B. By adding to the list of "Due Dates of Schedules in CAB Form 41 Report" in paragraph (a) new schedules P–12 and P–12(a) due on the 20th of each month and deleting schedule P–5(b) listed for the 15th of each month, as follows:

DUE DATES OF SCHEDULES IN CAB FORM 41 REPORT

Due Date [1]	*Schedule No.*
Jan. 20	P–12, P–12(a)
Jan. 30	* * *
Feb. 10 [2]	* * *
Feb. 20	P–12, P–12(a)
Mar. 1	* * *
Mar. 20	P–12, P–12(a)
Mar. 30	A–2, B–11, * * *
Apr. 20	P–12, P–12(a)
Apr. 30	* * *
May 10	* * *
May 20	P–12, P–12(a)
May 30	* * *
June 20	P–12, P–12(a)
June 30	* * *
July 20	P–12, P–12(a)
July 30	* * *
Aug. 10	* * *
Aug. 20	P–12, P–12(a)
Aug. 30	* * *
Sept. 20	P–12, P–12(a)
Sept. 30	* * *
Oct. 20	P–12, P–12(a)
Oct. 30	* * *
Nov. 10	* * *
Nov. 20	P–12, P–12(a)
Nov. 30	* * *
Dec. 20	P–12, P–12(a)
Dec. 30	* * *

[1] Due dates falling * * *
[2] B and P * * *

Section 34 [Amended]

6. Amend Section 34—Profit and Loss Elements—as follows:

A. By deleting the caption "Schedule P–5(b)—Fuel Consumption and Inventories" which follows paragraph (h) of schedule P–5(a), as well as the entire text of paragraphs (a) through (h) inclusive set forth under said caption.

B. By inserting, following the reporting instructions for schedule P–11(b), reporting instructions for new schedules P–12 and P–12(a), to read as follows:

Schedule P–12—Fuel Inventories and Consumption

(a) This schedule shall be filed monthly by each supplemental air carrier.

(b) A single copy (original only) of this schedule shall be filed to report the inventory and consumption of bonded, non-bonded, and foreign fuel for the overall or system operations of the carrier.

(c) For the purposes of schedules P–12 and P–12(a), "bonded fuel" is that fuel produced outside the customs limits of the United States and held in bond under continuous United States customs custody in accordance with Treasury Department regulations. "Non-bonded fuel" is that fuel which is not bonded and is loaded at points inside the 50 States of the United States and the District of Columbia. "Foreign fuel" is that fuel which is not bonded and is loaded at points outside the 50 States of the United States and the District of Columbia.

(d) The cost of fuel shall include shrinkage but shall exclude (1) "through-put" and "in to plane" fees, *i.e.*, service charges or gallonage levies assessed by or against the fuel vendor or concessionaire and passed on to the carrier in a segregated and identifiable form and (2) nonrefundable Federal and State excise taxes. However, "through-put" and "in to plane" service fees that cannot be identified or segregated from the cost of fuel shall remain part of the cost of fuel as reported on this schedule, but the total cost and gallons so reported are to be properly annotated.

(e) Each air carrier shall maintain records for each station showing the computation of fuel inventories and consumption for each fuel type in the manner prescribed in paragraph (f).

(f) The amounts reported on the line designated "Purchases" shall include all purchases and all adjustments at actual gallons and costs. "Ending Inventory" and "Consumption" costs shall be computed on the periodic average-cost method. Under this method, an average unit cost for each fuel type shall be computed by the carrier by dividing the total cost of fuel available ("Beginning Inventory" plus "Purchases") by the total gallons available. The resulting unit cost shall then be used to extend the gallons in "Ending Inventory" and "Total Consumption for the Month." This method shall be used to compute fuel inventories and consumption of each station; however, only the sum of the totals from individual station computations shall be reported on this schedule.

(g) Where any adjustment(s) recorded on the books of the carrier results in a material distortion of the current month's schedule P–12, carriers shall file revised schedules P–12 and P–12(a), so indicated, for the month(s) affected.

(h) The total costs reported in column (8) on the line "Total Consumption for the Month" shall equal the sum of the costs reported on schedule P–5.2, under the caption "Total—All Aircraft Types," Account 45.1—Aircraft Fuels.

(i) Where the amounts reported for a fuel type include other than Jet A fuel, a footnote should be added indicating the number of gallons and applicable costs included in the amounts reported for such other fuel type.

(j) The beginning inventory of this schedule shall be the ending inventory of the prior period. Differences shall be properly annotated and reconciled. In addition, the total cost of "Ending Inventory" reported in column (8) shall correspond to the amount reported in Account 1320, Fuel Inventories, on schedule B–1.

Schedule P–12(a) Fuel Consumption by Type of Service and Specific Operational Markets

(a) This schedule shall be filed monthly by each supplemental air carrier.

(b) A single copy (original only) of this schedule shall be filed to report for nonscheduled service the bonded, non-bonded, and foreign fuel (as those terms are defined in schedule P–12) consumed in specific operational markets.

(c) For the purposes of this schedule, the definition of nonscheduled service as set forth in section 03 of Part 241 shall apply.

(d) Operations performed pursuant to Military Airlift Command (MAC) operations shall be shown separately on the lines indicated as "MAC Operations."

(e) For each type of fuel, the cost data reported by specific operational market should represent the average cost of fuel as determined at the station level consumed in a specific market.

(f) Where the amounts reported for a specific operational market include other than Jet A fuel, a footnote shall be added indicating the number of gallons and applicable costs of such other fuel included in the amounts reported for that market.

(g) The amounts reported in columns (1) through (8) on the "Grand Total" line shall agree with the amounts reported in columns (1) through (8) on the "Total Consumption for the Month" line of schedule P–12.

7. Amend CAB Form 41 by amending schedule B–1 and adding new schedules P–12 and P–12(a), as shown in Exhibits A, B, and C, respectively, attached hereto and made a part hereof,[5] and by deleting CAB schedule P–5(b).

(Secs. 204(a) and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 and 766; 49 U.S.C. 1342, 1377)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–26230 Filed 11–7–74:8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 377—SHORT SUPPLY CONTROLS

Miscellaneous Amendments

RELATIONSHIP OF PARTIES APPLYING FOR NONHISTORICAL QUOTAS

The regulations on ferrous scrap exports are revised to clarify that exporters seeking portions of the nonhistorical country quotas may not evade the maximum of 2,000 short tons for Canada or Mexico, or 10,000 short tons for any other country, through submission of applications by subsidiary or affiliate companies.

1. Accordingly, the Export Administration Regulations (15 CFR 377.4) are amended by adding to the end of § 377.4 (b–1) the following:

* * * To assure equitable opportunity for participation by each exporter in these nonhistorical country quotas, the term "exporter," for purposes of this paragraph, includes the subject person or firm and all subsidiaries, affiliates, or associated persons or firms. The total quantity applied for by all such related persons or firms for any country may not exceed the limits set forth above for each such exporter.

[5] Exhibits A, B, and C are filed as part of the original document.

CHANGE OF SUBMISSION TIMES TO EASTERN STANDARD TIME

With the return to standard time on October 27, the deadlines for submitting applications to export ferrous scrap, as announced in the FEDERAL REGISTER for September 30, 1974, are changed from 5 p.m. e.d.t. to 5 p.m. Eastern Standard Time.

2. Accordingly, the Export Administration Regulations (15 CFR Part 377) are amended by revising the submission time under "SUBMISSION DATES" in Supplement No. 1 to Part 377 from "5 p.m. e.d.t." to "5 p.m. e.s.t.".

ADDITIONAL FOREIGN POLICY ALLOCATIONS FOR SHIPMENTS OF FERROUS SCRAP TO CERTAIN DESTINATIONS IN THE FOURTH QUARTER 1974

The FEDERAL REGISTER for September 30, 1974, announced the quotas for export of ferrous scrap during the fourth quarter 1974. In that issuance, it was stated that 100,000 short tons would be set aside for foreign policy allocation.

This issuance announces that these 100,000 short tons have been assigned, following consultations with the Department of State and the National Security Council, to certain countries to fill special needs that are in consonance with U.S. foreign policy objectives. The countries eligible for these additional fourth quarter allocations and the quantities available to each are as follows:

Quantities in short tons

Country	Allocation	Exporter limit	Type A[1]
Argentina	6,000	6,000	5,400
Bangladesh	5,500	5,500	5,500
Chile	2,000	2,000	0
Dominican Republic	2,000	2,000	200
Egypt	15,000	10,000	5,000
Israel	15,000	10,000	5,000
Pakistan	5,500	5,500	3,500
People's Republic of China	35,000	10,000	28,000
Philippines	10,000	10,000	6,000
Venezuela	4,000	4,000	400

[1] The column designated type A indicates the maximum tonnage of ferrous scrap, out of the total foreign policy allocation for a particular country, that may be licensed from the type A scrap grades, which include No. 1 and No. 2 heavy melting steel scrap, No. 1 bundles, and iron scrap.

Any exporter who obtains an order dated after November 3, 1974, and before December 7, 1974, for export of ferrous scrap to a country that has received an additional allocation, may submit an application for an export license whether or not he has a past history of exporting scrap to the country involved. The application must be clearly marked "Foreign Policy Allocation." No exporter may apply for licenses for any one country for more than the amount shown in the column designated "Exporter Limit". If applications are received from an exporter for export to a country of a quantity that exceeds that country's "Exporter Limit" or Type "A" maximum tonnage, the applicant will be contacted to determine which of his applications should be reduced in quantity or returned without action. Applications received by the Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230 after 5 p.m. EST Friday December 6, 1974, will not be considered.

Licenses will not be issued under these rules before December 9, 1974. In the event that applications for licenses are received for quantities in excess of the total quantity allocated to a particular country or its Type "A" maximum, the Department of Commerce will request advice and guidance from such country as to the consignee(s) that should receive preference. Such advice will be considered along with other factors, such as the type and location of the scrap involved, etc., in deciding which applications to license.

In addition to the requirements set forth above, the applications must conform to the requirements for submission set forth in § 377.4 of the Export Administration Regulations. Applications must be submitted on Forms DIB–622P or FC–419 and DIB–623P or FC–420.[2] Such applications must be accompanied by: (1) A photocopy or certified copy of the order (if the order is not from the ultimate consignee, a copy of the contract between the purchaser or other parties involved and the ultimate consignee must also be submitted in support of the application), and (2) where import permits are required by the country of destination, a statement from the ultimate consignee (or other foreign party to the transaction), or other documentation, which indicates to the satisfaction of the Office of Export Administration that the permit has been obtained.

Applications for which the required accompanying documentation is not received by the Office of Export Administration by 5 p.m. e.s.t. December 6, 1974, will not be considered. In order for an application to be acceptable, the ferrous scrap must be described in sufficient detail so that the "Type" it belongs in may be ascertained and verified.

Licenses will expire 90 days from the date of issuance. The shipping tolerance for exports shall be 5 percent of the unshipped quantity. Any cancellation of an order automatically revokes the license that was issued against it.

Effective date: November 4, 1974.

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.74-26168 Filed 11-5-74;11:18 am]

[2] Forms are available from any of the Commerce Department's Domestic and International Business Administration District Offices or from the Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230.

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C–2531]

PART 13—PROHIBITED TRADE PRACTICES

Buy-Rite Sales Corp.

Subpart—Advertising falsely or misleadingly: § 13.135 *Nature of product or service;* § 13.155 *Prices;* 13.155–70 Percentage savings 13.155–95 Terms and conditions; § 13.160 *Promotional sales plans.* Subpart—Contracting for sale any evidence of indebtedness prior to specified time:[1] § 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.* Subpart—Disparaging products, merchandise, services, etc.:[2] § 13.1042 *Disparaging products, merchandise, services, etc.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records;* 13.1051–20 Adaquate. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements;* 13.1623–95 Truth in Lending Act. —Prices: § 13.1778 *Additional costs unmentioned;* § 13.1800 *Demonstration reductions;* § 13.1823 *Terms and conditions;* 13.1823–20 Truth in Lending Act. —Promotional sales plans: § 13.1830 *Promotional sales plans.* 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;* § 13.1882 *Prices;* § 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.

(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, Buy-Rite Sales Corporation, et al., Union City, N.J., Docket C–2531, Aug. 26, 1974]

In the matter of Buy-Rite Sales Corporation, a corporation, and Thomas Payne and Robert D. Blackburn, Jr., individually and as officers of said corporation.

Consent order requiring a Union City, N.J., seller and distributor of swimming pools and swimming pool accessories, among other things to cease using deceptive sales plans; disparaging merchandise offered for sale; misrepresenting prices and/or savings available to customers; failing to maintain adequate records to substantiate savings claims; failing to disclose to consumers, in connection with the extension of consumer credit, such information as is required

[1] Revised.
[2] Addition.

by Regulation Z of the Truth in Lending Act; failing to include on the face of instruments of indebtedness a notice that all rights and defenses of purchasers are preserved upon sale to third parties.

The order to cease and desist including further order requiring report of compliance therewith, is as follows: [2]

PART I

It is ordered, That respondents Buy-Rite Sales Corporation, a corporation, its successors and assigns, and Thomas Payne and Robert D. Blackburn, Jr., 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 advertising, offering for sale, sale or distribution of swimming pools or swimming pool accessories in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using in any manner, a sales plan, scheme or device wherein false, misleading or deceptive statements or representations are made in order to obtain leads or prospects for the purchase of swimming pools or any other merchandise or service from respondents.

2. Advertising or offering merchandise for sale for the purpose of obtaining leads or prospects for the purchase of other or different merchandise when the advertised merchandise is inadequate to perform the functions for which it is offered and respondents do not maintain a reasonably adequate and readily available stock of said advertised merchandise.

3. Disparaging any product, merchandise or service which is offered for sale.

4. Representing, directly or by implication, that any product, merchandise or service is offered for sale when such offer is not a bona fide offer to sell such product, merchandise or service.

5. Representing, directly or by implication, that any price for products, merchandise or services sold by respondents is a special, pre-season or sale price, when such price does not constitute a significant reduction from an established selling price at which such products, merchandise or services have been sold in substantial quantities by respondents in the recent, regular course of their business.

6. (a) Representing, in any manner, that by purchasing any of said swimming pools or other products or merchandise, customers are afforded savings amounting to the difference between respondents' stated price and respondents' former price unless such swimming pools or other products or merchandise have been sold or offered for sale in good faith at the former price by respondents for a reasonably substantial period of time in the recent, regular course of business.

(b) Representing, in any manner, that by purchasing any of said swimming pools or other products or merchandise, customers are afforded savings amounting to the difference between respondents' stated price and a compared price for said swimming pools or other products or merchandise in respondents' trade area unless a substantial number of the principal retail outlets in the trade area regularly sell said swimming pools or other products or merchandise at the compared price or some higher price.

(c) Representing, in any manner, that by purchasing any of said swimming pools or other products or merchandise, customers are afforded savings amounting to the difference between respondents' stated price and a compared value price for comparable swimming pools or other products or merchandise, unless substantial sales of swimming pools or other products or merchandise of like grade and quality are being made in the trade area at the compared price or a higher price and unless respondents have in good faith conducted a market survey or obtained a similar representative sample of prices in their trade areas which establishes the validity of said compared price and it is clearly and conspicuously disclosed that the comparison is with products or merchandise of like grade and quality.

7. Misrepresenting, in any manner, the amount of savings available to purchasers or prospective purchasers of respondents' swimming pool or other products or merchandise.

8. Failing to maintain adequate records (a) which disclose the facts upon which any savings claim, including former pricing claims and comparative value claims, and similar representations of the type described in paragraphs 5, 6(a)–(c) and 7 of this order are based, and (b) from which the validity of any savings claim, including former pricing claims and comparative value claims, and similar representations of the type described in paragraphs 5, 6(a)–(c) and 7 of this order may be determined.

9. Failing to disclose the fact that the quoted price for a swimming pool does not include the cost of ground preparation.

10. Misrepresenting, in any manner, that the pool of any of respondents' purchasers or prospective purchasers will be be used for any type of advertising or demonstration purpose or as a model pool or that as a result of such use, respondents' purchasers or prospective purchasers or prospective purchasers will or will receive discounts, referral fees or allowances of any type.

11. Misrepresenting, in any manner, that any swimming pool installation will be completed by a specified date.

12. Failing to incorporate the following statement on the face of all contracts executed by respondents' customers with such conspicuousness and clarity as is likely to be observed, read and understood by the purchaser:

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.

13. Negotiating to a third party, a conditional sales contract, promissory note or other instrument of indebtedness executed in connection with the purchase of a swimming pool, or any other products or merchandise unless said conditional sales contract, promissory note or other instrument of indebtedness bears a legend to the effect that the third party assignee receives such conditional sales contract, promissory note or other instrument of indebtedness subject to all defenses which the debtor may have against the assignor, where such defenses arise from conduct of the assignor which violates the Federal Trade Commission Act or any other law administered by the Federal Trade Commission.

14. Contracting for any sale whether in the form of trade acceptance, conditional sales contract, promissory note, or otherwise, which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after the date of execution.

15. Failing to furnish the buyer with a fully completed receipt or copy of any contract pertaining to such sale at the time of its execution, which is in the same language, e.g., Spanish, 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 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 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 or receipt and easily detachable, and which shall contain in ten point bold face type the following information and statements in the same language, e.g., Spanish, 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 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 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

[2] Copies of the complaint, decision and order filed with the original document.

shipment of the goods at the seller's expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.

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 _____, at
(Name of seller)
_____,
(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. Including in any sales contract or receipt any confession of judgment or any waiver of any of the rights to which the buyer is entitled under this order including specifically his right to cancel the sale in accordance with the provisions of this order.

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

20. Misrepresenting, directly or indirectly, orally or in writing, the buyer's right to cancel.

21. Failing or refusing to honor any valid notice of cancellation by a buyer within 10 business days after receipt of such notice, to (i) refund all payments made under the contract or sale; (ii) return any goods or property traded in, in substantially as good condition as when received by the seller; (iii) 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.

22. 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.

23. Failing, within 10 business days of receipt of the buyer's notice of cancellation, to notify him whether the seller intends to repossess or abandon any shipped or delivered goods.

Provided, however, That nothing contained in this order shall relieve respondents of any additional obligations respecting contracts required by federal law or the law of the state in which the contract is made. When such obligations are inconsistent, respondents can apply to the Commission for relief from this provision with respect to contracts executed in the state in which such different obligations are required. The Commission, upon showing, shall make such modifications as may be warranted in the premises.

PART II

It is further ordered, That respondents Buy-Rite Sales Corporation, a corporation, its successors and assigns, and Thomas Payne and Robert D. Blackburn, Jr., individually and as officers of the corporate respondent, and respondents' agents, representatives and employees, directly or through any corporate or other device, or under any other name, in connection with any consumer credit sale of swimming pools or any other products or merchandise as "consumer credit" and "credit sale" 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 rate of the finance charge expressed as an "annual percentage rate", as required by § 226.8(b)(2) of Regulation Z.

2. Failing, in any transaction in which a security interest is or will be retained or acquired in any real property which is used or expected to be used as the principal residence of the customer, to provide each customer with notice of the right to rescind as required by § 226.9(a), in the manner and form specified in § 226.9(b) of Regulation Z.

3. Failing, in any consumer credit transaction, 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, 226.8, 226.9, and 226.10 of Regulation Z.

PART III

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 change in the corporation which may affect compliance obligations arising out of this Order.

It is further ordered, That respondents distribute a copy of this Order to all operating divisions of said corporation and also distribute a copy of this Order to all personnel, agents or representatives concerned with the promotion, sale and distribution of swimming pools or other products or merchandise and secure from each such person a signed statement acknowledging receipt of said Order.

It is further ordered, That each 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 Aug. 26, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-26167 Filed 11-7-74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 25—DRESSINGS FOR FOOD

French Dressing Standard of Identity; Optional Use of Colorants and Declaration of Optional Ingredients

The Commissioner of Food and Drugs proposed in a notice published in the FEDERAL REGISTER of August 21, 1973 (38 FR 22490) that the standard of identity for french dressing be amended to allow optional use of any safe and suitable color additive(s) that will impart the color traditionally expected. The proposal was based on a petition filed jointly by Mr. Albert J. Finberg, 19A Garden Place, Brooklyn, NY 11201, and copetitioners: Thomas J. Lipton, Inc., 800 Sylvan Ave., Englewood Cliffs, NJ 07632; Hostess Products Corp., 137 Garden Ave., Brooklyn, NY 11237; Supreme Oil Co., 87–11 130th St., Richmond Hill, NY 11418; Purity Condiments, Inc., 3590 NW. 60th St., Miami, FL 33142; Venice Importing Co., 66 N. 6th St., Brooklyn, NY 11211; Continental Coffee Co., 2550 N. Clybourn Ave., Chicago, IL 60614; and McCormick & Co., Inc., Baltimore, MD 21202. Further, the Commissioner proposed on his own initiative that the standard be amended to require declaration of all optional ingredients by common or usual name as required by the applicable sections of 21 CFR Part 1.

Thirteen comments were received in response to the proposal, 1 from industry and 12 from consumers.

1. The comment from industry, a firm which manufactures french dressing, favored the proposal and joined the petitioners in requesting the use of β-apo-8'-carotenal in french dressing within the use level cited.

2. Two comments expressed concern that color additives could produce allergenic reactions, and their presence in french dressing would not be in the interest of those who have food sensitivity and cannot tolerate certain components. One consumer comment dealt specifically with ingredient labeling, stating that not only persons with allergies but everyone should be informed of the ingredients in as many foods as possible. There were

six other comments in favor of the Commissioner's proposal to require the declaration of all ingredients used in french dressing. One comment opposed listing all ingredients on the label until such time that the public is educated as to which are dangerous additions to their food. Nine comments opposed the use of artificial color(s) or other artificial additives and questioned the safety of such ingredients.

The Commissioner points out that the color additives and food additives which may be permitted in food standards are certified or regulated for safe usage under regulations established pursuant to the Federal Food, Drug, and Cosmetic Act and are considered safe based upon present knowledge.

The Commissioner concludes that the fact that the label must show when colors are used gives warning to individuals that such substances are present and that care should be exercised when a known allergy exists.

A review of the legislative intent of the Food Additives Amendment indicates that the use of additives for the purpose of safely keeping food longer and making it more tasteful and appetizing is specifically expressed as a principal purpose of the law. The Senate Committee Report No. 2422, 85th Congress, second session (H.R. 13254), expressed those purposes in these words:

> The second flaw in existing law which has proved detrimental to consumers, to processors, and to our national economy and which this bill seeks to remove is a provision which has inadvertently served to unnecessarily proscribe the use of additives that could enable the housewife to safely keep food longer, the processor to make it more tasteful and appetizing, and the nation to make use of advances in technology calculated to increase and improve our food supplies. Your committee agrees with the Food and Drug Administration that existing law should be changed to permit the use of such additives as our technological scientists may produce and which may benefit our people and our economy when the proposed usages of such additives are in amounts accepted by the Food and Drug Administration as safe.

The optional use of safe and suitable color additives in french dressing is an illustration of the Congressional intent.

3. One comment requested the rationale for limiting the provisions of the proposal to french dressing.

It is not clear from this comment whether the writer intended to suggest that safe and suitable color additives should also be permitted in mayonnaise and salad dressing, the other foods standardized in 21 CFR Part 25, or whether the reference was to why label declaration of all ingredients was not also being required by the standards for mayonnaise and salad dressing.

The Commissioner points out that the standards for mayonnaise and salad dressing provide that no spice, spice oil, spice extract, harmless food flavoring, or seasoning may be used which impart a color simulating the color imparted by egg yolk. In the case of french dressing, the optional ingredient paprika and/or oleoresin of paprika, which is permitted in the standard as a seasoning or flavoring ingredient, is used by manufacturers of french dressing to produce the characteristic color, rather than as a seasoning or flavoring ingredient. In the grounds given in support of the petition, it was stated that laboratory results indicate that β-apo-8'-carotenal, for example, possesses superior color, shelf life, and stability in french dressing as compared to paprika and/or oleoresin of paprika.

Regarding the declaration of all ingredients on the label, the Commissioner advises that in the near future the standards for mayonnaise and salad dressing, as well as other foods, will also be amended to require label declaration of all optional ingredients.

4. Three comments stated that the use of artificial color to replace paprika is deceptive and fraudulent.

The Commissioner, having reviewed the good manufacturing practices of french dressing technology, and the findings of fact for the french dressing standard of identity published in the FEDERAL REGISTER of August 12, 1950 (15 FR 5227), concludes that color imparted by β-apo-8'-carotenal provides the same color characteristics as paprika and/or paprika oleoresin, color additives under §§ 8.307 and 8.308 (21 CFR 8.307 and 8.308), respectively, and has been demonstrated to persist without fading or changes as the product moves through the channels of commerce. In commercial practice, paprika and/or paprika oleoresin has been used principally for its color value and not to provide a particular or characteristic taste. The Commissioner is not aware that the taste of french dressing is significantly affected by the presence of paprika and/or its oleoresin employed for the primary purpose of imparting the characteristic color. A pepper spice flavor may be obtained by employing other spice or spices traditionally used in this food. The addition of color (paprika, paprika oleoresin, or β-apo'-carotenal) is not deceptive because the color produced does not simulate the color of other ingredients, such as eggs or tomato products.

5. In the proposal, the Commissioner noted that providing for "safe and suitable" optional ingredients in place of the present specifically permitted emulsifying and acidifying ingredients in the interests of broadening the present standard would, in the case of french dressing, reduce the conspicuous differences with nonstandardized pourable dressings. Comments were invited on the proposal for justification to depart from this position. No comment in this regard was received.

The Commissioner concludes that agreement with his position was attested to by absence of comment in this case, and thus intends to maintain the specific emulsifying and acidifying ingredient provisions contained in the present standard for french dressing, and not provide for a "safe and suitable" concept in regards to emulsifiers and acidifiers. The Commissioner also concludes that all ingredients of french dressing are optional ingredients and are required to be declared on the label as required by the applicable sections of 21 CFR Part 1.

Having considered the information submitted by the petitioners, the comments received, and other relevant material, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to amend the standard of identity for french dressing (21 CFR 25.2) as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That § 25.2 be amended by revising paragraphs (d) and (e) to read as follows:

§ 25.2 French dressing; identity; label statement of optional ingredients.

* * * * *

(d)(1) French dressing may contain calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate) or disodium EDTA (disodium ethylenediaminetatraacetate), singly or in combination. The quantity of such added ingredient or combination does not exceed 75 parts per million by weight of the finished food.

(2) French dressing may contain any safe and suitable color additives that will impart the color traditionally expected.

(e) All ingredients used in the food shall be declared on the label in accordance with the applicable sections of Part 1 of this chapter.

Any person who will be adversely affected by the foregoing order may at any time on or before December 9, 1974 file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective January 7, 1974, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: November 4, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-26183 Filed 11-7-74;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 330—OVER-THE-COUNTER (OTC) HUMAN DRUGS WHICH ARE GENERALLY RECOGNIZED AS SAFE AND EFFECTIVE AND NOT MISBRANDED

Contents and Time of Closing of Administrative Record

The Commissioner of Food and Drugs issued a proposal, published in the FEDERAL REGISTER of June 4, 1974 (39 FR 19878), to amend § 330.10 (21 CFR 330.10) by adding a new paragraph (a)(10) designating (1) the contents of the administrative record on the basis of which the decision is made with respect to the status of an OTC drug product pursuant to the procedures governing the review and classification of OTC drug products, and (2) the point beyond which new factual information may no longer be submitted for consideration in the administrative process.

No comments were received in response to the proposal.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 321, 352, 355, 371) and the Administrative Procedure Act (secs. 4, 10, 60 Stat. 238 and 243 as amended; 5 U.S.C. 553, 702, 703, 704) and under authority delegated to the Commissioner (21 CFR 2.120), Part 330 is amended in § 330.10 by redesignating paragraph (a)(10) and (11) as (a)(11) and (12), and by adding a new paragraph (a)(10) to read as follows:

§ 330.10 Procedures for classifying OTC drugs as generally recognized as safe and effective and not misbranded, and for establishing monographs.

* * * * *

(a) * * *

(10) *Administrative record.* (i) All data and information to be considered in any proceeding pursuant to this section shall be submitted in response to the request for data and views pursuant to paragraph (a)(2) of this section or accepted by the panel during its deliberations pursuant to paragraph (a)(3) of this section or submitted to the Hearing Clerk as part of the comments during the 60-day period permitted pursuant to paragraph (a)(6) of this section. Thereafter, no new data or information may be submitted for inclusion in the administrative record of such proceeding except as provided in paragraph (a)(10)(ii) of this section.

(ii) New data or information not previously submitted for inclusion in the administrative record may be submitted for such inclusion only with a petition to the Commissioner requesting that the administrative record be reopened to include such material. The Commissioner may grant or deny such petition in his discretion. Any such petition shall demonstrate good cause why such material could not be obtained and submitted within the time specified in paragraph (a)(10)(i) of this section. If such a petition is denied, such material is properly submitted with a petition to amend the monograph pursuant to paragraph (a)(12) of this section.

(iii) The Commissioner shall make all decisions and issue all orders pursuant to this section solely on the basis of the administrative record, and shall not consider data or information not included as part of the administrative record.

(iv) The administrative record shall consist solely of the following material: All notices and orders published in the FEDERAL REGISTER, all data and views submitted in response to the request published pursuant to paragraph (a)(2) of this section or accepted by the panel during its deliberations pursuant to paragraph (a)(3) of this section, all minutes of panel meetings, the panel report(s), all comments and rebuttal comments submitted on the proposed monograph pursuant to paragraph (a)(6) of this section, all objections submitted on the tentative final monograph pursuant to paragraph (a)(7) of this section, the complete record of any oral public hearing conducted pursuant to paragraph (a)(8) of this section, all other comments requested at any time by the Commissioner, all data and information for which the Commissioner has reopened the administrative record, and all other material which the Commissioner includes in the administrative record as part of the basis for his decision.

* * * * *

Effective date. This order shall become effective on December 9, 1974.

(Secs. 201, 502, 505, 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 321, 352, 355, 371 and secs. 4, 10, 60 Stat. 238 and 243 as amended; 5 U.S.C. 553, 702, 703, 704.)

Dated: October 31, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-26044 Filed 11-7-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Application for Verification of Operator License

1. This Order is issued to delete obsolete reference to FCC Form 759—Application for Verification of Operator License—in § 0.483(b) of the Commission's rules.

2. Because this is an editorial change, the prior notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) do not apply. Authority for this amendment appears in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's Rules and Regulations.

3. In view of the above, *it is ordered*, Effective November 15, 1974, that § 0.483 is amended as set forth in the attached Appendix.

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

Adopted: November 1, 1974.

Released: November 1, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] STANLEY MCKINLEY,
Acting Executive Director.

APPENDIX

1. In § 0.483, paragraph (b) is amended to read as follows:

§ 0.483 Applications for amateur station and operator license and/or commercial operator license.

* * * * *

(b) Application for commercial operator license of a class for which examination is required, or for a verification card (FCC Form 758-F), shall be filed with a field office listed in § 0.121 (a) or (b) at which the applicant desires his application to be considered and acted upon, except that application for replacement or duplicate license of such class shall be filed with the office which issued the original license.

* * * * *

[FR Doc.74-26217 Filed 11-7-74;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5440]

[Wyoming 14982]

WYOMING

Withdrawal for Addition to Seedskadee National Wildlife Refuge

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, and reserved as an addition to, and for use in conjunction with those lands withdrawn by Public Land Order No. 4834 of May 20, 1970, for the Seedskadee National Wildlife Refuge:

SIXTH PRINCIPAL MERIDIAN

T. 23 N., R. 110 W.,
Sec. 32, lots 6, 7, 8, and 12.

The area described contains 90.50 acres in Sweetwater County.

JACK O. HORTON,
Assistant Secretary of the Interior.

NOVEMBER 1, 1974.

[FR Doc.74-26241 Filed 11-7-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 394]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Alabama	Bibb	Brent, city of	Nov. 1, 1974. Emergency			
Arkansas	Clay	Corning, city of	do	Oct. 12, 1973		
California	Siskiyou	Fort Jones, town of	do	Apr. 5, 1974		
Idaho	Latah	Juliaetta, city of	do	Oct. 18, 1974		
Louisiana	Beauregard Parish.	Merryville, town of	do	May 24, 1974		
Minnesota	Faribault	Unincorporated areas	do			
New Jersey	Monmouth	West Long Branch, borough of.	do	Aug. 24, 1973		
New York	Albany	Albany, city of	do	May 3, 1974		
Oklahoma	Tulsa	Jenks, city of	do	Jan. 9, 1974		
Oregon	Lincoln	Waldport, city of	do	Mar. 22, 1974		
Pennsylvania	Allegheny	Blawnox, borough of	do			
Tennessee	Claiborne	New Tazewell, city of	do	June 28, 1974		
Do.	Shelby	Millington, city of	do	May 31, 1974		
Texas	Guadalupe	Cibolo, city of	do	Feb. 1, 1974		
Do.	Gregg	Gladewater, city of	do	Mar. 1, 1974		
Do.	Swisher	Tulia, city of	do	May 17, 1974		
Utah	Box Elder	Brigham, city of	do	June 7, 1974		
Vermont	Windsor	Bethel, town of	Nov. 1, 1974. Emergency	Feb. 8, 1974		
West Virginia	Wyoming	Mullens, city of	do	June 28, 1974		
Do.	Lewis	Weston, city of	do	Apr. 5, 1974		
Wisconsin	Milwaukee	West Milwaukee, village of	do			
Oklahoma	Caddo	Fort Gobb, town of	do	Dec. 7, 1973		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: October 25, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–25986 Filed 11–7–74;8:45 am]

[Docket No. FI 395]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Arkansas	Sebastian	Greenwood, city of	Oct. 29, 1974. Emergency	June 14, 1947		
Illinois	Kankakee	Bradley, village of	do	Mar. 1, 1974		
Do.	Cook	Countryside, city of	do	Apr. 5, 1974		
Iowa	Woodbury	Unincorporated areas	do			
Kansas	Seward	Liberal, city of	do	Mar. 1, 1974		
Do.	Labette	Parsons, city of	do	Feb. 1, 1974		
Kentucky	Kenton	Ludlow, city of	do	do		
Massachusetts	Norfolk	Plainville, town of	do	Aug. 16, 1974		
New Mexico	Roosevelt	Portales, city of	do	Mar. 29, 1974		
New York	Albany	Bethlehem, town of	do	May 31, 1974		
Do.	Sullivan	Fallsburg, town of	do	June 21, 1974		
South Carolina	Dillon	Latta, town of	do	June 14, 1974		
Texas	Brazoria	Brookside Village, city of	do	June 28, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: October 25, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–25990 Filed 11–7–74;8:45 am]