NOTE: \* \* \*

(B) The following are proposed amendments to the Uniform System of Accounts for Class C and Class D Public Utilities and Licensees in Part 104, Chapter I, Title 18 of the Code of Federal Regulations:

(1) Amend Electric Plant Instruction "2. Components of Construction Cost." by adding a new sentence. As amended, Instruction 2 will read:

**Electric Plant Instructions**

\* \* \* \* \*

2. *Components of Construction Cost.*

\* \* \* \* \*

The cost of construction of property chargeable to the electric plant accounts shall include, where applicable, the cost of labor, materials and supplies, transportation, work done by others for the utility, injuries and damages incurred in construction work, privileges and

permits, special machine service, allowance for funds used during construction, training costs and such portion of general engineering, administrative salaries and expenses, insurance, taxes, and other analogous items as may be properly includible in construction costs. No allowance for funds used during construction charges shall be included in these accounts upon amounts of construction work in progress equal to that proportion of electric plant in service included in rate base. (See Operating Expense Instruction 3.)

(2) Amend the text of the Income Accounts by amending Account "419.1, Allowance for funds used during construction," by adding a reference sentence at the end of the account text. As amended, Account 419.1 will read:

**Income Accounts**

\* \* \* \* \*

2. *OTHER INCOME AND DEDUCTIONS.*

\* \* \* \* \*

419.1 Allowance for funds used during construction.

This account shall include concurrent credits for interest charged to construction based upon the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate upon other funds when so used. No interest shall be capitalized on plant which is completed and ready for services. (See electric plant instruction 2.)

(C) The following are proposed amendments to the Uniform System of Accounts for Class A and Class B Natural Gas Companies in Part 201, Chapter I, Title 18 of the Code of Federal Regulations:

Amend subparagraph "(17) Allowance for funds used during construction" of Gas Plant Instruction "3. Components of construction cost." by revising the last sentence, and amend the Note to subparagraph (17) by changing "Electric Plant in Service" to read "Gas Plant in Service". As amended, subparagraph (17) and the Note thereto will read:

**Gas Plant Instructions**

\* \* \* \* \*

3. *Components of construction cost.*

\* \* \* \* \*

(17) "Allowance for funds used during construction" includes the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate on other funds when so used, except when such other funds are used for exploration and development on leases acquired after October 7, 1969, no allowance on such other funds shall be included in these accounts. No allowance for funds used during construction charges shall be included in these accounts upon expenditures for construction projects which have been abandoned, or upon amounts expended for construction projects allowed in the utility's rate base.

NOTE: When a part only of a plant or project is placed in operation or is completed and ready for service but the construction work as a whole is incomplete, that part of the cost of the property placed in operation, or ready for service, shall be treated as "Gas Plant in Service" and allowance for funds used during construction thereon as a charge to construction shall cease. Allowance for funds used during construction on that part of the cost of the plant which is incomplete may be continued as a charge to construction until such time as it is placed in operation or is ready for service, except as limited in item 17, above.

(D) The following are proposed amendments to the Uniform System of Accounts for Class C and Class D Natural Gas Companies in Part 204, Chapter I, Title 18 of the Code of Federal Regulations:

(1) Amend Gas Plant Instruction "2. Components of Construction Cost." by adding a new sentence. As amended, Instruction 2 will read:

**Gas Plant Instructions**

\* \* \* \* \*

2. *Components of Construction Cost.*

\* \* \* \* \*

The cost of construction of property chargeable to the gas plant accounts shall include, where applicable, fees for construction certificate applications paid after grant of certificate, the cost of labor, materials and supplies, transportation, work done by others for the utility, injuries and damages incurred in construction work, privileges and permits, special machine service, allowance for funds used during construction, training costs, and such portion of general engineering, administrative salaries and expenses, insurance, taxes, and other analogous items as may be properly includible in construction costs. When the utility employs its own funds in exploration and development on leases acquired after October 7, 1969, no interest on such funds shall be included in these accounts. No allowance for funds used during construction charges shall be included in these accounts upon amounts expended for construction projects allowed in the utility's rate base. (See Operating Expense Instruction 3.)

(2) Amend the text of the Income Accounts by amending Account "419.1, Allowance for funds used during construction." by adding a sentence at the end of the account text. As amended, Account 419.1 will read:

**Income Accounts**

\* \* \* \* \*

2. *OTHER INCOME AND DEDUCTIONS.*

\* \* \* \* \*

419.1 Allowance for funds used during construction.

This account shall include concurrent credits for interest charged to construction based upon the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate upon other funds when so used. No interest shall be capitalized on plant which is completed and ready for service. (See gas plant instruction 2.)

(E) The following are proposed amendments and additions to Part 35—Filing of Rate Schedules, Chapter I, Title 18 of the Code of Federal Regulations:

In Section "35.13, Filing of changes in rate schedules," amend paragraph (b) (4) (iii), by amending the text of "Statement D—Cost of plant," and adding a new Statement D1—Construction work in progress, to read as follows:

§ 35.13 Filing of changes in rate schedules.

(b) (4) (iii) \* \* \*

Statement D—Cost of plant. A statement of the cost of plant by functional classification, including construction work in progress functionalized separately, as of the beginning and the end of Periods I and II.

Statement D1—Construction work in progress. A statement showing in respect of Account 107, as of the beginning and end of Period I and Period II, a list of uncompleted work orders (small items grouped) claimed in the rate base, giving the work order number, description and amount of each and the amounts of each type of undistributed construction overheads. Each work order shall show the amounts claimed, itemized by major functional classification, and shall identify components assignable to each specific utility service for all or part of the anticipated service life.

(F) The following is a proposed amendment to Part 154—RATE SCHEDULES AND TARIFFS, Chapter I, Title 18 of the Code of Federal Regulations:

In Section "154.63, Changes in a tariff, executed service agreement or part thereof," amend subparagraph "(f) Description of statements," by amending the text of "Statement C—Cost of plant," by deleting the third paragraph under "Schedule C-1", to read as follows:

§ 154.63 Changes in a tariff, executed service agreement or part thereof.

(f) Description of statements.

Statement C—Cost of plant.

Schedule C-1 in columnar form similar to Statement C showing for each of the above accounts the amounts by detailed plants prescribed by the Commission's Uniform System of Accounts for Natural Gas Companies (Part 201 of this Chapter) with subtotals thereof by functional classifications, i.e. Intangible Plant, Manufactured Gas Production Plant, Natural Gas Production and Gathering Plant, Products Extraction Plant, Underground Storage Plant, Local Storage Plant, Transmission Plant, Distribution Plant and General Plant: *Provided, however*, That to the extent plant costs are not available by detailed plant accounts they may be shown by functional classifications.

Accounts 101, 105, and 106 shall be adjusted to exclude the cost of major items

of plant, the retirement of which is expected by the end of the test period.

Schedule C-2 \* \* \*

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-27091 Filed 11-19-74; 8:45 am]

FEDERAL TRADE COMMISSION

[ 16 CFR Part 438 ]

ADVERTISING, DISCLOSURE, COOLING OFF AND REFUND REQUIREMENTS CONCERNING PROPRIETARY VOCATIONAL AND HOME STUDY SCHOOLS

Extension of Time for Submitting Data, Views or Arguments

Notice of the opportunity to submit data, views, or arguments regarding the proposed Trade Regulation Rule relating to Advertising, Disclosure, Cooling Off and Refund Requirements Concerning Proprietary Vocational and Home Study Schools was published in the FEDERAL REGISTER on August 15, 1974 (39 FR 29385). The Notice also set forth the text of the specific proposal about which comment was requested.

Because the scheduled public hearings will commence in this proceeding on November 18, 1974 and not conclude before February 5, 1975, the Commission has determined that the closing date for submitting written comment should be extended from that originally announced so as to allow the widest participation possible prior to conclusion of the public hearing phase of the proceeding.

Accordingly, all interested persons desiring to submit written data, views or arguments with respect to the proposed Rule are hereby notified that the closing date for receiving such comments has been extended from November 15, 1974 to January 15, 1975. Such written data, views or arguments should be submitted to the Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, D.C. 20580.

Copies of the proposed Rule may be had upon request to the Federal Trade Commission.

Approved: November 13, 1974.

By the Commission.

[SEAL] CHARLES A. TOBIN,  
Secretary.

[FR Doc.74-27145 Filed 11-19-74; 8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[ 17 CFR Parts 231, 271 ]

[Release No. 33-5537; IC-8571; File No. 87-537]

SALES LITERATURE FOR MUTUAL FUNDS  
Policy Statement

Notice is hereby given that the Securities and Exchange Commission has under

consideration the amendment of the Statement of Policy adopted by the Commission August 11, 1950, and amended January 31, 1955, and November 5, 1957 (15 FR 5469, as amended 20 FR 793, 22 FR 8977). The proposed amendment would add Sample Charts E, F, G, and H described in this release to the Sample Charts now permitted under the statement of policy. Sample Charts E and F apply to mutual fund sales literature. The principles embraced by these charts are carried over in Sample Charts G, and H which apply to sales literature employed in the sale of variable annuity contracts. It is further proposed that where any open-end investment company sales literature of prospectus represents or implies a compound rate of total return for an investment in a mutual fund or variable annuity the representation must be accompanied by a chart substantially similar in text, graphic detail and arrangement to Sample Chart F (in the case of a mutual fund) or Sample Chart H (in the case of a variable annuity contract).

BACKGROUND OF THE PROPOSAL

In the recent period of generally falling securities prices, net redemptions of mutual fund shares, and declining investor interest in securities generally, the Commission has focused increasing attention on the effectiveness of various aspects of the mutual fund distribution system. Therefore, in Investment Company Act Release No. 7475 "Announcement of Hearings on Mutual Fund Distribution and the Potential Impact of the Repeal of section 22(d) of the Investment Company Act of 1940," the Commission sought comments on a wide range of issues in addition to retail price maintenance, stating that "it would be appropriate to reexamine traditional administrative positions and to explore new possibilities in order that mutual funds may be marketed more efficiently and at a reasonable cost to investors."

One of the specific issues proposed for consideration at the hearings was the need to revise the statement of policy.

A number of its basic approaches have been questioned over the years. These include limitations on projections (i.e., illustrations of results based on hypothetical investment returns), use of mountain charts to convey cumulative performance, prohibitions against a total yield approach, and absence of data upon which to base conclusions as to average annual performance and variability of performance from year to year. To what extent are these elements of the statement of policy no longer appropriate?

These and other matters were discussed at the hearings and in the written comments received by the Commission. The responses to Release No. 7475 and the discussion of the participants at the hearings cited a lack of investor awareness and comprehension of the risks and returns of mutual fund investment, and the public's inability to make meaningful comparisons among funds, and between funds and alternative investments, as factors contributing to the decline in net fund sales. It was also felt that a better

public understanding of funds would foster price competition among funds and could reduce the need for lengthy personal sales presentations, thus lowering distribution costs to both funds and investors.

#### THE STATEMENT OF POLICY

The Statement of Policy sets forth the respects in which the Commission considers that literature used in connection with the sale of investment company shares may be misleading and violate the standards of the securities laws which, generally speaking, provide that it shall be unlawful to offer or sell securities by means of any untrue statement or omission of a material fact or by any fraudulent or deceitful practice or device. Initially published in 1950, the Statement of Policy was last amended in 1957.

The current Statement of Policy does not permit a mountain chart to display investment results on a total return basis or the measurement of these results in terms of a compound rate of total return. Neither has the use of semi-logarithmic charts nor the display of investment results on a market high to market low basis been permitted.

However, an investor considering the purchase of mutual fund shares or a variable annuity contract might benefit from the inclusion in sales literature of standardized charts of past investment results in a semi-log format, based upon compound rates of total return and displayed on a market high to market low basis. These innovations, and others contained in the proposed charts, could help investors better to understand and evaluate past returns, risks and costs of mutual funds and variable annuity contracts, and thus provide an efficient means of conveying information about the principal service those investment companies provide to the investing public. Set forth below is a discussion of the content of the Sample Charts the Commission proposes to add to the Sample Charts allowed by the Statement of Policy.

#### CHART E

Sample Chart E, set forth and described further in the Appendix, presents a continuous record of the results of an investment in a mutual fund on a total return basis. Its semi-log format is intended to allow visual comparison and interpretation of results. It could be used to measure investment results both in terms of changes in the value of a sample investment and as a compound rate of return.<sup>1</sup> Because fund investment results

<sup>1</sup> Average rates of return, which may also be referred to as "average growth rates," are measured in terms of a continuously compounded rate on these charts. This permits the average rate of total return to be expressed as the sum of the rate of capital appreciation and the rate of investment income. It also permits the average return over a period of years to be expressed as the simple arithmetic average of the annual returns. By multiplying the average growth rate by the number of years an investment

are shown together with a market index (Standard and Poor's Composite Index of 500 Stocks—the "S & P 500") on a market high to market low basis, analysis of trends and variations in returns is also possible.<sup>2</sup> Displaying fund results in terms of capital appreciation and investment income is intended to call attention to the variations in each component and the relative effect of each on total return. Measuring investment returns both before and after deduction of fund expenses and sales charges is intended to allow investors to see how these charges reduce returns.

Use of a uniform period—10 years or the life of the fund if shorter—and uniform dimensions is intended to promote comparison of fund results and to minimize the possibility of distortion. In summary, Chart E is designed to permit investors to make meaningful visual interpretations of the past performance and current cost of their fund investment and to facilitate the comparison of such results from fund to fund.

#### CHART F

Sample Chart F, set forth and described further in the Appendix, portrays the same investment results as are portrayed in Chart E utilizing a bar graph of year-by-year total returns for the fund and the S&P 500, side by side, over a ten-year period along with the ten-year average compound rate of return for the fund. It also indicates the relative effects of capital appreciation and net investment income on returns as well as the effects of expense and sales charges on the ten-year average return.

Presentation of annual variations in the fund's return should assist investors in distinguishing the average rate of return for a mutual fund which varies from year-to-year from the constant return available from a savings account or a fixed income security. Contrasting the annual variations with the ten-year average rate should emphasize the need for a longer term perspective. Comparing the annual returns with the market index would also give some indication of how fund returns are related to market fluctuations. Breaking the return into its constituent parts allows investors to distinguish between results obtained from income and capital appreciation and to make their own evaluation of the variability of each source. It would also more clearly illustrate the impact of

is held, the "cumulative growth" of the investment is established. The cumulative growth of the investment is portrayed on charts E and G which can be used to measure results both in dollars and average growth rates as described in the Appendix.

<sup>2</sup> The S&P 500 Index is included to demonstrate the effect of fluctuations in the securities markets on fund investment results and is not intended to suggest returns available from an alternative investment program. A footnote to each chart explains the limited purpose for which the Index is portrayed.

costs on the return. In order to enable investors better to evaluate performance of management for different amounts of total net assets, a year-by-year listing of average assets is included in the information at the base of the Chart.

#### VARIABLE ANNUITIES—CHARTS G AND H

The methods used for Charts E and F have been adapted to portray the investment results during the accumulation period for a hypothetical variable annuity which, for purposes of illustration, is assumed to be a unit investment trust invested entirely in the shares of the fund portrayed on Charts E and F. These Charts are set forth and described in the Appendix.

Results are displayed before and after expenses and deductions for insurance company taxes, if any, to allow investors to compare these deductions and to analyze their effect on investment results. However, because of the nature of a variable annuity investment, the effect of sales charges and other deductions from purchase payments on past investment returns cannot be as simply and concisely expressed as it is for a one-time investment in a mutual fund. Therefore, sales charges are not portrayed on Charts G and H but must be disclosed separately.

Because variable annuities do not distribute investment income in cash, the breakdown of the total return into income and appreciation components is not displayed on the charts; however, figures for the components of the total return (appreciation, reinvested income, an assumed insurance company tax of 30 percent of capital appreciation, and expenses consisting of the underlying fund expenses together with an assumed risk charge of .75 percent) are listed in summary form beneath Charts G and H.

#### ADDITIONAL COMMENTS REQUESTED

In addition to views on the proposed Sample Charts, the Commission requests public comment regarding:

(1) The appropriateness of requiring charts substantially similar to the proposed Sample Charts in sales literature and prospectuses.

(2) The appropriateness of requiring that Chart A in the current Statement of Policy be included in any prospectus or sales literature which portrays Sample Charts E and F.

The Commission would also welcome additional public comments and suggestions for change in other aspects of the Statement of Policy.

Appended to this Release are the text of the proposed amendment to the Statement of Policy and the Sample Charts, the use of which would be permissible under the amendment.

Interested persons are requested to submit their views and comments on the above proposal in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, no later than December 30, 1974. All material should be designated

"Program to Revise the Statement of Policy" File No. ST-537.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

NOVEMBER 4, 1974.

PROPOSED AMENDMENT TO THE STATEMENT OF POLICY

It will be materially misleading hereafter for sales literature—

(a) To represent or imply a percentage return in the shares of an investment company except in accordance with paragraph (t) or unless based upon—

(j)(1)(i) The text, graphic detail and arrangement of any such chart should be substantially as shown on Sample Charts A, B, C, D, E, F, G, and H in the Appendix, whichever is applicable:

(j)(3) Approved charts and tables patterned after Charts A, B, C and D and Tables 1, 2, 3, and 4 should conform with the following:

(j)(4) Approved charts patterned after Charts E, F, G, and H should conform with the following:

(i) If the life of the fund or the separate account is less than 10 years, the maximum number of complete calendar years available should be used, and the average return over the period covered should be used instead of the ten-year average return;

(ii) The visual presentation on Charts E and G may be extended to cover a portion of the current calendar year by means of an overlay which would cover the figures for the investment results which appear on the right hand side of these charts. The extensions should be plotted as straight lines starting at the values of the cumulative growth at the end of the last complete calendar year and ending with the most recent values. The overlay should not include figures for the investment results at the end of the extended period such as are shown at the end of the ten-year period.

(iii) A comparison with an appropriate market index or index of funds, other than Standard & Poor's 500 Stock Composite Index (the "S&P 500") may also be presented on Charts E or G provided that the results on such other indices are shown on a total return basis and that charts showing comparisons with other indices are accompanied by a chart which shows a comparison only with S&P 500.

(iv) If the holdings of equity securities by the fund or variable annuity separate account are less than 10 percent of the total assets over the period covered on the chart, a comparison with the S&P 500 is not required and the dates of the "intermediate market highs and lows during the year" needed in constructing Charts E or G should be determined in reference to the results of the subject fund or separate account rather than in reference to the S&P 500.

(v) The results of an investment of other than \$10,000 may be portrayed on Charts E or F provided that they are accompanied by a chart portraying a \$10,000 investment.

(vi) If the sales charge for a fund has changed, the most recent charge, if any, applicable to an investment of \$10,000 should be portrayed on Charts E and F for the entire period covered.

(vii) The results of a single investment of \$10,000 in a mutual fund may be portrayed on a chart substantially similar to Chart E which contains the following information:

A. The cumulative growth of the investment on a total return basis both before and after expense deductions, and the cumulative growth due to capital appreciation, plotted on a market high to market low basis over the past ten calendar years;

B. The cumulative growth of the S&P 500 on a total return basis, plotted on a market high to market low basis over the past ten calendar years; and

C. A year-by-year summary of results disclosing:

a. Year-by-year and ten-year average total returns after expense deductions expressed as the sum of the returns due to net investment income and capital appreciation; and

b. The effect of any sales charge on the first year's total return; and

c. The effect of any withdrawal charge on the tenth year's total return; and

d. The effect of any sales and/or withdrawal charge on the ten-year average total return.

D. The chart should clearly differentiate by means of separate markings the cumulative effects of capital appreciation, net investment income and fund expenses such as in Sample Chart E. However, markings showing capital depreciation are not necessary for periods when the cumulative growth due to capital appreciation is negative.

(viii) The ten-year average annual rate of return on a single investment of \$10,000 in a mutual fund may be portrayed on a chart substantially similar to Chart F which contains the following information:

A. A bar graph presentation of the total returns after expense deductions for each year over the past ten calendar years, side-by-side with the total returns for the S&P 500;

B. A bar graph presentation of the ten-year average total return before expense deductions expressed as the sum of the average return due to capital appreciation and the average return due to investment income, indicating the effects of fund expenses and the sales charge (and any withdrawal charge) on the ten-year average return and highlighting the return after expenses and after the sales (and/or withdrawal) charges;

C. A year-by-year summary of results, as is described in item (vii) C of this section; and

D. A listing of the average assets under management for each calendar year over the ten-year period.

(ix) The return on an accumulation unit in a variable annuity separate account may be portrayed on a chart substantially similar to Chart G which contains the following information:

A. The cumulative growth of an accumulation unit, plotted on a market high to market low basis over the past ten calendar years, before tax deductions and before expenses and risk charges, after tax deductions but before expense and risk charges, and after tax deductions and after expenses and risk charges;

B. The cumulative growth of the S&P 500 on a total return basis, plotted on a market high to market low basis over the past ten calendar years;

C. A listing of the year-by-year and ten year average total returns on an accumulation unit after tax deductions and after expense and risk charges, expressed as the sum of the returns due to capital appreciation and to investment income, less the effects on the return of tax deductions and of expense and risk charges.

D. The chart should clearly differentiate by means of separate markings the cumulative effects of tax deductions, expense and risk charges, and the total return after tax deductions and after expense and risk charges, such as in Sample Chart G.

(x) The ten-year average annual rate of return on an accumulation unit in a variable annuity separate account may be portrayed on a chart substantially similar to Chart H which contains the following information:

A. A bar graph presentation of the returns on an accumulation unit after tax deductions and after expense and risk charges side-by-side with the total returns for the S&P 500, for each year over the past ten calendar years;

B. A bar graph presentation of the ten-year average return on an accumulation unit after tax deductions and after expense and risk charges, which shows the effects of tax deductions and of expense and risk charges on the ten-year average return;

C. A year-by-year summary of results as is described in item (ix) C of this section.

(xi) For purposes of constructing Charts E, F, G, and H the following definitions apply:

(i) *Capital Appreciation for a Day* refers to any capital gains realized during the day, less any capital losses, plus any unrealized appreciation during the day, less any unrealized depreciation.

(ii) *Fund Investment Income for a Day* refers to the income realized by the fund during the day from dividends and interest on portfolio securities and from all other sources except realized and unrealized capital gains or losses. The investment income, as defined here, is not reduced by expense deductions.

(iii) *Fund Expenses for a Day* refers to the total amount of expenses deducted from the fund during the day, including

the management fee, but excluding income taxes on realized gains from security transactions.

(iv) *Net Investment Income for a Day* is equal to the fund investment income for a day minus the fund expenses for the day.

(v) *The Daily Growth Rate of a Fund Investment on a Total Return Basis before Expense Deductions* is equal to the natural logarithm of one plus the ratio of the sum of capital appreciation plus fund investment income for the day to the net assets of the fund at the beginning of the day.

(vi) *The Daily Growth Rate of a Fund Investment on a Total Return Basis after Expense Deductions* is equal to the natural logarithm of one plus the ratio of the sum of capital appreciation plus net investment income for the day to the net assets of the fund at the beginning of the day. For funds which have sales charges on dividend reinvestments, the net investment income for the day is reduced by the applicable sales charge. However, any sales charges on the initial amount invested are not deducted when making this calculation.

(vii) *The Daily Growth Rate of a Fund Investment Due to Capital Appreciation* is equal to the natural logarithm of one plus the ratio of the capital appreciation for the day to the net assets at the beginning of the day.

(viii) *The Daily Growth Rate of a Fund Investment Due to Investment Income, Before Expenses* is equal to the daily growth rate of a fund investment on a total return basis before expenses minus the daily growth rate due to capital appreciation.

(ix) *The Daily Growth Rate of a Fund Investment Due to Net Investment Income* is equal to the daily growth rate of a fund investment on a total return basis after expense deductions minus the daily growth rate due to capital appreciation.

(x) *The Average Annual Rate of Return on a Fund Investment Over a Specified Number of Years* can be found for the total return before expense deductions, the total return after expense deductions, the return due to capital appreciation, the return due to investment income before expense deductions, and the return due to net investment income. In each case it is equal to the sum of the corresponding daily growth rates over the specified period, divided by the number of years covered. The resulting rate of return is in terms of a continuously compounded rate.

(xi) *The Cumulative Growth (or the Sum of the Daily Growth Rates) of a Fund Investment Over a Specified Period* can be found for the total return before expenses, the total return after expenses, the return due to capital appreciation, the return due to investment income before expenses and the return due to net investment income. In each case it is equal to the sum of the corresponding daily growth rates over the specified period.

(xii) *The Average Effect of the Sales Charge on the Investment Return:* The

effect of the sales charge on the first year's return is equal to the natural logarithm of the ratio of the net amount invested (after the sales charge) to the total purchase price. The average effect of the sales charge on the return over a longer period is equal to the effect of the sales charge on the first year's return divided by the number of years covered.

(xiii) *The Average Effect of the Withdrawal Charge on the Investment Return:* The effect of the withdrawal charge on the final year's return is equal to the natural logarithm of one minus the withdrawal charge (expressed as a decimal fraction). The average effect of the withdrawal charge on the return over a longer period is equal to the effect of the withdrawal charge on the final year's return divided by the number of years covered.

(xiv) *The Average Effect of Fund Expenses on the Return* is equal to the average annual rate of return on a total return basis after expense deductions minus the average annual rate of return on a total return basis before expense deductions.

(xv) *The Unit Capital Appreciation For a Day* refers to any capital gains realized during the day, per accumulation unit, less any capital losses, plus any unrealized capital appreciation during the day, per accumulation unit, less any unrealized depreciation.

(xvi) *The Unit Investment Income for a Day* refers to the income, per accumulation unit, during the day from dividends and interests on portfolio securities and from all other sources except realized and unrealized capital gains or losses. The investment income, as defined here, is not reduced by deductions for insurance company taxes or by expense and risk charges.

(xvii) *The Unit Tax Deduction For a Day* refers to the amount of any deduction from (or possibly credit to) an accumulation unit, under the provision for the federal income tax liabilities of the insurance company. It includes the amount of any tax charges which are expressed as a constant percentage of assets.

(xviii) *The Unit Expense and Risk Charges for a Day* refers to the total amount of all charges, per accumulation unit, which are deducted during the day from the separate account and/or any affiliated underlying fund, except those charges under the provision for insurance company taxes.

(xix) *The Daily Growth Rate of an Accumulation Unit Before Tax Deductions and Before Expense and Risk Charges* is equal to the natural logarithm of one plus the ratio of the sum of the unit capital appreciation plus the unit investment income for the day to the accumulation unit value at the beginning of the day.

(xx) *The Daily Growth Rate of an Accumulation Unit After Tax Deductions but Before Expense and Risk Charges* is equal to the natural logarithm of one plus the ratio of the sum of the unit capital appreciation plus the unit investment income minus the unit tax deduc-

tion for the day to the accumulation unit value at the beginning of the day.

(xxi) *The Daily Growth Rate of an Accumulation Unit After Tax Deductions and After Expense and Risk Charges* is equal to the natural logarithm of the accumulation unit value at the end of the day to the accumulation unit value at the beginning of the day.

(xxii) *The Daily Growth Rate of an Accumulation Unit Due to Capital Appreciation* is equal to the natural logarithm of one plus the ratio of the unit capital appreciation for the day to the accumulation unit value at the beginning of the day.

(xxiii) *The Daily Growth Rate of an Accumulation Unit Due to Investment Income* is equal to the daily growth rate of an accumulation unit before tax deductions and before expense and risk charges minus the daily growth rate of an accumulation unit due to capital appreciation.

(xxiv) *The Average Annual Rate of Return on an Accumulation Unit Over a Specified Number of Years* can be measured for the return before tax deductions and before expense and risk charges, the return after tax deductions but before expense and risk charges, the return after tax deductions and after expense and risk charges, the return due to capital appreciation, and the return due to investment income. In each case it is equal to the sum of the corresponding daily growth rates over the specified period, divided by the number of years covered. The resulting rate of return is in terms of a continuously compounded rate.

(xxv) *The Cumulative Growth (or the Sum of the Daily Growth Rates) of an Accumulation Unit Over a Specified Period* can be measured for the return before tax deductions and before expense and risk charges, the return after tax deductions but before expense and risk charges, the return due to capital appreciation, and the return due to investment income. In each case it is equal to the sum of the corresponding daily growth rates over the specified period.

(xxvi) *The Average Effect of Tax Deductions on the Return on an Accumulation Unit* is equal to the average annual rate of return on an accumulation unit after tax deductions but before expense and risk charges minus the average annual rate of return on an accumulation unit before tax deductions and before expense and risk charges.

(xxvii) *The Average Effect of Expense and Risk Charges on the Return of an Accumulation Unit* is equal to the average annual rate of return on an accumulation unit after tax deductions and after expense and risk charges minus the average annual rate of return on an accumulation unit after tax deductions but before the expense and risk charges.

(xxviii) *The Cumulative Growth of the S&P 500 on a Total Return Basis Over a Specified Period* is equal to the sum of all prior Weekly Indices for the Yield of the S&P 500 since the start of

the period covered plus the natural logarithm of the ratio of the final value of the index to the initial value. Values of the index and the Weekly Indices for the Yield of the S&P 500 are contained in Standard and Poor's "Trade and Security Statistics." These Weekly Indices must be divided by 52 weeks and expressed as a decimal fraction.

(xxix) *The Average Rate of Return of the S&P 500 Over a Specified Number of Years* is equal to the cumulative growth of the S&P 500 over the specified period divided by the number of years covered.

(xxx) *Dates of Intermediate Market Highs to Market Lows During a Year* are determined in the following manner:

A. Plot the daily values of the S&P 500 index on a graph;

B. Connect the year end values with a straight line;

C. Find the date, if any, when the vertical distance between this line and those values of the index above this line is the greatest. This is the date of the intermediate market high during the year.

D. Use a corresponding procedure to

find the date, if any, of the intermediate market low during the year.

(xxxii) *Cumulative Growth Plotted on a Market High to Market Low Basis* means that the values of the cumulative growth at year ends and at the dates of intermediate market highs and lows should be plotted on the chart and these values connected by straight lines.

(xxxiii) *Cumulative Growth Scale* is a linear scale which is used to measure the cumulative growth of the investment (or the sum of the daily growth rates) on Charts E and G. The proportions of the charts must be such that the vertical distance on the chart between a cumulative growth of 0 percent and 100 percent is the same as the horizontal distance on the chart represented by 5 years.

(xxxiiii) *Actual Investment Results Scale* is a logarithmic scale which is used to measure changes in the dollar value of the sample investment on Chart E. The cumulative growth corresponding to the value of a sample investment as measured on the Actual Investment Results Scale is the natural logarithm of the

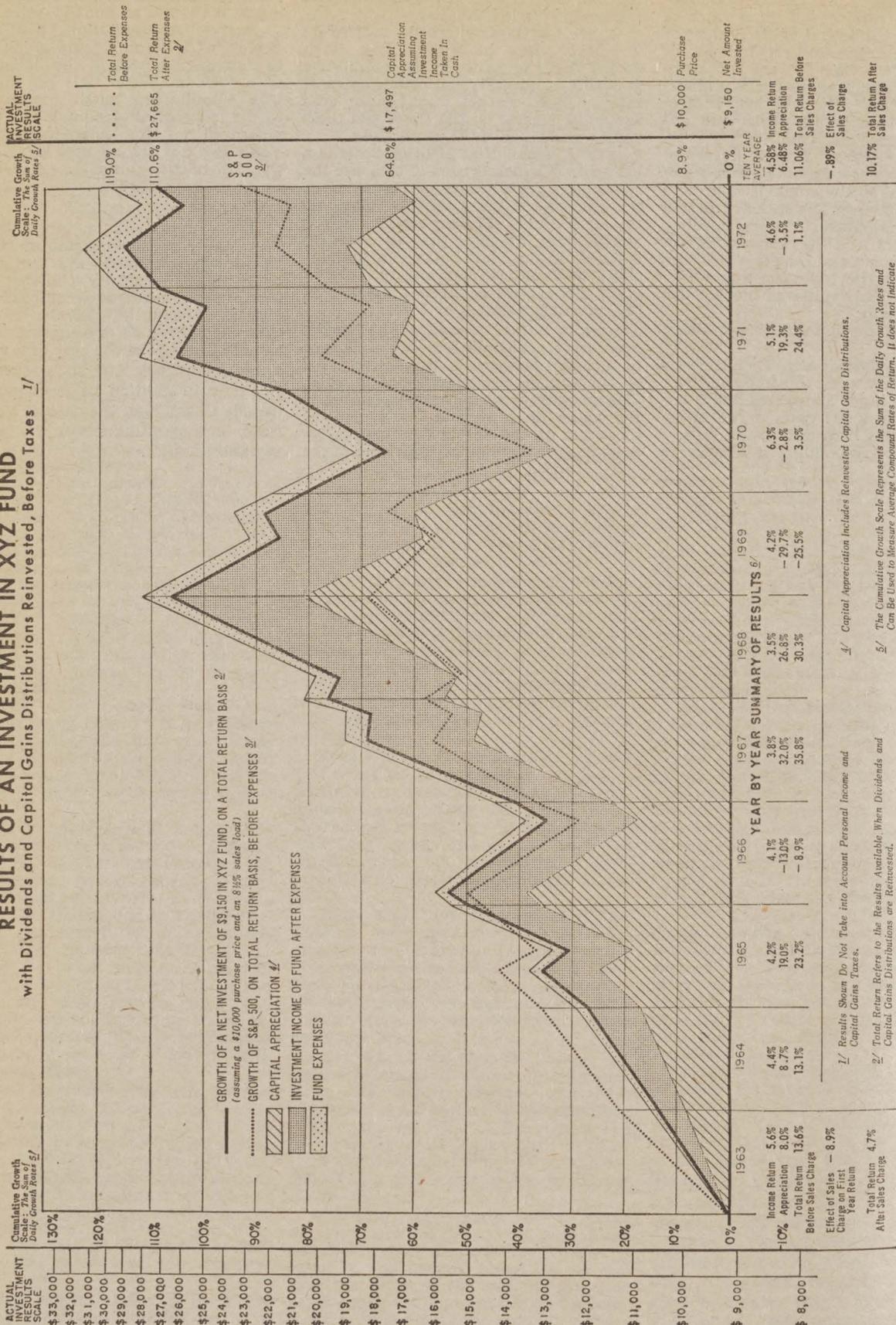
ratio of the value of the sample investment to the net amount invested.

(xxxv) *Accumulation Unit Value Scale* is a logarithmic scale which is used to measure changes in the dollar value of an accumulation unit on Chart G. The cumulative growth corresponding to the value of an accumulation unit as measured on the Accumulation Unit Value Scale is the natural logarithm of the ratio of the value of the accumulation unit to the initial value.

\* \* \* \* \*

(t) To represent or imply in sales literature a compound rate of total return for an investment in a mutual fund or a variable annuity contract unless such representation is accompanied by a chart(s) substantially similar to sample Chart F in the case of a mutual fund, or sample Chart H in the case of a variable annuity contract. Any such representation may, in addition, be accompanied by sample Chart E, in the case of a mutual fund, or sample Chart G, in the case of a variable annuity.

**Chart E**  
**RESULTS OF AN INVESTMENT IN XYZ FUND**  
 with Dividends and Capital Gains Distributions Reinvested, Before Taxes 1/



1/ Results Shown Do Not Take into Account Personal Income and Capital Gains Taxes.

2/ Total Return Refers to the Results Available When Dividends and Capital Gains Distributions are Reinvested.

3/ Changes in the S&P 500 Index Do Not Reflect Expenses of Investment Program. It is Included to Show the Effect of Fluctuations in the Securities Markets on Fund Results.

4/ Capital Appreciation Includes Reinvested Capital Gains Distributions.

5/ The Cumulative Growth Scale Represents the Sum of the Daily Growth Rates and Can Be Used to Measure Average Compound Rates of Return. It Does not Indicate the Percentage Change in the Dollar Value of an Investment.

6/ Expressed in terms of Continuously Compounded Rates.

ILLUSTRATION AND DESCRIPTION OF CHART E

Sample Chart E may be used for various measurements of investment results as illustrated in the following questions and answers.

(1) What would an investment of \$10,000 (\$9,150 after deduction of an 8.5 percent sales charge) be worth on a total return basis if invested over the ten-year period shown assuming capital gains distributions and any net investment income (after expense deductions) are reinvested?

A. \$27,665.

In general, the change in the value of a sample investment is obtained by first measuring the total growth on the "cumulative growth scale," and then finding the corresponding amount on the "actual investment results scale." In this case, the figure for the total growth, 110.6%, and the corresponding figure for the value of the sample investment, \$27,665, are both displayed on the right hand side of the chart.

(2) What is the first year return (a) before and (b) after sales charges?

A. (a) 13.6%. (b) 4.7%.

The total return for the first year, 13.6%, is listed in the "Year by Year Summary of Results" beneath Chart E. The total sales charge has been applied against the first year's return since it is paid at the time of purchase. The reduction in the first-year return due to the sales charge is 8.9%. This is the economic cost of the sales charge (the total growth needed to increase the net investment of \$9,150 to \$10,000). The total first-year return after the sales charge is 4.7%, which is 13.6% less 8.9%.

(3) (a) What is the ten-year average growth rate (or average rate of return, compounded continuously) on a total return basis not taking into account the sales charge? (b) What is the average reduction in the ten-year average growth rate which results from the sales charge? and (c) What is the average growth rate taking into account the average sales charge reduction?

A. (a) 11.06%. (b) -8.9%. (c) 10.17%.

The total growth over this ten-year period is 110.6%. The average growth rate, not taking the sales charge into account, is the total growth of 110.6% divided by ten years, or 11.06%.

The sales charge reduces the first year return by -8.9%. Dividing -8.9% by ten years gives the average effect of the sales charge on the ten-year average investment return (-8.9%). The average growth rate taking

the sales charge into account is 11.06% minus .89%, which is 10.17% as is shown in the "Ten Year Average Column" beneath the Chart E.

(4) (a) What would an investment of \$10,000 (\$9,150 after deduction of an 8.5% sales charge) be worth if invested over the last five years—1968 through 1972—on a total return basis? What is the average growth rate over this period (b) not taking the sales charge into account? and (c) taking the sales charge into account?

A. (a) \$12,868. (b) 6.76%. (c) 4.98%.

The total growth over this five-year period is 33.8%. This is the difference between cumulative growth of 110.6% at the end of 1972 and the cumulative growth of 76.8% at the end of 1967, as can be measured using the Cumulative Growth Scale. A total growth of 33.8% corresponds to \$12,868 on the Actual Investment Results Scale.

When the total growth of 33.8% is divided by five years, it gives an average growth rate of 6.76%, without taking into account the sales charge.

The sales charge reduces the return for 1968 by -8.9%. Dividing -8.9% by five years gives the average effect of the sales charge on the five-year average investment return (-1.78%). The average growth rate taking the sales charge into account is 6.76% minus 1.78%, which is 4.98%.

(5) (a) What would an investment of \$10,000 (\$9,150 after deduction of an 8.5% sales charge) be worth at the end of ten years assuming that realized capital gains are reinvested and that net investment income of the fund is immediately distributed in cash as it is earned? (b) What is the ten-year average rate of appreciation (not taking the sales charge into account)?

A. (a) \$17,497. (b) 6.48%.

The total growth of the investment assuming that realized capital gains are reinvested and that the net investment income of the fund is immediately distributed in cash as it is earned represents the growth due to capital appreciation and is 64.8%. This corresponds to \$17,497 on the actual investment results scale. Dividing 64.8% by ten-years gives an average rate of appreciation of 6.48% (not taking into account the sales charge).

(6) What is the average effect of fund expenses on the ten-year average return (or the average annual expense ratio, in terms of a rate that is "deducted continuously")?

A. -8.4%.

The total growth before deduction of fund expenses is 119.0%; the total growth after deduction of fund expenses is 110.6%. The average effect of fund expenses is -8.4%, which is the difference between 110.6% and 119.0%, divided by ten years.

(7) What is the average return due to net investment income over the ten-year period?

A. 4.58%.

The average growth rate on a total return basis over ten years (not taking into account the sales charge) is 11.06%. This return is due to both capital appreciation and net investment income. The average rate of capital appreciation is 6.48%. The average return due only to net investment income is the difference between 11.06% and 6.48%, which is 4.58%. This return is sometimes referred to as the "yield rate" of the investment.

(8) (a) If \$10,000 was invested at a constant return of 5 percent compounded continuously, what would the value of this investment be at the end of 10 years? and (b) How would the results of this investment appear if they were portrayed on Chart E?

A. (a) \$16,487. (b) A straight line, starting at \$10,000 and ending at \$16,487.

The total growth of this investment over ten years is the product of the average annual growth rate of 5% times 10 years, which is 50%. Since the net amount invested is \$10,000 rather than \$9,150, the starting point on the Cumulative Growth Scale is 8.9% rather than 0%. The ending point on the Cumulative Growth Scale, 58.9%, is obtained by adding the 50% total growth to the 8.9% starting point. A cumulative growth of 58.9% corresponds to \$16,487 on the Actual Investment Results Scale. Since the return is constant, this investment could be portrayed on Chart E as a straight line, starting at \$10,000 and ending at \$16,487.

(9) How can the average growth rate and trends in the growth rate be obtained by inspection of Chart E?

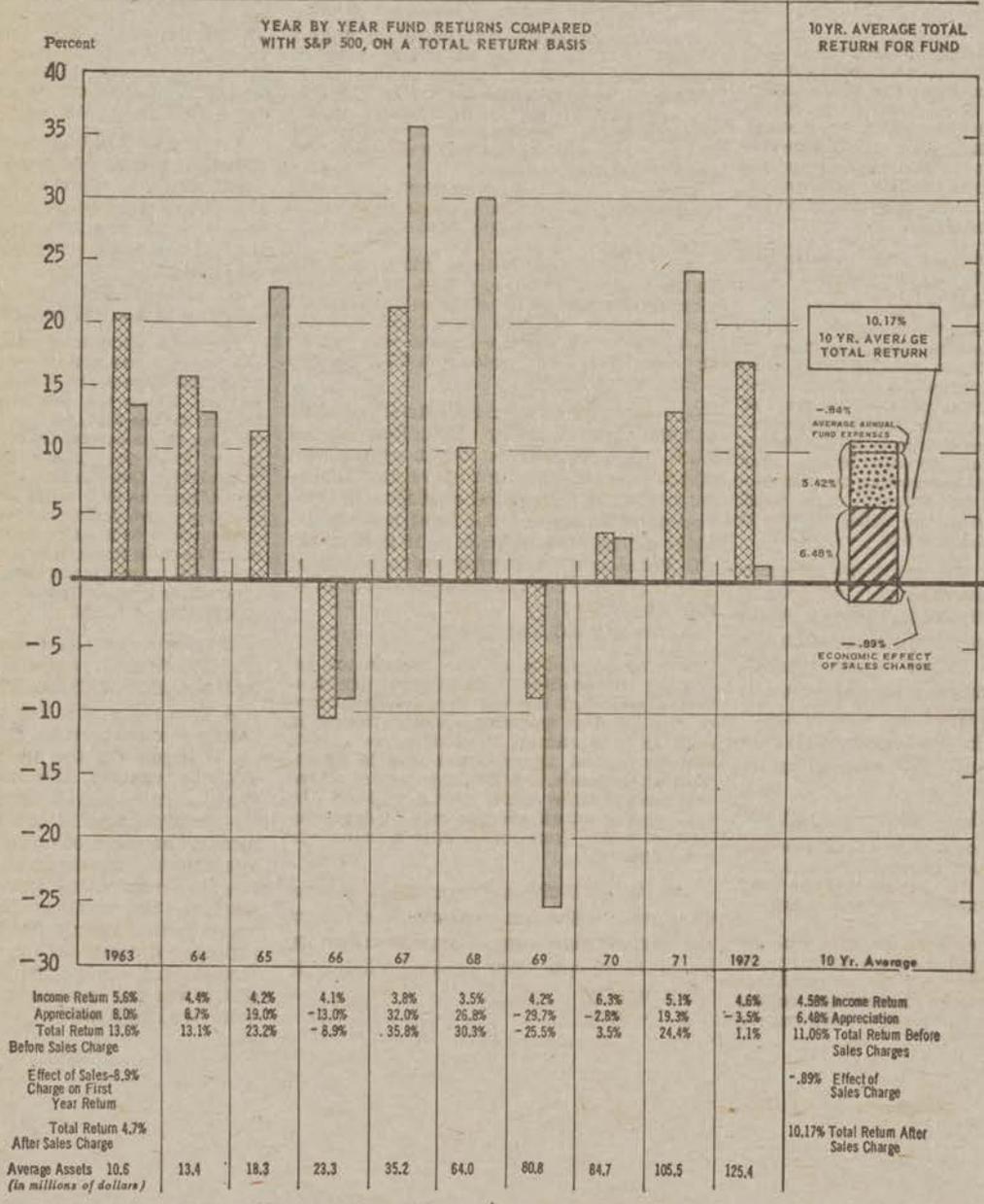
A. The slope of a line between any two points is measured by dividing the vertical increase by the horizontal increase. This is exactly the way the average growth rate was determined on Chart E—by dividing the total growth by the number of years covered. Thus, the average growth rate is given by the slope of the line connecting these two points. In general, the various measurements of investment returns described above are reflected directly in the visual presentation, and it is not essential to make each of the various measurements in order to compare two funds.

PROPOSED RULES

Chart F

ILLUSTRATION OF TEN YEAR AVERAGE 10.17% TOTAL RETURN FOR XYZ FUND 1/  
Assuming an 8½% Sales Load, with Dividends and Capital Gains Distributions Reinvested, Before Taxes 2/

-  TEN YEAR AVERAGE RETURN DUE TO CAPITAL APPRECIATION 3/
-  TEN YEAR AVERAGE RETURN DUE TO FUND INVESTMENT INCOME BEFORE EXPENSES
-  ANNUAL TOTAL FUND RETURNS AFTER EXPENSES
-  ANNUAL CHANGES IN S&P 500 BEFORE EXPENSES 4/



1/ Total Return Refers to the Results Available When Dividends and Capital Gains Distributions are Reinvested Before Taxes, and is Expressed in terms of a Continuously Compounded Rate.

2/ Results Shown Do Not Take into Account Personal Income and Capital Gains Taxes.

3/ Capital Appreciation Includes Reinvested Capital Gains Distributions.

4/ Changes in the S&P 500 Index Do Not Reflect Expenses of Investment nor Does the Index Represent an Available Investment Program. It is Included to Demonstrate the Effect of Fluctuations in the Securities Markets on Fund Results.

ILLUSTRATION AND DESCRIPTION OF CHART F

Sample Chart F may be used to illustrate and explain a compound rate of return for a fund. It uses a bar graph to portray total returns for each year and for the ten-year period. The display for the ten-year average total return indicates the relative effect of capital appreciation, investment income of the fund, fund expenses, and the sales charge on the return. In addition, annual returns and the ten-year average total return before and after sales charges, are listed on the year-by-year summary at the bottom of the chart, along with the breakdown of the total return into the rate of appreciation and the return due to net investment income. Although Sample Chart F portrays only annual returns and the ten-year average return, returns over

intermediate periods longer than a year can be found by averaging the annual returns. This is illustrated in the following questions and answers.

(1) What is the average rate of total return over the last five years—1968 through 1972—(a) not taking into account the sales charges? and (b) taking into account the sales charge?

A. (a) 6.76%. (b) 4.98%.

The average rate of total return not taking the sales charge into account is the simple arithmetic average of the annual returns.

$$6.76\% = \frac{30.3\% - 25.5\% + 3.5\% + 24.4\% + 1.1\%}{5 \text{ years}}$$

To determine the average rate of total return after the sales charge, the economic cost of the sales charge, -8.9%, must be averaged in with the annual returns, thus:

$$4.98\% = \frac{-8.9\% + 30.3\% - 25.5\% + 3.5\% + 24.4\% + 1.1\%}{5 \text{ years}}$$

(2) What is the average rate of appreciation over the last five years—1968 through 1972?

A. 2.02%.

This is the simple arithmetic average of the annual rates of appreciation:

$$2.02\% = \frac{26.8\% - 29.7\% - 2.8\% + 19.3\% - 3.5\%}{5 \text{ years}}$$

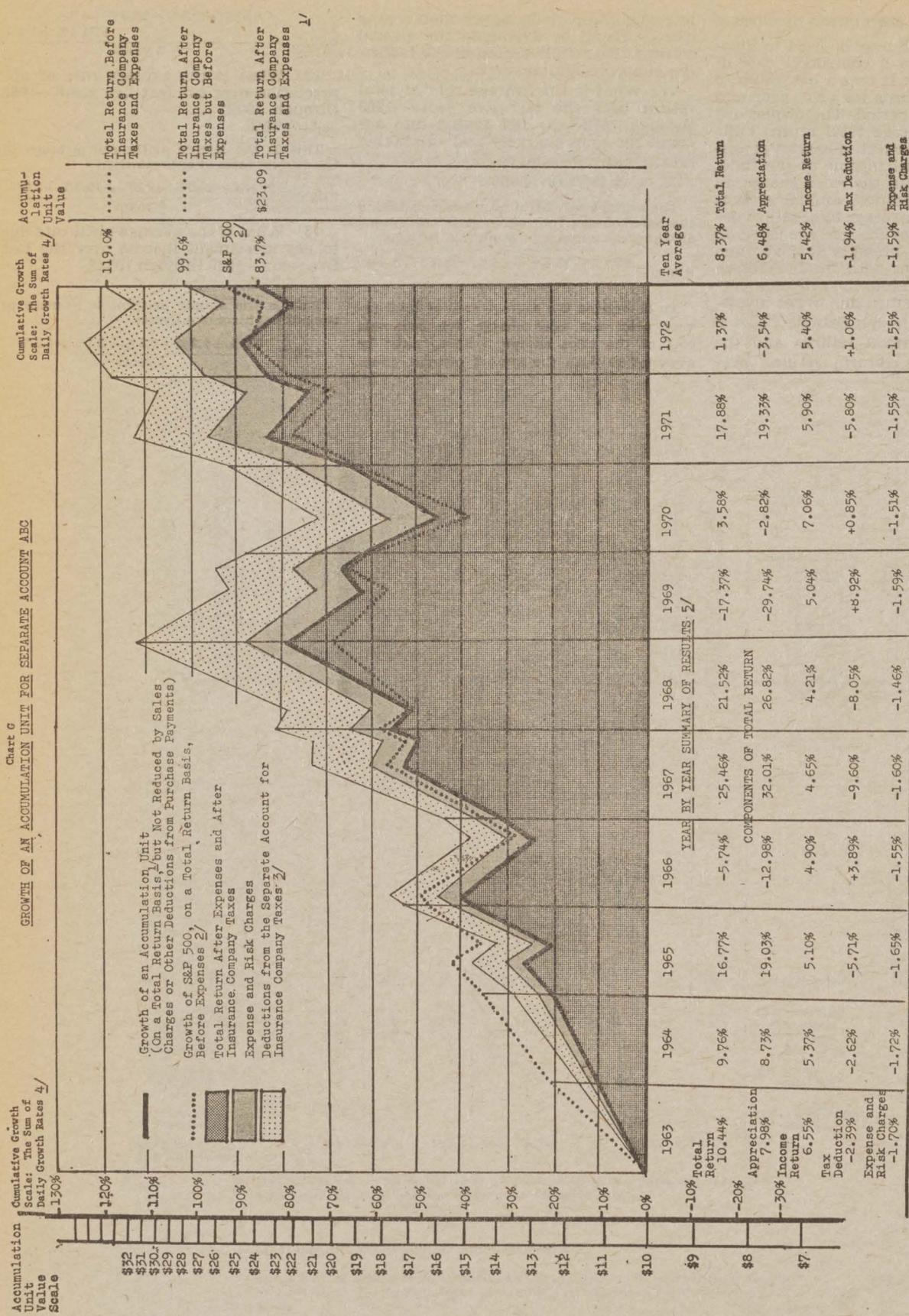
(3) What is the average yield rate due to net investment income over the last five years—1968 through 1972?

A. 4.74%.

This is the simple arithmetic average of the annual income returns:

$$4.74\% = \frac{3.5\% + 4.2\% + 6.3\% + 5.1\% + 4.6\%}{5 \text{ years}}$$

Chart C  
GROWTH OF AN ACCUMULATION UNIT FOR SEPARATE ACCOUNT ABC



<sup>1/</sup> The Return on an Accumulation Unit is a Total Return, that is it includes both Capital Appreciation and Investment Income.  
<sup>2/</sup> Changes in the S&P 500 Index do not Reflect Expenses at Investment nor does the Index Represent an Available Alternative Investment Program. It is Included to Demonstrate the Effect of Fluctuations in the Securities Markets on Fund Results.  
<sup>3/</sup> These Taxes are Paid by the Insurance Company. An Investor will not be taxed on Investment Gains of the Separate Account until he Receives Annuity Payments or Redeems his Account. See "Taxes" in the Prospectus.  
<sup>4/</sup> The Cumulative Growth Scale Represents the Sum of the Daily Growth Rates and can be Used to Measure Average Compound Rates of Return. It does not Indicate the Percentage Change in the Dollar Value of an Accumulation Unit.  
<sup>5/</sup> Expressed in Terms of Continuously Compounded Rates.

ILLUSTRATION AND DESCRIPTION OF CHART

Chart G portrays the growth of an accumulation unit which measures changes in the value of a single payment investment in the separate account. Although it does not portray the effect of sales charges on investment returns, it should provide sufficient information for investors to meaningfully analyze and compare investment returns, risks, and expenses and tax deductions for different variable annuities.

Charts G and H portray the total investment results achieved by the manager of the separate account. However, these results are reduced by expenses and by deductions for insurance company taxes. Therefore, these deductions are represented separately on Charts G and H. The interpretations and measurements of investment results for Chart G are similar to those for Chart E. Some of these measurements are illustrated for variable annuities in the following questions and answers.

(1) What would a one-time investment of \$1,000, net of sales charges, be worth if invested in the separate account over the ten-year period?

A. \$2,309.

The investment results during the accumulation period are measured in terms of an accumulation unit. Assuming that the initial

value of an accumulation unit was \$10, a net investment of \$1,000 would purchase 100 accumulation units.

The cumulative growth of an accumulation unit over the ten-year period is 83.7%, which corresponds to an accumulation unit value of \$23.09. Thus, the final value of the investment in 100 accumulation units would be \$2,309.

(2) What is the ten year average growth rate of the accumulation unit (a) before taxes and expenses? and (b) after taxes but before expenses? and (c) What is the reduction in the ten-year average growth rate which results from tax deductions?

a. (a) 11.90%. (b) 9.96%. (c) -1.94%.

The total growth before taxes and expenses is 119.0%. The total growth after taxes but before expenses is 99.6%. Dividing each of these figures by ten years gives the ten-year average-growth rates before and after taxes. The difference between these rates, -1.94%, is the average reduction in the growth rate due to tax deductions.

Variable annuity separate accounts are generally subject to a tax of 30% of their capital appreciation. Therefore, this charge is portrayed in the illustration. However, the actual tax charge may vary somewhat from separate account to separate account, and may be non-existent in some cases.

The effects of the tax charge on investment returns for each year are listed in the "Year by Year Summary of Results" beneath Charts G and H.

(3) What is the average growth rate of an accumulation unit (a) after taxes but before expenses? and (b) after taxes and expenses? and (c) What is the reduction in the ten-year average growth rate which results from expenses?

A. (a) 9.96%. (b) 8.37%. (c) -1.59%.

The total growth after taxes but before expenses is 99.6%. The total growth after taxes and expenses is 83.7%. Dividing each of these figures by ten years gives the average growth rates before and after expenses. The difference between these rates, -1.59%, is the average reduction in the growth rate due to expenses which includes the underlying fund expenses plus an assumed risk charge of .75% per annum.

(4) What is the average growth rate of an accumulation unit over the last 5 years—1968 through 1972?

A. 5.40%.

This result can be obtained by the measurements that are described for Chart E in question 4, or by taking the simple arithmetic average of the annual returns for the last five years which are listed in the "Year by Year Summary of Results" beneath Chart G. Thus:

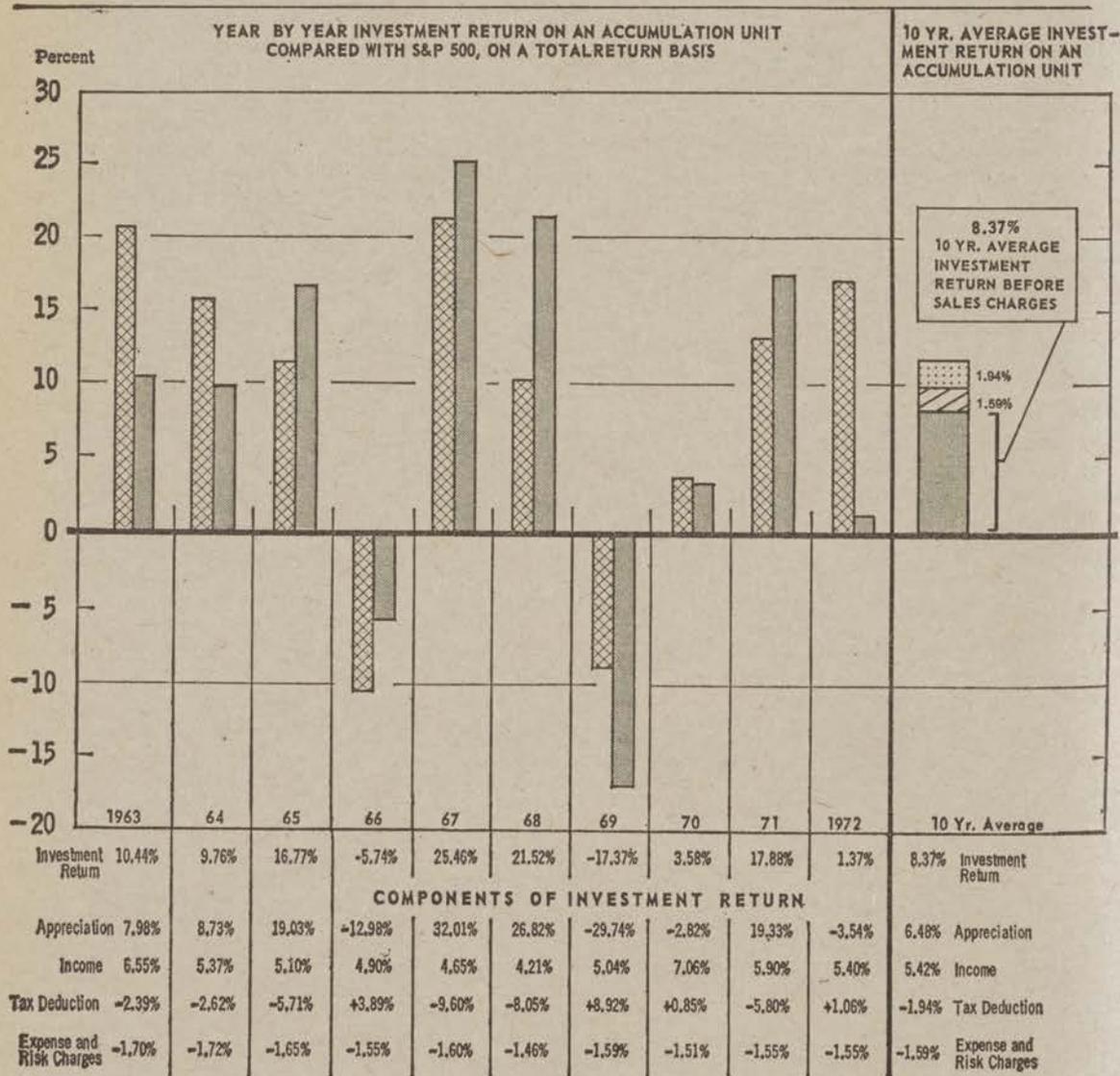
$$\begin{array}{r}
 21.52\% - 17.37\% + 3.58\% \\
 + 17.88\% + 1.37\% \\
 \hline
 5.40\% = \frac{\quad}{5 \text{ years}}
 \end{array}$$

## PROPOSED RULES

Chart II

ILLUSTRATION OF TEN YEAR AVERAGE 8.37% INVESTMENT RETURN  
ON AN ACCUMULATION UNIT IN SEPERATE ACCOUNT ABC 1/

-  YEAR BY YEAR AND TEN YEAR AVERAGE INVESTMENT RETURNS ON AN ACCUMULATION UNIT, AFTER INSURANCE COMPANY TAXES AND AFTER EXPENSE AND RISK CHARGES, BUT BEFORE SALES AND ADMINISTRATIVE CHARGES  
 EFFECT OF DEDUCTIONS FROM THE SEPARATE ACCOUNT FOR INSURANCE COMPANY TAXES ON TEN YEAR AVERAGE INVESTMENT RETURN 2/  
 EFFECT OF EXPENSE AND RISK CHARGES ON TEN YEAR AVERAGE INVESTMENT RETURN  
 ANNUAL CHANGES IN S&P 500, ON A TOTAL RETURN BASIS, BEFORE EXPENSES 3/



1/ The Return on an Accumulation Unit is a Total Return, that is it includes both Capital Appreciation and Investment Income, and is Expressed in terms of a Continuously Compounded Rate.

2/ These Taxes are Paid by the Insurance Company. An Investor will not be Taxed on Investment Gains of the Separate Account Until He Receives Annuity Payments or Redeems His Account. See "Taxes" in the Prospectus.

3/ Changes in the S&P 500 Index Do Not Reflect Expenses of Investment nor Does the Index Represent an Available Alternative Investment Program. It is Included to Demonstrate the Effect of Fluctuation in the Securities Markets on Fund Results.

ILLUSTRATION AND DESCRIPTION OF  
CHART H

Sample Chart H may be used to illustrate and explain returns on an accumulation unit in a separate account. It uses a bar graph to portray annual investment returns and the average return for the ten year period. The display of the ten-year average return also indicates the relative effect on the return of deductions for insurance company taxes and charges for investment management and mortality and expense risks. In addition, the annual and ten-year average investment returns and the components of these returns—appreciation, income, tax deductions, and expense and risk charges—are listed in summary form beneath Chart H. However, Chart H, like Chart G, does not indicate the effect of sales charges on the investment return.

Interpretations of Chart H are illustrated in the following questions and answers.

(1) What is the relative effect of appreciation, income, tax deductions, and expense and risk charges on the 8.37% ten year average investment return?

A.	Percent
Appreciation .....	+6.48
Income .....	+5.42
Tax Deductions.....	-1.94
Expense and risk charges.....	-1.59
	8.37

These figures are listed in the 10 Year Average column beneath Chart H. The investment return of the separate account before all deductions and charges is the sum of the rates of appreciation and income, which is 6.48% plus 5.42%, or 11.90%. Tax deductions reduce the 11.90% return by -1.94%, leaving an investment return of 9.96%, after taxes but before expense and risk charges. The expense and risk charges reduce the 9.96% return by an average of -1.59%, leaving a net investment return of 8.37% after taxes and expenses.

(2) How have the tax deductions affected the investment return of the separate account (a) in 1968? and (b) in 1969?

A. (a) -8.05%. (b) +8.92%.

These figures are listed beneath Chart H. In years when the separate account appreciates, tax deductions will tend to reduce the appreciation. However, in years when the separate account depreciates, it may receive a refund based upon previous tax deductions. Thus, the provision for taxes on the separate account tends to have a smoothing effect on its investment returns.

(3) What is the average investment return on an accumulation unit during the last 5 years—1968 through 1972?  
A. 5.40%.

This is the simple arithmetic average of the annual investment returns. Thus:

$$5.40\% = \frac{21.52\% - 17.37\% + 3.58\% + 17.88\% + 1.37\%}{5 \text{ years}}$$

(4) What is the average rate of capital appreciation during the last 5 years—1968 through 1972?  
A. 2.01%.

This is the simple arithmetic average of the annual rates of capital appreciation. Thus:

$$2.01\% = \frac{26.82\% - 29.74\% - 2.82\% + 19.33\% - 3.54\%}{5 \text{ years}}$$

[FR Doc.74-27039 Filed 11-19-74;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 THE TREASURY

Comptroller of the Currency

### REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE FIRST NATIONAL BANK REGION

Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the First National Bank Region, will be held in the Clarendon Room, the Sheraton Boston Hotel, Boston, Massachusetts, on Tuesday, December 10, 1974, beginning at 9:30 a.m.

The purpose of this meeting is to assist the Regional Administrator and the Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Region.

These meetings are concerned with the liquidity, solvency and continuity of the banking system and involve discussion of commercial and financial information obtained in confidence and required to be kept confidential.

It is hereby determined pursuant to section 10(d) of Pub. L. 92-463 that the meeting is concerned with matters listed in section 552(b) of Title 5 of the United States Code and particularly with exceptions (3), (4) and (8) thereof, and is therefore exempt from the provisions of section 10(a)(1) and (3) of the Act (Pub. L. 92-463) relating to open meeting and public participation therein.

[SEAL] JAMES E. SMITH,  
Comptroller of the Currency.

Dated: November 15, 1974.

[FR Doc.74-27115 Filed 11-19-74; 8:45 am]

## DEPARTMENT OF DEFENSE

Department of the Army

### US ARMY MEDICAL RESEARCH AND DEVELOPMENT ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the US Army Medical Research and Development Advisory Panel will meet from 9:00 a.m. to 3:30 p.m. on December 6, 1974 in Room 8E069, James V. Forrestal Building, 10th and Independence Ave-

nue, Southwest, Washington, DC 20314.

The agenda includes briefings on current developments in the Army Medical Department Research, Development, Test and Evaluation Program, and election of the chairman for 1975.

The meeting is open to the public; however, space accommodations are limited. Persons wishing to attend should advise the Executive Secretary, in writing prior to the meeting, at the following address: US Army Medical Research and Development Command, Forrestal Building, Room 8G091, Washington, DC 20314.

Dated: November 13, 1974.

By authority of the Secretary of the Army.

FRED R. ZIMMERMAN,  
Lt. Colonel, U.S. Army,  
Chief, Plan Office, TAGO.

[FR Doc.74-27126 Filed 11-19-74; 8:45 am]

Office of the Secretary

### NAVY NAVIGATION SATELLITE SYSTEM

Statement of Policy

In order to clarify Department of Defense intentions regarding the future Department of Defense position with respect to continued operation of the Navy Navigation Satellite System (TRANSIT), the Deputy Secretary of Defense has issued the following statement of policy:

The Department of Defense plans to continue as operator of the TRANSIT satellite navigation system until another more capable system is available. No firm decision has been made yet whether to deploy the NAVSTAR satellite navigation system now under development; that decision will await the determination that NAVSTAR technical and cost objectives have been met. It is unlikely that both systems would be continued by Department of Defense; NAVSTAR and TRANSIT are not interoperable for technical reasons. For planning purposes the point in time at which the Department of Defense anticipates that it would be possible to start phase out of TRANSIT is 1982-1984. Any continuation of TRANSIT system support beyond Department of Defense requirements will be vested in other U.S. Government agencies. Present users of TRANSIT or those who are considering future TRANSIT use should be aware of these considerations and plan accordingly.

Dated: November 15, 1974.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives, OASD (Comptroller).

[FR Doc.74-27111 Filed 11-19-74; 8:45 am]

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 23574; 23575; 23576; 23577; 23578; 23579; 23580; 23581; 23582; 23583; 23584; 23585; 23586]

NEW MEXICO

Applications

NOVEMBER 11, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for ten 4½-inch, one 6⅞-inch, one 8-inch and one 8⅞-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,  
NEW MEXICO

T. 26 S., R. 37 E.,  
Sec. 8, SW¼NE¼, SE¼SE¼;  
Sec. 9, SE¼NE¼, S½NW¼, NW¼SE¼,  
SE¼SE¼;  
Sec. 10, SW¼NW¼, SW¼SW¼;  
Sec. 15, NW¼NW¼, S½NW¼, SE¼SW¼,  
W½SE¼.

These pipelines will convey natural gas across 2,547 miles of national resource lands in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

STELLA V. GONZALES,  
Acting Chief, Branch of  
Lands and Minerals Operations.

[FR Doc.74-27140 Filed 11-19-74; 8:45 am]

[NM 23357]

NEW MEXICO

Application

NOVEMBER 12, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has

applied for a 6 $\frac{5}{8}$ -inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,  
NEW MEXICO

T. 20 S., R. 29 E.,  
Sec. 16, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 17, N $\frac{1}{2}$ N $\frac{1}{2}$ .

This pipeline will convey natural gas across 1.060 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,  
Chief, Branch of Lands  
and Minerals Operations.

[FR Doc.74-27141 Filed 11-19-74;8:45 am]

[NM 23621; 23625]

#### NEW MEXICO

#### Applications

NOVEMBER 12, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for four 4 $\frac{1}{2}$ -inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW  
MEXICO

T. 20 S., R. 29 E.,  
Sec. 5, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 8, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 16, S $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

These pipelines will convey natural gas across 1.146 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,  
Chief, Branch of Lands  
and Minerals Operations.

[FR Doc.74-27142 Filed 11-19-74;8:45 am]

[NM 23443]

#### NEW MEXICO

#### Application

NOVEMBER 12, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act

of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4 $\frac{1}{2}$ -inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW  
MEXICO

T. 21 S., R. 26 E.,  
Sec. 5, Lots 10, 15, 16.

These pipelines will convey natural gas across .427 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,  
Chief, Branch of Lands  
and Minerals Operations.

[FR Doc.74-27143 Filed 11-19-74;8:45 am]

#### SUSANVILLE DISTRICT GRAZING ADVISORY BOARD, CALIFORNIA

#### Notice of Meeting

Notice is hereby given that the Susanville District Advisory Board will meet December 4 and 5, 1974 at 10 a.m. in the Conference Room, Susanville District Bureau of Land Management Office, 705 Hall St., Susanville, California.

The purpose of the meeting will be to consider district grazing applications, license, and transfer of grazing privileges in the Eagle Lake, Pit River, and Surprise Resource Areas.

Other topics for discussion include: Cowhead-Massacre Management Framework Plan and proposed rules 43 CFR Part 1780 Advisory Boards.

The meeting is open to the public. Interested persons may make oral/written presentations to the Board. Such requests should be made to the official listed below at least 5 days prior to the meeting. Requests for additional information should be submitted to the District Manager, P.O. Box 1090, Susanville, California 96130, Telephone Number (916) 257-5385.

D. DEAN BIBLES,  
District Manager.

[FR Doc.74-27144 Filed 11-19-74;8:45 am]

#### DEPARTMENT OF AGRICULTURE

#### Agricultural Marketing Service

#### GRAIN STANDARDS

#### Texas Grain Inspection Point

Notice is hereby given pursuant to § 26.101 of the regulations (7 CFR 26.101) under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) that on October 1, 1974, there was published in the FEDERAL REGISTER (39 FR 35402) a notice announcing the request of the Sherman

Grain and Cotton Exchange that its designation under section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)) to operate as an official inspection agency at Sherman, Texas, be canceled because the volume of inspections performed by the inspection department does not support the cost of operating the department. Interested persons were given until October 31, 1974, to make application for designation to operate as an official inspection agency at Sherman, Texas, and to submit written views and comments with respect to the proposed cancellation.

No comments were received with respect to the October 1, 1974, notice in the FEDERAL REGISTER. Therefore, the designation of the Sherman Grain and Cotton Exchange to operate as an official inspection agency at Sherman, Texas, is canceled. No person is now designated under section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)) to operate as an official inspection agency at Sherman, Texas. This notice does not preclude interested persons from making application for designation to operate as an official inspection agency at Sherman, Texas, in accordance with the requirements in § 26.96 of the regulations (7 CFR 26.96) under the U.S. Grain Standards Act.

(Sec. 7, 39 Stat. 482, as amended 82 Stat. 764; 7 U.S.C. 79(f); 37 FR 28464 and 28476)

*Effective date.* This notice shall become effective November 19, 1974.

Done in Washington, D.C. on November 14, 1974.

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

[FR Doc.74-27114 Filed 11-19-74;8:45 am]

#### Forest Service

#### EIGHTMILE-BLUE CREEK UNITS—SIX RIVERS NATIONAL FOREST

#### Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Land Use Plans, Eightmile and Blue Creek Units, Six Rivers National Forest, California, USDA-FS-R5-DES(Adm)-75-5.

The environmental statement concerns proposed land use management plans for the 94,000 acres of National Forest lands known as the Eightmile-Blue Creek Units of the Six Rivers National Forest, in Del Norte and Humboldt Counties, California. Fifty-nine thousand, eight hundred acres within these Units have been inventoried as "roadless."

This draft environmental statement was transmitted to the Council on Environmental Quality (CEQ) on November 12, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service  
South Agriculture Bldg., Room 3230  
12th St. & Independence Ave., SW,  
Washington, D.C.

Regional Forester  
U.S. Forest Service, Rm. 529  
630 Sansome Street  
San Francisco, California  
Forest Supervisor's Office  
Six Rivers National Forest  
710 E Street  
Eureka, California

Forest Service  
District Ranger  
Gasquet, California

Forest Service  
District Ranger  
Orleans, California

A limited number of single copies are available, upon request, from Forest Supervisor George Roether, Six Rivers National Forest, 710 E Street, Eureka, California 95501.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and 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 effect for which comments have not been specifically requested.

Comments concerning the proposed action, and requests for additional information should be addressed to Forest Supervisor George Roether, Six Rivers National Forest, 710 E Street, Eureka, California 95501. Comments must be received within 60 days after transmittal to CEQ in order to be considered in the preparation of the final environmental statement.

Dated: November 12, 1974.

T. W. KOSKELLA,  
Regional Forester.

[FR Doc.74-27080 Filed 11-19-74; 8:45 am]

#### LAKE FORK MANAGEMENT UNIT

##### Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Lake Fork Management Unit, Wallowa-Whitman National Forest, Oregon. USDA-FS-R6-DES-(Adm)-75-05.

The environmental statement concerns proposed management direction for the Lake Fork Management Unit, Wallowa-Whitman National Forest in Baker and Wallowa Counties, State of Oregon.

This draft environmental statement was transmitted to CEQ on November 11, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service  
South Agriculture Bldg., Room 3231  
12th St. & Independence Ave., S.W.  
Washington, D.C. 20250

USDA, Forest Service  
Pacific Northwest Region  
319 S.W. Pine Street  
Portland, Oregon 97204

Wallowa-Whitman National Forest  
Federal Building  
Baker, Oregon 97814

A limited number of single copies are available upon request to Forest Supervisor John L. Rogers, Wallowa-Whitman National Forest, Baker, Oregon 97814.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and 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 for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Wallowa-Whitman National Forest, P.O. Box 907, Baker, Oregon 97814. Comments must be received by January 10, 1975 in order to be considered in the preparation of the final environmental statement.

Dated: November 11, 1974.

GEORGE D. BREITMEIER,  
Acting Regional Forester.

[FR Doc.74-27077 Filed 11-19-74; 8:45 am]

#### UPPER TRINITY UNIT—SHASTA-TRINITY NATIONAL FOREST

##### Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Land Use Plan, Upper Trinity Unit, Shasta-Trinity National Forest, California, USDA-FS-R5-DES-(Adm)-75-1.

The environmental statement concerns a proposed land use management plan for the 59,000 acres of lands known as the Upper Trinity Unit of the Shasta-Trinity National Forest, in Trinity County, California. The plan includes evaluation of the 14,000-acre inventoried Sherer Ridge Roadless Area as well as all other resource outputs and scenic values in the planning unit.

This draft environmental statement was transmitted to the Council on Environmental Quality (CEQ) on November 12, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service  
South Agriculture Bldg., Rm. 3230  
12th & Independence Ave., SW,  
Washington, D.C.

Regional Forester  
U.S. Forest Service, Rm. 529  
630 Sansome Street  
San Francisco, CA

Forest Supervisor  
Shasta-Trinity National Forest  
1615 Continental Street  
Redding, CA 96001

Forest Service  
District Ranger  
Mt. Shasta, CA

Forest Service  
District Ranger  
Weaverville, CA

A limited number of single copies are available, upon request, from Forest Supervisor Richard J. Pflif, Shasta-Trinity National Forest, 1615 Continental Street, Redding, California 96001.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and 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 effect for which comments have not been specifically requested.

Comments concerning the proposed action, and requests for additional information should be addressed to Forest Supervisor Richard J. Pflif, Shasta-Trinity National Forest, 1615 Continental Street, Redding, California 96001. Comments must be received within 60 days after filing with CEQ in order to be considered in the preparation of the final environmental statement.

Dated: November 12, 1974.

T. W. KOSKELLA,  
Deputy Regional Forester.

[FR Doc.74-27081 Filed 11-19-74; 8:45 am]

#### DEPARTMENT OF COMMERCE

##### Domestic and International Business Administration

#### HOSPITAL OF THE GOOD SAMARITAN AND BAPTIST MEMORIAL HOSPITAL

##### Consolidated Decision on Applications for Duty Free Entry of EMI Scanner Systems With Magnetic Tape Units

The following is a consolidated decision on applications for duty-free entry of EMI Scanner Systems With Magnetic Tape Units pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.). (See especially § 701.11 (e).)

A copy of the record pertaining to each of the applications in this consolidated

decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00033-33-90000. Applicant: The Hospital of the Good Samaritan, 1212 Shatto Street, Los Angeles, California 90017. Article: EMI Scanning System with Magnetic Tape Unit. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to study the components of the intracranial vault to include gray matter, white matter, cerebral spinal fluid, fat, and bone to actively pursue the new areas of information from the brain. The article will also be used for medical education through one-to-one training on the actual machine, offered to graduate and post-graduate levels and dissemination of the proper role of the article in a neurological problem patient. Application received by Commissioner of Customs: July 26, 1974. Advice submitted by the Department of Health, Education, and Welfare on: October 25, 1974.

Docket number: 75-00034-33-90000. Applicant: Baptist Memorial Hospital, 899 Madison Avenue, Memphis, Tennessee 38146. Article: EMI Scanner System with Magnetic Tape Unit. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to educate residents in radiology in the use of the article. Research will also be conducted in neuroradiology on the value of the article in diagnosing brain pathology. A plan is underway to run a scientific comparative study with nuclear medicine and cerebral arteriography to see which method is best for the diagnosis of certain brain lesions. Application received by Commissioner of Customs: July 26, 1974. Advice submitted by the Department of Health, Education, and Welfare on: October 25, 1974.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States.

Reasons: Each foreign article is a newly developed system which is designed to provide precise transverse axial x-ray tomography. The Department of Health, Education, and Welfare (HEW) advised in the respectively cited memoranda that the sensitivity and the non-invasive methodology of each article are pertinent to the purposes for which each foreign article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to any of the articles to which the foregoing applications relate for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of

equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,  
Director, Special Import  
Programs Division.

[FR Doc.74-27118 Filed 11-19-74; 8:45 am]

#### UNIVERSITY OF MINNESOTA

##### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00029-00-46040. Applicant: University of Minnesota, Medical School, Minneapolis, Minnesota 55455. Article: Side Entry Goniometer and High Resolution Scanning Device. Manufacturer: JEOL Ltd., Japan. Intended use of article: The articles are accessories to be added to an existing electron microscope in combination with an EDAX X-ray energy analysing unit to be used to develop a new method of semi-quantitative ultrastructural enzyme histochemistry.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to compatible accessories for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar components being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,  
Director, Special Import  
Programs Division.

[FR Doc.74-27119 Filed 11-19-74; 8:45 am]

#### UNIVERSITY OF SOUTHERN CALIFORNIA ET AL.

##### Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before December 10, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00168-33-46500. Applicant: University of Southern California, Pathology Department, School of Medicine, 2025 Zonal Avenue, Los Angeles, California 90033. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological materials, mainly mammalian tissues derived from experimental animals and also human tissues, searching for the pathologic abnormalities. Experiments to be conducted include the transport and passage of macromolecules, the transport and passage of trace substances, the incorporation of labelled substances, and the interaction of various cells at the membrane boundaries. The studies are concerned with protein leakage following air pollution exposures of the lung, estrogen receptors in breast cancer, and the special interactions of white blood cells with a variety of lung cells in tissues culture preparations under normal and abnormal conditions. Application received by Commissioner of Customs: October 24, 1974.

Docket number: 75-00169-01-86300. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Rheovibron Dynamic Viscoelastometer, DDV-II-C. Manufacturer: Toyo Measuring Instruments Ltd., Japan. Intended use of article: The article is intended to be used in studies of the dynamic viscoelastic response of polymeric biomaterials over a wide temperature range at several fixed frequencies. The article will also be used in the course Chemical Engineering 1067, Polymer Science Laboratory to give graduate students and qualified undergraduates first-hand experience in the

synthesis and mechanical characterization of polymeric materials and to introduce them to more commonly used instruments of industrial polymer laboratories. Application received by Commissioner of Customs: October 24, 1974.

Docket number: 75-00170-55-02000. Applicant: University of Washington, Studies in Marine Hydrodynamics, Department of Oceanography, Seattle, Washington 98195. Article: Oceanic Hot Film Anemometer Probe. Manufacturer: Canadian Thin Films Ltd., Canada. Intended use of article: The article will be used in conjunction with an electronic constant temperature system to study the process of momentum exchange near the density interface of a salt wedge estuary. The objectives to be pursued in the course of these investigations will include determination of the fine scale structure of the turbulent velocity fluctuations, as well as their correlations and their spatial distribution with respect to the density interface. Application received by Commissioner of Customs: October 24, 1974.

Docket number: 75-00171-75-52400. Applicant: The University of Wisconsin, Madison, 750 University Avenue, Madison, Wisconsin 53706. Article: Proto-Cleo Stellarator Plasma System. Manufacturer: Culham Laboratory, United Kingdom. Intended use of article: The article is intended to be used in studies of hydrogen and deuterium plasmas to determine the scientific feasibility of achieving controlled thermonuclear fusion of deuterium-tritium plasmas in toroidal machines that produce rotational transforms by means of external helical windings in order to produce energy from fusion of these ions to helium. The article will also be used for educational purposes in the following courses to provide a basis to advanced undergraduate and graduate students in the area of plasmas and controlled fusion:

(1) Introduction to Plasmas—ECE 525.

(2) Waves Instabilities of Plasmas—ECE 724.

(3) Plasma Kinetics and Radiation Processes—ECE 725.

(4) Research or thesis—ECE 990.

Application received by Commissioner of Customs: October 24, 1974.

Docket number: 75-00172-01-59400. Applicant: Texas Tech University, Purchasing Department, P.O. Box 4050, Lubbock, Texas 79409. Article: Quantum Yield Photoreactor and Accessories. Manufacturer: Applied Photophysics Ltd., United Kingdom. Intended use of article: The article is intended to be used for quantum-yield measurements in mechanistic studies of photochemical reactions. The article will be used in chemistry courses in the training of students in modern approaches to chemistry and biochemistry. Application received by Commissioner of Customs: October 24, 1974.

Docket number: 75-00173-33-46040. Applicant: Harvard University Medical School, Purchasing Department, 75 Mt. Auburn Street, Cambridge, Mass. 02138. Article: Electron Microscope, Model EM

201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in a wide variety of studies using ultrastructural tracer techniques, cytochemistry and ranging from morphological studies to freeze fracturing. The range of phenomena to be investigated will include:

(a) The study of the structure and function of normal and pathologic vascular endothelium. Use of electron microscopic tracers would delineate the sites of vascular permeability.

(b) The study on the ultrastructural basis for normal and increased glomerular permeability.

(c) Studies on the ultrastructure of endothelial cell and vascular smooth muscle cell in cultures.

(d) Studies of the in vitro perfused kidneys under different conditions.

(e) Analysis of replicas of freeze fractured specimens from cell membranes in normal and under pathologic conditions.

(f) Studies of the juxtglomerular apparatus of in vivo and in vitro perfused kidneys under different conditions with the application of electron microscopic tracers.

(g) Study of regenerating endothelial cells and endothelial-inflammatory cell interactions in models of immunologic and non-immunologic inflammation.

(h) Study of endothelial ultrastructure after irradiation in vivo and in vitro.

(i) Ultrastructural studies on the relationship between microvascular and parenchymal injury following irradiation of the parotid salivary gland.

The article will also be used in the training of graduate students, postdoctoral fellows, and research associates on their research programs. Application received by Commissioner of Customs: October 24, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,  
Director, Special Import  
Programs Division.

[FR Doc. 74-27120 Filed 11-19-74; 8:45 am]

#### UNIVERSITY OF DAYTON ET AL.

##### Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs,

Washington, D.C. 20230, on or before December 10, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00074-01-77000. Applicant: University of Dayton, 300 College Park, Dayton, Ohio 45469. Article: ES 100 Electron Spectrometer and accessories. Manufacturer: AEI Scientific Apparatus Ltd., United Kingdom. Intended use of article: The article is intended to be used for x-ray excited photoelectron spectroscopy of solids, liquids and gases with both polychromatic and monochromatic excitation and for ultraviolet radiation excited photoelectron spectroscopy of both solids and gases. Spectroscopic experiments will be done for the purpose of characterization of new chemical compounds, both organic and inorganic; for analysis of compounds and mixtures for elements in particular oxidation states; for determination of changes in oxidation states of elements when reactions take place; for study of catalytic gas-surface reactions of multiple samples and for study of bonding in gaseous and solid compounds. The article will also be used for MS and Phd dissertation work in the Physics, Chemistry and Biology departments. Application received by Commissioner of Customs: August 30, 1974.

Docket number: 75-00174-33-46070. Applicant: Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Illinois 60439. Article: Scanning Electron Microscope, Model JSEM 200. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for surveillance and characterization of microstructural changes occurring in reactor core and steam-generator system materials during operation. The materials or phenomena to be studied include the following: creep and swelling behavior of austenitic stainless steel during reactor operation, analysis of steam-generator materials which have been in service for 10 years; characterize the microstructure of as-fabricated uranium-alloy fuel and changes in microstructure after reactor operation, and study components which have failed in service. Application received by Commissioner of Customs: October 25, 1974.

Docket number: 75-00175-33-46040. Applicant: Veterans Administration Hospital, Research and Education Service, 3350 La Jolla Village Drive, San Diego, California 92161. Article: Electron Microscope, Model EM 10. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in an ongoing study of the ethiology of primary open angle glaucoma, an aging disease of the

human eye. In addition, the article will be used for training purposes as follows:

(1) To train residents and technical support personnel in techniques of transmission electron microscopy with emphasis on obtaining the maximum amount of information possible on a high resolution electron microscope;

(2) To instruct trainees in current methods of tissue preservation and cell structure visualization;

(3) To follow students through the complete experiment starting with the initial experimental design and finishing with a published manuscript;

(4) To convey a sense of understanding about electron microscope function to the trainees that will allow them to go on to such techniques as the examination of freeze-fracture replicas, the use of X-ray spectrophotometry to localize element distribution, or the use of electron diffraction patterns to identify subtle differences in organelles. Application received by Commissioner of Customs: October 29, 1974.

Docket number: 75-00176-33-54500.  
Applicant: Tulane Medical School, Department of Ophthalmology, 1430 Tulane Avenue, New Orleans, La. 70112.  
Article: Diagnostic Ultrasonic A & B Scan System for Ophthalmology, Model 50NS and Accessories. Manufacturer: Ultrasonic and Scientific Instruments Co., Canada. Intended use of article: The article is intended to be used in studies to establish the accuracy of diagnoses by comparison of the results with those obtained on subsequent pathological studies of the same tissues after surgery. The article will aid in the diagnosis of ocular tumors, vitreous hemorrhages, retinal detachments and foreign bodies. The article will also be used by ophthalmology residents in training who will be trained in the interpretation of the results. Application received by Commissioner of Customs: October 29, 1974.

Docket number: 75-00177-33-46040.  
Applicant: The Mt. Sinai School of Medicine of the City University of New York, 11 East 100th Street, New York, NY 10029. Article: Electron Microscope, Model HS-9-1. Manufacturer: Hitachi, Japan. Intended use of article: The article is intended to be used for research purposes in the field of microbiology and virology. Research will involve the following:

- (1) The study of the effects of mouse tumor viruses on mouse tissues,
- (2) Study of purified ribonucleic acid genome of the sarcoma virus,
- (3) Investigation of the effects of various proteins including cellular histones and the viral RNA-dependent DNA polymerase enzyme on the confirmation of the RNA.
- (4) Study of hepatitis B virus core from infected livers,
- (5) Study of the newly isolated double stranded DNA from the cores of the hepatitis B virus.

Application received by Commissioner of Customs: October 29, 1974.

Docket number: 75-00178-33-90000.  
Applicant: The Johns Hopkins Hospital,

Radiology Department, 601 N. Broadway, Baltimore, Maryland 21205. Article: EMI Scanner System, with Magnetic Type System and High Definition Display. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used as a clinical diagnostic tool to furnish information on brain tissue abnormalities. Application received by Commissioner of Customs: October 29, 1974.

Docket number: 75-00179-33-90000.  
Applicant: Dominican Santa Cruz Hospital, Radiology Section, 1555 Soquel Drive, Santa Cruz, California 95065. Article: EMI Scanner System with High Definition Display. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for the investigation of brain diseases, utilizing a computerized modality which avoids the need for hospitalization, anesthesia, and prolonged invasive techniques, resulting in overall economies to the health care system. Application received by Commissioner of Customs: October 29, 1974.

Docket number: 75-00180-33-77040.  
Applicant: Florida A&M University, Biomedical Research, Tallahassee, Florida 32307. Article: Mass Spectrometer, MS30B and accessories. Manufacturer: AEI Scientific Apparatus, Ltd., Japan. Intended use of article: The article is intended to be used in pharmacokinetic research in developing analytical methodology for detection and quantification of antimetabolites (cancer chemotherapeutic agents) and their active metabolites using a Gas Chromatograph Mass Spectrometer-Computer (GC/MS/COM) System. Development of these procedures will be particularly relevant to the studies of agents used in combination cancer chemotherapy since it is combination therapy which has proven of clinical utility. Application received by Commissioner of Customs: October 29, 1974.

Docket number: 75-00181-33-46070.  
Applicant: Iowa State University, Department of Botany and Plant Pathology, Bessey Hall, Room 1, Ames, Iowa 50010. Article: Scanning Electron Microscope, JSM-35G and accessories. Manufacturer: JEOL Ltd., Unite Japan. Intended use of article: The article is intended to be used for the study of surface topography and detail involving viruses, bacteria, plant and animal tissue cultures, single and multicellular microorganisms and higher plants and animals. As an adjunct to normal transmission light and electron microscopy, the transmitted electron detector system will be used as an extension of the former two tools with the addition of carrying out elemental analyses via energy dispersive x-ray system. Application received by Commissioner of Customs: October 29, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,  
Director, Special Import  
Programs Division.

[FR Doc.74-27169 Filed 11-19-74; 8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

### GRADUATE AND UNDERGRADUATE INTERNATIONAL STUDIES PROGRAMS

#### Proposed Criteria for Funding of Applications

Pursuant to the authority contained in section 601(a) of the National Defense Education Act of 1958, as amended (20 U.S.C. 511(a)), notice is hereby given that the Commissioner of Education with the approval of the Secretary of Health, Education and Welfare, proposes to establish funding criteria set forth below to evaluate applications submitted by institutions of higher education for grants for graduate and undergraduate international studies programs.

Section 601(a) authorizes the Commissioner to make grants to institutions of higher education to establish, equip, and operate graduate and undergraduate programs in international studies and the international aspects of professional and other fields of study.

The criteria read as follows:

In addition to evaluation on the basis of criteria found in the Office of Education General Provisions at 45 CFR 100a.26(b) (38 FR 30654, 30664, November 6, 1973) the Commissioner will further evaluate applications for Federal support to graduate and undergraduate international studies programs in accordance with the following criteria.

1. *Graduate Programs.* (a) The international nature, contemporary relevance, and interdisciplinary and comparative dimensions of the program;
- (b) The extent to which provision is made for evaluation of the effect of the program on the students receiving training, the campus, the community, local teachers, and neighboring institutions of higher education;
- (c) The institution's capability to provide foreign language study as a part of each student's international studies experience;
- (d) The commitment of the institution toward the establishment and operation of the programs as evidenced by the thoroughness of preparation of the program, maximum use of available resources including institutional financial support, and the overall quality of the program;
- (e) The probability that a clearly improved educational experience will be available at the institution for prospective students within two years and that the program will be continued after Federal support is withdrawn.

(20 U.S.C. 511(a))

2. *Undergraduate Programs.* (a) The extent to which provisions are made for evaluation of the effect of the program on students receiving training, the campus, the community, local teachers, and neighboring institutions of higher education.

(b) The commitment of the institution toward the establishment and operation of the program as evidenced by

the thoroughness of preparation of the program, maximum use of available resources including institutional financial support and the overall quality of the program.

(c) The institution's capability to provide foreign language study as a part of each student's international studies experience.

(d) The probability that a clearly improved educational experience will be available at the institution for prospective students within two years and that the program will be continued after Federal support is withdrawn.

(20 U.S.C. 511(a))

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed funding criteria to the Language and Area Centers Program, Bureau of Postsecondary Education, U.S. Office of Education, 7th and D Streets, SW, Room 3671, Regional Office Building Three, Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4:30 p.m..

All relevant material must be received not later than December 20, 1974.

(Catalog of Federal Domestic Assistance Program: 13.435 Foreign Language and Area Studies—Centers)

Dated: October 10, 1974.

T. H. BELL,  
U.S. Commissioner of Education.

Approved: November 14, 1974.

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

[FR Doc.74-27151 Filed 11-19-74; 8:45 am]

#### GRADUATE AND UNDERGRADUATE INTERNATIONAL STUDIES PROGRAMS

##### Closing Date for Receipt of Initial Applications

Notice is hereby given that pursuant to the authority contained in section 601(a) of Title VI of the National Defense Education Act of 1958, as amended (20 U.S.C. 511(a)), applications are being accepted from institutions of higher education for initial grants under the Graduate and Undergraduate International Studies Programs. (A separate Notice of Closing Date will be published for applications for continuation grants.)

Applications for initial grants must be received by the U.S. Office of Education Application Control Center on or before December 27, 1974.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW, Washington, D.C. 20202, Attention: 13.435. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than

the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW, Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Language and Area Centers Program, Bureau of Postsecondary Education, U.S. Office of Education, Room 3671, 7th and D Streets, SW, Washington, D.C. 20202.

D. *Applicable Regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR 100a) and the criteria relating to the graduate and undergraduate international studies programs, published in this volume of the FEDERAL REGISTER.

(Catalog of Federal Domestic Assistance Number 13.435; Higher Education—Language and Area Centers Program)

Dated: October 15, 1974.

T. H. BELL,  
U.S. Commissioner of Education.  
[FR Doc.74-27152 Filed 11-19-74; 8:45 am]

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

##### Federal Disaster Assistance Administration

[Docket No. NFD-238; FDAA-452-DR]

#### ALASKA

##### Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on November

14, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Alaska resulting from severe storms and flooding beginning about November 11, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Alaska.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. William H. Mayer, HUD Region X, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Alaska to have been adversely affected by this declared major disaster:

Coastal towns in northwestern Alaska from Hooper Bay to Kotzebue.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: November 14, 1974.

THOMAS P. DUNNE,  
Administrator, Federal Disaster  
Assistance Administration.

[FR Doc.74-27147 Filed 11-19-74; 8:45 am]

[Docket No. NFD-237; FDAA-451-DR]

#### VIRGIN ISLANDS

##### Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on November 14, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the Virgin Islands resulting from severe storms, landslides, and flooding beginning about October 23, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the Virgin Islands.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Thomas R. Casey, HUD Region II, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the Territory of the Virgin Is-

lands to have been adversely affected by this declared major disaster:

The Islands of:

St. Croix                      St. Thomas  
St. John

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: November 14, 1974.

THOMAS P. DUNNE,  
Administrator, Federal Disaster  
Assistance Administration.

[FR Doc. 74-27146 Filed 11-19-74; 8:45 am]

## DEPARTMENT OF TRANSPORTATION

Office of the Secretary

### CITIZENS' ADVISORY COMMITTEE ON TRANSPORTATION QUALITY

#### Notice of Open Meeting

The Citizens' Advisory Committee on Transportation Quality of the Department of Transportation will meet at 8:30 a.m. on Monday, December 9, 1974, and at 9 a.m. on Tuesday, December 10, 1974, in Conference Room H, Conference Center, Center House, Seattle Center, Seattle, Washington.

The Citizens' Advisory Committee on Transportation Quality recommends transportation initiatives to the Secretary of Transportation, and assesses transportation policies from the consumer's viewpoint.

The agenda for the two-day meeting will include a discussion of the development of Departmental programs and policies concerning the reuse of historic and architecturally significant railroad stations as intermodal transportation centers.

The meeting is open to the public. Anyone wishing to attend or obtain additional information should contact Joseph DelVecchio, Executive Director, Citizens' Advisory Committee on Transportation Quality, Office of the Secretary of Transportation, TES-40, 400 Seventh Street, SW., Washington, D.C. 20590, 202/426-4283.

This notice is given pursuant to section 10 of the Federal Advisory Committee Act (Pub. L. 92-463).

Issued in Washington, D.C., on November 14, 1974.

GLENN J. SEDAM,  
Acting Assistant Secretary for  
Environment, Safety, and  
Consumer Affairs.

[FR Doc. 74-27127 Filed 11-19-74; 8:45 am]

## ATOMIC ENERGY COMMISSION ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

### Notice of Meeting

NOVEMBER 15, 1974.

In accordance with the purposes of section 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on December

5-7, 1974, in Room 1046, 1717 H Street, N.W., Washington, D.C.

The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public:

THURSDAY, DECEMBER 5, 1974

9:45 a.m.-11:15 a.m.: *Seabrook Station Units 1 & 2 (Open)*. The Committee will meet with representatives of the Public Service Company of New Hampshire and the AEC Regulatory Staff to hear presentations and hold discussions regarding its review of the request for a construction permit for this station. Portions of this session will be closed if required to discuss proprietary information related to the design, construction and/or operation of this plant and to discuss security arrangements for this facility. Closed sessions will also be held for Committee deliberative sessions.

11:15 a.m.-12:45 p.m.: *Zion Station Units 1 & 2 (Open)*. The Committee will consider the proposal to operate these units at full power. Representatives of the AEC Regulatory Staff and the Commonwealth Edison Company will make presentations to and hold discussions with the Committee. Portions of this session will be closed if required to discuss proprietary information related to the design, and/or operation of this station and to discuss security arrangements for this plant. Closed sessions will also be held for Committee deliberative sessions.

2:30 p.m.-6 p.m.: *WASH-1400, Reactor Safety. An Assessment of Accident Risks in U.S. Commercial Nuclear Power Plants (Open)*. The Committee will continue its consideration of WASH-1400. Representatives of the Atomic Energy Commission staff will make presentations and hold discussions regarding this study. Portions of this session will be closed, if required, under the provisions of section 10(d) of Public Law 92-463 (the Federal Advisory Committee Act) to exchange opinions leading to the formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of USC 552(b).

FRIDAY, DECEMBER 6, 1974

9:30 a.m.-11 a.m.: *General Electric Company Nuclear Steam Supply System proposed for the Perry Nuclear Power Plant Units 1 & 2 and Allens Creek Nuclear Generating Station Units 1 & 2*. The Committee will review the proposed Nuclear Steam Supply System for the Perry Nuclear Plant and the Allens Creek Nuclear Station. Representatives of the General Electric Company and the AEC Regulatory Staff will make presentations to and hold discussions with the Committee.

Portions of this session will be closed, if required, to discuss proprietary information related to the design, construction and/or operation of these systems. Closed portions will also be held for Committee deliberative sessions.

11 a.m.-12:30 p.m.: *Perry Nuclear Power Plant Units 1 & 2*. The Committee will consider the application for a Construction Permit for this facility. Representatives of the applicants and the AEC Regulatory Staff will make presentations and hold discussions with the Committee.

Portions of this session will be closed, if required, to discuss proprietary information related to the design, construction and/or operation of this plant and to discuss security plans for this station. Closed portions will also be held for Committee deliberative sessions.

1:30 p.m.-2:30 p.m.: *Meeting with AEC Regulatory Staff* to discuss recent reactor operating experience and recent licensing actions.

2:30 p.m.-4 p.m.: *Allens Creek Nuclear Generating Station Units 1 & 2*. The Committee will consider the application for a Construction Permit for this facility. Representatives of the Houston Lighting & Power Company and the AEC Regulatory Staff will make presentations and hold discussions with the Committee.

Portions of this session will be closed, if required, to discuss proprietary information related to the design, construction and/or operation of this facility and to discuss security plans for this station. Closed portions will also be held for Committee deliberative sessions.

4:30 p.m.-8 p.m.: *St. Lucie Plant Unit No. 2*. The Committee will consider the application for a construction permit for this facility. Representatives of the Florida Power and Light Company and the AEC Regulatory Staff will make presentations and hold discussions with the Committee. Portions of this session will be closed, if required, to discuss proprietary information related to the design, construction and/or operation of this plant and to discuss security plans for this station. Closed portions will also be held for Committee deliberative sessions.

In the event the projects noted above are not ready for Committee consideration at this meeting, the Committee will consider the following item:

*Anticipated transients without scram*. The Committee will discuss proposed methods for implementation of the requirements of WASH-1270 with representatives of the AEC Regulatory Staff.

It should be noted that, in addition to the closed portions of the agenda items noted above, the Committee will hold other sessions not open to the public under the authority of section 10(d) of Public Law 92-463 (the Federal Advisory Committee Act), to consider the above applications and other matters. I have determined in accordance with subsection 10(d) of Public Law 92-463 that it is necessary to close such portions of the meeting to protect proprietary data (5 U.S.C. 552(b)(4)), and to protect the free interchange of internal views to avoid undue interference with agency or Committee operation (5 U.S.C. 552(b)(5)). Any non-exempt material that may be discussed during the closed portions of the meeting will be inextricably intertwined with discussion of exempt material and no further separation is practical. Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incomplete open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than November 27, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards,

U.S. Atomic Energy Commission, Washington, D.C. 20545. Such written comments shall be based on documents related to the agenda items noted above, and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545, and as follows:

**SEABROOK STATION UNITS 1 & 2**

Exeter Public Library  
Front Street  
Exeter, New Hampshire 03833

**ZION STATION UNITS 1 & 2**

Waukegan Public Library  
128 North County Street  
Waukegan, Illinois 60085

**PERRY NUCLEAR POWER PLANT UNITS 1 & 2**

Perry Public Library  
3753 Main Street  
Perry, Ohio 44081

**ALLENS CREEK NUCLEAR GENERATING STATION**

Sealy Public Library  
415 Main Street  
Sealy, Texas 77474

**ST. LUCIE PLANT UNIT No. 2**

Indian River Junior College Library  
3209 Virginia Avenue  
Ft. Pierce, Florida 33450

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Committee.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting or portions of the meeting have been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on December 4, 1974, to the Office of the Executive Secretary of the Committee (Telephone: 301-973-5651) between 8:30 a.m. and 5:15 p.m. Eastern Time. It should be noted that the schedule noted above is tentative, based on the anticipated availability of related information, etc. It may be necessary to reschedule items during the same day to accommodate required changes. The ACRS Executive Secretary will be prepared to describe these changes on December 4, 1974.

(e) Questions may be propounded only by members of the Committee and its consultants.

(f) The use of still, movie, and television cameras, the physical installation

and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(g) Persons desiring to attend portions of the meeting where proprietary information is being discussed may do so by providing to the Executive Secretary 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information providing for access to this information.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. on or after March 7, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,  
Advisory Committee  
Management Officer.

[FR Doc.74-27301 Filed 11-19-74;9:01 am]

[Docket Nos. 50-466, 50-467]

**HOUSTON LIGHTING & POWER CO.**

**Order Scheduling Evidentiary Hearing**

In the matter of Houston Lighting & Power Co. (Allens Creek Nuclear Generating Station, Units 1 and 2).

A hearing will commence at 10 a.m. December 10, 1974, in the auditorium at Wallis Orchard Independent School, 6800 Main Street, Wallis, Texas, to receive evidence relating to the application of Houston Lighting and Power Company for a permit to construct two nuclear power reactors in Austin County, Texas. To be considered at this hearing are whether or not the site proposed for the reactors is suitable from the standpoint of radiological health and safety and issues relating to environmental matters.

The public is invited to attend. Any person who has asked to make a limited appearance may state his views or file a written statement at the time and place above set out or at such later time as the Board may designate.

It is so ordered.

Dated at Bethesda, Maryland, this 14th day of November 1974.

ATOMIC SAFETY AND LICENSING BOARD,  
FREDERIC J. COUFAL,  
Chairman.

[FR Doc.74-27125 Filed 11-19-74;8:45 am]

[Docket No. STN 50-437]

**OFFSHORE POWER SYSTEMS**

**Notice and Order for Second Prehearing Conference**

In the matter of Offshore Power Systems (Floating Nuclear Power Plants).

Notice is hereby given that the Atomic Safety and Licensing Board (the Board) will hold a prehearing conference in the above-captioned proceeding on Monday, December 9, 1974, at 10 a.m., local time, in the Atomic Safety and Licensing Board Panel's hearing room, 12th floor, Landow Building, 7910 Woodmont Avenue, Bethesda, Maryland 20014. This prehearing conference will cover the following items:

- (1) Status of discovery;
- (2) Status of issuance of relevant documents by the AEC Regulatory Staff;
- (3) Status of the floating nuclear plant project itself, particularly in view of the announced delay in construction of the units proposed to be installed off the New Jersey coast by the Public Service Electric and Gas Company of New Jersey and in view of the recent news accounts regarding the project;
- (4) Consideration of establishment of a schedule for future action; and
- (5) Such other matters as may aid in the orderly disposition of the proceeding.

In addition to the parties to this proceeding, this notice is being sent to counsel for Public Service Electric and Gas Company, the Applicant in the related proceeding which involves an application for construction permits for two of the floating nuclear units off the New Jersey coast, Public Service Electric and Gas Company (Atlantic Nuclear Generating Station, Units 1 and 2), Docket Nos. STN 50-477 and STN 50-478. In view of the relationship between this proceeding and the Atlantic Generating case, counsel for Public Service Electric and Gas Company is hereby given permission to participate in this prehearing conference.

Members of the public are invited to attend this prehearing conference.

Issued at Bethesda, Maryland, this 15th day of November 1974.

By order of the Atomic Safety and Licensing Board.

DANIEL M. HEAD,  
Chairman.

[FR Doc. 74-27124 Filed 11-19-74;8:45 am]

[Docket Nos. 50-280, 50-281]

**VIRGINIA ELECTRIC & POWER CO.**

**Proposed Issuance of Amendment to Facility Operating Licenses**

The Atomic Energy Commission (the Commission) is considering issuance of an amendment to Facility Operating Licenses No. DPR-32 and DPR-37 issued to Virginia Electric & Power Company, for operation of the Surry Power Station, Units 1 and 2 located in Surry County, Virginia.

The amendment would revise the provisions in the technical specifications relating to the replacement of 84 of 157 fuel assemblies in the reactor core, constituting refueling of the core for second cycle operation, in accordance with the licensee's application for amendment dated October 17, 1974.

On or before December 19, 1974, any person whose interest may be affected by the proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating licenses. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section, by December 20, 1974. A copy of the petition and/or request for a hearing should be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to George D. Gibson, Esquire, Hunton, Williams, Gay & Gibson, P.O. Box 1535, Richmond, Virginia 23213, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or the licensing board designated by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated October 17, 1974, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Swem Library, College of William & Mary, Williamsburg, Virginia 23185. As it becomes available, the Commission's related safety evaluation will be available at the above locations. A copy of the proposed license amendment and attachments and the safety evaluation, when available, may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washing-

ton, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 12th day of November, 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,  
Chief, Operating Reactors  
Branch #1, Directorate of  
Licensing.

[FR Doc.74-26974 Filed 11-18-74; 8:45 am]

## CIVIL AERONAUTICS BOARD

[Docket 27167; Order 74-10-62]

### DOMESTIC TRUNKLINE AND LOCAL SERVICE CARRIERS

#### Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 14th day of November 1974.

By tariff revisions marked to become effective November 15, 1974, all domestic trunkline and local service carriers propose to increase fares between points in the 48 contiguous states and the District of Columbia by 4 percent. Most of these tariffs were originally marked to become effective on November 1, 1974; however, after the Board indicated its decision to permit the increases, the carriers elected to postpone the effective date until November 15. A special tariff permission application (STP) requesting the delay on less than the 30 days' statutory notice was granted subject to the condition that the fares bear an expiration date of June 30, 1975.

On November 12, 1974, the Honorable John E. Moss, et al., Members of Congress (MOC) filed a complaint requesting rejection of the proposed fares, or, in the alternative, investigation and suspension.<sup>1</sup> No other complaints have been filed.

MOC alleges that the Board made it clear through ex parte communications with the carriers, in which it threatened to use its power to suspend carrier-proposed rates, that only tariffs conforming to the Board's desire as to level, structure, and duration would be accepted. The complainant further alleges that the Board concluded that the four percent fare increase proposed by the carriers had not been adequately justified; that the carriers were informally requested to place an expiration date of June 30, 1975 on their fares; that the resulting tariffs filed by the carriers were therefore arrived at through cooperation of the carriers and the Board through ex

<sup>1</sup>This complaint was filed 53 days after the first tariff now under consideration was filed, and only 2 working days prior to the effective date of the tariffs. For most tariffs involved, the complaint is 28 days late. It challenges the adequacy of carrier justifications which were submitted to the Board a month and a half or more ago. Notwithstanding this and the fact that the complaint was not accompanied by an appropriate motion for receipt of a late-filed pleading, the Board has decided to consider it on its merits.

parte conversations; and that therefore the requirements of the Federal Aviation

Act and the Administrative Procedure Act were not observed in issuing the STP which permitted the carriers to file their November 15, 1974 tariffs.

MOC also alleges that the proposed fares are not justified in accordance with the Board's Economic Regulations. MOC alleges that one or more carriers may never have filed any statement of justification; that four other carriers' justifications which incorporate other carrier justifications by reference do not comply with the Board's regulations; that none of the carriers complied with § 221.165(c) of the Board's regulations; and that no information is provided as to the probable impact of the proposed fares upon the movement of traffic and revenue. Finally, MOC alleges that a policy of basing fares upon a -0.7 coefficient of price elasticity during a period when the economy is soft can only lead to overcapacity and lower earnings, and that available information suggests that the fare elasticity at this point in time may be greater than -0.7.

Upon consideration of all relevant matters, the Board finds that the complaint does not set forth sufficient facts to warrant rejection or investigation of the proposed fare increase, and the request therefor, and consequently the request for suspension will be denied and the complaint dismissed.

MOC's argument that ex parte communications between the carriers and the Board's staff have resulted in Board-made rates is without merit. MOC alleges that the expiry date was required by the Board to permit review at a later date, apparently in the belief that the Board is concerned that the increases may not have been justified. The Board's concern is not that the proposed increases may not be warranted based on present and foreseeable circumstances. Rather, the Board's concern is the very uncertain future as it may affect airline profitability and the desire to protect the public against excessive charges. The expiration date enables the Board to permit fare increases which it believes to be warranted, but affords the opportunity to reevaluate the fares at a later date in the light of then existing conditions if in fact the carriers elect at that time to extend their fares.

The Board has no reason to believe that any communications occurred between its staff and the carriers regarding the justifications of the fares, the construction technique employed, or the resulting level. To the extent communications did take place, they did no more than advise of the Board's decision.<sup>2</sup> Al-

<sup>2</sup>There was no complaints filed requesting suspension or investigation of the tariffs embodying the proposed November 1 fare increases and the Board determined on October 30 that it would not itself suspend or investigate them. The carriers were advised by the Board's staff of that determination late in the afternoon of October 30 and the Board's formal announcement issued the following day. The carriers also were advised of the Board's desire that an expiration date be placed upon such tariffs. In any event neither such advice, nor the advice that the Board would not suspend the fares, constitutes a violation of Part 300 of the Rules of Conduct.

though the fares originally filed by the carriers have been refiled with an expiration date, the fact remains that for transportation beyond November 15, 1974, the carriers will be charging fares identical to those they themselves originally initiated. After June 30, 1975, fares will either revert to the present level, which was also initiated by the carriers, or to such other level as the carriers may propose, subject to Board approval. In our opinion, action to provide that fares, although initiated by the carriers in accordance with the requirements of the Federal Aviation Act, will not be permitted on an indefinite basis does not constitute Board-made rates.

MOC's complaint insofar as it concerns the carriers' justifications is similarly without merit. Despite MOC's inference to the contrary, all carriers filed justifications. Although four carriers did little more than incorporate by reference the justifications of others as MOC alleges, that procedure does not violate the regulations. MOC is correct that no carrier filed data pursuant to § 221.165(c) of the Board's regulations (fare change and yield data); however, such information is not required in the case of uniform percentage adjustments.<sup>3</sup> Finally, regarding the effect upon movement of traffic, each of the carriers adjusted their calculations to reflect an elasticity factor of -0.7. Thus, in our opinion, the carriers fully complied with the Board's Economic Regulations and provided everything relevant to the Board's consideration of the proposed increases under guidelines developed in the Domestic Passenger-Fare Investigation.

Finally, MOC has raised the issue of elasticity with the Board on numerous previous occasions, and in each instance its contentions have been carefully considered. Most recently, in connection with the six percent fare increase filed as a result of the rapidly escalating fuel price increases, the Board dealt with MOC's various allegations concerning fare elasticity at considerable length.<sup>4</sup> MOC did not challenge the Board's reasons for dismissing its complaint in that matter, but rather has elected to raise the issue once again only two working days before fares it opposes are to become effective. MOC provides no new argument or data in its instant complaint which warrants further Board discussion of this issue. Suffice it to say that, while use of a different elasticity factor would alter estimated traffic and revenues, it would likewise alter the changes in costs resulting from application of the DPFI rate-making standards, the end result being a minimal effect upon return on investment.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

*It is ordered*, That: 1. The complaint in Docket 27167 is dismissed, and

<sup>3</sup> See § 221.165(d)(3) of the Board's Economic Regulations, 14 CFR 221.165(d)(2).

<sup>4</sup> Order 74-3-96, March 22, 1974.

2. Copies of this order be served on all certificated scheduled carriers operating between points within the 48 contiguous states and the District of Columbia, and the complainant in Docket 27167.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.<sup>5</sup>

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.74-27165 Filed 11-19-74; 8:45 am]

[Dockets 27044; 22859; Order 74-11-63]

#### FLYING TIGER LINE INC.

##### Order Vacating Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 15th day of November 1974.

By order 74-10-128, dated October 24, 1974, the Board suspended a significant portion of the increased rate proposal filed by The Flying Tiger Line Inc. (Tiger) marked to become effective November 3, 1974, pending decision as to the lawfulness of such rate revisions in the Domestic Air Freight Rate Investigation (DAFRI), Docket 22859.

The Board's suspension action in Order 74-10-128, supra, was based upon the 1974 cost forecast by the carriers in exhibits presented in the DAFRI, which the Board increased by the latest fuel costs available and an adjustment for additional expenses for on-line connections. This adjustment raised the forecast costs by an average of approximately 8.4 percent for a 100-pound shipment and 10.3 percent for a 1,000-pound shipment. In order to test the validity of these adjustments, the Board's staff estimated the increase in unit costs of handling freight based upon data forecast by the carriers for 1974 and those reported by the carriers in their Form 41 reports for the first six months of 1974. This estimate indicated an increase of 4.2 percent. Inasmuch as this 4.2 percent increase was less than the 8.4-10.3 percent average increases referred to above, it appeared that the Board's criteria were not inconsistent with the carriers' costs, as reported for the first six months of 1974.

It appears, however, that our staff estimate of a 4.2 percent increase in unit costs over the data forecast by the carriers for 1974 was based upon an error in calculations. The correct percentage increase was actually 17.92 percent (see Appendix A).<sup>1</sup> This is considerably above the increases in costs that the Board used in evaluating Tiger's proposal, which now appears justified under the Board's criteria for suspension, considering adjustments for the latest cost increases. We shall, consequently, vacate the suspension directed in Order 74-10-128.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly

<sup>5</sup> Dissenting statement by G. Joseph Minetti filed as part of original document.

sections 204(a), 403, 404, and 1002 thereof,

*It is ordered*, That: 1. The suspension ordered in Order 74-10-128, adopted October 24, 1974, is vacated; and

2. Copies of this order shall be filed with the tariffs.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.74-27166 Filed 11-19-74; 8:45 am]

[Docket No. 26977]

#### NEW YORK-RIO DE JANEIRO- JOHANNESBURG CASE

##### Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on December 10, 1974, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C., before the undersigned administrative law judge.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on October 22, 1974, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., November 14, 1974.

[SEAL] MILTON H. SHAPIRO,  
Administrative Law Judge.

[FR Doc.74-27164 Filed 11-19-74; 8:45 am]

#### CIVIL SERVICE COMMISSION

##### EMPLOYEE ADVISORY COMMITTEE ON HEALTH BENEFITS

##### Meeting

Notice is hereby given pursuant to P.L. 92-463, that the Employee Advisory Committee on Health Benefits, established by section 8911 of title 5, United States Code, which advises the Commission regarding matters of concern to employees under the Federal Employees Health Benefits Program, will meet on Thursday, December 12, 1974, at 2 p.m. in Room 4310, Civil Service Commission Building, 1900 E Street NW., Washington, D.C.

Agenda items are as follows:

To advise members of the committee of developments in the Health Benefits Program since its last meeting, and obtain individual views of the members on the future course of the program.

The meeting on the above agenda items is open to the public. At this time, the Bureau knows of no other substantive matters to be considered at the

<sup>1</sup> Appendix A filed as part of the original document.

meeting. Any interested person may attend, appear before the committee, or file statements on the agenda items or on such other matters which, at the discretion of the Chairman, may properly come before the committee. Statements, if in written form, may be filed in advance of or at the meeting or, if oral, at the time and in the manner permitted by the Chairman.

Further information concerning this meeting may be obtained from Mr. Robert W. Tolson, Room 4351, Civil Service Commission Building, telephone 202-632-9677. Members of the public planning to attend the meeting are asked to notify Mr. Tolson to ensure adequate seating.

Dated: November 15, 1974.

THOMAS A. TINSLEY,  
Director, Bureau of Retirement,  
Insurance, and Occupational Health.

[FR Doc. 74-27082 Filed 11-19-74; 8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[FRC 297-5; OPP-32000/145]

### 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 31882) 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 January 20, 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 proc-

essed 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 January 20, 1975.

#### APPLICATIONS RECEIVED

EPA File Symbol 7909-U. Atlantic Chemical & Equipment Co., PO Box 19697, Station N, Atlanta GA 30325. ACE ALGAEICIDE IN AUTOMATIC FEEDER CAN. Active Ingredients: Sodium Pentachlorophenate 79%; Sodium Salts of other chlorophenols 11%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1352-EN. Cargill, Inc., Cargill Building, Minneapolis MN 55402. EVERSIELD V SEED PROTECTANT. Active Ingredients: Carboxin (5,6-dihydro-2-methyl-1,4-oxathin-3-carboxanilide) 29.52%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12050-L. Chemco Chemical Co., 115 Cole St., Dallas TX 75207. CHEMCO LEM-O-CHEM. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetra-sodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 35132-E. Custom-Pak, Inc., 14800 Miles Ave., Cleveland OH 44128. HICIDE 110 DISINFECTANT TOILET BOWL CLEANER. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl amino betaine 1.000%; Hydrogen chloride 8.000%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 279-2921. FMC Corp., Agricultural Chemical Div., 100 Niagara St., Middleport NY 14105 ZINEB 6 DUST FUNGICIDE. Active Ingredients: Zineb 6.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 904-EEU. B. G. Pratt Div., Gabriel Chemicals Ltd., 204 21st Ave., Paterson NJ 07509. BENOMYL 50W SYSTEMIC FUNGICIDE. Active Ingredients: Benomyl [Methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate] 50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 5905-24. Helena Chemical Co., 5100 Poplar Ave., Memphis TN 38137. HELENA 1.6 ENDRIN EMULSIFIABLE INSECTICIDE CONCENTRATE. Active Ingredients: Endrin 19.5%; Xylene 68.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 372-46. Mallinckrodt, Inc., 3600 N. Second, St. Louis MO 63147 BANROT BROAD SPECTRUM FUNGICIDE 40% WETTABLE POWDER. Active Ingredients: 5-Ethoxy-3-trichloromethyl-1,2,4-thiadiazole 15%; Dimethyl 4,4'-o-Phenylenebis (3-thioallophanate) 25%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 11800-RT. Midwest Agricultural Warehouse Co., 200 S. Main St., Fremont NE 68025. CHEMSTOR. Active Ingredients: Organic Acids 99% min. (19% Acetic Acid and 80% Propionic). Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1706-RGO. Nalco Chemical Co., 6216 W. 66th Place, Chicago IL 60638. NALCO 4SW-305 CONCENTRATED GRANULAR POOL CHLORINE. Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 100%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 13366-I. National Chemical Research Corp., Fenne Commerce Center, Box 24, Sarasota FL 33580. SHUR MAGIC DISINFECTANT CLEANER HOSPITAL STRENGTH. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 3.750%; Dioctyl Dimethyl Ammonium Chloride 1.875%; Didecyl Dimethyl Ammonium Chloride 1.875%; Alkyl (C14 50%, C12 40%, C16 10%) Benzyl Dimethyl Ammonium Chloride 5.000%; Tetrasodium Ethylenediamine Tetraacetate 3.420%; Isopropyl Alcohol 3.000%; Ethyl Alcohol 1.000%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 2139-99. Nor-Am Agricultural Products, Inc., 1275 Lake Ave., Woodstock IL 60098. CARZOL SP MITTICIDE/INSECTICIDE. Active Ingredients: Formetanate hydrochloride 92%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7404-RN. NuLife Fertilizers, PO Box 883, Tacoma WA 98421. RID-MOSS. Active Ingredients: Ferrous Ammonium Sulphate (FeSO<sub>4</sub> (NH<sub>4</sub>)<sub>2</sub>SO<sub>4</sub> 6 H<sub>2</sub>O) 95.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 35137-R. Price Research, Ltd., 205 Westport Rd., Kansas City MO 64111. PRICE DISINFECTANT CLEANER. Active Ingredients: Didecyl dimethyl ammonium chloride 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate, anhydrous 0.5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 1202-206. PureGro Co., 1052 W. 6th St., Los Angeles CA 90017. PUREGRO PICK-QUIK LIQUID DEFOLIANT. Active Ingredients: Sodium Chlorate 18.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 359-170. Chipman Div., of Rhodia Inc., 28 Belmont Dr., Somerset NJ 08873. CHIPTOX. Active Ingredients: Sodium salt of 2-methyl-4-chlorophenoxyacetic acid 24.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 9779-196. Riverside Chemical Co., A subsidiary of Cook Industries, Inc., PO Box 171199, Memphis TN 38117. RIVERSIDE STAND 10D. Active Ingredients: 1,4-dichloro-2,5-dimethoxybenzene 10%. Method of Support: Applicant proceeds under 2(c) of interim policy.

EPA File Symbol 476-ERAL. Stauffer Chemical Co., 1200 S. 47th St., Richmond CA 94804. (STAUFFER SHIELD) EPTAM 87.8% MANUFACTURING CONCENTRATE SELECTIVE HERBICIDE. Active Ingredients: S-Ethyl Dipropylthiocarbamate 87.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2829-RRG, Ventron Corp., Chemicals Div., Congress St., Beverly MA 01915, CUNIPHEN 2721 C CATEONIC FUNGISTAT AND BACTERISTAT FOR TEXTILES. Active Ingredients: 2,2'-methylenebis (4-chlorophenol) 20.0%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: November 11, 1974.

JOHN B. RITCH, Jr.,  
Director, Registration Division.

[FR Doc.74-26851 Filed 11-19-74;8:45 am]

[FRL 298-3]

### VOLUNTARY FUEL ECONOMY LABELING PROGRAM

#### Correction

On October 15, 1974, the Environmental Protection Agency and the Federal Energy Administration published a notice on the Voluntary Fuel Economy Labeling Program for 1975 model automobiles (39 FR 36890). The section of that notice which described the specific labeling program (section E. 3) inadvertently contained an incorrect phrase concerning the calculation of fuel economy figures for specific labels. To clarify the method of deriving specific label fuel economy figures, the following correction is made to that original notice:

(E) Description of vehicle labels.

(3) The specific fuel economy label (Figure 4) will present the EPA-approved fuel economy values for the specific vehicle configuration. The fuel economy values will be rounded to the nearest whole mile per gallon. Manufacturers may choose to differentiate specific from general labels by shape, color, size or some other readily apparent feature. Similarly, California and 49-state labels may be differentiated from each other. EPA and FEA encourage manufacturers to participate extensively in the specific labeling program since specific labels, representing the fuel economy results of individual vehicle configurations, are most representative of the expected fuel economy of the vehicles on which they appear.

Dated: November 8, 1974.

EDWARD F. TUERK,  
Acting Assistant Administrator  
for Air and Waste Management,  
U.S. Environmental Protection Agency.

Dated: November 12, 1974.

ROGER SANT,  
Assistant Administrator for  
Conservation and Environment,  
U.S. Federal Energy Administration.

[FR Doc.74-27070 Filed 11-19-74;8:45 am]

[FRL 300-1]

### WYOMING PROGRAM FOR CONTROL OF DISCHARGES OF POLLUTANTS TO NAVIGABLE WATERS

#### Public Hearing

A public hearing to consider the request of the State of Wyoming for State Program Approval to participate in the National Pollutant Discharge Elimination System (NPDES) permit program for the control and abatement of discharges into waters of the State in compliance with the 1972 Amendments to the Federal Water Pollution Control Act, 33 U.S.C.A. sections 1251-1376 (Supp. 1973), (hereinafter, the Act) will be held on Wednesday, December 18, 1974, at 10 a.m. in Durham Hall, Aley Fine Arts Building, Casper College, 125 College Drive, Casper, Wyoming.

Section 402(b) of the Act provides that the Governor of the State desiring to administer the NPDES permit program to control discharges into navigable waters within its jurisdiction may submit to the Administrator of the United States Environmental Protection Agency (EPA) a full and complete description of the program the State intends to administer, including a statement from the State Attorney General that the laws of the State provide adequate authority to carry out the described program. The Administrator is required to approve each such submitted program unless the program does not meet the requirements of section 402(b) and EPA's guidelines. Among other authorities, the State must have: (1) adequate authority to issue permits which comply with all pertinent requirements of the Act; (2) adequate authority, including civil and criminal penalties, to abate violations of permits or the permit program; and (3) authority to ensure that the Administrator, the public, or any other affected State, and other affected agencies, are given notice of each application and are given the opportunity for a public hearing before acting on each permit application. Also, the State must have, and commit itself to use, manpower and resources sufficient to act on all outstanding permit applications in a timely manner and consistent with the periods prescribed by the Act. EPA's guidelines establishing State Program Elements Necessary for Participation in the NPDES were published in Volume 37 of the FEDERAL REGISTER, December 22, 1972 (40 CFR 124), beginning at page 28390.

The State of Wyoming has submitted a full and complete Request for State Program Approval and proposes that the Department of Environmental Quality, State Office Building West, Cheyenne, Wyoming 82001, operate the NPDES program.

Governor Hathaway's request and the program description is available for inspection at the following locations:

(1) U.S. Environmental Protection Agency, Enforcement Division, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203.

(2) Wyoming Department of Environmental Quality, Water Quality Division, State Office Building West, Cheyenne, Wyoming 82001.

(3) County Clerk's Office, Campbell County Courthouse, 500 South Gillette Avenue, Gillette, Wyoming 82716.

(4) County Clerk's Office, Park County Courthouse, Cody, Wyoming 82414.

(5) County Clerk's Office, Sweetwater County Courthouse, Green River, Wyoming 82935.

(6) County Clerk's Office, Natrona County City-County Building, Casper, Wyoming 82601.

The public hearing panel will consist of the Administrator, or his representative, who will serve as the Presiding Officer, the Director of the Wyoming Department of Environmental Quality, or his representative, and the Regional Administrator, Region VIII, or his representative.

All interested persons wishing to attend, to comment upon, or to object to this State request are invited to attend the public hearing. Written comments may be presented at the hearing or submitted by December 30, 1974, either in person or by mail to the Regional Office of the U.S. Environmental Protection Agency, Enforcement Division, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203, Attention: David Robbins.

Oral Statements will be received and considered, but for accuracy of the record, all testimony should be submitted in writing. Statements should summarize extensive written material so that there will be time for all interested persons to be heard. Persons submitting written statements are encouraged to bring additional copies for the use of the hearing panel and other interested persons. The Presiding Officer may, at his discretion, exclude oral testimony if it is overly repetitious of previous testimony heard or if it is not relevant to the decision to approve or require revision to the State program as submitted.

All comments or objections received by December 30, 1974, or presented at the public hearing will be considered by EPA before taking final action on the Wyoming request for State Program Approval.

Please bring the foregoing to the attention of persons whom you know would be interested.

Dated: November 18, 1974.

ALAN G. KIRK II,  
Assistant Administrator for  
Enforcement and General Counsel.

[FR Doc.74-27300 Filed 11-19-74;9:06 am]

### FEDERAL ENERGY ADMINISTRATION

#### UTILITY OIL SAVINGS CONFERENCE

##### Meeting

Notice is hereby given that the Utility Oil Savings Conference will meet on December 4, 1974 in the Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW.

Washington, D.C., at 9 a.m. to 12 noon, 1:15 p.m. to 5 p.m.

President Ford in his October 8 Economic Message to Congress called for the phasing out of oil fired electrical plants by 1980. In that message the President directed that the FEA in conjunction with other Federal Agencies and elements of the energy production industry develop plans and a schedule for achieving this goal. The Utility Oil Savings Conference will address the actions required to ensure that this Presidential objective is met.

The agenda for the meeting is as follows:

- 9-9:15—Introduction.
- 9:15-10—Review of methodology, assumptions and data developed by FEA Inter-agency Task Forces.
- 10-12—Workshop Sessions:
  - (A) Identification of Potential Savings
  - (B) Nuclear Availability
  - (C) Environmental Impact
  - (D) Coal Supply
- 1:15-3:30—Workshop Sessions (same as above).
- 3:30-5—Summary of the Workshops and Conclusion.

The conference will be divided into four workshops devoted to assessing the feasibility and the impact of reducing the national consumption of oil by eliminating where practical oil fired electrical generating plants from the nation's mainland baseloaded capacity. Additionally the conference will focus on in the workshops the costs and inflationary impact of reducing oil consumption by electric utilities and switching to alternative sources of generation. Representatives of state utility regulatory commissions, state governments, the utility industry, the coal industry, equipment manufacturers, environmental and consumer groups will be attending the conference. The meeting is open to the public.

Further information concerning the conference may be obtained from the Office of Program Integration, Federal Energy Administration (202) 961-8146 or 8147.

Issued at Washington, D.C. on November 14, 1974.

JOHN C. SAWHILL,  
Administrator.

[FR Doc.74-27121 Filed 11-19-74; 8:45 am]

**FEDERAL MARITIME COMMISSION  
INTERNATIONAL LONGSHOREMAN'S  
ASSOCIATION**

**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 December 10, 1974. 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:**

Thomas W. Gleason, Counsel  
International Longshoremen's Association,  
AFL-CIO  
17 Battery Place  
New York, New York 10004  
and  
C. P. Lambos, Counsel  
New York Shipping Association, Inc.  
Lorenz, Finn, Giardino & Lambos  
25 Broadway  
New York, New York 10004

Agreement No. T-3023, between the International Longshoremen's Association, AFL-CIO (ILA), the New York Shipping Association, Inc. (NYSA), Wolfsburger Transport-Gesellschaft, m.b.H. (Wobtrans) and Walleniusrederiana (Wallenius), provides for the settlement of the parties' litigation in FMC Dockets Nos. 69-57, 73-34 and 74-49. With respect to Docket No. 69-57, the parties accept the assessment of automobiles for the period 1969-1971 as provided by this Commission in Docket No. 69-57 and agree that all issues under said docket are fully and completely settled. With respect to Docket No. 74-34, the parties settle and compromise the proceedings under the docket. Wobtrans is credited with the amount of \$40,450.60 and Wallenius is debited with the amount of \$30,388.53. This settlement is in full satisfaction of any and all claims by each party against the other. With respect to Docket No. 74-49, the NYSA and ILA agree to forthwith amend their assessment formula now filed with the Federal Maritime Commission (Agreement No. T-3007) to provide for the assessment of automobiles on the basis of weight rather than on the basis of 20 percent of measurement tonnage. Wobtrans and Wallenius accept this assessment method and agree to withdraw any opposition to its approval.

By Order of the Federal Maritime Commission.

Dated: November 14, 1974.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.74-27178 Filed 11-19-74; 8:45 am]

**NEW YORK SHIPPING ASSOCIATION, INC.  
AND INTERNATIONAL LONGSHORE-  
MAN'S ASSOCIATION**

**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 December 10, 1974. 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:**

C. P. Lambos, Counsel  
New York Shipping Association, Inc.  
Lorenz, Finn, Giardino & Lambos  
25 Broadway  
New York, New York 10004  
and  
Thomas W. Gleason, Counsel  
International Longshoremen's Association,  
AFL-CIO  
17 Battery Place  
New York, New York 10004

Agreement No. T-3007-1, between the members of the New York Shipping Association, Inc. (NYSA) and the members of the International Longshoremen's Association, AFL-CIO (ILA), modifies the parties' basic tonnage assessment agreement for the three year period commencing October 1, 1974. The purpose of the amendment is to provide for a modification in the tonnage definition of unboxed automobiles, trucks and buses so that these vehicles will be assessed on a weight tonnage (2,240 lbs.) basis rather than the 20% of measurement tonnage basis heretofore provided by Agreement No. T-3007. Agreement No. T-3007-1 is a result of Agreement No. T-3023, between the NYSA, ILA, Wolfsburger Transport-Gesellschaft, m.b.H. and Walleniusrederiana which, *inter alia*, provides for the settlement of certain issues raised by Agreement No. T-3007 under FMC Docket No. 74-49 with respect to NYSA/

ILA assessments against automobile cargoes.

By Order of the Federal Maritime Commission.

Dated: November 14, 1974.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.74-27176 Filed 11-19-74;8:45 am]

#### TRANS-PACIFIC FREIGHT CONFERENCE (HONG KONG)

##### 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 December 10, 1974. 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:

Charles F. Warren, Esq.  
1100 Connecticut Avenue, N.W.  
Washington, D.C. 20036

Agreement No. 14-41, entered into by the member lines of the Trans-Pacific Freight Conference (Hong Kong) is an application for an unlimited extension of the Conference's intermodal authority conferred under the terms and conditions as originally approved by the Commission in Agreement No. 14-33 on February 21, 1973, scheduled to terminate unless extended, on February 21, 1975.

By Order of the Federal Maritime Commission.

Dated: November 15, 1974.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.74-27177 Filed 11-19-74;8:45 am]

#### FEDERAL POWER COMMISSION

[Rate Schedule Nos. 16, et al.]

##### RATE CHANGE FILINGS

NOVEMBER 12, 1974.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas or national ceiling based on the interpretation of venting concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972, and followed in Opinion No. 699, issued June 21, 1974.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said

filing should on or before November 27, 1974, 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 party 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.

MARY B. KIDD,  
Acting Secretary.

##### APPENDIX

Filing date	Producer	Rate Schedule No.	Buyer	Area
Oct. 23, 1974	Marathon Oil Co., Findlay, Ohio 45480.	16	United Gas Pipe Line Co...	Other Southwest.
Oct. 24, 1974	Texaco, Inc., P.O. Box 52332, Houston, Tex. 77052.	6	Columbia Gas Transmission Corp.	South Louisiana.
Oct. 25, 1974	The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.	89	United Gas Pipe Line Co...	Do.
Oct. 29, 1974	Pennzoil Producing Co., 900 Southwest Tower, Houston, Tex 77002.	202	Texas Eastern Transmission Corp.	Texas Gulf Coast.
Oct. 30, 1974	Phillips Petroleum Co., Bartlesville, Okla. 74004.	273	Columbia Gas Transmission Corp.	South Louisiana.
Do.	Kerr-McGee Corp., Kerr-McGee Center, Oklahoma City, Okla. 73102.	57	Tennessee Gas Pipeline Co..	Do.
Oct. 31, 1974	Phillips Petroleum Co., Bartlesville, Okla. 74004.	329	do.	Do.
Do.	do.	330	do.	Do.
Nov. 1, 1974	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	353	United Gas Pipe Line Co...	Texas Gulf Coast.

[FR Doc.74-26966 Filed 11-19-74;8:45 am]

[Docket No. E-8855]

#### BOSTON EDISON CO.

##### Order Denying Application for Reconsideration and Motion for Modification of Suspension Period

NOVEMBER 14, 1974.

On October 10, 1974, Boston Edison Company (Boston Edison) tendered for filing a pleading styled "Application For Reconsideration And Motion For Modification Of Suspension Period Of Boston Edison Company". This document was directed toward the Commission order of July 12, 1974 wherein Boston Edison's proposed rate increase (Rate S-3) was suspended for 5 months until December 15, 1974. In the October 10, 1974 filing, Boston Edison proposes a shortened suspension period that would allow Rate S-3 to become effective November 1, 1974. Boston Edison claims immediate need for, and an entitlement to, the additional revenues which Rate S-3 would provide.

Rate S-3 was filed on June 14, 1974 based on an adjusted 1973 test year. The filing proposed a rate increase of 6.5% or \$999,603 on a 1973 calendar year basis. Should the requested shortened suspension be granted, the six week period from November 1, 1974 to Decem-

ber 15, 1974 would produce approximately \$75,000 in jurisdictional revenues.

In support of the shortened suspension period, Boston Edison cites several facets of its alleged deteriorated financial condition, to wit: (1) Market price of common stock at approximately one half the price of the book value of such stock; (2) an obligation to raise \$500,000,000 as its share of the Pilgrim nuclear unit between now and 1980; (3) lack of ability to issue preferred stock due to inadequate coverage; (4) drop in bond ratings; and (5) difficulties in issuance of senior debt. Boston Edison further appended industry statistics as well as certain articles outlining the industry's financial problems.

It should be noted that the Municipal Light Department of Reading, Massachusetts and the Massachusetts towns of Norwood, Wellesley, and Concord, intervenors herein, all filed vigorous protests to the proposed shortening of the suspension period on October 21, 1974. Intervenor base their protests on an alleged inflated rate of return under the proposed S-3 rate and the fact that financial problems affecting Boston Edison are non-jurisdictional. The Towns of Norwood, Wellesley and Concord also attack Boston Edison's petition as being untimely in that section 313(a) of the Federal Power

Act "specifically provides that any party claiming aggrieved status as the result of a Commission order *must* seek rehearing of that order within thirty (30) days or the order becomes final and not appealable."<sup>1</sup> We note that Boston Edison may not seek rehearing of our order at such order is interlocutory in nature and as application for rehearing of an interlocutory order may not be filed under § 1.30(e) of the Commission's rules of practice and procedure. However, we are not precluded from entertaining an application for reconsideration or modification since the Commission, pursuant to its broad discretionary powers set forth in section 309 and section 313(a) of the Federal Power Act, may modify, amend, or rescind any order it may deem necessary in furtherance of its responsibilities under the Federal Power Act.

Subsequent to the filing of the intervenors' petition protesting Boston Edison's proposal, Boston Edison tendered a petition in response to the intervenors' petition. This petition alleged that the intervenors were relying upon factual inaccuracies as the ground for their opposition and that Boston Edison was operating in a financial climate of "declining usage, double digit inflation, and stringent capital requirements."

The Towns of Norwood, Wellesley, and Concord filed a further response to Boston Edison's reply petition. The towns reiterated the arguments set forth in their first reply petition, attacking the timeliness of Boston Edison's filing, the normalization of income taxes, and the level of the proposed rate.

Our review of the original rate filing by Boston Edison and the ensuing petitions and reply petitions indicates that a shortening of the suspension period is not warranted. Accordingly, we shall deny Boston Edison's application.

*The Commission finds:* Boston Edison's proposed shortening of the suspension period established by Commission order of July 12, 1974 is not warranted and should be denied.

*The Commission orders:* (A) The application of Boston Edison seeking a shortened suspension period is hereby denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL]

MARY B. KIDD,  
Acting Secretary.

[FR Doc.74-27096 Filed 11-19-74; 8:45 am]

[Docket No. E-9094]

CENTRAL VERMONT PUBLIC SERVICE  
CORP. AND GREEN MOUNTAIN POWER  
CORP.

Application

NOVEMBER 14, 1974.

Take notice that on November 6, 1974,  
Central Vermont Public Service Corpo-

<sup>1</sup> This language, with italic supplied by Intervenor, is quoted from page 2 of their petition in response to Boston Edison's application for reconsideration of the suspension order.

ration and Green Mountain Power Corporation filed a joint application pursuant to section 203 of the Federal Power Act seeking authority to acquire 7,000 additional shares of Vermont Electric Power Company's Class B Common Stock. The Commission in Docket No. E-7817, issued December 22, 1972, authorized Central Vermont Public Service Corporation and Green Mountain Power Corporation to acquire shares of Class A and Class B Common Stock of Vermont Electric Power Company.

Central Vermont Public Service Corporation is incorporated under the laws of the State of Vermont with its principal business office at Rutland, Vermont, and is engaged in the purchase, production, transmission, distribution and sale of electric energy in 150 towns in Vermont. Central Vermont is qualified as a foreign corporation in the State of New Hampshire and New York. Green Mountain Power Corporation is incorporated under the laws of the State of Vermont, with its principal business office at Rutland, Vermont, and is engaged in the electric utility business in the Northern portion of the State.

Vermont Electric Power Company is incorporated under the laws of the State of Vermont, with its principal business office at Rutland, Vermont and is engaged in the construction of a system for the transmission and distribution of St. Lawrence River power purchased by the State of Vermont from the power authority for the State of New York for reallocation on an equitable basis to electric distribution utilities throughout the State.

Vermont Electric Power Company is proposing to issue First Mortgage Bonds, Series F, in an aggregate principal amount of \$8 million and 7,000 shares of Class B Common Stock \$100 par value, for cash at par in order to finance its continuing construction program.

Central Vermont Public Service Corporation and Green Mountain Power Corporation propose to purchase all the additional Class B Stock issued by Vermont Electric Power Company, in sum 7,000 shares. It is intended that Central Vermont purchase 59.7% of the shares issued by Vermont Electric Power Company (4,179 shares) and that Green Mountain purchase 40.3% (2,821 shares), which is proportionate to their distribution of kilowatt hours in Vermont.

In order to accommodate the financing plans of Green Mountain, however, it is proposed that Central Vermont be authorized to acquire the 7,000 shares from Vermont Electric Power Company; and, thereafter on or before June 30, 1975; Green Mountain will purchase from Central Vermont such shares of Vermont Electric Power Company as would provide Green Mountain with 40.3% of the additional shares of Class B Common Stock issued.

Any person desiring to be heard or to make any protest with reference to said application should file with the Federal Power Commission, Washington, D.C. 20426, on or before December 9, 1974, petitions to intervene or protests in accordance with 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 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 available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-27097 Filed 11-19-74; 8:45 am]

[Docket No. CP75-125]

MICHIGAN WISCONSIN PIPE LINE CO.

Application

NOVEMBER 14, 1974.

Take notice that on October 29, 1974, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP75-125 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to perform an offshore and onshore transportation service for Texas Gas Transmission Corporation (Texas Gas) and to construct and operate an attendant metering facility at Eunice, 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 both Texas Gas and Applicant have acquired the right to purchase substantial volumes of natural gas in the High Island Area, offshore Texas, and that the most economical and efficient means of connecting the High Island reserves to the transmission systems of Texas Gas and Applicant is through the construction of a jointly owned pipeline system between the High Island Area and the terminus of Applicant's existing offshore pipeline system in Block 171 West Cameron Area, offshore Louisiana. To effectuate this proposal Applicant states that it and Texas Gas have caused the formation of the Amtex Offshore Pipe Line Company (Amtex) to construct the jointly owned system.<sup>1</sup>

Applicant states that in order to provide for the transportation onshore of the reserves of Texas Gas from the northerly terminus of the proposed Amtex system, Texas Gas and Applicant have entered into an agreement pursuant to which Amtex will deliver the reserves of Texas Gas to Applicant at the terminus of Applicant's existing 30-inch line in Block 171 for further transportation, and Applicant will redeliver equivalent volumes to Texas Gas at a proposed new point of interconnection between the two parties near Eunice, Louisiana. Applicant proposes to transport a contract demand volume of 282,750 Mcf of gas per day for Texas Gas at a rate of 77 cents

<sup>1</sup> Applicant states that Amtex's application was filed with the Commission on September 27, 1974, in Docket No. CP75-104.

per month for each Mcf of contract demand.

Applicant states that incident to the redelivery of gas to Texas Gas, it will be necessary for Applicant to construct and operate a gas measuring station. Applicant estimates the cost of said measuring station to be \$495,120, which will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 3, 1974, 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. 74-27105 Filed 11-19-74; 8:45 am]

[Docket No. RP71-16]

#### MIDWESTERN GAS TRANSMISSION CO.

##### Order Approving Settlement Agreement

NOVEMBER 14, 1974.

On October 1, 1974, the Presiding Administrative Law Judge certified to the Commission for approval a proposed settlement agreement in the above-entitled proceeding. This agreement concerns the composite depreciation rates to be applied to the Northern and Southern Systems of Midwestern Gas Transmission Company (Midwestern). If approved, the agreement would resolve the sole remaining issue in the referenced docket and terminate the proceedings therein.

Proceedings in the referenced docket began on September 30, 1970, when Mid-

western filed with the Commission proposed changes<sup>1</sup> in its FPC Gas Tariff to reflect rate increases on both its Northern and Southern systems. By order issued July 24, 1973, the Commission approved an "Amended Settlement Agreement as to Northern and Southern Systems" (Amended Settlement Agreement). Approval of the Amended Settlement Agreement resolved all issues raised by the September 30, 1970, filing and subsequent Midwestern filings<sup>2</sup> except the proposed increases in book depreciation and amortization rates for the Northern and Southern Systems. That issue was reserved for hearing and decision by Article VII of the Amended Settlement Agreement.

After the service of all evidence, settlement negotiations on the depreciation issue commenced. These negotiations produced a "Settlement Agreement on Depreciation Issue" (Depreciation Agreement), filed by Midwestern on September 30, 1974. The Depreciation Agreement states that it reflects a settlement supported by Midwestern, the Commission's staff and the other parties participating in the settlement negotiations.

The principal provisions of the proposed Depreciation Agreement may be summarized as follows: (1) Article I, section 1 provides that Commission approval of the Depreciation Agreement shall authorize Midwestern, commencing January 1, 1971, to use a composite book depreciation rate of 4.25 per cent for its Northern System plant, rather than the 4.53 per cent depreciation rate that has been used since January 1, 1971.

Article I, section 2 provides that Commission approval of the Depreciation Agreement shall authorize Midwestern to utilize, commencing May 1, 1971, the composite book depreciation and amortization rate of 4.08 per cent for its Southern System plant, which rate is currently in effect.

(2) Article II, section 1 provides that Midwestern shall file, within ten days of issuance of a Commission order approving the Depreciation Agreement, a revised tariff sheet to Midwestern's FPC Gas Tariff. Said tariff sheet is proposed to become effective on the first day of the calendar month following the date upon which the Commission's order making the Depreciation Agreement effective becomes final and nonappealable.

Article II, section 2 provides that the base tariff rates for the Northern System to be reflected in said revised tariff sheet shall be the base tariff rate otherwise in effect on the effective date of such revised tariff sheet, reduced to reflect unit rate reductions necessitated by the reduction in the Northern System depreciation rate to 4.25 per cent. The base tariff rates for the Southern System, to be reflected in said revised tariff sheet, shall be those base tariff rates otherwise in effect on the effective date

of said revised tariff sheet, since there is no depreciation rate reduction for the Southern System.

(3) Article III, section 1 provides that Midwestern shall make refunds due to its Northern System customers within 45 days after issuance of a final and non-appealable Commission order approving the Depreciation Agreement. The amount of said refunds shall equal the product of the unit rate reductions<sup>3</sup> times each customer's actual billing determinants for the period beginning January 1, 1971, and ending on the effective date of the revised tariff sheet to be filed as discussed hereinabove. As specified by Article VII, section 7 of the Amended Settlement Agreement, the amount of such refunds shall include simple interest at a rate of 5¼ per cent annually, computed from the twenty-fifth day of the month in which Midwestern received the customer's payment involved until the date Midwestern mails refund checks or invoices reflecting a credit of the amount to be refunded.

Article III, section 2 provides that Commission order approving the Depreciation Agreement shall constitute elimination of Midwestern's refund obligation for rates to Southern System customers.

(4) Article IV provides that Midwestern shall file, concurrently with the distribution of refunds to Northern System customers, a refund report with the Commission.

(5) Article V states that the Depreciation Agreement is not intended to change existing obligations under prior agreements.

(6) Article VI provides that the Depreciation Agreement is subject to Commission approval of all its terms and conditions, and will become effective and binding only after approval, without modification, by a final and nonappealable Commission order. The Commission order approving this Agreement shall constitute: (1) waiver of the Commission's regulations as may be required; (2) acceptance of the revised tariff sheet to be filed pursuant to Article II of this Depreciation Agreement, without condition or refund obligation on the date specified therein; and (3) termination of proceedings in the subject docket.

(7) Article VII contains a general reservation disclaiming reliance on any principle underlying or supposed to underlie the settlement as negotiated. This Article further states that the provisions of the Depreciation Agreement relate solely to specific matters referred to therein.

The placing of the Depreciation Agreement on the record for certification to the Commission was noticed on October 8, 1974, with comments or protests due on or before October 18, 1974. Five companies<sup>4</sup> timely filed statements sup-

<sup>1</sup> Listed in Appendix A of the Depreciation Agreement.

<sup>2</sup> Inter-City Gas, Limited, North Central Public Service Company, Michigan Wisconsin Pipe Line Company, The Peoples Gas Light and Coke Company, Northern Illinois Gas Company.

<sup>3</sup> Designated Second Revised Volume No. 1 to Midwestern's FPC Gas Tariff.

<sup>4</sup> See, in this regard, Docket Nos. RP71-56, RP72-3, and RP72-52.

porting the Depreciation Agreement and urging its approval. Two companies<sup>6</sup> filed out of time comments supporting the Depreciation Agreement. Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin), (Northern States Companies), timely filed comments stating that they do not object to the increased depreciation rate on Midwestern's Northern System; however, they do question the Depreciation Agreement provision (Article III, Section 1) that applies a 5¼ annual interest rate to Midwestern's refund obligation to its Northern System customers. In this regard Northern States Companies contend that "Section 154.67 of the Commission's rules appear to require that interest on refunds be at 7% per annum. . . ."

On October 23, 1974, Midwestern filed a response to Northern States Companies' allegations outlined above. In this response, Midwestern states that the interest rate established in the Depreciation Agreement was originally prescribed in this proceeding by the Commission in its order of June 3, 1971. That interest rate (5¼%) was retained, states Midwestern, by the Amended Settlement Agreement approved in its entirety by Commission order of July 24, 1973. Accordingly, Midwestern concludes, "[t]he Amended Settlement Agreement [and, hence, the 5¼% interest rate] . . . is binding on the parties and the Commission as to the interest rate on refunds to be made under the Settlement Agreement on Depreciation Issue."

We believe that the interest rate to be applied to Midwestern's refunds to Northern System customers is controlled by the provisions of the Amended Settlement Agreement in the referenced docket. That Agreement was accepted and approved without modification by Commission order of July 24, 1973; and, as Midwestern emphasizes, it provided that refunds, if any, resulting from a final disposition of the "issue reserved" (i.e. the depreciation issue) would include interest at 5¼% annually.<sup>7</sup> Accordingly, we believe our order of July 24, 1973, mandates our application of a 5¼ annual interest rate to Midwestern's Northern System refunds.

Our review of the proposed Depreciation Agreement, including the comments received thereto, indicates that it provides a reasonable and appropriate resolution of the depreciation issue in the subject docket, and that the public interest will be served by our approval of this Agreement. Accordingly, we shall accept and approve the Depreciation Agreement without modification.

*The Commission finds:* The resolution of the depreciation issue in this docket on the basis of the proposed De-

preciation Agreement, as certified by the Administrative Law Judge to the Commission on October 1, 1974, is reasonable and proper and in the public interest in carrying out the provisions of the Natural Gas Act, and such Agreement should be approved.

*The Commission orders:* (A) The proposed Depreciation Agreement, certified October 1, 1974, is incorporated by reference and made a part hereof, and is approved and adopted, without modification.

(B) Midwestern shall file within ten days of the issuance of this order new tariff sheets reflecting the terms of this Depreciation Agreement, said tariff sheets to become effective on the first day of the calendar month following the date upon which this order becomes final and nonappealable.

(C) Within forty-five days after this order becomes final and nonappealable, Midwestern shall make refunds to its Northern System customers in accordance with the terms and provisions of the Depreciation Agreement.

(D) Concurrently with the distribution of refunds pursuant to ordering paragraph "C", above, Midwestern shall file with the Commission a report of said refunds, said report to be in accordance with the terms and provisions of the Depreciation Agreement.

(E) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, Midwestern, or by any other party or person affected by this order in any proceeding now pending or hereafter instituted by or against Midwestern or any other person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,  
Acting Secretary.

[FR Doc. 74-27099 Filed 11-19-74; 8:45 am]

[Docket No. CP75-131]

#### MOUNTAIN FUEL SUPPLY CO.

##### Application

NOVEMBER 14, 1974.

Take notice that on October 30, 1974, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed, in Docket No. CP75-131, an application, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity, authorizing the continued operation of certain facilities and operations related to the Bridger Lake storage facility in the Bridger Lake Field, Summit County, Utah, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By order issued July 22, 1974, in Docket No. CP73-213 (52 FPC \_\_\_\_), the Commission found that Applicant may have constructed and may be operating the Bridger Lake storage facilities without Commission authorization. Applicant states that the instant application is filed to assure compliance with the Natural Gas Act.

Applicant alleges that 127,944 feet of 10-inch pipeline extending from Applicant's mainline at a point near Fort Bridger, Unita County, Wyoming, in a Southerly direction to the Wyoming-Utah state line and appurtenant facilities went into operation on December 30, 1969, and have been used, and are proposed to be used for the transportation and sale of gas to Phillips Petroleum Company (Phillips) for pressure maintenance purposes in connection with the latter's oil production operations in the Bridger Lake Field. Applicant further alleges that these facilities were constructed at an initial cost of \$667,707, toward which Phillips has made a contribution of \$445,138 as of December 31, 1973. Applicant seeks such authorization as it may require for the continued operation of these facilities.

The application also indicates that Applicant and Phillips have entered into an agreement, dated September 13, 1971, which provides for the storage of gas by Phillips on Applicant's account in the Bridger Lake storage facility. Applicant states that it may tender to Phillips up to 3,000 Mcf of gas per day for injection into the Bridger Lake field (provided that injection pressure need not exceed 5,500 psia), and that such volumes are in addition to any sales to Phillips for pressure maintenance purposes. Applicant states that under said agreement withdrawal rates may not exceed 10,000 Mcf per day and Phillips will be paid a withdrawal service charge of 10 cents per Mcf to cover costs of operation and amortization of injection facilities and pipeline. For storage withdrawal purposes, Applicant states it has installed a metering station and dehydrator at the Fork "A" No. 5 well of Phillips. Also, Applicant states that it has constructed 425 feet of 4-inch field lateral line to permit the taking of produced casinghead gas during withdrawal periods. Applicant requests such authorization as it may require to continue this storage arrangement with Phillips.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 4, 1974, file with the Federal Power Commission, Washington, D.C. 20425, 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 (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

<sup>6</sup> Montana-Dakota Utilities Company, Central Illinois Light Company.

<sup>7</sup> We note further that, as stated in our order of July 24, 1973, Northern States Companies filed comments in support of the Amended Settlement Agreement.

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.74-27103 Filed 11-19-74;8:45 am]

**NATIONAL GAS SURVEY COORDINATING COMMITTEE**

**Order Designating a Member and Changing Chairmanship**

NOVEMBER 14, 1974.

By orders issued May 10, 1971, April 16, 1973, and December 28, 1973, the Federal Power Commission established and renewed the Coordinating Committee of the National Gas Survey.

1. Membership. A new member to the Coordinating Committee, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

William J. McCabe, Geologist, Bureau of Natural Gas, National Gas Survey, Federal Power Commission.

Mr. McCabe is to fill the position vacated by the resignation of Mr. Thomas H. Jenkins, Federal Power Commission, from this Committee.

2. Chairmanship. Mr. Frederick W. Lawrence, Director of the National Gas Survey, will replace Mr. Thomas H. Jenkins as Chairman of this Committee.

By the Commission.

[SEAL] MARY B. KIDD,  
*Acting Secretary.*

[FR Doc.74-27093 Filed 11-19-74;8:45 am]

**NATIONAL GAS SURVEY COORDINATING TASK FORCE**

**Order Designating a Member**

NOVEMBER 14, 1974.

By orders issued December 21, 1971, and December 28, 1973, the Federal Power Commission established and re-

newed the Coordinating Committee Task Force of the National Gas Survey.

1. Membership. A new member to the Coordinating Task Force, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Edwin D. Goebel, Technical Director, Bureau of Natural Gas, National Gas Survey, Federal Power Commission.

Dr. Goebel is to fill the position vacated by the resignation of Mr. Thomas H. Jenkins, Federal Power Commission, from this Committee.

By the Commission.

[SEAL] MARY B. KIDD,  
*Acting Secretary.*

[FR Doc.74-27094 Filed 11-19-74;8:45 am]

[Docket Nos. RP71-125; RP73-110]

**NATURAL GAS PIPELINE COMPANY OF AMERICA**

**Compliance to FPC Orders**

NOVEMBER 13, 1974.

Take notice that on October 17, 1974, Natural Gas Pipeline Company of America (Natural) submitted for filing in compliance with Commission orders issued October 4, 1974, the following substitute tariff sheets to FPC Gas Tariff, Third Revised Volume No. 1:

*Effective Date*

June 2, 1974, Substitute Fifteenth Revised Sheet No. 5.

July 2, 1974, Substitute Sixteenth Revised Sheet No. 5.

September 1, 1974, Second Substitute Sixteenth Revised Sheet No. 5.

October 1, 1974, Third Substitute Sixteenth Revised Sheet No. 5.

October 2, 1974, Fourth Substitute Sixteenth Revised Sheet No. 5.

November 1, 1974, Fifth Substitute Sixteenth Revised Sheet No. 5.

Natural states that on October 3, 1974, it submitted in compliance with the Commission's Docket No. RP73-110 "Order Approving Settlement Agreement With Condition" issued September 4, 1974, a series of revised tariff sheets covering the period December 1, 1973 through November 1, 1974. In addition to reflecting the interim rates approved to be effective December 1, 1973, (Appendix A of settlement) the rate sheets filed October 3, 1974, also included the rate effect of advance payment tracking filings (effective June 1 and September 1) computed under the terms of the settlement agreement, as well as unit rate adjustments previously filed under Natural's purchased gas cost adjustment tariff clause.

Natural also states that by Commission orders issued October 4, 1974, it was required that: (1) The advance to Westland Oil Development Corporation (April 25, 1972) be excluded from the advance payment tracking filing effective September 1, 1974, and (2) that Natural revise its PGA filing effective October 1, 1974, to reflect Colorado Interstate's rate increase effective under FPC order issued

September 26, 1974, and Great Lakes' rates effective under FPC letter order dated September 30, 1974.

Finally, Natural states that as it has filed to withdraw its resubmitted June 1, 1974 advance payment tracking filing, the 0.06¢ per Mcf unit adjustment under that filing was excluded from the rates set out on the above substitute tariff sheets.

Any person desiring to be heard or to protest said application 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 November 18, 1974. 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. PLUMB,  
*Secretary.*

[FR Doc.74-27101 Filed 11-19-74;8:45 am]

[Docket No. CP75-134]

**NATURAL GAS PIPELINE COMPANY OF AMERICA**

**Application**

NOVEMBER 14, 1974.

Take notice that on October 31, 1974, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP75-134 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an emergency exchange arrangement with Trunkline Gas Company (Trunkline) and the construction and operation of the facilities required to implement such arrangement, 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 exchange points at two points of intersection of Applicant's and Trunkline's systems in Montgomery County, Texas, and to operate exchange points, for which no new facilities are required to be constructed, at the following gas processing plants:

- (1) Texaco Inc.'s Henry Plant in Vermilion Parish, Louisiana, and
- (2) Phillips Petroleum Company's Brazoria Plant in Brazoria County, Texas.

Under a July 30, 1974, exchange agreement, as amended, the proposed exchange points will be used exclusively for the exchange of gas between Applicant and Trunkline when emergency conditions exist on the pipeline of either company. The agreement provides that in the event of an emergency the parties

will exchange unspecified quantities of gas for such period of time as may be mutually and reasonably possible, consistent with prudent operating procedures, and that all such volumes delivered will be redelivered concurrently on a thermally equivalent basis, or as soon as practicable after such emergency has ended.

Applicant estimates the construction cost of the proposed facilities to be \$116,300, which will be met from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 5, 1974, 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.74-27100 Filed 11-19-74; 8:45 am]

[Docket No. RP71-125, PGA 75-2]

#### NATURAL GAS PIPELINE COMPANY OF AMERICA

##### PGA Filing To Track a Pipeline Supplier Rate Increase

NOVEMBER 13, 1974.

Take notice that on September 20, 1974, Natural Gas Pipeline Company of America (Natural), tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1, Third Substitute Sixteenth Sheet No. 5.

Natural states that the filing is made pursuant to the provisions of section 18 of Natural's FPC Gas Tariff, Third Revised Volume No. 1. Natural further

states that such changes are intended to track increased cost of gas purchased from Great Lakes Gas Transmission Company and United Gas Pipe Line Company, pipeline suppliers to Natural. Natural proposes an effective date of November 1, 1974 to coincide with the effective dates of the suppliers increases.

Any person desiring to be heard or to protest said application 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 November 18, 1974. 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. PLUMB,  
Secretary.

[FR Doc.74-27102 Filed 11-19-74; 8:45 am]

[Docket No. R-389-B]

#### NATURAL GAS SALES

##### Just and Reasonable National Rates Declaratory Order on Petition for Clarification; Supplemental Order

NOVEMBER 14, 1974.

Just and reasonable national rates for sales of natural gas from wells commenced on or after January 1, 1973, and new dedications of natural gas to interstate commerce on or after January 1, 1973.

In Opinion No. 669-D issued October 9, 1974 (39 FR 37099), the Commission ruled that if a state *ad valorem* tax is based on production factors it shall be deemed to be included as a "similar tax" as that phrase is used in Ordering Paragraph (A) (3) of Opinion No. 699, mimeo p. 141. As a result, a producer may adjust the national rate upward for such a tax.

A question has arisen as to the proper procedure for producers to collect the Kansas *ad valorem* tax as part of the national rate in Opinion No. 699. The Kansas tax is paid each year by January 1 in accordance with the tax statement sent by the tax authorities between November 1 and November 15 of the preceding year. The producers thus pay the tax in a lump sum once a year. Since the tax rate usually changes each year, there is no way of accurately estimating the amount of tax which should be included on a unit basis for future production. In these circumstances, there is no need for a producer to make a rate filing reflecting the estimated tax.<sup>1</sup> Subsequent to the

<sup>1</sup> Similarly, no rate filing is required for *ad valorem* taxes in other states (includable under Opinion No. 699) which are collected in the same manner as the Kansas *ad valorem* tax.

payment of the tax, the producer shall seek reimbursement for such tax from the purchaser without making any rate filing but concurrently must file with this Commission a copy of the billing statement sent to the purchaser. However, in view of the June 21, 1974, effective date provided in Opinion No. 699, the Kansas *ad valorem* tax payable by January 1, 1975, should be prorated from June 21, 1974.

*The Commission orders:* In those situations where a producer pays once a year in a lump sum an *ad valorem* tax includable under Ordering Paragraph (A) (3) of Opinion No. 699, mimeo p. 141, there is no need for the producer to make a rate filing reflecting an estimate of such tax on a unit basis for future production.

By the Commission.

[SEAL] MARY B. KIDD,  
Acting Secretary.

[FR Doc.74-27095 Filed 11-19-74; 8:45 am]

#### NORTHERN NATURAL GAS CO.

##### Rate Change

NOVEMBER 13, 1974.

Take notice that Northern Natural Gas Company on November 1, 1974 tendered for filing Sixth Revised Sheet No. 3a of its FPC Gas Tariff, Volume No. 4. The proposed change to become effective November 1, 1974 would increase the rate per Mcf to jurisdictional customers by 3.78¢ per Mcf. This amount results from a PGA increase filed by Colorado Interstate to become effective November 1, 1974. Colorado Interstate is the pipeline supplier to Northern for sales made under Volume No. 4.

Copies of the filing were served upon the Gas Utility Customers and interested State Commissions.

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 November 22, 1974. 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.74-27106 Filed 11-19-74; 8:45 am]

[Docket No. CP75-132]

#### NORTHWEST PIPELINE CORP.

##### Application

NOVEMBER 14, 1974.

Take notice that on October 30, 1974, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City,

Utah 84110, filed in Docket No. CP75-132 an application pursuant to section 7 of the Natural Gas Act for permission and approval to abandon the sale and delivery of natural gas to Columbia Gas Company (Columbia) and for a certificate of public convenience and necessity authorizing the sale and delivery of the volumes of natural gas so abandoned to The Washington Water Power Company (Water Power), successor in interest to Columbia, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant requests permission and approval to abandon the sale and delivery to Columbia of up to 5,132 Mcf, the daily contract demand which Applicant has heretofore been authorized to sell and deliver to Columbia, and requests the Commission issue a certificate of public convenience and necessity authorizing the sale and delivery of up to an additional 5,132 Mcf per day to Water Power, an existing customer of Applicant, thereby increasing from 122,399 Mcf to 127,531 Mcf the daily contract demand which Applicant is authorized to sell and deliver to Water Power.

The application states that Water Power and Columbia were merged effective May 19, 1974, at which time Water Power became the owner of all rights and property of the two corporations. The merger of the two corporations was approved by the Washington Utilities and Transportation Commission. Applicant asserts. The application indicates that Water Power requires the volumes of natural gas previously sold to Columbia by Applicant to assure the continuation of adequate and reliable service to the communities served by Columbia.

Applicant states that the grant of the authorizations requested will not increase the maximum daily quantities which Applicant is presently authorized to sell and deliver, that any increase in Applicant's annual sales or revenues as may result from the proposal will be *de minimus*, and that no additional facilities will be required nor will any facilities be abandoned in order to effectuate the proposals requested in this application.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 4, 1974, 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.74-27104 Filed 11-19-74; 8:45 am]

[Docket No. CP74-301]

#### SOUTHWEST GAS CORP.

#### Order Setting Formal Hearing, Prescribing Procedures, and Granting Interventions

NOVEMBER 14, 1974.

On May 22, 1974, Southwest Gas Corporation (Southwest) filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity requesting authorization to construct and operate enlarged measuring facilities at the Tracy Power Plant (Tracy) delivery point on Southwest's Northern Nevada Transmission system. Southwest states that the expanded measuring facilities will permit delivery of up to 390,000 therms per day to the Tracy Power Plant of Sierra Pacific Power Company (Sierra) for the generation of electricity.

Specifically Southwest proposes to construct and operate a 10-inch orifice tube in parallel with two existing 10-inch tubes, a differential controller and associated metering facilities at the Tracy delivery point. While Southwest's present meter station capacity at the Tracy plant is 1,750 Mcf per hour (equal to 165 MW of electric-generating capacity), the enlarged facilities will increase the hourly capacity to 2,625 Mcf (equal to approximately 245 MW of electric-generating capacity). Although the hourly consumption will thereby increase by 1½ times over the prior delivery level, daily consumption will not exceed 39,000 Mcf, which is Southwest's present delivery obligation to Sierra. In light of the nationwide natural gas shortage and our prior pronouncements that the use of natural gas for raising steam in boilers and its subsequent conversion into electricity or mechanical energy results in a loss of roughly two-thirds of the heating value of the gas used, which is unacceptably inefficient in times of shortage,<sup>1</sup>

<sup>1</sup> See e.g. Arkansas Louisiana Gas Company, 45 FPC 53, 66 (1973), Docket No. RP71-122.

we believe that a formal hearing is required on the issues raised by Southwest's application. Sierra therefore should provide testimony and evidence at the hearing hereinafter ordered including but not limited to the following: the alternate fuel capabilities of the Tracy plant; the availability of alternate fuel for the Tracy plant; and whether gas consumption for electric-generation at Tracy will increase if the certificate requested were granted.

We also note that Southwest states in its application that as curtailments from Northwest Pipeline Corporation (Southwest's sole supplier for its Northern Nevada Transmission System) increase, and as Southwest's high priority loads increase, deliveries to Sierra will continue to decline; we believe therefore that Southwest should present testimony and evidence detailing the level of curtailment imposed by Northwest on Southwest's Nevada System for the year 1974, and the estimated curtailments by Northwest for the next three years on Southwest's Northern System.

A timely petition to intervene was filed by Sierra Pacific Power Company.

The Commission finds: (1) It is desirable and in the public interest to allow Sierra Pacific Power Company to intervene in the instant proceeding.

(2) That a formal hearing is necessary and proper in the instant proceeding and that the procedures hereinafter established are required for the hearing.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, the Commission's rule of practice and procedure, and the regulation under the Natural Gas Act, a public hearing shall be held on January 23, 1975, at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose [see Delegation of Authority, 18 CFR 3.5 (d)] shall preside at the hearing in these proceedings pursuant to the Commission's rules of practice and procedure.

(C) Sierra Pacific Power Company is permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however*, That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further*, That the admission of said intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(D) Southwest and Sierra are hereby ordered and required to file their testimony and exhibits in response to, but not limited to the issues set out above on all parties including Commission Staff on or before January 9, 1975.

By the Commission.

[SEAL]

MARY B. KIDD,  
Acting Secretary.

[FR Doc.74-27107 Filed 11-19-74; 8:45 am]

[Docket No. RP74-41]

**TEXAS EASTERN TRANSMISSION CORP.**  
**Extension of Procedural Dates**

NOVEMBER 13, 1974.

On November 6, 1974, Consolidated Gas Supply Corporation and Columbia Gas Transmission Corporation filed a motion for extension of the procedural dates fixed by order issued January 14, 1974, as modified by notice issued August 22, 1974, in the above-designated matter. Texas Eastern Transmission Corporation agreed to extension of movants dates if their filing date is also extended. All the parties present at the settlement conference had no objection to the extension.

Notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor's Evidence, December 18, 1974.

Service of Rebuttal Evidence, January 29, 1975.

Prehearing Conference, February 11, 1975 (10 a.m. e.s.t.).

Hearing, Following conclusion of prehearing Conf.

By direction of the Commission.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc. 74-27108 Filed 11-19-1974; 8:45 am]

[Docket No. CP75-128]

**TEXAS EASTERN TRANSMISSION CORP.**  
**Application**

NOVEMBER 14, 1974.

Take notice that on October 29, 1974, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP75-128 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 pipeline and compression facilities and the transportation of additional gas supplies by means of said facilities, 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 approximately 13.35 miles of 20-inch pipeline loop on its 20-inch Caillou Island pipeline and 2,200 additional horsepower with appurtenant facilities at its Pointe Au Chien Compressor Station. Applicant further proposes to transport additional volumes of natural gas through said pipeline. Applicant states that the proposed facilities will increase the capacity of the Caillou Island Pipeline to permit the transportation of 140,000 Mcf of gas per day to be received from Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) at the proposed interconnection of the Caillou Island pipeline and Tennessee's Muskrat line.<sup>1</sup>

<sup>1</sup> Construction of said interconnection is proposed by Applicant and Tennessee in their joint petition to amend the certificate in Docket No. CP63-177.

Applicant estimates the cost of the subject facilities at \$8,389,000 initially to be financed by use of Applicant's revolving credit agreement and later permanently financed in accordance with Applicant's general financing policy through issuance of bonds, stocks, or from its general funds, depending on market conditions at that time.

Applicant states that the proposed facilities are necessary in order to enable Applicant to transport in its pipeline system additional volumes of offshore Louisiana gas to be delivered to it by Tennessee at the proposed interconnection heretofore described, and that this project is part of the overall project of Applicant and Tennessee to transport gas for each other onshore from offshore Louisiana by means of their respective pipelines. Applicant asserts that such additional volumes are needed to help alleviate curtailments of deliveries to its customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 3, 1974, 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. 74-27109 Filed 11-19-74; 8:45 am]

[Docket No. CP75-96]

**EL PASO ALASKA CO.****Request by Governmental Agency**

NOVEMBER 18, 1974.

Take notice that on November 12, 1974, the following letter was received by the

Secretary of the Federal Power Commission from the Department of the Interior:

DEAR MR. PLUMB: We have been informed by the El Paso Alaska Company (El Paso Alaska) that it has applied to the FPC, pursuant to section 7(c) of the Natural Gas Act, 15 U.S.C. 717f(e), for a certificate of public convenience and necessity to construct and operate a natural gas pipeline system and a liquefaction complex in the State of Alaska, and to transport Alaskan gas reserves in interstate commerce. Although approximately 80 percent of the land required for the pipeline system is federally owned or administered, El Paso Alaska has informed Interior that no application for rights-of-way or temporary land use permits have been or will be made to this Department unless and until El Paso Alaska has first been granted an FPC certificate of public convenience and necessity. It is El Paso Alaska's view that until the certificate is granted, no application with Interior would be required.

We believe that El Paso Alaska's failure to apply to Interior for permits and rights-of-way renders their application before the FPC prima facie incomplete. El Paso Alaska should be given 15 days to complete their application by filing with Interior for the required permits and rights-of-way. If El Paso Alaska fails to do so within this 15-day period, their application before the FPC should be dismissed or other action deemed appropriate by the FPC should be taken.

At the present time Interior and the FPC are working jointly on an environmental impact statement (EIS) and other related studies on the transportation of natural gas from Alaska to the lower 48 states. Under the Interior-FPC Memorandum of Understanding, it was expected that both the Arctic Gas Consortium and the El Paso Company would file applications before both Interior and the FPC. In addition, Interior contemplated that both companies would file applications before it when Congress was requested to appropriate funds to Interior to undertake the required environmental and related studies. El Paso's failure to file with Interior creates substantial difficulties to Interior as it seeks to perform its responsibilities under the Memorandum of Understanding and raises serious questions about Interior spending the appropriated funds on studies connected with the El Paso application now pending before the FPC.

The decision regarding the use of federal lands in the transportation of the Alaskan natural gas rests primarily with Interior, but unless and until a formal application is made to this Department we are powerless to offer any advice or make any determination on the subject, either to El Paso Alaska or to the FPC. Until Interior offers such advice, it will be impossible for El Paso Alaska to establish before the FPC, under section 7(c) of the Natural Gas Act, that it is "able and willing properly to do the acts and perform the service proposed."

It is El Paso's intent not to file with Interior for the required permits and rights-of-way unless and until they receive from the FPC a certificate of public convenience and necessity. Such a procedure will delay the proposed project for several years. If El Paso obtains a certificate from the FPC and then files with Interior for the necessary permits and rights-of-way, Interior would then have to prepare a new or supplemental EIS. Such a procedure would obviously take a year or more. If Interior subsequently denies El Paso Alaska's application and recommends a Trans-Canada route, then the FPC might have to reopen its hearings, again resulting in a substantial delay.

Since El Paso Alaska's failure to file with Interior renders our work under the Memorandum of Understanding difficult and incomplete, and since it raises questions about Interior spending appropriated funds on the preparation of an EIS or related studies concerning El Paso Alaska's pending application before the FPC, and since this situation could possibly delay the transportation of the Alaskan natural gas for several years, we request that El Paso Alaska be notified by the FPC that their application is incomplete, and that they be given 15 days to file with Interior. If El Paso Alaska fails to do so, we request that the FPC dismiss their application or take such other action as is appropriate under the circumstances.

Sincerely yours,

JOHN C. WHITAKER,  
Under Secretary of the Interior.

The Commission desires the comments, suggestions and views of any interested person in this matter. In this regard the Commission is also directing its staff to file comments.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than December 3, 1974, views, comments or suggestions, in writing, concerning the request herein. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written submittals, including the Commission's Staff, will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington's D.C., during regular business hours. Submittals to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal should be addressed. The Commission will consider all written submittals before acting on the proposed request.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-27205 Filed 11-19-74;8:45 am]

## OFFICE OF MANAGEMENT AND BUDGET

### CLEARANCE OF REPORTS

#### List of Requests

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

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

The symbol (x) identifies proposals which appear to raise no significant

issues, and are to be approved after brief notice through this release.

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

#### NEW FORMS

##### ACTION

Sponsor Study and Volunteer Study, Form ----, Single time, Lowry (395-3772), Public and private non-profit organizations.

##### DEPARTMENT OF COMMERCE

Bureau of the Census: Voter Attitudes Survey, Form ----, Single time, Hall (395-4697), 1200 persons 18 yrs. old and over in selected PSU's.

##### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

##### Social Security Administration:

Primary Practice Profile (PE Reimbursement Study), Form SSA 9761, Single time, Collins (395-3756), Physicians and physician extenders in office-based primary care practices.

Teaching Hospitals Questionnaire, Form SSA 9760, Single time, HRD (395-3532), Caywood (395-3443), Teaching hospitals.

##### DEPARTMENT OF LABOR

Bureau of Labor Statistics: Director of National Unions and Employee Associations, Forms BLS 2441, 2441-A, 2441-B, Single time, Strasser (395-3880), Labor organizations.

##### NATIONAL SCIENCE FOUNDATION

Ranking Priorities for Experimentation with Federal Incentives to Innovation, Form ----, Single time, Weiner (395-4890), Industry association executives.

##### DEPARTMENT OF THE TREASURY

Departmental: Employment Data, Form ----, Single time, Planchon (395-3898), Lowry (395-3772), Business firms.

##### VETERANS ADMINISTRATION

Cooperative Study, Radiotherapy of Prostatic Cancer (CURRG), Form ----, Single time, Hall (395-4697), Veteran patients in participating hospitals.

##### REVISIONS

##### FEDERAL RESERVE BOARD

Weekly Report of Condition, Form FR 416, Weekly, Hulett (395-4730), 326 large commercial banks.

##### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration: Social Security Beneficiary Survey Interview and Verification Report, Form SSA 1305, Occasional, Caywood (395-3443), Individuals.

##### EXTENSIONS

##### DEPARTMENT OF LABOR

Bureau of Labor Statistics: Construction Labor Requirements, Forms 2652.04, 2652.05, 2652.06, Occasional, Evinger (x) (395-3648).

Expenditures for Employee Compensation, Form 2868, Annual, Evinger (x) (395-3648).

SIC 372 Quality Measurement, Form 3029QMS, Single time, Evinger (x) (395-3648).

International Commodity Price Information-Import Commodity Data, Form 3007 A, Annual, Evinger (x) (395-3648).

##### DEPARTMENT OF LABOR

##### BUREAU OF LABOR STATISTICS

Handbook for Estimating Unemployment, Form 3040, Occasional, Evinger (x) (395-3648).

Characteristics of the Insured Unemployed, Form ES 203, Monthly, Evinger (x) (395-3648).

Labor Management and Service Administration:

Filing Annual Reports under the Welfare and Pension Plans Disclosure Act by Administrators of the Act, Form D-2, Annual, Evinger (x) (395-3648).

Trusteeship Report and Schedule on Selecting of Delegates and Officers, Form LM 15, Semiannual, Evinger (x) (395-3648).

##### NATIONAL ENDOWMENT FOR THE ARTS

Artists in Schools Program/Dance Component: 1976-77 School Year—Guidelines for Dance Movement Specialists, Form ----, Annual, Evinger (395-3648), Dance movement specialists.

##### DEPARTMENT OF THE TREASURY

##### U.S. Customs Service:

Application for Conditionally Free Withdrawal of Bonded Stores for Fishing Vessels and Certification of Use, Form CF 5125, Occasional, Evinger (x) (395-3648).  
Crewmember's Declaration, Form 5129, Occasional, Evinger (x) (395-3648).

##### VETERANS ADMINISTRATION

Spinal Cord Injury Unit Survey-Patient Form-Relative Form, Form ----, Occasional, Evinger (x) (395-3648).

PHILIP D. LARSEN,  
Budget and Management Officer.

[FR Doc.74-27277 Filed 11-19-74;8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

### AERO RESOURCES, INC.

#### Suspension of Trading

NOVEMBER 13, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and warrants of Aero Resources, 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 12:30 p.m. (e.s.t.) on November 13, 1974 through midnight (e.s.t.) on November 22, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-27155 Filed 11-19-74;8:45 am]

[File No. 500-1]

**AVIEN, INC.****Suspension of Trading**

NOVEMBER 13, 1974.

The common stock of Avien, Inc. being traded on the American Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Avien, Inc. being traded otherwise than on a national securities exchange;

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 12:30 p.m. (e.s.t.) on November 13, 1974 through midnight (e.s.t.) on November 22, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
*Secretary.*

[FR Doc.74-27154 Filed 11-19-74; 8:45 am]

[File No. 500-1]

**CANADIAN JAVELIN, LTD.****Suspension of Trading**

NOVEMBER 13, 1974.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange;

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 November 14, 1974 through November 23, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
*Secretary.*

[FR Doc.74-27162 Filed 11-19-74; 8:45 am]

[File No. 500-1]

**CAROLINA CARIBBEAN CORP.****Suspension of Trading**

NOVEMBER 13, 1974.

It appearing to the Securities and Exchange Commission that the summary

suspension of trading in the common stock of Carolina Caribbean Corp. 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 12:30 p.m. (e.s.t.) on November 13, 1974 through midnight (e.s.t.) on November 22, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
*Secretary.*

[FR Doc.74-27157 Filed 11-19-74; 8:45 am]

[File No. 500-1]

**D.C. TRANSIT SYSTEM INC.****Suspension of Trading**

NOVEMBER 13, 1974.

The common stock of D.C. Transit System Inc. being traded on the Philadelphia - Baltimore - Washington Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of D.C. Transit System Inc. being traded otherwise than on a national securities exchange;

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 12:30 p.m. (e.s.t.) on November 13, 1974 through midnight (e.s.t.) on November 22, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
*Secretary.*

[FR Doc.74-27156 Filed 11-19-74; 8:45 am]

**FEDERAL UNITED CORP.****Filing of Application**

NOVEMBER 13, 1974.

Notice is hereby given that Federal United Corporation ("Applicant"), 120 South 17th Street, Philadelphia, Pennsylvania, 19103, a closed-end, non-diversified management investment company under the Investment Company Act of 1940 ("Act") filed an application on March 25, 1974 and amendments thereto on July 26, 1974, October 23, 1974, October 31, 1974, and November 12, 1974, pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act.

All interested persons are referred to the application filed with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized as a Delaware Corporation on January 26, 1932, and has been registered under the Act since August, 1941.

Applicant represents that, due to an inability to increase the value of its investment portfolio, its directors adopted a plan of liquidation on June 14, 1973. A letter, dated August 14, 1973 was sent to Applicant's shareholders informing them of the directors' action and stating Applicant's intention to put the plan before the shareholders for a vote. However, before the plan could be voted upon, Erik E. Bergstrom made a cash tender offer for the outstanding common and preferred stock of the company. Included in his written offer to purchase was a statement that he intended to vote against the plan of liquidation. Bergstrom now owns 41,632 shares of Applicant's common stock (a total of 49,615 shares are outstanding) and 917 shares of its preferred stock (a total of 4,640 shares are outstanding) and is in control of Applicant.

Applicant's common stock is now held by 65 persons and its preferred stock is held by 58 persons, 27 of whom are among the beneficial owners of common stock. Accordingly, Applicant contends, the total number of persons who own beneficially the outstanding securities of Applicant as of the date of the application is 96. Applicant states that no company owns beneficially any of its securities (other than short-term paper). Applicant further states that it is not now making and does not presently propose to make a public offering of its securities. Applicant represents that, as of May 20, 1974, the market value of its securities was approximately \$174,500.

Bergstrom has no plans to merge Applicant with any other person or to make other major changes in its business or corporate structure and intends to manage Applicant's portfolio himself.

Section 3(c) (1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Upon issuance of this notice, Applicant will send a letter to all holders of Applicant's outstanding common and preferred stock summarizing the effect of deregistration under the Act together with a copy of this notice.

Notice is further given that any interested person may, not later than December 20, 1974, at 5:30 p.m., submit to the

Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall 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 Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following December 20, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. 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 Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-27160 Filed 11-19-74; 8:45 am]

[File Nos. 2-52303; (22-8130)]

#### GENERAL AMERICAN TRANSPORTATION CORP.

##### Application and Opportunity for Hearing NOVEMBER 12, 1974.

Notice is hereby given that General American Transportation Corporation (the "Company") has filed an application under clause (ii) of section 310(b) (1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Commission that the trusteeship of Chemical Bank (the "Bank") under an indenture dated as of February 15, 1970, and heretofore qualified under the Act, and a new indenture, which is to be qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under either indenture.

Section 310(b) of the Act provides, *inter alia*, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within ninety days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Paragraph (1) of this section provides, with certain exceptions, that a trustee is deemed to have a conflicting interest if it is acting as trustee under another indenture of the same obligor.

However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing thereon, that trusteeship under the qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any of such indentures.

The Company alleges that: 1. It has outstanding \$40,000,000 principal amount of 9% Equipment Trust Certificates due August 15, 1990, which were issued under an indenture as of February 15, 1970 entered into between the Company and the Bank, as trustee, which has been qualified under the Act.

2. It proposes to issue and sell approximately \$60,000,000 principal amount of --% Equipment Trust Certificates to be issued under an indenture ("new indenture") which will be qualified under the Act.

3. The indenture dated as of February 15, 1970, is, and the new indenture will be, secured by a separate lot of identified railroad cars, so that should the Bank have occasion to proceed against the security under one of these trusts, such action would not affect the security, or the use of any security, under the other trust.

4. The differences in the provision of the two indentures are not so likely to involve the Bank in a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under either indenture.

The Company waives notice of hearing and waives hearing and waives any and all rights to specify procedures under Rule 8(b) of the Commission's rules of practice with respect to the application.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than November 27, 1974 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 law or fact raised by such application 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. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the

interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-27158 Filed 11-19-74; 8:45 am]

[811-709]

#### PIONEER ENTERPRISE FUND, INC.

##### Filing of Application

NOVEMBER 13, 1974.

Notice is hereby given that Pioneer Enterprise Fund, Inc. ("Applicant"), 28 State Street, Boston, Massachusetts 02109, registered under the Investment Company Act of 1940 (the "Act") as a diversified, open-end, management investment company, filed an application on August 26, 1974, pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that an Amended Agreement and Plan of Reorganization ("Agreement") was approved by the requisite number of Applicant's outstanding voting securities at a special meeting of its shareholders on June 27, 1974. Pursuant to the Agreement, substantially all of the assets of Applicant were assigned to Pioneer II, Inc. ("Pioneer"), an open-end, diversified, management investment company registered under the Act, in exchange for shares of common stock of Pioneer. Applicant states that the Pioneer shares received pursuant to the Agreement have been distributed to Applicant's shareholders on a pro rata basis and that Applicant was dissolved under the laws of the State of Delaware on June 28, 1974.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 9, 1974 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall 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 Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the Application will be issued as of course following December 9, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. 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 Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
*Secretary.*

[FR Doc.74-27159 Filed 11-19-74;8:45 am]

#### REPORT COORDINATING GROUP (ADVISORY)

##### Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, 86 Stat. 770, the Securities and Exchange Commission announces a public advisory committee meeting.

The Commission's Report Coordinating Group (Advisory) will hold a meeting on December 9, 1974 at the Securities and Exchange Commission, 500 North Capitol Street, Room 876, Washington, D.C. The meeting will commence at 10 a.m. local time and will be for the purpose of discussing the FOCUS Report of financial and operational information and the development of simplified trading forms, assessment forms and registration forms.

The Group's meetings are open to the public. Any interested person may attend and appear before or file statements with the advisory committee. Said statements, if in written form, may be filed before or after the meeting. Oral statements shall be made at the time and in the manner permitted by the Report Coordinating Group.

The Report Coordinating Group was formed to assist the Commission in developing a coherent, industry-wide, coordinated reporting system. In carrying out this objective, the Report Coordinating Group is to review all reports, forms and similar materials required of broker-dealers by the Commission, the self-regulatory community and others. The Group is expected to advise the Commission on such matters as eliminating unnecessary duplication in reporting, reducing reporting requirements where feasible, and developing the FOCUS Report of financial and operational information. (Securities Exchange Act Release No. 10612; Securities Exchange Act Release No. 10959.)

Information concerning the meeting, including the procedures for submitting

statements to the Group, may be obtained by contacting: Mr. Daniel J. Pillero II, Secretary, SEC Report Coordinating Group, Securities and Exchange Commission, Washington, D.C. 20549.

Dated: November 13, 1974.

[SEAL] GEORGE A. FITZSIMMONS,  
*Secretary.*

[FR Doc.74-27153 Filed 11-19-74;8:45 am]

[File No. 500-1]

#### ROYAL PROPERTIES INC.

##### Suspension of Trading

NOVEMBER 13, 1974.

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 November 14, 1974 through November 23, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
*Secretary.*

[FR Doc.74-27163 Filed 11-19-74;8:45 am]

[File No. 500-1]

#### WINNER INDUSTRIES, INC.

##### Suspension of Trading

NOVEMBER 13, 1974.

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 November 14, 1974 through November 23, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
*Secretary.*

[FR Doc.74-27161 Filed 11-19-74;8:45 am]

#### ADVISORY COMMITTEE ON THE IMPLEMENTATION OF A CENTRAL MARKET SYSTEM

##### Meeting

This is to give notice, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I 10(a), that the Securities and Exchange Commission Advisory Committee on the Implementation of a Central Market System will conduct open meetings December 5 and 6, 1974, beginning at 9 a.m. at the offices of J. C. Penney Co., Inc., 31st

floor, 1301 Avenue of the Americas, New York, New York, 10019.

The summarized agenda for the meeting is as follows:

(I) Completion of work on document entitled "Basic Characteristics and Principles of the Central Market System" including the following subjects.

A. The objectives and basic characteristics of the central market system.

B. Operating principles affecting specialists and market-makers.

1. Net capital.
2. Market continuity.
3. Public preference.
4. Treatment of limit orders.
5. Dealing with customers.
6. Allocation of securities to dealers.
7. Affirmative obligations.

(II) Reports of the following working groups.

A. Broker-dealer access to the central market system—Messrs. Crum, Gardner, Heller and Stone.

B. Economics of the self-regulatory organizations.

1. National Association of Securities Dealers, Inc.—Messrs. McCulley and Yearley.
2. New York Stock Exchange—Messrs. Axelson, Gardner, and Rohatyn.
3. Midwest Stock Exchange—Messrs. Heller and Myers.
4. Pacific Stock Exchange—Messrs. Jafferles and Lovelace.

Further information may be obtained by writing Andrew P. Steffan, Director, Office of Policy Planning, Securities and Exchange Commission, Washington, D.C. 20549.

Dated: November 20, 1974.

[SEAL] GEORGE A. FITZSIMMONS,  
*Advisory Committee  
Management Officer.*

[FR Doc.74-27295 Filed 11-19-74;8:45 am]

#### SELECTIVE SERVICE SYSTEM REGISTRANTS PROCESSING MANUAL

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portions of that Manual are considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER.

Section 622.14 is revised to reflect the change in procedures for notification to local boards of the entry of registrants into active military service.

Temporary Instruction No. Appendix 1-12 deals with the establishment of records of medical specialty students.

Dated: November 13, 1974.

BYRON V. PEPITONE,  
*Director.*

[Rev. Nov. 4, 1974]

SECTION 622.14

CLASS 1-C: MEMBER OF THE ARMED FORCES OF THE UNITED STATES, THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, OR THE PUBLIC HEALTH SERVICE

In Class 1-C shall be placed:

1. Every registrant who is, or who by enlistment, induction, or appointment becomes, a commissioned officer, a warrant officer, an enlisted man or an aviation cadet of the Army, the Navy, the Air Force, the

Marine Corps, the Coast Guard, or the National Oceanic and Atmospheric Administration (NOAA), or a commissioned officer of the regular Public Health Service (PHS). Notification of entry into active military service, other than by induction, shall be by DD Form 53 (Notification of Entry Into Active Military Service) or DD Form 4 (Enlistment Contract—Armed Forces of the United States). For NOAA, notification will be by DD Form 53 and for PHS, notification will be by PHS Form 1867.

2. Every registrant who is a cadet, United States Military Academy, United States Air Force Academy, or United States Coast Guard Academy; or a midshipman, United States Naval Academy.

3. Except for periods of active duty for training only, every registrant who is a member of a Reserve component of the armed forces and is on active duty.

4. Except for periods of active duty for training only, every Reserve officer of the Public Health Service on active duty and assigned to staff the various offices and bureaus of the Public Health Service including the National Institutes of Health, or the Coast Guard, the Bureau of Prisons of the Department of Justice, the Environmental Protection Agency, or the National Oceanic and Atmospheric Administration.

[Temporary Instruction No. Appendix 1-12]

ESTABLISHING MEDICAL SPECIALTY STUDENT RECORDS IN RIB

Issued: October 25, 1974.

1. In order to establish a complete data base of accountable medical specialty students' records in RIB, every registrant who is now identified as a medical specialty student (medicine, dentistry, osteopathy, optometry, veterinary medicine, podiatry or nursing) shall be reported, by specialty, to RIB, regardless of age, classification, or any previous submission of a Status Card (SSS Form 7). This will be accomplished by submitting to the Computer Service Center (CSC) an "original" SSS Form 7 prepared in accordance with the attachment<sup>1</sup> to this Temporary Instruction.

2. Whenever an SSS Form 7 is prepared under the provisions of the following paragraphs, the registrant's copy shall be destroyed unless the SSS Form 7 reflects a new classification by the local board.

3. The actions set forth in subparagraphs a and b below, will be completed by December 31, 1974:

a. For each registrant now classified 2-M, local boards shall submit to the CSC an "original" SSS Form 7.

b. Local boards shall review other Registrant File Folders for the purpose of identifying medical specialty students. Where evidence of current medical specialty student status is present, and reclassification is not required, an "original" SSS Form 7 shall be submitted.

4. For those registrants identified as medical specialty students who are pending reclassification into 2-M at the next regularly-scheduled local board meeting, an "original" SSS Form 7 shall be submitted following the reclassification action.

5. Those registrants who are later identified as medical specialty students should be considered for reclassification into Class 2-M, unless eligible for a lower class, and an "original" SSS Form 7 shall be submitted.

6. Whenever a registrant between the ages of 22 and 26, for whom accountability had been terminated, is identified as a medical

<sup>1</sup> Attachment not filed with Office of the Federal Register.

specialty student, his accountability shall be restored and his Registrant File Folder retrieved from the Federal Records Center (FRC). He shall be considered for reclassification into Class 2-M, unless eligible for a lower class. An "original" SSS Form 7 shall be submitted.

7. Each registrant identified as a medical specialty student who is between the ages of 26 and 35, whose liability has been extended to age 35 under Section 631.8, RPM, and for whom accountability had been terminated, shall have his accountability restored and his Registrant File Folder reestablished. He shall be considered for reclassification into Class 2-M, unless eligible for a lower class. An "original" SSS Form 7 shall be submitted. His Priority Selection Group, based on his year of birth, shall be assigned and shown regardless of his age or class.

8. If evidence is received that a medical specialty student whose file is being retained beyond the age and status at which it would otherwise be eligible for transfer to the FRC (or destruction, as appropriate), has terminated such course of study, other than by graduation, his accountability will be terminated, his file disposed of, and a "deletion" SSS Form 7 submitted to the CSC to delete his record in RIB.

9. Temporary Instruction No. 622-3 is rescinded.

This Temporary Instruction will remain in effect until amended or rescinded.

BYRON V. PEPTONE.

[FR Doc.74-27076 Filed 11-19-74; 8:45 am]

## TARIFF COMMISSION

[337-40]

### ELECTRONIC FLASH DEVICES

#### Investigation and Hearing; Termination of Investigation, in Part

A complaint was filed with the U.S. Tariff Commission on January 24, 1973, and an amendment thereto on July 25, 1973, on behalf of Honeywell, Inc., of Minneapolis, Minnesota, alleging unfair methods of competition and unfair acts in the importation and sale of certain electronic flash devices by reason of their being embraced within the claims of U.S. Letters Patent No. Reissue 26,999 and No. 3,519,879. Complainant alleges that the effect or tendency of the unfair methods or acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States in violation of the provisions of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

Ponder and Best, Inc., of Santa Monica, Calif.; Ehrenreich Photo-Optical Industries, Inc., of Garden City, N.Y.; Rollei of America, Inc., of Fairfield, N.J.; and Braun North America, a division of the Gillette Company of Cambridge, Mass., have been named by complainant as importers and distributors of the subject product.

Having conducted, in accordance with § 203.3 of the Commission's rules of practice and procedure (19 CFR 203.3), a preliminary inquiry with respect to the matters alleged in said complaint, as amended, the U.S. Tariff Commission, on November 6, 1974, Ordered:

(1) That, for the purposes of section 337 of the Tariff Act of 1930, an investi-

gation be instituted with respect to the asserted violations of said section by the alleged importation and sale in the United States of electronic flash devices covered by claims 1, 2, and 8 of U.S. Letters Patent No. 3,519,879 and claims 5, 6, 7, and 8 of U.S. Letters Patent No. Reissue 26,999; and

(2) That a public hearing be held on February 11, 1975, at 10:00 a.m., E.S.T., in the Hearing Room, U.S. Tariff Commission Building, Eighth and E Streets, N.W., Washington, D.C. 20436. All parties concerned will be afforded an opportunity to be present, to produce evidence, and to be heard concerning the subject matter of the investigation. Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission, in writing, at least five days in advance of the opening of the hearing.

The Commission decided not to recommend at this time that the President issue a temporary exclusion order pursuant to section 337(f) of the Tariff Act of 1930 (19 U.S.C. 1337(f)).

On November 14, 1974, the Commission ordered the termination of the above investigation with respect to Ponder and Best, Inc., one of the named importers and distributors of the subject product. This termination was based on the existence of a licensing agreement covering the patents in issue between complainant and Matsushita Electrical Industrial Co., Ltd., of Osaka, Japan, the foreign manufacturer of electronic flash devices imported by Ponder and Best, Inc., and other submissions of the parties.

Public notice of the receipt of the complaint and initiation of the preliminary inquiry was published in the FEDERAL REGISTER on February 26, 1973 (38 FR 5211). Notice of an extension of time for filing written views was published in the FEDERAL REGISTER on March 20, 1973 (38 FR 7369). The complaint, as amended, was served upon all known interested parties and has been available for inspection by interested persons continually since issuance of the notice of initiation of the preliminary inquiry, at the Office of the Secretary, located in the U.S. Tariff Commission Building, and also in the New York City office of the Commission, located at 6 World Trade Center.

Issued: November 14, 1974.

By order of the Commission.

[SEAL] KENNETH R. MASON,  
Secretary.

[FR Doc.74-27074 Filed 11-19-74; 8:45 am]

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### STANDARDS ADVISORY COMMITTEE ON COKE OVEN EMISSIONS

##### Notice of Meeting and Request for Information

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5

U.S.C. App. I), notice is hereby given that the Standards Advisory Committee on Coke Oven Emissions, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will hold its second meeting on December 16, 17 and 18, 1974. The meeting will begin at 10:00 a.m. on December 16, and will continue at 9:00 a.m. on December 17 and 18, in the Savoy Room of the Ramada Inn Downtown located at 10 Thomas Circle, NW, Washington, D.C. The meeting is open to the public and all interested persons are encouraged to attend.

It is anticipated that the ad hoc Committee will hold approximately 10-12 meetings before its recommendations are submitted and its deliberations cease. The Committee has been allowed 200 days from the date of its organizational meeting, November 6, 1974, to submit its recommendations. It is anticipated that the Committee will devote approximately half of its total meetings to discussions on various aspects of the problem of employee exposure to coke oven emissions, including the following subjects: health effects, emission composition, sampling, analytical methods, engineering methods available for control of emissions, and medical surveillance. The Committee will request presentations from experts in these areas when necessary, and will subsequently devote the last half of its deliberations to writing and developing recommendations. The agenda will necessarily be influenced by the availability of guest speakers for the dates of future meetings, but discussion on health effects, emission composition, and sampling is anticipated during the December meeting. In addition, the Committee has tentatively scheduled its subsequent meetings on January 13 and 14, 30 and 31, and February 11 and 12. Confirmation of these dates and additional details on meeting places and locations will be published in future notices.

Any member of the public wishing to submit written presentations to the Committee may do so by filing such a statement, together with 20 duplicate copies, with the Committee Management Officer by close of business December 9, 1974, or by filing such statements with the Committee Management Officer at the meeting. Such submissions will be provided to the members of the Committee and will be included in the record of the meeting.

The Committee Chairman may permit oral statements before the Committee by interested persons. Consequently, persons desiring to make an oral presentation to the Committee should submit a written request to be heard to the Committee Management Officer by close of business December 9, 1974. The request must include the name and address of the person wishing to appear, the capacity in which he will appear, a short summary of the intended presentation, and the approximate amount of time required for his presentation. Such submissions will be provided to the Committee Chairman for his consideration.

The Committee herein requests relevant information or data on employee exposure to coke oven emissions, feasible analytical methods, engineering methods available for control of emissions, and medical surveillance. The Committee would appreciate receiving such data at any time during its 200 days of establishment, but would find the information most useful in the early stages of these deliberations.

Communications and questions about the proceedings should be addressed to:

Jeanne W. Ferrone, Committee Management Officer, U.S. Department of Labor, Occupational Safety and Health Administration, 1726 M Street, NW., Room 200, Washington, D.C. 20210, Phone: 202/961-2248, 2487.

All materials which have been submitted to or developed by the Committee since the beginning of its deliberations, as well as the official record of all Committee proceedings, are available for public inspection and copying at the above location.

Signed at Washington, D.C., this 15th day of November, 1974.

JOHN STENDER,  
Assistant Secretary of Labor.

[FR Doc.74-27168 Filed 11-19-74;8:45 am]

### INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-43]

#### AJAX TRANSFER CO. ET AL.

#### Lease and Interchange of Vehicles by Motor Carriers; Correction

*Corrected Order*<sup>1</sup>. At a session of the Interstate Commerce Commission, Motor Carrier Leasing Board, held at its office in Washington, D.C. on the 11th day of September 1974.

It appearing, that a petition has been filed by Ajax Transfer Company, A Corporation (permits MC-119391 sub 1 and four subs) and LTL Perishables, Inc. (certificate MC-135874 subs 14 and 19) and Noel Transfer, Inc. (not authorized by the Commission), under common control, for waiver of paragraphs (a) (3) and (c) of § 1057.4 of the Lease and Interchange of Vehicles Regulations (49 CFR Part 1057), concerning equipment leased between petitioners;

It further appearing, that petitioners have a jointly administered program applying the same standards of inspection and maintenance to equipment in accordance with the motor carrier safety regulations of the U.S. Department of Transportation.

It further appearing, that the U.S. Department of Transportation reports both petitioners are now in acceptable compliance with the motor carrier safety regulations;

It is ordered, That waiver of paragraphs (a) (3) and (c) of § 1057.4, be, and, it is hereby granted provided that

<sup>1</sup> This order corrects the order served herein September 11, 1974, which inadvertently listed the certificate number of LTL Perishables, Inc. as MC-135974.

the equipment is inspected on the day it is to be leased and found to meet the requirements of the safety regulations of the U.S. Department of Transportation and that petitioners remain in satisfactory compliance with those regulations and under common control;

By the Commission, Motor Carrier Leasing Board.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-27183 Filed 9-19-74;2:45 am]

[Rev. S.O. 1173, Exception 36]

### BANGOR AND AROOSTOOK RAILROAD CO. AND BOSTON AND MAINE CORP.

#### Authorization for Receipt and Transport

NOVEMBER 8, 1974.

Pursuant to the authority vested in me by section (a), paragraph (4) of Revised Service Order No. 1173, the Boston and Maine Corporation (Robert W. Meserve and Benjamin H. Lacy, Trustees) be, and it is hereby, authorized to accept from shipper at Merrimack, New Hampshire, for transport to destination, BAR 125 and BAR 11126, routed BM-MEC-BAR, regardless of the provisions of Revised Service Order No. 1173.

Effective November 8, 1974.

Expires November 13, 1974.

Issued at Washington, D.C., November 8, 1974.

[SEAL] R. D. PFAHLER,  
Chairman,  
Railroad Service Board.

[FR Doc.74-27181 Filed 11-19-74;8:45 am]

[Notice 635]

### ASSIGNMENT OF HEARINGS

NOVEMBER 15, 1974.

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 the date of this publication.

MC 139859 and Sub-No. 1, Cal-National Enterprises, Inc., now assigned December 11, 1974, at Los Angeles, Ca., will be held in Room 517, Federal Courthouse, 312 N. Spring St.

MC 61592 Sub 319, Jenkins Truck Line, Inc., now assigned December 9, 1974, at Los Angeles, Ca., will be held in Room 517, Federal Courthouse, 312 N. Spring St.

MC 43685 Sub 14, Mercer Trucking Co., Extension—Spokane, Wash., now assigned December 16, 1974, at Spokane, Wash., will be held in Room 888-891, U.S. Courthouse, West 920 Riverside.

MC 136201 (Sub-No. 2), Rocky Mountain Feed Ingredients, now assigned December 3, 1974, at Billings, Mont., will be held in Room 1033, U.S. Courthouse & Post Office, 3rd Ave. N. & 26th St.

I & S 8944, Fresh Fruits & Vegetables, Transcontinental & Western Points, and FSA No. 42830, Fruits and Vegetables From and To Colorado and Utah Points, continued to December 9, 1974 (1 week), at the Baker Hotel, 1400 Commerce St., Dallas, Tex.

MC 138259 (Sub-No. 3), Northwest Express, Inc., now assigned December 5, 1974, at Billings, Mont., will be held in Room 1033, U.S. Courthouse & Post Office, 3rd Ave. N. 26th St.

AB 31 Sub 1, Grand Trunk Western Railroad Company, Abandonment Between Lakeland and Jackson, in Livingston, Ingham, and Jackson Counties, Michigan, now assigned December 10, 1974, at Jackson, Mich., will be held in the Recreation Auditorium, 3rd Floor, City Hall, 132 West Washington St.

MC 117644 Sub 38, D & T Trucking Co., Inc., now assigned December 12, 1974 at St. Paul, Minn., will be held Courtroom No. 3, 7th Floor, Federal Bldg. & U.S. Courthouse, 316 N. Robert St.

MC 129048 Sub 292, Diamond Transportation System, Inc., now assigned December 4, 1974, at St. Paul, Minn., will be held in Courtroom No. 3, 7th Floor, Federal Bldg. & U.S. Courthouse, 316 N. Robert St.

MC 139454, Agri Trucking, Inc., now assigned December 5, 1974, at St. Paul, Minn., will be held in Courtroom No. 3, 7th Floor, Federal Bldg. & U.S. Courthouse, 316 N. Robert St.

MC-FC 74846, Arrowhead Charter, Inc., Cloquet, Minnesota, Transferee, and John J. Byers, D.b.a. Arrowhead Charter Bus Service, Duluth, Minnesota, Transferor, and MC-C-4914 Sub 1, John J. Byers D.b.a. Arrowhead Charter Bus Service—Revocation of Certificate, now assigned December 6, 1974, at St. Paul, Minn., in Courtroom No. 3, 7th Floor, Federal Bldg. & U.S. Courthouse, 316 N. Robert St.

MC-F-12148, Anderson Trucking Service, Inc.—Purchase (Portion)—Bay and Bay Transfer, Inc., now assigned December 9, 1974, at St. Paul, Minn., in Courtroom No. 3, 7th Floor, Federal Bldg. & U.S. Courthouse, 316 N. Robert St.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-27187 Filed 11-19-74; 8:45 am]

#### FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

NOVEMBER 15, 1974.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other

proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Nevada Docket No. 48, filed October 24, 1974. Applicant: MILTON B. ANDERSON & MELVIN K. ANDERSON, a partnership, doing business as OVERLAND EXPRESS, 790 East Glendale Road, Sparks, Nevada 89431. Applicant's representative: John Paul Fischer, Silver, Rosen, Fischer & Stecher, 140 Montgomery Street, San Francisco, Calif. 94104. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of Package express, limited to 200 pounds per consignee per day with no single shipment exceeding 70 pounds. Between all points and places in Nevada via irregular routes, and via regular routes between Reno, Nevada, and Elko, Nevada, via Interstate Highway 80, serving all intermediate points and the off-route points of Fernley, Nevada, Fallon, Nevada, and Carlin, Nevada. Restriction: Service shall be restricted against the following service: between Reno, Nevada, and Yerington, Nevada, and all intermediate points via U.S. Highway 395 to the junction of U.S. Highway 395 and State Route 3, thence via State Route 3 to Yerington, between Reno and Reno Ski Bowl, between Reno and Virginia City, between Virginia City and Carson City, Gold Hill, and Silver City. Intrastate and interstate commerce authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the Nevada Public Service Commission, 222 E. Washington Street, Carson City, Nev. 89701, and should not be directed to the Interstate Commerce Commission.

Texas Docket No. 2674 filed November 5, 1974. Applicant: TEXAS TEX-PACK EXPRESS, INC., P.O. Box 9325, San Antonio, Tex. 78294. Applicant's representative: Lanham, Hatchell & Sedberry, 1102 Perry Brooks Bldg., Austin, Tex. 78701. (a) & (b) (1) Application of Texas Tex-Pack Express to amend Common Carrier Certificate No. 2674 so as to authorize the transportation of General commodities subject to the restriction that no service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignee at one location to one consignee at one location on any one day, between points on the following named routes, and coordinating such service with that presently being rendered under existing certificates and interlining with other carriers at appropriate interline points: (1) U.S. Highway 290 between Fredericksburg and its intersection with State Highway 27; (2) U.S. Highway 290 between Johnson City and Austin; and (3) State Highway 71 between Austin and its intersection with U.S. Highway 281 near Marble Falls; (a) & (b) (2) transporting motion picture film and theater supplies, flowers, magazines, and newspapers, over the same routes

described in (a) & (b) (1) above; (a) & (b) (3) Applicant also seeks to amend Common Carrier Certificate No. 2674 so as to be authorized to use the routes listed below, as alternate routes only, in the transportation of general commodities, as described above, motion picture film and theater supplies, flowers, magazines, and newspapers, without service to any intermediate point except as otherwise authorized; (1) U.S. Highway 59 between Freer and Victoria; (2) State Highway 72 and State Highway 239 between Kenedy and the intersection of State Highway 239 and U.S. Highway 59 near Goliad; (3) State Highway 285 between Hebbbronville and Falfurrias; (4) State Highway 304 between Gonzales and its intersection with State Highway 71 near Bastrop; (5) State Highway 80 between Martindale and Belmont, and between Nixon and Karnes City; (6) State Highway 317 between Moody and Belton; (7) State Highway 123 between San Marcos and Seguin; State Highway 31 between its intersection with U.S. Highway 84 and Hubbard; (8) F. M. Road 88 between Elsa and Weslaco; and (9) State Highways 72 and 97 between Kenedy and Cotulla. Intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the Railroad Commission of Texas, Capitol Station, P.O. Drawer 12967, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-27185 Filed 11-19-74; 8:45 am]

[Notice 37]

#### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 15, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers

of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

#### MOTOR CARRIERS OF PROPERTY

No. MC 33641 (Deviation No. 82), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed November 12, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Smith Center, Kans., over U.S. Highway 36 to Indianapolis, Ind., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Smith Center, Kans., over U.S. Highway 281 to junction U.S. Highway 24, thence over U.S. Highway 24 to Kansas City, Mo., thence over U.S. Highway 50 to junction Missouri Highway 100 near Gray Summit, Mo., thence over Missouri Highway 100 to St. Louis, Mo., thence over U.S. Highway 50 to Cincinnati, Ohio, thence over U.S. Highway 52 to Indianapolis, Ind., and return over the same route.

No. MC 33641 (Deviation No. 83), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed November 12, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cheyenne, Wyo., over Interstate Highway 80 to Jacinto, Nebr., thence over U.S. Highway 30 to Sunol, Nebr., thence over unnumbered highway to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 183 near Elm Creek, Nebr., thence over U.S. Highway 183 to Phillipsburg, Kans., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Cheyenne, Wyo., over U.S. Highway 85 to Denver, Colo., thence over U.S. Highway 36 to Phillipsburg, Kans., and return over the same route.

No. MC-41432 (Deviation No. 24), EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, Tex., 75207, filed October 30, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 60 and 61, over U.S. Highway 60 to junction U.S. Highway 68, thence over U.S. Highway 68 to junction Alternate U.S. Highway 41, thence over Alternate U.S. Highway 41 to junction U.S. Highway 41, thence over U.S. Highway 41 to Atlanta, Ga., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route

as follows: From junction U.S. Highways 60 and 61 over U.S. Highway 61 to Memphis, Tenn., thence over U.S. Highway 78 to Atlanta, Ga., and return over the same route.

No. MC 108461 (Deviation No. 7), WHITFIELD TRANSPORTATION, INC., P.O. Drawer 9897, El Paso, Tex. 79989, filed October 24, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dallas, Tex., over U.S. Highways 80 and 180 (Interstate Highway 20) to Weatherford, Tex., thence over Interstate Highway 20 to junction Interstate Highway 10, thence over Interstate Highway 10 to El Paso, Tex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Dallas, Tex., over Dallas-Ft. Worth Turnpike to Ft. Worth, Tex., thence over U.S. Highway 180 to Carlsbad, N. Mex., thence over U.S. Highway 62 to Carlsbad, N. Mex., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc. 74-27186 Filed 11-19-74; 8:45 am]

[Notice 93]

#### MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 15, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

#### MOTOR CARRIERS OF PROPERTY

No. MC 30237 (Sub-No. 25) (Republication), filed October 1, 1973, published in the FEDERAL REGISTER issue of December 13, 1973, and republished as corrected in the FEDERAL REGISTER issue of January 17, 1974, and republished this issue. Applicant: YEATTS TRANSFER COMPANY, a corporation, Box 666, Altavista, Va. 24517. Applicant's representative: W. Barney Arthur, Box 551, 513 Main Street,

Altavista, Va. 24517. An Order of the Commission, Review Board Number 2, dated November 1, 1974, and served November 8, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *new furniture*, as defined in Appendix II to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from points in Appomattox County, Va., to points in Delaware, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, West Virginia, Maine, Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont, Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, South Carolina, Tennessee, and Wisconsin, and the District of Columbia; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate a change in the territorial description. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 63417 (Sub-No. 56) (Republication), filed August 30, 1973, and published in the FEDERAL REGISTER issue of November 8, 1973, and republished this issue. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road, NE, P.O. Box 2888, Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 15th Street, NW., Washington, D.C. 20005. An Order of the Commission, Review Board Number 2, dated November 1, 1974, and served November 8, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *new furniture*, from Appomattox, Va., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, South Carolina, Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, North Carolina, Ohio, Oklahoma, Tennessee, Texas, and West Virginia; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate a

change in the territorial description. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 139523 (Sub-No. 1) (Republication), filed February 11, 1974, and published in the FEDERAL REGISTER issue of March 28, 1974, and republished this issue. Applicant: JOHN ARDITO AND HAROLD FLAUM, doing business as J & H TRUCKING CO., 439 Bayview Avenue, Inwood, N.Y. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Flushing, N.Y. 11368. An Order of the Commission, Operating Rights Board, dated October 17, 1974, and served November 7, 1974, finds that operation by applicants, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of such commodities as are dealt in, used by, and sold by retailers and distributors of carpeting, rugs, and padding, (1) from Inwood, N.Y., to Bridgeport, Conn., and Luthersville and Glen Burnie, Md.; (2) from Barrington, R.I., to Inwood, N.Y.; and (3) between Inwood, N.Y., on the one hand, and, on the other, points in New Jersey, Bucks, Chester, Delaware, and Montgomery Counties, Pa., and Philadelphia, Pa., and Dedham, Mass., under a continuing contract or contracts with Allen Carpet Shops, Inc., of Inwood, N.Y., will be consistent with the public interest and the national transportation policy; that applicant's are fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate a modification in the territorial description. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 61016 (notice of filing of petition for modification of certificate), filed September 26, 1974. Petitioner: PETER PAN BUS LINES, INC., 1776 Main St., Springfield, Mass. 01103. Petitioner's representative: Frank Daniels, 15 Court

Square, Boston, Mass. 02108. Petitioner holds a motor *common carrier* certificate in No. MC 61016 issued May 17, 1956, authorizing transportation, over regular routes, of (1) *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, (a) Between Boston, Mass., and Northampton, Mass., serving all intermediate points, and the off-route points of Wellesley, Natick, and Framingham, Mass., as follows: (1) From Boston over Massachusetts Highway 9 via junction U.S. Highway 20 to Worcester, Mass., thence over Massachusetts Highway 12 to junction U.S. Highway 20 (also from junction U.S. Highway 20 and Massachusetts Highway 9 over U.S. Highway 20 to junction Massachusetts Highway 12), thence over U.S. Highway 20 to junction Massachusetts Highway 15, thence over Massachusetts Highway 15 via Sturbridge, Mass., to the Connecticut-Massachusetts State line, thence over Connecticut Highway 15 to junction Connecticut Highway 20 (formerly Connecticut Highway 15), thence over Connecticut Highway 20 via Stafford Springs, Conn., to Somers, Conn., thence over Connecticut Highway 83 to the Massachusetts-Connecticut State line, thence over Massachusetts Highway 83 to Springfield, Mass., thence over U.S. Highway 5 to Northampton, and return over the same route.

(2) From Boston over the above-specified route to Springfield, Mass., thence over Massachusetts Highway 116 to Holyoke, Mass., thence over U.S. Highway 202 to junction U.S. Highway 5 at a point two miles northwest of Holyoke, thence over Massachusetts Highway 141 (formerly an unnumbered highway) to Easthampton, Mass., thence over Massachusetts Highway 10 to Northampton, and return over the same route, (b) Between Springfield, Mass., and Stafford Springs, Conn., serving the intermediate points of East Longmeadow, Hampden, and Monson, Mass., and the off-route point of Stafford, Conn., over Connecticut Highway 19: From Springfield over unnumbered Highway via East Longmeadow and Hampden, Mass., to Monson, Mass., thence over Massachusetts Highway 32 to the Massachusetts-Connecticut State line, thence over Connecticut Highway 32 to Stafford Springs, and return over the same route; (2) *Passengers and their baggage, and express, mail, and newspapers*, in the same vehicle with passengers; (a) Between Springfield, Mass., and Sturbridge, Mass., serving all intermediate points: From Springfield over U.S. Highway 20 to junction Wilbraham Road, in the town of Wilbraham, Mass., thence over Wilbraham Road to Wilbraham Center, Mass., thence over Springfield Street to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Massachusetts Highway 15 in Sturbridge, and return over the same route, (3) *Passengers and their baggage*, Between Boston, Mass., and Suffolk Downs Race Track, Revere, Mass., restricted to the transportation only of passengers and their

baggage originating at or destined to points on carrier's authorized route between Northampton, Mass., and Union, Conn., both inclusive; From Boston over City streets to Suffolk Downs Race Track, and return over the same route.

(4) *Passengers and their baggage*, during the season extending from the 15th day of May to the 1st day of December, both inclusive, of each year, (a) Between Springfield, Mass., and Rockingham Park, Salem, N.H., serving intermediate points in the Towns of Wilbraham, Monson, Palmer, Brimfield, Sturbridge, Charlton, Oxford, and Auburn, Mass.: From Springfield over U.S. Highway 20 to junction Massachusetts Highway 12, thence over Massachusetts Highway 12 to Worcester, Mass., thence over Massachusetts Highway 110 via Littleton Common, Mass., to Lawrence, Mass., thence over Massachusetts Highway 28 to the Massachusetts-New Hampshire State line, thence over New Hampshire Highway 28 to Rockingham Park, and return over the same route, (b) Between Springfield, Mass., and Rockingham Park, Salem, N.H., serving no intermediate points: From Springfield over U.S. Highway 5 to junction U.S. Highway 202, thence over U.S. Highway 202 to Athol, Mass., thence over Massachusetts Highway 2 via Westminster, Mass., to junction unnumbered highway (formerly Massachusetts Highway 2), thence over unnumbered highway via Depot, Mass., to junction Massachusetts Highway 31 (formerly Massachusetts Highway 2), thence over Massachusetts Highway 31 to junction Massachusetts Highway 12 (formerly Massachusetts Highway 2), thence over Massachusetts Highway 12 via Fitchburg, Mass., to junction Massachusetts Highway 2A (formerly Massachusetts Highway 2), thence over Massachusetts Highway 2A via Lunenburg and Ayer, Mass., to Littleton Common, Mass., thence over route described in next paragraph above to Rockingham Park, and return over the same route. By the instant petition, petitioner seeks (A) to delete (4) above which reads as follows: "(4) *Passengers and their baggage*, during the season extending from the 15th day of May to the 1st day of December, both inclusive, of each year" and (B) to delete in (4) (b) above the following words: "serving no intermediate points". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 115278 (Sub-No. 1) (Notice of filing of petition to add an additional shipper), filed October 26, 1974. Petitioner: SIEGEL & COHEN EXPRESS, INC., 567 South 11th Street, Newark, N.J. 07103. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds a motor *common carrier* certificate in No. MC 115278 (Sub-No. 1) issued July 1, 1974, authorizing transportation, as

pertinent, over irregular routes, of *Such commodities* as are dealt in or used by discount and department stores, between points in the New York, N.Y., Commercial Zone as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451 (1951), within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), on the one hand, and, on the other, points in Virginia. Restriction: The authority granted herein is restricted to the transportation of shipments destined to the facilities of Robert Hall Villages, Inc. By the instant petition, petitioner seeks to add an additional shipper to the authority described above. The restriction would read: "Restriction: The authority granted herein is restricted to the transportation of shipments destined to the facilities of Robert Hall Villages, Inc., and "Trend Centers", a subsidiary of Robert Hall Clothes." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 125952 (Sub-No. 14) (Partial correction of a notice of filing of petition to modify permit), filed October 17, 1974, published in the FEDERAL REGISTER, issue of November 6, 1974, and republished, as corrected in part this issue. Petitioner: INTERSTATE DISTRIBUTOR CO., a Corporation, 8311 Durango St. SW., Tacoma, Wash. 98499. Petitioner's representative: George R. LaBissoniere, 130 Andover Park East, Seattle, Wash. 98188.

NOTE.—Petitioner holds a motor contract carrier permit in No. MC 125952 (Sub-No. 14), issued August 4, 1972. The purpose of this partial republication is to correctly state that: "Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before December 6, 1974." The rest of the notice remains as originally published.

No. MC 127834 (Sub-No. 28) (Notice of filing of petition for modification of certificate), filed October 29, 1974. Petitioner: CHEROKEE HAULING & RIGGING, INC., 540 42 Merritt Ave., Nashville, Tenn. 37203. Petitioner's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Petitioner holds a motor common carrier certificate in No. MC 127834 (Sub-No. 28), issued December 12, 1969, authorizing transportation, over irregular routes, of *Aluminum lamp posts*, from Nashville, Tenn., to points in the United States (except Alaska, Hawaii, Washington, Oregon, Idaho, Montana, Wyoming, Utah, California, Arizona, New Mexico, and Nevada), with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner seeks modification of the certificate to read: "*Aluminum lamp posts*,

from Barboursville, Ky., to points in the United States (except Alaska, Hawaii, Washington, Oregon, Idaho, Montana, Wyoming, Utah, California, Arizona, New Mexico, and Nevada), with no transportation for compensation on return except as otherwise authorized." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 129863 (Sub-No. 7) (Notice of filing of petition for modification of permit), filed October 29, 1974. Petitioner: FREDERICK L. BULTMAN, INC., 11144 W. Silver Spring Dr., Milwaukee, Wis. 53225. Petitioner's representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Petitioner holds a motor contract carrier permit in No. MC 129863 (Sub-No. 7), issued March 20, 1973, authorizing transportation, over irregular routes, of (1) *Electric light bulbs, fluorescent tubes, and display racks*, from the plant site of General Electric Company, Lamp Division, at Milwaukee, Wis., to Rockford and Freeport, Ill., and (2) *returned shipments* of the commodities named above, from Rockford and Freeport, Ill., to the plant site of General Electric Company, Lamp Division, at Milwaukee, Wis., under a continuing contract, or contracts, with General Electric Company, Lamp Division. By the instant petition, petitioner seeks modification of its permit to read: "(1) *Electric light bulbs, fluorescent tubes, and display racks*, from the plant site of General Electric Company, Lamp Division, at Milwaukee, Wis., to Rockford, Freeport, Moline, and Rock Island, Ill., and Cedar Rapids and Davenport, Iowa, and (2) *returned shipments* of the commodities named above, from Rockford, Freeport, Moline, and Rock Island, Ill., Cedar Rapids and Davenport, Iowa, to the plant site of General Electric Company, Lamp Division, at Milwaukee, Wis., under a continuing contract, or contracts, with General Electric Company, Lamp Division." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 135687 (Sub-No. 1) (Partial correction of a notice of filing of petition to add destination points), filed October 4, 1974, published in the FEDERAL REGISTER issue of November 6, 1974, and republished, as corrected in part, this issue. Petitioner: WEAVER TRANSPORTATION COMPANY, a Corporation, 5452 Oakdale Rd., Smyrna, Ga. 30080. Petitioner's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349.

NOTE.—The purpose of this partial republication is to correctly state that petitioner seeks modification of the permit to read as

follows: "*Brick, tile, and concrete block*, between the plant sites of Bickerstaff Clay Products Company, Inc., located in Cobb County, Ga., Russell and Jefferson Counties, Ala., and Escambia County, Fla., on the one hand, and, on the other, points in Alabama, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, and points in that part of Florida in and west of Hamilton, Suwanee, LaFayette, and Dixie Counties, Fla., under a continuing contract, or contracts, with Bickerstaff Clay Products, Inc." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

#### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

#### MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 98498 (Sub-No. 2), filed September 16, 1974. Applicant: GIROUX BROS. TRANSPORTATION, INC., 15 Union Avenue, Sudbury, Mass. 01776. Applicant's representative: Kenneth B. Williams, 84 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value and dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between points in Massachusetts.

NOTE.—Applicant intends to tack the requested authority with his regular route authority between Boston, Mass., and Providence, R.I., and intermediate and off-route points in Mass., including Attleboro and South Attleboro, to provide service between points in Massachusetts and Providence, R.I. Applicant seeks to inquire the franchise of Reynolds Transportation, Inc., and convert its Certificate of Registration into a Certificate of Public Convenience and Necessity in MC 109690. This is a matter directly related to the Section 5 proceeding in MC FC 75411 published in the FEDERAL REGISTER, issue of October 29, 1974. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 99602 (Sub-No. 2), filed October 16, 1974. Applicant: M & M FREIGHT LINES, INC., 217 North 32nd Street, Muskogee, Okla. 74401. Applicant's representative: Tom Harper, Jr., P.O. Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the

Commission, commodities in bulk, and those which because of size or weight require the use of special equipment), (1) Between Muskogee and McAlester, Okla.: From Muskogee over U.S. Highway 69 to McAlester, and return over the same route, serving all intermediate points; (2) Between Muskogee and Brags, Okla.: From Muskogee over U.S. Highway 62 to its junction with Oklahoma Highway 10, thence over Oklahoma Highway 10 to Brags, Okla., serving the off-route point of Camp Gruber, Okla., including the military area embraced therein, and serving all intermediate points.

NOTE.—The purpose of this application is to convert a Certificate of Registration in MC 99602 (Sub-No. 1) into a Certificate of Public Convenience and Necessity. This is a matter directly related to the Section 5 proceeding in MC F 12344, published in the FEDERAL REGISTER, issue of June 26, 1974. If a hearing is deemed necessary, applicant requests it be held at Fort Smith, Ark., or Muskogee, Okla.

No. MC-F-12356. Authority sought for continuance in control by RAPIER SMITH, 103 E. Forrest Ave., Bardstown, KY 40004, of DISTILLERY TRANSFER SERVICE, INC., Depot St., Box 516, Bardstown, KY 40004. Applicants' attorney: Robert H. Kinker, Box 464, Frankfort, KY 40601. Operating rights sought to be controlled: General commodities, with exceptions, as a common carrier over regular routes, between Louisville and Bardstown, Ky., serving various intermediate and off-route points, with restrictions, between Louisville and Boston, Ky., between Lebanon Junction and Colesburg, Ky., between junction Kentucky Highways 61 and 245 and Lotus, Ky., serving all intermediate points and the facilities of the Lotus Warehousing Company as an off-route point, between Lebanon Junction and Louisville, Ky., serving all intermediate points and the off-route points of Limestone Springs and Clermont, Ky., with restriction; *alcoholic liquors and distillers supplies*, between Jeffersonville, Ind., and Bardstown, Ky., between Bardstown and Boston, Ky., between Bardstown and Greenbrier, Ky., serving all intermediate points.

NOTE.—By order of Review Board No. 2, dated May 24, 1974, Rapier Smith was granted authority under MC-139006, Certificate to be issued upon approval of Section 5(2) application.

No. MC-F-12357. Authority sought for purchase by OSBORNE TRUCKING CO., INC., 1008 Sierra Drive, Riverton, WY 82501, of a portion of the operating rights of COLORADO-WYOMING TRANSFER CO., INC., 10805 W. 44th St., Wheat Ridge, CO 80033, and for acquisition by JOHN H. OSBORNE, also of Riverton, WY 82501, of control of such rights through the purchase. Applicants' attorney: Robert S. Stauffer, 3539 Boston Rd., Cheyenne, WY 82001. Operating rights sought to be transferred: *Lumber*, as a common carrier over irregular routes, from points in Albany and Platte Counties, Wyo., to points in Nebraska and Colorado. Vendee is au-

thorized to operate as a *common carrier* in Colorado, Nebraska, Wyoming, Kansas, Missouri, Montana, and Utah, and as a *contract carrier* in Wyoming, Colorado, South Dakota, Nebraska, Montana, Utah, Idaho, Minnesota, North Dakota, Iowa, Arkansas, Illinois, Kansas, Missouri, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12360. Authority sought for purchase by TRI-STATE MOTOR TRANSIT CO., P.O. Box 144, Joplin, MO 64801, of a portion of the operating rights of NATIONAL CARRIERS, INC., 1501 E. 8th St., Liberal, KS 67901. Applicants' attorneys: Fred Coffman, Box 81849, and Max G. Morgan, 600 Leinger Bldg., Oklahoma City, OK 73112. Operating rights sought to be transferred: *Canned food-stuffs and animal food*, as a *contract carrier* over irregular routes, from points in Merced, Santa Clara, Alameda, Contra Costa, Los Angeles, and San Benito Counties, Calif., to points in Colorado, Illinois, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Texas. Vendee is authorized to operate as a *common carrier* in all of the States in the United States.

NOTE.—MC-109397 (Sub-No. 307), is a directly related matter.

No. MC-F-12361. Authority sought for purchase by FAYARD MOVING AND TRANSPORTATION CORPORATION, 2615 25th Ave., Gulfport, MS 39501, of the operating rights and property of H. J. MORAN, doing business as SINGING RIVER MOTOR FREIGHT, 1600 33rd Ave., Gulfport, MS 39501, and for acquisition by EDWARD E. C. M. AND JOHN R. FAYARD, all of Gulfport, MS 39501, of control of such rights and property through the purchase. Donald B. Morrison, Box 22628, Jackson, MS 39205. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-96968 (Sub-No. 2), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Mississippi. Vendee is authorized to operate as a *common carrier* in Alabama, Louisiana, and Mississippi. Application has not been filed for temporary authority under section 210a(b). Under the proposed transaction vendee proposes to tack its authority at Gulfport, Miss., with those of vendor to perform a through service in the transportation of general commodities, between points in Mississippi, Louisiana, and Alabama. After the authority sought herein is authorized and the transaction consummated, vendee herein intends to file an application to eliminate any existing gateways.

No. MC-F-12362. Authority sought for merger by IML FREIGHT, INC., P.O. Box 2277, Salt Lake City, UT 84110, of the operating rights and property of THOMAS H. MARROW TRUCKING CO., 8050 Othello St., San Diego, CA 92111, and for acquisition by GATES CORPORATION, 999 So. Broadway, Denver, CO, of control of such rights

and property through the transaction. Applicants' attorney: Ann M. Pougiales, 100 Bush Street, 21st Floor, San Francisco, CA 94104. Operating rights sought to be merged: (A) *General commodities*, excepting among others, classes A and B explosives, household goods, livestock and commodities in bulk, as a *common carrier* over regular routes, between all points in the Los Angeles Basin Area as described in (B) herein, on the one hand, and, on the other, all points in the San Diego-Escondido Territory described in (C) herein, between the San Diego-Escondido Territory described in (C) herein, on the one hand, and, on the other, El Centro, Calif., and points in Imperial Valley, Calif., over one alternate route for operating convenience only; (B) *general commodities*, excepting among others, classes A and B explosives, household goods, livestock, and commodities in bulk, over irregular routes, between all points in the Los Angeles Basin Area, (C) between points in the San Diego-Escondido area. IML FREIGHT, INC., is authorized to operate as a *common carrier* in all of the States (except Hawaii) in the United States. Application has not been filed for temporary authority under section 210a(b). Under the proposed transaction vendee proposes to tack the authority acquired herein with all of its other operating authorities which have a common point for joinder or tacking in the Los Angeles Basin Territory. By tacking at this common point, vendee will be able to offer a through, single-line service between points in the San Diego-Escondido Territory, El Centro, and the Imperial Valley, on the one hand, and all other points throughout the United States which it is presently authorized to serve. After the authority sought herein is authorized and the transaction consummated, vendee herein intends to file an application to eliminate any existing gateways.

NOTE.—Pursuant to order dated August 4, 1971, in No. MC-F-10925, transferee acquired control of transferor.

No. MC-F-12363. Authority sought for merger by TREDWAYS EXPRESS, INC., 512 Myrtle Ave., Boonton, NJ 07005, of the operating rights and property of R. A. BOZARTH, INC., Lincoln & Butler Sts., Vineland, NJ, and for acquisition by TRUCKING ENTERPRISE, INC., 744 Broad St., Newark, NJ 07102, of control of such rights and property through the transaction. Applicants' attorney: William J. Augello, 120 Main St., P.O. Box Z, Huntington, NY 11743. Operating rights sought to be merged: *General commodities*, excepting among others, Classes A and B explosives, commodities in bulk, as a *common carrier* over irregular routes, between Philadelphia, Pa., and Camden, NJ, on the one hand, and, on the other, Lambertville, and Asbury Park, N.J., and points in New Jersey south of a line beginning at Lambertville, N.J., and extending in an easterly direction to Asbury Park, N.J.; *agricultural commodities*, from points in Gloucester, Salem, and Cumberland Counties, N.J., to Baltimore,

Md., and Philadelphia, Pa.; fertilizer, from Chestertown, Md., to Elmer and Swedesboro, N.J., from Baltimore, Md., to Swedesboro, N.J.; lime, from Plymouth Meeting and Bridgeport, Pa., to Elmer, N.J.; limestone, from Bridgeport, Pa., to points in Salem, Cumberland, Gloucester, Camden, Burlington, and Atlantic Counties, N.J. TREDWAYS EXPRESS, INC., is authorized to operate as a common carrier in New Jersey, New York, and Pennsylvania.

Under the proposed transaction, vendee proposes to tack vendor's authority to operate between Philadelphia, Pa., and Camden, N.J., on the one hand, and, points in New Jersey south of a line between Lambertville and Asbury Park, N.J., on the other, with vendee's authority. The points between which through service will be rendered as a result of the joinder of these authorities are as follows:

A. Between Philadelphia, Pa., and all points in New Jersey south of a line between Lambertville, N.J., and Asbury Park, N.J., on the one hand, and, on the other

1. All points in New Jersey on and north of the line between Lambertville and Asbury Park (via Burlington, N.J., terminal).

2. New York, N.Y., and points in Nassau and Suffolk Counties, N.Y. (via Burlington, N.J., terminal and Newark, N.J.).

3. Bethlehem, Easton, and Allentown, Pa. (via Burlington, N.J., terminal and Newark, N.J.).

B. From Philadelphia, Pa., and all points in New Jersey south of a line between Lambertville and Asbury Park, N.J., to Westchester County, N.Y. (via Burlington, N.J., terminal and Newark, N.J.).

After the authority sought herein is authorized and the transaction consummated, vendee herein intends to file an application to eliminate any existing gateways.

NOTE.—Pursuant to order dated April 28, 1965, transferee acquired control of transferor.

#### NOTICE OF FILING

Notice is hereby given that Boise Cascade Corporation, a corporation organized under the laws of the State of Delaware, whose address is One Jefferson Square, Boise, Idaho 83728; and Lafferty Transportation Company, a corporation organized under the laws of the State of Oregon, whose address is 110 S.E. Caruthers Street, Portland, Oregon 97214, have filed an application assigned F.D. No. 27586 with the Interstate Commerce Commission seeking approval of the purchase by and transfer to Boise Cascade Corporation of Water Carrier rights as described in ICC Certificate No. W-290, along points on the Columbia River Reservoir. Boise Cascade proposes to provide log towing service in this area, neither Boise Cascade nor Lafferty Transportation Company presently provide such a service.

In the opinion of the applicant, approval of this application will not have a significant effect upon the quality of

the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act of 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra Part (b) (1)-(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

#### NOTICE

Applicant, Chicago, Milwaukee, St. Paul and Pacific Railroad Company, by its attorney, James W. Nisbet, whose address is 516 West Jackson Blvd., Chicago, Illinois 60606, proposes to acquire trackage rights over and joint use of the railroad tracks of Burlington Northern, Inc., between Spokane and Newport, Washington.

Applicant now operates between Spokane and Newport over its own tracks via McGuires, Idaho, which duplicate those of the Burlington Northern, Inc. Applicant proposes to abandon its own lines between McGuires, Idaho, and Newport, Washington, and operate over the line of the Burlington Northern, Inc., instead, and eliminate duplicate tracks.

Applicant proposes to acquire trackage rights over (1) the Burlington Northern, Inc.'s line from Milepost 1475.66 at Spokane, Spokane County, Washington, to Milepost 1431.25 at Newport, Pend Oreille County, Washington, a distance of about 44.37 miles, (2) the Union Pacific Railroad Company (lessee of Oregon-Washington Railroad & Navigation Company) between Engineer's station 2467/13 and Engineer's station 2490/26.6 in Spokane, Spokane County, Washington, a total distance of about 2,313 feet, and (3) the Burlington Northern, Inc.'s connecting track at Engineer's Station 1283/16.1 to Engineer's Station 1256/88.0, a total distance of about 2,628 feet, including the right to cross the Spokane International Railroad Company crossing at Burlington Northern, Inc.'s Engineer's Station 1281/67.3, all in Spokane, Spokane County, Washington. Applicant is obtaining bridge rights only insofar as all involved trackage rights are concerned. This application has been assigned Finance Docket No. 27771.

In the opinion of the applicant, the authority requested does not constitute a major Federal action having a significant effect on the environment. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act, 1969*, 340

I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b) (1)-(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

#### NOTICE

DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY (DMIR), with offices at Room 500 Missabe Building, Duluth, Minnesota 55802, represented by Mr. Daniel H. Core, Jr., its Resident General Counsel, hereby gives notice that on the 31st day of October, 1974, it filed with the Interstate Commerce Commission at Washington, D.C., an application, assigned Finance Docket No. 27776, for authority to use and operate over approximately 3.0 miles of track of the Soo Line Railroad Company (Soo Line) from the interchange point between DMIR and the Soo Line at Saunders, Douglas County, Wisconsin, to a new point of interchange at the Stinson Yard of the Soo Line in the City of Superior, Douglas County, Wisconsin, solely for the purpose of directly interchanging freight cars between DMIR and Soo Line at Stinson Yard.

Applicant contends that the granting the authority to operate over the tracks in question is not a major federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act of 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b) (1)-(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

#### NOTICE

THE CHESAPEAKE AND OHIO RAILWAY COMPANY (C&O) hereby gives notice that on the 6th day of November, 1974, it filed with the Interstate Commerce Commission in Washington,

D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing the acquisition of trackage rights over the line of railroad of the Penn Central Transportation Company (PC), which application was assigned Finance Docket No. 27783. In accordance with the Commission's regulations (49 CFR 1111.2 (13)) as amended May 16, 1972, the applicant states the following:

(1) The names and addresses of the applicant and its attorney are: The Chesapeake and Ohio Railway Company, Terminal Tower, Cleveland, Ohio 44101. Rene J. Gunning, attorney for Applicant, Two North Charles Street, Baltimore, Maryland 21201.

(2) The nature of the proposed transaction is the acquisition of trackage rights by C&O over the line of railroad of PC.

(3) (a) The PC line of railroad over which C&O requests approval and authorization of trackage rights extends between Pine, Indiana, and Lake Junction, Indiana, and over the line of Pittsburgh, Fort Wayne, and Chicago Railway Company (Penn Central Transportation Company, Lessee and Operator) between Lake Junction, Indiana, and Rock Island Junction, South Chicago, Illinois, a total distance of approximately 9.68 miles, all in Lake County, Indiana, and Cook County, Illinois.

(b) C&O presently operates between Pine, Indiana and Rock Island Junction, South Chicago, Illinois, by virtue of trackage rights over The Baltimore and Ohio Railroad Company.

(4) The description of the involved line of railroad over which trackage rights are sought, including city, county, and state location, termini and approximate distance in miles, is set forth above in (3) (a).

Applicant has alleged in its application that the quality of the human environment will not be affected by the proposed Commission action requested in the application. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub No. 4), Implementation—Nat'l Environmental Policy Act, 1969, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub No. 4), supra, Part (b) (1)-(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearing. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 74-27188 Filed 11-19-74; 8:45 am]

## IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

### Elimination of Gateway Letter Notices

NOVEMBER 15, 1974.

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 December 2, 1974. 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 2860 (Sub-No. E73), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER November 7, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, Suite 300, 1126 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, insulating products and materials, building wall, and insulating board, asphalt and asbestos, asphalt and asbestos products and materials, plastic products and materials, and materials, supplies, and equipment* used in connection with the production, distribution, and installation of the above commodities (except commodities in bulk), between points in Maine and that part of New Hampshire, both on and east of Interstate Highway 93 and on and south of U.S. Highway 202, on the one hand, and, on the other, points in Pennsylvania on and south of a line beginning at the New Jersey-Pennsylvania State line, thence along Interstate Highway 276 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 433, thence along U.S. Highway 433 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 153, thence along Pennsylvania Highway 153 to junction U.S. Highway 219, thence along U.S. Highway 219 to Ridgeway, thence along Pennsylvania Highway 949 to Sigel, thence along Pennsylvania Highway 36 to junction U.S. Highway 62, thence along U.S. Highway 62 to Sandy Lake, thence along Pennsylvania Highway 358 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Winslow Township, N.J. The purpose of this correction is to clarify the commodity description.

No. MC 3468 (Sub-No. E11) (Correction), filed May 16, 1974, published in the FEDERAL REGISTER November 6, 1974. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., P.O. Box 308, Flint, Mich. 48501. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New automobiles*, in secondary movements, in truckaway and driveaway service, during the season of open navigation on the Great Lakes, from points in Michigan and that part of Ohio on, north, and west of a line beginning at the Michigan-Ohio State line, thence along U.S. Highway 23 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 91, thence along Ohio Highway 91 to Lake Erie, to points in North Carolina, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio. The purpose of this correction is to indicate the destination points.

No. MC 40456 (Sub-No. E7) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 31, 1974. Applicant: JOHN BENKART & SONS CO., 2500 No. Charles Street, Pittsburgh, Pa. 15214. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special equipment, between points in Ohio (except points in Ashtabula County), on the one hand, and, on the other, points in that part of New York on, south, and west of a line beginning at Oswego, thence along U.S. Highway 104 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 69, thence along New York Highway 69 to junction New York Highway 49, thence along New York Highway 49 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 7, thence along New York Highway 7 to the New York-Vermont State line. The purpose of this filing is to eliminate the gateway of points in that part of Pennsylvania on, south, and west of a line beginning at the Ohio-Pennsylvania State line, thence along U.S. Highway 322 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line. The purpose of this correction is to clarify the territorial description.

No. MC 43283 (Sub-No. E14), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. 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 Ohio, on the one hand, and, on the other, points in those parts of New Jersey, New York, and

Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line, thence along Interstate Highway 83 to its junction with Interstate Highway 78, thence along Interstate Highway 78 to its junction with U.S. Highway 202, thence along U.S. Highway 202 to the New York-Connecticut State line. The purpose of this filing is to eliminate the gateways of points in Maryland.

No. MC 43283 (Sub-No. E15), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. 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 Delaware, on the one hand, and on the other, points in New York and those parts of Pennsylvania and New Jersey on, north, and west of a line beginning at the Maryland-Pennsylvania State line, thence along U.S. Highway 222 to its junction with Pennsylvania State Highway 61, thence along Pennsylvania State Highway 61 to its junction with Pennsylvania State Highway 895, thence along Pennsylvania State Highway 895 to its junction with U.S. Highway 209, thence along U.S. Highway 209 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to its junction with New York State Highway 94, thence along New Jersey State Highway 94 to its junction with New Jersey State Highway Alternate 511, thence along New Jersey State Highway Alternate 511 to its junction with New Jersey State Highway 15, thence along New Jersey State Highway 15 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to its junction with U.S. Highway 202, thence along U.S. Highway 202 to its junction with New Jersey State Highway 23, thence along New Jersey State Highway 23 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to the Hudson River. The purpose of this filing is to eliminate the gateways of points in Maryland.

No. MC 43283 (Sub-No. E17), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. 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 and Pennsylvania, on the one hand, and, on the other, points in that part of West Virginia on and south of a line beginning at the West Virginia-Kentucky State line, thence along the unnumbered West Virginia State Highway from the Toll Bridge to Kermit, W. Va., thence along U.S. Highway 52 to its junction with West Virginia State Highway 65, thence along West Virginia State High-

way 65 to its junction with West Virginia State Highway 10, thence along West Virginia State Highway 10 to its junction with West Virginia State Highway 16, thence along West Virginia State Highway 16 to its junction with U.S. Highway 21, thence along U.S. Highway 21 to its junction with West Virginia State Highway 3, thence along West Virginia State Highway 3 to its junction with West Virginia State Highway 63, thence along West Virginia State Highway 63 to its junction with U.S. Highway 219, thence along U.S. Highway 219 to its junction with U.S. Highway 60, thence along U.S. Highway 60 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateways of points in Maryland.

No. MC 43283 (Sub-No. E18), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. 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 Jersey on the one hand, and, on the other, points in Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, and that part of Ohio on and south of a line beginning at the Ohio-Pennsylvania State line, thence along Interstate Highway 80 to its junction with Interstate Highway 77 to Cleveland. The purpose of this filing is to eliminate the gateways of points in Maryland.

No. MC 43283 (Sub-No. E19), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. 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 and Pennsylvania, on the one hand, and, on the other, points in those parts of Kansas and Missouri on and west of a line beginning at the Missouri-Arkansas State line, thence along U.S. Highway 65 to the Missouri-Iowa State line. The purpose of this filing is to eliminate the gateway of points in Maryland.

No. MC 43283 (Sub-No. E21), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. 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 West Virginia, on the one hand, and, on the other, points in New Jersey and points in those parts of New York and Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line, thence along Interstate High-

way 81, to junction Pennsylvania State Highway 92, thence along Pennsylvania State Highway 92 to New York State Highway 79, thence along New York State Highway 79 to junction New York Highway 17 to Deposit, N.Y., thence along New York State Highway 3 to junction New York State Highway 30, thence along New York State Highway 30 to Amsterdam, N.Y., thence along New York State Highway 67 to junction Interstate Highway 87, thence along Interstate Highway 87 to the U.S.-Canada International boundary line. The purpose of this filing is to eliminate the gateways of points in Maryland.

No. MC 43283 (Sub-No. E22), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. 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 Jersey, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateways of points in Maryland.

No. MC 43283 (Sub-No. E23), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. 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 those parts of Missouri, Illinois, and Kentucky on and south of a line beginning at Kansas City, Mo., thence along U.S. Highway 71 to Harrisonville, thence along Missouri Highway 7 to junction U.S. Highway 66, thence along U.S. Highway 66 to St. James, Mo., thence along Missouri Highway 8 to junction U.S. Highway 67, thence along U.S. Highway 67 to Farmington, Mo., thence along Missouri State Highway 32 to junction U.S. Highway 61, thence along U.S. Highway 61 to St. Mary's, Mo., thence along unnumbered highway to junction Missouri State Highway 51, thence along Missouri State Highway 5, to the Missouri-Illinois State line at Chester, Ill., thence along Illinois State Highway 3 to junction Illinois State Highway 149, thence along Illinois State Highway 149 to Murphysboro, Ill., thence along Illinois State Highway 13 to junction Kentucky State Highway 56, thence along Kentucky State Highway 56 to junction U.S. Highway 60, thence along U.S. Highway 62 to Queensboro, Ky., thence along U.S. Highway 231 to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Rhode Island and those parts of Massachusetts and New Hampshire on and east of a line beginning at the Massachusetts-Connecticut State Line, thence along Interstate Highway 91 to Northampton, Mass., thence along Massachusetts Highway 9 to junction

U.S. Highway 202, thence along U.S. Highway 202 to junction New Hampshire Highway 136, thence along New Hampshire Highway 136 to junction New Hampshire Highway 13, thence along New Hampshire Highway 13 to junction New Hampshire Highway 114, thence along New Hampshire Highway 114 to Manchester, N.H., thence along New Hampshire 101 to junction New Hampshire Highway 107, thence along New Hampshire Highway 107 to New Hampshire Highway 43, thence along New Hampshire Highway 43 to junction U.S. Highway 202, thence along U.S. Highway 202 to the New Hampshire-Maine State line. The purpose of this filing is to eliminate the gateways of points in Georgia.

No. MC 77005 (Sub-No. E2), (Correction), filed May 19, 1974, published in the FEDERAL REGISTER November 4, 1974. Applicant: POINT TRANSFER, INC., P.O. Box 10392, Pittsburgh, Pa. 15234. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, machinery, and electrical appliances*, between Pittsburgh, Pa., and points in its commercial zone, and points within 15 miles of Pittsburgh, Pa., located on and east of U.S. Highway 19, on the one hand, and, on the other, points in Ohio (except points east and north of a line beginning at Fairport Harbor, Ohio, and extending along Ohio Highway 44 to junction U.S. Highway 422, thence over U.S. Highway 422 to junction Ohio Highway 82, and thence over Ohio Highway 82 to the Ohio-Pennsylvania State line, and except points east and south of a line beginning at Steubenville, Ohio, and extending along U.S. Highway 22 to junction Interstate Highway 77, and thence over Interstate Highway 77 to the Ohio-West Virginia State line). The purpose of this filing is to eliminate the gateway of Coraopolis, Pa., and points in Neville, Crescent, and Moon Townships, Allegheny County, Pa. The purpose of this filing is to clarify the territorial description.

No. MC 83217 (Sub-No. E1), filed May 13, 1974. Applicant: DAKOTA EXPRESS, INC., P.O. Box 1252, Sioux Falls, South Dakota 57101. Applicant's representative: Henry J. Schuette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *general commodities*, between Watertown, S. Dak., and Albert Lea, and La Crescent, Minn., and between Brookings, S. Dak., and Albert Lea, La Crescent, and Minneapolis, Minn. The purpose of this filing is to eliminate the gateway of Verdi, Minn.

No. MC 91053 (Sub-No. E1), filed June 4, 1974. Applicant: TRANSWORLD MOVERS, INC., P.O. Box 20096, Denver, Colo. 80210. Applicant's representative: R. C. Schumpert (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Colorado, on the one hand, and, on the other, points in North Carolina and South Carolina (Indianapolis, Ind.)\*; (2) between points in Iowa, on the one hand, and, on the other, points in Virginia and West Virginia (points in Illinois and Evansville and Indianapolis, Ind.)\*; (3) between points in Kansas on and east of a line beginning at the Missouri-Kansas State line and extending west along Interstate Highway 40 to intersection with U.S. Highway 81, thence south along U.S. Highway 81 to the Kansas-Texas State line, on the one hand, and, on the other, points in Texas on and west of U.S. Highway 281 (points in Grant County Okla.)\*; (4) between points in Kansas on, east, and north of a line beginning at the Kansas-Nebraska State line and extending south along U.S. Highway 77 to its intersection with Interstate Highway 70, thence east along Interstate Highway 70 to the Kansas-Missouri State line, on the one hand, and, on the other, points in Texas on and east of U.S. Highway 75 (points in Garfield and Alfalfa Counties, Okla.)\*; (5) between points in Nebraska, on the one hand, and, on the other, points in North Carolina and South Carolina (Indianapolis, Ind.)\*; (6) between points in Iowa, on the one hand, and, on the other, points in North Carolina and South Carolina (Indianapolis, Ind.)\*; (7) between points in Minnesota, on the one hand, and, on the other, points in North Carolina, South Carolina, Delaware, and Rhode Island (Indianapolis, Ind.)\*; (8) between points in Delaware, on the one hand, and, on the other, points in Texas and Oklahoma (Indianapolis, Ind.)\*; (9) between points in Wyoming, on the one hand, and, on the other, points in Arkansas (Litchfield, Nebr., and points within a 25 mile radius thereof, Cozad, Nebr., and points within a 25 mile radius thereof, points in Kansas, and points in Grant County, Okla.)\*.

(10) Between points in Wyoming, on the one hand, and, on the other, points in North Carolina and South Carolina (Litchfield, Nebr., and points within a 25 mile radius thereof, points in Iowa, and Indianapolis, Ind.)\*; (11) between points in Iowa, on the one hand, and, on the other, points in Texas (points in Grant County, Okla., and Arkansas City, Kans.)\*; (12) between points in Iowa, on the one hand, and, on the other, points in Tennessee, Mississippi, Alabama, Georgia, and Florida, and points in that part of Louisiana on and east of the Mississippi River (Cairo, Ill.)\*; (13) between points in Iowa, on the one hand, and, on the other, points in Kentucky (points in Illinois south of U.S. Highway 36, and Indianapolis, Ind.)\*; (14) between points in Wyoming, on the one hand, and, on the other, points in Texas on and east of U.S. Highway 281 (Litchfield, Nebr., and points within a 25 mile radius, Cozad, Nebr., and points within a 25 mile radius, points in Kansas, and points in Grant County, Okla.)\*; (15)

between points in Kansas, on the one hand, and, on the other, points in North Carolina and South Carolina (Evansville, Ind.)\*; (16) between points in Kansas on and east of U.S. Highway 81 and on and west of U.S. Highway 77, on the one hand, and, on the other, points in Texas on and south of U.S. Highway 66 (points in Grant County, Okla.)\*; (17) between points in South Dakota on and west of South Dakota Highway 37, on the one hand, and, on the other, points in Texas on and east of a line beginning at the Oklahoma-Texas State line and extending south along U.S. Highway 277 to Eagle Pass, thence along U.S. Highway 57 to the United States-Mexico International Boundary line (Litchfield, Nebr., and points within a 25 mile radius thereof, Cozad, Nebr., and points within a 25 mile radius thereof, points in Kansas, and points in Grant County, Okla.)\*; (18) between points in North Dakota and South Dakota, on the one hand, and, on the other, points in Florida, Alabama, Georgia, Tennessee, South Carolina, North Carolina, Kentucky, West Virginia, Virginia, Ohio, Pennsylvania, New Jersey, Delaware, Maryland, and the District of Columbia (Springfield, Ill.)\*.

(19) Between points in Kansas, on the one hand, and, on the other, points in Ohio, Pennsylvania, New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia (Springfield, Ill.)\*; (20) between points in Kansas, on the one hand, and, on the other, points in Vermont, New Hampshire, and Maine (Springfield, Ill., and Boston, Mass.)\*; (21) between Salt Lake City, Utah, on the one hand, and, on the other, points in Rhode Island, Delaware, North Carolina, and South Carolina (points in Gunnison County, Colo., and Indianapolis, Ind.)\*; (22) between points in El Paso County, Colo., and points in Colorado on and north of U.S. Highway 6, on the one hand, and, on the other, points in Illinois (Litchfield, Nebr., and points within a 25 mile radius, Cozad, Nebr., and points within a 25 mile radius, and points in Iowa)\*; (23) between points in El Paso, Teller, Douglas, Denver, Jefferson, Adams, Arapahoe, Boulder, Larimer, Weld, and Logan Counties, Colo., on the one hand, and, on the other, points in Minnesota, (Cozad, Nebr., and points within a 25 mile radius, Litchfield, Nebr., and points within a 25 mile radius, and points in Iowa)\*.

(24) Between points in El Paso, Teller, Douglas, Denver, Jefferson, Adams, Arapahoe, Boulder, Larimer, Weld, Morgan, and Logan Counties, Colo., on the one hand, and, on the other, points in Iowa (Litchfield, Nebr., and points within a 25 mile radius, and Cozad, Nebr., and points within a 25 mile radius)\*; (25) between points in Utah on and east of U.S. Highway 91, on the one hand, and, on the other, points in Ohio, Pennsylvania, New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Delaware, West Virginia, Virginia, Maryland, and the District of Columbia

(points in Gunnison County, Colo., Litchfield, Nebr., and points within a 25 mile radius, Cozad, Nebr., and points within a 25 mile radius, points in Iowa, and points in Illinois south of U.S. Highway 36)\*; (26) between points in Utah on and east of U.S. Highway 91, on the one hand, and, on the other, points in Maine and New Hampshire (points in Gunnison County, Colo., Litchfield, Nebr., and points within a 25 mile radius, Cozad, Nebr., and points within a 25 mile radius, points in Iowa, points in Illinois south of U.S. Highway 36, and Boston, Mass.)\*; (27) between Salt Lake City, Utah, on the one hand, and, on the other, points in Illinois (points in Gunnison County, Colo., Litchfield, Nebr., and points within a 25 mile radius, Cozad, Nebr., and points within a 25 mile radius, and points in Iowa)\*; (28) between points in Utah on and east of U.S. Highway 91, on the one hand, and, on the other, points in Kansas (points in Gunnison County, Colo.)\*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 100666 (Sub-No. E212), filed May 28, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Composition or prepared roofing* from points in Arkansas to points in Kentucky. The purpose of this filing is to eliminate the gateway of West Memphis, Ark.

No. MC 100666 (Sub-No. E213), filed May 17, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul Caplinger (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Wallboard and fibreboard, particleboard, roofing, insulating, sheathing, and gypsum plaster products*, from West Memphis, Ark., to points in Arizona, California, Idaho, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, and Washington (Pittsburgh, Kans.)\*; (2) *Wallboard, fibreboard, particleboard, roofing, insulating, sheathing, and gypsum plaster products*, from West Memphis, Ark., to points in South Carolina and Wyoming (points in Henry County, Tenn.)\*; and (3) *Roofing and insulating materials, wallboard, fibreboard, particleboard, sheathing, and building paper and tape*, from West Memphis, Ark., to points in Colorado and New Mexico (Duke, Okla.)\*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 100666 (Sub-No. E214), filed May 13, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Mineral-*

*fibre roofing, ceiling, sheathing, siding, and insulating boards*, from Pensacola, Fla.; (1) to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington (Pittsburg, Kans.)\*; (2) to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, points in Tennessee on and west of Tennessee Highway 69, and points in Vermont, West Virginia, Wisconsin, and the District of Columbia (warehouses and plant site of the International Paper Company located in Stone County, Miss.)\*; and (3) to points in Wyoming (warehouses and plant site of the International Paper Company, located in Stone County, Miss., and points in Henry County, Tenn.)\*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 107515 (Sub-No. E68), 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 edible meat*, in vehicles equipped with mechanical refrigeration, from Philadelphia, Penn., to points in that part of Illinois within 10 miles of Chicago, Ill., that are not included within the commercial zone of Chicago, as defined by the Commission. The purpose of this filing is to eliminate the gateways of Suttons Bay, Ionia, Hart of Ludington, Mich.

No. MC 107515 (Sub-No. E251), 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: *Unfrozen meats and meat products* (except hides and commodities in bulk), from the plant site of Oscar Mayer & Co., at Beardstown, Ill., to points in that part of Virginia on and south of a line beginning at the Virginia-North Carolina State line, thence along Interstate Highway 85 to junction Interstate Highway 95, thence along Interstate Highway 95 to Richmond, thence along Interstate Highway 64 to the Atlantic Ocean, restricted to the transportation of traffic originating at the plant site of Oscar Mayer and Company, Inc., at Beardstown, Ill. The purpose of this filing is to eliminate the gateway of Gatesville, N.C.

No. MC 107515 (Sub-No. E252), 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, transport-

ing: *Canned meats, meat products and meat by-products and dairy products*, as described in Sections A and B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Swift & Co., in Rochelle, Ill., to points in that part of Texas on and south of a line beginning at the International Boundary line between the United States and Canada, thence along Interstate Highway 10 to Ft. Stockton, thence along U.S. Highway 290/110 to San Antonio, thence along Interstate Highway 10 to the Texas-Louisiana State line, restricted against tacking and interlining at Rochelle, Ill. The purpose of this filing is to eliminate the gateway of Lewisburg, Tenn.

No. MC 107515 (Sub-No. E254), 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 (except commodities in bulk, in tank vehicles, and hides), from Pekin, Ill., to the District of Columbia, to points in Virginia, West Virginia, Maryland, Delaware, New Jersey, Massachusetts, Connecticut, Rhode Island, that part of Louisiana on and south of a line beginning at the Texas-Louisiana State line, thence along Interstate Highway 10 to Baton Rouge, thence along Interstate Highway 12 to the Mississippi-Louisiana State line, that part of Mississippi on and south of Interstate Highway 10, that part of New York on and east of Interstate Highway 81, and that part of Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line, thence along Interstate Highway 70 to junction Interstate Highway 76, thence along Interstate Highway 76 to Interstate Highway 81, thence along Interstate Highway 81 to the Pennsylvania-New York State line, restricted to traffic originating at Pekin, Ill. The purpose of this filing is to eliminate the gateway of the plant site of Food Specialties of Kentucky, Division of Oscar Ewing, Inc., in Jefferson County, Ky.

No. MC 107515 (Sub-No. E255), 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: *Canned edible meats, edible meat products, and edible 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, from Pekin, Ill., to points in that part of Texas, on and east of a line beginning

at the International Boundary line between the United States and Mexico, thence along U.S. Highway 77 to junction Interstate Highway 10, thence along Interstate Highway 10 to the Texas-Louisiana State line. The purpose of this filing is to eliminate the gateway of Lewisburg, Tenn.

No. MC 107515 (Sub-No. E256), 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: *Canned edible meats, edible meat products, and edible 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, from the plant site of George A. Hormel & Co., at Bureau, Ill., to that part of Texas on and east of a line beginning at the International Boundary line between the United States and Mexico, thence along U.S. Highway 77 to junction Interstate Highway 10, thence along Interstate Highway 10 to the Texas-Louisiana State line, restricted to the transportation of traffic originating at the plant site of George A. Hormel & Co., at Bureau, Ill. The purpose of this filing is to eliminate the gateway of Lewisburg, Tenn.

No. MC 107515 (Sub-No. E257), 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: *Meat, 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 (except commodities in bulk, in tank vehicles, and hides), from the plant site of Swift and Company in Rochelle, Ill., to points in that part of Virginia on and south of U.S. Highway 58, restricted (1) against tacking and interlining at Rochelle, Ill., and (2) against the transportation of traffic originating at Nashville, Tenn. The purpose of this filing is to eliminate the gateway of the plant site of Odom's Sausage Co., at Madison, Tenn.

No. MC 107515 (Sub-No. E258), 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: *Cheese*, from Freeport, Ill., to points in North Carolina, South Carolina, Georgia, Florida, and that part of Alabama on and south of U.S. Highway 80. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC 107515 (Sub-No. E259), 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: *Frozen vegetables* (except in bulk), in vehicles equipped with mechanical refrigeration, from Cook, Lake, DuPage, and Will Counties, Ill., and Lake County, Ind., to points in that part of Texas on and south of Interstate Highway 40, restricted against the transportation of shipments destined to points in Florida. The purpose of this filing is to eliminate the gateway of Dyersburg, Tenn.

No. MC 107515 (Sub-No. E260), 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: *Frozen fruits and vegetables* (except in bulk), from Cook, Lake, DuPage, & Will Counties, Ill., and Lake County, Ind., to Dallas, Fort Worth, Houston, Galveston, McAllen, Texas, and Little Rock and Pine Bluff, Ark., restricted against the transportation of shipments destined to points in Florida. The purpose of this filing is to eliminate the gateway of Nashville, Tenn.

No. MC 107515 (Sub-No. E472), filed September 16, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Richard M. Tettlebaum, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, in vehicles equipped with mechanical refrigeration, from Grand Forks, N.D., to the District of Columbia, and to points in Connecticut, Delaware, Maryland, Massachusetts, Mississippi, New York, New Jersey, Rhode Island, that part of Indiana on and south of a line beginning at the Indiana-Illinois State line, thence along Indiana Highway 67 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Indiana-Illinois State line, that part of Ohio on and south of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 36 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Ohio-Pennsylvania State line, that part of Pennsylvania on and south of a line beginning at the Ohio-Pennsylvania State line, thence along Interstate Highway 80 to junction Interstate Highway 79, thence along Interstate Highway 79 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Pennsylvania Highway 89, thence along Pennsylvania Highway 89 to Lake Erie, and that part of Louisiana on and south of a line beginning at the

Louisiana-Mississippi State line, thence along U.S. Highway 84 to junction Louisiana Highway 28, thence along Louisiana Highway 28 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction Louisiana Highway 13, thence along Louisiana Highway 13 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of the plant site of Food Specialties of Kentucky, Division of Oscar Ewing, Inc., in Jefferson County, Ky.

No. MC 110683 (Sub-No. E1), filed June 4, 1974. Applicant: SMITH'S TRANSFER CORP., P.O. Box 1000, Stanton, Va. 24401. Applicant's representative: Harry J. Jordan, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, in truckload lots), between points in Rockingham, Guilford, Caswell, Person, Orange, Durham, Wake, Franklin, Warren, Nash, Vance, and Granville Counties, N.C., and points in Northampton, Halifax, Wilson, and Edgecombe Counties, N.C., west of U.S. Highway 301, on the one hand, and, on the other, points in Oldham, Bullitt, Meade, Breckinridge, Hancock, Davis, Henderson, Webster, Jefferson, and Union Counties, Ky. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC 110683 (Sub-No. E2), filed June 4, 1974. Applicant: SMITH'S TRANSFER CORP., P.O. Box 1000, Stanton, Va. 24401. Applicant's representative: Harry J. Jordan, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, requiring special equipment), between Cumberland, Hagerstown, and Baltimore, Md., on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of points in Garrett County, Md.

No. MC 110683 (Sub-No. E4), filed June 4, 1974. Applicant: SMITH'S TRANSFER CORP., P.O. Box 1000, Stanton, Va. 24401. Applicant's representative: Harry J. Jordan, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, from points in Augusta, Rockbridge, and Rockingham Counties, Va., to points in Pennsylvania on and east of a line from Philadelphia along the Pennsylvania Turnpike to the junction

of U.S. Highway 22, thence along U.S. Highway 22 to the junction of Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania New Jersey State line. The purpose of this filing is to eliminate the gateway of Trenton, N.J.

No. MC 111545 (Sub-No. E232), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment (except knitting machines), (1) between points in that part of Alabama within 175 miles of Chattanooga, Tenn., and on, east, and south of a line beginning at the Alabama-Tennessee State line, thence along U.S. Highway 31 to Birmingham, thence along U.S. Highway 11 to Tuscaloosa, thence along U.S. Highway 82 to the Alabama-Mississippi State line, on the one hand, and, on the other, points in Ohio; and (2) between points in that part of Alabama within 175 miles of Chattanooga, Tenn., on the one hand, and, on the other, points in that part of Ohio on and east of a line beginning at the Ohio-Kentucky State line, thence along U.S. Highway 23 to Marion, thence along Ohio Highway 4 to Sandusky. The purpose of this filing is to eliminate the gateway of points in that part of Georgia within 175 miles of Chattanooga, Tenn., and within 50 miles of Atlanta, Cartersville, or Marietta, Ga.

No. MC 111545 (Sub-No. E117), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (except knitting machines), between points in that part of Michigan on and south of Michigan Highway 21, on the one hand, and, on the other, points in that part of Texas on, south, and east of a line beginning at the Texas-Louisiana State line, thence along U.S. Highway 90 to Houston, thence along U.S. Highway 59 to Laredo, restricted to the transportation of commodities which are transported on trailers, and restricted against the transportation of machinery, equipment, material, and supplies used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment, and supplies used in or in connection with the construction, operation, repair, servicing, and picking up thereof. The purpose of this filing is to eliminate the gate-

way of (1) points in that part of Mississippi within 175 miles of Chattanooga, Tenn., and (2) points in that part of Georgia within 175 miles of Chattanooga, Tenn., and within 50 miles of Atlanta, Cartersville, or Marietta, Ga.

No. MC 111545 (Sub-No. E176), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and contractors' equipment*, the transportation of which, because of size or weight, requires the use of special equipment (except commodities to be used in, or in connection with, main or trunk pipelines), (1) between points in that part of Wisconsin within 300 miles of Ames, Iowa, on the one hand, and, on the other, points in Utah; (2) between points in that part of Minnesota on and east of Interstate Highway 35, on the one hand, and, on the other, points in Utah; and (3) between points in that part of Iowa on and east of Interstate Highway 35, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of points in that part of Kansas or that part of Missouri within 100 miles of Kansas City, Kans.

No. MC 111545 (Sub-No. E315), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment; (1) from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 75 to Dallas, thence along Interstate Highway 20 to Ft. Worth, thence along U.S. Highway 377 to Junction, thence along U.S. Highway 83 to Laredo, to points in that part of Nebraska on, north, and east of a line beginning at the Nebraska-Iowa State line, thence along Nebraska Highway 2 to junction Nebraska Highway 79, thence along Nebraska Highway 79 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-South Dakota State line; and (2) from points in that part of Texas on, south, and east of a line beginning at the Texas-Arkansas State line, thence along U.S. Highway 67 to Omaha, thence along U.S. Highway 259 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction U.S. Highway 69, thence along U.S. Highway 69 to Lufkin, thence along U.S. Highway 59 to Livingston, thence along U.S. Highway 190 to Huntsville, thence along Interstate Highway 45 to Houston, thence along U.S. Highway 59

to Victoria, thence along U.S. Highway 87 to Port Lavaca, to points in that part of Nebraska on, north, and east of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 77 to Lincoln, thence along U.S. Highway 34 to Grand Island, thence along Nebraska Highway 2 to Alliance, thence along U.S. Highway 385 to the Nebraska-South Dakota State line. The purpose of this filing is to eliminate the gateways of (1) points in Oklahoma; (2) points in Arkansas; and (3) points in Iowa.

No. MC 111545 (Sub-No. E368), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (except knitting machines), between points in that part of North Carolina on and south of a line beginning at Beaufort, thence along U.S. Highway 70 to Raleigh, thence along U.S. Highway 1 to Cameron, thence along North Carolina Highway 24 to Albemarle, thence along North Carolina Highway 73 to junction Interstate Highway 77, thence along Interstate Highway 77 to Statesville, thence along U.S. Highway 70 to Conover, thence along U.S. Highway 321 to the North Carolina-South Carolina State line, on the one hand, and, on the other, points in that part of Indiana on and west of a line beginning at the Indiana-Michigan State line, thence along U.S. Highway 31 to Indianapolis, thence along Indiana Highway 37 to junction Indiana Highway 237, thence along Indiana Highway 237 to the Indiana-Kentucky State line, restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of (1) points in that part of Georgia within 175 miles of Chattanooga, Tenn., and within 50 miles of Atlanta, Cartersville, or Marietta, Ga., and (2) points in that part of North Carolina or that part of South Carolina within 175 miles of Chattanooga, Tenn., and within 150 miles of Charlotte, N.C.

No. MC 111545 (Sub-No. E379), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment; (1) between points in Indiana, on the one hand, and, on the other, points in that part of Illinois on and west of a line beginning at the Illinois-Wisconsin State line, thence along Illinois Highway 78 to junction Illinois Highway 92, thence

along Illinois Highway 92 to junction Illinois Highway 94, thence along Illinois Highway 94 to Carthage, thence along U.S. Highway 136 to the Illinois-Iowa State line; (2) between points in Kentucky, on the one hand, and, on the other, points in that part of Illinois on and west of a line beginning at the Illinois-Wisconsin State line, thence along Illinois Highway 26 to Dixon, thence along Illinois Highway 2 to junction Interstate Highway 74, thence along Interstate Highway 74 to Galesburg, thence along U.S. Highway 34 to junction Illinois Highway 94, thence along Illinois Highway 94 to Carthage, thence along U.S. Highway 136 to the Illinois-Iowa State line; (3) between points in Ohio, on the one hand, and, on the other, points in that part of Illinois on and west of a line beginning at the Illinois-Wisconsin State line, thence along Illinois Highway 26 to junction Illinois Highway 64, thence along Illinois Highway 64 to Brookville, thence along U.S. Highway 52 to junction Illinois Highway 88, thence along Illinois Highway 88 to Sterling, thence along Illinois Highway 2 to Rock Island, thence along U.S. Highway 67 to Macomb, thence along U.S. Highway 136 to the Illinois-Iowa State line; and (4) between points in the Lower Peninsula of Michigan, on the one hand, and, on the other, points in that part of Illinois on and west of a line beginning at the Illinois-Wisconsin State line, thence along Illinois Highway 78 to junction Illinois Highway 88, thence along Illinois Highway 88 to Sterling, thence along Illinois Highway 2 to junction Illinois Highway 74, thence along Illinois Highway 74 to Galesburg, thence along U.S. Highway 34 to junction U.S. Highway 67, thence along U.S. Highway 67 to Macomb, thence along U.S. Highway 136 to junction Illinois Highway 61, thence along Illinois Highway 61 to Ursa, thence along Illinois Highway 96 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Missouri State line. The purpose of this filing is to eliminate the gateway of points in Iowa.

No. MC 11545 (Sub-No. E436), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and (2) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construc-

tion, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water or sewerage, restricted to the transportation of shipments moving to or from pipelines rights-of-way; (1) between points in that part of Louisiana on and south of U.S. Highway 80, on the one hand, and, on the other, points in that part of Minnesota on and west of a line beginning at the Minnesota-Wisconsin State line, thence along Minnesota Highway 58 to Zumbrota, thence along U.S. Highway 52 to Rochester, thence along U.S. Highway 63 to junction Interstate Highway 90, thence along Interstate Highway 90 to Austin, thence along U.S. Highway 218 to the Minnesota-Iowa State line; (2) between points in that part of Louisiana on and south of U.S. Highway 80, on the one hand, and, on the other, points in that part of Kansas on and west of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 75 to junction Kansas Highway 39, thence along Kansas Highway 39 to Chanute, thence along U.S. Highway 169 to the Kansas-Missouri State line; and (3) between points in that part of Louisiana on and south of U.S. Highway 80, on the one hand, and, on the other, points in Nebraska, restricted in (1), (2), and (3) above to the transportation of machinery and contractors' equipment, which because of size or weight requires special equipment or special handling. The purpose of this filing is to eliminate the gateways of Longview, Tex., and points in Missouri.

No. MC 111545 (Sub-No. E437), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, the transportation of which, because of size or weight, requires the use of special equipment (except commodities to be used in, or in connection with, main or trunk pipelines), from points in that part of Arizona on and west of a line beginning at the International Boundary line between the United States and Mexico, thence along U.S. Highway 89 to Tucson, thence along Interstate Highway 10 to Phoenix, thence along Interstate Highway 17 to Flagstaff, thence along Interstate Highway 40 to the Arizona-California State line, to points in that part of Wisconsin on, east, and south of a line beginning at the Wisconsin-Illinois State line, thence along U.S. Highway 51, to Madison, thence along U.S. Highway 12 to Wisconsin Dells, thence along Wisconsin Highway 13 to Wisconsin Rapids, thence along Wisconsin Highway 54 to Plover, thence along U.S. Highway 51 to Merrill, thence along Wisconsin Highway 64 to the Wisconsin-Michigan State line. The purpose of this filing is to eliminate the gateways of points in that part of Missouri within 100 miles of Kansas City,

Kans., and the plant site of Continental Homes, Inc., at or near Malden, Mo.

No. MC 111545 (Sub-No. E341), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse-treatment equipment, and parts, attachments, and accessories*, for incinerators and refuse-treatment equipment, the transportation of which, because of size or weight, requires the use of special equipment; (1) from points in that part of Tennessee within 175 miles of Chattanooga, Tenn., to points in California, Nevada, Oregon, and Washington; and (2) from points in that part of Tennessee within 175 miles of Chattanooga, Tenn., and on and south of a line beginning at the Tennessee-Alabama State line, thence along U.S. Highway 31 to Columbia, thence along Tennessee Highway 99 to Murfreesboro, thence along Tennessee Highway 96 to junction U.S. Highway 70, thence along U.S. Highway 70 to Smithville, thence along Tennessee Highway 56 to junction Interstate Highway 40, thence along Interstate Highway 40 to Knoxville, thence along U.S. Highway 11W to Kingsport, thence along U.S. Highway 23 to the Tennessee-Virginia State line, to points in Arizona, Montana, and Utah. The purpose of this filing is to eliminate the gateways of (1) points in that part of Georgia within 175 miles of Chattanooga, Tenn., and (2) Springfield, Mo.

No. MC 111545 (Sub-No. E449), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe* (except pipe as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459, and pipe originating at or destined to pipeline rights-of-way), from points in that part of Texas on, south, and east of a line beginning at the Texas-Louisiana State line, thence along Texas Highway 49 to Dangerfield, thence along U.S. Highway 259 to Cedar Springs, thence along Texas Highway 155 to Palestine, thence along U.S. Highway 287 to Crockett, thence along Texas Highway 19 to Huntsville, thence along U.S. Highway 75 to Houston, thence along U.S. Highway 59 to Victoria, thence along U.S. Highway 77 to Brownsville, to points in Kansas, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateway of the plant site and warehouse facilities

of Western Foundry Company at or near Tyler, Tex.

No. MC 111545 (Sub-No. E510), filed May 30, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, the transportation of which, because of size or weight, requires the use of special equipment, (1) from points in Oklahoma to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; (2) from points in that part of Oklahoma on, west, and south of a line beginning at the Oklahoma-Kansas State line, thence along U.S. Highway 75 to Tulsa, thence along U.S. Highway 64 to the Oklahoma-Arkansas State line, to points in that part of Indiana, on and east of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 50 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction U.S. Highway 231, thence along U.S. Highway 231 to Lafayette, thence along Indiana Highway 43 to Michigan City, and the lower Peninsula of Michigan; (3) from points in Texas to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, the lower peninsula of Michigan, and the District of Columbia; (4) from points in Texas to points in that part of Tennessee on, north, and east of a line beginning at the Tennessee-Missouri State line, thence along Tennessee Highway 20 to Dyersburg, thence along Tennessee Highway 104 to Milan, thence along Alternate U.S. Highway 70 to Waverly, thence along Tennessee Highway 13 to Beardstown, thence along Tennessee Highway 50 to junction U.S. Highway 431, thence along U.S. Highway 431 to the Tennessee-Alabama State line; (5) from points in Oklahoma to points in that part of Tennessee on, east, and north of a line beginning at the Tennessee-Missouri State line, thence along Tennessee Highway 20 to Hohenwald, thence along Tennessee Highway 99 to Columbia, thence along U.S. Highway 31 to the Tennessee-Alabama State line; and (6) from points in Oklahoma on, south, and east of U.S. Highway 271, to points in that part of Wisconsin on, south, and east of a line beginning at the Wisconsin-Iowa State line, thence along U.S. Highway 151 to Chilton, thence along Wisconsin Highway 57 to Green Bay. The purpose of this filing is to eliminate the gateway of the plant site of Continental Homes, Inc., at or near Malden, Mo.

No. MC 111545 (Sub-No. E520), filed June 2, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, which may be included in crawler-type tractors, road-building, construction, and mining machinery and diesel engines, and *related machinery, tools, parts, and supplies* moving in connection therewith; (1) from points in Iowa, Minnesota, Nebraska, and that part of Iowa within 300 miles of Ames, Iowa, to points in Mercer, Monroe, Wyoming, Summers, McDowell, Pocahontas, and Greenbrier Counties, W. Va.; and (2) from points in that part of Missouri on and north of a line beginning at the Minnesota-Kansas State line, thence along U.S. Highway 54 to Nevada, thence along U.S. Highway 71 to junction Missouri Highway 52, thence along Missouri Highway 52 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Illinois State line, to points in Mercer, Monroe, Wyoming, Summers, McDowell, Pocahontas, and Greenbrier Counties, W. Va., restricted to the transportation of machinery and contractors' equipment and commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of (1) Peoria or Decatur, Ill., and (2) points in that part of Iowa within 300 miles of Ames, Iowa.

No. MC 111545 (Sub-No. E538), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crawler type tractors, roadbuilding, construction and mining machinery, and diesel engines, and attachments and parts* therefor when transported with such commodities, from points in that part of Illinois on, north, and west of a line beginning at the Illinois-Missouri State line, thence along Illinois Highway 140 to Smithboro, thence along U.S. Highway 40 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Indiana State line, to points in Mercer, Monroe, Wyoming, Summers, McDowell, Pocahontas, and Greenbrier Counties, W. Va., restricted to the transportation of machinery and contractors' equipment, which because of size or weight, requires the use of special equipment or special handling. The purpose of this filing is to eliminate the gateway of Peoria, Decatur, Joliet, Roanoke, or Chicago, Ill.

No. MC-111545 (Sub-No. E552), filed May 30, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, moving in connection therewith; (1) between points in that part of North Carolina within 150 miles of Charlotte, N.C., and on and east of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 21 to Statesville, thence along North Carolina Highway 115 to junction U.S. Highway 421, thence along U.S. Highway 421 to Wilkesboro, thence along North Carolina Highway 18 to the North Carolina-Virginia State line, on the one hand, and, on the other, points in that part of Kentucky within 175 miles of Chattanooga, Tenn., and on and west of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 25E to Corbin, thence along U.S. Highway 25 to the Kentucky-Ohio State line (points in North Carolina or South Carolina within 175 miles of Chattanooga, Tenn., and within 150 miles of Charlotte, N.C.) \*; (2) between points in that part of North Carolina within 150 miles of Charlotte, N.C., on the one hand, and, on the other, points in Illinois, Iowa, Kansas, Oklahoma, and Wisconsin ((1) points in North Carolina or South Carolina within 175 miles of Chattanooga, Tenn., and within 150 miles of Charlotte, N.C., and (2) points in Georgia within 175 miles of Chattanooga, Tenn., and within 50 miles of Atlanta, Cartersville, or Marietta, Ga.) \*; and (3) between points in North Carolina within 150 miles of Charlotte, N.C., on the one hand, and, on the other, points in Minnesota and Nebraska ((1) points in North Carolina or South Carolina within 175 miles of Chattanooga, Tenn., and within 150 miles of Charlotte, N.C., (2) points in Tennessee within 175 miles of Chattanooga, Tenn., and (3) points in Iowa) \*; restricted in parts (1), (2), and (3) above to the transportation of commodities which are transported on trailers, and restricted in part (2) above against the transportation of knitting machines. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 111545 (Sub-No. E566), filed May 26, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, moving in connection therewith, between points in that part of Indiana on and north of a line beginning at the Indiana-Illinois State line, thence along U.S.

Highway 40 to junction Indiana Highway 46, thence along Indiana Highway 46 to Columbus, thence along Indiana Highway 7 to the Indiana-Kentucky State line, on the one hand, and, on the other, points in that part of Kansas within 300 miles of Ames, Iowa, and on and west of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 59 to Atchison, thence along U.S. Highway 73 to Kansas City, thence along U.S. Highway 169 to the Kansas-Oklahoma State line, restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of points in Iowa.

No. MC 111545 (Sub-No. E573), filed May 26, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (except knitting machines); (1) between points in that part of Tennessee on and south of a line beginning at the Tennessee-Alabama State line, thence along U.S. Highway 231 to Fayetteville, thence along U.S. Highway 64 to junction Tennessee Highway 50, thence along Tennessee Highway 50 to Lynchburg, thence along Tennessee Highway 55 to Tullahoma, thence along Alternate U.S. Highway 41 to Decherd, thence along Tennessee Highway 50 to Pelham, thence along U.S. Highway 41 to Chattanooga, thence along U.S. Highway 11 to Athens, thence along Tennessee Highway 30 to Etowah, thence along U.S. Highway 411 to the Tennessee-Georgia State line, on the one hand, and, on the other, between points in that part of Ohio on and north of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Pennsylvania State line; and (2) between Chattanooga, Tenn., on the one hand, and, on the other, points in Ohio, restricted in (1) and (2) above to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of points in that part of Georgia within 175 miles of Chattanooga, Tenn., and within 50 miles of Atlanta, Marietta, or Cartersville, Ga.

No. MC 111545 (Sub-No. E591), filed May 31, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, the transportation of which, because of size or weight,

requires the use of special equipment (except commodities to be used in, or in connection with, main or trunk pipelines); (1) from Arizona to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, and the District of Columbia; (2) from points in Arizona to points in that part of Mississippi on and east of a line beginning at the Mississippi-Tennessee State line, thence along U.S. Highway 78 to Tupelo, thence along U.S. Highway 45 to Columbus, thence along U.S. Highway 82 to the Mississippi-Alabama State line; (3) from points in Arizona to points in that part of Alabama on and east of a line beginning at the Alabama-Mississippi State line, thence along U.S. Highway 82 to Montgomery, thence along U.S. Highway 231 to Dothan, thence along U.S. Highway 84 to the Alabama-Georgia State line; (4) from points in Arizona to points in that part of Georgia on, north, and east of a line beginning at the Georgia-Alabama State line, thence along U.S. Highway 84 to Bainbridge, thence along U.S. Highway 27 to the Georgia-Florida State line; (5) from points in Arizona to points in that part of Florida on and east of a line beginning at the Florida-Georgia State line, and thence along U.S. Highway 27 to Tallahassee, thence along U.S. Highway 319 to Wakulla, thence along Florida Highway 363 to St. Marks; and (6) from points in Arizona to points in that part of Illinois on and east of U.S. Highway 51 and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateways of points in that part of Missouri within 100 miles of Kansas City, Kans., and the plant site and warehouse facilities of Continental Homes, Inc., at or near Malden, Mo.

No. MC 113362 (Sub-No. E31) (Correction), filed May 6, 1974, published in the FEDERAL REGISTER October 31, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Pa. 50533. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Twine*, from Rockford, Ill., to points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 169 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 72, thence along Minnesota Highway 72 to the International Boundary line between the United States and Canada, and that part of Iowa on, north, and west of a line beginning at the South Dakota-Iowa State line,

thence along Iowa Highway 3 to junction Iowa Highway 60, thence along Iowa Highway 60 to junction Iowa Highway 10, thence along Iowa Highway 10 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 18, thence along U.S. Highway 18 to Algona, thence along U.S. Highway 169 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateway of Elmore, Minn. The purpose of this correction is to correct a typographical error.

No. MC 113362 (Sub-No. E32) (Correction), filed May 6, 1974, published in the FEDERAL REGISTER October 31, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* (except commodities requiring special equipment, in bulk, in tank vehicles), from Rockford, Ill., to points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 169 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 72, thence along Minnesota Highway 72 to the International Boundary line between the United States and Canada, and that part of Iowa on, north, and west of a line beginning at the South Dakota-Iowa State line, thence along Iowa Highway 3 to junction Iowa Highway 60, thence along Iowa Highway 60 to junction Iowa Highway 10, thence along Iowa Highway 10 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 18, thence along U.S. Highway 18 to Algona, thence along U.S. Highway 169 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateway of Elmore, Minn. The purpose of this correction is to correct a typographical error.

No. MC 113362 (Sub-No. E34), (Correction), filed May 6, 1974, published in the FEDERAL REGISTER October 31, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Tex. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Twine*; (1) from Canton, Bloomington, Sandwich, Moline, East Moline, and Rock Island, Ill., to points in that part of Iowa on, north, and west of a line beginning at the South Dakota-Iowa State line, thence along Iowa Highway 3 to junction Iowa Highway 143, thence along Iowa Highway 143 to junction Iowa Highway 10, thence along Iowa Highway 10 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S.

Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Iowa-Minnesota State line; (2) from Canton, Ill., to points in that part of Minnesota on, west, and north of a line beginning at the Iowa-Minnesota State line, thence along Interstate Highway 35 to junction Interstate Highway 494, thence along Interstate Highway 494 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line; (3) from Bloomington, Ill., to points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 69 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Minnesota Highway 65, thence along Minnesota Highway 65 to the International Boundary line between the United States and Canada \* \* \* The purpose of this filing is to eliminate the gateway of Elmore, Minn. The purpose of this partial correction is to reflect the correct destination territory. The remainder of the letter-notice remains as previously published.

No. MC 113362 (Sub-No. E35) (Correction), filed May 6, 1974, published in the FEDERAL REGISTER October 30, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* (except commodities requiring special equipment), from Rock Falls, Ill., to points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 14, thence along U.S. Highway 14 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 U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction U.S. Highway 53, thence along U.S. Highway 53 to the International Boundary line between the United States and Canada, and that part of Iowa on, west, and north of a line beginning at the South Dakota-Iowa State line, thence along Iowa Highway 3 to junction Iowa Highway 60, thence along Iowa Highway 60 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Iowa-Minnesota State line (including Algona). The purpose of this filing is to eliminate the gateway of Elmore, Minn. The purpose of this correction is to correct a typographical error.

No. MC 113459 (Sub-No. E33), filed May 6, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Oklahoma 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe*, incidental to, used in or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Bullitt, Hardin, Meade, Breckinridge, Crittenden, Hancock, Twins, Henderson, Union, Webster, McLean, Hopkins, Ohio, Grayson, Edmonson, Hart, Warren, Butler, Muhlenberg, Logan, Todd, Christian, Trigg, Simpson, Lyon, Caldwell, and Jefferson Counties, Ky., on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate the gateway of Sterling, Ill., and points in that part of Illinois south of U.S. Highway 36.

No. MC 113495 (Sub-No. E37) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER October 30, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such self-propelled articles*, each weighing over 15,000 pounds or more, which may be included in road construction machinery and equipment as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *related parts* moving in connection therewith, from points in Illinois (except Aurora, Beardstown, Decatur, Deerfield, DeKalb, Harvey, Joliet, Peoria, Morton, Mossville, Springfield, and points within 10 miles of each, to points in Monroe, Russell, Pulaski, Wayne, Whitley Counties, Ky., restricted against the transportation of commodities which because of size or weight require the use of special equipment and against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and further restricted to commodities which are transported on trailers; (2) *Such self-propelled articles*, each weighing 15,000 pounds or more which may be included in road construction machinery and equipment as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which transportation of the described commodities when moving in the same vehicle with shipments of such commodities which do not require the use of special equipment. The purpose of this filing is to

eliminate the gateway of points in Tennessee. The purpose of this correction is to exclude certain points in Illinois in (1) above, include points in Whitley County, Ky., in (2) and (3) above, and to reflect the proper gateway.

No. MC 113495 (Sub-No. E47), (Correction), filed June 3, 1974, published in the FEDERAL REGISTER October 31, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road-construction machinery, equipment, and supplies*, in bulk, in tank vehicles (except coal, petroleum products, and coal tar products), from points in Ohio, to points in Pocahontas County, W. Va. The purpose of this filing is to eliminate the gateway of points in Virginia. The purpose of this correction is to clarify the exception.

No. MC 113974 (Sub-No. E24), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCK CO., P.O. Box 67, Droversburg, Pa. 15034. Applicant's representative: F. R. Hill, 2310 Grant Bldg., Pittsburgh, Pa. 15217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, requiring the use of special equipment, between points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island, on the one hand, and, on the other, points in Delaware, Maryland, Virginia, North Carolina, South Carolina, and the District of Columbia. The purpose of this filing is to eliminate the gateways of points in New York and New Jersey within 35 miles of Columbus Circle, New York, N.Y., and points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J.

No. MC 113974 (Sub-No. E25), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCK CO., P.O. Box 67, Droversburg, Penn. 15034. Applicant's representative: F. R. Hill, 2310 Grant Bldg., Pittsburgh, Penn. 15217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and articles* requiring special equipment and handling because of size or weight between points in Pennsylvania, New Jersey, Delaware, and Maryland within 150 miles of Norristown, Penn., on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateways of points in New York and New Jersey within 35 miles of Columbus Circle, New York, N.Y.

No. MC 113974 (Sub-No. E37), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., P.O. Box 67, Droversburg, Penn. 15034. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate

as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron, steel and steel products*, which because of size or weight, require specialized handling or rigging, between points in Michigan on and south of Interstate Highway 94, on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Delaware, and Maryland within 150 miles of Norristown, Penn. The purpose of this filing is to eliminate the gateways of points in Erie County, Ohio, and points in Pennsylvania within 125 miles of Wheeling, W. Va.

No. MC 115162 (Sub-No. E22), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Louisiana to points in Ohio and Michigan, points in that part of Indiana on and east of U.S. Highway 31 (points in that part of Alabama on and south of U.S. Highway 80\*), points in South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New York, New Jersey, Maryland, Delaware, New Hampshire, Rhode Island, Connecticut, Massachusetts, Alabama (points in that part of Alabama on and south of U.S. Highway 78\*), points in Georgia, and points in that part of Florida on and north of Florida Highway 50 (points in Montgomery, Butler, Conecuh, Escambia, Dallas, and Monroe Counties, Ala.\*). The purpose of this filing is to eliminate the gateways designated by asterisks above.

No. MC 115162 (Sub-No. E23), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Marathon, Marinette, Forest, Waupaca, Winnebago, and Wood Counties, Wis., to points in that part of Georgia on and south of Interstate Highway 20. The purpose of this filing is to eliminate the gateway of points in that part of Alabama on and south of U.S. Highway 80.

No. MC 115162 (Sub-No. E24), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in that part of Alabama on U.S. Highway 31 and on and south of U.S. Highway 78, on the one hand, and, on the other, points in Slidell and New Orleans, La. The purpose of this filing is to eliminate the gateway of points in that part of Alabama on and south of U.S. Highway 78.

No. MC 115162 (Sub-No. E25), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Jackson County, Ala., to points in South Carolina, North Carolina, Virginia, Maryland, West Virginia, Pennsylvania, New York, New Jersey, Delaware, Massachusetts, New Hampshire, Connecticut, Rhode Island, and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Alabama.

No. MC 115162 (Sub-No. E26), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a common carrier, by motor vehicle over, irregular routes, transporting: *Lumber*, from points in Russell County, Ala., to points in South Carolina, North Carolina, Virginia, Maryland, West Virginia, Pennsylvania, New York, New Jersey, Delaware, Massachusetts, New Hampshire, Connecticut, Rhode Island, and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Alabama.

No. MC 115162 (Sub-No. E27), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 560, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in Green County, Ala., on the one hand, and, on the other, points in Mississippi and Louisiana. The purpose of this filing is to eliminate the gateway of points in that part of Alabama on and south of U.S. Highway 78.

No. MC 115162 (Sub-No. E32), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber*, from Cedar Springs, Ga., to points in Indiana, Michigan, Ohio, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, and Missouri. The purpose of this filing is to eliminate the gateway of points in that part of Alabama on and south of U.S. Highway 80.

No. MC 115162 (Sub-No. E34), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber*, from Haleyville, Ala., to points in Georgia,

Florida, Mississippi, and Louisiana. The purpose of this filing is to eliminate the gateway of points in that part of Alabama on and south of U.S. Highway 78.

No. MC 123685 (Sub-No. E16), filed May 15, 1974. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from points in Franklin County, Ohio, to points in New York and those points in Michigan Highway 32. The purpose of this filing is to eliminate the gateway of Dundee, Ohio.

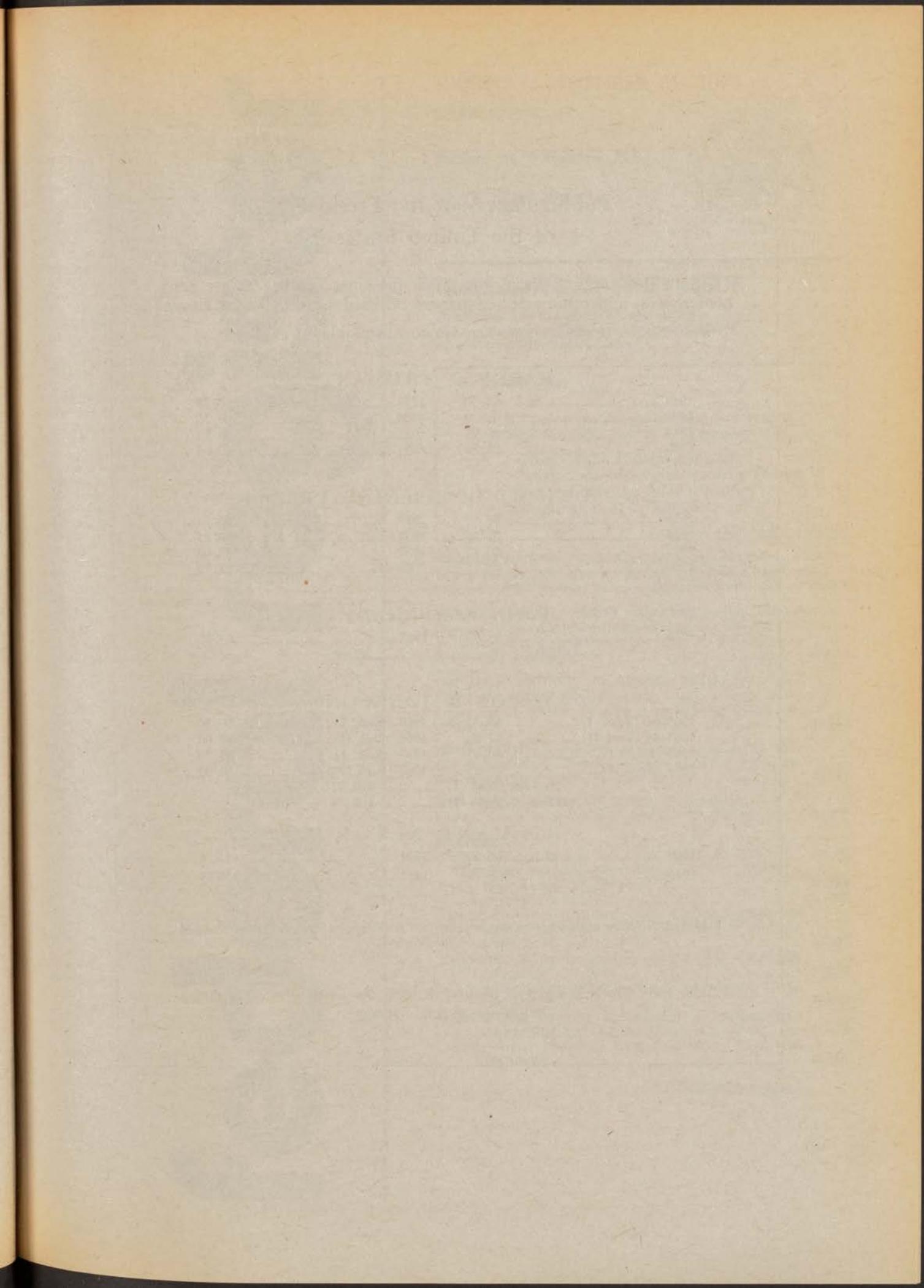
No. MC 123685 (Sub-No. E26), filed May 15, 1974. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and pesticides*, in bulk, in dump vehicles, between points in Lorain, Medina, Cuyahoga, Ashland, Wayne, Summit, and Stark Counties, Ohio, on the one hand, and, on the other, points in Ohio on and east and south and west of a line beginning at the Ohio-Kentucky State line at U.S. Highway 23, thence along U.S. Highway 23 to Columbus, Ohio, thence along Interstate Highway 70 to the junction of Interstate Highway 70 and Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of Orrville, Ohio.

No. MC 123685 (Sub-No. E27), filed May 15, 1974. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Rd. SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pulpboard, pulpboard products, and paper wrappers*, from points in West Virginia on and west of U.S. Highway 21 to points in Michigan, points in New York on and east of Interstate Highway 81, and points in Pennsylvania on and north and east of a line beginning at the Ohio-Pennsylvania State line at Interstate Highway 80, thence along Interstate Highway 80 to the junction of U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Parkersburg, W. Va., and the plant site of Greif Board Corporation in Washington County, Ohio.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-27184 Filed 11-19-74; 8:45 am]



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