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HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

- NATIONAL BANKS**—Treasury Dept. revisions of corporate disclosure regulations; effective 8-12-71 14997
- SYSTEM FINANCE OFFICE**—FHLBB amendment to regulations; effective 10-1-71 15036
- CENSUS RECORDS**—Census Bureau revision of fees for age search and citizenship information ... 15040
- LIENS AND LEVIES**—IRS revision of regulations on interests in certain lands held in trust by the United States 15040
- TELECOMMUNICATION**—FCC amendments on use of microwave frequencies and other matters; effective 8-17-71 15045
- HAZARDOUS MATERIALS**—DoT amendments on packaging requirements and shipment of sulphuric acid (2 documents); effective 10-15-71 15043, 15047
- INCOME TAX**—
- IRS proposal on deductibility of treble damage payments under the antitrust laws; hearing 9-7-71 15053
- IRS proposal on additions to reserves for losses of specified banking institutions; comments by 9-13-71 15050

(Continued inside)

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5	1940	14	17	1952	41	29	1964	54
6	1941	21	18	1953	30	30	1965	58
7	1942	37	19	1954	37	31	1966	60
8	1943	53	20	1955	41	32	1967	69
9	1944	42	21	1956	42	33	1968	55
10	1945	47	22	1957	41	34	1969	62
11	1946	47	23	1958	41	35	1970	59
12	1947	24	24	1959	42			

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HIGHLIGHTS—Continued

BROADCASTING—FCC termination of action on proposed controls over telephone interview programs	15056	CIGARETTE TESTS—FTC determination of tar and nicotine content	15074
POULTRY INSPECTION—USDA notice of intention to designate the State of Pennsylvania for Federal inspection	15065	ENVIRONMENT—TVA notice of public hearing on proposed Mills River Dam and Reservoir; comments by 9-10-71	15077

Contents

AGRICULTURE DEPARTMENT

See also Consumer and Marketing Service.

Notices

Sardis Reservoir, Miss.; joint order interchanging administrative jurisdiction of Department of the Army lands and National Forest lands; cross reference... 15066

ARMY DEPARTMENT

Notices

Sardis Reservoir, Miss.; joint order interchanging administrative jurisdiction of Department of the Army lands and National Forest lands..... 15062

ATOMIC ENERGY COMMISSION

Notices

Consumers Power Co.; intent to reconvene hearing..... 15070
 South Carolina Electric & Gas Co.; receipt of application for construction permit and facility license; time for submission of views on antitrust matters..... 15070

CENSUS BUREAU

Rules and Regulations

Special services and studies; amended fee structure for age and citizenship information..... 15040

COAST GUARD

Rules and Regulations

Dangerous cargoes; sulfuric acid containers

COMMERCE DEPARTMENT

See Census Bureau; Import Programs Office.

COMPTROLLER OF THE CURRENCY

Rules and Regulations

Corporate disclosure regulations... 14997

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Domestic dates produced or packed in Riverside, Calif.; order amending order regarding handling

Dried prunes produced in California; miscellaneous amendments

Valencia oranges grown in Arizona and designated part of California; handling limitations... 15036

Proposed Rule Making

Milk in Minneapolis-St. Paul and Southern Minnesota-Northern Iowa (Dairyland) marketing areas; proposed amendment to tentative marketing and order; correction

Onions grown in certain counties in Idaho and Oregon; proposed expenses and rate of assessment

Notices

Poultry inspection; intended designation of Pennsylvania..... 15065

DEFENSE DEPARTMENT

See Army Department.

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Stations on land in maritime services; use of certain microwave frequencies

Proposed Rule Making

Certain broadcast stations; table of assignments (2 documents) .. 15057, 15059

License control of matter broadcast during telephone interview programs on standard FM and TV stations..... 15056

Operations in land mobile service between certain frequencies..... 15054

Notices

Lake Erie Broadcasting Co., et al.; applications for construction permits

FEDERAL HOME LOAN BANK BOARD

Rules and Regulations

Office of System Finance; organization of banks

FEDERAL INSURANCE ADMINISTRATION

Proposed Rule Making

Criteria for management and use in flood-prone areas; insurance eligibility; correction..... 15054

FEDERAL MARITIME COMMISSION

Proposed Rule Making

Vessel operating common carriers in domestic offshore trades; reports of rate base income..... 15060

Notices

Agreements filed for approval:
 American Mail Line, Ltd., and American Lines, Ltd..... 15071
 Prudential-Grace Lines, Inc., and Moore-McCormack Lines, Inc

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
 Portland General Electric Co.... 15073
 Wiser Oil Co., et al..... 15072

FEDERAL RESERVE SYSTEM

Notices

Applications for approval of acquisition of shares of bank:
 Commerce Bancshares, Inc..... 15074
 First Orlando Corp..... 15074

FEDERAL TRADE COMMISSION

Notices

Cigarette testing results..... 15074

FISH AND WILDLIFE SERVICE

Rules and Regulations

Certain wildlife refuges in Oregon; hunting..... 15048

FOOD AND DRUG ADMINISTRATION

Notices

Nonradiopaque diagnostic drugs; drug efficacy study implementation; correction..... 15070

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Procurement regulations; miscellaneous amendments..... 15041

(Continued on next page)

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

HAZARDOUS MATERIALS REGULATIONS BOARD**Rules and Regulations**

Sulfuric acid; safety regulations. 15047

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Insurance Administration.

IMPORT PROGRAMS OFFICE**Notices**

Duty-free entry of scientific articles; decisions on applications (13 documents)..... 15066-15069

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Land Management Bureau.

Notices

Reports of appointments and statement of financial interests:

Bradeen, Castle L..... 15064
Collins, Harley L..... 15064
Creitz, Walter M..... 15064
Davis, Ray F..... 15064
Marchetti, Robert J..... 15065
Treffinger, Frederic M..... 15065

INTERNAL REVENUE SERVICE**Rules and Regulations**

Liens and levies upon interests in certain lands held in trust by U.S. for noncompetent Indians. 15040

Proposed Rule Making

Income tax:

Additions to reserves for losses on loans of mutual savings banks, domestic building and loan associations, and cooperative banks..... 15050

Deductibility of treble damage payments under the antitrust laws, fines and penalties, and illegal bribes and kickbacks... 15053

Notices

District Directors et al.; delegation of authority..... 15061

Implementation of national environmental goals; functions, procedures and guidelines..... 15061

INTERSTATE COMMERCE COMMISSION**Notices**

Assignment of hearings..... 15091

Motor carrier, broker, water carrier and freight forwarder applications..... 15078

Motor carrier transfer proceedings..... 15091

LAND MANAGEMENT BUREAU**Notices**

Fire bosses et al., Colorado State Office; delegation of authority... 15063

Montana; proposed withdrawal and reservation of lands; correction..... 15063

New Mexico; opening of lands to entry..... 15063

SECURITIES AND EXCHANGE COMMISSION**Notices**

Hearings, etc.:

Brown, Alex, & Sons..... 15076

Continental Vending Machine Corp. 15076

ITTEX Fund..... 15076

TARIFF COMMISSION**Notices**

Tractor parts; reconsideration of findings and recommendations in investigation..... 15077

TENNESSEE VALLEY AUTHORITY**Notices**

Proposed Mills River Dam and Reservoir; notice of public hearing..... 15077

TRANSPORTATION DEPARTMENT

See Coast Guard; Hazardous Materials Regulations Board.

TREASURY DEPARTMENT

See Comptroller of the Currency; Internal Revenue Service.

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1971, and specifies how they are affected.

7 CFR

908..... 15036
987..... 15036
993..... 15039

PROPOSED RULES:

958..... 15054
1061..... 15054
1068..... 15054

12 CFR

10..... 14997
11..... 14997
12..... 14997
16..... 14997
18..... 14997
522..... 15036

15 CFR

50..... 15040

24 CFR

PROPOSED RULES:

1910..... 15054

26 CFR

301..... 15040

PROPOSED RULES:

1 (2 documents)..... 15050, 15053

41 CFR

5A-16..... 15041
5A-73..... 15041
5A-76..... 15043

46 CFR

146..... 15043

PROPOSED RULES:

512..... 15060

47 CFR

81..... 15045

PROPOSED RULES:

2..... 15054
18..... 15054
21..... 15054
73 (4 documents)..... 15054
74..... 15054
89..... 15054
91..... 15054
93..... 15054

49 CFR

173..... 15047

50 CFR

32..... 15048

Rules and Regulations

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 10—ANNUAL REPORT TO STOCKHOLDERS

PART 11—SECURITIES ACT DISCLOSURE RULES

PART 12—OWNERSHIP REPORTS BY CERTAIN PERSONS

PART 16—OFFERING CIRCULARS—CAPITAL DEBENTURES AND NEW BANK SECURITIES

PART 18—FORM AND CONTENT OF FINANCIAL STATEMENTS

Corporate Disclosure Regulations

By notice published May 26, 1971, in the FEDERAL REGISTER, 36 F.R. 9522, the Comptroller of the Currency proposed to amend Parts 10, 11, 12, 16, and 18, Chapter I, Title 12 of the Code of Federal Regulations in order that national banks subject to the requirements of the Securities Exchange Act of 1934, as amended, would be operating under substantially similar rules and regulations as are state chartered insured banks and bank holding companies with 500 or more shareholders.

Interested persons were invited to submit relevant data, views, or comments. Written comments were received from a number of national banks and from attorneys representing national banks. Some changes have been made in the final rules on the basis of such comments and other information available to the Comptroller as follows:

Section 11.4(a) has been restated to clarify the deadline dates when new registrations must be filed by banks previously registered and by banks which become subject to registration for the first time. The revised rule requires banks whose securities were previously registered under the former regulation to re-register such securities after January 1, 1972, and no later than April 30, 1972. Banks whose shareholders first reach 500 in number during the calendar year 1971 must register no later than April 30, 1972. Banks, whose shareholders first reach 500 in number after 1971, must file a registration statement no later than 120 days following the end of the fiscal year in which its shareholders reach 500 in number.

Section 11.4(g) has been amended to require the filing of current reports following the registration statement filing rather than stating a specific effective date.

Section 11.4(p) has been amended to make less formal the procedure relative

to the denial of a requested extension of time for furnishing information by eliminating the need for a formal order by the Comptroller.

Section 11.5(a) has been amended to make the proxy rules effective for any shareholders' meeting scheduled to be held on and after October 1, 1971, instead of August 1, 1971, as proposed.

Section 11.5(c), *Annual Report to Security Holders*, has been amended under Notes 1 (a) and (b) to provide greater specificity with regard to the form to be followed in presentation of statements of condition and comparative statements of income.

Section 11.6, relative to reports of beneficial ownership of securities, has been revised to provide more specifically for an effective date of October 1, 1971, relative to the use of Forms F-7 and F-8. All persons previously required to file statements of beneficial ownership (old Forms OR-1 and OR-2) pursuant to Part 12 of the former regulation shall file a new "Initial Statement of Beneficial Ownership" on Form F-7 on or before November 10, 1971, reflecting ownership status as of the end of October 1971.

Section 11.6(d)(4) has been revised to provide for greater particularity where one report only need be filed regarding ownership of securities held in trust by providing that allocable interests must be disclosed as well as the names of all trustees, settlors, and beneficiaries who are officers, directors or 10-percent stockholders.

Section 11.7(d)(5), relative to the method of reflecting minority interests in subsidiary corporations on financial statements, has been revised to eliminate the proposed requirement that the parent's interest in the capital stock and surplus of the subsidiary be stated separately.

The title of Schedule I as specified in § 11.7(f) has been changed to conform to Schedule I of Form F-9D under § 11.71.

Section 11.41, Form F-1, relative to the registration statement, has been revised as follows:

(1) Item 7 calling for disclosure of principal occupations or employment of directors and officers has been revised to conform to the proxy statement requirements (Form F-5, Item 6).

(2) Item 9(b), Instruction 3, has been amended to require additional details regarding pension and retirement plans and the bank's contribution thereto in order to make the information required in the registration statement consistent with that required in the proxy statement.

(3) Item 11 under Form F-1 has been amended to add Instruction 3 in order to make the information required in the registration statement consistent with the requirements of the proxy statement. Instruction 6(iii) under the same item has also been altered for the same reason.

Under § 11.43, Form F-2, Annual Report, proposed Items 4 through 6 have been deleted and proposed Item 7 redesignated as Item 4. General Instruction B which pertained to those items has also been deleted.

Section 11.51, relative to the proxy statement, Form F-5, under Item 14(b), has been modified to make clear that information as to the holding company is required to be furnished in any proposed transaction where the shareholders of the bank are to receive shares in the holding company in exchange for their bank shares.

Section 11.71, *Forms of financial statements*, has been amended under "Assets", paragraph 7, "Other real estate owned", by altering paragraphs 7 (a) and (b) to render them consistent with existing Interpretive Rulings of the Comptroller.

Under subparagraph (1)(2)(B) the "Note" has been amended by deleting the reference to Federal funds sold and securities purchased under agreements to resell in order to render this section consistent with the Comptroller's existing Interpretive Rulings.

Section 11.103 under "Interpretations" has been deemed repetitive of matter contained in § 11.5(c) and has therefore been deleted in its entirety.

Section 16.5 has been clarified by specifically indicating that the requirements thereof apply only to those offerings of securities subject to Part 16.

After full consideration of the views and comments submitted pursuant to the previously mentioned rule making notice herein and other pertinent information and material available to the Comptroller, the Comptroller has determined to amend the rules and regulations in the manner set forth below. Such amendment is necessary and proper for the execution of the functions vested in the Comptroller pursuant to section 12(d) of the Securities Exchange Act of 1934, as amended. (15 U.S.C. 781 (d))

Parts 10, 11, 12, 16, and 18, Chapter I, Title 12 of the Code of Federal Regulations, are revised, effective upon publication in the FEDERAL REGISTER (8-12-71), except as otherwise specified therein as follows:

1. Replace Parts 10, 11, 12, and a portion of Part 16 with Part 11;
2. Part 16 revised;
3. Section 18.1 of Part 18 amended.

I. Part 11 is revised to read as follows:

REGULATIONS	
Sec.	
11.1	Scope of part.
11.2	Definitions.
11.3	Inspection and publication of information filed under the Act.
11.4	Registration statements and reports.
11.5	Proxies, proxy statements, and statements where management does not solicit proxies.

REGULATIONS—Continued

- Sec. 11.6 "Insiders" securities transactions and reports under section 16 of the Act.
- 11.7 Form and content of financial statements.
- FORMS
- 11.41 Form for registration of securities of a bank pursuant to section 12(b) or section 12(g) of the Securities Exchange Act of 1934 (Form F-1).
- 11.42 Form for annual report of bank (Form F-2).
- 11.43 Form for current report of a bank (Form F-3).
- 11.44 Form for quarterly report of bank (Form F-4).
- 11.45 Form for amendment to registration statement or periodic report of bank (Form F-20).
- 11.46 Form for registration of additional class of securities of a bank pursuant to section 12(b) or section 12(g) of the Securities Exchange Act of 1934 (Form F-10).
- 11.47 Form for statement to be filed pursuant to § 11.4(g) (2) or § 11.5(i) of Part 11 (Form F-11).
- 11.51 Form for proxy statement; statement where management does not solicit proxies (Form F-5).
- 11.52 Form for statement in election contests (Form F-6).
- 11.53 Form for statement to be filed pursuant to § 11.5(m) of Part 11 (Form F-12).
- 11.61 Form for initial statement of beneficial ownership of equity securities (Form F-7).
- 11.62 Form for statement of changes in beneficial ownership of equity securities (Form F-8).
- 11.71 Forms for financial statements (Forms F-9, A, B, C, and D).

INTERPRETATIONS

- 11.101 Interpretation of definition of "officer."
- 11.102 Disclosure of loans to "insiders."

AUTHORITY: The provisions of this Part 11 issued under 15 U.S.C. 761, 78m, 78n, 78p, 78w.

REGULATIONS

§ 11.1 Scope of part.

This part is issued by the Comptroller of the Currency (the "Comptroller") pursuant to section 12(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78) (the "Act") and applies to all securities subject to registration pursuant to section 12(b) or section 12(g) of the Act by a national bank or a bank operating under the Code of Law for the District of Columbia (bank).

§ 11.2 Definitions.

For the purposes of this part, including all forms and instructions promulgated for use in connection herewith, unless the context otherwise requires:

(a) The terms "exchange," "director," "person," "security," and "equity security" have the meanings given them in section 3(a) of the Act.

(b) The term "affiliate" (whether referred to as an "affiliate" of, or a person "affiliated" with, a specified person) means a person that directly, or indirectly through one or more interme-

diaries, controls, or is controlled by, or is under common control with, the person specified.

(c) The term "amount," when used with respect to securities, means the principal amount if relating to evidences of indebtedness, the number of shares if relating to shares, and the number of units if relating to any other kind of security.

(d) The term "associate," when used to indicate a relationship with any person, means (1) any corporation or organization (other than the bank or a majority-owned subsidiary of the bank) of which such person is an officer or partner or is, directly or indirectly, either alone or together with one or more members of his immediate family, the beneficial owner of 10 percent or more of any class of equity securities, (2) any trust or other estate in which such person has a substantial beneficial interest or as to which such person serves as trustee or in a similar fiduciary capacity, and (3) any relative or spouse of such person, or any relative of such spouse, who has the same home as such person or who is a director or officer of the bank or any of its parents or subsidiaries.

(e) The term "charter" includes articles of incorporation, declarations of trust, articles of association or partnership, or any similar instrument, as amended, effecting (either with or without filing with any governmental agency) the organization or creation of an incorporated or unincorporated person.

(f) The term "control" (including the terms "controlling," "controlled by," and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract, or otherwise.

(g) The term "employee" does not include a director, trustee, or officer.

(h) The term "equity capital accounts" means capital stock, surplus undivided profits, and reserve for contingencies and other capital reserves.

(i) The term "fiscal year" means the annual accounting period or, if no closing date has been adopted, the calendar year ending on December 31.

(j) (1) For the purpose of determining whether the registration requirements of section 12(g)(1) of the Act are applicable, securities shall be deemed to be "held of record" by each person who is identified the owner of such securities on records of security holders maintained by or on behalf of the bank, subject to the following:

(i) In any case where the records of security holders have not been maintained in accordance with accepted practice, any additional person who would be identified as such an owner on such records if they had been maintained in accordance with accepted practice shall be included as a holder of record.

(ii) Securities identified as held of record by a corporation, a partnership, a trust whether or not the trustees are

named, or other organization shall be included as so held by one person.

(iii) Securities identified as held of record by one or more persons as trustees, executors, guardians, custodians, or in other fiduciary capacities with respect to a single trust, estate, or account shall be included as held of record by one person.

(iv) Securities held by two or more persons as coowners shall be included as held by one person.

(v) Each outstanding unregistered or bearer certificate shall be included as held of record by a separate person, except to the extent that the bank can establish that, if such securities were registered, they would be held of record, under the provisions of this paragraph, by a lesser number of persons.

(vi) Securities registered in substantially similar names, where the bank has reason to believe because of the address or other indications that such names represent the same person, may be included as held of record by one person.

(2) Notwithstanding subparagraph (1) of this paragraph:

(i) Securities held subject to a voting trust, deposit agreement, or similar arrangement shall be included as held of record by the record holders of the voting trust certificates, certificates of deposit, receipts, or similar evidences of interest in such securities: *Provided, however,* That the bank may rely in good faith on such information as is received in response to its request from a non-affiliated issuer of the certificates or interests.

(ii) If the bank knows or has reason to know that the form of holding securities of record is used principally to circumvent the provisions of section 12(g)(1) of the Act, the beneficial owners of such securities shall be deemed to be record owners thereof.

(k) The term "immediate family" includes a person's (1) spouse; (2) son, daughter, and descendant of either; (3) father, mother, and ancestor of either; (4) stepson and stepdaughter; and (5) stepfather and stepmother. For the purpose of determining whether any of the foregoing relationships exist, a legally adopted child shall be considered a child by blood.

(l) The term "listed" means admitted to full trading privileges upon application by the bank and includes securities for which authority to add to the list on official notice of issuance has been granted.

(m) The term "majority-owned subsidiary" means a subsidiary more than 50 percent of whose outstanding securities representing the right, other than as affected by events of default, to vote for the election of directors, is owned by the subsidiary's parent and/or one or more of the parent's other majority-owned subsidiaries.

(n) The term "material", when used to qualify a requirement for furnishing of information as to any subject, limits the information required to those matters as to which an average prudent investor ought reasonably to be informed before buying or selling the security registered.

(o) The term "officer" means a Chairman of the Board of Directors, Vice Chairman of the Board, Chairman of the Executive Committee, President, Vice President (except as indicated in the next sentence), Cashier, Treasurer, Secretary, Comptroller, and any other person who participates in major policymaking functions of the bank. In some banks (particularly banks with officers bearing titles such as Executive Vice President, Senior Vice President, or First Vice President as well as a number of "Vice Presidents"), some or all "Vice Presidents" do not participate in major policymaking functions, and such persons are not officers for the purpose of this part.

(p) The term "option" means any option, warrant, or right other than those issued to security holders on a pro rata basis.

(q) The term "parent" of a specified person is a person controlling such person directly, or indirectly through one or more intermediaries.

(r) The term "plan" includes all plans, contracts, authorizations, or arrangements, whether or not set forth in any formal document.

(s) The term "predecessor" means a person the major portion of the business and assets of which another person acquired in a single succession or in a series of related successions.

(t) The terms "previously filed" and "previously reported" mean previously filed with, or reported in, a registration statement under section 12, a report under section 13, or a definitive proxy statement or statement where management does not solicit proxies under section 14 of the Act, which statement or report has been filed with the Comptroller, except that information contained in any such document shall be deemed to have been previously filed with or reported to an exchange only if such document is filed with such exchange.

(u) The term "principal underwriter" means an underwriter in privity of contract with the issuer of the securities as to which he is underwriter.

(v) The term "promoter" includes: (1) any person who, acting alone or in conjunction with one or more other persons, directly or indirectly takes initiative in founding and organizing the bank; (2) any person who, in connection with the founding and organizing of the bank, directly or indirectly receives in consideration of services or property or both services and property 10 percent or more of any class of securities of the bank or 10 percent or more of the proceeds from the sale of any class of such securities. A person who receives such securities or proceeds either solely as underwriting commissions or solely in consideration of property shall not, however, be deemed a promoter if such person does not otherwise take part in founding and organizing the bank.

(w) The term "proxy" includes every proxy, consent, or authorization within the meaning of section 14(a) of the Act. The consent or authorization may take

the form of failure to object or to dissent.

(x) The terms "qualified stock option", "restricted stock option", and "employee stock purchase plan" have the meanings given them in sections 422 through 424 of the Internal Revenue Code of 1954.

(y) The term "share" means a share of stock in a corporation or unit of interest in an unincorporated person.

(z) The term "significant subsidiary" means a subsidiary meeting either of the following conditions:

(1) The investments in the subsidiary by its parent plus the parent's proportion of the investments in such subsidiary by the parent's other subsidiaries, if any, exceed 5 percent of the equity capital accounts of the bank. "Investments" refers to the amount carried on the books of the parent and other subsidiaries or the amount equivalent to the parent's proportionate share in the equity capital accounts of the subsidiary, whichever is greater.

(2) The parent's proportion of the gross operating revenues of the subsidiary exceeds 5 percent of the gross operating revenues of the parent.

(aa) The terms "solicit" and "solicitation" mean (1) any request for a proxy whether or not accompanied by or included in a form of proxy; (2) any request to execute or not to execute, or to revoke, a proxy; or (3) the furnishing of a form of proxy or other communication to security holders under circumstances reasonably calculated to result in the procurement, withholding, or revocation of a proxy. The terms do not apply, however, to the furnishing of a form of proxy to a security holder upon the unsolicited request of such security holder, the performance by the bank of acts required by § 11.5(g), or the performance by any person of ministerial acts on behalf of a person soliciting a proxy.

(bb) A "subsidiary" of a bank is (1) an affiliate controlled by the bank, directly or indirectly, through one or more intermediaries, except where the control (i) exists by reason of ownership or control of voting securities by the bank in a fiduciary capacity or (ii) was obtained by the bank in the course of securing or collecting a debt previously contracted in good faith, or (2) a person a majority of whose voting securities are held in trust for the benefit of the holders of a class of stock of the bank pro rata.

(cc) The term "succession" means the direct acquisition of the assets comprising a going business, whether by merger, consolidation, purchase or other direct transfer. The term does not include the acquisition of control of a business unless followed by the direct acquisition of its assets. The terms "succeed" and "successor" have meanings correlative to the foregoing.

(dd) The term "verified", when used with respect to financial statements, means either (1) certified by an independent public accountant, or (2) signed in accordance with § 11.7(b)(2) by the person principally responsible for the accounting records of the bank (the "prin-

cipal accounting officer") and by the person principally responsible for the audit procedures of the bank (the "auditor"); except that the term "verified" shall mean certified by an independent public accountant in any case in which the Comptroller so informs the bank concerned, in writing, at least 90 days prior to the end of the fiscal year to which the financial statements will relate.

(ee) The term "voting securities" means securities the holders of which are presently entitled to vote for the election of directors.

(ff) The terms "beneficial ownership," "beneficially owned," and the like, when used with respect to the reporting of ownership of the bank's equity securities in any statement or report required by this part, shall include, in addition to direct and indirect beneficial ownership by the reporting person, ownership of such securities (1) by the spouse (except where legally separated) and minor children of such reporting person, and (2) by any other relative of the reporting person who has the same home as such person.

§ 11.3 Inspection and publication of information filed under the Act.

(a) *Filing of material with the Comptroller.* All papers required to be filed with the Comptroller pursuant to the Act or regulations thereunder shall be filed at his office in Washington, D.C. Material may be filed by delivery to the Comptroller, through the mails, or otherwise. The date on which papers are actually received by the Comptroller shall be the date of filing thereof if all of the requirements with respect to the filing have been complied with.

(b) *Inspection.* Except as provided in paragraph (c) of this section, all information filed regarding a security registered with the Comptroller will be available for inspection at the Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC. In addition, copies of the registration statement and reports required by § 11.4 (exclusive of exhibits), the statements required by § 11.5(a), and the annual reports to security holders required by § 11.5(c), will be available for inspection at the Office of the Regional Administrator of National Banks in the national banking region in which the bank filing the statements or reports is located.

(c) *Nondisclosure of certain information filed.* Any person filing any statement, report, or document under the Act may make written objection to the public disclosure of any information contained therein in accordance with the procedure set forth below:

(1) The person shall omit from the statement, report, or document, when it is filed, the portion thereof that it desires to keep undisclosed (hereinafter called the confidential portion). In lieu thereof, it shall indicate at the appropriate place in the statement, report, or document that the confidential portion has been so omitted and filed separately with the Comptroller.

(2) The person shall file with the copies of the statement, report, or document filed with the Comptroller:

(i) As many copies of the confidential portion, each clearly marked "Confidential Treatment", as there are copies of the statement, report, or document filed with the Comptroller and with each exchange, if any. Each copy shall contain the complete text of the item and notwithstanding that the confidential portion does not constitute the whole of the answer, the entire answer thereto; except that in case the confidential portion is part of a financial statement or schedule, only the particular financial statement or schedule need be included. All copies of the confidential portion shall be in the same form as the remainder of the statement, report, or document.

(ii) An application making objection to the disclosure of the confidential portion. Such application shall be on a sheet or sheets separate from the confidential portion, and shall contain (a) an identification of the portion of the statement, report, or document that has been omitted, (b) a statement of the grounds of objection, and (c) the name of each exchange, if any, with which the statement, report, or document is filed. The copies of the confidential portion and the application filed in accordance with this subparagraph shall be enclosed in a separate envelope marked "Confidential Treatment" and addressed to Comptroller of the Currency, Washington, D.C. 20220.

(3) Pending the determination by the Comptroller as to the objection filed in accordance with subparagraph (2) of this paragraph, the confidential portion will not be disclosed by the Comptroller.

(4) If the Comptroller determines that the objection shall be sustained, a notation to that effect will be made at the appropriate place in the statement, report, or document.

(5) If the Comptroller shall have determined that disclosure of the confidential portion is in the public interest, a finding and determination to that effect will be entered and notice of the finding and determination will be sent by registered or certified mail to the person.

(6) The confidential portion shall be made available to the public:

(i) upon the lapse of 15 days after the dispatch of notice by registered or certified mail of the finding and determination of the Comptroller described in subparagraph (5) of this paragraph, if prior to the lapse of such 15 days the person shall not have filed a written statement that he intends in good faith to seek judicial review of the finding and determination;

(ii) upon the lapse of 60 days after the dispatch of notice by registered or certified mail of the finding and determination of the Comptroller, if the statement described in subdivision (i) of this subparagraph shall have been filed and if a petition for judicial review shall not have been filed within such 60 days; or

(iii) if such petition for judicial review shall have been filed within such 60 days, upon final disposition, adverse to the person, of the judicial proceedings.

(7) If the confidential portion is made available to the public, a copy thereof shall be attached to each copy of the statement, report, or document filed with the Comptroller and with each exchange concerned.

§ 11.4 Registration statements and reports.

(a) *Requirement of registration statements.* (1) After January 1, 1972, and no later than April 30, 1972, securities heretofore registered pursuant to § 10.1 of the former regulation as well as securities of national banks which first became subject to registration under the Act during the calendar year 1971 shall be registered under the provisions of either section 12(b) or section 12(g) of the Act by filing a statement in conformity with the requirements of Form F-1.

(2) The securities of national banks which first become subject to registration under the Act after January 1, 1972, shall be registered under the provisions of either section 12(b) or section 12(g) of the Act by filing a statement in conformity with the requirements of Form F-1 (or Form F-10, in the case of registration of an additional class of securities), within 120 days after the last day of its first fiscal year ended after January 1, 1972.

(3) No registration shall be required under the provisions of section 12(b) or section 12(g) of the Act of any warrant or certificate evidencing a right to subscribe to or otherwise acquire a security of a bank if such warrant or certificate by its terms expires within 90 days after the issuance thereof.

(b) *Registration effective as to class or series.* Depending upon whether the security is to be listed on an exchange, registration shall become effective as provided in section 12(d) or section 12(g) (1) of the Act as to the entire class of such security, then or thereafter authorized. If, however, a class of security is issuable in two or more series with different terms, each such series shall be deemed a separate class for the purposes of this paragraph.

(c) *Acceleration of effectiveness of registration.* A request for acceleration of the effective date of registration shall be made in writing by either the bank, an exchange, or both and shall briefly describe the reasons therefor.

(d) *Exchange certification.* (1) Certification that a security has been approved by an exchange for listing and registration pursuant to section 12(d) of the Act shall be made by the governing committee or other corresponding authority of the exchange.

(2) The certification shall specify (i) the approval of the exchange for listing and registration; (ii) the title of the security so approved; (iii) the date of filing with the exchange of the registration statement and of any amendments thereto; and (iv) any conditions imposed

on such certification. The exchange shall promptly notify the Comptroller of the partial or complete satisfaction of any such conditions.

(3) The certification may be made by telegram but in such case shall be confirmed in writing. All certifications in writing and all amendments thereto shall be filed with the Comptroller in duplicate and at least one copy shall be manually signed by the appropriate exchange authority.

(4) The date of receipt by the Comptroller of the certification approving a security for listing and registration shall be the date on which the certification is actually received by the Comptroller or the date on which the registration statement to which the certification relates is actually received by the Comptroller, whichever date is later.

(5) If an amendment to the registration statement is filed with the exchange and with the Comptroller after the receipt by the Comptroller of the certification of the exchange approving the security for listing and registration, the certification, unless withdrawn, shall be deemed made with reference to the statement as amended.

(6) An exchange may, by notice to the Comptroller, withdraw its certification prior to the time that the registration to which it relates first becomes effective pursuant to paragraph (b) of this section.

(e) *Requirement of annual reports.* Every registrant bank shall file an annual report for each fiscal year after the last full fiscal year for which financial statements were filed with the registration statement (Form F-1). The report, which shall conform to the requirements of Form F-2, shall be filed within 90 days after the close of the fiscal year or within 30 days of the mailing of the bank's annual report to stockholders, whichever occurs first.

(f) *Exception from requirement for annual report.* Notwithstanding paragraph (e) of this section, any bank that has filed, within the period prescribed for filing an annual report pursuant to that paragraph, a registration statement that has become effective and is not subject to any proceeding under section 15(c) or section 19(a) of the Act, or to an order thereunder, need not file an annual report if such statement covers the fiscal period that would be covered by such annual report and contains all of the information, including financial statements and exhibits, required for annual reports.

(g) *Current reports.* (1) Following the filing of a Form F-1 registration statement pursuant to paragraph (a) of this section, every registrant bank shall file a current report in conformity with the requirements of Form F-3 within 10 days after the close of any month during which any of the events specified in that form occurs, unless substantially the same information as required by that form has been previously reported by the bank.

(2) (i) Any person who, after acquiring directly or indirectly the beneficial

ownership of any equity security of a national or District bank of a class which is registered pursuant to section 12 of the Act, is directly or indirectly the beneficial owner of more than 5 percent of such class shall, within 10 days after such acquisition, send to the bank at its principal executive office, by registered or certified mail, send to each exchange where the security is traded, and file with the Comptroller a statement containing the information required by Form F-11. Three copies of the statement shall be filed with the Comptroller, one of which shall be manually signed.

(i) Acquisitions of securities by a security holder who, prior to such acquisition, was the beneficial owner of more than 5 percent of the outstanding securities of the same class as those acquired shall be exempt from the reporting requirements of subdivision (1) of this subparagraph if the following conditions are met: (a) the acquisition is made pursuant to preemptive subscription rights in an offer made to all holders of securities of the class to which the preemptive subscription rights pertain; (b) the purchaser does not, through the exercise of such preemptive rights, acquire more than his or its pro rata share of the securities offered; and (c) the acquisition is duly reported pursuant to section 16(a) of the Act and the provisions of § 11.6.

(3) If any material change occurs in the facts set forth in the statement required by subparagraph (2) of this paragraph, the person who filed such statement shall promptly file with the Comptroller and send to the bank and the exchange an amendment disclosing such change.

(h) *Quarterly reports.* Every registrant bank shall file a quarterly report in conformity with the requirements of Form F-4 for each fiscal quarter ending after the close of the latest fiscal year for which financial statements were filed in a Form F-1 registration statement, except that no report need be filed for the fiscal quarter which coincides with the end of the fiscal year of the bank. Such reports shall be filed not later than 30 days after the end of such quarterly period, except that the reports for any period ending prior to the date on which a class of securities of the bank first becomes effectively registered may be filed not later than 30 days after the effective date of such registration.

(i) *Additional information.* In addition to the information expressly required to be included in a statement or report, there shall be added such further material information, if any, as may be necessary to make the required statements, in the light of the circumstances under which they are made, not misleading.

(j) *Information not available.* Information required need be given only insofar as it is known or reasonably available to the bank. If any required information is unknown and not reasonably available to the bank, either because the obtaining thereof would involve unreasonable effort or expense or because it rests peculiarly within the knowledge of

another person not affiliated with the bank, the information may be omitted, subject to the following conditions:

(1) The bank shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense together with the sources thereof, and

(2) The bank shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to such person for the information. No such request need be made, however, to any foreign government, or an agency or instrumentality thereof, if, in the opinion of the bank, such request would be harmful to existing relationships.

(k) *Disclaimer of control.* If the existence of control is open to reasonable doubt in any instance, the bank may disclaim the existence of control and any admission thereof; in such case, however, the bank shall state the material facts pertinent to the possible existence of control.

(l) *Incorporation by reference.* (1) Matter contained in any part of a statement or report, other than exhibits, may be incorporated by reference in answer or partial answer to any item of the statement or report. Matter contained in an exhibit may be so incorporated to the extent permitted in paragraph (m) of this section. A registration statement for an additional class of securities of the bank may incorporate by reference any item contained in a previous registration statement or report.

(2) Material incorporated by reference shall be clearly identified in the reference. An express statement that the specified matter is incorporated by reference shall be made at the particular place in the statement or report where the information is required. Matter shall not be incorporated by reference in any case where such incorporation would render the statement incomplete, unclear, or confusing.

(m) *Summaries or outlines of documents.* Where an item requires a summary or outline of the provisions of any document, only a brief statement shall be made, in succinct and condensed form, as to the most important provisions. In addition to such statement, the summary or outline may incorporate by reference particular items, sections, or paragraphs of any exhibit and may be qualified in its entirety by such reference. Matter contained in an exhibit may be incorporated by reference in answer to an item only to the extent permitted by this paragraph (m).

(n) *Omission of substantially identical documents.* In any case where two or more indentures, contracts, franchises, or other documents required to be filed as exhibits are substantially identical in all material respects except as to the parties thereto, the dates of execution, or other details, the bank need file a copy of only one of such documents, with a schedule identifying the documents

omitted and setting forth the material details in which such documents differ from the document of which a copy is filed. The Comptroller may at any time in his discretion require the filing of copies of documents so omitted.

(o) *Incorporation of exhibits by reference.* (1) Any documents or part thereof previously filed with the Comptroller pursuant to this part may, subject to the following limitations, be incorporated by reference as an exhibit to any registration statement or report filed with the Comptroller by the same or any other person. Any document or part thereof filed with an exchange pursuant to the Act may be incorporated by reference as an exhibit to any registration statement or report filed with the exchange by the same or any other person.

(2) Any document incorporated by reference pursuant to this paragraph (o) shall be so incorporated only by reference to the specific document and to the prior filing in which it was physically filed, not to another filed which incorporates it by reference.

(3) If any modification has occurred in the text of any document incorporated by reference since the filing thereof, the bank shall file with the reference a statement containing the text of any such modification and the date thereof.

(4) No document which has been on file with the Comptroller pursuant to this part for a period of more than 10 years may be incorporated by reference. This limitation shall not, however, apply to a corporate charter or bylaws if such document has not been amended more than twice since such filing.

(p) *Extension of time for furnishing information.* If the furnishing of any information, document, or report at the time it is required to be filed is impracticable, the bank may file with the Comptroller as a separate document an application (1) identifying the information, document, or report in question, (2) stating why the filing thereof at the time required is impracticable, and (3) requesting an extension of time for filing the information, document, or report to a specified date not more than 60 days after the date it would otherwise have to be filed. The application shall be deemed granted unless the Comptroller, within 10 days after receipt thereof, shall deny the application.

(q) *Number of copies; signatures; binding.* (1) Except where otherwise provided in a particular form, four copies of each registration statement and report (including financial statements) and two copies of each exhibit and each other document filed as a part thereof, shall be filed with the Comptroller. At least one complete copy of each statement shall be filed with each exchange, if any, on which the securities covered thereby are being registered. At least one copy of each report shall be filed with each exchange, if any, on which the bank has securities registered.

(2) At least one copy of each statement or report filed with the Comptroller and one copy thereof filed with an exchange shall be manually signed. If the

statement or report is typewritten, one of the signed copies filed with the Comptroller shall be an original "ribbon" copy. Unsigned copies shall be conformed. If the signature of any person is affixed pursuant to a power of attorney or other similar authority, a copy of such power or other authority shall also be filed with the statement or report.

(3) Each copy of a statement or report filed with the Comptroller or with an exchange shall be bound in one or more parts. Copies filed with the Comptroller shall be bound without stiff covers. The statement or report shall be bound on the left side in such a manner as to leave the reading matter legible.

(r) *Requirements as to paper, printing, and language.* (1) Statements and reports shall be filed on good quality, unglazed, white paper 8½ x 13 inches in size, insofar as practicable. Tables, charts, maps, and financial statements may, however, be on larger paper if folded to that size.

(2) The statement or report and, insofar as practicable, all papers and documents filed as a part thereof, shall be printed, lithographed, mimeographed, xerox-copied, or typewritten. The statement or report or any portion thereof may, however, be prepared by any similar process that, in the opinion of the Comptroller, produces copies suitable for a permanent record. Irrespective of the process used, all copies of any such material shall be clear, easily readable, and suitable for repeated photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies.

(3) The body of all printed statements and reports and all notes to financial statements and other tabular data included therein shall be in roman type at least as large as 10-point modern type. To the extent necessary for convenient presentation, however, financial statements and other statistical or tabular data, including tabular data in notes, 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.

(4) Statements and reports shall be in English. If any exhibit or other paper or document filed with a statement or report is in a foreign language, it shall be accompanied by a translation into English.

(s) *Preparation of statement or report.* Each statement and report shall contain the numbers and captions of all items of the appropriate form, but the text of the items may be omitted provided the answers thereto are so prepared as to indicate to the reader the coverage of the items without the necessity of his referring to the text of the items or instructions thereto. Where any item requires information to be given in tabular form, however, it shall be given in substantially the tabular form specified in the item. All instructions, whether appearing under the items of the form or elsewhere therein, are to

be omitted. Unless expressly provided otherwise, if any item is inapplicable or the answer thereto is in the negative, an appropriate statement to that effect shall be made.

(t) *Riders, inserts.* Riders shall not be used. If the statement or report is typed on a printed form, and the space provided for the answer to any given item is insufficient, reference shall be made in such space to a full insert page or pages on which the item number and caption and the complete answer are given.

(u) *Amendments.* All amendments shall comply with all pertinent requirements applicable to statements and reports. Amendments shall be filed separately for each separate statement or report amended. Amendments to a statement may be filed either before or after registration becomes effective.

(v) *Title of securities.* Wherever the title of securities is required to be stated, information shall be given that will indicate the type and general character of the securities, including:

(1) In the case of shares, the par or stated value, if any; the rate of dividends, if fixed, and whether cumulative or noncumulative; a brief indication of the preference, if any; and if convertible, a statement to that effect.

(2) In the case of funded debt, the rate of interest; the date of maturity, or if the issue matures serially, a brief indication of the serial maturities, such as "maturing serially from 1970 to 1980"; if payment of principal or interest is contingent, an appropriate indication of such contingency; a brief indication of the priority of the issue; and if convertible, a statement to that effect.

(3) In the case of any other kind of security, appropriate information of comparable character.

(w) *Interpretation of requirements.* Unless the context clearly shows otherwise,

(1) The forms require information only as to the bank.

(2) Whenever any fixed period of time in the past is indicated, such period shall be computed from the date of filing.

(3) Whenever words relate to the future, they have reference solely to present intention.

(4) Any words indicating the holder of a position or office include persons, by whatever titles designated, whose duties are those ordinarily performed by holders of such positions or offices.

(x) *When securities are deemed to be registered.* A class of securities with respect to which an application for registration or a registration statement has been filed pursuant to section 12 of the Act shall be deemed to be registered for the purposes of sections 13, 14, and 16 of the Act and the regulations in this part only when such application or registration statement has become effective as provided in section 12, and securities of said class shall not be subject to sections 13, 14, and 16 of the Act until such application or registration statement has become effective as provided in section 12.

§ 11.5 Proxies, proxy statements, and statements where management does not solicit proxies.

(a) *Requirement of statement.* No solicitation of a proxy with respect to a security of a bank registered pursuant to section 12 of the Act shall be made for use at any meeting of shareholders notified for October 1, 1971, and thereafter unless each person solicited is concurrently furnished or has previously been furnished with a written proxy statement containing the information required by Form F-5. If the management of any bank having such a security outstanding fails to solicit proxies from the holders of any such security in such a manner as to require the furnishing of such proxy statement, such bank shall transmit to all holders of such security a statement containing the information required by Form F-5. The "information statement" required by the preceding sentence shall be transmitted (1) at least 20 calendar days prior to any annual or other meeting of the holders of such security at which such holders are entitled to vote, or (2) in the case of corporate action taken with the written authorization or consent of security holders, at least 20 days prior to the earliest date on which the corporate action may be taken. A proxy statement or an information statement required by this paragraph is hereinafter sometimes referred to as a "Statement".

(b) *Exceptions.* The requirements of the first sentence of paragraph (a) of this section shall not apply to the following:

(1) Any solicitation made otherwise than on behalf of the management of the bank where the total number of persons solicited is not more than 10.

(2) Any solicitation by a person in respect to securities carried in his name or in the name of his nominee (otherwise than as voting trustee) or held in his custody, if such person—

(i) Receives no commission or remuneration for such solicitation, directly or indirectly, other than reimbursement of reasonable expenses;

(ii) Furnishes promptly to the person solicited a copy of all soliciting material with respect to the same subject matter or meeting received from all persons who will furnish copies thereof for such purpose and who will, if requested, defray the reasonable expenses to be incurred in forwarding such material; and

(iii) In addition, does no more than (a) impartially instruct the person solicited to forward a proxy to the person, if any, to whom the person solicited desires to give a proxy, or (b) impartially request from the person solicited instructions as to the authority to be conferred by the proxy and state that a proxy will be given if no instructions are received by a certain date.

(3) Any solicitation by a person with respect to securities of which he is the beneficial owner.

(4) Any solicitation through the medium of a newspaper advertisement that informs security holders of a source from

which they may obtain copies of a proxy statement, form of proxy, and any other soliciting material and does no more than (i) name the bank; (ii) state the reason for the advertisement; and (iii) identify the proposal or proposals to be acted upon by security holders.

(c) *Annual report to security holders to accompany statements.* (1) Any statement furnished on behalf of the management of the bank that relates to an annual meeting of security holders at which directors are to be elected shall be accompanied or preceded by an annual report to such security holders containing such financial statements for the last 2 fiscal years as will, in the opinion of the management, adequately reflect the financial position of the bank at the end of each such year and the results of its operations for each such year. The financial statements included in the annual report may omit details or summarize information if such statements, considered as a whole in the light of other information contained in the report and in the light of the financial statements of the bank filed or to be filed with the Comptroller, will not by such procedure omit any material information necessary to a fair presentation or to make the financial statements not misleading under the circumstances. Subject to the foregoing requirements with respect to financial statements, the annual report to security holders may be in any form deemed suitable by the management. This paragraph (c) shall not apply, however, to solicitations made on behalf of 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 Statement includes an undertaking in bold-faced type to furnish such annual report to all persons being solicited at least 20 days before the date of the meeting.

Notes: 1. To reflect adequately the financial position and results of operations of a bank in its annual report to security holders, the financial presentation shall include, but not necessarily be limited, to the following:

(a) Comparative statements of condition at the end of each of the last 2 fiscal years similar in form to Form F-9A.

(b) Comparative statements of income similar in form to Form F-9B.

(c) Comparative statements of changes in capital accounts for each fiscal year similar in form to Form F-9C.

(d) A comparative reconciliation of the "Allowance for Possible Loan Losses" account similar in form to schedule VII, Form F-9D.

(e) Supplemental notes to financial statements to the extent necessary to furnish a fair financial presentation.

2. The financial statements should be prepared on a consolidated basis to the extent required by § 11.7(d). Any differences 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 bank filed or to be filed with the Comptroller, which have a material effect on the financial position or results of operations of the bank, shall be noted and the effect thereof reconciled or explained in the annual report to security holders.

3. When financial statements included in the annual report (Form F-2) filed, or pro-

posed to be filed, with the Comptroller are accompanied by an opinion of an independent public accountant, the financial statements in the annual report to security holders should also be accompanied by an opinion of such independent public accountant.

4. The requirement for sending an annual report to each person being solicited will be satisfied with respect to persons having the same address by sending at least one report to a holder of record at that address provided (i) that management has reasonable cause to believe that the record holder to whom the report is sent is the "beneficial owner" (see definition in § 11.2(f)) of securities registered in the name of such person in other capacities or in the name of other persons at such address, or (ii) the security holders at such address consent thereto in writing. Nothing herein shall be deemed to relieve any person so consenting of any obligation to obtain or send such annual report to any other person.

(2) Four copies of each annual report sent to security holders pursuant to this paragraph (c) shall be sent to the Comptroller not later than (i) the date on which such report is first sent or given to security holders or (ii) the date on which preliminary copies of the management statement are filed with the Comptroller pursuant to paragraph (f) of this section, whichever date is later. Such annual report is not deemed to be "soliciting material" or to be "filed" with the Comptroller or otherwise subject to this § 11.5 or the liabilities of section 18 of the Act, except to the extent that the bank specifically requests that it be treated as a part of the proxy soliciting material or incorporates it in the proxy statement by reference.

(d) *Requirements as to proxy.* (1) The form of proxy (i) shall indicate in bold-face type whether or not the proxy is solicited on behalf of the management of the bank, (ii) shall provide a specifically designated blank space for dating the proxy, and (iii) shall identify clearly and impartially each matter or group of related matters that management intended to be acted upon, whether proposed by the management or by security holders. No reference need be made, however, to proposals as to which discretionary authority is conferred pursuant to subparagraph (4) of this paragraph.

(2) Means shall be provided in the form of proxy whereby the person solicited is afforded an opportunity to specify by ballot a choice between approval or disapproval of each matter or group of related matters referred to therein as intended to be acted upon, other than elections to office. A proxy may confer discretionary authority with respect to matters as to which a choice is not so specified if the form of proxy states in boldface type how the shares represented by the proxy are intended to be voted in each such case.

(3) A form of proxy which provides both for the election of directors and for action on other specified matters shall be prepared so as clearly to provide, by a box or otherwise, means by which the security holder may withhold authority to vote for the election of directors. Any such form of proxy which is executed by the security holder in such manner as not

to withhold authority to vote for the election of directors, shall be deemed to grant such authority, provided the form of proxy so states in boldface type. This paragraph (3) does not apply (i) in the case of a merger, consolidation or other plan if the election of directors is an integral part of the plan and is not to be separately voted upon or (ii) if the only matters to be acted upon are the election of directors and the election, selection, or approval of other persons such as clerks or auditors.

(4) A proxy may confer discretionary authority to vote with respect to any of the following matters:

(i) Matters that the persons making the solicitation do not know, within a reasonable time before the solicitation, are to be presented at the meeting, if a specific statement to that effect is made in the proxy statement or form of proxy;

(ii) Approval of the minutes of the prior meeting if such approval does not amount to ratification of the action taken at that meeting;

(iii) The election of any person to any office for which a bona fide nominee is named in the proxy statement and such nominee is unable to serve or for good cause refuses to serve;

(iv) Any proposal omitted from the proxy statement and form of proxy pursuant to paragraph (k) of this section;

(v) Matters incident to the conduct of the meeting.

(5) No proxy shall confer authority (i) to vote for the election of any person to any office for which a bona fide nominee is not named in the proxy statement, or (ii) to vote at any annual meeting other than the next annual meeting (or any adjournment thereof) to be held after the date on which the proxy statement and form of proxy are first sent or given to security holders. A person shall not be deemed to be a bona fide nominee and he shall not be named as such unless he has consented to being named in the proxy statement and to serve if elected.

(6) The proxy statement or form of proxy shall provide, subject to reasonable specified conditions, that the shares represented by the proxy will be voted and that where the person solicited specifies by means of a ballot provided pursuant to subparagraph (2) of this paragraph, a choice with respect to any matters to be acted upon, the shares will be voted in accordance with the specifications so made.

(e) *Presentation of information in statement.* (1) The information included in the statement shall be clearly presented and the statements made shall be divided into groups according to subject matter and the various groups of statements shall be preceded by appropriate headings. The order of items in the form need not be followed. Where practicable and appropriate, the information shall be presented in tabular form. All amounts shall be stated in figures. Information required by more than one applicable item need not be repeated. No statement need be made in response to any item that is inapplicable.

(2) Any information required to be included in the statement as to terms of securities or other subject matter that from a standpoint of practical necessity must be determined in the future may be stated in terms of present knowledge and intention. To the extent practicable, the authority to be conferred concerning each such matter shall be confined within limits reasonably related to the need for discretionary authority. Subject to the foregoing, information that is not known to the persons on whose behalf the solicitation is to be made and is not reasonably within the power of such persons to ascertain or procure may be omitted, if a brief statement of the circumstances rendering such information unavailable is made.

(3) There may be omitted from a proxy statement any information contained in any other proxy soliciting material that has been furnished to each person solicited in connection with the same meeting or subject matter if a clear reference is made to the particular document containing such information.

(4) All printed statements shall be set in roman type at least as large as 10-point modern type except that to the extent necessary for convenient presentation financial statements and other statistical or tabular matter, but not the notes thereto, may be set in roman type at least as large as 8-point modern type. All type shall be leaded at least 2 points.

(f) *Material required to be filed.* (1) Three preliminary copies of each statement, form of proxy, and other items of soliciting material to be furnished to security holders concurrently therewith, shall be filed with the Comptroller by management or any other person making a solicitation subject to this § 11.5 at least 10 calendar days (or 15 calendar days in the case of other than routine meetings, as defined below) prior to the date such item is first sent or given to any security holders, or such shorter period prior to that date as may be authorized. For the purposes of this paragraph (1), a routine meeting means a meeting with respect to which no one is soliciting proxies subject to this § 11.5 other than on behalf of management and at which management intends to present no matters other than the election of directors, election of inspectors of election, and other recurring matters. In the absence of actual knowledge to the contrary, management may assume that no other such solicitation of the bank's security holders is being made. In cases of annual meetings, one additional preliminary copy of the Statement, the form of proxy, and any other soliciting material, marked to show changes from the material sent or given to security holders with respect to the preceding annual meeting, shall be filed with the Comptroller.

(2) Three preliminary copies of any additional soliciting material, relating to the same meeting or subject matter, furnished to security holders subsequent to the proxy statement shall be filed with the Comptroller at least 2 days (exclusive

of Saturdays, Sundays, and holidays) prior to the date copies of such material are first sent or given to security holders, or such shorter period prior to such date as may be authorized upon a showing of good cause therefor.

(3) Four copies of each Statement, form of proxy, and other items of soliciting material, in the form in which such material is furnished to security holders, shall be filed with, or mailed for filing to, the Comptroller not later than the date such material is first sent or given to any security holders. Three copies of such material shall at the same time be filed with, or mailed for filing to, each exchange upon which any security of the bank is listed.

(4) If the solicitation is to be made in whole or in part by personal solicitation, three copies of all written instructions or other material that discusses or reviews, or comments upon the merits of, any matter to be acted upon, and is furnished to the individuals making the actual solicitation for their use directly or indirectly in connection with the solicitation, shall be filed with the Comptroller by the person on whose behalf the solicitation is made at least 5 days prior to the date copies of such material are first sent or given to such individuals, or such shorter period prior to that date as may be authorized upon a showing of good cause therefor.

(5) All copies of material filed pursuant to subparagraphs (1) and (2) of this paragraph shall be clearly marked "Preliminary Copies" and shall be for the information of the Comptroller only except that such material may be disclosed to any department or agency of the U.S. Government and the Comptroller may make such inquiries or investigation with respect to the material as may be necessary for an adequate review thereof. All material filed pursuant to subparagraph (1), (2), or (3) of this paragraph shall be accompanied by a statement of the date upon which copies thereof are intended to be, or have been, sent or given to security holders. All material filed pursuant to subparagraph (4) of this paragraph shall be accompanied by a statement of the date upon which copies thereof are intended to be released to the individuals who will make the actual solicitation.

(6) Copies of replies to inquiries from security holders requesting further information and copies of communications that do no more than request that forms of proxy theretofore solicited be signed, dated, and returned need not be filed pursuant to this paragraph.

(7) Notwithstanding the provisions of subparagraphs (1) and (2) of this paragraph and paragraph (i) (5) of this section, copies of soliciting material in the form of speeches, press releases, and radio or television scripts may, but need not, be filed with the Comptroller prior to use or publication. Definitive copies, however, shall be filed with or mailed for filing to the Comptroller as required by subparagraph (3) of this paragraph not later than the date such material is used

or published. The provision of subparagraphs (1) and (2) of this paragraph and paragraph (i) (5) of this section shall apply, however, to any reprints or reproductions of all or any part of such material.

(8) Where any statement, form of proxy, or other material filed pursuant to this paragraph is revised, two of the copies of such revised material filed pursuant to subparagraph (3) of this paragraph shall be marked to indicate clearly the changes. If the revision alters the text of the material, the changes in such text shall be indicated by means of underlining or in some other appropriate manner.

(9) The date that proxy material is "filed" with the Comptroller for purposes of subparagraphs (1), (2), and (4) of this paragraph is the date of receipt of the material by the Comptroller, not the date of mailing to the Comptroller. In computing the advance filing period for preliminary copies of proxy soliciting material referred to in such subparagraphs, the filing date of the preliminary material is to be counted as the first day of the period and definitive material should not be planned to be mailed or distributed to security holders until after the expiration of such period. Where additional time is required for final printing after receipt of comments, the preliminary proxy material should be filed as early as possible prior to the intended mailing date.

(10) Where preliminary copies of material are filed with the Comptroller pursuant to this subsection, the printing of definitive copies for distribution to security holders should be deferred until the comments of the Comptroller's staff have been received and considered.

(g) *Mailing communications for security holders.* If the management of the bank has made or intends to make any proxy solicitation subject to this § 11.5, the bank shall perform such of the following acts as may be requested in writing with respect to the same subject matter or meeting by any security holder who is entitled to vote on such matter or to vote at such meeting and who shall first defray the reasonable expenses to be incurred by the bank in the performance of the act or acts requested:

(1) The bank shall mail or otherwise furnish to such security holder the following information as promptly as practicable after the receipt of such request:

(i) A statement of the approximate number of holders of record of any class of securities, any of the holders of which have been or are to be solicited on behalf of the management, or any group of such holders that the security holder shall designate;

(ii) If the management of the bank has made or intends to make, through bankers, brokers, or other persons any solicitation of the beneficial owners of securities of any class, a statement of the approximate number of such beneficial owners, or any group of such owners that the security holder shall designate;

(iii) An estimate of the cost of mailing a specified proxy statement, form of proxy, or other communication to such holders, including insofar as known or reasonably available, the estimated handling and mailing costs of the bankers, brokers, or other persons specified in subdivision (ii) of this subparagraph.

(2) (i) Copies of any proxy statement, form of proxy, or other communication furnished by the security holder shall be mailed by the bank to such of the holders of record specified in subparagraph (1) (i) of this paragraph as the security holder shall designate. The bank shall also mail to each banker, broker, or other person specified in subparagraph (1) (ii) of this paragraph, a sufficient number of copies of such proxy statement, form of proxy, or other communication as will enable the banker, broker, or other person to furnish a copy thereof to each beneficial owner solicited or to be solicited through him;

(ii) Any such material that is furnished by the security holder shall be mailed with reasonable promptness by the bank after receipt of a tender of the material to be mailed, of envelopes or other containers therefor, of postage or payment for postage, and of evidence that such material has been filed with the Comptroller pursuant to paragraph (f) of this section. The bank need not, however, mail any such material that relates to any matter to be acted upon at an annual meeting of security holders prior to the earlier of (a) a day corresponding to the first date on which management proxy soliciting material was released to security holders in connection with the last annual meeting of security holders, or (b) the first day on which solicitation is made on behalf of management. With respect to any such material that relates to any matter to be acted upon by security holders otherwise than at an annual meeting, such material need not be mailed prior to the first day on which solicitation is made on behalf of management;

(iii) Neither the management nor the bank shall be responsible for such proxy statement, form of proxy, or other communication.

(3) In lieu of performing the acts specified above, the bank may, at its option, furnish promptly to such security holder a reasonably current list of the names and addresses of such of the holders of record specified in subparagraph (1) (i) of this paragraph as the security holder shall designate, and a list of the names and addresses of the bankers, brokers, or other persons specified in subparagraph (1) (ii) of this paragraph as the security holder shall designate together with a statement of the approximate number of beneficial owners solicited or to be solicited through each such banker, broker, or other person and a schedule of the handling and mailing costs of each such banker, broker, or other person, if such schedule has been supplied to the management of the bank. The foregoing information shall be furnished promptly upon the request of the security holder or at daily or other rea-

sonable intervals as it becomes available to the management of the bank.

(h) *False or misleading statements.*

(1) No solicitation or communication subject to this section shall be made by means of any Statement, form of proxy, notice of meeting, or other communication, written or oral, containing any statement that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact, or that omits to state any material fact necessary in order to make the statements therein not false or misleading or necessary to correct any statement in any earlier communication with respect to the solicitation of a proxy for the same meeting or subject matter that has become false or misleading. Depending upon particular circumstances, the following may be misleading within the meaning of this paragraph: predictions as to specific future market values, earnings, or dividends; material that directly or indirectly impugns character, integrity, or personal reputation, or directly or indirectly makes charges concerning improper, illegal, or immoral conduct or associations, without factual foundation; failure so to identify a statement, form of proxy, and other soliciting material as clearly to distinguish it from the soliciting material of any other person or persons soliciting for the same meeting or subject matter; claims made prior to a meeting regarding the results of a solicitation.

(2) The fact that a proxy statement, form of proxy, or other soliciting material has been filed with or reviewed by the Comptroller or his staff shall not be deemed a finding by the Comptroller that such material is accurate or complete or not false or misleading, or that the Comptroller has passed upon the merits of or approved any statement therein or any matter to be acted upon by security holders. No representation contrary to the foregoing shall be made.

(i) *Special provisions applicable to election contests—(1) Solicitations to which the paragraph applies.* This paragraph applies to any solicitation subject to this § 11.5 by any person or group of persons for the purpose of opposing a solicitation subject to this section by any other person or group of persons with respect to the election or removal of directors at any annual or special meeting of security holders.

(2) *Participant defined.* (i) For purposes of this paragraph the terms "participant" and "participant in a solicitation" include the following:

(a) The bank;

(b) Any director of the bank, and any nominee for whose election as a director proxies are solicited;

(c) Any committee or group that solicits proxies, any member of such committee or group, and any person whether or not named as a member who, acting alone or with one or more other persons, directly or indirectly, takes the initiative in organizing, directing or financing any such committee or group;

(d) Any person who finances or joins with another to finance the solicitation

of proxies, except persons who contribute not more than \$500 and who are not otherwise participants;

(e) Any person who lends money or furnishes credit or enters into any other arrangements, pursuant to any contract or understanding with a participant, for the purpose of financing or otherwise inducing the purchase, sale, holding, or voting of securities of the bank by any participant or other person, in support of or in opposition to a participant, except a bank, broker, or dealer who, in the ordinary course of business, lends money or executes orders for the purchase or sale of securities and who is not otherwise a participant;

(f) Any other person who solicits proxies.

(ii) Such terms do not include—

(a) Any person or organization retained or employed by a participant to solicit security holders, or any person who merely transmits proxy soliciting material or performs ministerial or clerical duties;

(b) Any person employed by a participant in the capacity of attorney, accountant, or advertising, public relations, or financial adviser, and whose activities are limited to the performance of his duties in the course of such employment;

(c) Any person regularly employed as an officer or employee of the bank or any of its subsidiaries who is not otherwise a participant; or

(d) Any officer or director of, or any person regularly employed by, any other participant, if such officer, director, or employee is not otherwise a participant.

(3) *Filing of information required by Form F-6.* (i) No solicitation subject to this paragraph shall be made by any person other than the management of the bank unless at least 5 business days prior thereto, or such shorter period as the Comptroller may authorize upon a showing of good cause therefor, there has been filed with the Comptroller and with each exchange upon which any security of the bank is listed, by or on behalf of each participant in such solicitation, a statement in duplicate containing the information specified by Form F-6.

(ii) Within 5 business days after a solicitation subject to this paragraph is made by the management of the bank or such longer period as the Comptroller may authorize upon a showing of good cause therefor, there shall be filed with the Comptroller and with each exchange upon which any security of the bank is listed, by or on behalf of each participant in such solicitation, other than the bank, a statement in duplicate containing the information specified by Form F-6.

(iii) If any solicitation on behalf of management or any other person has been made, or if proxy material is ready for distribution, prior to a solicitation subject to this paragraph in opposition thereto, a statement in duplicate containing the information specified in Form F-6 shall be filed by or on behalf of each participant in such prior solicitation, other than the bank, as soon as

reasonably practicable after the commencement of the solicitation in opposition thereto, with the Comptroller and with each exchange on which any security of the bank is listed.

(iv) If, subsequent to the filing of the statements required by subdivisions (i), (ii), and (iii) of this subparagraph, additional persons become participants in a solicitation subject to this paragraph, there shall be filed, with the Comptroller and each appropriate exchange, by or on behalf of each such person a statement in duplicate containing the information specified by Form F-6, within 3 business days after such person becomes a participant, or such longer period as the Comptroller may authorize upon a showing of good cause therefor.

(v) If any material change occurs in the facts reported in any statement filed by or on behalf of any participant, an appropriate amendment to such statement shall be filed promptly with the Comptroller and each appropriate exchange.

(vi) Each statement and amendment thereto filed pursuant to this paragraph shall be part of the official public files of the Comptroller and shall be deemed a communication subject to the provisions of paragraph (h) of this section.

(4) *Solicitations prior to furnishing required statement.* Notwithstanding the provisions of paragraph (a) of this section, a solicitation subject to this paragraph may be made prior to furnishing security holders a written statement containing the information specified in Form F-5 with respect to such solicitation if (i) the statements required by subparagraph (3) of this paragraph are filed by or on behalf of each participant in such solicitation; (ii) no form of proxy is furnished to security holders prior to the time the statement is furnished to security holders, except that this subdivision shall not apply where a statement then meeting the requirements of Form F-5 has been furnished to security holders; (iii) at least the information specified in Item 2(a) and 3(a) of the statement required by subparagraph (3) of this paragraph to be filed by each participant, or an appropriate summary thereof, is included in each communication sent or given to security holders in connection with the solicitation; and (iv) a written statement containing the information specified in Form F-5 with respect to a solicitation is sent or given security holders at the earliest practicable date.

(5) *Solicitations prior to furnishing required statement—filing requirements.* Three copies of any soliciting material proposed to be sent or given to security holders prior to the furnishing of the proxy statement required by paragraph (a) of this section shall be filed with the Comptroller in preliminary form, at least 5 business days prior to the date copies of such material are first sent or given to security holders, or such shorter period as the Comptroller may authorize upon a showing of good cause therefor.

(6) *Application of this paragraph to annual report.* Notwithstanding the provisions of paragraph (c) of this section, three copies of any portion of the annual report referred to in that paragraph that comments upon or refers to any solicitation subject to this paragraph, or to any participant in any such solicitation, other than the solicitation by the management, shall be filed with the Comptroller as proxy material subject to this section. Such portion of the annual report shall be filed with the Comptroller in preliminary form at least 5 business days prior to the date copies of the report are first sent or given to security holders.

(7) *Application of paragraph (f) of this section.* The provisions of subparagraphs (3), (4), (5), (6), and (7) of paragraph (f) of this section shall apply, to the extent pertinent, to soliciting material subject to subparagraphs (5) and (6) of this paragraph.

(8) *Use of reprints or reproductions.* In any solicitation subject to this paragraph, soliciting material that includes, in whole or part, any reprints or reproductions of any previously published material shall:

(i) State the name of the author and publication, the date of prior publication, and identify any person who is quoted without being named in the previously published material.

(ii) Except in the case of a public official document or statement, state whether or not the consent of the author and publication has been obtained to the use of the previously published material as proxy soliciting material.

(iii) If any participant using the previously published material, or anyone on his behalf, paid, directly or indirectly, for the preparation or prior publication of the previously published material, or has made or proposes to make any payments or give any other consideration in connection with the publication or republication of such material, state the circumstances.

(j) *Prohibition of certain solicitations.* No person making a solicitation that is subject to this section shall solicit—

(1) Any undated or postdated proxy; or

(2) Any proxy that provides that it shall be deemed to be dated as of any date subsequent to the date on which it is signed by the security holder.

(k) *Proposals of security holders.* (1) If any security holder entitled to vote at a meeting of security holders of the bank shall submit to the management of the bank, within the time hereinafter specified, a proposal which is accompanied by notice of his intention to present the proposal for action at the meeting, the management shall set forth the proposal in its proxy statement and shall identify it in its form of proxy and provide means by which security holders can approve or disapprove the proposal. The management of the bank shall not be required by this section to include the proposal in its proxy statement for an annual meeting unless the proposal is

submitted to management not less than 60 days in advance of a day corresponding to the first date on which the management's statement was released to security holders in connection with the preceding annual meeting of security holders. A proposal to be presented at any other meeting shall be submitted to the management of the bank a reasonable time before the solicitation is made. This paragraph (k) shall not apply, however, to elections to office.

(2) If the management opposes the proposal, it shall also, at the written request of the security holder, include in the proxy statement (i) the name and address of the security holder, or a statement that such name and address will be furnished upon request, and (ii) a statement of the security holder (which shall not include such name and address) of not more than 100 words in support of the proposal. The statement and request of the security holder shall be furnished to the management at the same time that the proposal is furnished. Neither the management nor the bank shall be responsible for such statement.

(3) Notwithstanding subparagraphs (1) and (2) of this paragraph, the management may omit a proposal and any statement in support thereof from its proxy statement and form of proxy under any of the following circumstances:

(i) If the proposal is impossible to accomplish or, under applicable law, is not a proper subject for action by security holders; or

(ii) If the proposal consists of a recommendation or request that the management take action with respect to a matter relating to the conduct of the ordinary business operations of the bank; or

(iii) If it appears that the proposal is submitted by the security holder principally for the purpose of enforcing a personal claim or redressing a personal grievance against the bank or its management, or principally for the purpose of promoting general economic, political, racial, religious, social, or similar causes; or

(iv) If the management has at the security holder's request included a proposal in its proxy statement and form of proxy relating to either of the two preceding annual meetings of security holders or any special meeting held subsequent to the earlier of such two annual meetings, and such security holder has failed without good cause to present the proposal, in person or by proxy, for action at the meeting; or

(v) If substantially the same proposal has previously been submitted to security holders in the management's proxy statement and form of proxy relating to any meeting of security holders held within the preceding 5 calendar years, it may be omitted from the proxy statement relating to any meeting of security holders held within the 3 calendar years after the latest such previous submission; *Provided*, That (a) if the proposal was submitted at only one meeting during such preceding period, it received less than 5 percent of the total number

of votes cast in regard thereto, or (b) if the proposal was submitted at only two meetings during such preceding period, it received at the time of its second submission less than 10 percent of the total number of votes cast in regard thereto, or (c) if the proposal was submitted at three or more meetings during such period, it received at the time of its latest submission less than 20 percent of the total number of votes cast in regard thereto; or

(vi) If, prior to the receipt of such proposal, substantially the same proposal has been received by the management from another security holder and is to be included in the bank's proxy soliciting material.

(4) Whenever the management asserts that a proposal and any statement in support thereof may properly be omitted from the proxy statement and form of proxy, it shall file with the Comptroller, not later than 20 days prior to the date the preliminary copies of the proxy statement and form of proxy are filed pursuant to paragraph (f)(1) of this section or such shorter period prior to such date as the Comptroller may permit, a copy of the proposal and any statement in support thereof as received from the security holder, together with a statement of the reasons why the management deems such omission to be proper in the particular case, and, where such reasons are based on matters of law, a supporting opinion of counsel. The management shall at the same time, if it has not already done so, notify the security holder submitting the proposal of its intention to omit the proposal from its proxy statement and shall forward to him a copy of the statement of the reasons why the management deems the omission of the proposal to be proper and a copy of such supporting opinion of counsel.

(1) *Invitations for tender.* (1) No person, directly or indirectly, by use of the mails or by any means or instrumentality of interstate commerce or of any facility of a national securities exchange or otherwise, shall make a tender offer for, or a request or invitation for tenders of, any class of any equity security, which is registered pursuant to section 12 of the Act, of a national bank or a bank operating under the Code of Law for the District of Columbia if, after consummation thereof, such person would, directly or indirectly, be the beneficial owner of more than 5 percent of such class, unless, at the time copies of the offer or request or invitation are first published or sent or given to security holders, such person has filed with the Comptroller a statement containing the information and exhibits required by Form F-11.

(2) If any material change occurs in the facts set forth in the statement required by subparagraph (1) of this paragraph, the person who filed such statement shall promptly file with the Comptroller an amendment disclosing such change.

(3) All requests or invitations for tenders or advertisements making a

tender offer or requesting or inviting tenders shall contain the name of the persons making such requests, invitations, or advertisements and the information required by Items 2 (a) and (c), 3, 4, 5, and 6 of Form F-11, or a fair and adequate summary thereof, and shall be filed with the Comptroller as part of the statement required by subparagraph (1) of this paragraph.

(4) Any additional material soliciting or requesting such tender offers subsequent to the initial solicitation or request shall contain the name of the persons making such solicitation or request and the information required by Items 2 (a) and (c), 3, 4, 5, and 6 of Form F-11, or a fair and adequate summary thereof: *Provided, however,* That such material may omit any of such information previously furnished to the persons solicited or requested for tender offers. Copies of such additional material soliciting or requesting such tender offers shall be filed with the Comptroller not later than the time copies of such material are first published or sent or given to security holders.

(5) If any securities to be offered in connection with the tender offer for, or request or invitation for tenders of, securities with respect to which a statement is required to be filed pursuant to subparagraph (1) of this paragraph, have been or are to be registered under the Securities Act of 1933, a copy of the prospectus containing the information required to be included therein under that Act shall be filed as an exhibit to such statement. Any information contained in the prospectus may be incorporated by reference in such statement.

(6) Four copies of the statement required by subparagraph (1) of this paragraph, every amendment to such statement, and all other material required by this section shall be filed with the Comptroller.

(m) *Recommendations as to tender offers.* (1) No solicitation or recommendation to the holders of a security to accept or reject a tender offer or request or invitation for tenders subject to section 14(d) of the Act shall be made unless, at the time copies of the solicitation or recommendation are first published or sent or given to holders of the security, the person making such solicitation or recommendation has filed with the Comptroller a statement containing the information specified by Form F-12: *Provided, however,* That this paragraph shall not apply to (i) a person required by paragraph (1) of this section to file a statement, or (ii) a person, other than the bank or the management of the bank, who makes no written solicitations or recommendations other than solicitations or recommendations copies of which have otherwise been filed with the Comptroller.

(2) If any material change occurs in the facts set forth in the statement required by subparagraph (1) of this paragraph, the person who filed such statement shall promptly file with the Comptroller an amendment disclosing such change.

(3) Any written solicitation or recommendation to the holders of a security to accept or reject a tender offer or request or invitation for tenders subject to section 14(d) of the Act shall include the name of the person making such solicitation or recommendation and the information required by Items 1(b), 2(b) of Form F-12, or a fair and adequate summary thereof: *Provided, however,* That such written solicitation or recommendation may omit any of such information previously furnished to the persons to whom the solicitation or recommendation is made.

(n) *Change in majority of directors.* If, pursuant to any arrangement or understanding with the person or persons acquiring securities in a transaction subject to section 13(d) or 14(d) of the Act, any persons are to be elected or designated as directors of the bank, otherwise than at a meeting of security holders, and the persons so elected or designated will constitute a majority of the directors of the bank, then, not less than 10 days prior to the date any such person takes office as a director, or such shorter period prior to that date as the Comptroller may authorize upon a showing of good cause therefor, the bank shall file with the Comptroller and transmit to all holders of record of securities of the bank who would be entitled to vote at a meeting for election of directors, information substantially equivalent to the information which would be required by Items 5 (a), (d), (e), and (f), 6, and 7 of Form F-5 to be transmitted if such person or persons were nominees for election as directors at a meeting of such security holders.

(o) *Solicitation prior to furnishing required proxy statement.* (1) Notwithstanding the provisions of paragraph (a) of this section, a solicitation (other than one subject to paragraph (1) of this section) may be made prior to furnishing security holders a written proxy statement containing the information specified in Form F-5 with respect to such solicitation if:

(i) The solicitation is made in opposition to a prior solicitation or an invitation for tenders or other publicized activity, which if successful, could reasonably have the effect of defeating the action proposed to be taken at the meeting;

(ii) No form of proxy is furnished to security holders prior to the time the written proxy statement required by paragraph (a) of this section is furnished to security holders: *Provided, however,* That this subdivision (ii) shall not apply where a proxy statement then meeting the requirements of Form F-5 has been furnished to security holders by or on behalf of the person making the solicitation;

(iii) The identity of the person or persons by or on whose behalf the solicitation is made and a description of their interests direct or indirect, by security holdings or otherwise, are set forth in each communication sent or given to

security holders in connection with the solicitation, and

(iv) A written proxy statement meeting the requirements of this section is sent or given to security holders at the earliest practicable date.

(2) Three copies of any soliciting material proposed to be sent or given to the security holders prior to the furnishing of the written proxy statement required by paragraph (a) of this section shall be filed with the Comptroller in preliminary form at least 5 business days prior to the date definitive copies of such material are first sent or given to security holders, or such shorter period as may be authorized.

§ 11.6 "Insiders" securities transactions and reports under section 16 of the Act.

(a) *Filing of statements by directors, officers, and principal shareholders.* (1) The effective date of this section shall be October 1, 1971. Initial statements of beneficial ownership of equity securities of a bank required by section 16(a) of the Act, and statements of changes in such beneficial ownership, shall be prepared and filed in accordance with requirements of Form F-7 and Form F-8, respectively. Statements of changes in beneficial ownership of securities relative to transactions occurring prior to October 1, 1971, shall be reported on Form F-3 in accordance with the requirements of this section. All persons heretofore required to file statements of beneficial ownership (old Forms OR-1 and OR-2) pursuant to Part 12 of the former regulation shall file a new "Initial statement of beneficial ownership" on Form F-7 on or before November 10, 1971, reflecting ownership status as of the end of October 1971.

(2) A person who is already filing statements with the Comptroller pursuant to section 16(a) need not file an additional statement on Form F-7 when an additional class of equity securities of the same bank becomes registered or when he assumes another or an additional relationship to the bank; for example, when an officer becomes a director.

(3) Any bank that has equity securities listed on more than one national securities exchange may designate one of them as the only exchange with which reports pursuant to section 16(a) need be filed. Such designation shall be filed with the Comptroller and with each national securities exchange on which any equity security of the bank is listed. After the filing of such designation the securities of such bank shall be exempted with respect to the filing of statements pursuant to section 16(a) with any exchange other than the designated exchange.

(b) *Ownership of more than 10 percent of an equity security.* In determining, for the purpose of section 16(a), whether a person is the beneficial owner,

directly or indirectly, or more than 10 percent of any class of equity security of a bank, such class shall be deemed to consist of the total amount of such class that has been issued, regardless of whether any part of such amount is held by or for the account of the bank.

(c) *Disclaimer of beneficial ownership.* Any person filing a statement may expressly declare therein that the filing of such statement shall not be construed as an admission that such person is, for the purpose of section 16, the beneficial owner of any equity securities covered by the statement.

(d) *Ownership of securities held in trust.* (1) Beneficial ownership of a bank's securities for the purpose of section 16(a) shall include: (i) The ownership of such securities as a trustee where either the trustee or members of his immediate family have a vested interest in the income or corpus of the trust, (ii) the ownership of a vested beneficial interest in a trust, and (iii) the ownership of such securities as a settlor of a trust in which the settlor has the power to revoke the trust without obtaining the consent of all beneficiaries.

(2) Except as provided in subparagraph (3) of this paragraph, beneficial ownership of securities of registrant banks solely as a settlor or beneficiary of a trust shall be exempt from the provisions of section 16(a) where less than 20 percent in market value of the securities having a readily ascertainable market value held by such trust (determined as of the end of the preceding fiscal year of the trust) consists of equity securities with respect to which reports are required by section 16(a) or would be required but for an exemption by the Securities and Exchange Commission, the Board of Governors of the Federal Reserve System, or the Federal Deposit Insurance Corporation similar to the exemption provided for by this sentence. Exemption from section 16(a) is likewise accorded with respect to any obligation that would otherwise be imposed solely by reason of ownership as settlor or beneficiary of a bank's securities held in trust, where the ownership, acquisition, or disposition of such securities by the trust is made without prior approval by the settlor or beneficiary. No exemption pursuant to this subparagraph shall, however, be acquired or lost solely as a result of changes in the value of the trust assets during any fiscal year or during any time when there is no transaction by the trust in the securities otherwise subject to the reporting requirements of section 16(a).

(3) In the event that 10 percent of any class of any equity security of a bank is held in a trust, that trust and the trustees thereof as such shall be deemed a person required to file the reports specified in section 16(a).

(4) Not more than one report need be filed to report any holdings of a bank's securities or with respect to any transaction in such securities held by a trust, regardless of the number of officers, directors, or 10-percent stockholders who are either trustees, settlors, or bene-

ficiaries of a trust if the report filed discloses the names and allocable interests of all trustees, settlors, and beneficiaries who are officers, directors, or 10-percent stockholders. A person having an interest only as a beneficiary of a trust shall not be required to file any such report so long as he relies in good faith upon an understanding that the trustee of such trust will file whatever reports might otherwise be required of such beneficiary.

(5) In determining, for the purposes of paragraph (a) of this section, whether a person is the beneficial owner, directly or indirectly, of more than 10 percent of any class of equity security of a bank, the interest of such person in the remainder of a trust shall be excluded.

(6) No report shall be required by any person, whether or not otherwise subject to the requirement of filing reports under section 16(a), with respect to his indirect interest in portfolio securities held by (i) any holding company registered under the Public Utility Holding Company Act, (ii) any investment company registered under the Investment Company Act, (iii) a pension or retirement plan holding securities of a bank whose employees generally are the beneficiaries of the plan, (iv) a business trust with over 25 beneficiaries.

(e) *Certain transactions subject to section 16(a).* The acquisition or disposition of any transferable option, put, call, spread, or straddle shall be deemed such a change in the beneficial ownership of the bank's security to which such privilege relates as to require the filing of a statement reflecting the acquisition or disposition of such privilege. Nothing in this paragraph, however, shall exempt any person from filing the statements required upon the exercise of such option, put, call, spread, or straddle.

(f) *Exemption from section 16 of securities purchased or sold by odd-lot dealers.* A bank's securities purchased or sold by an odd-lot dealer (1) in odd lots so far as reasonably necessary to carry on odd-lot transactions, or (2) in round lots to offset odd-lot transactions previously or simultaneously executed or reasonably anticipated in the usual course of business, shall be exempt from the provisions of section 16 with respect to participation by such odd-lot dealer in such transactions.

(g) *Exemption of small transactions from section 16(a).* (1) Any acquisition of a bank's securities shall be exempt from section 16(a) where (i) the person effecting the acquisition does not within 6 months thereafter effect any disposition, otherwise than by way of gift, of securities of the same class, and (ii) the person effecting such acquisition does not participate in acquisitions or in dispositions of securities of the same class having a total market value in excess of \$3,000 for any 6-month period during which the acquisition occurs.

(2) Any acquisition or disposition of a bank's securities by way of gift, where the total amount of such gifts does not exceed \$3,000 in market value for any 6-month period, shall be exempt from

section 16(a) and may be excluded from the computations prescribed in subparagraph (1) (ii) of this paragraph.

(3) Any person exempted by subparagraph (1) or (2) of this paragraph shall include in the first report filed by him after a transaction within the exemption a statement showing his acquisitions and dispositions for each 6-month period or portion thereof that has elapsed since his last filing.

(h) *Temporary exemption of certain persons from section 16 (a) and (b).* During the period of 12 months following their appointment and qualification, a bank's securities held by the following persons shall be exempt from section 16 (a) and (b): (1) Executors or administrators of the estate of a decedent; (2) guardians or committees for an incompetent; and (3) receivers, trustees in bankruptcy, assignees for the benefit of creditors, conservators, liquidating agents, and similar persons duly authorized by law to administer the estate or assets of other persons. After the 12-month period following their appointment and qualification the foregoing persons shall be required to file reports under section 16(a) with respect to a bank's securities held by the estates that they administer and shall be liable for profits realized from trading in such securities pursuant to section 16(b) only when the estate being administered is a beneficial owner of more than 10 percent of any class of equity security of a bank.

(i) *Exemption from section 16(b) of transactions that need not be reported under section 16(a).* Any transaction that has been or shall be exempted by the Comptroller from the requirements of section 16(a) shall, insofar as it is otherwise subject to the provisions of section 16(b), be likewise exempted from section 16(b).

(j) *Exemption from section 16(b) of certain transactions by registered investment companies.* Any transaction of purchase and sale, or sale and purchase, of any equity security of a bank shall be exempt from the operation of section 16(b), as not comprehended within the purpose of that section, if the transaction is effected by an investment company registered under the Investment Company Act of 1940 and both the purchase and sale of such security have been exempted from the provisions of section 17(a) of the Investment Company Act of 1940 by an order of the Securities and Exchange Commission entered pursuant to section 17(b) of that Act.

(k) *Exemption from section 16(b) of certain transactions effected in connection with a distribution.* (1) Any transaction of purchase and sale, or sale and purchase, of an equity security of a bank that is effected in connection with the distribution of a substantial block of such securities shall be exempt from the provisions of section 16(b), to the extent specified in this paragraph (k), as not comprehended within the purpose of said section, upon the following conditions:

(i) The person effecting the transaction is engaged in the business of distributing securities and is participating in

good faith, in the ordinary course of such business, in the distribution of such block of securities;

(ii) The security involved in the transaction is (a) a part of such block of securities and is acquired by the person effecting the transaction, with a view to the distribution thereof, from the bank or other person on whose behalf such securities are being distributed or from a person who is participating in good faith in the distribution of such block of securities, or (b) a security purchased in good faith by or for the account of the person effecting the transaction for the purpose of stabilizing the market price of securities of the class being distributed or to cover an over-allotment or other short position created in connection with such distribution; and

(iii) Other persons not within the purview of section 16(b) are participating in the distribution of such block of securities on terms at least as favorable as those on which such person is participating and to an extent at least equal to the aggregate participation of all persons exempted from the provisions of section 16(b) by this paragraph. However, the performance of the functions of manager of a distributing group and the receipt of a bona fide payment for performing such functions shall not preclude an exemption that would otherwise be available under this paragraph.

(2) The exemption of a transaction pursuant to this paragraph with respect to the participation therein of one party thereto shall not render such transaction exempt with respect to participation of any other party therein unless such other party also meets the conditions of this paragraph.

(l) *Exemption from section 16(b) of acquisitions of shares of stock and stock options under certain stock bonus, stock option, or similar plans.* Any acquisition of shares of a bank's stock (other than stock acquired upon the exercise of an option, warrant, or right) pursuant to a stock bonus, profit sharing, retirement, incentive, thrift, savings, or similar plan, or any acquisition of a qualified or restricted stock option pursuant to a qualified or restricted stock option plan, or of a stock option pursuant to an employee stock purchase plan, by a director or officer of the bank issuing such stock or stock option shall be exempt from the operation of section 16(b) if the plan meets the following conditions:

(1) The plan has been duly approved, directly or indirectly, (i) by the holders of a majority of the securities of the bank present, or represented, and entitled to vote at the meeting at which it was approved, or by the written consent of the holders of a majority of the securities of the bank entitled to vote, or (ii) by the holders of a majority of the securities of a predecessor so entitled to vote, if the plan or obligations to participate thereunder were assumed by the bank in connection with the succession.

(2) If the selection of any director or officer of the bank to whom stock may be allocated (or to whom qualified, restricted, or employee stock purchase plan

stock options may be granted pursuant to the plan) or the determination of the number or maximum number of shares of stock that may be allocated to any such director or officer (or that may be covered by qualified, restricted, or employee stock purchase plan stock options granted to any such director or officer) is subject to the discretion of any person, then such discretion shall be exercised only as follows:

(i) With respect to the participation of directors (a) by the board of directors of the bank, a majority of which board and a majority of the directors acting in the matter are disinterested persons; (b) by, or only in accordance with the recommendation of, a committee of three or more persons having full authority to act in the matter, all of the members of which committee are disinterested persons; or (c) otherwise in accordance with the plan, if the plan specifies the number or maximum number of shares of stock that directors may acquire (or that may be subject to qualified, restricted, or employee stock purchase plan stock options granted to directors) and the terms upon which and the times at which, or the periods within which, such stock may be acquired (or such options may be acquired and exercised); or sets forth, by formula or otherwise, effective and determinable limitations with respect to the foregoing based upon earnings of the bank, dividends paid, compensation received by participants, option prices, market value of shares, outstanding shares, or percentages thereof outstanding from time to time, or similar factors.

(ii) With respect to the participation of officers who are not directors (a) by the board of directors of the bank or a committee of three or more directors; or (b) by, or only in accordance with the recommendations of, a committee of three or more persons having full authority to act in the matter, all of the members of which committee are disinterested persons.

For the purposes of this subparagraph (2), a director or committee member shall be deemed to be a disinterested person only if such person is not at the time such discretion is exercised eligible and has not at any time within 1 year prior thereto been eligible for selection as a person to whom stock may be allocated (or to whom qualified, restricted, or employee stock purchase plan stock options may be granted) pursuant to the plan or any other plan of the bank or any of its affiliates entitling the participants therein to acquire stock or qualified, restricted, or employee stock purchase plan stock options of the bank or any of its affiliates.

(3) As to each participant or as to all participants the plan effectively limits the aggregate dollar amount or the aggregate number of shares of stock that may be allocated (or may be subject to qualified, restricted, or employee stock purchase plan stock options granted) pursuant to the plan. The limitations may be established on an annual basis, or for the duration of the plan, whether

or not the plan has a fixed termination date. Such limitations may be determined either by fixed or maximum dollar amounts, fixed or maximum numbers of shares, formulas based upon earnings of the bank, dividends paid, compensation received by participants, option prices, market value of shares, outstanding shares or percentages thereof outstanding from time to time, or similar factors that will result in an effective and determinable limitation. Such limitations may be subject to any provisions for adjustment of the plan or of stock allocable (or options outstanding thereunder) to prevent dilution or enlargement of rights.

(m) *Exemption from section 16(b) of long-term profits incident to sales within 6 months of the exercise of an option.*

(1) To the extent specified in subparagraph (2) of this paragraph, transactions involving the purchase and sale, or sale and purchase, of any equity security of a bank shall be exempt from the operation of section 16(b), as not comprehended within the purpose of that section, if such purchase is pursuant to the exercise of an option, warrant, or right either (i) acquired more than 6 months before its exercise, or (ii) acquired pursuant to the terms of an employment contract entered into more than 6 months before its exercise.

(2) With respect to transactions specified in subparagraph (1) of this paragraph, the profits inuring to bank pursuant to section 16(b) shall not exceed the difference between the proceeds of sale and the lowest market price of any security of the same class within 6 months before or after the date of sale. Nothing in this paragraph shall be deemed to enlarge the amount of profit that would inure to the bank in the absence of this paragraph.

(3) The disposition of any equity security of a bank shall also be exempt from the operation of section 16(b), as not comprehended within the purpose of that section, if purchased in a transaction specified in subparagraph (1) of this paragraph, pursuant to a plan or agreement for merger or consolidation, or reclassification of the bank's securities, or for the exchange of its securities for the securities of another person that has acquired its assets, where the terms of such plan or agreement are binding upon all stockholders of the bank except to the extent that dissenting stockholders may be entitled, under statutory provisions or provisions contained in the bank's charter, to receive the appraised or fair value of their holdings.

(4) The exemptions provided by this paragraph (m) shall not apply to any transaction made unlawful by section 16(c) or by any regulations thereunder.

(5) The burden of establishing market price of a security for the purpose of this paragraph (m) shall rest upon the person claiming the exemption.

(n) *Exemption of certain securities from section 16(c).* Any equity security of a bank shall be exempt from the operation of section 16(c) to the extent necessary to render lawful under such

section the execution by a broker of an order for an account in which he had no direct or indirect interest.

(o) *Exemption from section 16(c) of certain transactions effected in connection with a distribution.* Any equity security of a bank shall be exempt from the operation of section 16(c) to the extent necessary to render lawful under such section any sale made by or on behalf of a dealer in connection with a distribution of a substantial block of the bank's securities, upon the following conditions:

(1) The sale is made with respect to an over allotment in which the dealer is participating as a member of an underwriting group, or the dealer or a person acting on his behalf intends in good faith to offset such sale with a security to be acquired by or on behalf of the dealer as a participant in an underwriting, selling, or soliciting-dealer group of which the dealer is a member at the time of the sale, whether or not the security to be so acquired is subject to a prior offering to existing security holders or some other class of persons; and

(2) Other persons not within the purview of section 16(c) are participating in the distribution of such block of securities on terms at least as favorable as those on which such dealer is participating and to an extent at least equal to the aggregate participation of all persons exempted from the provisions of section 16(c) by this paragraph. The performance of the functions of manager of a distributing group and the receipt of a bona fide payment for performing such functions shall not however, preclude an exemption that would otherwise be available under this paragraph.

(p) *Exemption of sales of securities to be acquired.* (1) Whenever any person is entitled, as an incident to his ownership of an issued equity security of a bank and without the payment of consideration, to receive another security of the bank "when issued" or "when distributed", the security to be acquired shall be exempt from the operation of section 16(c) if (i) the sale is made subject to the same conditions as those attaching to the right of acquisition, (ii) such person exercises reasonable diligence to deliver such security to the purchaser promptly after his right of acquisition matures, and (iii) such person reports the sale on the appropriate form for reporting transactions by persons subject to section 16(a).

(2) This paragraph shall not be construed as exempting transactions involving both a sale of a security "when issued" or "when distributed" and a sale of the security by virtue of which the seller expects to receive the "when-issued" or "when-distributed" security, if the two transactions combined result in a sale of more units than the aggregate of those owned by the seller plus those to be received by him pursuant to his right of acquisition.

(q) *Arbitrage transactions under section 16.* It shall be unlawful for any

director or officer of a bank to effect any foreign or domestic arbitrage transactions in any equity security of the bank unless he shall include such transaction in the statements required by section 16(a) of the Act and paragraph (a) of this section and shall account to such bank for the profits arising from such transaction, as provided in section 16(b). The provisions of section 16(c) shall not apply to such arbitrage transactions. The provisions of paragraph (a) of this section and of section 16 shall not apply to any bona fide foreign or domestic arbitrage transaction insofar as it is effected by any person other than such director or officer of the bank issuing such security.

§ 11.7 Form and content of financial statements.

(a) *Principles of financial reporting.* Financial statements filed with the Comptroller pursuant to this part shall be prepared in accordance with generally accepted accounting principles and practices applicable to banks. The Comptroller may from time to time issue releases on accounting principles and practices to be used with respect to specific areas.

(b) *Verification—(1) General.* (i) Every verification with respect to financial statements filed pursuant to this part shall be dated, shall be signed manually, and shall identify without detailed enumeration the financial statements covered by the verification.

(ii) If the person or persons making a verification considers that he must take exceptions or express qualifications with respect thereto, each such exception or qualification shall be stated specifically and clearly and, to the extent practicable, shall indicate the effect of the matter on the financial statements to which it relates.

(2) *Opinions to be expressed by principal accounting officer and auditor.* Every verification by a bank's principal accounting officer and auditor shall state:

(i) The opinions of such persons with respect to the financial statements covered by the verification and the accounting principles and practices reflected therein; and

(ii) The opinions of such persons as to any material changes in accounting principles or practices or in the method of applying the accounting principles or practices, or adjustments of the accounts, required to be set forth by paragraph (c) (5) of this section.

(3) *Certification by independent public accountants—(1) Qualifications of independent public accountants.* (a) The Comptroller will not recognize any person as an independent public accountant who is not registered or licensed to practice as a public accountant by a regulatory authority of a State and in good standing with such authority as such an accountant.

(b) The Comptroller will not recognize as independent a public accountant who

is not in fact independent. For example, an accountant will be considered not independent with respect to any person in which he has, or had during the period of report, any direct financial interest or material indirect financial interest; or with which he is, or was during such period, connected as a promoter, underwriter, voting trustee, director, officer, or employee.

(c) In determining whether a public accountant is, in fact, independent with respect to a particular person, the Comptroller will give appropriate consideration to all relevant circumstances, including evidence bearing on all relationships between the accountant and that person or any affiliate thereof, and will not confine itself to the relationships existing in connection with the filing of reports with the Comptroller.

(ii) *Representations as to the audit.* The independent public accountant's certificate—

(a) Shall state whether the audit was made in accordance with generally accepted auditing standards; and

(b) Shall designate any auditing procedures generally recognized as normal (or deemed necessary by the accountant under the circumstances of the particular case) that have been omitted, and the reasons for their omission, but no procedure that independent accountants ordinarily employ in the course of an audit made for the purpose of expressing the opinions required by subdivision (iii) of this subparagraph shall be omitted.

(iii) *Opinions to be expressed.* The independent public accountant's certificate shall state:

(a) The opinion of the accountant with respect to the financial statements covered by the certificate and the accounting principles and practices reflected therein;

(b) The opinion of the accountant as to any material changes in accounting principles or practices or in the method of applying the accounting principles or practices, or adjustments of the accounts required to be set forth by paragraph (c) (5) of this section; and

(c) The nature of, and the opinion of the accountant as to, any material differences between the accounting principles and practices reflected in the financial statements and those reflected in the accounts after the entry of adjustments for the period under review.

(iv) *Certification of financial statements by more than one independent public accountant.* If, with respect to the certification of the financial statements of any bank, the principal independent public accountant relies on an examination made by another independent public accountant of certain of the accounts of such bank or its affiliates, the certificate of such other accountant shall be filed (and the provisions of this subparagraph shall be applicable thereto); however, the certificate of such other accountant need not be filed (a) if no reference is made directly or indirectly to such other accountant's examination in the principal accountant's certificate, or (b) if, having referred

to such other accountant's examination, the principal accountant states in his certificate that he assumes responsibility for such other accountant's examination in the same manner as if it had been made by him.

(c) *Provisions of general application—*(1) *Requirements as to form.* Financial statements shall be prepared in accordance with the applicable requirements of Forms 9 A, B, C, and D. All money amounts required to be shown in financial statements may be expressed in even dollars or thousands of dollars. If shown in even thousands, an indication to that effect shall be inserted immediately beneath the caption of the statement or schedule, or at the top of each money column. The individual amounts shown need not be adjusted to the nearest dollar or thousand if the failure of the items to add to the totals shown is stated in a note as due to the dropping of amounts of less than \$1 or \$1,000, as appropriate.

(2) *Items not material.* If the amount that would otherwise be required to be shown with respect to any item is not material, it need not be separately set forth.

(3) *Inapplicable captions and omission of unrequired or inapplicable financial statements.* No caption need be shown in any financial statement required by the forms set forth in this part as to which the items and conditions are not present. Financial statements not required or inapplicable because the required matter is not present need not be filed, but the statements omitted and the reasons for their omission shall be indicated in the list of financial statements required by the applicable form.

(4) *Additional information.* In addition to the information required with respect to any financial statement, such further information shall be furnished as is necessary to make the required statements, in the light of the circumstances under which they are made, not misleading.

(5) *Changes in accounting principles and practices and retroactive adjustments of accounts.* Any change in accounting principle or practice, or in the method of applying any accounting principle or practice, made during any period for which financial statements are filed that affects comparability of such financial statements with those of prior or future periods, and the effect thereof upon the net income for each period for which financial statements are filed, shall be disclosed in a note to the appropriate financial statement. Any material retroactive adjustment made during any period for which financial statements are filed, and the effect thereof upon net income of prior periods, shall be disclosed in a note to the appropriate financial statement.

(6) *Summary of accounting principles and practices.* Information required in notes as to accounting principles and practices reflected in the financial statements may be presented in the form of a single statement. In such a case specific references shall be made

in the appropriate financial statements to the applicable portion of such single statement.

(7) *Foreign currencies.* The basis of conversion of all items in foreign currencies shall be stated, and the amount and disposition of the resulting unrealized profit or loss shown. Disclosure should be made as to the effect, insofar as this can be reasonably determined, of foreign exchange restrictions upon the consolidated financial position and operating results of the bank and its subsidiaries.

(8) *Commitments.* If material in amount, the pertinent facts relative to firm commitments for the acquisition, directly or indirectly, or fixed assets and for the purchase, repurchase, construction, or rental of assets under long-term leases shall be stated briefly in the balance sheet or in footnotes referred to therein. Where the rentals or obligations under long-term leases are material there shall be shown the amounts of annual rentals under such leases with some indication of the periods for which they are payable, together with any important obligation assumed or guarantee made in connection therewith. If the rentals are conditional, the minimum annual amounts shall be stated, unless inappropriate in the circumstances.

(9) *General notes to balance sheets.* If present with respect to the person for which the statement is filed, the following shall be set forth in the balance sheet or in referenced notes thereto:

(i) *Assets subject to lien.* The amounts of assets mortgaged, pledged, or otherwise subject to a lien or security interest shall be designated and the obligation secured thereby, if any, shall be identified briefly.

(ii) *Intercompany profits and losses.* The effect upon any balance sheet item of profits or losses resulting from transactions with affiliated companies not consolidated shall be stated. If impracticable of accurate determination without unreasonable effort or expense, an estimate or explanation shall be given.

(iii) *Preferred shares.* (a) If callable, the date or dates and the amount per share at which such shares are callable shall be stated; (b) Arrears in cumulative dividends per share and in total for each class of shares shall be stated; (c) Preferences on involuntary liquidation, if other than the par or stated value, shall be shown. When the excess involved is material, there shall be shown the difference between the aggregate preference on involuntary liquidation and the aggregate par or stated value, a statement that this difference (plus any arrears in dividends) exceeds the sum of the par or stated value of the junior capital shares, surplus, and undivided profits if such is the case, and a statement as to the existence (or absence) of any restrictions upon surplus and/or undivided profits growing out of the fact that upon involuntary liquidation the preference of the preferred stock exceeds its par or stated value.

(iv) *Pension and retirement plans.* (a) A brief description of the essential provisions of any employee pension or retirement plan shall be given; (b) The estimated annual cost of the plan shall be stated; (c) If a plan has not been funded or otherwise provided for, the estimated amount that would be necessary to fund or otherwise provide for the past-service cost of the plan shall be disclosed.

(v) *Capital stock optioned to officers and employees.* (a) A brief description of the terms of each option arrangement shall be given, including the title and amount of securities subject to the option, the year or years during which the options were granted, and the year or years during which the optionees became, or will become, entitled to exercise the options;

(b) There shall be stated the number of shares under option at the balance sheet date, and the option price and the fair value thereof (per share and in total) at the dates the options were granted; the number of shares with respect to which options became exercisable during the period, and the option price and the fair value thereof (per share and in total) at the dates the options became exercisable; and the number of shares with respect to which options were exercised during the period, and the option price and the fair value thereof (per share and in total) at the dates the options were exercised. The required information may be summarized as appropriate with respect to each of the categories referred to in this subclause (b);

(c) The basis of accounting for such option arrangements and the amount of charges, if any, reflected in income with respect thereto shall be stated.

(vi) *Restrictions that limit the availability of surplus and/or undivided profits for dividend purposes.* Any such restriction, other than as reported in subparagraph (9) (iii) of this paragraph shall be described, indicating briefly its source, its pertinent provisions, and, where appropriate and determinable, the amount of the surplus and/or undivided profits so restricted.

(vii) *Contingent liabilities.* A brief statement as to contingent liabilities not reflected in the balance sheet shall be made.

(10) *General notes to statements of income.* If present with respect to the person for which the statement is filed, the following shall be set forth in the statement of income or in referenced notes thereto:

(i) *Intercompany profits and losses.* The amount of any profits or losses resulting from transactions between unconsolidated affiliated companies shall be stated. If impracticable of determination without unreasonable effort and expense, an estimate or explanation shall be given.

(ii) *Depreciation and amortization.* For the period for which statements of income are filed, there shall be stated the policy followed with respect to: (a)

The provision for depreciation of physical properties or valuation allowances created in lieu thereof, including the methods and, if practicable, the rates used in computing the annual amounts; (b) The provision for depreciation and amortization of intangibles, or valuation allowances created in lieu thereof, including the methods and, if practicable, the rates used in computing the annual amounts; (c) The accounting treatment for maintenance, repairs, renewals, and improvements; and (d) The adjustment of the accumulated valuation allowances for depreciation and amortization at the time the properties were retired or otherwise disposed of, including the disposition made of any profit or loss on sale of such properties.

(d) *Consolidated financial statements.* (1) Consolidated statements generally present more meaningful information to the investor than unconsolidated statements. Except where good reason exists, consolidated statements of the bank and its majority-owned significant subsidiaries should be filed.

(2) Every majority-owned bank-premises subsidiary and every majority-owned subsidiary operating under the provisions of section 25 or section 25(a) of the Federal Reserve Act ("Agreement Corporations" and "Edge Act Corporations") shall be consolidated with that of the reporting bank irrespective of whether such subsidiary is a significant subsidiary.

(3) If the financial statements of a subsidiary are as of a date or for periods different from those of the bank, such statements may be used as the basis for consolidation of the subsidiary only if the date of such statements is not more than 93 days from the date of the close of the bank's fiscal year; the closing date of the subsidiary is specified; the necessity for the use of different closing dates is explained briefly; and any changes in the respective fiscal periods of the bank and the subsidiary made during the period of report are indicated clearly.

(4) There shall be set forth in a note to each consolidated balance sheet filed a statement of any difference between the investment in subsidiaries consolidated, as shown by the bank's books, and the bank's equity in the net assets of such subsidiaries as shown by the subsidiaries' books. If any such difference exists, there shall be set forth the amount of the difference and the disposition made thereof in preparing the consolidated statements, naming the balance sheet captions and stating the amount included in each.

(5) *Minority interests.* Minority interests in the net assets of subsidiaries consolidated shall be shown in each consolidated balance sheet. The aggregate amount of profit or loss accruing to minority interests shall be stated separately in each consolidated statement of income.

(6) *Intercompany items and transactions.* In general, intercompany items and transactions shall be eliminated. If not eliminated, a statement of the rea-

sons for inclusion and the methods of treatment shall be made.

(e) *Statements of changes in capital accounts.* A statement of changes in capital accounts shall be filed with each statement of income filed pursuant to this part.

(f) *Schedules to be filed.* (1) The following schedules shall be filed with each balance sheet filed pursuant to this part: Schedule I—U.S. Treasury Securities, Securities of other U.S. Government Agencies and Corporations, and Obligations of States and Political Subdivisions; Schedule II—Other Securities; Schedule III—Loans; Schedule IV—Bank Premises and Equipment; Schedule V—Investments in Income from Dividends, and Equity in Earnings and Loss of Unconsolidated Subsidiaries; and Schedule VI—Other Liabilities for Borrowed Money.

(2) The following schedule shall be filed with each statement of income filed pursuant to this part: Schedule VII—Allowance for Possible Loan Losses.

(3) Reference to the schedules referred to in subparagraphs (1) and (2) of this paragraph shall be made against the appropriate captions of the balance sheet or statement of income.

FORMS

§ 11.41 Form for registration of securities of a bank pursuant to section 12(b) or section 12(g) of the Securities Exchange Act of 1934 (Form F-1).

FORM F-1

FORM FOR REGISTRATION OF SECURITIES OF A BANK

PURSUANT TO SECTION 12(b) OR SECTION 12(g) OF THE SECURITIES EXCHANGE ACT OF 1934

(Exact name of bank as specified in charter)

(Address of principal office)

Title of each class of securities being registered pursuant to section 12(b) of the Act:*

Name of each exchange on which class is being registered

Title of class

Title of each class of securities being registered pursuant to section 12(g) of the Act:*

*If none, so state.

GENERAL INSTRUCTION

This form is not to be used as a blank form to be filled in but only as a guide in the preparation of a registration statement. Particular attention should be given to the definitions in § 11.2 and the general requirements in § 11.4. Unless otherwise stated, the information required shall be given as of a date reasonably close to the date of filing the statement. The statement shall contain the numbers and captions of all items, but the text of the items may be omitted if the answers with respect thereto are prepared in the manner specified in § 11.4(s).

INFORMATION REQUIRED IN REGISTRATION STATEMENT

Item 1—General Information.

State the year in which the bank was organized. If organized as a State bank, state the year of conversion into a national bank. Indicate the approximate number of holders of record of each class of equity securities of the bank.

Item 2—Parents and Subsidiaries of the Bank.

(a) List all parents of the bank, showing the basis of control and, as to each parent, the percentage of voting securities owned or other basis of control by its immediate parent, if any.

(b) Furnish a list or diagram of all subsidiaries of the bank and, as to each subsidiary, indicate (1) the State or other jurisdiction under the laws of which it was organized, and (2) the percentage of voting securities owned or other basis of control by its immediate parent. Designate (i) subsidiaries for which separate financial statements are filed; (ii) subsidiaries included in consolidated financial statements; and (iii) subsidiaries for which no financial statements are filed, indicating briefly why statements of such subsidiaries are not filed.

Instructions. 1. Include the bank and show clearly the relationship of each person named to the bank and the other persons named, including the percentage of voting securities of the bank owned or other basis of control by its immediate parent. The names of particular subsidiaries may be omitted if the unnamed subsidiaries considered in the aggregate as a single subsidiary would not constitute a significant subsidiary.

2. In case the bank owns, directly or indirectly, approximately 50 percent of the voting securities of any person and approximately 50 percent of the voting securities of such person are owned directly or indirectly by another single interest, such person shall be deemed to be a subsidiary for the purpose of this item.

Item 3—Description of Business.

Describe briefly the business done by the bank and any significant developments or trends in such business occurring over the preceding 5 years. Information should be furnished as to any mergers, consolidations, or other acquisitions of assets of any other person that were consummated during such period. State the number of banking offices in each city (or county) in the United States in which the bank has offices and the number of banking offices located in each foreign country or jurisdiction. In describing the business done by the bank, the business of its subsidiaries should be included only insofar as the same is important to an understanding of the character and development of the business conducted by the total enterprise.

Item 4—Description of Bank Premises and Other Real Estate.

Describe briefly, individually or by categories, (a) properties held in fee, by the bank and its subsidiaries, in which the banking offices are located, indicating any major encumbrances with respect thereto, and (b) other real estate of material value that is owned by the bank. In the event aggregate annual rentals paid during the bank's last fiscal year exceeded 5 percent of its operating expenses, state the amount of such rentals and the average term of the leases pursuant to which such rentals were paid.

Item 5—Organization Within 5 Years.

If the bank was organized within the past 5 years, furnish the following information:

(a) State the names of the promoters, the nature and amount of anything of value (including money, property, contracts, op-

tions, or rights of any kind) received or to be received by each promoter directly or indirectly from the bank, and the nature and amount of any assets, services, or other consideration therefor received or to be received by the bank.

(b) As to any assets acquired or to be acquired by the bank from a promoter, state the amount at which acquired or to be acquired and the principle followed in determining the amount. Identify the persons making the determination and state their relationship, if any, with the bank or any promoter. If the assets were acquired by the promoter within 2 years prior to their transfer to the bank, state the cost thereof to the promoter.

Item 6—Pending Legal Proceedings.

Describe briefly any material pending legal proceedings, other than ordinary routine proceedings incidental to the business, to which the bank or any of its subsidiaries is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings were instituted, the date instituted, and the principal parties thereto.

Instructions. 1. No information need be given with respect to proceedings that involve principally claims for damages if the aggregate amount involved does not exceed 10 percent of the equity capital accounts of the bank. If, however, any proceeding presents in large degree the same issues as other proceedings pending or known to be contemplated, the amount involved in such other proceedings shall be included in computing such percentage.

2. Any material proceedings to which any director, officer, or affiliate of the bank, any security holder named in answer to Item 11(a), or any associate of any such director, officer, or security holder, is a party adverse to the bank or any of its subsidiaries shall also be described.

Item 7—Directors and Officers.

List all directors and officers of the bank and all persons chosen to become directors or officers. Indicate all positions and offices with the bank held by each person named and his principal occupations or employment, including the name and principal business of any corporation or other organization in which such employment is carried on, during the past 5 years. (The term "officer" is defined in § 11.2(o).)

Item 8—Indemnification of Directors and Officers.

State the general effect of any charter provision, bylaw, contract, arrangement, or statute under which any director or officer of the bank is insured or indemnified in any manner against any liability that he may incur in his capacity as such.

Item 9—Remuneration of Directors and Officers.

(a) Furnish the following information in substantially the tabular form indicated below as to all direct remuneration paid by the bank and its subsidiaries during the bank's latest fiscal year to the following persons for services in all capacities:

(1) Each director, and each of the two highest paid officers of the bank whose annual total direct remuneration exceeded \$30,000, naming each such person.

(2) All directors and officers of the bank as a group, without naming them, but stating the number of persons included.

(A)	(B)	(C)
Name of individual or number of persons in group	Capacities in which remuneration was received	Aggregate remuneration

Instructions. 1. This item applies to any person who was a director or officer of the bank at any time during said fiscal year. Information need not, however, be given for any portion of that period during which such person was not a director or officer.

2. The information is to be given on an accrual basis, if practicable. The tables required by this paragraph and paragraph (b) may be combined if the bank so desires.

3. Do not include remuneration paid to a partnership in which any director or officer was a partner. But see Item 12, below.

4. If the bank has not completed a full fiscal year since its organization or if it acquired or is to acquire the majority of its assets from a predecessor within the current fiscal year, the information shall be given for the current fiscal year, estimating future payments, if necessary. To the extent that such remuneration is to be computed upon the basis of a percentage of earnings or profits, the percentage may be stated without estimating the amount of such profits to be paid.

5. If any part of the remuneration shown in response to this item was paid pursuant to a material bonus or profit-sharing plan, describe briefly the plan and the basis upon which directors or officers participate therein.

(b) Furnish the following information, in substantially the tabular form indicated below, as to all pension or retirement benefits proposed to be paid under any existing plan in the event of retirement at normal retirement date, directly or indirectly, by the bank or any of its subsidiaries to each director or officer named in answer to paragraph (a) (1):

(A)	(B)	(C)
Name of individual	Amounts set aside or accrued during bank's last fiscal year	Estimated annual benefits upon retirement

Instructions. 1. Column (B) need not be answered with respect to amounts computed on an actuarial basis under any plan that provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service.

2. The information called for by Column (C) may be given in a table showing the annual benefits payable upon retirement to persons in specified salary classifications.

3. In the case of any plan (other than those specified in Instruction 1) where the amount set aside each year depends upon the amount of earnings or profits of the bank or its subsidiaries for such year or a prior year (or where otherwise impracticable to state the estimated annual benefits upon retirement) there shall be set forth, in lieu of the information called for by Column (C), the aggregate amount set aside or accrued to date, unless impracticable to do so, in which case the method of computing such benefits shall be stated. In addition, furnish a brief description of the material terms of the plan, including the method used in computing the bank's contribution, and the amount set aside or accrued during the bank's last fiscal year for all officers and directors as a group, indicating the number of persons in such group without naming them.

(c) Describe briefly all remuneration payments (other than payments reported under paragraph (a) or (b) of this item) proposed to be made in the future, directly or indirectly, by the bank or any of its subsidiaries pursuant to any existing plan to (1) each director or officer named in answer

to paragraph (a) (1), naming each such person, and (ii) all directors and officers of the bank as a group, without naming them.

Instruction. Information need not be included as to payments to be made for, or benefits to be received from, group life or accident insurance, group hospitalization, or similar group payments or benefits. If impractical to state the amount of remuneration payments proposed to be made, the aggregate amount set aside or accrued to date in respect of such payments should be stated, together with an explanation of the basis for future payments.

Item 10—Options to Purchase Securities.

Furnish the following information as to options to purchase securities from the bank or any of its subsidiaries that are outstanding as of a specified date within 30 days prior to the date of filing.

(a) Describe the options, stating the material provisions including the consideration received and to be received for such options by the grantor thereof and the market value of the securities called for on the granting date. If, however, the options are "qualified stock options" or "restricted stock options" or options granted pursuant to a plan qualifying as an "employee stock purchase plan" as those terms are defined in sections 422 through 424 of the Internal Revenue Code of 1954 only the following is required: (i) A statement to that effect, (ii) a brief description of the terms and conditions of the options or of the plan pursuant to which they were issued, and (iii) a statement of the provisions of the plan or options with respect to the relationship between the option price and the market price of the securities at the date when the options were granted, or with respect to the terms of any variable price option.

(b) State (i) the title and amount of the securities called for by such options; (ii) the purchase prices of the securities called for and the expiration dates of such options; and (iii) the market value of the securities called for by such options as of the latest practicable date.

Instruction. In case a number of options are outstanding having different prices and expiration dates, the options may be grouped by prices and dates. If this produces more than five separate groups then there may be shown only the range of the expiration dates and the average purchase prices, i.e., the aggregate purchase prices of all securities of the same class called for by all outstanding options to purchase securities of that class divided by the number of securities of such class so called for.

(c) Furnish separately the information called for by paragraph (b) above for all options held by (i) each director or officer named in answer to paragraph (a) (1) of Item 9, naming each such person, and (ii) all directors and officers as a group without naming them.

Instructions. 1. The extension or renewal of options shall be deemed the granting of options within the meaning of this item.

2. Where the total market value of securities called for by all outstanding options as of the specified date referred to in this item does not exceed \$10,000 for any officer or director named in answer to paragraph (a) (1) of Item 9, or \$30,000 for all officers and directors, as a group or for all option holders as a group, this item need not be answered with respect to options held by such person or group.

Item 11—Principal Holders of Securities.

Furnish the following information as of a specified date within 90 days prior to the date of filing in substantially the tabular form indicated:

(a) As to the voting securities of the bank owned of record or beneficially by each person who owns of record, or is known by the bank to own beneficially, more than 10 percent of any class of such securities. Show in Column (C) whether the securities are owned both of record and beneficially, or record only, or beneficially only, and show in Columns (D) and (E) the respective amounts and percentages owned in each such manner:

(A)	(B)	(C)	(D)	(E)
Name and address	Title of class	Type of ownership	Amount owned	Percent of class

(b) As to each class of equity securities of the bank or any of its parents or subsidiaries, other than directors' qualifying shares, beneficially owned directly or indirectly by all directors and officers of the bank, as a group, without naming them.

(A)	(B)	(C)
Title of class	Amount beneficially owned	Percent of class

Instructions. 1. The percentages are to be calculated on the basis of the amount of securities outstanding, excluding securities held by or for the account of the bank. In any case where the amount owned by directors and officers as a group is less than 1 percent of the class, the percent of the class owned by them may be omitted.

2. If, to the knowledge of the bank, more than 10 percent of any class of voting securities of the bank are held or to be held subject to any voting trust or other similar agreement, state the title of such securities, the amount held or to be held, and the duration of the agreement. Give the names and addresses of the voting trustees and outline briefly their voting rights and other powers under the agreement.

(3) If to the knowledge of the persons on whose behalf the solicitation is made, any person, individually, or together with his associates, owns of record or beneficially more than 10 percent of the outstanding voting securities of the bank, name such person or persons, state the approximate amount of such securities owned of record but not owned beneficially, and the approximate amount owned beneficially, and the percentage of outstanding voting securities represented by the amount of securities so owned in each such manner.

Item 12—Interest of Management and Officers in Certain Transactions.

Describe briefly, and where practicable state the approximate amount of, any material interest, direct or indirect, of any of the following persons in any material transactions during the last 3 years, or in any material proposed transactions, to which the bank or any of its subsidiaries was, or is to be, a party:

- Any director or officer of the bank;
- Any security holder named in answer to Item 11(a); or
- Any associate of any of the foregoing persons.

Instructions. 1. See Instruction 1 to Item 9(a). Include the name of each person whose interest in any transaction is described and the nature of the relationship by reason of which such interest is required to be

described. Where it is not practicable to state the approximate amount of the interest, the approximate amount involved in the transaction shall be indicated.

2. As to any transaction involving the purchase or sale of assets by or to the bank or any subsidiary, otherwise than in the ordinary course of business, state the cost of the assets to the purchaser and the cost thereof to the seller if acquired by the seller within 2 years prior to the transaction.

3. This item does not apply to any interest arising from the ownership of securities of the bank where the security holder receives no extra or special benefit not shared on a pro rata basis by all other holders of the same class.

4. No information need be given in answer to this item as to any remuneration not received during the bank's last fiscal year or as to any remuneration or other transaction reported in response to Item 9 or 10.

5. Information should be included as to any material underwriting discounts and commissions upon the sale of securities by the bank where any of the specified persons was or is to be a principal underwriter or is a controlling person or member of a firm that was or is to be a principal underwriter. Information need not be given concerning ordinary management fees paid by underwriters to a managing underwriter pursuant to an agreement among underwriters the parties to which do not include the bank or its subsidiaries.

6. No information need be given in answer to this item as to any transaction or any interest therein where:

(i) The rates or charges involved in the transaction are fixed by law or determined by competitive bids;

(ii) The interest of the specified person in the transaction is solely that of a director of another corporation that is a party to the transaction;

(iii) The specified person is subject to this Item 12 solely as a director of the bank (or associate of a director) and his interest in the transaction is solely that of a director of another corporation which is a party to the transaction;

(iv) The transaction does not involve remuneration for services, directly or indirectly, and (A) the interest of the specified persons arises from the ownership individually and in the aggregate of less than a 10 percent interest in another person that is a party to the transaction, (B) the transaction is in the ordinary course of business of the bank or its subsidiaries, and (C) the amount of such transaction or series of transactions is less than 10 percent of the equity capital accounts of the bank;

(v) The transaction involves services as a bank depository of funds, transfer agent, registrar, trustee under a trust indenture, or other similar service;

(vi) The interest of the specified person, including all periodic installments in the case of any lease or other agreement providing for periodic payments or installments, does not exceed \$30,000.

7. Information shall be furnished in answer to this item with respect to transactions not excluded above that involve remuneration, directly or indirectly, to any of the specified persons for services in any capacity unless the interest of such persons arises solely from the ownership individually and in the aggregate of less than a 10 percent interest in another person furnishing the services to the bank or its subsidiaries.

Item 13—Capital Stock Being Registered.

If capital stock is being registered, state the title of the class and furnish the following information:

(a) Outline briefly (1) dividend rights; (2) voting rights; (3) liquidation rights; (4) preemptive rights; (5) conversion rights; (6) redemption provisions; (7) sinking fund provisions; and (8) liability to further calls or to assessment by the bank.

(b) If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain briefly.

(c) Outline briefly any restriction on the repurchase or redemption of shares by the bank while there is any arrearage in the payment of dividends or sinking fund installments. If there is no such restriction, so state.

Instructions. 1. This item requires only a brief summary of the provisions that are pertinent from an investment standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct resume is required.

2. If the rights evidenced by the securities being registered are materially limited or qualified by the rights of any other class of securities, include such information regarding such other securities as will enable investors to understand the rights evidenced by securities being registered. If any securities being registered are to be offered in exchange for other securities, an appropriate description of such other securities shall be given. No information need be given, however, as to any class of securities all of which will be redeemed and retired if appropriate steps to assure such redemption and retirement will be taken prior to registration of the securities being registered.

Item 14—Long-Term Debt Being Registered.

If long-term debt is being registered, outline briefly such of the following as are relevant:

(a) Provisions with respect to interest, conversion, maturity, redemption, amortization, sinking fund, or retirement.

(b) Provisions restricting the declaration of dividends or the creation or maintenance of reserves.

(c) Provisions permitting or restricting the issuance of additional securities, the withdrawal of cash deposited against such issuance, the incurring of additional debt, the modification of the terms of the security, and similar provisions.

(d) The name of the trustee and the nature of any material relationship with the bank or any of its affiliates; the percentage of securities of the class necessary to require the trustee to take action, and what indemnification the trustee may require before proceeding to enforce the lien.

Instruction. The instructions to Item 13 shall apply to this item.

Item 15—Other Securities Being Registered.

If securities other than capital stock or long-term debt are being registered, outline briefly the rights evidenced thereby. If subscription warrants or rights are being registered, state the title and amount of securities called for, the period during which and the price at which the warrants or rights are exercisable.

Instruction. The instructions to Item 13 shall also apply to this item.

Item 16—Recent Sales of Securities.

Furnish the following information as to all securities of the bank sold by the bank within the past 3 years, or presently proposed to be sold. Include securities issued in exchange for property, services, or other securities.

(a) Give the date of sale, title, and amount of securities sold.

(b) Give the names of the principal underwriters, if any. As to any securities sold pri-

vately, name the persons or identify the class of persons to whom the securities were sold.

(c) As to securities sold for cash, state the aggregate offering price and the aggregate underwriting discounts or commissions. As to any securities sold otherwise than for cash, state the nature of the transaction and the nature and aggregate amount of consideration received by the bank.

Instructions. (1) Information need not be set forth as to notes, drafts, bills of exchange, or bank acceptances that mature not later than 18 months from the date of issuance.

(2) If the sales were made in a series of transactions, the information may be given by such totals and periods as will reasonably convey the information required.

Item 17—Financial Statements and Exhibits.

List all financial statements and exhibits filed as a part of the registration statement.

- (a) Financial statements.
- (b) Exhibits.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized.

 (Name of bank)
 By -----
 (Name and title of signing officer)
 Date -----

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

These instructions specify the balance sheets and statements of income required to be filed as a part of a registration statement on this form. Section 11.7 of this part governs the verification, form, and content of the balance sheets and statements of income required, including the basis of consolidation, and prescribes the statement of changes in capital accounts and the schedules to be filed in support thereof.

A. FINANCIAL STATEMENTS OF THE BANK

1. Balance Sheets.

(a) The bank shall file a verified balance sheet as of the close of its latest fiscal year unless such fiscal year has ended within 90 days prior to the date of filing the registration statement, in which case the balance sheet may be as of the close of the preceding fiscal year.

(b) If the latest fiscal year of the bank has ended within 90 days prior to the date of filing the registration statement and the balance sheet required by paragraph (a) is filed as of the end of the preceding fiscal year, there shall be filed as an amendment to the registration statement, within 120 days after the date of filing, a verified balance sheet of the bank as of the end of the latest fiscal year.

2. Statements of Income.

(a) The bank shall file verified statements of income for each of the 3 fiscal years preceding the date of the balance sheet required by Instruction 1(a).

(b) There shall be filed with each balance sheet filed pursuant to Instruction 1(b) a verified statement of income of the bank for the fiscal year immediately preceding the date of the balance sheet.

3. Omission of Bank's Financial Statements in Certain Cases.

Notwithstanding Instructions 1 and 2, the individual financial statements of the bank may be omitted if consolidated statements of the bank and one or more of its subsidiaries are filed.

B. CONSOLIDATED STATEMENTS

4. Consolidated Balance Sheets.

(a) There shall be filed a verified consolidated balance sheet of the bank and its majority-owned (i) bank premises subsidiaries, (ii) subsidiaries operating under the provisions of section 25 or section 25(a) of the Federal Reserve Act ("Agreement Corporations" and "Edge Act Corporations"), and (iii) significant subsidiaries, as of the close of the latest fiscal year of the bank, unless such fiscal year has ended within 90 days prior to the date of filing the registration statement, in which case this balance sheet may be as of the close of the preceding fiscal year.

(b) If the latest fiscal year of the bank has ended within 90 days prior to the date of filing the registration statement, and the balance sheet required by paragraph (a) is filed as of the end of the preceding fiscal year, there shall be filed as an amendment to the registration statement, within 120 days after the date of filing, a verified consolidated balance sheet of the bank and such subsidiaries as of the end of the latest fiscal year.

5. Consolidated Statement of Income.

(a) There shall be filed verified statements of income of the bank and its majority-owned (i) banks premises subsidiaries, (ii) subsidiaries operating under the provisions of section 25 or section 25(a) of the Federal Reserve Act ("Agreement Corporations" and "Edge Act Corporations"), and (iii) significant subsidiaries, for each of the 3 fiscal years preceding the date of the consolidated balance sheet required by Instruction 4(a).

(b) There shall be filed with each balance sheet filed pursuant to Instruction 4(b), a verified consolidated statement of income of the bank and such subsidiaries for the fiscal year immediately preceding the date of the balance sheet.

C. UNCONSOLIDATED SUBSIDIARIES AND OTHER PERSONS

6. Separate Statements of Unconsolidated Subsidiaries and Other Persons.

There shall be filed such other verified financial statements with respect to unconsolidated subsidiaries and other persons as are material to a proper understanding of the financial position and results of operations of the total enterprise.

D. SPECIAL PROVISIONS

7. Succession to Other Businesses.

(a) If during the period for which its statements of income are required, the bank has by merger, consolidation, or otherwise succeeded to one or more businesses, the additions, eliminations, and other changes effected in the succession shall be appropriately set forth in a note or supporting schedule to the balance sheets filed. In addition, statements of income for each constituent business, or combined statements, if appropriate, shall be filed for such period prior to the succession as may be necessary when added to the time, if any, for which statements of income after the succession are filed to cover the equivalent of the period specified in Instructions 2 and 5 above.

(b) If the bank by merger, consolidation, or otherwise is about to succeed to one or more businesses, there shall be filed for the constituent businesses financial statements, combined if appropriate, that would be required if they were registering securities under the Act. In addition, there shall be filed a balance sheet of the bank giving effect to the plan of succession. These balance sheets shall be set forth in such form, preferably columnar, as will show in related manner the balance sheets of the constituent businesses, the changes to be

effected in the succession and the balance sheet of the bank after giving effect to the plan of succession. By a footnote or otherwise, a brief explanation of the changes shall be given.

(c) This instruction shall not apply with respect to the bank's succession to the business of any majority-owned subsidiary or to any acquisition of a business by purchase.

8. Acquisition of Other Businesses.

(a) There shall be filed for any business directly or indirectly acquired by the bank after the date of the balance sheet filed pursuant to Part A or B above and for any business to be directly or indirectly acquired by the bank, the financial statements that would be required if such business were a registrant.

(b) The acquisition of securities shall be deemed to be the acquisition of a business if such securities give control of the business or combined with securities already held give such control. In addition, the acquisition of securities that will extend the bank's control of a business shall be deemed the acquisition of the business if any of the securities being registered hereunder are to be offered in exchange for the securities to be acquired.

(c) No financial statements need be filed, however, for any business acquired or to be acquired from a majority-owned subsidiary. In addition, the statements of any one or more businesses may be omitted if such businesses, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

9. Filing of Other Statements in Certain Cases.

The Comptroller may, upon the request of the bank, and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Comptroller may also require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

E. HISTORICAL FINANCIAL INFORMATION

10. Scope of Part E.

The information required by Part E shall be furnished for the 7-year period preceding the period for which statements of income are filed, as to the accounts of each person whose balance sheet is filed. The information is to be given as to all of the accounts specified whether they are presently carried on the books or not. Part E does not call for verification, but only for a survey or review of the accounts specified. It should not be detailed beyond a point material to an investor.

11. Revaluations of Assets.

(a) If there were any material increases or decreases resulting from revaluing of assets, state (1) in what year or years such revaluations were made; (2) the amounts of such increases or decreases, and the accounts affected, including all related entries; and (3) if in connection with such revaluations any related adjustments were made in reserve accounts, the accounts and amounts with explanations.

(b) Information is not required as to adjustments made in the ordinary course of business, but only as to major revaluations made for the purpose of entering on the books current values, reproduction cost, or any values other than original cost.

(c) No information need be furnished with respect to any revaluation entry that was subsequently reversed or with respect to

the reversal of a revaluation entry recorded prior to the period if a statement as to the reversal is made.

12. Capital Shares.

(a) If there were any material restatements of capital shares that resulted in transfers from capital share liability to surplus, undivided profits, or reserves, state the amount of each such restatement and all related entries. No statement need be made as to restatements resulting from the declaration of share dividends.

(b) If there was an original issue of capital shares, any part of the proceeds of which was credited to accounts other than capital stock accounts, state the title of the class, the accounts, and the respective amounts credited thereto.

13. Debt Discount and Expense Written Off.

If any material amount of debt discount and expense, on long-term debt still outstanding was written off earlier than as required under any periodic amortization plan, give the following information: (1) title of the securities, (2) date of the writeoff, (3) amount written off, and (4) to what account charged.

14. Premiums and Discount and Expense on Securities Retired.

If any material amount of long-term debt or preferred shares was retired, and if either the retirement was made at a premium or there remained, at the time of retirement, a material amount of unamortized discount and expense applicable to the securities retired, state for each class (1) title of the securities retired, (2) date of retirement, (3) amount of premium paid and of unamortized discount and expense, (4) to what account charged, and (5) whether being amortized and, if so, the plan of amortization.

15. Other Changes in Surplus or Undivided Profits.

If there were any material increases or decreases in surplus or undivided profits, other than those resulting from transactions specified above, the closing of the income account, or the declaration or payment of dividends, state (1) the year or years in which such increases or decreases were made; (2) the nature and amounts thereof; and (3) the accounts affected, including all material related entries. Instruction 11(c) above also applies here.

16. Predecessors.

The information shall be furnished, to the extent material, as to any predecessor of the bank from the beginning of the period to the date of succession, not only as to the entries made respectively in the books of the predecessor or the successor, but also as to the changes effected in the transfer of the assets from the predecessor. No information need be furnished, however, as to any one or more predecessors that, considered in the aggregate, would not constitute a significant predecessor.

17. Omission of Certain Information.

(a) No information need be furnished as to any subsidiary, whether consolidated or unconsolidated, for the period prior to the date on which the subsidiary became a majority-owned subsidiary of the bank or of a predecessor for which information is required above.

(b) No information need be furnished hereunder as to any one or more unconsolidated subsidiaries for which separate financial statements are filed if all subsidiaries for which the information is so omitted, considered in the aggregate, would not constitute a significant subsidiary.

(c) Only the information specified in Instruction 11 need be given as to any predecessor or any subsidiary thereof if immediately prior to the date of succession thereto by a person for which information is re-

quired, the predecessor or subsidiary was in insolvency proceedings.

INSTRUCTIONS AS TO EXHIBITS

Subject to provisions regarding incorporation by reference, the following exhibits shall be filed as a part of the registration statement. Exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may bear the designation given in the previous filing. Where exhibits are incorporated by reference the reference shall be made in the list of exhibits in Item 17.

1. Copies of the charter (or a composite or restatement thereof) and the bylaws (or instruments corresponding thereto) as presently in effect.

2. Copies of any plan of acquisition, reorganization, readjustment, or succession described in answer to Item 3 or 16.

3. (a) Specimens or copies of all securities being registered hereunder, and copies of all constituent instruments defining the rights of holders of long-term debt of the bank and of all subsidiaries for which consolidated or unconsolidated financial statements are required to be filed.

(b) There need not be filed, however, (1) any instrument with respect to long-term debt not being registered hereunder if the total amount of securities authorized thereunder does not exceed 25 percent of the equity capital accounts of the bank and its subsidiaries on a consolidated basis; (2) any instrument with respect to any class of securities if appropriate steps to assure the redemption or retirement of such class will be taken prior to or upon delivery by the bank of the securities being registered; or (3) copies of instruments evidencing scrip certificates for fractions of shares.

4. Copies of all pension, retirement, or other deferred compensation plans, contracts, or arrangements. If any such plan, contract, or arrangement is not set forth in a formal document, furnish a reasonably detailed description thereof. Copies of any booklet or other description of any such plan, contract, or arrangement shall also be filed.

5. Copies of any plan setting forth the terms and conditions upon which outstanding options, warrants, or rights to purchase securities of the bank or its subsidiaries from the bank or its affiliates have been issued, together with specimen copies of such options, warrants, or rights; or, if they were not issued pursuant to such a plan, copies of each such option, warrant, or right.

6. Copies of any voting trust agreement referred to in answer to Item 11.

7. (a) Copies of every material contract not made in the ordinary course of business that is to be performed in whole or in part at or after the filing of the registration statement or that was made not more than 2 years before such filing and performance of which has not been completed. Only contracts need be filed as to which the bank or a subsidiary is a party or has succeeded to a party by assumption or assignment, and in which the bank or such subsidiary has a beneficial interest.

(b) If the contract is such as ordinary accompanies the kind of business conducted by the bank and its subsidiaries, it is made in the ordinary course of business and need not be filed, unless it falls within one or more of the following categories, in which case it should be filed except where immaterial in amount or significance:

(1) Directors, officers, promoters, voting trustee, or security holders named in answer to Item 11(a) are parties thereto except where the contract merely involves purchase or sale of current assets having a determinable market price, at such price.

(2) It calls for the acquisition or sale of fixed assets for a consideration exceeding 50 percent of the value of all fixed assets of the bank and its subsidiaries.

(3) It is a lease under which a significant part of the property described under Item 4 is held by the bank, or

(4) The amount of the contract, or its importance to business of the bank and its subsidiaries, is material, and the terms and conditions are of a nature of which investors reasonably should be informed.

(c) Any bonus or profit-sharing plan, contract, or arrangement shall be deemed material and shall be filed.

§ 11.42 Form for annual report of bank (Form F-2).

FORM F-2—ANNUAL REPORT

(Pursuant to section 13 of the Securities Exchange Act of 1934)

For the fiscal year ended.....

(Exact name of bank as specified in charter)

(Address of principal office)

GENERAL INSTRUCTIONS

A. Preparation of report. This form is not to be used as a blank form to be filled in but only as a guide in the preparation of an annual report. The report shall contain the numbers and captions of all items required to be answered, but the text of such items may be omitted if the answers with respect thereto are prepared in the manner specified in § 11.4(s). Particular attention should be given to the definitions in § 11.2 and general requirements in § 11.4. Except as otherwise stated, the information required shall be given as of the end of the bank's fiscal year, or as of the latest practicable date subsequent thereto.

B. Reports by banks not filing proxy statements or statements where management does not solicit proxies. Information contained in an annual report to security holders furnished to the Comptroller pursuant to Instruction D below, by any bank not subject to Instruction B, may be incorporated by reference in answer or partial answer to any item of this form. In addition, any financial statements contained in any such annual report may be incorporated by reference if such financial statements substantially meet the requirements of this form.

C. Annual reports to stockholders. Every bank that files an annual report on this form shall furnish to the Comptroller for its information four copies of any annual report to security holders covering such registrant bank's latest fiscal year, unless copies thereof are furnished to the Comptroller pursuant to § 11.5. Such report shall be mailed to the Comptroller not later than the date on which it is first sent or given to security holders, but shall not be deemed to be "filed" with the Comptroller or otherwise subject to the liabilities of section 18 of the Act, except to the extent that the bank specifically requests that it be treated as a part of its annual report on the form or incorporates it herein by reference. If no annual report is submitted to security holders for the bank's latest fiscal year, the Comptroller shall be so advised.

INFORMATION REQUIRED IN REPORT

Item 1—Securities registered. As to each class of securities of the bank that is registered pursuant to section 12 of the Act, state the title of such class, the name of the exchange, if any, on which registered, and the number of holders of record of such class.

Item 2—Parents and subsidiaries of the bank. Furnish a list or diagram showing the

relationship of the bank to all parents and subsidiaries, and as to each person named indicate the percentage of voting securities owned, or other basis of control, by its immediate parent.

Instructions. 1. This item need not be answered if there has been no change in the list or diagram as last previously reported.

2. The list or diagram shall include the bank and shall be so prepared as to show clearly the relationship of each person named to the bank and to the other persons named. If any person is controlled by means of the direct ownership of its securities by two or more persons so indicate by appropriate cross reference.

3. Designate by appropriate symbols (a) subsidiaries for which separate financial statements are filed; (b) subsidiaries included in the respective consolidated financial statements; and (c) other subsidiaries, indicating briefly why statements of such subsidiaries are not filed.

4. Indicate the name of the country in which each foreign subsidiary was organized.

5. The names of particular subsidiaries may be omitted if the unnamed subsidiaries, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

6. A person, approximately 50 percent of whose voting securities are owned, directly or indirectly, by the bank, and approximately 50 percent of whose voting securities are owned, directly or indirectly, by another person, shall be considered a subsidiary for the purpose of this item.

Item 3—Change in business. Describe briefly any material changes during the fiscal year, not previously reported, in the business of the bank and its subsidiaries.

Item 4. Financial statements and exhibits. List below all financial statements and exhibits filed as a part of the annual report:

- (a) Financial statements.
- (b) Exhibits.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this annual report to be signed on its behalf by the undersigned, thereunto duly authorized.

(Name of bank)

by.....
(Name and title of signing officer)

Date.....

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

These instructions specify the balance sheets and statements of income required to be filed as a part of annual reports on this form. Section 11.7 of this part governs the verification, form, and content of the balance sheets and statements of income required, including the basis of consolidation, and prescribes the statement of changes in capital accounts and the schedules to be filed in support thereof.

1. **Financial statements of the bank.** (a) There shall be filed for the bank, in comparative columnar form, verified balance sheets as of the close of the last 2 fiscal years and verified statements of income for such fiscal years.

(b) Notwithstanding paragraph (a), the individual financial statements of the bank may be omitted if consolidated statements of the bank and one or more of its subsidiaries are filed.

2. **Consolidated statements.** There shall be filed for the bank and its majority-owned (i) bank premises subsidiaries, (ii) subsidiaries operating under the provisions of section 25 or section 25(a) of the Federal Reserve Act ("Agreement Corporations" and "Edge Act

Corporations"), and (iii) significant subsidiaries, in comparative columnar form, verified consolidated balance sheets as of the close of the last 2 fiscal years of the bank and verified consolidated statements of income for such fiscal years.

3. **Separate statements of unconsolidated subsidiaries and other persons.** There shall be filed such other verified financial statements with respect to unconsolidated subsidiaries and other persons as are material to a proper understanding of the financial position and results of operations of the total enterprise.

4. **Filing of other statements in certain cases.** The Comptroller may, upon the request of the bank and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution thereof of appropriate statements of comparable character. The Comptroller may also require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

INSTRUCTIONS AS TO EXHIBITS

Subject to provisions regarding incorporation by reference, the following exhibits shall be filed as part of the report:

- 1. Copies of all amendments or modifications, not previously filed, to all exhibits previously filed (or copies of such exhibits as amended or modified).
- 2. Copies of all documents of the character required to be filed as an exhibit to an original form for registration of securities of a bank which have been executed or otherwise put into effect during the fiscal year and not previously filed.

§ 11.43 Form for current report of a bank (Form F-3).

FORM F-3

CURRENT REPORT

PURSUANT TO SECTION 13 OF THE SECURITIES EXCHANGE ACT OF 1934

For the Month of 19.....

(Exact name of bank as specified in charter)

(Address of principal office)

GENERAL INSTRUCTIONS

A. Preparation of Report. This form is not to be used as a blank form to be filled in but only as a guide in the preparation of the report. The report shall contain the numbers and captions of all applicable items, but the text of such items may be omitted if the answers with respect thereto are prepared in the manner specified in § 11.4(s). All items which are not required to be answered in a particular report may be omitted and no reference thereto need be made in the report. Particular attention should be given to the definitions in § 11.2 and the general requirements in § 11.4.

B. Events To Be Reported. A report on this form is required to be filed upon the occurrence of any one or more of the events specified in the items of this form. Reports are to be filed within 10 days after the close of each month during which any of the specified events occurs. However, if substantially the same information as that required by this form has been previously reported by the bank, an additional report of the information on this form need not be made.

C. Incorporation by Reference to Proxy Statement, Statement Where Management

Does Not Solicit Proxies, or Annual Report to Security Holders. Information contained in any statement previously filed with the Comptroller pursuant to § 11.5(a) or in an annual report to security holders furnished to the Comptroller pursuant to § 11.5(c) may be incorporated by reference in answer or partial answer to any item or items of this form. In addition, any financial statements contained in any such statement or annual report may be incorporated by reference provided such financial statements substantially meet the requirements of this form.

INFORMATION TO BE INCLUDED IN REPORT

Item 1—Changes in Control of Bank.

(a) If any person has become a parent of the bank, give the name of such person, the date and a brief description of the transaction or transactions by which the person became such a parent and the percentage of voting securities of the bank owned by the parent or other basis of control by the parent over the bank.

(b) If any person has ceased to be a parent of the bank, give the name of such person and the date and a brief description of the transaction or transactions by which the persons ceased to be such a parent.

(c) If securities of a bank or any of its parents have been pledged under such circumstances that a default may result in a change of control of the bank, state the names of the pledgor and pledgee and the title and amount of securities pledged.

Instruction. Where, pursuant to a previously reported pledge agreement, additional securities are pledged on the same terms, no report is necessary unless there is a significant change in the percentage of voting securities pledged.

Item 2—Acquisition or Disposition of Assets.

If the bank or any of its significant subsidiaries has acquired or disposed of a significant amount of assets, otherwise than in the ordinary course of business, state the date and manner of acquisition or disposition and briefly describe the assets involved, the nature and amount of consideration given or received therefor, the principle followed in determining the amount of such consideration, the identity of the persons from whom the assets were acquired or to whom they were sold and the nature of any material relationship between such persons and the bank or any of its affiliates, any director or officer of the bank, or any associate of any such director or officer.

Instructions. 1. No information need be given as to (i) any transaction between any person and any wholly owned subsidiary of such person; i.e., a subsidiary substantially all of whose outstanding voting securities are owned by such person and/or its other wholly owned subsidiaries; (ii) any transaction between two or more wholly owned subsidiaries of any person; or (iii) the redemption or other acquisition of securities from the public, or the sale or other disposition of securities to the public, by the bank of such securities.

2. The term "acquisition" includes every purchase, acquisition by lease, exchange, merger, consolidation, succession or other acquisition; provided that such term does not include the construction or development of property by or for the bank or its subsidiaries or the acquisition of materials for such purpose, and does not include the acquisition of assets acquired (i) in collecting a debt previously contracted in good faith or (ii) in a fiduciary capacity. The term "disposition" includes every sale, disposition by lease, exchange, merger consolidation, mortgage, or hypothecation of assets, assignment, abandonment, destruction, or other disposi-

tion, but does not include disposition of assets acquired (i) in collecting a debt previously contracted in good faith or (ii) in a fiduciary capacity.

3. The information called for by this item is to be given as to each transaction or series of related transactions of the size indicated. The acquisition or disposition of securities shall be deemed the indirect acquisition or disposition of the assets represented by such securities if it results in the acquisition or disposition of control of such assets.

4. An acquisition or disposition shall be deemed to involve a significant amount of assets (i) if the net book value of such assets or the amount paid or received therefor upon such acquisition or disposition exceeded 5 percent of the equity capital account of the bank, or (ii) if it involved the acquisition or disposition of a business whose gross operating revenues for its last fiscal year exceed 5 percent of the gross operating revenues of the bank and its consolidated subsidiaries for the bank's latest fiscal year.

5. Where assets are acquired or disposed of through the acquisition or disposition of control of a person, the person from whom such control was acquired or to whom it was disposed of shall be deemed the person from whom the assets were acquired or to whom they were disposed of, for the purposes of this item. Where such control was acquired from or disposed of to not more than five persons, their names shall be given, otherwise it will suffice to identify in an appropriate manner the class of such persons.

6. Attention is directed to the requirements at the end of the form with respect to the filing of financial statements for businesses acquired.

Item 3—Legal Proceedings.

(a) Briefly describe any material legal proceedings, other than ordinary routine proceedings incidental to the business, to which the bank or any of its subsidiaries has become a party or of which any of their property has become the subject. Include the name of the court or agency in which the proceedings were instituted, the date instituted, and the principal parties thereto.

(b) If any such proceeding previously reported has been terminated, identify the proceeding, state the date and nature of such termination and the general effect thereof with respect to the bank and its subsidiaries.

Instructions. 1. No information need be given with respect to any proceeding which involves primarily a claim for damages if the amount involved, exclusive of interest and costs, does not exceed 10 percent of the equity capital accounts of the bank. However, if any proceeding presents in large degree the same issues as other proceedings pending or known to be contemplated, the amount involved in such other proceedings shall be included in computing such percentage.

2. Any material proceeding to which any director, officer, or affiliate of the bank, any holder of more than 10 percent of any class of its equity securities, or any associate of any such director, officer, or security holder, is a party adverse to the bank or any of its subsidiaries, shall also be described.

Item 4—Changes in Securities.

(a) If the instruments defining the rights of the holders of any class of registered securities have been materially modified, give the title of the class of securities involved and state briefly the general effect of such modification upon the rights of holders of such securities.

(b) If the rights evidenced by any class of registered securities have been materially limited or qualified by the issuance or modification of any other class of securities, state briefly the general effect of the issuance or modification of such other class of securities

upon the rights of the holders of the registered securities.

Instruction. Working capital restrictions and other limitations upon the payment of dividends are to be reported hereunder.

Item 5—Defaults Upon Senior Securities.

(a) If there has been any material default in the payment of principal, interest, a sinking or purchase fund installment, or any other material default not cured within 30 days, with respect to any indebtedness of the bank or any of its significant subsidiaries exceeding 5 percent of the equity capital accounts of the bank, identify the indebtedness and state the nature of the default. In the case of such a default in the payment of principal, interest, or a sinking or purchase fund installment, state the amount of the default and the total arrearage on the date of filing this report.

Instruction. This paragraph refers only to events which have become defaults under the governing instruments, i.e., after the expiration of any period of grace and compliance with any notice requirements.

(b) If any material arrearage in the payment of dividends has occurred or if there has been any other material delinquency not cured within 30 days, with respect to any class of preferred stock of the bank which is registered or which ranks prior to any class of registered securities, or with respect to any class of preferred stock of any significant subsidiary of the bank, give the title of the class and state the nature of the arrearage or delinquency. In the case of an arrearage in the payment of dividends, state the amount and the total arrearage on the date of filing this report.

Item 6—Increase in Amount of Securities Outstanding.

If the amount of securities of the bank outstanding has been increased through the issuance of any new class of securities or through the issuance or reissuance of any additional securities of a class outstanding and the aggregate amount of all such increases not previously reported exceeds 5 percent of the previously outstanding securities of the class, furnish the following information:

(a) Title of class, the amount outstanding at last previously reported, and the amount presently outstanding (as of a specified date).

(b) A brief description of the transaction or transactions resulting in the increase and a statement of the aggregate net cash proceeds or the nature and aggregate amount of any other consideration received or to be received by the bank.

(c) The names of the principal underwriters, if any, indicating any such underwriters which are affiliates of the bank.

(d) A reasonably itemized statement of the purposes, so far as determinable, for which the net proceeds have been or are to be used and the approximate amounts used or to be used for each such purpose.

Instructions. 1. This item does not apply to notes, drafts, bills of exchange, or bank acceptances which mature not later than 18 months from the date of issuance. No report need be made where the amount not previously reported, although in excess of 5 percent of the amount previously outstanding, does not exceed \$100,000 face amount of indebtedness or 1,000 shares of other units.

2. This item includes the reissuance of treasury securities and securities held for the account of the issuer thereof. The extension of the maturity date of indebtedness shall be deemed to be the issuance of new indebtedness for the purpose of this item. In the case of such an extension, the percentage shall be computed upon the basis

of the principal amount of the indebtedness extended.

Item 7—Decrease in Amount of Securities Outstanding.

If the amount of any class of securities of the bank outstanding has been decreased through one or more transactions and the aggregate amount of all such decreases not previously reported exceeds 5 percent of the amount of securities of the class previously outstanding, furnish the following information:

(a) Title of the class, the amount outstanding as last previously reported, and the amount presently outstanding (as of a specified date).

(b) A brief description of the transaction or transactions involving the decrease and a statement of the aggregate amount of cash or the nature and aggregate amount of any other consideration paid or to be paid by the bank in connection with such transaction or transactions.

Instruction. Instruction 1 to Item 6 shall also apply to this item. This item need not be answered as to decreases resulting from ordinary sinking fund operations, similar periodic decreases made pursuant to the terms of the constituent instruments, decreases resulting from the conversion of securities or decreases resulting from the payment of indebtedness at maturity.

Item 8—Options To Purchase Securities.

If any options to purchase securities of the bank or any of its subsidiaries have been granted or extended and the amount of securities called for by all such options the granting or extension of which has not been previously reported exceeds 5 percent of the outstanding securities of the class, furnish the following information:

(a) The dates on which the options were granted or extended;

(b) The total amount of securities called for by such options;

(c) The consideration for the granting or extension of the options;

(d) The exercise prices;

(e) The market value of the securities on the granting or extension dates;

(f) The expiration dates of the options; and

(g) Any other material conditions to which the options were subject.

Instruction. This item need not be answered where the amount not previously reported, although in excess of 5 percent of the amount previously outstanding, does not exceed \$100,000 face amount of indebtedness or 1,000 shares or other units of other securities.

Item 9—Revaluation of Assets or Restatement of Capital Stock Account.

(a) If there has been a material revaluation of the assets of the bank or any of its significant subsidiaries involving a write-up, write-down, write-off, or abandonment, state the date of the revaluation, the amount involved and the accounts affected, including all related entries. If any adjustment was made in any related reserve account in connection with the revaluation, state the account and amounts involved and explain the adjustment.

(b) If there has been a material restatement of the capital stock account of the bank resulting in a transfer from capital stock to surplus, undivided profits, or reserves, or vice versa, state the date, purpose, and

amount of the restatement and give a brief explanation of all related entries in connection with the restatement.

Item 10—Submission of Matters to a Vote of Security Holders.

If any matter has been submitted to a vote of security holders, through the solicitation of proxies or otherwise, furnish the following information:

(a) The date of the meeting and whether it was an annual or special meeting.

(b) If the meeting involved the election of directors, state the name of each director elected at the meeting and the name of each other director whose term of office as a director continued after the meeting.

(c) Briefly describe each other matter voted upon at the meeting and state the number of affirmative votes and the number of negative votes cast with respect to each such matter.

Instructions. 1. If any matter has been submitted to a vote of security holders otherwise than at a meeting of such security holders, corresponding information with respect to such submission shall be furnished. The solicitation of any authorization or consent (other than a proxy to vote at a security holders' meeting) with respect to any matter shall be deemed a submission of such matter to a vote of security holders within the meaning of this item.

2. Paragraph (a) need be answered only if paragraph (b) or (c) is required to be answered.

3. Paragraph (b) need not be answered if (i) a proxy statement, or statement where management does not solicit proxies, with respect to the meeting was filed with the Comptroller pursuant to § 11.5(a), (ii) there was no solicitation in opposition to the management's nominees as listed in such statement, and (iii) all of such nominees were elected.

4. Paragraph (c) need not be answered as to procedural matters or as to the selection or approval of auditors.

5. If the bank has published a report containing all of the information called for by this item, the item may be answered by a reference to the information contained in such report, provided copies of such report are filed as an exhibit to the report on this form.

Item 11—Other Materially Important Events.

The bank may, at its option, report under this item any events that the bank deems of material importance to security holders, even though information as to such events is not otherwise called for by this form.

Item 12—Financial Statements and Exhibits.

List below the financial statements and exhibits, if any, filed as a part of this report:

(a) Financial statements.

(b) Exhibits.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this report to be signed on its behalf by the undersigned, thereunto duly authorized.

By _____
(Name of bank)

By _____
(Name and title of signing officer)

Date _____

FINANCIAL STATEMENTS OF BUSINESS ACQUIRED

1. Business for which statements are required.

The financial statements specified below shall be filed for any business the acquisition of which by the bank or any of its majority-owned subsidiaries is required to be described in answer to Item 2 above.

2. Statements required.

(a) There shall be filed a balance sheet of the business as of a date reasonably close to the date of acquisition. The balance sheet need not be verified, but if it is not verified there shall also be filed a verified balance sheet as of the close of the preceding fiscal year.

(b) Statements of income of the business shall be filed for each of the last 3 full fiscal years and for the period, if any, between the close of the latest of such fiscal years and the date of the latest balance sheet filed. These statements of income shall be verified up to the date of the verified balance sheet.

(c) If the business was in insolvency proceedings immediately prior to its acquisition, the balance sheets required above need not be verified. In such case, the statements of income required shall be verified to the close of the latest full fiscal year.

(d) No supporting schedules need be filed.

3. Filing of other statements in certain cases.

The Comptroller may, upon the informal written request of the bank, and where consistent with the protection of investors, permit the omission of one or more of the statements herein required of the filing in substitution therefor of appropriate statements of comparable character. The Comptroller may also by informal written notice require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person for which financial statements are required, or whose statements are otherwise necessary for the protection of investors.

EXHIBITS

Subject to the rules as to incorporation by reference, the following documents shall be filed as exhibits to this report.

1. Copies of any contract, plan, or arrangement for any acquisition or disposition described in answer to Item 2, including any plan of reorganization, readjustment, exchange, merger, consolidation, or succession in connection therewith.

2. Copies of any judgment or any document setting forth the terms of any settlement described in answer to Item 3.

3. Copies of the amendments to all constituent instruments and other documents described in answer to Item 4.

4. Copies of all constituent instruments defining the rights of the holders of any new class of securities referred to in answer to Item 7.

5. Copies of the plan pursuant to which the options referred to in answer to Item 8 were granted, or if there is no such plan, specimen copies of the options.

6. Copies of any material amendments to the bank's charter or bylaws, not otherwise required to be filed.

§ 11.44 Form for quarterly report of bank (Form F-4).

FORM F-4—QUARTERLY REPORT OF

(Name of bank)

(City and State)

Item	3 months ending		Fiscal year to date (... months ending	
	19.....	19.....	19.....	19.....
	(current year)	(prior year)	(current year)	(prior year)
1. Operating income:				
(a) Interest and fees on loans.....				
(b) Interest and dividends on securities.....				
(c) Other operating income.....				
(d) Total operating income.....				
2. Operating expenses:				
(a) Salaries and other compensation.....				
(b) Interest expense.....				
(c) Other operating expenses.....				
(d) Total operating expenses.....				
3. Income before income taxes and securities gains (losses).....				
4. Applicable income taxes.....				
5. Income before securities gains (losses).....				
6. Net security gains (losses), less related tax effect.....				
7. Net income.....				

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this quarterly report to be signed on its behalf by the undersigned, thereunto duly authorized.

Date

By
(Name and title of signing officer)

(a) Use of Form F-4. Form F-4 is a guide for use in preparation of the quarterly report to be filed with the Comptroller.

(b) Persons for whom the information is to be given. The required information is to be given as to the registrant bank or, if the bank files consolidated financial statements with the annual reports filed with the Comptroller, it shall cover the bank and its consolidated subsidiaries. If the information is given as to the bank and its consolidated subsidiaries, it need not be given separately for the bank.

(c) Presentation of information. The form calls only for the items of information specified. It is not necessary to furnish a formal statement of income. The information is not required to be verified (see § 11.7(b) of this part). The report may carry a notation to that effect and any other qualification considered necessary or appropriate. Amounts may be stated in thousands of dollars if a notation to that effect is made.

(d) Incorporation by reference to published statements. If the bank makes available to its stockholders or otherwise publishes, within the period prescribed for filing the report, a financial statement containing the information required by this form, such information may be incorporated by reference to such published statement if copies thereof are filed as an exhibit to this report.

(e) Extraordinary items. If present with respect to any interim period reported herein, extraordinary items less applicable income tax effect shall be appropriately segregated and included in the determination of net income. (See Form F-9B, Statement of Income.)

§ 11.45 Form for amendment to registration statement or periodic report of bank (Form F-20).

FORM F-20—AMENDMENT TO REGISTRATION STATEMENT OR PERIODIC REPORT OF BANK

GENERAL INSTRUCTIONS

A. The form set forth hereinafter is not to be used as a blank form to be filled in but is intended solely as a guide in the preparation of an amendment to a previously filed registration statement or report. Attention should be given to the general requirements

governing amendments, which are prescribed in § 11.4(u).

B. The amendment shall contain the number and caption of each item being amended and each such item shall be restated, as amended, in its entirety. Where a financial statement or a note or schedule related thereto, is being amended, such statement, note, or schedule likewise shall be restated in its entirety.

THE COMPTROLLER OF THE CURRENCY

WASHINGTON, D.C. 20220

Amendment Number

to

Form F-.....

Pursuant to Section 12 or 13 of the Securities Exchange Act of 1934

(Exact name of bank as specified in charter)

(Address of principal office)

The undersigned bank hereby amends the following items, financial statements or exhibits, constituting part of the aforesaid statement or report, as set forth in the pages attached hereto:

(List all such items, financial statements, exhibits, or other portions amended.)

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this amendment to be signed on its behalf by the undersigned, thereunto duly authorized.

By
(Print name and title of signing officer under signature)

Date

¹ Indicate appropriate designation of statement or report being amended, such as "Registration Statement" or "Annual Report for year ended December 31, 19...."

² Indicate the number of the form on which the statement or report was filed, such as "Form F-1."

§ 11.46 Form for registration of additional class of securities of a bank pursuant to section 12(b) or section 12(g) of the Securities Exchange Act of 1934 (Form F-10).

FORM F-10—REGISTRATION STATEMENT FOR ADDITIONAL CLASSES OF SECURITIES OF A BANK

PURSUANT TO SECTION 12(b) OR SECTION 12(g) OF THE SECURITIES EXCHANGE ACT OF 1934

(Exact name of bank as specified in charter)

(Address of principal office)

Securities being registered pursuant to section 12(b) of the Act:

Name of each exchange on which class is being registered.

Title of each class of equity securities being registered pursuant to section 12(g) of the Act:

GENERAL INSTRUCTIONS

1. Applicability of This Form. This form may be used for registration of the following securities pursuant to the Securities Exchange Act of 1934:

(a) For registration pursuant to section 12(g) of the Act of any class of equity securities of a bank which has one or more other classes of securities registered pursuant to either section 12(b) or (g) of the Act.

(b) For registration on a national securities exchange pursuant to section 12(b) of the Act of any class of securities of a bank which has one or more other classes of securities so registered on the same securities exchange.

2. Preparation of Registration Statement. This form is not to be used as a blank form to be filled in but only as a guide in the preparation of a registration statement. Particular attention should be given to the general requirements in § 11.4 of Part 11 of the Comptroller's regulations. The statement shall contain the numbers and captions of all items, but the text of the items may be omitted if the answers with respect thereto are prepared in the manner specified in § 11.4(e).

INFORMATION REQUIRED IN REGISTRATION STATEMENT

Item 1. Stock To Be Registered. If stock is being registered, state the title of the class and furnish the following information (see Instruction 1):

(a) Outline briefly (1) dividend rights; (2) voting rights; (3) liquidation rights; (4) preemptive rights; (5) conversion rights; (6) redemption provision; (7) sinking fund provisions, and (8) liability to further calls or to assessment.

(b) If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain briefly.

(c) Outline briefly any restriction on the repurchase or redemption of shares by the bank while there is any arrearage in the payment of dividends or sinking fund installments. If there is no such restriction, so state.

Instructions. 1. If a description of the securities comparable to that required here is contained in any other document filed with the Comptroller, such description may be incorporated by reference to such other filing in answer to this item. If the securities are to be registered on a national securities

exchange and the description has not previously been filed with such exchange, copies of the description shall be filed with copies of the registration statement filed with the exchange.

2. This item requires only a brief summary of the provisions which are pertinent from an investment standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct résumé is required.

3. If the rights evidenced by the securities to be registered are materially limited or qualified by the rights evidenced by any other class of securities or by the provisions of any contract or other document, include such information regarding such limitation or qualification as will enable investors to understand the rights evidenced by the securities to be registered.

Item 2. Debt Securities To Be Registered.

If the securities to be registered hereunder are bonds, debentures or other evidences of indebtedness, outline briefly such of the following as are relevant:

- (a) Provisions with respect to interest, conversion, maturity, redemption, amortization, sinking fund, or retirement.
- (b) Provisions with respect to the kind and priority of any lien, securing the issue, together with a brief identification of the principal properties subject to such lien.
- (c) Provisions restricting the declaration of dividends or requiring the maintenance of any ratio of assets, the creation or maintenance of reserves or the maintenance of properties.
- (d) Provisions permitting or restricting the issuance of additional securities, the withdrawal of cash deposited against such issuance, the incurring of additional debt, the release or substitution of assets securing the issue, the modification of the terms of the security, and similar provisions.

Instruction 1. Provisions permitting the release of assets upon the deposit of equivalent funds or the pledge of equivalent property, the release of property no longer required in the business, obsolete property or property taken by eminent domain, the application of insurance moneys, and similar provisions, need not be described.

(e) The name of the trustee and the nature of any material relationship with the bank or any of its affiliates; the percentage of securities of the class necessary to require the trustee to take action, and what indemnification the trustee may require before proceeding to enforce the lien.

(f) The general type of event which constitutes a default and whether or not any periodic evidence is required to be furnished as to the absence of default or as to compliance with the terms of the indenture.

Instruction 2. The instruction to Item 1 also apply to this item.

Item 3. Other Securities To Be Registered.

If securities other than those referred to in Items 1 and 2 are to be registered hereunder, outline briefly the rights evidenced thereby. If subscription warrants or rights are to be registered, state the title and amount of securities called for, and the period during which and the price at which the warrants or rights are exercisable.

Instruction. The instructions to Item 1 also apply to this item.

Item 4. Exhibits.

List all exhibits filed as a part of the registration statement.

SIGNATURE

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this registration statement to

be signed on its behalf by the undersigned, thereunto duly authorized.

Date _____

Name of Bank
By _____
(Name and title of signing officer)

INSTRUCTIONS AS TO EXHIBITS

Subject to § 11.4(o) of Part 11 regarding the incorporation of exhibits by reference, the exhibits enumerated hereinafter shall be filed as a part of the registration statement. Exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may bear the designation given in the previous filing. Where exhibits are incorporated by reference, the reference shall be made in the list of exhibits in Item 4.

- 1. Specimens or copies of each security to be registered hereunder.
- 2. Copies of all constituent instruments defining the rights of the holders of each class of such securities, including any contracts or other documents which limit or qualify the rights of such holders.

§ 11.47 Form for statement to be filed pursuant to § 11.4(g)(2) or § 11.5(1) of Part 11 (Form F-11).

THE COMPTROLLER OF THE CURRENCY

FORM F-11—STATEMENT TO BE FILED PURSUANT TO § 11.4(g)(2) OR § 11.5(1) OF PART 11

General Instructions

The item numbers and captions of the items shall be included but the text of the items may be omitted. The answers to the items shall be so prepared as to indicate clearly the coverage of the items without referring to the text of the items. Answer every item. If an item is inapplicable or the answer is in the negative, so state.

If the statement is filed by a partnership, limited partnership, syndicate, or other group, the information called for by Items 2 to 6, inclusive, shall be given with respect to (1) each partner or any partnership or limited partnership, (2) each member of such syndicate or group and (3) each person controlling such partner or member. If a person referred to in (1), (2), or (3) is a corporation or the statement is filed by a corporation, the information called for by the above-mentioned items shall be given with respect to each principal officer and director of such corporation and each person controlling such corporation.

Item 1—Security and bank. State the title of the class of equity securities to which this statement relates and the name and address of the bank which issued such securities.

Item 2—Identity and background. State the following with respect to the person filing this statement:

- (a) Name and business address;
- (b) Residence address;
- (c) Present principal occupation or employment and the name, principal business and address of any corporation or other organization in which such employment is carried on;
- (d) Material occupations, positions, offices or employments during the last 10 years, giving the starting and ending dates of each and the name, principal business and address of any business corporation or other organization in which each such occupation, position, office or employment was carried on; and
- (e) Whether or not, during the last 10 years, such person has been convicted in a

criminal proceeding (excluding traffic violations or similar misdemeanors) and, if so, give the dates, nature of conviction, name and location of court, and penalty imposed, or other disposition of the case.

Item 3—Source and amount of funds or other consideration. State the source and amount of funds or other consideration used or to be used in making the purchases, and if any part of the purchase price or proposed purchase price is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding, or trading the securities, a description of the transaction and the names of the parties thereto.

Instruction. If the source of funds is a loan made in the ordinary course of business by a bank, the person filing the statement may, at his option, omit the name of the bank, provided it is furnished to the Comptroller in a letter requesting confidential treatment as to such information. Pursuant to section 13(d)(1)(B) of the Act, such information shall not be made available to the public.

Item 4—Purpose of transaction. If the purpose of the purchases or prospective purchases is to acquire control of the bank, describe any plans or proposals which such persons may have to liquidate such bank, to sell its assets to or merge it with any other persons, or to make any other major change in its business or corporate structure.

Item 5—Interest in securities of the bank. State the number of shares of the security which are beneficially owned, and the number of shares concerning which there is a right to acquire, directly or indirectly, by (1) such person, and (2) each associate of such person, giving the name and address of each such associate.

Item 6—Contracts, arrangements, or understandings with respect to securities of the bank. Furnish information as to any contracts, arrangements, or understandings with any person with respect to any securities of the bank, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies, naming the persons with whom such contracts, arrangements, or understandings have been entered into, and giving the details thereof.

Item 7—Persons retained, employed or to be compensated. Where this statement relates to a tender offer, or request or invitation for tenders, identify all persons and classes of persons employed, retained or to be compensated by the person filing this statement, or by any person on his behalf, to make solicitations or recommendations to security holders and describe briefly the terms of such employment, retainer or arrangement for compensation.

Item 8—Material to be filed as exhibits. Copies of all requests or invitations for tenders or advertisements making a tender offer or requesting or inviting tenders, additional material soliciting or requesting such tender offers, solicitations or recommendations to the holders of the security to accept or reject a tender offer or request or invitation for tenders shall be filed as an exhibit.

SIGNATURE

I certify that to the best of my knowledge and belief the information set forth in this statement is true, complete, and correct.

(Date) (Signature)

If the statement is signed on behalf of a person by an authorized representative,

evidence of the representative's authority to sign on behalf of such person shall be filed with the statement.

§ 11.51 Form for proxy statement; statement where management does not solicit proxies (Form F-5).

FORM F-5—PROXY STATEMENT: STATEMENT WHERE MANAGEMENT DOES NOT SOLICIT PROXIES

GENERAL INSTRUCTIONS

Each statement required under § 11.5(a) of this part shall, to the extent applicable, include the information called for under each of the items below. In the preparation of the statement, particular attention should be given to the definitions in § 11.2 of this part.

This form is not to be used as a blank form to be filled in nor is it intended to prescribe a form for presentation of material in the statement. Its purpose is solely to prescribe the information required to be set forth in the statement; any additional information that management or the soliciting persons deem appropriate may be included.

INFORMATION REQUIRED IN STATEMENT

Item 1.—Revocability of proxy. State whether the person giving the proxy has the power to revoke it. If the right of revocation before the proxy is exercised is limited or is subject to compliance with any formal procedure, briefly describe such limitation or procedure.

Item 2.—Dissenters' rights of appraisal. Outline briefly the rights of appraisal or similar rights of dissenters with respect to any matter to be acted upon and indicate any statutory procedure required to be followed by dissenting security holders in order to perfect such rights. Where such rights may be exercised only within a limited time after the date of the adoption of a proposal, the filing of a charter amendment or other similar act, state whether the person solicited will be notified of such date.

Instruction. Indicate whether a security holder's failure to vote against a proposal will constitute a waiver of his appraisal or similar rights and whether a vote against a proposal will be deemed to satisfy any notice requirements under State law with respect to appraisal rights. If the State law is unclear, state what position will be taken in regard to those matters.

Item 3. Persons making the solicitation. (a) Solicitations not subject to § 11.5(i).

(1) If the solicitation is made by the management of the bank, so state. Give the name of any director of the bank who has informed the management in writing that he intends to oppose any action intended to be taken by the management and indicate the action which he intends to oppose.

(2) If the solicitation is made otherwise than by the management of the bank, so state and give the names of the persons by whom and the persons on whose behalf it is made.

(3) If the solicitation is to be made otherwise than by the use of the mails, describe the methods to be employed. If the solicitation is to be made by specially engaged employees or paid solicitors, state (i) the material features of any contract or arrangement for such solicitation and identify the parties, and (ii) the cost or anticipated cost thereof.

(4) State the names of the persons by whom the cost of solicitation has been or will be borne, directly or indirectly.

(b) Solicitations subject to § 11.5(i).

(1) State by whom the solicitation is made and describe the methods employed and to be employed.

(2) If regular employees of the bank or any other participants in a solicitation have been or are to be employed to solicit security

holders, describe the class or classes of employees to be so employed, and the manner and nature of their employment for such purpose.

(3) If specially engaged employees, representatives, or other persons have been or are to be employed to solicit security holders, state (i) the material features of any contract or arrangement for such solicitation and identify the parties, (ii) the cost or anticipated cost thereof, and (iii) the approximate number of such employees or employees of any other person (naming such other person) who will solicit security holders.

(4) State the total amount estimated to be spent and the total expenditures to date for, in furtherance of, or in connection with, the solicitation of security holders.

(5) State by whom the cost of the solicitation will be borne. If such cost is to be borne initially by any person other than the bank, state whether reimbursement will be sought from the bank, and, if so, whether the question of such reimbursement will be submitted to a vote of security holders.

Instruction. With respect to solicitations subject to § 11.5(i), costs and expenditures within the meaning of this Item 3 shall include fees for attorneys, accountants, public relations, or financial advisers, solicitors, advertising, printing, transportation, litigation, and other costs, incidental to the solicitation, except that the bank may exclude the amounts of such costs represented by the amount normally expended for a solicitation for an election of directors in the absence of a contest, and costs represented by salaries and wages of regular employees and officers, provided a statement to that effect is included in the proxy statement.

Item 4. Interest of certain persons in matters to be acted upon. (a) Solicitations not subject to § 11.5(i). Describe briefly any substantial interest, direct or indirect, by security holdings or otherwise, of each of the following persons in any matter to be acted upon, other than elections to office:

(1) If the solicitation is made on behalf of management, each person who has been a director or officer of the bank at any time since the beginning of the last fiscal year.

(2) If the solicitation is made otherwise than on behalf of management, each person on whose behalf the solicitation is made. Any person who would be a participant in a solicitation for purposes of § 11.5(i) as defined in subparagraph 2(i) (c), (d), (e), and (f) thereof shall be deemed a person on whose behalf the solicitation is made for purposes of this paragraph (a).

(3) Each nominee for election as a director of the bank.

(4) Each associate of the foregoing persons.

Instruction. Except in the case of a solicitation subject to § 11.5 of this part made in opposition to another solicitation subject to § 11.5 of this part, this subitem (a) shall not apply to any interest arising from the ownership of securities of the bank where the security holder receives no extra or special benefit not shared on a pro rata basis by all other holders of the same class.

(b) Solicitations subject to § 11.5(i).

(1) Describe briefly any substantial interest, direct or indirect, by security holdings or otherwise, of each participant as defined in § 11.5(i) (2) (i), (b), (c), (d), and (e), in any matter to be acted upon at the meeting, and include with respect to each participant the information, or a fair and adequate summary thereof, required by Items 2(a), 2(d), 3, 4(b), and 4(c) of Form F-6.

(2) With respect to any person named in answer to Item 6(b), described any substantial interest, direct or indirect, by security holdings or otherwise, that he has in any matter to be acted upon at the meeting, and

furnish the information called for by Item 4 (b) and (c) of Form F-6.

Item 5—Voting securities and principal holders thereof. (a) State, as to each class of voting securities of the bank entitled to be voted at the meeting, the number of shares outstanding and the number of votes to which each class is entitled.

(b) Give the date as of which the record of security holders entitled to vote at the meeting will be determined. If the right to vote is not limited to security holders of record on that date, indicate the conditions under which other security holders may be entitled to vote.

(c) If action is to be taken with respect to the election of directors and if the persons solicited have cumulative voting rights, make a statement that they have such rights and state briefly the conditions precedent to the exercise thereof.

(d) If to the knowledge of the persons on whose behalf the solicitation is made, any person, individually, or together with his associates, owns of record or beneficially more than 10 percent of the outstanding voting securities of the bank, name such person or persons, state the approximate amount of such securities owned of record but not owned beneficially, and the approximate amount owned beneficially, and the percentage of outstanding voting securities represented by the amount of securities so owned in each such manner.

(e) If to the knowledge of the persons on whose behalf the solicitation is made, a change in control of the bank was occurred since the beginning of its last fiscal year, state the name of the person or persons who acquired such control, the basis of such control, the date and a description of the transaction or transactions in which control was acquired and the percentage of voting securities of the bank now owned by such person or persons.

(f) Describe any contractual arrangements, including any pledge of securities of the bank or any of its parents, known to the persons on whose behalf the solicitation is made, the operation of the terms of which may at a subsequent date result in a change in control of the bank.

Instruction. Paragraph (f) does not require a description of ordinary default provisions contained in the charter, trust indentures or other governing instruments relating to securities of the bank.

Item 6—Nominees and directors. (a) If action is to be taken with respect to the election of directors, furnish the following information, in tabular form to the extent practicable, with respect to each person nominated for election as a director and each other person whose term of office as a director will continue after the meeting:

(1) Name each such person, state when his term of office or the term of office for which he is a nominee will expire, and all other positions and offices with the bank presently held by him, and indicate which persons are nominees for election as directors at that meeting.

(2) State his present principal occupation or employment and give the name and principal business of any corporation or other organization in which such employment is carried on. Furnish similar information as to all of his principal occupations or employments during the last 5 years, unless he is now a director and was elected to his present term of office by a vote of security holders at a meeting with respect to which a proxy statement or statement where management does not solicit proxies was submitted to security holders pursuant to § 11.5(a) of this part.

(3) If he is or has previously been a director of the bank state the period or periods during which he has served as such.

(4) State, as of the most recent practicable date, the approximate amount of each class of equity securities of the bank, or any of its parents or subsidiaries "beneficially owned" (as defined in § 11.2(f)) directly or indirectly by him. If he disclaims beneficial ownership of any such securities, make a statement to that effect.

(b) If any nominee for election as a director is proposed to be elected pursuant to any arrangement or understanding between the nominee and any other person or persons, except the directors and officers of the bank acting solely in that capacity, name such other person or persons and described briefly such arrangement or understanding.

(c) If fewer nominees are named than the number fixed by or pursuant to the governing instruments, state (1) the reasons for this procedure, and (2) that the proxies cannot be voted for a greater number of persons than the number of nominees named.

Item 7.—*Remuneration and other transactions with management and others.* Furnish the information called for by this item if action is to be taken with respect to (i) the election of directors, (ii) any bonus, profit sharing, or other remuneration plan, contract or arrangement in which any director, nominee for election as a director, or officer of the bank will participate, (iii) any pension or retirement plan in which any such person will participate, or (iv) the granting or extension to any such person of any options, warrants, or rights to purchase any securities, other than warrants or rights issued to security holders, as such, on a pro rata basis. However, if the solicitation is made on behalf of persons other than the management, the information required need be furnished only as to nominees for election as directors and as to their associates.

(a) Furnish the following information in substantially the tabular form indicated below as to all direct remuneration paid by the bank and its subsidiaries during the bank's latest fiscal year to the following persons for services in all capacities:

(1) Each director of the bank whose aggregate direct remuneration exceeded \$30,000, and each of the two highest paid officers of the bank whose aggregate direct remuneration exceeded that amount, naming each such director and officer.

(2) All directors and officers of the bank as a group, without naming them, but stating the number of persons included.

(A)	(B)	(C)
Name of individual or number of persons in group	Capacities in which remuneration was received	Aggregate direct remuneration

Instructions. 1. This item applies to any person who was a director or officer of the bank at any time during the period specified. However, information need not be given for any portion of the period during which such person was not a director or officer.

2. The information is to be given on an accrual basis, if practicable. The tables required by this paragraph and paragraph (b) may be combined if the bank so desires.

3. Do not include remuneration paid to a partnership in which any director or officer was a partner. But see paragraph (f) below.

(b) Furnish the following information, in substantially the tabular form indicated, as to all pension or retirement benefits proposed to be paid under any existing plan in the event of retirement at normal retirement date, directly or indirectly, by the bank or any of its subsidiaries to each director or officer named in answer to paragraph (a)(1):

(A)	(B)	(C)
Name of individual	Amount set aside or accrued during bank's last fiscal year	Estimated annual benefits upon retirement

Instructions. 1. Column (B) need not be answered with respect to payments computed on an actuarial basis under any plan which provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service.

2. The information called for by column (C) may be given in a table showing the annual benefits payable upon retirement to persons in specified salary classifications.

3. In the case of any plan (other than those specified in Instruction 1) where the amount set aside each year depends upon the amount of earnings of the bank or its subsidiaries for such a year or a prior year (or where otherwise impracticable to state the estimated annual benefits upon retirement) there shall be set forth, in lieu of the information called for by column (C), the aggregate amount set aside or accrued to date, unless impracticable to do so, in which case the method of computing such benefits shall be stated. In addition, furnish a brief description of the material terms of the plan, including the method used in computing the bank's contribution, and the amount set aside or accrued during the bank's last fiscal year for all officers and directors as a group, indicating the number of persons in such group without naming them.

(c) Describe briefly all remuneration payments (other than payments reported under paragraph (a) or (b) of this item) proposed to be made in the future, directly or indirectly, by the bank or any of its subsidiaries pursuant to any existing plan or arrangement to (i) each director or officer named in answer to paragraph (a)(1), naming each such person, and (ii) all directors and officers of the bank as a group, without naming them.

Instruction. Information need not be included as to payments to be made for, or benefits to be received from, group life or accident insurance, group hospitalization, or similar group payments or benefits. If it is impracticable to state the amount of remuneration payments proposed to be made, the aggregate amount set aside or accrued to date in respect of such payments shall be stated, together with an explanation of the basis for future payments.

(d) Furnish the following information as to all options to purchase securities, from the bank or any of its subsidiaries, which were granted to or exercised by the following persons since the beginning of the bank's last fiscal year and as to all options held by such persons as of the latest practicable date: (1) Each director or officer named in answer to paragraph (a)(1), naming each such person; and (ii) all directors and officers of the bank as a group, without naming them:

(1) As to options granted, state (i) the title and amount of securities called for; (ii) the prices, expiration dates, and other material provisions; and (iii) the market value of the securities called for on the granting date.

(2) As to options exercised, state (i) the title and amount of securities purchased; (ii) the aggregate purchase price; and (iii) the aggregate market value of the securities purchased on the date of purchase.

(3) As to all unexercised options held as of the latest practicable date, regardless of when such options were granted, state (i) the title and aggregate amount of securities called for; (ii) the range of option prices;

and (iii) the per share market prices of the securities subject to option, as of the latest practicable date.

Instructions. 1. The extension, regranting, or material amendment of options shall be deemed the granting of options within the meaning of this paragraph.

2. This item need not be answered with respect to options granted, exercised, or outstanding, as may be specified therein, where the total market value (i) on the granting date of the securities called for by all options granted during the period specified, (ii) on the dates of purchase of all securities purchased through the exercise of options during the period specified, or (iii) as of the latest practicable date of the securities called for by all options held at such time, does not exceed \$10,000 for any officer or director named in answer to paragraph (a)(1), or \$30,000 for all officers and directors as a group.

3. The information for all directors and officers as a group regarding market value of the securities on the granting date of the options and on the purchase date may be given in the form of price ranges for each calendar quarter during which options were granted or exercised.

(e) If to the knowledge of management any indebtedness to the bank has arisen since the beginning of the bank's last fiscal year under section 16(b) of the Securities Exchange Act of 1934, as a result of transactions in the bank's stock (or other equity securities) by any director, officer, or security holder named in answer to Item 5(d), which indebtedness has not been discharged by payment, state the amount of any profit realized and whether suit will be brought or other steps taken to recover such profit. If, in the opinion of counsel, a question reasonably exists as to the recoverability of such profit, only facts necessary to describe the transactions, including the prices and number of shares involved, need be stated.

(f) Describe briefly, and where practicable state the approximate amount of, any material interest, direct or indirect, of any of the following persons in any material transactions since the beginning of the bank's last fiscal year, or in any material proposed transactions, to which the bank or any of its subsidiaries was or is to be a party:

- (1) Any director or officer of the bank;
- (2) Any nominee for election as a director;
- (3) Any security holder named in answer to Item 5(d); or
- (4) Any associate of any of the foregoing persons.

Instructions. 1. See Instruction 1 to paragraph (a). Include the name of each person whose interest in any transaction is described and the nature of the relationship by reason of which such interest is required to be described. Where it is not practicable to state the approximate amount of the interest, the approximate amount involved in the transaction shall be indicated.

2. As to any transaction involving the purchase or sale of assets by or to the bank or any subsidiary, otherwise than in the ordinary course of business, state the cost of the assets to the purchaser and the cost thereof to the seller if acquired by the seller within 2 years prior to the transaction.

3. The instruction to Item 4 shall apply to this item.

4. No information need be given under this paragraph as to any remuneration or other transaction reported in response to (a), (b), (c), (d), or (e) of this item.

5. No information need be given under this paragraph as to any transaction or any interest therein where:

(i) The rates of charges involved in the transaction are fixed by law or determined by competitive bids;

(ii) The interest of the specified person in the transaction is solely that of a director of another corporation which is a party to the transaction;

(iii) The specified person is subject to this Item 7(f) solely as a director of the bank (or associate of a director) and his interest in the transaction is solely that of a director, officer of, and/or owner of less than a 10 percent interest in, another person that is a party to the transaction.

(iv) The transaction consists of extensions of credit by the bank in the ordinary course of its business that (A) are made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions with other than specified persons, (B) at no time exceed 10 percent of the equity capital accounts of the bank, or \$10 million, whichever is less, and (C) do not involve more than the normal risk of collectibility or present other unfavorable features. Notwithstanding the foregoing, if aggregate extensions of credit to the specified persons, as a group, exceeded 20 percent of the equity capital accounts of the bank at any time during the preceding year, (1) the aggregate amount of such extensions of credit shall be disclosed, and (2) a statement shall be included, to the extent applicable, that the bank has had, and expects to have in the future, banking transactions in the ordinary course of its business with directors, officers, principal stockholders, and their associates, on the same terms, including interest rates and collateral on loans, as those prevailing at the same time for comparable transactions with others. For the purpose of determining "aggregate extensions of credit" in this instruction, transactions which are exempted from disclosure pursuant to other instructions to this Item may be excluded.

(v) The transaction involves services as a bank depository of funds, transfer agent, registrar, trustee under a trust indenture, or other similar services; or

(vi) The interest of the specified person, including all periodic installments in the case of any lease or other agreement providing for periodic installments, does not exceed \$30,000.

6. Information shall be furnished under this paragraph with respect to transactions not excluded above which involve remuneration, directly or indirectly, to any of the specified persons for services in any capacity unless the interest of such persons arises solely from the ownership, individually and in the aggregate, of less than a 10 percent interest in another person furnishing the services to the bank or its subsidiaries.

Item 8. Selection of auditors. If action is to be taken with respect to the selection or approval of auditors, or if it is proposed that particular auditors shall be recommended by any committee to select auditors for whom votes are to be cast, name the auditors and describe briefly any direct financial interest or any material indirect financial interest in the bank or any of its parents or subsidiaries, or any connection during the past 3 years with the bank or any of its parents or subsidiaries in the capacity of promoter, underwriter, voting trustee, director, officer, or employee.

Item 9. Bonus, profit-sharing, and other remuneration plans. If action is to be taken with respect to any bonus, profit-sharing, or other remuneration plan, furnish the following information:

(a) Describe briefly the material features of the plan, identify each class of persons who will participate therein, indicate the approximate number of persons in each such class and state the basis of such participation.

(b) State separately the amounts which would have been distributable under the

plan during the last fiscal year of the bank (1) to directors and officers, and (2) to employees, if the plan had been in effect.

(c) State the name and position with the bank of each person specified in Item 7(a) who will participate in the plan and the amount which each such person would have received under the plan for the last fiscal year of the bank if the plan had been in effect.

(d) Furnish such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans, now in effect or in effect within the past 2 years, for (i) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (ii) all directors and officers of the bank as a group, if any director or officer may participate in the plan, and (iii) all employees, if employees may participate in the plan.

(e) If the plan to be acted upon can be amended otherwise than by a vote of stockholders to increase the cost thereof to the bank or to alter the allocation of the benefits as between the groups specified in (b), state the nature of the amendments which can be so made.

(f) If action is to be taken with respect to the amendment or modification of an existing plan, this item shall be answered with respect to the plan as proposed to be amended or modified and shall indicate any material differences from the existing plan.

Instruction. If the plan is set forth in a formal plan, contract, or arrangement, three copies thereof shall be filed with the Board at the time preliminary copies of the Statement are filed pursuant to section 206.5(f).

Item 10. Pension and retirement plans. If action is to be taken with respect to any pension or retirement plan, furnish the following information:

(a) Describe briefly the material features of the plan, identify each class of persons who will be entitled to participate therein, indicate the approximate number of persons in each such class, and state the basis of such participation.

(b) State (1) the approximate total amount necessary to fund the plan with respect to past services, the period over which such amount is to be paid, and the estimated annual payments necessary to pay the total amount over such period, (2) the estimated annual payment to be made with respect to current services, and (3) the amount of such annual payments to be made for the benefit of (i) directors and officers, and (ii) employees.

(c) State (1) the name and position with the bank of each person specified in Item 7(a) who will be entitled to participate in the plan, (2) the amount which would have been paid or set aside by the bank and its subsidiaries for the benefit of such person for the last fiscal year of the bank if the plan had been in effect, and (3) the amount of the annual benefits estimated to be payable to such person in the event of retirement at normal retirement date.

(d) Furnish such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans, now in effect or in effect within the past 2 years, for (i) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (ii) all directors and officers of the bank as a group, if any director or officer may

participate in the plan, and (iii) all employees, if employees may participate in the plan.

(e) If the plan to be acted upon can be amended otherwise than by a vote of stockholders to increase the cost thereof to the bank or alter the allocation of the benefits as between the groups specified in (b)(3), state the nature of the amendments which can be so made.

(f) If action is to be taken with respect to the amendment or modification of an existing plan, this item shall be answered with respect to the plan as proposed to be amended or modified and shall indicate any material differences from the existing plan.

Instructions. 1. The information called for by paragraph (b)(3) or (c)(2) need not be given as to payments made on an actuarial basis pursuant to any group pension plan which provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service.

2. The Instruction to Item 9 shall apply to this item.

Item 11—Options, warrants, or rights. If action is to be taken with respect to the granting, extension or amendment of any options, warrants, or rights to purchase securities of the bank or any subsidiary, furnish the following information:

(a) State (i) the title and amount of securities called for or to be called for by such options, warrants or rights; (ii) the prices, expiration dates, and other material conditions upon which the options, warrants, or rights may be exercised; and (iii) in the case of options, the Federal income tax consequences of the issuance and exercise of such options to the recipient and to the bank.

(b) State separately the amount of options, warrants, or rights received or to be received by the following persons, naming each such person: (i) Each director or officer named in answer to Item 7(a); (ii) each nominee for election as a director of the bank; (iii) each associate of such directors, officers, or nominees; and (iv) each other person who received or is to receive 5 percent or more of such options, warrants or rights. State also the total amount of such options, warrants, or rights received or to be received by all directors and officers of the bank as a group, without naming them.

(c) Furnish such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit-sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans, now in effect or in effect within the past 2 years, for (i) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (ii) all directors and officers of the bank as a group, if any director or officer may participate in the plan, and (iii) all employees, if employees may participate in the plan.

Instruction. 1. Paragraphs (b) and (c) do not apply to warrants or rights to be issued to security holders as such on a pro rata basis.

2. The Instruction to Item 9 shall apply to paragraph (c) of this item.

3. Include in the answer to paragraph (c) as to each director or officer named in answer to Item 7(a) and as to all directors and officers as a group (i) the amount of securities acquired during the past 2 years through the exercise of options granted during the period or prior thereto, (ii) the amount of securities sold during such period of the same class as those acquired through the exercise of such options, and (iii) the amount of securities subject to all unexercised options held as of the latest practicable date.

Item 12—Authorization or issuance of securities otherwise than for exchange. If action is to be taken with respect to the authorization or issuance of any securities otherwise than in exchange for outstanding securities of the bank, furnish the following information:

(a) State the title and amount of securities to be authorized or issued.

(b) Furnish a description of the material provisions of the securities such as would be required in a registration statement filed pursuant to this part. If the terms of the securities cannot be stated or estimated with respect to any or all of the securities to be authorized, because no offering thereof is contemplated in the proximate future, and if no further authorization by security holders for the issuance thereof is to be obtained, it should be stated that the terms of the securities to be authorized, including dividend or interest rates, conversion prices, voting rights, redemption prices, maturity dates, and similar matters will be determined by the board of directors of the bank. If the securities are additional shares of common stock of a class outstanding, the description may be omitted.

(c) Describe briefly the transaction in which the securities are to be issued, including a statement as to (1) the nature and approximate amount of consideration received or to be received by the bank, and (2) the approximate amount devoted to each purpose so far as determinable, for which the net proceeds have been or are to be used. If it is impracticable to describe the transaction in which the securities are to be issued, indicate the purpose of the authorization of the securities, and state (i) whether further authorization for the issuance of the securities by a vote of security holders will be solicited prior to such issuance and (ii) whether present security holders will have preemptive rights to purchase such securities.

Item 13—Modification or exchange of securities. If action is to be taken with respect to the modification of any class of securities of the bank, or the issuance or authorization for issuance of securities of the bank in exchange for outstanding securities of the bank, furnish the following information:

(a) If outstanding securities are to be modified, state the title and amount thereof. If securities are to be issued in exchange for outstanding securities, state the title and amount of securities to be so issued, the title and amount of outstanding securities to be exchanged therefor, and the basis of the exchange.

(b) Describe any material differences between the outstanding securities and the modified or new securities with respect to any of the matters concerning which information would be required in the description of the securities in a registration statement filed pursuant to this part.

(c) State the reasons for the proposed modification or exchange and the general effect thereof upon the rights of existing security holders.

(d) Furnish a brief statement as to arrears in dividends or as to defaults in principal or interest with respect to the outstanding securities which are to be modified or exchanged and such other information as may be appropriate in the particular case to disclose adequately the nature and effect of the proposed action.

(e) Outline briefly any other material features of the proposed modification or exchange.

(f) The instruction to Item 2 shall apply to this item.

Item 14—Mergers, consolidations, acquisitions, and similar matters. If action is to be taken with respect to any plan for (1) the merger or consolidation of the bank into or

with any other person, or of any other person into or with the bank, (ii) the acquisition by the bank or any of its subsidiaries of securities of another bank, (iii) the acquisition by the bank of any other going business or of the assets thereof, (iv) the sale or other transfer of all or any substantial part of the assets of the bank, or (v) the voluntary liquidation or dissolution of the bank:

(a) Outline briefly the material features of the plan. State the reasons therefore and the general effect thereof upon the interests of existing security holders. If the plan is set forth in a written document, file three copies thereof with the Comptroller when preliminary copies of the statement are filed pursuant to § 11.5(f).

(b) Furnish the following information as to the bank and each person (other than subsidiaries substantially all of the stock of which is owned by the bank) which is to be merged into the bank, or into or with which the bank is to be merged or consolidated, or the business or assets of which are to be acquired, or which is the issuer of securities to be acquired by the bank or its shareholders or any of the bank's subsidiaries in exchange for all or a substantial part of its assets:

(1) A brief description of the business and property of each such person in substantially the manner required by Items 3 and 4 of Form F-1.

(2) A brief statement as to defaults in principal or interest with respect to any securities of the bank or of such person, and as to the effect of the plan thereon and such other information as may be appropriate in the particular case to disclose adequately the nature and effect of the proposed action.

(3) Such information with respect to the proposed management of the surviving bank as would be required by Items 6 and 7 of this Form F-5. Information concerning remuneration of management may be projected for the current year based on remuneration actually paid or accrued by each of the constituent persons during the last calendar year. If significantly different, proposed compensation arrangements should also be described.

(4) A tabular presentation of the existing and pro forma capitalization.

(5) In columnar form, for each of the last 3 fiscal years, a historical summary of earnings. Such summary is to be concluded by indicating per share amounts of income before securities gains (losses), net income, and dividends declared for each period reported (Extraordinary items, if any, should be appropriately reported and per share amounts of securities gains (losses) should be included.)

(6) In columnar form, for each of the last 3 fiscal years, a combined pro forma summary of earnings, as appropriate in the circumstances, similar in structure to the historical summary of earnings. If the transaction establishes a new basis of accounting for assets of any of the persons included therein, the pro forma summary of earnings shall be furnished only for the most recent fiscal year and interim period and shall reflect appropriate pro forma adjustments resulting from such new basis of accounting.

(7) A tabular presentation of comparative per share data of the constituent banks or other persons pertaining to:

(A) (i) Income before securities gains (losses), (ii) net income, and (iii) dividends declared, for each of the last three fiscal years; and

(B) Book value per share, at the date of the Balance Sheets included in the statement.

The comparative per share data shall be presented on a historical and pro forma basis (except dividends which are to be furnished

on historical basis only) and equated to a common basis in exchange transactions.

(8) To the extent material for the exercise of prudent judgment, the historical and pro forma earnings data specified in (5), (6), and (7) above for the latest available interim period of the current and prior fiscal years.

Instructions. 1. Historical statements of income in their entirety, as required by Item 15, may be furnished in lieu of the summary of earnings specified in paragraph (5). If summary earnings information is presented, show, as a minimum, operating revenues, operating expenses, income before income taxes and security gains (losses), applicable income taxes, income before securities gains (losses), securities gains (losses), and net income. The summary shall reflect retroactive adjustments of any material items affecting the comparability of the results.

2. In connection with any interim period or periods between the end of the last fiscal year and the balance sheet date, and any comparable prior period, a statement shall be made that all adjustments necessary to a fair statement of the results for such interim period or periods have been included, and results of the interim period for the current year are not necessarily indicative of results for the entire year. In addition, there shall be furnished in such cases, as supplemental information but not as a part of the proxy statement, a letter describing in detail the nature and amount of any adjustments, other than normal recurring accruals, entering into the determination of the results shown.

3. The information required by this Item 14(b) is required in a statement of the "acquiring" or "surviving" bank only where a "significant" merger or acquisition is to be voted upon. For purposes of this item, the term "significant" merger or acquisition shall mean a transaction where either (1) the net book value of assets to be acquired or the amount paid therefore exceed 5 percent of the equity capital accounts of the acquiring bank, or (2) in an exchange transaction, the number of shares to be issued exceeds 5 percent of the outstanding shares of the acquiring bank, or (3) gross operating revenues for the last fiscal year of the person to be acquired exceeded 5 percent of the gross operating revenues for the last fiscal year of the acquiring bank. If less than a "significant" merger or acquisition is to be voted upon, such information need only be included to the extent necessary for the exercise of prudent judgment with respect thereto.

(c) As to each class of securities of the bank, or of any person specified in paragraph (b), which is admitted to dealing on a national securities exchange or with respect to which a market otherwise exists, and which will be materially affected by the plan, state the high and low sale prices (or, in the absence of trading in a particular period, the range of the bid and asked prices) for each quarterly period within 2 years. This information may be omitted if the plan involves merely the voluntary liquidation or dissolution of the bank.

Item 15. Financial statements. (a) If action is to be taken with respect to any matter specified in Items 12, 13, or 14 above, furnish verified financial statements of the bank and its subsidiaries such as would be required in a registration statement filed pursuant to this part. In addition, the latest available interim date balance sheet and statement of income for the interim period between the end of the last fiscal year and the interim balance sheet date, and comparable prior period, shall be furnished. All schedules, except Schedule VII—"Allowance for Possible Loan Losses," may be omitted.

(b) If action is to be taken with respect to any matter specified in Item 14(b), furnish for each person specified therein, other than the bank, financial statements such as would be required in a registration statement filed pursuant to this part. In addition, the latest available interim date balance sheet and statement of income for the interim period between the end of the last fiscal year and the interim balance sheet date, and comparable prior period, shall be furnished. However, the following may be omitted: (1) All schedules, except Schedule VII—"Allowance for Possible Loan Losses"; and (2) statements for a subsidiary, all of the stock of which is owned by the bank, that is included in the consolidated statement of the bank and its subsidiaries. Such statements shall be verified, if practicable.

(c) Notwithstanding paragraphs (a) and (b) above, any or all of such financial statements which are not material for the exercise of prudent judgment in regard to the matter to be acted upon may be omitted. Such financial statements are deemed material to the exercise of prudent judgment in the usual case involving the authorization or issuance of any material amount of senior securities, but are not deemed material in cases involving the authorization or issuance of common stock, otherwise than in an exchange, merger, consolidation, acquisition, or similar transaction.

(d) The statement may incorporate by reference any financial statements contained in an annual report sent to security holders pursuant to § 11.5(c) with respect to the same meeting as that to which the statement relates, provided such financial statements substantially meet the requirements of this item.

Item 16—Action with respect to reports. If action is to be taken with respect to any report of the bank or of its directors, officers, or committees or any minutes of a meeting of its security holders, furnish the following information:

(a) State whether or not such action is to constitute approval or disapproval of any of the matters referred to in such reports of minutes.

(b) Identify each of such matters which it is intended will be approved or disapproved, and furnish the information required by the appropriate item or items of this schedule with respect to each such matter.

Item 17—Matters not required to be submitted. If action is to be taken with respect to any matter which is not required to be submitted to a vote of security holders, state the nature of such matter, the reasons for submitting it to a vote of security holders and what action is intended to be taken by the management in the event of a negative vote on the matter by the security holders.

Item 18—Amendment of charter, bylaws, or other documents. If action is to be taken with respect to any amendment of the bank's charter, bylaws, or other documents as to which information is not required above, state briefly the reasons for and general effect of such amendment.

Item 19—Other proposed action. If action is to be taken with respect to any matter not specifically referred to above, describe briefly the substance of each such matter in substantially the same degree of detail as is required by Items 5 to 18, inclusive, above.

Item 20—Vote required for approval. As to each matter which is to be submitted to a vote of security holders, other than elections to office or the selection or approval of auditors, state the vote required for its approval.

§ 11.52 Form for statement in election contests (Form F-6).

FORM F-6—STATEMENT IN ELECTION CONTEST

GENERAL INSTRUCTIONS

The statement shall contain the number and captions of all items, but the text of the items may be omitted. If an item is inapplicable or the answer is in the negative, so state. The information called for by Items 2(a) and 3(a) or a fair summary thereof is required to be included in all preliminary soliciting material by § 11.5(1) of this part.

Item 1—Bank. State the name and address of the bank.

Item 2—Identity and Background of Participant.

(a) State the following:
(1) Your name and business address.
(2) Your present principal occupation or employment and the name, principal business, and address of any corporation or other organization in which such employment is carried on.

(b) State the following:
(1) Your residence address.
(2) Information as to all material occupations, positions, offices, or employment during the last 10 years, giving starting and ending dates of each and the name, principal business, and address of any business corporation or other business organization in which each such occupation, position, office, or employment was carried on.

(c) State whether or not you are or have been a participant in any other proxy contest involving the bank or other corporations within the past 10 years. If so, identify the principals, the subject matter and your relationship to the parties and the outcome.

(d) State whether or not, during the past 10 years, you have been convicted in a criminal proceeding (excluding traffic violations or similar misdemeanors) and, if so, give dates, nature of conviction, name and location of court, and penalty imposed or other disposition of the case. A negative answer to this subitem need not be included in the statements or other proxy soliciting material.

Item 3—Interests in Securities of the Bank.

(a) State the amount of each class of securities of the bank that you own beneficially, directly, or indirectly.

(b) State the amount of each class of securities of the bank that you own of record but not beneficially.

(c) State with respect to the securities specified in (a) and (b) the amounts acquired within the past 2 years, the dates of acquisition and the amounts acquired on each date.

(d) If any part of the purchase price or market value of any of the shares specified in paragraph (c) is represented by funds borrowed or otherwise obtained for the purpose of acquiring or holding such securities, so state and indicate the amount of the indebtedness as of the latest practicable date. If such funds were borrowed or obtained otherwise than pursuant to a margin account or bank loan in the regular course of business of a bank, broker, or dealer, briefly describe the transaction, and state the names of the parties.

(e) State whether or not you are a party to any contracts, arrangements or understandings with any person with respect to any securities of the bank, including but not limited to joint ventures, loan or option arrangements, puts or calls, guarantees against loss or guarantees of profits, division of losses

or profits, or the giving or withholding of proxies. If so, name the persons with whom such contracts, arrangements, or understandings exist and give the details thereof.

(f) State the amount of securities of the bank owned beneficially, directly or indirectly, by each of your associates and the name and address of each such associate.

(g) State the amount of each class of securities of any parent or subsidiary of the bank which you own beneficially, directly or indirectly.

Item 4—Further Matters.

(a) Describe the time and circumstances under which you became a participant in the solicitation and state the nature and extent of your activities or proposed activities as a participant.

(b) Furnish for yourself and your associates the information required by Item 7(f) of Form F-5.

(c) State whether or not you or any of your associates have any arrangement or understanding with any person.

(1) with respect to any future employment by the bank or its affiliates; or

(2) with respect to any future transactions to which the bank or any of its affiliates will or may be a party. If so, describe such arrangement or understanding and state the names of the parties thereto.

Item 5—Signature.

The statement shall be dated and signed in the following manner:

I certify that the statements made in this statement are true, complete, and correct, to the best of my knowledge and belief.

(Date)

(Signature of participant or authorized representative)

Instruction. If the statement is signed on behalf of a participant by the latter's authorized representative, evidence of the representative's authority to sign on behalf of such participant shall be filed with the statement.

§ 11.53 Form for statement to be filed pursuant to § 11.5(m) of Part 11 (Form F-12).

THE COMPTROLLER OF THE CURRENCY FORM F12—STATEMENT TO BE FILED PURSUANT TO § 11.5(M) OF PART 11

GENERAL INSTRUCTIONS

The item numbers and captions of the items shall be included but the text of the items may be omitted. The answers to the items shall be so prepared as to indicate clearly the coverage of the items without referring to the text of the items. Answer every item. If an item is inapplicable or the answer is in the negative, so state.

Item 1—Security and bank. (a) State the title of the class of equity securities to which this statement relates and the name and address of the bank which issued such securities.

(b) Identify the tender offer or request or invitation for tenders to which this statement relates and state the reasons for the solicitation or recommendation to security holders to accept or reject such tender offer, request, or invitation for tenders.

Item 2—Identity and background. (a) State the name and business address of the person filing this statement.

(b) Describe any arrangement or understanding in regard to the solicitation with

(i) the bank or the management of the bank or (ii) the maker of the tender offer or request or invitation for tender of securities of the class to which this statement relates.

Item 3—Persons retained, employed or to be compensated. Identify any person or class or persons employed, retained or to be compensated, by the person filing this Form F-12, or by any person on his behalf, to make solicitations or recommendations to security holders and describe briefly the terms of such employment, retainer or arrangement for compensation.

Item 4—Material to be filed as exhibits. Copies of all solicitations or recommendations to accept or to reject a tender offer or request or invitation for tenders of the securities specified in Item 1 shall be filed as an exhibit.

SIGNATURE

I certify that to the best of my knowledge and belief the information set forth in this statement is true, complete and correct.

(Date) (Signature)

If the statement is signed on behalf of a person by an authorized representative, evidence of the representative's authority to sign on behalf of such person shall be filed with the statement.

§ 11.61 Form for initial statement of beneficial ownership of equity securities (Form F-7).

FORM F-7

INITIAL STATEMENT OF BENEFICIAL OWNERSHIP OF SECURITIES

FILED PURSUANT TO SECTION 16(a) OF THE SECURITIES EXCHANGE ACT OF 1934

(Name of bank)

(Name of person whose ownership is reported)

(Business address of such person)

Relationship of such person to the bank. (See Instruction 5)

Date of event which requires the filing of this statement. (See Instruction 6)

EQUITY SECURITIES BENEFICIALLY OWNED (SEE INSTRUCTION 7)

Title of security (see instruction 8)	Nature of ownership (see instruction 9)	Amount owned beneficially (see instruction 10)

Remarks: (See Instruction 11)

Date of statement

(Signature)

INSTRUCTIONS

1. Persons Required To File Statements. A statement on this form is required to be filed by every person who, at the time any class of equity securities of a bank becomes registered pursuant to section 12 of the Securities Exchange Act of 1934 (the Act), (i) is directly or indirectly the beneficial owner of more than 10 percent of such class or (ii) is a director or officer of the bank which is the issuer of such securities, and by every

person who thereafter becomes such a beneficial owner, director, or officer. The term "officer" means a Chairman of the Board of Directors, Vice Chairman of the Board, Chairman of the Executive Committee, President, Vice President (except as indicated in the next sentence) Cashier, Treasurer, Secretary, Comptroller, and any other person who participates in major policymaking functions of the bank. In some banks (particularly banks with officers bearing titles such as Executive Vice President, Senior Vice President, or First Vice President as well as a number of "Vice Presidents"), some or all "Vice Presidents" do not participate in major policymaking functions, and such persons are not officers for the purpose of this statement.

2. When Statements Are To Be Filed.

(a) Persons who hold any of the relationships specified in Instruction 1 when any class of equity securities of the bank becomes registered pursuant to section 12 of the Act are required to file a statement on this form within 10 days after the date such registration becomes effective. Persons who subsequently assume any of the relationships specified in Instruction 1 are required to file a statement within 10 days after assuming such relationship. Statements are not deemed to have been filed with the Comptroller or an exchange until they have actually been received by the Comptroller or such exchange.

(b) Any director or officer who is required to file a statement on Form F-7 with respect to any change in his beneficial ownership of equity securities which occurs within 6 months after he became a director or officer of the issuer of such securities, or within 6 months after equity securities of such issuer first became registered pursuant to section 12 of the Act, shall include in the first such statement the information called for by Form F-7 with respect to all changes in his beneficial ownership of equity securities of such issuer which occurred within 6 months prior to the date of the changes which requires the filing of such statement.

(c) Any person who has ceased to be a director or officer of an issuer which has equity securities registered pursuant to section 12 of the Act, or who is a director or officer of an issuer at the time it ceased to have any equity securities so registered, shall file a statement on Form F-8 with respect to any change in his beneficial ownership of equity securities of such issuer which shall occur on or after the date on which he ceased to be such director or officer, or the date on which the issuer ceased to have any equity securities so registered, as the case may be, if such change shall occur within 6 months after any change in his beneficial ownership of such securities prior to such date. The statement on Form F-8 shall be filed within 10 days after the end of the month in which the reported change in beneficial ownership occurs.

3. Where and How Statements Are To Be Filed.

One signed copy of each statement shall be filed with the Comptroller of the Currency, Washington, D.C. 20220. One signed copy thereof shall also be filed with each exchange on which any class of equity securities of the bank is listed. However, if such bank has, in accordance with § 11.6 (a) (3) of Part 11, designated a single exchange to receive statements, the statement need only be filed with the Comptroller and the designated exchange.

4. Separate Statement for Each Bank.

A separate statement shall be filed with respect to the equity securities of each bank.

5. Relationship of Reporting Person to Bank.

Indicate clearly the relationship of the reporting person to the bank; for example, "Director," "Director and Vice President," "Beneficial owner of more than 10 percent of the bank's common stock," etc.

6. Date as of Which Beneficial Ownership Is To Be Given.

The information as to beneficial ownership of securities shall be given as of the date on which the event occurred which requires the filing of a statement on this form. For example, when registration of equity securities of the bank becomes effective pursuant to section 12 of the Act or when the person whose ownership is reported becomes a director or officer of the bank or becomes the beneficial owner of more than 10 percent of a class of registered equity securities of the bank.

7. Securities To Be Reported.

Persons specified in Instruction 1 above shall include information as to their beneficial ownership of all classes of equity securities of the bank, even though one or more of such classes may not be registered pursuant to section 12 of the Act.

8. Title of Equity Security.

The statement of the title of an equity security should clearly distinguish it from any securities of other classes issued by the bank.

9. Nature of Ownership.

Under "Nature of ownership," state whether ownership of the equity securities is "direct" or "indirect." If the ownership is indirect, i.e., through a partnership, corporation, trust, or other entity, indicate in a footnote or other appropriate manner, the name or identity of the medium through which the securities are indirectly owned. The fact that equity securities are held in the name of a broker or other nominee does not, of itself, constitute indirect ownership. Equity securities owned indirectly shall be reported on separate lines from those owned directly and also from those owned through a different type of indirect ownership.

10. Statement of Amount Owned.

In stating the amount of equity securities beneficially owned, give the face amount of convertible debt securities or the number of shares of stock or other units of other securities. In the case of equity securities owned indirectly, the entire amount of equity securities owned by the partnership, corporation, trust, or other entity shall be stated. The person whose ownership is reported may, if he so desires, also indicate in a footnote or other appropriate manner the extent of his interest in the partnership, corporation, trust, or other entity.

11. Inclusion of Additional Information.

A statement may include any additional information or explanation deemed relevant by the person filing the statement.

12. Signature.

If the statement is filed for a corporation, partnership, trust, etc., the name of the organization shall appear over the signature of the officer or other person authorized to sign the statement. If the statement is filed for an individual, it shall be signed by him or specifically on his behalf by a person authorized to sign for him.

§ 11.62 Form for statement of changes in beneficial ownership of equity securities (Form F-8).

FORM F-8

STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF SECURITIES

FILED PURSUANT TO SECTION 16(a) OF THE SECURITIES EXCHANGE ACT OF 1934

(Name of bank)

 Relationship of such person to the bank.
 (Name of person whose ownership is reported) (See instruction 5) -----

 Statement for Calendar Month of -----
 (Business address of such person) 19-----

CHANGES DURING MONTH AND MONTH-END OWNERSHIP (SEE INSTRUCTION 6)

Title of equity security (see instruction 7)	Date of transaction (see instruction 8)	Amount bought or otherwise acquired (see instruction 9)	Amount sold or otherwise disposed of (see instruction 9)	Nature of ownership (see instruction 10)	Amount owned beneficially at end of month (see instruction 9)
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Remarks: (See instructions 11 and 12.)

Date of statement ----- (Signature) -----

INSTRUCTIONS

1. Persons Required To File Statements.

A statement on this form is required to be filed by every person who at any time during any calendar month was (1) directly or indirectly the beneficial owner of more than 10 percent of any class of equity securities of a bank registered pursuant to section 12 of the Securities Exchange Act of 1934 (the Act), or (2) a director or officer of the bank which is the issuer of such securities, and who during such month had any change in the nature or amount of his beneficial ownership of any class of equity securities of such bank. The term "officer" means a Chairman of the Board of Directors, Vice Chairman of the Board, Chairman of the Executive Committee, President, Vice President (except as indicated in the next sentence), Cashier, Treasurer, Secretary, Comptroller, and any other person who participates in major policymaking functions of the bank. In some banks (particularly banks with officers bearing titles such as Executive Vice President, Senior Vice President, or First Vice President, as well as a number of "Vice Presidents"), some or all "Vice Presidents" do not participate in major policymaking functions, and such persons are not officers for the purposes of this statement.

2. When Statements Are To Be Filed.

Statements are required to be filed on or before the 10th day after the end of each calendar month in which any change in the nature or amount of beneficial ownership has occurred. Statements are not deemed to have been filed with the Comptroller or an exchange until they have actually been received by the Comptroller or such exchange.

3. Where Statements Are To Be Filed.

One signed copy of each statement shall be filed with the Comptroller of the Currency, Washington, D.C. 20220. One signed copy thereof shall also be filed with each exchange on which any class of equity securities of the bank is listed. However, if such bank has, in accordance with § 11.6(a) (3) of Part 11, designated a single exchange to receive statements, the statement need only be filed with the Comptroller and the designated exchange.

4. Separate Statement for Each Bank.

A separate statement shall be filed with respect to the equity securities of each bank.

5. Relationship of Reporting Person to Bank.

Indicate clearly the relationship of the reporting person to the bank; for example, "Director", "Director and Vice President", "Beneficial owner of more than 10 percent of the bank's common stock", etc.

6. Transactions and Holdings To Be Reported.

Persons required to file statements on this form shall include in their statements all changes during the calendar month in their beneficial ownership, and their beneficial ownership at the end of the month, of all classes of equity securities of the bank, even though one or more of such classes may not

be registered pursuant to section 12 of the Act.

Every change in beneficial ownership shall be reported even though purchases and sales during the month are equal or the change involves only the nature of beneficial ownership (for example, from direct to indirect ownership or from one type of indirect ownership to another). Beneficial ownership at the end of the month of all classes of equity securities of the bank shall be shown even though there has been no reportable change during the month in the ownership of equity securities of a particular class.

7. Title of Equity Security.

The statement of the title of an equity security should clearly distinguish it from any securities of other classes issued by the bank.

8. Date of Transaction.

The exact date (month, day, and year) of each transaction shall be stated opposite the amount involved in the transaction.

9. Statement of Amounts of Equity Securities.

In stating the amount of equity securities acquired, disposed of, or beneficially owned, give the face amount of convertible debt securities or the number of shares of stock or other units of other securities. In the case of equity securities owned indirectly, the entire amount of equity securities involved in the transaction or owned by the partnership, corporation, trust, or other entity shall be stated. The person whose ownership is reported may, if he so desires, also indicate in a footnote or other appropriate manner, the extent of his interest in the transaction or holdings of the partnership, corporation, trust, or other entity.

10. Nature of Ownership.

Under "Nature of ownership", state whether ownership of the equity securities is "direct" or "indirect". If the ownership is indirect, i.e., through a partnership, corporation, trust, or other entity, indicate in a footnote or other appropriate manner, the name or identity of the medium through which the securities are indirectly owned, the fact that equity securities are held in the name of a broker or other nominee does not, of itself, constitute indirect ownership. Equity securities owned indirectly shall be reported on separate lines from those owned directly and also from those owned through a different type of indirect ownership.

11. Character of Transaction.

If the transaction in equity securities was with the bank, so state. If it involved the purchase of equity securities through the exercise of warrants or options, so state, give the termination date of the option or warrant, and give the exercise price per share. If any other purchase or sale was effected otherwise than in the open market, that fact shall be indicated. If the transaction was not a purchase or sale, indicate its character; for example, gift or stock dividend, stock split, or other type of pro rata distribution, etc., as the case may be. The

foregoing information may be appropriately set forth in the table or under "Remarks" below the table.

12. Inclusion of Additional Information. A statement may include any additional information or explanation deemed relevant by the person filing the statement.

13. Signature.

If the statement is filed for a corporation, partnership, trust, etc., the name of the organization shall appear over the signature of the officer or other person authorized to sign the statement. If the statement is filed for an individual, it shall be signed by him or specifically on his behalf by a person authorized to sign for him.

§ 11.71 Forms for financial statements (Forms F-9 A, B, C, and D).

FORM F-9: FINANCIAL STATEMENTS

A. BALANCE SHEET (FORM F-9A)

B. STATEMENT OF INCOME (FORM F-9B)

C. STATEMENT OF CHANGES IN CAPITAL ACCOUNTS (FORM F-9C)

D. SCHEDULES (FORM F-9D)

GENERAL INSTRUCTIONS

1. Preparation of forms. The forms for financial statements are not to be used as blank forms to be filled in but only as guides in the preparation of financial statements. The requirements with respect to the filing of balance sheets and statements of income are contained in the instructions as to certain other forms required by this part. Particular attention should be given to the general requirements as to financial statements in § 11.7 of this part, including paragraphs (e) and (f) thereof, which prescribe when statements of changes in capital accounts and schedules will be filed. Although inapplicable items specified in the forms for financial statements should be omitted, the detailed instructions that relate to applicable items shall be followed.

2. Accrual accounting. Financial statements shall generally be prepared on the basis of accrual accounting whereby all revenues and all expenses shall be recognized during the period earned or incurred regardless of the time received or paid, with certain exceptions: (a) where the results would be only insignificantly different on a cash basis, or (b) where accrual is not feasible. Statements with respect to the first fiscal year that a bank reports on the accrual basis shall indicate clearly, by footnote or otherwise, the beginning-of-year adjustments that were necessary and their effect on prior financial statements filed under this part.

A. BALANCE SHEET

ASSETS

1. Cash and due from banks.....
2. Investment securities:
 - (a) U.S. Treasury securities.....
 - (b) Securities of other U.S. Government agencies and corporations.....
 - (c) Obligations of States and political subdivisions.....
 - (d) Other securities.....
3. Trading account securities.....
4. Federal funds sold and securities purchased under agreements to resell.....
5. Other loans.....
6. Bank premises and equipment.....
7. Other real estate owned.....
8. Investments in subsidiaries not consolidated.....
9. Customers' acceptance liability.....
10. Other assets.....
11. Total assets.....

LIABILITIES

12. Deposits:
 - (a) Demand deposits in domestic offices.....

- (b) Savings deposits in domestic offices
- (c) Time deposits in domestic offices
- (d) Deposits in foreign offices
- 13. Federal funds purchased and securities sold under agreements to repurchase
- 14. Other liabilities for borrowed money
- 15. Bank's acceptances outstanding
- 16. Mortgages payable
- 17. Other liabilities
- 18. Total liabilities
- 19. Minority interests in consolidated subsidiaries

RESERVES

- 20. Allowance for possible loan losses.

CAPITAL ACCOUNTS

- 21. Capital notes and debentures
- 22. Equity capital:
 - (a) Capital stock:
 - Preferred stock
 - Common stock
 - (b) Surplus
 - (c) Undivided profits
 - (d) Reserve for contingencies and other capital reserves
- 23. Total capital accounts
- 24. Total liabilities, reserves, and capital

ASSETS

1. *Cash and due from banks.* (a) State the total of (1) currency and coin (A) owned and held in the bank's vaults and (B) in transit to or from a Federal Reserve Bank; (2) the bank's total reserve balance with the Federal Reserve Bank as shown by the bank's books; (3) demand and time balances with other banks; and (4) cash items in process of collection.

(b) Reciprocal demand balances with banks in the United States, except those of private banks and American branches of foreign banks, shall be reported net.

(c) Do not include unavailable balances with closed or liquidating banks. Such balances should be reported in "other assets".

(d) Cash items in process of collection include: (1) Checks in process of collection drawn on another bank, private bank, or any other banking institution that are payable immediately upon presentation (including checks with a Federal Reserve Bank in process of collection and checks on hand that will be presented for payment or forwarded for collection on the following business day); (2) Government checks and warrants drawn on the Treasurer of the United States that are in process of collection; and (3) such other items in process of collection, including redeemed U.S. savings bonds, payable immediately upon presentation in the United States, as are customarily cleared or collected by banks as cash items.

(e) Checks drawn on a bank other than the reporting bank that have been deposited in the reporting bank (or offices or branches of such bank) and have been forwarded for collection to other offices or branches of the reporting bank are cash items in the process of collection.

(f) Do not include commodity or bill-of-lading drafts payable upon arrival of goods against which drawn, whether or not deposit credit therefor has been given to a customer. If deposit credit has been given, such drafts should be reported as "loans"; but if the drafts were received by the reporting bank on a collection basis they should not be included in the reporting bank's statement until such time as the funds have been actually collected.

(g) Unposted debits should preferably be deducted from the appropriate deposit liability caption. If such items are included hereunder, the amount shall be stated parenthetically.

2. *Investment securities.* (a) State separately book value of (1) U.S. Treasury securities; (2) securities of other U.S. Government agencies and corporations; (3) obligations of States and political subdivisions; and (4) other securities owned by the bank; include securities pledged, loaned, or sold under repurchase agreements and similar arrangements.

(b) Book value with respect to investment quality securities reported in paragraph (a) shall be cost adjusted for amortization of premium and, at the option of the bank, for accretion of discount. There shall be set forth in a note to financial statements (1) the basis of accounting for book value, and (2) if bond discount is systematically accrued and amounts to 5 percent or more of interest and dividends on investments, the total of accretion income and deferred income taxes applied thereto.

(c) Include in category (3) of paragraph (a) obligations, including warrants and tax anticipation notes, of the States of the United States and their political subdivisions, agencies, and instrumentalities; also obligations of territorial and insular possessions of the United States. Do not include obligations of foreign states.

(d) Do not include borrowed securities or securities purchased under resale agreements or similar arrangements.

3. *Trading account securities.* State the aggregate value at the balance sheet date, of securities of all types carried by the bank in a dealer trading account (or accounts) that are held principally for resale to customers. Indicate parenthetically, or otherwise in a note to financial statements, whether the inventory is valued at (1) cost, (2) lower of cost or market, or (3) market. If cost basis of valuation is used, furnish aggregate market value of the trading account inventory at the current fiscal year balance sheet date.

4. *Federal funds sold and securities purchased under agreements to resell.* (a) State the aggregate value of Federal funds sold and securities purchased under resale agreement or similar arrangements. All securities purchased under transactions of this type should be included regardless of (1) whether they are called simultaneous purchases and sales, buybacks, turnarounds, overnight transactions, delayed deliveries, etc., and (2) whether the transactions are with the same or different institutions if the purpose of the transactions is to resell identical or similar securities.

(b) Federal funds sold and purchases of securities under resale agreements should be reported gross and not netted against purchases of Federal funds and sales of securities under repurchase agreements.

5. *Other Loans.* (a) State the aggregate gross value of all loans including (1) acceptances of other banks and commercial paper purchased in the open market; (2) acceptances executed by or for the account of the reporting bank and subsequently acquired by it through purchase or discount; (3) customers' liability to the reporting bank on drafts paid under letters of credit for which the bank has not been reimbursed; and (4) "cotton overdrafts" or "advances," and commodity or bill-of-lading drafts payable upon arrival of goods against which drawn, for which the reporting bank has given deposit credit to customers.

(b) Include (1) paper rediscounted with the Federal Reserve or other banks; and (2) paper pledged as collateral to secure bills payable, as marginal collateral to secure bills rediscounted, or for any other purpose.

(c) Do not include contracts of sale or other loans indirectly representing bank premises or other real estate; these should be included in "bank premises" or "other real estate".

(d) Do not deduct bona fide deposits accumulated by borrowers for the payment of loans.

6. *Bank premises and equipment.* (a) State the aggregate cost of (1) bank premises owned, (2) leasehold improvements, and (3) equipment less any accumulated depreciation or amortization with respect to such assets.

(b) All fixed assets acquired subsequent to June 30, 1967, shall be stated at cost less accumulated depreciation or amortization.

(c) All fixed assets acquired prior to July 1, 1967, that are not presently accounted for by the bank on the basis of cost less accumulated depreciation or amortization, may be stated at book value. Any such assets that are still in use and would not have been fully depreciated on an acceptable method of accounting for depreciation if the bank had recorded depreciation on such basis shall be described briefly in a footnote, together with an explanation of the accounting that was used with respect to such assets.

(d) The term "leasehold improvements" comprehends two types of situations: (1) where the bank erects a building on leased property; and (2) where a bank occupies leased quarters or uses leased parking lots and appropriately capitalizes disbursements for vaults, fixed machinery and equipment directly related to such leased quarters, or resurfacing or other improvements directly related to such parking lots that will become an integral part of the property and will revert to the lessor on expiration of the lease.

(e) Bank premises includes vaults, fixed machinery and equipment, parking lots owned adjoining or not adjoining the bank premises that are used by customers or employees, and potential building sites.

(f) Equipment includes all movable furniture and fixtures of the bank.

7. *Other real estate owned.* (a) State the current book value of all real estate owned by the bank that is not a part of bank premises.

(b) With respect to real estate acquired through default of a loan, state in a footnote the unpaid balance on the defaulted loan plus the bank's out-of-pocket costs in acquiring clear title to the property.

(c) The aggregate market value of all real estate owned by the bank that is not a part of bank premises shall be set forth in a footnote, together with an explanation of the method of determining such market value.

8. *Investments in subsidiaries not consolidated.* State the aggregate investment, including advances, in subsidiaries not consolidated.

9. *Customers' acceptance liability.* (a) State the liability to the reporting bank of its customers on drafts and bills of exchange that have been accepted by the reporting bank or by other banks for its account and that are outstanding—that is, not held by the bank, on the reporting date. (If held by the reporting bank, they should be reported as "loans".)

(b) In case a customer anticipates his liability to the bank on outstanding acceptances by paying the bank either the full amount of his liability or any part thereof in advance of the actual maturity of the acceptance, the bank should decrease the amount of the customer's liability on outstanding acceptances. If such funds are not received for immediate application to the reduction of the indebtedness to the bank or the receipt thereof does not immediately reduce or extinguish the indebtedness, then such funds held to meet acceptances must be reported in "demand deposits".

(c) Do not include customer's liability on unused commercial and travelers' letters of credit issued under guaranty or against the deposit of security—that is, not issued for money or its equivalent.

10. *Other assets.* State separately, if material, (1) income earned but not collected; (2) prepaid expenses; (3) property acquired for the purpose of direct lease financing; and

(4) any other asset not included in the preceding item.

11. *Total assets.* State the sum of all asset items.

LIABILITIES

12. *Deposits.* (a) State separately (1) demand deposits in domestic offices of the bank, (2) savings deposits in domestic offices of the bank, (3) time deposits in domestic offices of the bank, and (4) deposits in foreign offices. Related unposted debits, if any, should preferably be deducted from domestic deposits.

(b) The domestic deposit liability categories shall be segregated in accordance with the rules and regulations of the Federal Deposit Insurance Corporation, Part 327.2 Classification of Deposits.

(c) The term "unposted debit" means a cash item in the bank's possession drawn on itself that has been paid or credited and is chargeable against, but has not been charged against, deposit liabilities at the close of the reporting period. This term does not include items that have been reflected in deposit accounts on the general ledger, although they have not been debited to individual deposit accounts.

(d) Reciprocal demand deposit balances with banks in the United States, except those of private banks and American branches of foreign banks, shall be reported net.

(e) Include outstanding drafts (including advices or authorizations to charge the bank's balance in another bank) drawn in the regular course of business by the reporting bank on other banks pursuant to customer order.

(f) Do not include trust funds held in the bank's own trust department that the bank keeps segregated and apart from its general assets and does not use in the conduct of its business.

13. *Federal funds purchased and securities sold under agreements to repurchase.* (a) State the aggregate value of Federal funds purchased and securities sold under repurchase or similar arrangements. All securities sold under transactions of this type should be included regardless of (1) whether they are called simultaneous purchases and sales, buy-backs, turn-arounds, overnight transactions, delayed deliveries, etc., and (2) whether the transactions are with the same or different institutions if the purpose of the transactions is to repurchase identical or similar securities.

(b) Federal funds purchased and sales of securities under repurchase agreements should be reported gross and not netted against sales of Federal funds and purchases of securities under resale agreements.

14. *Other liabilities for borrowed money.* State the aggregate amount borrowed by the reporting bank on its own promissory notes, on notes and bills rediscounted (including commodity drafts rediscounted), or on any other instruments given for the purpose of borrowing money.

15. *Bank's acceptances outstanding.* (a) State the aggregate of unmatured drafts and bills of exchange accepted by the reporting bank, or by some other bank as agent for the reporting bank (other than those reported in "demand deposits"), less the amount of such acceptances acquired by the reporting bank through discount or purchase and held on the reporting date.

(b) Include bills of exchange accepted by the reporting bank that were drawn by banks or bankers in foreign countries, or in dependencies or insular possessions of the United States, for the purpose of creating dollar exchange as required by usage of trade in the respective countries, dependencies, or insular possessions.

16. *Mortgages payable.* (a) State separately here, or in a note referred to herein, such in-

formation as will indicate (1) the general character of the debt including the rate of interest; (2) the date of maturity; (3) if the payment of principal or interest is contingent, an appropriate indication of such contingency; and (4) a brief indication of priority.

(b) If there are any liens on bank premises or other real estate owned by the bank or its consolidated subsidiaries which have not been assumed by the bank or its consolidated subsidiaries, report in a footnote the amount thereof together with an appropriate explanation.

17. *Other liabilities.* State separately, if material, (a) accrued payrolls; (b) accrued income tax liability (Federal and State combined); (c) accrued interest; (d) cash dividends declared but not paid; (e) income collected but not earned; and (f) any other liability not included in Items 12 through 16.

18. *Total liabilities.* State the sum of Items 12 through 17.

19. *Minority interests in consolidated subsidiaries.* State the aggregate amount of minority stockholders' interests in capital stock, surplus, and undivided profits of consolidated subsidiaries.

RESERVES

20. *Allowance for possible loan losses.* (a) State the balance of the loan losses allowance account at the end of the fiscal year. Include in this allowance only (1) any provision that the bank makes for possible loan losses pursuant to the Treasury tax formula and (2) any amount in excess of the provision taken under such formula that (A) represents management's judgment as to possible loss or value depreciation and (B) has been established through a charge against income.

(b) Any provision for possible loan losses that the bank establishes as a precautionary measure that is in excess of the amount reported in paragraph (a) shall not be included in this allowance but shall be reported as a contingency reserve—that is, as a segregation of undivided profits.

NOTE: Any allowance that (1) represents management's judgment as to possible loss or value depreciation in investment securities and (2) has been established through an appropriate charge against income shall be separately stated. Any provision for possible security losses that the bank establishes as a precautionary measure only (such as to reflect normal fluctuations in market value of readily marketable securities) shall

not be included in this allowance but shall be reported as a contingency reserve—that is, as a segregation of undivided profits.

CAPITAL ACCOUNTS

21. *Capital notes and debentures.* State separately here, or in a note referred to herein, each issue or type of obligation and such information as will indicate (a) the general character of each type of debt including the rate of interest; (b) the date of maturity (or dates if maturing serially) and call provisions; (c) the aggregate amount of maturities, and sinking fund requirements, each year for the 5 years following the date of the balance sheet; (d) if the payment of principal or interest is contingent, an appropriate indication of the nature of the contingency; (e) a brief indication of priority; and (f) if convertible, the basis.

22. *Equity capital.* (a) Capital stock. State for each class of shares the title of issue, the number of shares authorized, the number of shares outstanding and the capital share liability thereof, and, if convertible, the basis of conversion. Show also the dollar amount, if any, of capital shares subscribed but unissued, and of subscriptions receivable thereon.

(b) Surplus. State the net amount formally transferred to the surplus account on or before the reporting date.

(c) Undivided profits. State the amount of undivided profits shown by the bank's books.

(d) Reserve for contingencies and other capital reserves.

(1) State separately each such reserve and its purpose.

(2) These reserves constitute amounts set aside for possible decrease in the book value of assets, or for other unforeseen or indeterminate liabilities not otherwise reflected on the bank's books and not covered by insurance.

(3) As these reserves represent a segregation of undivided profits, do not include any element of known losses, or losses the amount of which can be estimated with reasonable accuracy.

(4) Reserves for possible security losses, reserves for possible loan losses, and other contingency reserves that are established as precautionary measures only shall be included in these reserves, as they represent segregations of "undivided profits".

23. *Total capital accounts.* State the total of Items 21 and 22.

24. *Total liabilities, reserves, and capital.* State the total of Items 18, 19, 20, and 23.

B. STATEMENT OF INCOME

1. Operating Income:

- (a) Interest and fees on loans.....
- (b) Income on Federal funds sold and securities purchased under agreements to resell.....
- (c) Interest and dividends on investments:
- (1) U.S. Treasury securities.....
- (2) Securities of other U.S. Government agencies and corporations.....
- (3) Obligations of States and political subdivisions.....
- (4) Other securities.....
- (d) Trust department income.....
- (e) Service charges on deposit accounts.....
- (f) Other service charges, collection and exchange charges, commissions, and fees.....
- (g) Other operating income.....
- (h) Total operating income.....

2. Operating Expenses:

- (a) Salaries and wages.....
- (b) Pensions and other employee benefits.....
- (c) Interest on deposits.....
- (d) Expenses of Federal funds purchased and securities sold under agreements to repurchase.....
- (e) Interest on other borrowed money.....
- (f) Interest on capital notes and debentures.....
- (g) Occupancy expense of bank premises, net:
Gross occupancy expense.....
Less: Rental income.....

- (h) Furniture and equipment expense (Including depreciation of \$_____)
- (i) Provision for loan losses_____
- (j) Other operating expenses_____
- (k) Total operating expenses_____
- 3. Income before Income Taxes and Securities Gains (Losses)_____
- 4. Applicable Income Taxes_____
- 5. Income before Securities Gains (Losses)_____
- 6. Net Security Gains (Losses), less related tax effect, \$_____
- 7. Net income_____

OR

- 7. Income before Extraordinary Items_____
- 8. Extraordinary Items, less related tax effect, \$_____
- 9. Net Income_____

- 10. Earnings per common share:¹
- Income before securities gains (losses)_____
- Net Income_____

¹ Per share amount of securities gains (losses) may be stated separately. If extraordinary items are reported, per share amount of income before extraordinary items and per share amount of extraordinary items shall be stated separately.

1. Operating income. State separately:

(a) Interest and fees on loans.
 (1) Include interest, fees and other charges on all assets that are reported on the balance sheet as other loans.

(2) Include interest on acceptances, commercial paper purchased in the open market, drafts for which the bank has given deposit credit to customers, etc.

Also include interest on loan paper that has been rediscounted with Federal Reserve or other banks or pledged as collateral to secure bills payable or for any other purpose.

(3) Include service charges and other fees on loans.

(4) Include profits (or losses) resulting from the sale of acceptances and commercial paper at discount rates other than those at which such paper was purchased.

(5) Current amortization of premiums on mortgages or other loans shall be deducted from interest on loans and current accumulation of discount on such items shall be added to interest on loans.

(b) Income on Federal funds sold and securities purchased under agreements to resell. Include the total gross revenue from Federal funds sold and securities purchased under agreements to resell.

(c) Interest and dividends on investments.
 (1) State separately interest and dividends from (A) U.S. Treasury securities, (B) securities and other U.S. Government agencies and corporations, (C) obligations of States and political subdivisions, and (D) other securities owned by the bank, including securities pledged, loaned, or sold under repurchase agreements and similar arrangements.

(2) Include accretion of discount on securities, if any; deduct amortization of premiums on securities. If the reporting bank accrues bond discount and such income amounts to 5 percent or more of the total of interest and dividends on investments, state in a note to financial statements, the amount of accretion income and deferred income taxes applicable thereto.

(3) When securities are purchased, any payment for accrued interest shall not be charged to expenses, nor when collected be credited to earnings. Such interest shall be charged to a separate account that will be credited upon collection of the next interest payment. The balance in the account shall be shown as "Other assets" in the balance sheet.

(d) Trust department income.

(1) Include income from commissions and fees for services performed by the bank in any authorized fiduciary capacity.

(2) This item may be reported on the cash basis in those instances where the

presentation of the item on the financial statements would not be materially affected thereby. The cash basis may also be used with respect to an individual trust or estate if accrual of income therefrom is not feasible. If any portion of trust department income is not reported on the accrual basis, there shall be a footnote explaining the method of reporting and the reason for departing from reporting on the accrual basis.

(e) Service charges on deposit accounts. Include amounts charged depositors that fail to maintain specified minimum deposit balances; charges based on the number of checks drawn on and deposits made in deposit accounts; charges for account maintenance and for checks drawn on "no minimum balance" deposit accounts; return check charges; etc.

(f) Other service charges, collection and exchange charges, commissions, and fees. State the aggregate of other service charges, collection and exchange charges, commissions, and fees. Exclude charges on loans and deposits and those related to the Trust Department. Do not include reimbursements for out-of-pocket expenditures made by the bank for the account of customers. If expense accounts were charged with the amount of such expenditures, the reimbursements should be credited to the same expense accounts.

(g) Other operating income.

(1) Include all operating income not reported in Items 1(a) through 1(f).

(2) Include (A) net trading account income consisting of profits and losses, interest, and other income and expense related to securities carried in a dealer trading account or accounts that are held principally for resale to customers, but exclude salaries, commissions, and other indirect expenses; (B) income from lease financing; (C) gross rentals from "other real estate" and safe deposit boxes; (D) net remittable profits (or losses) of foreign branches and consolidated subsidiaries less any minority interests (unless the reporting bank preferably combines or consolidates each item of income and expense); (E) interest on time balances with other banks; and (F) all other recurring credits (such as miscellaneous recoveries) and immaterial nonrecurring credit items.

(3) Do not include rentals from bank premises. Such rental income shall be reported in the inset to Item 2(g). In the event there is a net occupancy income, the income shall be shown in parenthesis in Item 2(g).

(4) Itemize (A) net trading account income, (B) net remittable profits (or losses) of foreign branches and consolidated subsidiaries (if included in this subitem), and

(C) all other amounts that represent 25 percent or more of the total of this subitem, unless "other operating income" is less than 5 percent of "total operating income."

(h) Total operating income. State the sum of Items 1(a) through 1(g).

2. Operating expenses. State separately:

(a) Salaries.
 (1) Include compensation for personal services of all officers and employees, including dining room and cafeteria employees but not building department employees.

(2) Include amounts withheld from salaries for Social Security taxes and contributions to the bank's pension fund. Do not include Social Security taxes paid by the bank for its own account and the bank's contribution to pension funds. Such amounts shall be included in Item 2(b).

(3) Include bonus and profit sharing paid directly or through a trustee. Such compensation that is deferred and not distributed to employees shall be reported in Item 2(b).

(4) Do not include compensation of officers and employees who spent the major portion of their working time on bank building and related functions. Such compensation shall be included in Item 2(g).

(5) Do not include amounts paid to legal, management, and investment counsel for professional services if such counsel are not salaried officers or employees of the bank. Such amounts shall be included in Item 2(j).

(b) Pensions and other employee benefits.

(1) Include all supplementary benefits, other than direct compensation included in Item 2(a) accrued during the report period on behalf of all officers and employees except building department personnel (see Item 2(g)).

(2) Include the bank's own contribution to its pension fund; unemployment and Social Security taxes for the bank's own account; life insurance premiums (net of dividends received) and hospitalization insurance payable by the bank; and other employee benefits.

(3) Do not include expenses related to testing, training, or education of officers and employees; the cost of bank newspapers and magazines; premiums on insurance policies where the bank is beneficiary; and athletic activities where the principal purpose is for publicity or public relations and employee benefits are only incidental. Such amounts shall be included in Item 2(j).

(c) Interest on deposits. Include interest on all deposits.

(d) Expense of Federal funds purchased and securities sold under agreements to repurchase. Include the total gross expenses of Federal funds purchased and securities sold under agreements to repurchase.

(e) Interest on other borrowed money.

(1) Include all interest on bills payable, rediscounts, unsecured notes payable, and other instruments issued for the purpose of borrowing money other than Federal funds purchased and securities sold under agreements to repurchase.

(2) Do not include interest on mortgages on bank premises. Such interest shall be included in Item 2(g).

(f) Interest on capital notes and debentures.

(1) Include all interest on capital notes and debentures.

(2) Amortization of premium or discount shall be deducted from or included in the amount reported.

(3) Do not include premium or discount paid or realized on retirement of such securities. Such amounts shall be reported in Item 1(g) or 2(j).

(g) Occupancy expense of bank premises, net.

(1) Include in "gross occupancy expense" inset the aggregate amount of (A) salaries, wages, and supplementary compensation of bank personnel who devote the major portion of their time to the operation of bank premises or its consolidated premises subsidiaries; (B) depreciation of bank premises and amortization of leasehold improvements; (C) rent expense of bank premises; (D) real estate taxes; (E) interest on mortgages on bank premises owned; and (F) other bank premises operating and maintenance expenses.

(2) Include in "rental income" inset the aggregate amount of rentals from bank premises leased by the bank or its consolidated premises subsidiaries.

(3) Report the net occupancy expense (or net income) of bank premises. If net income is reported, the amount shall be shown in parenthesis.

(h) *Furniture and equipment expense.*

(1) Include normal and recurring depreciation charges; rental costs of office machines and tabulating and data processing equipment; and ordinary repairs to furniture and office machines, including servicing costs. The amount applicable to depreciation charges shall be shown in parenthesis.

(2) *Include taxes on equipment.*

(i) *Provision for loan losses.*

(1) Banks which provide for loan losses on a reserve basis shall include an estimated amount for credit losses. Such amount shall be determined by management in light of past loan loss experience and evaluation of potential loss in the current loan portfolio. The estimated loan loss factor allocable to operating expense shall not be less than the amount computed under one of the elective methods set forth in subitem (2).

(2) The bank may elect in 1969, and thereafter consistently use for financial reporting purposes, one of the following methods for allocating loan losses to operating expense:

(A) Average ratio of loss over the past 5 years applied to average loans outstanding during the current year. Ratio of loss shall be the single decimal quotient of total net chargeoffs (losses less recoveries) and total average loans for the 5 most recent years, including the current year.

(B) Average ratio of loss on a forward moving average beginning with the year 1969 applied to average loans outstanding during the current year. Ratio of loss shall be the single decimal quotient of total net chargeoffs and total average loans for the number of years beginning with 1969 and ending with the year of report. In 1973, banks which elect the forward moving average method will compute the minimum allocable credit loss expense on the same basis as banks which elect method (1).

Note: For purposes of Items 2 (A) and (B), annual "average loans outstanding" may be computed on any reasonable schedule of frequency. In the absence of other procedures, "Other loans," and "Federal funds sold and securities purchased under agreements to resell", as reported in the Statements of Condition called by the supervisory authorities, shall be averaged.

(C) Actual net chargeoffs as experienced in the current year.

(3) An estimated amount for loan losses allocable to operating expense in excess of the minimum amount computed as instructed in subitem (2) should be provided when judged appropriate in the opinion of management.

(4) Furnish in a note to financial statements an explanation of the basis for allocating loan losses to operating expense including (A) the method followed, and (B) amount added at the discretion of management, if any.

(5) The amount may be expressed in even dollars or thousands of dollars.

Note: The amount reported for loan losses in operating expense shall be adjusted, if necessary, to the amount transferred to the allowance for loan losses recorded on the books of the bank by an entry to the undivided profits account in the statement of changes in capital accounts. For example, if the estimated loan loss expense reported in the statement of income is less than the amount transferred to the allowance for loan losses, the amount of difference, less related tax effect, should be charged against the undivided profits account. If the estimated loan loss expense reported in the statement of income (1) is more than the amount transferred to the allowance for loan losses, and (2) represents the minimum amount the bank is required to allocate under its elected method, the amount of difference, less related tax effect, should be credited to the undivided profits account.

(6) Banks which do not provide for loan losses on a reserve basis shall include the amount of actual net chargeoffs (losses less recoveries) for the current year.

(j) *Other operating expenses.*

(1) Include all operating expenses not reported in Items 2(a) through 2(f).

(2) Include advertising, business promotion, contributions, cost of examinations by supervisory authorities, deposit insurance assessment, fees paid to directors and members of committees, memberships, net cash shortages or overages, operating expenses (except salaries) of "Other real estate owned", postage, premium on fidelity insurance, publicity, retainer fees, stationery and office supplies, subscriptions, taxes not reported against other items, telegrams and cables, telephone, temporary agency help, travel, unreimbursed losses on counterfeit, forgeries, payments over stops, and all other recurring expenses and immaterial nonrecurring charges.

(3) Deposit insurance assessment expense shall be reported as a net figure—that is, all assessment credits during the period shall be applied against the assessment expense.

(4) Itemize all amounts that represent 25 percent or more of this item.

(k) *Total operating expenses.* State the sum of items 2(a) through 2(j).

3. *Income before income taxes and security gains (losses).* State the difference of Item 1(h) minus Item 2(k).

4. *Applicable income taxes.* (a) State the aggregate of Federal and State taxes applicable to the amount reported in Item (3).

(b) Do not include taxes applicable to net security gains (losses) and extraordinary items. Such taxes (or tax reductions) shall be reported in Items 6 and 8.

5. *Income before securities gains (losses).* State the difference of Item 3 minus Item 4.

6. *Net security gains (losses).* State the net result of security gains and losses realized. Related income taxes (or tax reductions) shall be shown parenthetically.

7. *Net income.* State the sum or difference of Items 5 and 6.

Note: If extraordinary items are reported (See Item 8) the caption to this Item shall read, "Income before extraordinary items."

8. *Extraordinary items.* State the material results of nonrecurring transactions that have occurred during the current reporting period. Only the results of major events outside of the ordinary operating activity of the bank are to be reported herein. Such events would include, but not be limited to, material gain or loss from sale of bank premises, expropriation of properties, and major devaluation of foreign currency. Related income taxes (or tax reductions) shall be shown parenthetically. (Less than material results of nonrecurring transactions are to be included in Items 1(g) or 2(j), as appropriate.)

9. *Net income.* State the sum or difference of Items 7 and 8.

10. *Earnings per common share.* State the per share amounts applicable to common stock (including common stock equivalents) and per share amounts on a fully diluted basis, if applicable. The basis of computation, including the number of shares used, shall be furnished in a note to financial statements.

C. STATEMENT OF CHANGES IN CAPITAL ACCOUNTS

Increase (decrease)	Capital notes and debentures	Preferred stock \$..... par	Common stock \$..... par	Surplus	Undivided profits	Reserve for contingencies and other capital reserves
1. Net income transferred to undivided profits.....						
2. Capital notes and debentures, preferred stock and common stock sold (par or face value).....						
3. Stock issued incident to mergers and acquisitions.....						
4. Premium on capital stock sold.....						
5. Additions to, or reductions in, surplus, undivided profits, and reserves incident to mergers.....						
6. Transfer to allowance for loan loss, exclusive of portion charged against income, less related income tax effect \$.....						
7. Cash dividends declared on preferred stock.....						
8. Cash dividends declared on common stock.....						
9. Stock issued in payment of stock dividend, _____ shares at par value.....						
10. All other increases (decreases) ¹						
11. Net increase (decrease) for the year.....						
12. Balance at beginning of year ²						
13. Balance at end of year.....						

¹ State separately any material amounts, indicating clearly the nature of the transaction out of which the item arose.

² If the statement is filed as part of an annual or other periodic report and the balances at the beginning of the period differ from the closing balances as filed for the previous fiscal period, state in a footnote the difference and explain.

SCHEDULE IV—BANK PREMISES AND EQUIPMENT

Classification 1	Gross book value 2	Accumulated depreciation and amortization 3	Amount at which carried on balance sheet
Bank premises (including land and equipment).....			
Leasehold improvements.....			
Totals 4.....			

1 If impractical to consolidate foreign branch and foreign subsidiary bank premises and equipment in accordance with the breakdown required by this schedule, a separate caption stating the total amount of all such property may be inserted. Such action should be explained in a footnote.

2 State briefly in a footnote the basis of determining the amounts in this column.

3 If provision for depreciation and amortization is credited in the books directly to the asset accounts, the amounts for the last fiscal year shall be stated in an explanatory footnote.

4 The nature and amount of significant additions (other than provisions for depreciation and amortization) and deductions shall be stated in an explanatory footnote.

5 Show in a footnote totals (corresponding to the first two columns) representing amounts reported for Federal income tax purposes.

SCHEDULE V—INVESTMENTS IN, DIVIDEND INCOME FROM, AND SHARE IN EARNINGS OR LOSSES OF UNCONSOLIDATED SUBSIDIARIES

Name of subsidiary	Percent of voting stock owned	Total investment, including advances	Equity in underlying net assets at balance sheet date 1	Amount of dividends 2	Bank's proportionate part of earnings or loss for the period
Totals.....					

1 Equity shall include advances reported in preceding column to the extent recoverable.

2 In a footnote state as to any dividends other than cash, the basis on which they have been reported as income. Also, if any such dividend received has been credited to income in an amount differing from that charged to surplus and/or undivided profits by the disbursing subsidiary, state the amount of such difference and explain.

SCHEDULE VI—"OTHER" LIABILITIES FOR BORROWED MONEY

Item	Amount
Borrowings from Federal Reserve Bank.....	
Unsecured notes payable within 1 year.....	
Unsecured notes payable after 1 year.....	
Other obligations.....	
Totals.....	

1 If impractical to classify borrowings and foreign subsidiary loans in accordance with this schedule, a separate caption setting the total amount of such loans may be inserted. Such action should be explained in a footnote.

D. SCHEDULES

SCHEDULE I—U.S. TREASURY SECURITIES, SECURITIES OF OTHER U.S. GOVERNMENT AGENCIES AND CORPORATIONS, AND OBLIGATIONS OF STATES AND POLITICAL SUBDIVISIONS

Type and maturity grouping	Principal amount	Book value 1
U.S. Treasury securities.....		
Within 1 year.....		
After 1 but within 5 years.....		
After 5 but within 10 years.....		
After 10 years.....		
Total U.S. Treasury securities.....		
Securities of other U.S. Government agencies and corporations.....		
Within 1 year.....		
After 1 but within 5 years.....		
After 5 but within 10 years.....		
After 10 years.....		
Total securities of other U.S. Government agencies and corporations.....		
Obligations of States and political subdivisions 2.....		
Within 1 year.....		
After 1 but within 5 years.....		
After 5 but within 10 years.....		
After 10 years.....		
Total obligation of States and political subdivisions.....		

1 State briefly in a footnote the basis for determining the amounts in this column.

2 Include obligations of the States of the United States and their political subdivisions, agencies, and instrumentalities; also obligations of territorial and insular possessions of the United States. Do not include obligations of foreign States.

3 State in a footnote the aggregate (a) principal amount, (b) book value, and (c) market value of securities that are less than "investment grade." If market value is determined on any basis other than market quotations at balance sheet date, explain.

SCHEDULE II—OTHER SECURITIES

Type	Amount	Book value 1
Bonds, notes, and debentures 2.....		
Stock of the Federal Reserve Bank.....		
Other stocks 3.....		
Totals.....		

1 State briefly in a footnote the basis for determining the amounts shown in this column.

2 State in a footnote the aggregate amount and book value of foreign securities included.

3 State in a footnote the aggregate (a) principal amount, (b) book value, and (c) market value of bonds, notes, and debentures that are less than "investment grade." If market value is determined on any basis other than market quotations at balance sheet date, explain.

4 State in a footnote the aggregate market value.

SCHEDULE III—OTHER LOANS 1

Type	Book value
Real estate loans.....	
Loans insured or guaranteed by the U.S. Government or its agencies.....	
Other.....	
Loans to financial institutions.....	
Loans to partnership or carrying securities (secured or unsecured).....	
Loans to individuals.....	
Loans to individuals for household, family, and other consumer expenditures.....	
All other loans (including overdrafts).....	
Total other loans reported in balance sheet.....	

1 If impractical to classify foreign branch and foreign subsidiary loans in accordance with this schedule, a separate caption setting the total amount of such loans may be inserted. Such action should be explained in a footnote.

SCHEDULE VII—ALLOWANCE FOR POSSIBLE LOAN LOSSES

Item	Amount set up pursuant to Treasury tax formula	Other amount ¹
Balances at beginning of period.....		
Recoveries credited to Allowance.....		
Additions due to mergers and absorptions ²		
Transfers to Allowance:		
From income.....		
From undivided profits ³		
Totals.....		
Losses charged to Allowance.....		
Balances at end of period ⁴		

¹ Do not include any provision for possible loan losses that the bank establishes as a precautionary measure. Include only any provision that (1) has been established through a charge against income, (2) represents management's judgment as to possible loss or value depreciation, and (3) is in excess of the provision taken under the Treasury tax formula.

² Describe briefly in a footnote any such addition.

³ Indicate by parenthesis the gross amount of any credit adjustment to undivided profits.

⁴ Describe briefly in a footnote the basis used in computing the amount accumulated in the Allowance at the end of the period. State the amount that could have been deducted for Federal income tax purposes if such amount is in excess of the amount provided by the bank pursuant to the Treasury tax formula.

NOTE.—The sum of the balances should equal the amount of "Allowance for possible loan losses" reported in the balance sheet.

INTERPRETATIONS

§ 11.101 Interpretation of definition of "officer."

(a) Section 11.2(o) defines the term "officer" to mean any person who occupies one or more of certain enumerated positions in a national or District bank "and any other person who participates in major policy-making functions of the bank." Among the positions so enumerated is that of "Vice President", but it is also provided that a person bearing the title of "Vice President" who does not "participate in major policy-making functions of the bank" is not an officer for the purposes of this Part 11.

(b) All persons holding any position enumerated in § 11.2(o), except those holding a position as "Vice President" are officers for purposes of this Part 11 regardless of whether they participate in major policy-making functions. The second sentence of § 11.2(o), which provides that certain persons are not officers if they do not participate in major policy-making functions, applies only to persons with the title of "Vice President".

§ 11.102 Disclosure of loans to "insiders."

(a) This interpretation sets forth the Comptroller's position with respect to disclosures of loans to "insiders"—that is, officers, directors, and persons holding more than 10 percent of the bank's stock—in management proxy statements furnished in accordance with the requirements of §§ 11.5 and 11.51 (Form F-5). This interpretation is also applicable to disclosure of such transactions under comparable provisions relating to registration of bank securities (§ 11.41; Form F-1) under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78d).

(b) Item 7(f) of Form F-5 and Item 12 of Form F-1 in effect require a description of any material¹ interest of any insider or any of his "associates"²

¹ "The term 'material', when used to qualify a requirement for furnishing of information as to any subject, limits the information required to those matters as to which an average prudent investor ought reasonably to be informed before buying or selling the security registered." (§ 11.2(n).)

² "The term 'associate', when used to indicate a relationship with any person, means

in any material transaction to which the bank was, or is to be, a party. These items contain a number of specific exemptive instructions—for example, no disclosure is required where the only interlock is that a director of a bank is a director and/or officer of another corporation that is a party to the transaction. Generally, these items require disclosure of loans to a corporate borrower only where insiders, individually or with members of their immediate families,³ own at least 10 percent of the borrower's outstanding stock.

(c) The Comptroller does not regard loans and other extensions of credit by a registrant bank in the ordinary course of its business as "material" for the purposes of this part (and therefore required to be disclosed unless otherwise specifically exempted by the instructions in these items) if such loans (1) are made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions with other than insiders, (2) at no time aggregate more than 10 percent of the equity capital accounts of the bank or \$10 million, whichever is less, and (3) do not involve more than the normal risk of collectibility or present other unfavorable features.

(d) Item 7(e) of Form F-5 requires disclosure of indebtedness to the bank of

(1) any corporation or organization (other than the bank or a majority-owned subsidiary of the bank) of which such person is an officer or partner or is, directly or indirectly, either alone or together with one or more members of his immediate family, the beneficial owner of 10 percent or more of any class of equity securities, (2) any trust or other estate in which such person has a substantial beneficial interest or as to which such person serves as a trustee or in a similar fiduciary capacity, and (3) any relative or spouse of such person, or any relative of such spouse, who has the same home as such person or who is a director or officer of the bank or any of its parents or subsidiaries." (§ 11.2(d).)

³ "The term 'immediate family' includes a person's (1) spouse; (2) son, daughter, and descendant of either; (3) father, mother, and ancestor of either; (4) stepson and stepdaughter; and (5) stepfather and stepmother. For the purpose of determining whether any of the foregoing relationships exist, a legally adopted child shall be considered a child by blood." (§ 11.2(k).)

each director or officer of the bank and each nominee for election as a director. An instruction to this item specifically excludes indebtedness resulting from transactions in the ordinary course of the bank's business. The effect of this instruction is to exempt the bank from reporting under item 7(e) normal extensions of credit to such persons, of types and amounts customarily made by the bank in the usual course of its operations. However, even if disclosure of indebtedness is not required by item 7(e), consideration must be given to whether it must be reported in the light of the provisions of item 7(f), referred to above.

(e) It should also be noted that item 7(e) requires disclosure of any liability to the bank that appears to have arisen under section 16 of the Securities Exchange Act of 1934 (15 U.S.C. 78p) as a result of "insider" transactions in the bank's stock (or other equity security).

II. Part 16 is revised to read as follows:

Sec.	Authority and scope of application.
16.1	Authority and scope of application.
16.2	Requirement of offering circular.
16.4	Filing of and use of offering circular.
16.5	Advertisements.
16.8	Sanctions.

AUTHORITY: The provisions of this Part 16 issued under R.S. 324 et seq., as amended, sec. 12, 48 Stat. 892, as amended; 12 U.S.C. et seq., 15 U.S.C. 781.

§ 16.1 Authority and scope of application.

(a) This part is issued under the general authority of the national banking laws, R.S. 324 et seq., as amended; 12 U.S.C. 1 et seq., and contains the rules applicable to national banks concerning the public offering of their capital debentures and the public offering of equity securities of new national banks.

(b) This part shall apply to any public offering of capital debentures of an existing national or District of Columbia bank, and to any public offering of a security of a new national bank (one which has not yet received its charter) by, for, or on behalf of such bank unless specified herein to the contrary.

§ 16.2 Requirement of offering circular.

No existing national bank shall publicly offer or sell any of its capital debentures and no new national bank shall publicly offer or sell any of its securities unless such securities shall have been made the subject of an offering circular filed in the Office of the Comptroller of the Currency and declared effective.

§ 16.3 Content of offering circular.

The offering circular filed pursuant to this part shall contain at a minimum the following information:

(a) *Issuer.* On the front page of the offering circular: (1) the exact name and address of the issuing national bank; (2) the following statements in capital letters printed in boldface Roman type at least as large as 10-point modern type and at least 2 points leaded:

(i) The debentures (or notes) shall not represent deposits and will not be insured by the Federal Deposit Insurance Corporation or any other Government agency.

(ii) These Securities Have Not Been Approved Or Disapproved By The Comptroller Of The Currency Nor Has The Comptroller Passed Upon The Accuracy Or Adequacy Of This Offering Circular.

(b) *Distribution.* On the same page referred to in the preceding paragraph state: (1) the number of and dollar amount of securities being offered; (2) the per security and aggregate offering price and the per security and aggregate proceeds to be received by the national bank; (3) the proposed means of distribution; and (4) the expenses to be incurred in connection with the offering.

(c) *Use of proceeds.* A brief statement of the intended uses of the proceeds of the offering.

(d) *Business of the bank.* A brief statement as to the history and nature of the bank's present or proposed operations including a description of its premises and facilities.

(e) *Financial statements.* (1) As to the offering of capital debentures of an existing national or District of Columbia bank, the information called for in Part 18 of this chapter, plus comparable information as of a date no more than 90 days prior to filing the offering circular.

(2) As to new national banks, a pro forma statement of capital, surplus and balance sheet as of the date it is contemplated business will be commenced.

(f) *Management.* (1) The full names and complete residence addresses of all present or proposed directors and principal officers and their principal occupations during the past 10 years.

(2) For such of the persons specified in the preceding paragraph who will receive in the current fiscal year of, who have received remuneration in the past fiscal year in excess of \$25,000 per year from the national bank, the aggregate amount of remuneration received by all such persons.

(3) A brief description of any present or contemplated bonus, retirement, pension, stock option, or other similar plan or provisions and the class of persons covered.

(4) Any present or proposed material interest or transaction between the bank and any director, or officer thereof, other than in the ordinary course of banking business. Describe any such interest or transaction that occurred within the preceding 3 years; if none, so state.

(g) *Principal security holders.* To the extent known:

(1) The percentage of outstanding securities which will be held as a group, by directors and principal officers and the percentage of such securities which will be held by the public if all the securities offered are sold; and

(2) The name, address, and relationship to the national bank of any person who beneficially owns or will own 10 percent or more of the outstanding capital stock of the national bank.

(h) *Capitalization and long-term debt.* State in tabular form as of a date within 90 days of filing, the title of and amount in each category of capital and long-term

debt account, the amount authorized or to be authorized, and the amount to be outstanding, assuming all the securities being registered are sold.

(1) *Description of securities.* (1) In the case of equity securities; briefly describe, if applicable, the dividend, voting, liquidation, preemptive, and conversion rights, redemptive and sinking fund provisions, and liability to further calls or assessment.

(2) In the case of debt securities; briefly describe, if applicable, the provisions with respect to interest, conversion, maturity, redemption, amortization, sinking fund, or retirement; the provisions with respect to the kind and priority of any lien securing the issue; the provisions restricting the declaration of dividends or requiring the maintenance of any ratio of assets, creation or maintenance of reserves or the maintenance of properties; the provisions permitting or restricting the issuance of additional securities, withdrawal of cash deposited against such issuance, incurring of additional debt, release or substitution of assets securing the issue, modification of the terms of the security, and any other similar provisions.

(j) *Legal proceedings.* Any material pending or threatened legal proceedings to which the national bank is a party or of which any of its property is the subject.

§ 16.4 Filing of and use of offering circular.

(a) No person on behalf of or for a new or existing national bank shall offer to sell or solicit any offer to buy any capital debenture or note or other securities of a national bank subject to this part being publicly offered by a national bank unless prior to, or at the time of such offer or solicitation, a copy of an offering circular which has been filed pursuant to this part is furnished to the potential purchaser by the person making the offer or solicitation.

(b) No securities of a new or existing national bank subject to this part shall be sold, or confirmation of sale relating thereto be delivered after sale, by, for, or on behalf of the bank unless at the time of sale or prior to such sale, the purchaser of such security has received an offering circular declared effective by the Comptroller of the Currency.

(c) The offering circular shall be used in accordance with this part until the completion of the distribution of the securities. If the distribution is not completed within 12 months from the effective date of the offering circular, an amended offering circular shall be filed and a revised offering circular shall be used in accordance with this part as for an original offering circular. In no event shall an offering circular be used which is false or misleading in light of the circumstances then existing.

(d) Filings shall be made in quadruplicate and may be printed, lithographed, typewritten, or prepared by similar process resulting in clearly legible permanent copies. One copy of all filings

made pursuant to this part shall be manually subscribed by the national bank's Chief Executive Officer and Cashier.

§ 16.5 Advertisements.

Any written advertisement (of other written communication, if not accompanied by an offering circular) or any film, radio, or television broadcast, which refers to a present or proposed public offering of securities subject to this part may be published, distributed, or broadcast only after the filing of an offering circular covering such securities, and provided that it contains no more than the following information:

(a) The name and address of the issuer of the security;

(b) the title of the security, the dollar amount and number of securities being offered, and the per-unit offering price to the public; and

(c) where a copy of the offering circular may be obtained.

§ 16.6 Sanctions.

The failure to comply with any requirement of this part may result in the withholding of the approval of the Comptroller of the Currency to issue the securities, the withholding of effectiveness of the registration statement, or the taking of such other action appropriate in the circumstances.

III. Section 18.1 of Part 18 is revised to read as follows:

§ 18.1 Scope and application.

(a) Every national bank, except banks the securities of which are subject to registration pursuant to section 12(b) or section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78), shall mail a written report containing, as a minimum, the financial and other information called for by this part, to each of its stockholders in time to be received by them prior to the bank's annual meeting, but in no event later than 60 days after the close of the fiscal year.

(b) Banks the securities of which are subject to registration pursuant to section 12(b) or section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78) shall furnish to security holders annual reports in accordance with § 11.5(c) of Part 11 of this chapter.

(c) The term "financial statements" as used in this part should be deemed to include all supporting schedules, instructions, and related forms.

(d) This part incorporates by reference all instructions and interpretations of this Office relating to financial reporting to stockholders which are presently outstanding and as may be amended hereafter.

(e) Certain instructions which assume a basis of full accrual accounting apply only to those banks within the scope of § 18.3 (a), (b), and (c).

Dated: July 29, 1971.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[FR Doc. 71-11088 Filed 8-11-71; 8:45 am]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 71-780]

PART 522—ORGANIZATION OF THE BANKS

Office of System Finance

AUGUST 5, 1971.

Resolved that the Federal Home Loan Bank Board considers it desirable to amend Part 522 of the Regulations for the Federal Home Loan Bank System (12 CFR Part 522) for the purpose of providing for the establishment of an Office of System Finance by the Federal Home Loan Banks. Accordingly, the Federal Home Loan Bank Board hereby amends said Part 522 by adding, immediately after § 522.82 thereof, an undesignated center head and a new § 522.83, to read as follows, effective October 1, 1971:

OFFICE OF SYSTEM FINANCE

§ 522.83 Office of System Finance.

(a) *Establishment of Office.* The banks are hereby authorized, upon appropriate resolution of the board of directors of each bank, to establish an Office of System Finance, which shall be located in Washington, D.C., to perform the following functions:

- (1) Coordination of financial planning;
- (2) Consolidated cash forecasting;
- (3) Management of securities portfolios;
- (4) Management of capital market operations; and
- (5) Such other functions as the banks, subject to the approval of the Board, may deem necessary or advisable.

(b) *Appointment of Director.* The Office of System Finance shall be headed by a Director, who shall be appointed by and whose compensation shall be fixed by the Presidents of the Banks, subject to the approval of the Board.

(c) *Responsibilities of Director.* The Director shall have responsibility for the performance of the functions of the Office of System Finance, as provided in paragraph (a) of this section. In addition, on and after January 1, 1972, the Director shall serve, without additional compensation, as Fiscal Agent of the Banks, and the Director shall be responsible for the performance of the duties of the Fiscal Agent as specified in § 522.81.

(d) *Expenses of Office.* The expenses of maintaining and operating the Office of System Finance shall be paid from the funds provided for in § 522.81(b), and the budget for such Office shall be included in the budget of the Fiscal Agent and be subject to approval thereof as provided in § 522.82.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further, that since the above amendment relates to the organization of the Federal Home Loan Banks and

authorizes such banks to take action in accordance therewith, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and the Board hereby provides that such amendment shall become effective as hereinafter set forth.

By the Federal Home Loan Bank Board.

[SEAL]

JACK CARTER,
Secretary.

[FR Doc. 71-11659 Filed 8-11-71; 8:49 am]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 361]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.661 Valencia Orange Regulation 361.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 35 F.R. 16625), regulating the handling of Valencia oranges grown in Arizona and designated part of California, 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 and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and 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. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this

meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 10, 1971.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 13 through August 19, 1971, are hereby fixed as follows:

- (i) District 1: 132,000 Cartons;
- (ii) District 2: 418,000 Cartons;
- (iii) District 3: Unlimited.

(2) As used in this section, "handler", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: August 11, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc. 71-11774 Filed 8-11-71; 1:01 pm]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.¹

Order Amending Order, as Amended, Regulating Handling

§ 987.0 Findings and determinations.

(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations made in connection with the issuance of the order and the previously issued amendments thereto; and all of said prior findings and determinations are hereby ratified and affirmed except insofar as such prior findings and determinations may be in conflict with the findings and determinations set forth herein. (For prior findings and determinations see 20 F.R. 5056; 23 F.R. 6904; 27 F.R. 6817; 29 F.R. 9706; 32 F.R. 12594.)

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure

¹ Previously designated as "Part 987—Domestic Dates Produced or Packed in a Designated Area of California".

dures effective thereunder (7 CFR Part 900), a public hearing was held in Coachella, Calif., on January 15, 1971, on a proposed amendment of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. On the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of domestic dates produced or packed in Riverside County, California, in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the area of production would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of domestic dates in the area of production covered by the order, as amended and as hereby further amended, which would require different terms applicable to different parts of such area; and

(5) All handling of domestic dates produced or packed in the area of production is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(c) *Additional findings.* It is further found that good cause exists for making the provisions of this amendatory order effective on the date hereinafter specified rather than postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553). The amendatory order extends the 1970-71 crop year (which would otherwise end July 31, 1971) through September 30, 1971, thereby permitting order regulations and requirements of the 1970-71 crop year to remain in effect until October 1, 1971 (the beginning of the 1971-72 crop year under the amended order), making the amendatory modifications available for the extended 1970-71 crop year, and providing for orderly transition of program operations from one crop year to the next. The amendatory order also provides for the transfer among handlers of credits from dispositions of dates in export or for use in date products in excess of a handler's restricted obligation. Authority to transfer such credits is designed to give handlers greater freedom to specialize in certain markets, thereby increasing their sales returns and resultant financial benefits to producers. Hence, to maximize the

benefits derivable from this program improvement and the industry's opportunity to effectuate the declared policy of the act, handlers should be permitted to transfer their excess credits immediately. The amendatory order also provides for realignment of the Administrative Committee established pursuant to the order and changes the term of office of its members and alternate members, and the date by which Committee nomination meetings are to be held. It is necessary that these provisions become effective promptly to afford the Secretary sufficient time to select qualified persons to serve on the realigned Committee for the term of office specified in the amendment so that the Committee will be operational as soon as possible. In addition, the amendatory order provides other improvements in program operations and procedures, and maximum benefits would be derived therefrom if such improvements would become effective immediately. The provisions of the amendatory order are well known to handlers of domestic dates and the text of the amendatory order has been made available to all known interested persons. Accordingly, handlers need no further advance notice to prepare for compliance with the provisions of the amendatory order. Therefore, all of the provisions of this amendatory order should become effective upon publication in the FEDERAL REGISTER.

(d) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Domestic Dates Produced or Packed in Riverside County, California", upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping domestic dates covered by the said order, as amended and as hereby further amended) who, during the period August 1, 1970, through May 31, 1971, handled not less than 50 percent of the volume of such dates covered by the said order, as amended and as hereby further amended; and

(2) The issuance of this amendatory order, amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who during the period August 1, 1970, through May 31, 1971 (which has been determined to be a representative period), have been engaged in the production for market of Deglet Noor, Zehidi, Halawy, or Khadravy varieties of domestic dates produced or packed in Riverside County, Calif., such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

It is therefore ordered. That, on and after the effective date hereof, all handling of domestic dates produced or packed in the area of production shall be in conformity to, and in compliance with, the terms and conditions of the said

order, as amended, and as hereby further amended as follows:

1. Section 987.4 is revised to read:

§ 987.4 Area of production.

"Area of production" means Riverside County, Calif.

2. Section 987.6 is revised to read:

§ 987.6 Crop year.

"Crop year" means the 12-month period beginning October 1 of each year and ending September 30 of the following year, except that the crop year ending September 30, 1971, shall begin on August 1, 1970.

3. Section 987.9 is revised to read:

§ 987.9 Handle.

"Handle" means to sell, consign, transport, or ship (except as a common or contract carrier of dates owned by another person) or in any way to put dates into the current of commerce including the shipment or delivery of substandard dates or cull dates into nonhuman consumption outlets, except that sales or deliveries, by producers, of other than cull dates, to a handler within the area of production, or the movement of dates by a handler to storage for his account within the area of production, the counties of San Bernardino and Imperial in the State of California, and such other counties in the State of California adjoining the area of production as the Committee may prescribe with the approval of the Secretary shall not be considered as handling.

4. Section 987.18 is revised to read:

§ 987.18 Committee.

"Committee" means the California Date Administrative Committee established pursuant to § 987.21.

§ 987.19 [Deleted]

5. Section 987.19 is deleted.

6. Section 987.20 is revised to read:

§ 987.20 Part and subpart.

"Part" means the order regulating the handling of domestic dates produced or packed in Riverside County, Calif., and all rules, regulations, and supplementary orders issued thereunder. The aforesaid order shall be a "subpart" of such part.

7. The center heading "Date Administrative Committee" immediately preceding § 987.21 is changed to "California Date Administrative Committee" and § 987.21 is revised to read:

§ 987.21 Establishment of California Date Administrative Committee.

A California Date Administrative Committee consisting of eight members is hereby established to administer the terms and conditions of this part: *Provided*, That the number of members may be increased to nine or decreased from nine to eight as provided in § 987.22(b). For each member there shall be an alternate member, and the provisions of this part applicable to the number, nomination and selection of the members shall apply to alternate members except as

provided in § 987.22(b) for the selection of a producer-handler representative.

8. Section 987.22 is revised to read:

§ 987.22 Membership representation.

(a) Five members of the Committee shall be individuals who are producers, or officers or employees of producers; and such members are referred to in this part as "producer members". Three members shall be individuals who are handlers, or officers or employees of handlers; and such members are referred to in this part as "handler members".

(b) The producer members shall be apportioned, as provided in this section, between the group of producers affiliated with cooperative associations of producers (referred to in this part as "cooperative producers") and the group of producers having no such affiliation (referred to in this part as "independent producers"). The apportionment for a term of office ending in the ensuing crop year shall be according to the respective total quantities of field-run dates delivered to handlers by the producers thereof in the respective groups during the then current crop year through April, as determined by the Committee on the basis of its applicable records. Each such group shall have one producer member for each portion of the applicable total quantity of such dates delivered by the producers in such group that represents 20 percent of the combined total quantities delivered by both groups plus one additional producer member for any major fraction thereof (more than one-half of the 20 percent): *Provided*, That each such group shall have at least one member as long as it operates. To provide a member for each such major fractional part and at least one member for each group, the Secretary shall increase the total number of members of the Committee to nine and, if changed to nine members, to reduce the number of members to eight if nine members are no longer required to conform with the requirement of this sentence. When the independent producers group is entitled to two or more members, at least one independent producer member and his alternate shall be a producer-handler, each of whom produced during the then current crop year through April at least 51 percent of all the dates handled by him during such period; and when the independent producers group is entitled to one member, either the member or the alternate member shall be such a producer-handler. Whenever it is determined, pursuant to this paragraph, that a change in producer representation is required for the ensuing term of office, the Secretary shall, on the basis of information, revise the representation consistent with the provisions of this paragraph.

9. Section 987.23 is revised to read:

§ 987.23 Term of office.

The term of office for members and alternate members shall be one year beginning August 1, but each such member and alternate member shall, unless otherwise ordered by the Secretary, con-

tinue to serve until his successor has been selected and has qualified: *Provided*, That the incumbent members and alternate members serving on the Date Administrative Committee immediately prior to the effective date of this amended subpart shall serve as members and alternate members, respectively, of the California Date Administrative Committee until such time as the successor producer members and handler members selected by the Secretary in accordance with § 987.24 of this amended subpart to serve on the California Date Administrative Committee have qualified.

10. Section 987.24 is revised to read:

§ 987.24 Nomination and selection.

(a) Nomination for members of the Committee shall be made not later than June 15 of each year, except that in 1971 the latest date for such nominations shall be not later than a reasonable time after the effective date of the amended subpart.

(b) A cooperative association of producers shall, by a resolution adopted by its board of directors, nominate the applicable number of individuals to serve through the ensuing term of office as producer members representing cooperative producers as provided in § 987.22. Whenever there are two or more cooperative associations of producers, the vote by each such association shall be weighted by the number of its cooperative producers during the applicable crop year through April 30. The individual receiving the highest number of votes for a position shall be the nominee.

(c) A meeting or meetings of independent producers shall be held in the area of production for the purpose of nominating individuals to serve as independent producer members on the Committee. Such producers shall nominate the applicable number of individuals for producer member positions in conformity with § 987.22. Each such producer, regardless of the number and locations of his date gardens, shall be entitled to one vote for each producer member position to be filled. The individual receiving the highest number of votes for a position shall be the nominee.

(d) Three handlers shall constitute a quorum for a meeting or meetings of handlers to be held in the area of production for the purpose of nominating three individuals to serve as handler members on the Committee. Each handler shall be entitled to vote for only one handler member position to be filled. The vote of each handler shall be weighted by the tonnage of dates the handler acquired (or, if a cooperative association of producers, by the tonnage received) from producers and had certified for handling or for further processing during the applicable crop year through April. The individual receiving the highest number of votes for a handler member position shall be the nominee for that position.

(e) Promptly after the completion of the meetings required by this section, a report shall be filed, either by the Committee or an employee of the Department, with the Secretary including de-

tails of the proceedings of the meetings, the names of the nominees for each position to be filled, together with necessary tonnage data and other information requested by the Secretary. From such nominees or from other eligible persons, the Secretary shall select the Committee members from the groups, and on the basis, prescribed in § 987.22.

§ 987.27 [Amended]

11. The following sentence is added at the end of § 987.27: "In the event a member and his alternate are unable to attend a meeting of the Committee, such member or alternate, in that order, may designate an alternate from the group (producers or handlers, as the case may be) they represent to act in his place. If neither a member nor his alternate has designated an alternate as his replacement, or such designated alternate is unable to serve as the replacement, the chairman may, with the concurrence of a majority of the members, including alternates acting as members, representing such group, designate an alternate from such group who is present at the meeting and is not acting as a member to act in the place and stead of the absent member."

12. Section 987.31 is revised to read:

§ 987.31 Procedure.

(a) Five members, including alternates acting as members, of the Committee, shall constitute a quorum.

(b) The Committee shall, from among its members, select a chairman and such other officers and adopt such rules for the conduct of its business as it may deem advisable.

(c) For any decision of the Committee to be valid, at least five members must cast a concurring vote, except as provided under § 987.33 for any program of paid advertising or major program of marketing promotion. At all assembled meetings each vote shall be cast in person.

(d) The Committee may vote upon any proposition by mail, or telephone when confirmed in writing within 2 weeks, or telegram, upon due notice and full and identical explanation to all members, including alternates acting as members, but any such action shall not be considered valid unless unanimously approved.

§ 987.33 [Amended]

13. The third sentence of § 987.33 is revised to read: "However, no program of paid advertising nor major program of marketing promotion shall be adopted unless favored by at least six members, including alternates acting as members."

§ 987.34 [Amended]

14. The first sentence in § 987.34 is revised to read: "As early as practicable, but no later than October 15, the Committee shall prepare and submit to the Secretary a report setting forth its marketing policy, including the data on which it is based, for the regulation of dates in the crop year."

15. The date "July 31" in § 987.34(b) is revised to read "September 30".

§ 987.45 [Amended]

16. The last sentence of paragraph (d) of § 987.45 is revised to read: "Any handler who during a crop year disposes in restricted outlets of a quantity of marketable dates in excess of his restricted obligation of such year may: (1) On written request delivered to the Committee not later than September 30 of such crop year have a part or all of such excess transferred, by the Committee, to such other handler or handlers as he may name, for crediting such other handlers' restricted obligations incurred in that crop year; and in addition (2) have a part or all of the remainder of such excess credited to his restricted obligation of the subsequent crop year; *Provided*, That the amount of any such credit shall not exceed that established by the Committee, with the approval of the Secretary, as the percentage of such restricted obligation."

17. The date "July 31" in § 987.45 (e) and (f) is revised to read "September 30".

§ 987.61 [Amended]

18. The dates "June 1" and "August 1" in § 987.61 are revised to read "September 1" and "September 30", respectively.

19. The heading and first sentence of § 987.68 are revised to read:

§ 987.68 Verification of reports and records.

For the purpose of checking compliance with record keeping requirements and verifying reports filed by handlers, the Secretary and the Committee, through its duly authorized employees, shall have access to any premises where dates are held and, at any time during reasonable business hours, shall be permitted to examine any dates held and any and all records with respect to matters within the purview of this part. * * *

§ 987.82 [Amended]

20. The date "June 1" in § 987.82 (b) (2) is revised to read "August 1".

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

Dated August 9, 1971, to become effective upon publication in the FEDERAL REGISTER (8-12-71).

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-11661 Filed 8-11-71;8:50 am]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Subpart—Administrative Rules and Regulations

MISCELLANEOUS AMENDMENTS

Notice was published in the July 24, 1971, issue of the FEDERAL REGISTER (36 F.R. 13787) regarding a proposal recommended by the Prune Administrative Committee to amend the administrative rules and regulations (Subpart—Administrative Rules and Regulations; 7 CFR 993.101-993.174). The subpart is operative pursuant to the marketing agree-

ment, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Section 993.162 is pursuant to § 993.62 of the order and prescribes rules and procedures governing the voluntary diversion of prune plums by producers. The amendment would prescribe dryaway ratios used in computing the dried prune equivalents of prune plums diverted—by varieties and by prune producing districts—instead of the current single dryaway ratio applicable to the entire area and all varieties. This change would more adequately reflect the variables in dryaway ratios that are known to exist between districts within the area of production. Other changes improve and simplify the procedures prescribed in § 993.162. The more important of these: Change the method for computation of the deposit fee which accompanies a producer's application for diversion; permit producers to modify their diversion application following approval thereof by the Prune Administrative Committee; redesignate the "nontransferable certificate of diversion" as a "report of diversion"; and provide for refund to diverters of unused diversion funds.

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation of the Prune Administrative Committee, and other available information, it is found that amendment of the Subpart—Administrative Rules and Regulations, as hereinafter set forth, is in accordance with this part, will tend to effectuate the declared policy of the act, and for the reasons hereinafter set forth, should become effective at the time provided herein.

Therefore, it is hereby ordered, That the Subpart—Administrative Rules and Regulations be amended as follows:

1. Paragraph (a) of § 993.162 is revised to read as follows:

(a) *Quantity to be diverted.* The Committee shall indicate the quantity of prune plums that producers may divert pursuant to § 993.62 whenever it recommends to the Secretary that diversion operations for a crop year be permitted. The Committee shall compute the dried weight equivalent of prune plums so diverted on a dryaway basis in accordance with the following schedule:

(1) For prune plums of French varieties produced in the counties of Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, Siskiyou, Solano, Sonoma, and Trinity, 1 pound of dried prunes for each 2.6 pounds of prune plums diverted;

(2) For prune plums of French varieties produced in the counties of Alameda, Monterey, San Benito, Santa Clara,

Santa Cruz, San Francisco, and San Mateo, 1 pound of dried prunes for each 2.75 pounds of prune plums diverted;

(3) For prune plums of French varieties produced in the counties of Amador, Butte, Colusa, Contra Costa, Glenn, Sacramento, Shasta, Sutter, Tehama, Yolo, and Yuba, 1 pound of dried prunes for each 3 pounds of prune plums diverted;

(4) For prune plums of French varieties produced in the counties of Fresno, Merced, San Joaquin, San Luis Obispo, Stanislaus, Tulare, and all of the counties in the area not included in subparagraphs (1), (2), and (3) of this paragraph, 1 pound of dried prunes for each 3.25 pounds of prune plums diverted; and

(5) For prune plums of non-French varieties produced in any county in the area, 1 pound of dried prunes for each 3.50 pounds of prune plums diverted.

Whenever diversion operations for a crop year have been authorized by the Secretary, the Committee shall notify producers, dehydrators, and handlers, known to it of such authorization.

2. Paragraph (c) of § 993.162 is amended by revising subparagraphs (1) and (2) to read as follows:

(c) *Applications for diversion*—(1) *By producers.* Each producer desiring to divert prune plums of his own production shall, prior to diversion, file with the Committee a certified application on Form PAC 10.1 "Application for Prune Plum Diversion" containing at least the following information: (i) The name and address of the producer; whether the producer is an owner-operator, share-lord, share-tenant, or cash tenant; and the name and address of any other person or persons sharing a proprietary interest in such prune plums; (ii) the proposed method of diversion and the location where diversion is to take place; (iii) the quantity and variety of prune plums proposed to be diverted; and (iv) the approximate period of diversion. A deposit fee shall accompany each application and shall be the greater of either \$100 or the amount obtained by multiplying the quantity, in tons, of prune plums proposed to be diverted by \$3.50.

(2) *By dehydrator as agent.* Any producer, or group of producers, may authorize any dehydrator to act as agent to divert harvested prune plums. Prior to diversion such dehydrator shall submit to the Committee with respect to each producer the certified application on Form PAC 10.1 "Application for Prune Plum Diversion" required by subparagraph (1) of this paragraph. A deposit fee shall accompany each application and shall be the greater of either \$100 per producer who authorized the dehydrator to act as agent or the amount obtained by multiplying the quantity in tons of prune plums proposed to be diverted by \$3.50; *Provided*, That with respect to any group of four or more producers that authorized the dehydrator to act as agent for the group and the dehydrator so informs the Committee,

the deposit fee shall be the greater of either \$200 or the amount obtained by multiplying the aggregate quantity in tons of prune plums proposed to be diverted by the group by \$3.50.

3. Paragraph (d) of § 993.162 is amended by redesignating subparagraph (3) thereof as subparagraph (4) and inserting a new subparagraph (3) reading as follows:

(3) The Committee shall establish, and give prompt notice of a final date by which a producer may modify his approved application including changing the proposed method of diversion and the quantity of prune plums proposed to be diverted: *Provided*, That any change in the proposed method of diversion shall include information on the location where such diversion is to take place and shall be accompanied by a payment of \$50 as a service charge, and any increase in the quantity of prune plums proposed to be diverted shall be accompanied by a payment of \$4.50 per ton for such increase, of which \$3.50 shall be the deposit fee and \$1 shall be a service charge.

4. Paragraph (e) of § 993.162 is amended to read as follows:

(e) *Report of diversion.* (1) When diversion of prune plums has been completed, the diverter (whether producer or dehydrator as agent of a producer) shall submit the required proof of such diversion to the Committee. When the Committee concludes that diversion has been completed pursuant to the requirements of this section, it shall furnish the producer whose prune plums were diverted with a listing of the total quantity of prune plums concluded to be so diverted: *Provided*, That a producer shall be given credit for any quantity of his prune plums diverted in excess of the quantity approved by the Committee pursuant to paragraph (d) of this section but not in excess of 120 percent of such approved quantity and then only to the extent that such creditable excess is already covered by his applicable deposit fee or such fee is increased by an additional deposit to cover such excess.

(2) Upon completion of the computation of dryaway pursuant to paragraph (a) of this section applicable to the diverter's diversion of prune plums, the Committee shall issue a report of diversion to the producer whose prune plums were diverted for the total quantity, dried weight equivalent, credited for diversion setting forth the computations by which such total quantity was derived.

5. Paragraph (f) of § 993.162 is amended as follows:

a. The last sentence in subparagraph (1) thereof is revised to read: "If the Committee determines that effective administration of diversion operations requires establishment of a final date for submission of transferable certificates of diversion by producers to handlers, or a final date for return of such certificates

by handlers to the Committee for crediting against their reserve obligations, or both, it shall establish such dates."

b. In subparagraphs (2) and (3) thereof, references to "nontransferable certificate of diversion" are revised to "report of diversion".

c. In the second sentence of subparagraph (3) thereof, "or annexed to" is inserted immediately after "shall be entered on".

6. Paragraph (g) of § 993.162 is revised to read as follows:

(g) *Costs.* Pursuant to § 993.62(g), the costs pertaining to diversion are to be defrayed by payment of fees by the producer or cooperative marketing association to whom a diversion certificate is issued. After authorized diversion operations for a crop year are completed, the Committee shall ascertain its costs of diversion operations during such crop year. If the total amount represented by the deposit fees which accompanied the applications for diversion exceeds such costs, each producer, and each cooperative marketing association, entitled thereto shall receive a proportionate refund of the net amount. Such refund shall be calculated in the same proportion as the quantity of prune plums diverted by each such producer, and each such cooperative marketing association, is to the total quantity of prune plums diverted: *Provided*, That the Committee may prescribe a minimum charge to cover costs of processing each application for diversion submitted to it.

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 and for making the provisions hereof effective upon publication (5 U.S.C. 553) in that: (1) This action prescribes changes in the rules and procedures governing producer diversion operations, including the issuance of diversion certificates, as contemplated by § 993.62; (2) the Prune Administrative Committee has recommended that diversion operations be authorized with respect to the 1971-72 crop year; (3) harvest of California's prune plums will begin soon at which time diversion could begin; (4) the Committee must make necessary preparations before such diversion operations commence in accordance with these amended rules and procedures; and (5) producers should be afforded the maximum advance notice that is practical of these amended rules and procedures so as to conduct their operations accordingly.

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

Dated: August 9, 1971, to become effective upon publication in the FEDERAL REGISTER (8-12-71).

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Marketing Service.

[FR Doc. 71-11860 Filed 8-11-71; 8:50 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

PART 50—SPECIAL SERVICES AND STUDIES BY THE BUREAU OF THE CENSUS

Fee Structure for Age Search and Citizenship Information

The fee structure for age search and citizenship information is hereby amended as set forth below to change the fee for a regular search in turn from \$4 to \$5 and for a priority search from \$5 to \$6, effective January 1, 1972. No transcript of any record will be furnished which would violate existing laws requiring that information furnished be held confidential and not used to the detriment of the person to whom it relates. Requests for searches and application forms should be directed to the Bureau of the Census, Pittsburg, Kans. 66762.

In accordance with the rule making provisions of Administrative Procedure 5 U.S.C. section 553, it has been found that notice and hearing on this schedule of fees and postponement of the effective date thereof is impracticable and unnecessary for the reason that title 13 U.S.C. requires recovery of the costs.

§ 50.5 Fee structure for age search and citizenship information.

Types of Service:	Fee
Searches in regular turn of not more than two censuses for one person and one transcript of the most appropriate record.....	\$5.00
Priority searches of not more than two censuses for one person and one transcript of the most appropriate record.....	6.00
Each additional copy of census transcript	1.00

Dated: August 2, 1971.

GEORGE H. BROWN,
Director, Bureau of the Census.

[FR Doc. 71-11616 Filed 8-11-71; 8:45 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7139]

PART 301—PROCEDURE AND ADMINISTRATION

Liens and Levies Upon Interests in Certain Lands Held in Trust by the United States for Noncompetent Indians

In order to provide revised rules regarding liens and levies upon interests in

certain lands held in trust by the United States for noncompetent Indians, the Regulations on Procedure and Administration (26 CFR Part 301) under sections 6321 and 6331 of the Internal Revenue Code of 1954 are amended as follows:

PARAGRAPH 1. Section 301.6321-1 is revised to read as follows:

§ 301.6321-1 Lien for taxes.

If any person liable to pay any tax neglects or refuses to pay the same after demand, the amount (including any interest, additional amount, addition to tax, or assessable penalty, together with any costs that may accrue in addition thereto) shall be a lien in favor of the United States upon all property and rights to property, whether real or personal, tangible or intangible, belonging to such person. The lien attaches to all property and rights to property belonging to such person at any time during the period of the lien, including any property or rights to property acquired by such person after the lien arises. Solely for purposes of sections 6321 and 6331, any interest in restricted land held in trust by the United States for an individual noncompetent Indian (and not for a tribe) shall not be deemed to be property, or a right to property, belonging to such Indian. For the special lien for estate and gift taxes, see section 6324 and § 301.6324-1.

PAR. 2. Paragraph (a) of § 301.6331-1 is amended by adding, immediately after subparagraph (4), a new subparagraph (5) which reads as follows:

§ 301.6331-1 Levy and distraint.

(a) *Authority to levy* * * *

(5) *Noncompetent Indians.* Solely for purposes of sections 6321 and 6331, any interest in restricted land held in trust by the United States for an individual noncompetent Indian (and not for a tribe) shall not be deemed to be property, or a right to property, belonging to such Indian.

Because this Treasury decision is of a clarifying nature, it is found that it is unnecessary to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: August 6, 1971.

JOHN S. NOLAN,
Acting Assistant Secretary
of the Treasury.

[FR Doc. 71-11664 Filed 8-11-71; 8:50 am]

**Title 41—PUBLIC CONTRACTS
AND PROPERTY MANAGEMENT**

**Chapter 5A—Federal Supply Service,
General Services Administration**

**PROCEDURES FOR FEDERAL SUPPLY
SCHEDULES, CATALOGS, AND
PRICELISTS**

Chapter 5A of Title 41 is amended as follows:

PART 5A-16—PROCUREMENT FORMS

The table of contents for Part 5A-16 is amended to delete §§ 5A-16.950-1308 (FL), 5A-16.950-1325 (FL), and 5A-16.950-2139.

**PART 5A-73—FEDERAL SUPPLY
SCHEDULE PROGRAM**

Part 5A-73 is amended to delete Subpart 5A-73.2 in its entirety and the table of contents for Part 5A-73 is amended to add the following new and revised entries:

- | | |
|-------------|---|
| Sec. | |
| 5A-73.120 | Catalogs and pricelists. |
| 5A-73.120-1 | Scope of section. |
| 5A-73.120-2 | Coverage of commodity data in Federal Supply Schedules. |
| 5A-73.120-3 | Approval and distribution of catalogs and pricelists. |
| 5A-73.120-4 | Clause used in solicitations when contemplating award based on catalogs or pricelists. |
| 5A-73.120-5 | Clause used in Schedules when contract award based on catalogs or pricelists. |
| 5A-73.120-6 | Criteria for catalogs and pricelists. |
| 5A-73.120-7 | Postaward procedures (except for FSC 74 Part VI) to be followed by contracting officer. |
| 5A-73.127 | Distribution of Federal Supply Schedules, catalogs, and pricelists. |

**Subpart 5A-73.1—Production and
Maintenance**

Section 5A-73.107-8 is revised as follows:

**§ 5A-73.107-8 Notifying agencies of
renewals.**

Agencies shall be notified of the renewal period and any other modifications of the contracts by issuance of Federal Supply Schedule amendments (see § 5A-73.125). GSA Form 1797 shall be used as provided in § 5A-73.105. Quantities of each such amendment needed for distribution to agencies shall be determined in accordance with the provisions of GSA Order FSS 1860.4, FSS Publications Mailing List System.

Section 5A-73.120 is revised and §§ 5A-73.120-1 through 5A-73.120-7 and § 5A-73.127 are added as follows:

§ 5A-73.120 Catalogs and pricelists.

§ 5A-73.120-1 Scope of section.

The provisions of this § 5A-73.120 apply to solicitations and resulting contracts and Schedules issued by the ADP Procurement Division, the Procurement Operations Division, and the regional procurement divisions which require the use of contractor catalogs or pricelists.

**§ 5A-73.120-2 Coverage of commodity
data in Federal Supply Schedules.**

A combination of factors, such as class of item, extent of potential usage and industry practice, dictate the manner in which a commodity is presented in a Federal Supply Schedule. A Schedule either includes sufficient item data to permit procurement action or shows the notation "list" alongside the name of each contractor. When the notation "list" appears, it indicates that item information must be obtained from the manufacturer's catalog and pricelist. Since contractor's catalogs and pricelists are an integral part of some Schedules, their format, content, timeliness, and method of distribution require control and monitoring action.

**§ 5A-73.120-3 Approval and distribu-
tion of catalogs and pricelists.**

The procurement activity issuing a Schedule is also responsible for the approval of the contractor's catalogs and pricelists and furnishing mailing lists for their distribution.

**§ 5A-73.120-4 Clause used in solicita-
tions when contemplating award
based on catalogs and pricelists.**

(a) Except for FSC 74 Part VI (see (b) below), the following clause shall be included in all solicitations for offers (and resulting contracts) which contemplate awards based on catalogs or pricelists.

CATALOGS AND/OR PRICELISTS

(a) *Submission with offer.* (1) Two copies of the offeror's current published (dated or otherwise identified) commercial descriptive catalogs and/or pricelists must accompany the offer. Commercial catalogs and/or pricelists shall be those catalogs and/or pricelists which show "established catalog or market prices", as defined in the Special Provision of the solicitation titled "Basis for Price Negotiation". Special catalogs or pricelists printed for the purpose of this offer and showing only net prices to the Government, or reference to previous submissions, are not acceptable.

(2) In the event an offer covers more than one Special Item Number, offeror shall identify in the catalogs or pricelists, by each item, the Special Item Number under which the catalog or model number is being offered. All other items shall be marked "excluded", lined out, and initialed by the offeror.

(3) Foreign items. (See paragraph 7 of page 2, SF 33.) Offeror to list each foreign item offered indicating item and/or catalog number and page number of catalog.

(4) Offeror is required to show in detail on the attached "Discount Schedule and Marketing Data" sheets the discounts being offered the Government and all other classes of customers.

(5) If terms of sale appearing in the commercial catalogs or pricelists on which an offer is based are in conflict with the terms of this solicitation, the latter shall govern.

(b) *Approval by the Contracting Officer.* Upon award of contract, the Contracting Officer will return to the Contractor a copy of the contract and one copy of the catalog or pricelist, as accepted by the Government. The Contractor will also be furnished a list of addresses who have expressed a desire to receive catalogs or pricelists and information for a cover sheet or insert to be printed and distributed as outlined in (c) below.

(c) *Printing of catalogs or pricelists.* The Contractor may print and distribute commercial catalogs or pricelists as accepted by the Government, showing accepted discounts, or, upon approval of the Contracting Officer, may print and distribute special Government catalogs or pricelists which reflect net prices based upon the commercial pricelists less discounts accepted by the Government. In this instance, Contractor must show on cover page or insert the notation "Prices shown herein are net (Discount deducted)." Further, the Contractor will be furnished information which he shall reproduce and distribute as a cover page or insert with accepted catalogs or pricelists.

(d) *Certification by Contractor.* The Contractor shall furnish the Contracting Officer _____ copies of the published catalogs or pricelists within 30 days after receipt of notice of award.

The catalogs or pricelists furnished the Contracting Officer shall be accompanied by a statement signed by the Contractor, certifying that items, discounts, prices, terms, and conditions therein are identical to those accepted by the Government and that only those products accepted by the Government are included in the catalogs or pricelists furnished the Contracting Officer and distributed to Ordering Offices. Failure to furnish the above certification statement, or willful erroneous certification, may constitute sufficient cause for applying the provisions of Article 11, "Default" of Standard Form 32, General Provisions (Supply Contract).

(e) *Distribution to ordering offices.* Distribution of printed catalogs or pricelists to ordering offices should be accomplished within 30 days prior to the beginning of the contract period, or within 30 days after receipt of the notice of award, whichever is later. It is not mandatory that distribution be made to all ordering offices on the list of addressees furnished. However, the Contractor is required to supply such documents when requested by individual ordering offices or the Contracting Officer. The use of the mailing list for any other purpose is not authorized. The Contractor shall notify the Contracting Officer in writing when distribution has been completed.

The following list of GSA Mailing Codes covering commodities included in this solicitation is furnished for offeror's information:

GSA mailing code	Description of catalog or pricelist	Approximate number of copies

(b) The following clause shall be incorporated in solicitations for FSC 74 Part VI (ADP equipment, software, maintenance, and related items):

FEDERAL SUPPLY SCHEDULE PRICELISTS

(a) *Submission with offers.* Each offeror

awarded a contract under this solicitation will be required to publish and distribute a "Federal Supply Schedule pricelist." Three copies of the proposed pricelist (plus three additional copies of the proposed pricelist terms and conditions) must be forwarded with the offer, and each must be clearly marked to indicate the Special Item Number and the total price of each item offered. If terms and conditions appearing in any pricelist are in conflict with the Special Provisions of this solicitation, the latter shall govern. (Note: The requirement for three additional copies of proposed pricelist terms and conditions may be omitted from solicitations for offers covering ADP or Punched Card Accessorial Systems and Components.)

(b) *Format and content.* The format and content of each Federal Supply Schedule pricelist shall be as follows:

(1) Cover page:

Authorized Federal Supply Schedule Pricelist.

FSC Group 74, Part VI, Section A, Data Processing Equipment and Software.

(or)

FSC Group 74, Part VI, Section B, Data Processing Equipment (Accessorial Systems and Components).

FSC Class (as applicable—see Notice to Bidders) (General Description of Commodity) (Applicable Special Item Numbers and Titles).

Contractor's name, address, and telephone number (including area code), and zip code.

Contract No. _____ (Will be furnished at time of award).

General Services Administration, Federal Supply Service.

GSA Mailing Code: (as applicable):

(00CC 7450 (Automatic data processing systems and components).)

(00CC 7451 (Punched card machine systems and components).)

(Any additional information to be included on this page is subject to approval by the Contracting Officer.)

(2) Sources of additional contractual information.

(3) Statement of significant differences. Statement of significant differences between terms and conditions of previous year's pricelist and proposed pricelist.

(4) Information for ordering offices (consisting of consecutively numbered paragraphs in the sequence set forth below):

1. Geographic scope of contract.
2. Service areas (if applicable).
3. Contractor's ordering address.
4. Contractor's payment address.
5. F.O.B. point.
6. Delivery time (as applicable).
7. Discounts (as applicable).

- a. Prompt payment.
- b. Quantity.
- c. Dollar volume.
- d. Educational institutions.
- e. Other.

8. Size of business concern, small or large.

9. Statement concerning foreign produced items.

10. Statement concerning availability of export packing.

(5) Index of contents.

(6) Glossary.

(7) Terms and conditions applicable to rental. (Must be included in pricelist.)

(8) Terms and conditions applicable to purchase. (Must be included in pricelist.)

9. Statement concerning foreign produced maintenance of Government-owned equipment (after expiration of guarantee provisions). (Must be included in pricelist.)

(10) Terms and conditions applicable to repair service for Government-owned equipment. (Must be included in pricelist.) (See

Terms and Conditions Supplement.)

(11) Maximum order limitation.

(12) Terms and conditions applicable to repair parts indicating date of parts price-list and any applicable discount from list prices. (Must be included in pricelist.) (See Terms and Conditions Supplement.)

(13) Specifications for special supplies if applicable, especially for use with rented equipment.

(14) Any descriptive information relating to equipment offered (subject to approval of the Contracting Officer).

(15) Equipment list (clearly identifying all foreign manufactured and all used equipment) showing the following information:

Model or type number, and brand name (if applicable).

Brief description of item, Federal Item Identification Number if assigned, and guaranteed shipping weight and cube.

Government unit price for rental, purchase, and maintenance of each item, appropriately listed under the applicable Special Item Number.

Preventive maintenance, the number of hours of preventive maintenance required for each machine, per month, which shall be consistent with the Contractor's standards for preventive maintenance for each item of equipment listed.

(16) List of service and distribution points.

(c) *Notification of award.* An accepted copy of the pricelist, an executed copy of the contract, and a confirmation of notification of award, will be sent to the Contractor as soon as possible after approval of award. The following information, which will be furnished with the notification of award, shall be printed or stamped on the cover page of each approved pricelist:

Contract Number.

Period covered by contract.

GSA mailing code No.

(d) *Contractor's pricelist proofs.* Each Contractor shall submit three copies (overall size approximately 8½ by 11 inches, type size not smaller than 10-line spaces per inch and 16 spaces per inch within a line) of the final proof for printed pricelist bearing the above information within 15 days after notification of award to the Contracting Officer for approval before publishing and distributing copies to using Government agencies. The Contracting Officer will indicate final approval of the proof copy in writing and will authorize distribution of the pricelist to Government agencies.

(e) *Distribution to ordering agencies.*

(1) Each Contractor will be required to publish copies of his pricelist in such form as is approved by the Contracting Officer. Each pricelist shall be approximately 8½ by 11 inches and shall be punched for standard three-ring binder.

(2) Contractors will distribute quantities of pricelists directly to Government agencies as directed by the Contracting Officer and when requested by Federal activities. Pricelists shall not be distributed to ordering agencies until final approval has been received in writing from the Contracting Officer. One hundred (100) copies of the printed pricelist shall be furnished to the General Services Administration Contracting Officer at the time of initial distribution.

(3) The Contractor shall notify the Contracting Officer, in writing, the date of completion of distribution of pricelists to the Government offices.

(4) Contractors are reminded that authorized pricelists are distributed to Government agencies solely for the purpose of disseminating information in accordance with the contract provisions. Any other use of such pricelists is not authorized.

(f) *Parts pricelists.* Separate pricelists covering repair parts for machines offered

will not be submitted with offers, and no general distribution will be made to ordering agencies. The Contractor, however, shall furnish his parts pricelist for any machine included in the contract if requested by the Contracting Officer.

Each offeror shall submit a statement in his pricelist, under the applicable Special Item Number for repair parts, indicating date of parts pricelist effective for billing under this contract and any discounts offered therefrom. The date of the parts pricelist specified in the statement in the offeror's pricelist shall be no later than the beginning date of the contract period. Repair parts shall be billed in accordance with the above pricelist or at any lower price which has been established. Any applicable discount shall be shown as a separate item on invoices.

(g) *Amendments.* If, during the contract period, the Contractor offers any change(s) (i.e., additions, deletions, reductions in price(s), etc.) to the approved pricelist, the Contractor shall submit three (3) copies of the proposed change(s) and the reasons therefor to the Contracting Officer for consideration, in the following manner:

(1) *Additional items.* (a) Furnish "Statement of Price Schedule" and "Purchase and Rental" information as required with original offer; (b) furnish published dated commercial pricelist on the new items, and effective date of such commercial pricelist; and (c) furnish production point and delivery time on the new items. If the information requested in (a), (b), and (c), above, is the same as that furnished under the original accepted offer, only a statement to that effect is required.

(2) *Deletions.* State reason for requesting deletion. The Government reserves the right to reject any subsequent offer of a substantially equal item at a higher price during the same contract period, if, in the opinion of the Contracting Officer, the higher price is unreasonable when compared with that of the deleted item. Deletions will be considered only when the contractor states that the equipment is no longer manufactured and that none is installed in a Government agency.

(3) *Price reduction.* State whether in conformity with (a) Reductions to Customers other than Federal Government, or (b) Reductions to Federal Agencies (see Special Provision entitled "Price Reductions"), and effective date thereof. If type (a) reduction applies, submit copy of dated commercial pricelist.

When instructed by the Contracting Officer, the Contractor agrees to print and distribute supplemental pricelists reflecting accepted changes within 15 days to Government agencies furnished the original pricelist.

§ 5A-73.120-5 Clause used in Schedules when contract award based on catalogs or pricelists.

Whenever the clause prescribed in § 5A-73.120-4(a) is used in the solicitation, the following clause shall be incorporated in the resulting Schedule. (NOTE: This clause shall not be used in Federal Supply Schedule for FSC 74 Part VI):

CATALOGS AND PRICELISTS

It is not mandatory that the Contractor distribute catalogs and pricelists to using Government agencies. The Contractor, at his option, may distribute copies if he so desires.

If catalogs and pricelists are not received, ordering offices should communicate directly

with the Contractor for copies of such material. It is requested that only the number of catalogs actually required be obtained since many of these publications are voluminous and very expensive to print and distribute. The supplying of unnecessarily large numbers of catalogs and pricelists could result in higher contract prices in the future.

§ 5A-73.120-6 Criteria for catalogs and pricelists.

(a) Every effort shall be made to eliminate from contractors' catalogs and pricelists objectionable or extraneous material not needed by the ordering office in placing purchase orders.

(b) Material of an advertising or promotional nature (except where such material is incidental to data relating to characteristics, use, or care of the merchandise covered by the contract) and reference to articles not covered by the contracts shall be considered to be in this category.

(c) The necessity for printing special catalogs for use in connection with Schedule contracts is an item of considerable expense to contractors; therefore, whenever reasonably within the criteria set forth above, the contractors' own catalogs printed for commercial use should be accepted, if possible, after elimination of pages containing unnecessary or objectionable advertising or promotional material.

(d) In some cases a contractor, who is awarded items in two or more categories of items, each of which has a separate GSA catalog or mailing code number, may wish to combine the items on a single catalog or pricelist. Contractors should be permitted to combine related categories of items covered by the same Schedule for the same contract period in a single catalog or pricelist. This will reduce distribution and handling costs to the Government and avoid additional expense to the contractor which may result in future higher prices. Under such arrangement, contractors shall be required to print the GSA mailing code applicable.

§ 5A-73.120-7 Postaward procedures (except for FSC 74 Part VI) to be followed by contracting officer.

(a) Using the letter of transmittal format (see exhibit 5A-76.314 for format used for all Schedules except FSC 74 Part VI) enclose the following:

- (1) Copy of contract as notice of award;
- (2) Copy of catalog and/or pricelist accepted by the Government;
- (3) Suggested format for cover sheet or insert as shown in exhibit 5A-76.315 (NOTE: Does not apply to FSC 74 Part VI);
- (4) Mailing list labels; and,
- (5) Supply of reporting forms (GSA Form 72, Contractors' Report of Orders Received).

(b) Monitor receipt of the company's price certification and notice of catalog and/or pricelist mailing by establishing the following target monitoring dates:

Phase	Guidelines
Contractor certification that published catalogs and pricelists are identical to those accepted by the Government.	Allow 30 days after the date the contractor would normally receive notice of award.
Mailing -----	Fifteen days prior to beginning of contract period or 15 days after receipt of notice of award, whichever is later.

§ 5A-73.127 Distribution of Federal Supply Schedules, catalogs, and pricelists.

Federal Supply Schedules, catalogs, and pricelists are distributed in accordance with the procedures prescribed in GSA Order FSS 1860.4, FSS Publications Mailing List System.

PART 5A-76—EXHIBITS

The table of contents of Part 5A-76 is amended to add the following entries:

- Sec.
- 5A-76.314 Sample format of contract transmittal letter when catalogs or pricelists required.
 - 5A-76.315 Sample format of information sheet furnished for contractor catalog cover page or insert.
 - § 5A-76.314 Sample format of contract transmittal letter when catalogs or pricelists required.
 - § 5A-76.315 Sample format of information sheet furnished for contractor catalog cover page or insert.

NOTE: Formats filed as part of the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. This regulation is effective 30 days after the date shown below.

Dated: August 2, 1971.

L. E. SPANGLER,
Acting Commissioner,
Federal Supply Service.

[FR Doc. 71-11644 Filed 8-11-71; 8:49 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER N—DANGEROUS CARGOES
[CGFR 71-79]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Sulfuric Acid Containers

This amendment revises the requirements for sulfuric acid in 46 CFR 146.23-100. Among the changes made are the deletion of the following containers: Jugs in tubs (DOT-31), wooden barrels or kegs (DOT-11A, 11B); plywood drums

(DOT-22A, 22B); and metal barrels or drums (DOT-5H). This amendment also authorizes DOT-33A packaging (46 CFR 178.150) for any strength sulfuric acid and limits use of the DOT-17F drums (49 CFR 178.117) to sulfuric acid not exceeding 98 percent concentration. This amendment authorizes certain additional tank cars and makes certain editorial changes. Finally, this amendment authorizes DOT-12R packaging (49 CFR 178.212) for concentrations of sulfuric acid up to 100.5 percent, with DOT-2B bottles (49 CFR 178.24A) added as inner packaging.

At page 15047 of this issue of the FEDERAL REGISTER, the Hazardous Materials Regulations Board of the Department of Transportation is amending 49 CFR Part 173. Their amendment provides additional packaging for sulfuric acid and deletes other packaging considered obsolete. In addition, their amendment limits the use of DOT-17F metal drums to sulfuric acid solutions not exceeding 98 percent concentration. For reasons fully stated in that document, the Board changes its proposal to add the word "lined" to the description of authorized tank cars and to allow the transportation of 65 percent to 65.25 percent concentration of sulfuric acid in certain tank cars.

The Board's amendment to the hazardous material regulations of the Department of Transportation in Title 49 applies to shippers by water, air, and land and to carriers by air and land. This amendment to Title 46 applies to carriers by water.

Interested persons were afforded an opportunity to participate in the making of this rule. This amendment was published as a notice of proposed rule making (CGFR 71-17) on March 19, 1971 (36 F.R. 5296) and a hearing was held on this amendment on May 4, 1971, at Washington, D.C.

This amendment is changed from the proposal as the result of a comment received. The comment pointed out that specification 103AW, 111A100F2, and 111A100W2 tank cars having tanks equipped with a phenolic lining impervious to sulfuric acid were included in the Hazardous Materials Board proposal, for sulfuric acid of concentrations greater than 51 percent but less than 65.25 percent, but omitted from the Coast Guard's proposal. This was an oversight by the Coast Guard. Therefore, this amendment authorizes the carriage of tank cars laden with sulfuric acid in the concentrations permitted under the Department of Transportation regulations on board cargo vessels (trainships only). In particular it authorizes the tank cars for sulfuric acid of concentrations greater than 51 percent but less than 65.25 percent.

Accordingly, § 146.23-100 of Title 46, Code of Federal Regulations, for the article "Sulfuric acid," is amended as follows:

1. By revising the fourth column to read as follows:

Required conditions for transportation		Required conditions for transportation		
Cargo vessel		Cargo vessel		
<p>Stowage:</p> <p>"On deck protected."</p> <p>"On deck under cover."</p> <p>"Under deck" (Steel drums containing sulfuric acid only).</p> <p>Outside containers:</p> <p>For sulfuric acid of any concentration:</p> <p>Wooden boxes (DOT-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.</p> <p>Carboys, boxed, glass, earthenware, clay or stone (DOT-IX) STC, for export only, not over 6 gal. cap.</p> <p>Fiberboard boxes (DOT-12A) WIC not over 5 pint cap.</p> <p>Polystyrene cases (DOT-33A), (NRC) WIC not over 5 pint cap.</p> <p>For sulfuric acid of concentrations not to exceed 100.5%:</p> <p>Carboys, boxed (DOT-1A) not over 13 gal. cap.</p> <p>Carboys in kegs (DOT-1C) not over 13 gal. cap.</p> <p>Carboys, boxed, glass (DOT-1D) not over 6½ gal. cap.</p> <p>Carboys in plywood drums, glass (DOT-1E) not over 6½ gal. cap.</p> <p>Carboys, boxed (DOT-1K) not over 13 gal. cap.</p> <p>Paper-faced expanded polystyrene board boxes (DOT-12R) WIC not more than six 5-pint glass bottles.</p> <p>For sulfuric acid of concentration not to exceed 95%:</p> <p>Wooden boxes:</p> <p>(DOT-16A) WIC (DOT-2U) not over 15 gal. cap.</p> <p>(DOT-16B) WIC (DOT-2T, 2TL, 2S, 2SL) not over 15 gal. cap.</p> <p>Fiberboard boxes (DOT-12P) WIC (DOT-2U polyethylene), not over 5 gal. cap.</p> <p>Fiberboard boxes (DOT-12B) WIC polyethylene not over 1 gal. cap.</p> <p>Fiber drums (DOT-21P) WIC DOT-2T or 2U, not over 15 gal. cap.</p> <p>Paper-faced expanded polystyrene board boxes (DOT-12R) WIC (2E) not over one gal. cap. ea.</p> <p>Metal crate with inside polyethylene carboy (DOT-1H), not over 15 gal. cap.</p> <p>Plywood or wooden box or drum (DOT-15P, 22C) WIC (2T, 2TL) not over 15 gal. cap.</p> <p>Polyethylene container (DOT-34) not over 30 gal. cap.</p> <p>Cylindrical steel overpacks: (DOT-4D, 37M (NRC)), WIC DOT-2S or 2SL, not over 55 gal. cap.</p> <p>(DOT-4D, 37M (NRC)), WIC DOT-2T, not over 15 gal. cap.</p>		<p>throughout when used for sulfuric acid of 93% or greater concentration.</p> <p>For sulfuric acid of concentrations 77.5% or greater with or without inhibitor, provided such acid has a corrosive effect on steel measured at 100° F. no greater than 93.2 percent sulfuric acid.</p> <p>Steel barrels or drums:</p> <p>(DOT-5A) not over 55 gal. cap.</p> <p>(DOT-5C) stainless steel. Types 304, 316 or 347, authorized only for sulfuric acid of 93% or greater strength.</p> <p>(DOT-17F) STC, not over 55 gal. cap. authorized only for sulfuric acid concentration up to 98%.</p> <p>For sulfuric acid of concentrations 65.25% or greater provided the corrosive effect on steel measured at 100° F. is not greater than that of 65.25% sulfuric acid.</p> <p>Portable tanks (DOT-60) not over 20,000 lb. gr. wt.</p> <p>Tank cars complying with DOT regulations for sulfuric acid (trainships only).</p> <p>Motor vehicle tank trucks complying with DOT regulations for sulfuric acid (trailerships and trainships only).</p> <p>For sulfuric acid concentrations of greater than 51% but not over 65.25%:</p> <p>Tank cars complying with DOT regulations for sulfuric acid (trainships only)</p> <p>Motor vehicle tank trucks complying with DOT regulations for sulfuric acid (trailerships and trainships only).</p> <p>For sulfuric acid concentrations not to exceed 51%:</p> <p>Metal drums, rubber-lined (DOT-5D) not over 110 gal. cap.</p> <p>Portable tank, rubber-lined (DOT-60) not over 20,000 lb. gr. wt.</p> <p>Tank cars complying with DOT regulations for sulfuric acid (trainships only).</p> <p>Motor vehicle tank trucks complying with DOT regulations for sulfuric acid (trailerships and trainships only).</p>		
NOTE: Overpack of 55 gal. cap. must be constructed of at least 16 gage steel				
Required conditions for transportation				
Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle		
<p>Stowage:</p> <p>"On deck protected."</p> <p>Outside containers:</p> <p>For sulfuric acid of any concentration:</p> <p>Wooden boxes (DOT-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.</p> <p>Carboys, boxed, glass, earthenware, clay or stone (DOT-IX) STC, for export only, not over 6 gal. cap.</p> <p>Fiberboard boxes (DOT-12A) WIC, not over 5 pint cap.</p> <p>Polystyrene cases (DOT-33A), (NRC) WIC not over 5 gal. cap. ea.</p> <p>For sulfuric acid of concentrations not to exceed 100.5 percent:</p> <p>Carboys, boxed, (DOT-1A) not over 13 gal. cap.</p> <p>Carboys in kegs (DOT-1C) not over 13 gal. cap.</p> <p>Carboys, boxed, glass (DOT-1D) not over 6½ gal. cap.</p>	<p>Ferry stowage (AA)</p> <p>Outside containers:</p> <p>Same containers as authorized for cargo vessels except that tank cars may not be transported.</p>	<p>Ferry stowage (BB).</p> <p>Outside containers:</p> <p>Same containers as authorized for cargo vessels except that motor vehicle tank trucks may not be transported.</p>		

2. By revising the fifth, sixth, and seventh columns to read as follows:

Required conditions for transportation

Passenger vessel	Ferry vessel—passenger or vehicle	R.R. car ferry, passenger or vehicle
Carboys in plywood drums, glass, (DOT-1E) not over 6½ gal. cap.		
Carboys, boxed (DOT-1K) not over 13 gal. cap.		
Paper-faced expanded polystyrene board boxes (DOT-12R) with not more than six 5 pint glass bottles.		
For sulfuric acid of concentrations 77.5 percent or greater with or without inhibitor, provided such acid has a corrosive effect on steel measured at 100° F. no greater than 93.2 percent sulfuric acid.		
Steel barrels or drums: (DOT-5A) not over 55 gal. cap. (DOT-5C) stainless steel. Types 304, 316, or 347, authorized only for sulfuric acid of 93 percent or greater strength.		
For sulfuric acid concentrations not to exceed 51 percent (approximately 1.408 specific gravity (42° Baume)).		
Metal drums, rubber-lined (DOT-5D) not over 110 gal. cap.		

(R.S. 4472, as amended; sec. 1, 19 Stat. 252, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 170, 49 U.S.C. 1655(b) (1); 40 CFR 1.46(b))

Effective date. This amendment shall become effective on October 15, 1971.

Dated: August 5, 1971.

W. F. REA III,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant Marine Safety.

[FR Doc.71-11585 Filed 8-11-71;8:45 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 71-791]

PART 81—STATIONS ON LAND IN MARITIME SERVICES

Use of Microwave Frequencies

Order. In the matter of amendment of Part 81¹ to codify certain rule changes with respect to use of microwave frequencies and to effect certain other editorial changes.

1. The Commission considers it desirable to make certain codifications and editorial changes in its rules concerning microwave stations.

2. By its Report and Orders in each of the documents listed below, the Commission, among other things, amended pertinent service rules to conform with the determinations made in the proceedings. The purpose of this editorial order is to codify the rules to include amendments previously adopted by the Commission.

In the matter of technical standards governing the grant of applications for the use of microwave frequencies for private communications systems, excluding broadcasters. Docket No. 13083.

In the matter of amendment of Parts 7, 8, 9, 10, 11, and 16 of the Commission's rules to provide for frequency pairing in the 952-960 Mc frequency band, and to make the Channel 952.5 Mc available to public safety radio licensees for omnidirectional operations. Docket No. 13953.

In the matter of amendment of Parts 7, 9, 10, 11, 16, and 19 of the Commission's rules for licensing of private microwave systems

¹ Prior to Dec. 21, 1963, Part 81 was designated as Part 7.

on a regular basis on certain bands above 952 Mc and to provide type acceptance requirements for such systems. Docket No. 14029.

In the matter of amendment of Parts 2, 6, 7, 9, 10, 11, 16, and 21 of the Commission's rules to designate portions of the 2110-2200 Mc/s band exclusively for the use of domestic fixed public stations and for the use of operational fixed and international control stations and to reserve a portion thereof for omnidirectional operations. Docket No. 14712.

In the matter of amendment of Parts 2, 4, 7, 8, 9, 10, 11, 16, and 21 of the Commission's rules concerning the allocation of the frequency bands 6425-6575, 10550-10680 and 11700-12200 Mc/s. Docket No. 14729.

In the matter of amendment of Parts 2 and 4 of the Commission's rules and regulations to establish a new class of educational television service for the transmission of instructional and cultural material to multiple receiving locations on channels in the 1990-2110 Mc/s or 2500-2690 Mc/s frequency band. Docket No. 14744.

Amendment of Parts 1, 7, 9, 10, 11, and 16.

3. While Dockets 13953 and 14729 amended the rules for ship stations, now Part 83, the Commission does not anticipate microwave facilities as a part of a ship station. If an operational mobile station is to be aboard a ship, it may be authorized under Part 81. Amendments to Part 83, therefore, are not adopted.

4. The rule amendments adopted herein are editorial in nature and, hence, the prior notice, procedure and effective date provisions of 5 U.S.C. section 553 are not applicable.

5. In view of the foregoing: *It is ordered*, Pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, that effective August 17, 1971, Part 81 of the Commission's rules is amended as set forth below.

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

Adopted: August 4, 1971.

Released: August 9, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Notes 1 and 2 at the beginning of Part 81 are deleted.

2. Section 81.5 is amended by deletion of the definitions of marine control station, marine repeater station and marine relay station, and by adding the definitions of operational land station and operational mobile station to read as follows:

§ 81.5 Maritime fixed service.

(a) *Fixed service*. A service of radio-communication between specified fixed points.

(b) *Fixed station*. A station in the fixed service.

(c) *Marine fixed station*. A fixed station, used primarily for safety communications, which is established at a designated location in a water area of, or contiguous to, the United States, and isolated from the mainland by water or marsh.

(d) *Marine receiver-test station*. A fixed station used to simulate transmission from a ship station to a coast station for the purpose of periodically testing the normal receiving installation of a licensed coast station to determine that such receiving installation is in good working condition.

(e) *Operational fixed station*. A fixed station, not open to public correspondence, operated by and for the sole use of those agencies operating their own radiocommunication facilities in the public safety, industrial, land transportation, marine, or aviation services.

(f) *Operational land station*. A land station, excluding aeronautical stations, not open to public correspondence operated by and for the sole use of those agencies operating their own radiocommunication facilities in the public safety, industrial, land transportation, marine, or aviation services.

(g) *Operational mobile station*. A mobile station, excluding aircraft stations, not open to public correspondence, operated by and for the sole use of those agencies operating their own radiocommunication facilities in the public safety, industrial, land transportation, marine, or aviation services.

3. New subparagraph (4) is added to § 81.131(d) to read as follows:

§ 81.131 Authorized frequency tolerance.

• • • • •
(d) • • •

(4) Operational stations above 952 MHz. See § 81.141.

4. Section 81.133 is amended by the addition of new paragraph (d) to read as follows:

§ 81.133 Authorized bandwidth.

• • • • •
(d) Maximum bandwidths for opera-

tional stations on frequencies above 952 MHz are set forth in § 81.141.

5. Section 81.137(c) is amended to read as follows:

§ 81.137 Acceptability of transmitters for licensing.

(c) Each transmitter authorized in an operational station (other than transmitters solely for developmental operation) must be type accepted by the Commission; *Provided however*, That equipment authorized to be used in the bands 952-960 and 2130-2200 MHz prior to July 20, 1962, is permitted to continue to be used provided such operation does not result in harmful interference to another station or system which is conforming to the microwave technical standards in § 81.141.

6. A new § 81.141 is added as follows:

§ 81.141 Microwave technical standards.

(a) The technical standards indicated in the table in this section shall govern, beginning July 20, 1961, the issuance of authorizations for private microwave systems using frequencies above 952 MHz listed in the table. However, these standards shall not be applicable to transmitting equipment (including antennas) which was authorized to be operated on these frequencies prior to July 20, 1961, or for which an authorization is issued based on an application filed with the Commission prior to July 20, 1961. Such licensees of equipment and systems not subject to these technical standards, including their successors or assigns in business, will be permitted to utilize such equipment provided such operation does not result in harmful interference to another station or system which is conforming to these technical standards. In case of such harmful interference, such non-conforming licensees will be required to take whatever corrective measures are necessary to alleviate the interference.

Frequency band (MHz)	Power (watts) ¹	Tolerance (percent)	Bandwidth ²	Beamwidth ² (degrees)
952-960	30	0.0005	100 kHz...	20
1850-1990	18	.02	8 MHz...	10
2130-2150	15	.001	800 kHz...	10
2150-2160	15	.001	10 MHz...	360
2180-2200	15	.001	800 kHz...	10
2450-2500 ³	12	(⁴)	(⁴)	(⁴)
2500-2690 ³	12	.02	4 MHz...	10
6525-6575 ³	7	.02	25 MHz...	7
6575-6575	7	.02	10 MHz...	5
10,550-10,680 ³	5	(⁴)	25 MHz...	4
12,200-12,700	5	.05	30 MHz...	4
Above 16,000...	5	(⁴)	50 MHz...	(⁴)

¹ Maximum rated power output of transmitter. Power in excess of that shown herein will be authorized only under exceptional circumstances based upon a factual showing of need. For pulsed systems average power shall be limited to the values shown, peak power shall not exceed five times this limit.

² Maximum bandwidth (necessary or occupied, whichever is greater) which will be authorized. Except for the bands 2130-2180 MHz and 2180-2200 MHz consideration will be given, on a case-by-case basis, to requests for

(b) Stations authorized to operate on those frequencies above 952 MHz which are not restricted to assignment for developmental operation only shall be constructed and used in such a manner as to conform with all of the general technical and operating requirements of this part, unless deviation therefrom is specifically provided in the station authorization.

7. Section 81.503(b) is amended to read as follows:

§ 81.503 Assignable frequencies.

(b) In addition to the specific frequencies and frequency bands designated in this part as available for a particular service and class of station, the band 11,700-12,200 MHz is available for assignment to developmental coast stations.

8. The title of Subpart P of Part 81 is amended to read as follows:

Subpart P—Operational Stations Associated with the Maritime Mobile Service

9. Section 81.601 is amended to read as follows:

§ 81.601 Service authorized.

Operational stations in the Marine Services are authorized for control, repeater, relay or other marine functions.

10. In § 81.603, the headnote is amended to read as follows:

§ 81.603 Operational fixed frequencies in the band 72-76 MHz.

11. New §§ 81.605 and 81.607 are added to Subpart P of Part 81 as follows:

§ 81.605 Operational fixed frequencies above 952 MHz.

(a) The frequencies listed in the table in this paragraph may be assigned for operational fixed microwave operation subject to the conditions set forth in paragraph (c) of this section and the limitations contained in the footnotes to the table.

additional adjacent channels based upon a complete and specific actual showing of unique or unusual circumstances, apart from economic considerations, requiring such additional channels. In the band 952-960 MHz bandwidths up to 500 kHz may be authorized.

¹ Maximum beamwidth of major lobe between 0.5 power points in horizontal plane. Exceptions may be granted for stations in remote areas or until harmful interference is caused to other stations operating in accordance with these provisions.

² Subject to no protection from ISM equipment on 2450 MHz.

³ To be specified in authorization.

⁴ Limited to mobile operations and temporary service between fixed points. Mobile stations may not be aboard aircraft.

⁵ Operational fixed stations in this band must utilize frequencies as specified in § 81.605 and transmitting equipment which meets the technical requirements for instructional television fixed stations as contained in Part 74 of this chapter.

⁶ Except for the frequencies 952.1, 952.2, 952.3, and 952.4 MHz and the frequency pairs 959.9 and 959.3; 959.8 and 959.2; 959.5 and 952.9; and 956.4 and 952.8 MHz where the beamwidth may be 360°.

⁷ Except for the frequencies 952.1, 952.2, 952.3, and 952.4 MHz where the maximum power may be 100 watts.

BAND (MHz)

952-960 ¹	2687.9375*
1850-1990	2688.9375*
2130-2150	6575-6575
2150-2160 ⁴	8400-8500*
2180-2200	12,200-12,700
2450-2500 ³	13,200-13,250*
2650-2650 ³	17,700-19,300*
2662-2668 ³	19,400-19,700*
2674-2680 ³	27,525-31,300*
2686.9375 ⁴	38,600-40,000*

¹ Available for assignment in accordance with the frequency pairing plan as contained in paragraph (b) of this section.

² Subject to no protection from interference due to the operation of industrial, scientific and medical devices in this band.

³ Limited to developmental operation only with the assigned frequency and particulars of operation specified in each authorization.

⁴ Available on a developmental basis only for omnidirectional operation.

⁵ This frequency band is available only for operational fixed stations employing television transmissions. The transmitting equipment for such stations shall meet the technical standards prescribed for instructional television fixed stations contained in Part 74, Subpart I, § 74.901, et seq. of this chapter. Use of these frequencies in the Marine Services is secondary to stations in the Public Safety Radio Service. Operational fixed stations authorized in the band 2500-2690 MHz prior to July 16, 1971, may continue to be authorized on a coequal basis to other stations operating in accordance with the Table of Frequency Allocations. No expansion of existing systems on frequencies not allocated to this service will be permitted. Additional stations or new assignments may be authorized only in accordance with the provision of this section.

⁶ Response frequencies. When authorized they are to be paired respectively with the bands 2650-2656, 2662-2668, and 2674-2680 MHz, and used in accordance with the technical standards prescribed for ITFS response stations in Part 74, Subpart I, of this chapter.

(b) The frequencies between 952 and 960 MHz will be assigned as follows:

PAIRED FREQUENCIES (MHz)

959.9-956.3 ¹	958.1-954.5
959.8-956.2 ¹	958.0-954.4
959.7-956.1	957.9-954.3
959.6-956.0	957.8-954.2
959.5-955.9	957.7-954.1
959.4-955.8	957.6-954.0
959.3-955.7	957.5-953.9
959.2-955.6	957.4-953.8
959.1-955.5	957.3-953.7
959.0-955.4	957.2-953.6
958.9-955.3	957.1-953.5
958.8-955.2	957.0-953.4
958.7-955.1	956.9-953.3
958.6-955.0	956.8-953.2
958.5-954.9	956.7-953.1
958.4-954.8	956.6-953.0
958.3-954.7	956.5-952.9 ¹
958.2-954.6	956.4-952.8 ¹

UNPAIRED FREQUENCIES (MHz)^{1,2}

952.1	952.2	952.3	952.4
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¹ Available on developmental basis only for omnidirectional operation, and for other than the control of traffic signals.

² The maximum rated power output of transmitters for omnidirectional operations authorized to operate on these frequencies is 100 watts.

(c) Operation on frequency pairs authorized prior to July 20, 1961, which are not in accordance with the plan of frequency pairing set forth in paragraph (b) of this section may continue provided interference is not caused to the operation of systems which are utilizing channels in accordance with that plan.

§ 81.607 Frequencies available for operational land and mobile stations.

The following frequencies are available for assignment to operational mobile stations and operational land stations.

BAND (MHz)	
6525-6575	10550-10680

[FR Doc. 71-11645 Filed 8-11-71; 8:50 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-81; Amendment No. 173-52]

PART 173—SHIPPERS

Sulfuric Acid

The purpose of this amendment to the Department's Hazardous Materials Regulations is to provide additional packaging for sulfuric acid and to delete other packaging considered obsolete. This amendment also limits the use of specification DOT-17F metal drums to sulfuric acid solutions not exceeding 98 percent concentration. It further editorially changes the format of § 173.272.

On March 19, 1971, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-81; Notice No. 71-8 (36 F.R. 5299) which proposed this amendment. Interested persons were invited to give their views and several comments were received by the Board. One commenter objected to deleting the packaging identified as obsolete. No specific data were presented. The objection was based on potential usage by small or foreign shippers. Since there has been no demonstrated need for earthenware containers or wooden barrels in the packaging of sulfuric acid, provisions for these packagings in § 173.272 are deleted. The Board acknowledges that earthenware containers or wooden barrels might be considered for use in the future, but as packaging technology advances, the Board wants the regulations to reflect these improvements. The Board intends to consider similar changes for other commodities as the regulations are revised.

One commenter pointed out that to avoid any erroneous interpretation of § 173.272 (i) (26) based on the wording in § 173.272 (i) (23) through (25), § 173.272 (i) (26) should include the phrase "rubber-lined". The Board agrees with the intent of the comment but the term "rubber-lined" would impose a restriction on the use of the subject tank cars not now found in the regulations and not

proposed by Notice No. 71-8. Accordingly, the term "lined" has been added to describe the type of tank cars authorized, without limitation as to the lining material.

Another commenter stated that as written, the proposal did not authorize certain tank cars for the transportation of 85 percent to 65.25 percent concentration sulfuric acid and should have. Section 173.272 (d) and (e) are changed accordingly since the Board does agree with this observation. According to the experience obtained under a special permit referenced by the Board in Notice No. 71-8, it was the intent to cover these shipments in this rule-making action.

In consideration of the foregoing, 49 CFR Part 173 is amended as follows:

In § 173.272, paragraphs (e), (d), (e), (f), (g), (h), and (i) are amended; paragraphs (j), (k), and (l) are canceled as follows:

§ 173.272 Sulfuric acid.

(c) Sulfuric acid concentration of 51 percent or less: Authorized packaging is described in subparagraphs (1) through (16) and (23) through (26) of paragraph (i) of this section.

(d) Sulfuric acid concentration of greater than 51 percent to not over 65.25 percent: Authorized packaging is described in subparagraphs (1) through (16) and (27) of paragraph (i) of this section.

(e) Sulfuric acid concentration of greater than 65.25 percent to not over 77.5 percent: Authorized packaging is described in subparagraphs (1) through (16) and (20) through (22) of paragraph (i) of this section.

(f) Sulfuric acid concentration of greater than 77.5 percent to not over 95 percent: Authorized packaging is described in subparagraphs (1) through (22) of paragraph (i) of this section.

(g) Sulfuric acid concentration of greater than 95 percent to not over 100.5 percent: Authorized packaging is described in subparagraphs (1) through (4) and (14) through (22) of paragraph (i) of this section.

(h) Sulfuric acid concentration of over 100.5 percent: Authorized packaging is described in subparagraphs (1) through (4), (17), and (19) through (22) of paragraph (i) of this section.

(i) Authorized packagings are described as follows:

(1) Specification 15A, 15B, 15C, 16A, or 19A (§§ 178.168, 178.169, 178.170, 178.185, 178.190 of this chapter). Wooden boxes with glass inside containers, not over 1 gallon capacity each, except that a glass inside container up to 3 gallons capacity may be used if only one container is packed in each outside wooden box.

(2) Specification 12A (§ 178.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pints capacity each. Not more than six 5-pint glass bottles may be packed in one outside container. Shipper must have established that the completed package meets the test requirements prescribed in § 178.210-10 of this chapter.

(3) Specification 33A (§ 178.150 of this chapter). Polystyrene cases (nonreusable container) with inside glass bottles not over 5 pints capacity each. Not more than four 5-pint bottles may be packed in one outside container.

(4) Specification 1X (§ 178.5 of this chapter). Boxed carboys; single-trip for export only. For shipment by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(5) Specifications 1H, 15P, or 22C (§§ 178.13, 178.182, 178.198 of this chapter). Metal crate with an inside polyethylene carboy; or glued plywood or wooden box, or plywood drum as prescribed by § 178.198-2(a) of this chapter with an inside specification 2T or 2TL (§ 178.21, 178.27 of this chapter) polyethylene container.

(6) Specification 6D or 37M (nonreusable container) (§§ 178.102, 178.134 of this chapter). Cylindrical steel overpacks with an inside specification 2S, 2SL, or 2T (§§ 178.35, 178.35a, 178.21 of this chapter) polyethylene container. Overpack of 55-gallon capacity must be constructed of at least 16-gauge steel throughout when used for sulfuric acid of 93 percent or greater concentration.

(7) Specification 16D (§ 178.187 of this chapter). Wirebound wooden overwrap, with an inside specification 2T, 2TL, 2S, or 2SL (§§ 178.21, 178.27, 178.35, 178.35a of this chapter), polyethylene container.

(8) Specification 21P (§ 178.225 of this chapter). Fiber drum overpack with an inside specification 2T or 2U (§§ 178.21, 178.24 of this chapter) polyethylene container not over 15-gallon capacity.

(9) Specification 34 (§ 178.19 of this chapter). Polyethylene container without overpack, not over 30-gallon capacity.

(10) Specification 16A (§ 178.185 of this chapter). Wirebound wooden box (see § 178.185-2 of this chapter) with an inside specification 2U (§ 178.24 of this chapter) polyethylene container. The polyethylene container must be separated from the wooden box by a complete corrugated fiberboard liner and top and bottom pads.

(11) Specification 12P (§ 178.211 of this chapter). Fiberboard boxes with an inside specification 2U (§ 178.24 of this chapter) polyethylene container not over 5-gallon capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in an inside box free of wire staples or other projections that could cause failures.

(12) Specification 12B (§ 178.205 of this chapter). Fiberboard boxes with inside polyethylene containers or other containers of plastic compatible with the chemical, not over 1-gallon capacity each. Inside containers must be cushioned to prevent movement in the outside box. Not more than four 1-gallon inside con-

tainers may be packed in one outside container. Authorized gross weight not over 75 pounds.

(13) Specification 12R (§ 178.212 of this chapter). Paperfaced expanded polystyrene board boxes with inside specification 2E (§ 178.24a of this chapter) polyethylene bottles not over 1-gallon capacity each. Not more than four 1-gallon polyethylene bottles may be packed in one outside packaging.

(14) Specification 12R (§ 178.212 of this chapter). Paperfaced expanded polystyrene board boxes with inside glass bottles not over 5 pints capacity each. Not more than six 5-pint bottles may be packed in one outside shipping container.

(15) Specification 1A, 1C, or 1K (§§ 178.1, 178.3, 178.14 of this chapter). Carboys in boxes or kegs.

(16) Specification 1D or 1E (§§ 178.4, 178.7 of this chapter). Glass carboys in boxes or plywood drums, of not over 6.5 gallons nominal capacity.

(17) Specification 5A (§ 178.81 of this chapter). Metal barrels or drums. Authorized for sulfuric acid of 77.5 percent or greater concentrations, with or without an inhibitor, provided such acid has a corrosive effect on steel no greater than 93.2 percent sulfuric acid, measured at 100° F.

Note 1: Tapered steel plugs, without gaskets, for standard specification 5A flanges are authorized. Threaded length must not be less than 1.5 inches. Major diameter of plug must not be over 2 1/2 inches, and minor diameter not less than 2 1/16 inches.

(18) Specification 17F (§ 178.117 of this chapter). Metal barrels or drums (single-trip only). Drums equipped with vented closures of an experimental type approved by the Bureau of Explosives are also authorized for export shipments. Authorized for sulfuric acid of 77.5 percent to 98 percent concentrations with or without an inhibitor, provided such acid has a corrosive effect on steel no greater than 93.2 percent sulfuric acid, measured at 100° F.

(19) Specification 5C (§ 178.83 of this chapter). Metal barrels or drums of Type 304, 316, or 347 stainless steel or other types of stainless steel of at least equivalent corrosion resistance and physical properties. Authorized for sulfuric acid of 93 percent or greater concentrations.

(20) Specification 60 (§ 178.255 of this chapter). Portable tank. Authorized for sulfuric acid of 65.25 percent or greater concentrations provided the corrosive effect in steel is not greater than that of 65.25 percent sulfuric acid, measured at 100° F.

(21) Specification MC 310, MC 311, or MC 312 (§ 178.343 of this chapter). Tank motor vehicles. Authorized for sulfuric acid of concentrations 65.25 percent or greater concentrations, provided the corrosive effect in steel is not greater than that of 65.25 percent sulfuric acid, measured at 100° F.

(22) Specification 103A,² 103AW, 111A100F2, or 111A100W2 (§§ 179.200, 179.201 of this chapter). Tank cars. Au-

thorized for sulfuric acid of concentrations 65.25 percent or greater concentrations, provided the corrosive effect in steel is not greater than that of 65.25 percent sulfuric acid, measured at 100° F. Tank cars used for sulfuric acid, mixed acid (nitric and sulfuric acids) (nitrating acid), and other fuming acids, may be equipped with safety vents incorporating lead discs having a 1/8-inch breather hole in their center. The 1/8-inch breather hole is not permitted in lead discs of safety vents on oleum tank cars.

(23) Specification 5D (§ 178.84 of this chapter). Rubber-lined metal drums.

(24) Specifications 60 (§ 178.255 of this chapter). Rubber-lined portable tanks.

(25) Specification MC 310, MC 311, or MC 312 (§ 178.343 of this chapter). Rubber-lined tank motor vehicles.

(26) Specification 103B,² 103BW, or 111A100W5 (§§ 179.200, 179.201 of this chapter). Lined tank cars.

(27) Specification 103AW, 111A100F2 or 111A100W2 (§§ 179.200, 179.201 of this chapter). Tank cars having tanks equipped with a phenolic lining impervious to the lading.

(j) [Canceled.]

(k) [Canceled.]

(l) [Canceled.]

This amendment is effective October 15, 1971, however, compliance with the regulations, as amended herein, is authorized immediately.

(Secs. 831-835, Title 18, United States Code; sec. 9, Department of Transportation Act, 49 U.S.C. 1657; title VI and sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421-1430 and 1472(h))

Issued in Washington, D.C., on August 6, 1971.

W. F. REA III,
Rear Admiral, U.S. Coast
Guard, By direction of Com-
mandant, U.S. Coast Guard.

CARL V. LYON,
Acting Administrator,
Federal Railroad Administration.

ROBERT A. KAYE,
Director, Bureau of Motor Car-
rier Safety, Federal Highway
Administration.

SAM SCHNEIDER,
Board Member for the
Federal Aviation Administration.

[FR Doc. 71-11584 Filed 8-11-71; 8:45 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Certain National Wildlife Refuges in Oregon

The following regulations are issued
and are effective on date of publication

in the FEDERAL REGISTER (8-12-71). These regulations apply to public hunting on portions of certain National Wildlife Refuges in Oregon.

General conditions. Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, OR 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory birds may be hunted on the following refuge areas:

Deer Flat National Wildlife Refuge, Snake River Sector (Headquarters: Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, ID 83651).

Hart Mountain National Antelope Refuge, Post Office Box 111, Lakeview, OR 97630.

Ducks, geese, and coots may be hunted on the following refuge areas:

Baskett Slough National Wildlife Refuge, Route 1, Box 709, Dallas, OR 97338.

Special conditions. 1. Hunting is permitted on Wednesdays, Saturdays, and Sundays from opening shooting time each day until 12 m. from the first Wednesday in December until the end of the waterfowl season.

2. A Federal permit is required and will be issued on an advance reservation basis. Application for reservation will be accepted between October 1 and October 31, 1971, by mail only.

Cold Springs National Wildlife Refuge, Hermiston, Ore. (Headquarters: Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, OR 97882.)

McKay Creek National Wildlife Refuge, Pendleton, Ore. (Headquarters: Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, OR 97882.)

Special conditions. Hunting will be permitted on Wednesdays, Saturdays, and Sundays each week.

Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, OR 97882.

Special condition. Hunting will be permitted on Wednesdays, Saturdays, Sundays, and November 25, 1971.

Upper Klamath National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, CA 96134.)

Special condition. Sculling and air-thrust boats are prohibited.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, OR 97330.

Special conditions. 1. Hunting is permitted on Wednesdays, Saturdays, and Sundays from opening shooting time each day until 12 m. from the first Wednesday in December until the end of the waterfowl season.

2. A Federal permit is required and will be issued on an advance reservation basis. Application for reservation will be accepted between October 1 and October 31, 1971, by mail only.

3. In the designated goose hunting area, hunters may shoot from assigned blind sites only and are limited to the use of ten (10) shells per day.

Ducks, geese, coots and common snipe may be hunted on the following refuges:

²Use of existing tank cars authorized, but new construction not authorized.

Klamath Forest National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, CA 96134).
Special condition. Sculling and air-thrust boats are prohibited.

Malheur National Wildlife Refuge, Post Office Box 113, Burns, OR 97720.

Special conditions. Use of motors on boats is prohibited.

Mourning doves and band-tailed pigeons may be hunted on the following refuge areas:

Ankeny National Wildlife Refuge, Box 198, Jefferson, OR 97352.

Special condition. All hunters must check in and out of the refuge daily by use of self-service permits.

Baskett Slough National Wildlife Refuge, Route 1, Box 709, Dallas, OR 97338.

Special condition. All hunters must check in and out of the refuge daily by use of self-service permits.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, OR 97330.

Special condition. All hunters must check in and out of the refuge daily by use of self-service permits.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game birds may be hunted on the following refuge areas:

Deer Flat National Wildlife Refuge, Snake River Sector (Headquarters: Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, ID 83651).

Hart Mountain National Antelope Refuge, Post Office Box 111, Lakeview, OR 97630.

Pheasant, quail, and partridge may be hunted on the following refuge areas:

Cold Springs National Wildlife Refuge, Hermiston, Oreg. (Headquarters: Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, OR 97882.)

Malheur National Wildlife Refuge, Post Office Box 113, Burns, OR 97720.

Special condition. Hunting will be permitted during the last 9 days of the State seasons on the upland game hunting area and during State seasons running concurrently with the waterfowl season on the waterfowl hunting area.

McKay Creek National Wildlife Refuge, Pendleton, Oreg. (Headquarters: Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, OR 97882.)

Special condition. Hunting is permitted on Wednesdays, Saturdays, and Sundays each week.

Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, OR 97882.

Special condition. Hunting will be permitted on Wednesdays, Saturdays, Sundays, and November 25, 1971.

Pheasant and quail may be hunted on the following refuge areas:

Ankeny National Wildlife Refuge, Route 1, Box 198, Jefferson, OR 97352.

Special conditions. 1. All hunters must check in and out of the refuge daily by use of self-service permits.

2. Hunters on the area served by each registration station will be limited to 100 at any one time.

Baskett Slough National Wildlife Refuge, Route 1, Box 709, Dallas, OR 97338.

Special conditions. 1. No hunting permitted after November 7, 1971.

2. All hunters must check in and out of the refuge daily by use of self-service permits.

3. Hunters on the area served by each registration station will be limited to 100 at any one time.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, OR 97330.

Special conditions. 1. No hunting permitted after November 7, 1971.

2. All hunters must check in and out of the refuge daily by use of self-service permits.

3. Hunters on the area served by each registration station will be limited to 100 at any one time.

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

Big game animals may be hunted on the following refuge areas:

Deer Flat National Wildlife Refuge, Snake River Sector (Headquarters: Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, ID 83651).

Hart Mountain National Antelope Refuge, Post Office Box 111, Lakeview, OR 97630.

Deer may be hunted on the following refuge areas:

Malheur National Wildlife Refuge, Post Office Box 113, Burns, OR 97720.

Special conditions. 1. The season is September 18 through September 20, 1971.

2. Bow and arrow only may be used.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, OR 97330.

Special conditions. 1. All hunters must check in and out of the refuge daily by use of self-service permits.

2. The use of rifles is prohibited.

3. The season is not to extend beyond November 7, 1971.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1972.

CLAY E. CRAWFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.71-11810 Filed 8-11-71;8:46 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAXES

Additions To Reserves for Losses On Loans of Mutual Savings Banks, Domestic Building and Loan Associations, and Cooperative Banks

Notice is hereby given that the regulations set forth in tentative form below 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 or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by September 13, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by September 13, 1971.

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. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner
of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 593 of the Internal Revenue Code of 1954 to a portion of the amendment made by section 432 (a) and (b) of the Tax Reform Act of 1969 (Public Law 91-172, 83 Stat. 620, 622), such regulations are amended as follows. Amendments to conform the Income Tax Regulations to the balance of the amendment made by section 432(a) of the Tax Reform Act of 1969 will be published in the FEDERAL REGISTER at a later date with a notice of proposed rule making.

PARAGRAPH 1. Section 1.593 is amended by revising paragraphs (1)(A), (2), (3), (4), and (5) of subsection (b) of section 593, subsection (f) (1) of section 593, and the historical note to read as follows:

§ 1.593 Statutory provisions; reserves for losses on loans.

Sec. 593. Reserves for losses on loans—

(b) Addition to reserves for bad debts—

(1) In general. . . .
(A) The amount determined to be a reasonable addition to the reserve for losses on nonqualifying loans, computed in the same manner as is provided with respect to additions to the reserves for losses on loans of banks under section 585(b)(3), plus

(2) Percentage of taxable income method—
(A) In general. Subject to subparagraphs (B), (C), and (D), the amount determined under this paragraph for the taxable year shall be an amount equal to the applicable percentage of the taxable income for such year (determined under the following table):

For a taxable year beginning in—	The applicable percentage under this paragraph shall be—
1969	60 percent.
1970	57 percent.
1971	54 percent.
1972	51 percent.
1973	49 percent.
1974	47 percent.
1975	45 percent.
1976	43 percent.
1977	42 percent.
1978	41 percent.
1979 or thereafter	40 percent.

(B) Reduction of applicable percentage in certain cases. If, for the taxable year, the percentage of the assets of a taxpayer described in subsection (a), which are assets described in section 7701(a)(19)(C), is less than—

(i) 82 percent of the total assets in the case of a taxpayer other than a mutual savings bank, the applicable percentage for such year provided by subparagraph (A) shall be reduced by three-quarters of 1 percentage point for each 1 percentage point of such difference, or

(ii) 72 percent of the total assets in the case of a mutual savings bank, the applicable percentage for such year provided by subparagraph (A) shall be reduced by 1½ percentage points for each 1 percentage point of such difference.

If, for the taxable year, the percentage of the assets of such taxpayer which are assets described in section 7701(a)(19)(C) is less than 60 percent (50 percent for a taxable year beginning before 1973 in the case of a mutual savings bank), this paragraph shall not apply.

(C) Reduction for amounts referred to in paragraph (1)(A). The amount determined under subparagraph (A) shall be reduced by that portion of the amount referred to in paragraph (1)(A) for the taxable year (not in excess of 100 percent) which bears the same ratio to such amount as (i) 18 percent (28 percent in the case of mutual savings banks) bears to (ii) the percentage of the assets of the taxpayer for such year which are not assets described in section 7701(a)(19)(C).

(D) Overall limitation on paragraph. The amount determined under this paragraph shall not exceed the amount necessary to increase the balance at the close of the taxable year of the reserve for losses on qualifying real property loans to 6 percent of such loans outstanding at such time.

(E) Computation of taxable income. For purposes of this paragraph, taxable income shall be computed—

(i) By excluding from gross income any amount included therein by reason of subsection (f),

(ii) Without regard to any deduction allowable for any addition to the reserve for bad debts,

(iii) By excluding from gross income an amount equal to the net gain for the taxable year arising from the sale or exchange of stock of a corporation or of obligations the interest on which is excludable from gross income under section 103,

(iv) By excluding from gross income an amount equal to the lesser of three-eighths of the net long-term capital gain for the taxable year or three-eighths of the net long-term capital gain for the taxable year from the sale or exchange of property other than property described in clause (iii), and

(v) By excluding from gross income dividends with respect to which a deduction is allowable by part VIII of subchapter B, reduced by an amount equal to the applicable percentage (determined under subparagraphs (A) and (B)) of the dividends received deduction (determined without regard to section 596) for the taxable year.

(3) Percentage method. The amount determined under this paragraph to be a reasonable addition to the reserve for losses on qualifying real property loans shall be computed in the same manner as is provided with respect to additions to the reserves for losses on loans of banks under section 585(b)(2), reduced by the amount referred to in paragraph (1)(A) for the taxable year.

(4) Experience method. The amount determined under this paragraph for the taxable year shall be computed in the same manner as is provided with respect to additions to the reserves for losses on loans of banks under section 585(b)(3).

(5) Determination of reserve for percentage method. For purposes of paragraph (3), the amount deemed to be the balance of the reserve for losses on loans at the beginning of the taxable year shall be the total of the balances at such time of the reserve for losses on nonqualifying loans, the reserve for losses on qualifying real property loans, and the supplemental reserve for losses on loans.

(f) Distributions to shareholders—(1) In general. . . .

(D) Then out of such other accounts as may be proper.

This paragraph shall apply in the case of any distribution in redemption of

stock or in partial or complete liquidation of the association, except that any such distribution shall be treated as made first out of the amount referred to in subparagraph (B), second out of the amount referred to in subparagraph (C), third out of the amount referred to in subparagraph (A), and then out of such other accounts as may be proper. This paragraph shall not apply to any transaction to which section 381 (relating to carryovers in certain corporate acquisitions) applies.

[Sec. 593 as amended by sec. 6(a), Rev. Act 1982 (76 Stat. 977); sec. 432 (a) and (b), Tax Reform Act 1969 (83 Stat. 620, 622)]

PAR. 2. Section 1.593-4 is revised to read as follows:

§ 1.593-4 Organizations to which section 593 applies.

The provisions of section 593 and §§ 1.593-5 through 1.593-11 (except subsection (f) of section 593 and § 1.593-10) apply to any mutual savings bank not having capital stock represented by shares, any domestic building and loan association, and any cooperative bank without capital stock organized and operated for mutual purposes and without profit. The term "thrift institution", as used in this section and §§ 1.593-5 through 1.593-11, refers to any such financial institution. For definition of the terms "domestic building and loan association" and "cooperative bank", see paragraphs (19) and (32), respectively, of section 7701(a).

PAR. 3. Section 1.593-5 is amended by revising paragraph (a) to read as follows:

§ 1.593-5 Addition to reserves for bad debts.

(a) *Amount of addition.* As an alternative to a deduction from gross income under section 166(a) for specific debts which become worthless in whole or in part, a thrift institution is allowed a deduction under section 166(c) for a reasonable addition to a reserve for bad debts. In the case of a thrift institution, the amount of the reasonable addition to such reserve for a taxable year may not exceed:

- (1) For taxable years beginning after July 11, 1969, the sum of (i) the amount determined to be the reasonable addition to the reserve for losses on nonqualifying loans, determined in the same manner as is provided with respect to additions to the reserve for losses on qualifying real property loans under paragraph (d) of § 1.593-6A (relating to the experience method), and (ii) the amount determined under § 1.593-6A to be the reasonable addition to the reserve for losses on qualifying real property loans, or
- (2) For taxable years beginning before July 12, 1969, the sum of (i) the amount determined under § 1.166-4 to be the reasonable addition to the reserve for losses on nonqualifying loans, and (ii) the amount determined under § 1.593-6 to be the reasonable addition to the reserve for losses on qualifying real property loans.

PAR. 4. Section 1.593-6 is amended by revising so much thereof as precedes subparagraph (1) of paragraph (a) to read as follows:

§ 1.593-6 Pre-1970 addition to reserve for losses on qualifying real property loans.

(a) *In general.* For purposes of paragraph (a) (2) (ii) of § 1.593-5, the amount of the addition to the reserve for losses on qualifying real property loans for any taxable year beginning before July 12, 1969, is the amount which the taxpayer determines to constitute a reasonable addition to such reserve for such year. However, the amount so determined for such year—

PAR. 5. Immediately after § 1.593-6, the following new section is added:

§ 1.593-6A Post-1969 addition to reserve for losses on qualifying real property loans.

(a) *In general—(1) Amount of addition determined for the taxable year.* For purposes of paragraph (a) (1) (ii) of § 1.593-5, the amount of the addition to the reserve for losses on qualifying real property loans for any taxable year beginning after July 11, 1969, is the amount which the taxpayer determines to constitute a reasonable addition to such reserve for such year. However, the amount so determined for such year—

(i) Cannot exceed the largest of the amount determined under paragraph (b), (c), or (d) of this section (relating, respectively, to the percentage of taxable income method, the percentage method, and the experience method), and

(ii) Shall be determined without regard to any amount charged for any taxable year against the reserve for losses on qualifying real property loans pursuant to § 1.593-10 (relating to certain distributions to shareholders by a domestic building and loan association).

For each taxable year the taxpayer must include in its income tax return for such year a computation of the amount of the addition determined under this section. The use of a particular method in the return for a taxable year is not a binding election by the taxpayer to apply such method either for such taxable year or for subsequent taxable years. Thus, in the case of a subsequent adjustment described in paragraph (b) (2) of § 1.593-5 which has the effect of permitting an increase, or requiring a reduction, in the amount claimed in the return for a taxable year as an addition to the reserve for losses on qualifying real property loans, the amount of such addition may be recomputed under whichever method the taxpayer selects for the purpose of such recomputation, irrespective of the method initially applied for such taxable year. However, a taxpayer may not subsequently reduce the amount claimed in the return for a taxable year for the purpose of obtaining a larger deduction in a later year.

(2) *Method of determination.* For purposes of this section and § 1.596-1, a thrift institution is deemed to have determined the addition to its reserve for

losses on qualifying real property loans for the taxable year under the percentage of taxable income method provided by section 593(b) (2) and paragraph (b) of this section if the amount determined by the taxpayer to be a reasonable addition for such year to such reserve exceeds the amount determined for such year under paragraph (c) of this section (relating to the percentage method) and exceeds the amount determined for such year under paragraph (d) of this section (relating to the experience method).

(b) *Percentage of taxable income method—(1) In general.* Subject to the limitations described in subparagraph (4) of this paragraph and in paragraph (e) of this section, the amount determined under section 593(b) (2) and this paragraph for the taxable year, if such section and paragraph are applicable, is an amount equal to the applicable percentage of the taxable income for such year, reduced by the amount determined under subparagraph (3) of this paragraph. For this purpose, taxable income is computed as provided in subparagraph (5) of this paragraph, and the applicable percentage (except as reduced under subparagraph (2) of this paragraph) is determined under the following table:

For a taxable year beginning in—	The applicable percentage under this subparagraph is—
1969	60 percent.
1970	57 percent.
1971	54 percent.
1972	51 percent.
1973	49 percent.
1974	47 percent.
1975	45 percent.
1976	43 percent.
1977	42 percent.
1978	41 percent.
1979 or thereafter	40 percent.

(2) *Reduction of applicable percentage in certain cases—(1) General rule.* If for the taxable year the percentage of the assets of a thrift institution, which are assets described in section 7701(a) (19) (C) (relating to assets of a domestic building and loan association) as defined in paragraph (e) of § 301.7701-13A of this chapter, is less than—

(a) 82 percent of the total assets in the case of a thrift institution other than a mutual savings bank, the applicable percentage for such year provided by subparagraph (1) of this paragraph is reduced by three-fourths of 1 percentage point for each 1 percentage point (or fraction thereof) of such difference; or

(b) 72 percent of the total assets in the case of a thrift institution which is a mutual savings bank, the applicable percentage for such year provided by subparagraph (1) of this paragraph is reduced by 1½ percentage points for each 1 percentage point (or fraction thereof) of such difference.

If such percentage is less than 60 percent of the total assets in the case of any thrift institution (less than 50 percent of the total assets for a taxable year beginning before 1973 in the case of a thrift institution which is a mutual savings bank), section 593(b) (2) and this paragraph are not applicable. The percentage of total assets specified in this subpara-

graph is computed as of the close of the taxable year or, at the option of the taxpayer, may be computed on the basis of the average assets outstanding during the taxable year. Such average is determined by computing such percentage either as of the close of each month, as of the close of each quarter, or as of the close of each semiannual period during the taxable year and by using the yearly average of the monthly, quarterly, or semiannual percentages. Such percentage is computed as described in paragraph (h) (1) of § 301.7701-13A of this chapter (presently reserved). A thrift institution which is a mutual savings bank and which determines the amount of the reasonable addition for the taxable year to the reserve for losses on qualifying real property loans under this paragraph shall file with its income tax return for the taxable year a statement described in paragraph (h) (4) of § 301.7701-13A of this chapter (presently reserved). Such statement shall show the amount of assets (as of the close of the taxable year) defined in paragraph (e) of § 301.7701-13A of this chapter and a brief description and the amount of all other assets, together with a description of the method used in determining all such amounts. If the percentage specified in this subparagraph is computed by such a thrift institution on the basis of the average assets outstanding during the taxable year, such statement shall show such information as of the end of each month, each quarter, or each semiannual period, and the manner of calculating the average.

(ii) *Example.* The provisions of this subparagraph may be illustrated by the following example:

Example. M is a cooperative bank to which section 593 applies. For its taxable year beginning in 1970, 80.4 percent of M's assets (computed as of the close of such year) constitute assets described in section 7701(a) (19) (C). M's assets which are assets described in section 7701(a) (19) (C), when computed on semiannual, quarterly, and monthly bases, constitute 79.8, 79.6, and 79.5 percent, respectively, of its total assets computed on the corresponding bases. M's applicable percentage for 1970 is 55.5 percent, determined as follows:

Percent	
82.0	Percentage of total assets specified in (a) of subdivision (1) of this subparagraph.
80.4	Percentage of total assets constituting assets described in section 7701(a) (19) (C).
1.6	Difference
57.0	Applicable percentage determined under table in subparagraph (1) of this paragraph.
1.5	Reduction of applicable percentage required by (a) of subdivision (1) of this subparagraph ($\frac{1}{4}$ of 1 percentage point for each percentage point, or fraction thereof, of difference).
55.5	Applicable percentage

(3) *Reduction for addition to reserve for nonqualifying loans.*—(i) *General rule.* Subparagraph (1) of this paragraph provides that, subject to certain limitations, the amount determined under the percentage of taxable income method provided by section 593(b) (2) and this paragraph for the taxable year is an amount equal to the applicable per-

centage of the taxable income for such year, reduced by the amount determined under this subparagraph. In the case of a thrift institution other than a mutual savings bank, the amount determined under this subparagraph is an amount equal to the amount determined under paragraph (a) (1) (i) of § 1.593-5 to be a reasonable addition for the taxable year to the reserve for losses on nonqualifying loans multiplied by a fraction—

(a) The numerator of which is 18 percent, and

(b) The denominator of which is the percentage (in no case less than 18 percent) of the assets of the taxpayer for such year which are not assets defined in paragraph (e) of § 301.7701-13A of this chapter.

In the case of a thrift institution which is a mutual savings bank, the amount determined under this subparagraph is an amount determined in the manner described in the preceding sentence, except that the numerator of the fraction described therein is 28 percent, and the denominator of such fraction shall not be less than 28 percent. For purposes of this subparagraph, the percentage of assets for a taxable year which are not assets defined in paragraph (e) of § 301.7701-13A of this chapter is determined upon the same annual or average basis as is used in determining the percentage specified in subparagraph (2) of this paragraph.

(ii) *Examples.* The provisions of this subparagraph may be illustrated by the following examples:

Example (1). K is a domestic building and loan association to which section 593 applies. The amount determined under subparagraph (1) of this paragraph (before reduction by the amount determined under this subparagraph) to be the reasonable addition for the taxable year to K's reserve for losses on qualifying real property loans is \$100,000. The amount determined under paragraph (a) (1) (i) of § 1.593-5 as the reasonable addition for the taxable year to the association's reserve for losses on nonqualifying loans is \$10,000. The percentage of K's assets which are not assets defined in paragraph (e) of § 301.7701-13A is 24 percent. The amount determined under subparagraph (1) of this paragraph (\$100,000) must be reduced by \$7,500

$$\left(\frac{\$10,000 \times 18 \text{ percent}}{24 \text{ percent}} \right)$$

Therefore, subject to the limitations described in subparagraph (4) of this paragraph and in paragraph (e) of this section, the amount determined under this paragraph to be the reasonable addition for the taxable year to K's reserve for losses on qualifying real property loans is \$92,500 (\$100,000 less \$7,500).

Example (2). The facts are the same as in example (1), except that the percentage of K's assets which are not assets defined in paragraph (e) of § 301.7701-13A is 12 percent. The amount determined under subparagraph (1) of this paragraph (before reduction by the amount determined under this subparagraph) to be the reasonable addition for the taxable year to K's reserve for losses on qualifying real property loans must be reduced by \$10,000

$$\left(\frac{\$10,000 \times 18 \text{ percent}}{18 \text{ percent}} \right)$$

Because the denominator of the fraction may not be less than 18 percent, the fraction used

in determining the amount of such reduction is equal to 1.

(4) *Overall limitation.* The amount determined under this paragraph shall not exceed the amount necessary to increase the balance (as of the close of the taxable year) of the reserve for losses on qualifying real property loans to 6 percent of such loans outstanding at such time.

(5) *Computation of taxable income.* For purposes of this paragraph, taxable income is computed—

(i) By excluding from gross income any amount included therein by reason of the application of section 593(f) and § 1.593-10 (relating to certain distributions to shareholders by a domestic building and loan association).

(ii) Without regard to any deduction allowable under section 166(c) (whether or not determined under section 593) and the regulations thereunder for an addition to a reserve for bad debts.

(iii) By excluding from gross income an amount equal to the excess (if any) of (a) the total gains of the taxable year arising from sales and exchanges of obligations the interest on which is excludable from gross income under section 103 and of stock of a corporation, over (b) the total losses of such year arising from sales and exchanges of such obligations and stock.

(iv) By excluding from gross income an amount equal to the lesser of (a) three-eighths of the net long-term capital gain for the taxable year or (b) three-eighths of the net long-term capital gain for the taxable year from the sale or exchange of property other than property described in subdivision (iii) of this subparagraph.

(v) (a) By excluding from gross income so much of the amount of dividends with respect to which a deduction is allowable under part VIII, subchapter B, chapter 1, subtitle A of the Code (section 241 and following) as is in excess of the applicable percentage (determined under subparagraphs (1) and (2) of this paragraph) of the dividends received deduction (determined under part VIII, subchapter B, chapter 1, subtitle A of the Code, without regard to section 596) for the taxable year.

(b) The provisions of this subdivision (v) may be illustrated by the following example:

Example. For its taxable year beginning in 1977, a domestic building and loan association receives dividends of \$100 with respect to which a dividends received deduction of \$85 is allowable under section 243(a) (1). The association receives no other dividends for the taxable year. The association's applicable percentage for the taxable year, as determined under subparagraphs (1) and (2) of this paragraph, is 42 percent. For purposes of this paragraph, the association's taxable income is computed by excluding from gross income the excess of the amount of dividends received (\$100) over the applicable percentage of the allowable dividends received deduction (42 percent of \$85, or \$35.70), computed without regard to section 596. Thus, for purposes of this paragraph, \$64.30 (\$100 less \$35.70) is excluded from gross income. See section 596 and § 1.596-1 with respect to the computation of the dividends received

deduction for purposes of determining taxable income under section 63(a). Except as otherwise provided in this subparagraph, in computing taxable income for this purpose, any deduction the amount of which is dependent upon the amount of taxable income, such as a deduction under section 170 (relating to charitable, etc., contributions and gifts), and any other deduction or loss allowed under subtitle A of the Code, such as any deduction allowable under section 172 (relating to deductions for net operating loss carrybacks and carryovers) or any loss allowable under section 1212(a) (relating to capital loss carrybacks and carryovers) shall be taken into account.

(c) *Percentage method.* [Reserved]

(d) *Experience method.* [Reserved]

(e) *Percentage of deposits limitation where percentage of taxable income method or percentage method is applied.* If the amount determined by the taxpayer to constitute a reasonable addition for the taxable year to the reserve for losses on qualifying real property loans is greater than the amount determined under paragraph (d) of this section (relating to the experience method), the amount so determined cannot exceed an amount which, when added to the amount determined under paragraph (a) (1) (i) of § 1.593-5 to be a reasonable addition for such year to the reserve for losses on nonqualifying loans, equals the amount by which 12 percent of the total deposits or withdrawable accounts of depositors of the taxpayer at the close of such year exceeds the sum of the taxpayer's surplus, undivided profits, and reserves at the beginning of such year (taking into account any portion thereof which is attributable to the period before the first taxable year beginning after December 31, 1951). The terms "surplus, undivided profits, and reserves" and "total deposits or withdrawable accounts" have the same meanings as are assigned to them in paragraph (f) of § 1.593-6.

PAR. 6. Section 1.593-7 is amended by revising paragraph (a) (2) (i) to read as follows:

§ 1.593-7 Establishment and treatment of reserves for bad debts.

(a) *Establishment of reserves.* * * *

(2) *Accounting for reserves.* * * *

(i) Any credit or charge to a reserve established pursuant to subparagraph (1) of this paragraph must be made to such reserve irrespective of whether the amount thereof is also credited or charged to any surplus, reserve, or other account which the taxpayer may be required or permitted to maintain pursuant to any Federal or State statute, regulation, or supervisory order. Minimum amounts credited in compliance with such Federal or State statutes, regulations, or supervisory orders to reserve or similar accounts, or additional amounts credited to such reserve or similar accounts and permissible under such statutes, regulations, or orders, against which charges may be made for the pur-

pose of absorbing losses sustained by the taxpayer, may also be credited to the reserve for losses on nonqualifying loans or the reserve for losses on qualifying real property loans, provided that the total of the amounts so credited to the reserve for losses on nonqualifying loans, or to the reserve for losses on qualifying real property loans, for any taxable year does not exceed the amount described in subparagraph (1) or (2) of § 1.593-5(a) (whichever applies) as the addition to such reserve for such year.

PAR. 7. Section 1.593-8 is amended by revising paragraph (d) to read as follows:

§ 1.593-8 Allocation of pre-1952 surplus to opening balance of reserve for losses on qualifying real property loans.

(d) *Treatment of pre-1952 surplus.* Any portion of the taxpayer's pre-1952 surplus which, pursuant to paragraph (a) of this section, is deemed to be included in the opening balance of the reserve for losses on qualifying real property loans shall not be treated as a reserve for bad debts for any purpose other than computing for any taxable year the amount determined under the method described in paragraph (b), (c), or (d) of § 1.593-6 (relating, respectively, to the percentage of taxable income method, the percentage of real property loans method, and the experience method) or paragraph (b), (c), or (d) of § 1.593-6A (relating, respectively, to the percentage of taxable income method, the percentage method, and the experience method). For such limited purpose, such portion shall be deemed to remain in, and constitute a part of, the reserve for losses on qualifying real property loans. For all other purposes, such portion will retain its character as part of the taxpayer's pre-1952 surplus.

PAR. 8. Section 1.593-10 is amended by revising paragraphs (e) and (b) (3) to read as follows:

§ 1.593-10 Certain distributions to shareholders by a domestic building and loan association.

(a) *In general.* Section 593(f) provides that if a domestic building and loan association (as defined in section 7701 (a) (19) and the regulations thereunder) distributes property after December 31, 1962, to a shareholder with respect to its stock and if the amount of such distribution is not allowable to the association as a deduction under section 591 (relating to deduction for dividends paid on deposits), then, notwithstanding any other provision of the Code, the distribution shall be treated as provided in paragraphs (b) and (c) of this section. For purposes of the preceding sentence, the term "distribution" includes any distribution in redemption of stock to which section 302(a) or 303 applies, or in partial or complete liquidation of the asso-

ciation, as well as any other distribution which the association may make to a shareholder with respect to its stock. For definition of the term "property", see section 317(a). For determination of the amount of a distribution, see section 301(b). For taxable years beginning after July 11, 1969, this paragraph is not applicable to any transaction to which section 381 (relating to carryovers in certain corporate acquisitions) and the regulations thereunder apply.

(b) *Distributions out of certain reserves.* * * *

(3) *Special rule.* * * *

(i) The balance of such reserve determined as of the close of the taxable year after all adjustments for such year have been made (including the addition for such year determined under § 1.593-6 or § 1.593-6A (whichever is applicable)), minus

(ii) * * *

(b) The total amount of the annual additions which would have been made to such reserve under section 166(c) for taxable years ending after December 31, 1962, if each such addition had been determined under the experience method described in paragraph (d) of § 1.593-6 or paragraph (d) of § 1.593-6A, whichever is applicable for the taxable year of such addition.

For purposes of subdivision (i) of this subparagraph, the balance of the reserve for losses on qualifying real property loans shall include the total amount of any pre-1963 reserves allocated thereto under paragraph (b) (3) of § 1.593-7, but shall not include any pre-1952 surplus which is deemed to be included therein under paragraph (a) of § 1.593-8 (relating to allocation of pre-1952 surplus to the opening balance of the reserve for losses on qualifying real property loans).

PAR. 9. Section 1.593-11 is amended by revising paragraph (b) (3) to read as follows:

§ 1.593-11 Qualifying real property loan and nonqualifying loan defined.

(b) *Qualifying real property loan defined.* * * *

(3) *Meaning of "interest".* The term "interest" has the same meaning as is provided for such term under paragraph (f) (3) of § 301.7701-13A of this chapter.

[FR Doc. 71-11549 Filed 8-11-71; 8:45 am]

[26 CFR Part 1]

INCOME TAX

Deductibility of Treble Damage Payments Under the Antitrust Laws, Fines and Penalties, and Illegal Bribes and Kickbacks

Proposed regulations amending the Income Tax Regulations to conform them to section 902, relating to deductibility of treble damage payments

under the antitrust laws, fines and penalties, and illegal bribes and kickbacks, of the Tax Reform Act of 1969 (Public Law 91-172, 83 Stat. 710) appear in the FEDERAL REGISTER for May 27, 1971 (36 F.R. 9637).

A public hearing on the provisions of these proposed regulations will be held on Tuesday, September 7, 1971, at 10 a.m., e.d.s.t., in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC 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 or suggestions within the time prescribed in the notice of proposed rule making and who desire to present oral comments should by August 24, 1971, submit an outline of the topics and the time they wish to devote to each topic. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who desire a copy of such written comments or suggestions 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 August 31, 1971. 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 twenty-five cents (\$0.25) per page, subject to a minimum charge of \$1.

K. MARTIN WORTHY,
Chief Counsel.

[FR Doc. 71-11665 Filed 8-11-71; 8:50 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 958]

ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958).

This marketing order program regulates the handling of onions grown in designated counties in Idaho and Malheur County, Oreg., and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after publication of this notice in the FEDERAL REGISTER. 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 proposals are as follows:

§ 958.215 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1971, and ending June 30, 1972, by the Idaho-Eastern Oregon Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to \$109,025.

(b) The rate of assessment to be paid by each handler in accordance with the marketing agreement and this part shall be \$0.033 per hundredweight of onions handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1972, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

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

Dated: August 9, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Marketing
Service.

[FR Doc. 71-11662 Filed 8-11-71; 8:50 am]

[7 CFR Parts 1061, 1068]

MILK IN THE MINNEAPOLIS-ST. PAUL AND SOUTHEASTERN MINNESOTA-NORTHERN IOWA (DAIRYLAND) MARKETING AREAS

Notice of Hearing on Proposed Amendment to Tentative Marketing Agreements and Orders

Correction

In F.R. Doc. 71-11265 appearing at page 14476 in the issue for Friday, August 6, 1971, in the eighth paragraph, the heading should read "Proposal No. 2".

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1910]

[Docket No. R-71-116]

CRITERIA FOR LAND MANAGEMENT AND USE IN FLOOD-PRONE AREAS

Conditions for Flood Insurance Eligibility; Correction

A correction to the above-titled proposed regulation was published at 36 F.R. 12988, July 10, 1971. The word "Acting" was inadvertently omitted in the signature title, to that correction.

The correct signature title reads: "Acting Federal Insurance Administrator."

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc. 71-11630 Filed 8-11-71; 8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 18, 21, 73, 74, 89, 91, 93]

[Docket No. 18262; FCC 71-779]

USE OF CERTAIN FREQUENCY BAND AND OPERATIONS IN LAND MOBILE SERVICE

Second Memorandum Opinion and Order

In the matter of an inquiry relative to the future use of the frequency band 806-890 MHz; and amendment of Parts 2, 18, 21, 73, 74, 89, 91, and 93 of the rules relative to operations in the Land Mobile Service between 806 and 960 MHz.

1. The Commission has before it petitions for reconsideration of the Commission's decision in the above-captioned proceeding which were filed by the National Association of Radiotelephone Systems (NARS); the Land Mobile Section of the Industrial Electronics Division of the Electronic Industries Association (EIA); Mobile Telephone Co. (MTC); and the Ram Broadcasting Co. (RAM); a statement of opposition to the petitions filed by the American Telephone & Telegraph Co. (A.T. & T.); and a memorandum in support of the petitions filed by the Department of Justice. Reply statements to the opposition comments of A.T. & T. were filed by MTC, RAM, and NARS.

2. By way of background, the Commission, in its first report and order and second notice of inquiry in Docket 18262, reallocated the spectrum space between 806-902 MHz and 928-947 MHz for

land mobile use. Portions of these bands had previously been allocated to television broadcasting (806-890 MHz), the Federal Government (890-902 and 928-942 MHz) and the broadcast auxiliary services (942-947 MHz). In its report and order in Docket 18262 the Commission designated the 806-881 MHz portion for wire line common carriers; 881-902 and 928-947 MHz portions for private land mobile radio users; and reduced the band in which ISM equipment would be required to operate from 915 MHz \pm 25 MHz to 915 MHz \pm 13 MHz.

3. In its memorandum opinion and order released September 24, 1970 (FCC 70-1001; 35 F.R. 15154), which considered a number of petitions for reconsideration and stay, opposition and replies filed in response to decisions made in Dockets 18261 and 18262, the Commission disposed of a number of the pleadings. However, it was stated that " * * * [the] petitions requesting reconsideration of the Commission's decision in these respects (the allocation of the 900 MHz band between private and common carrier systems and the allocation of the full 75 MHz common carrier allocation to wire line telephone companies) will be considered as soon as possible." It is the purpose of this second memorandum opinion and order to consider those filings.

4. In the combined notice of inquiry and notice of proposed rule making in Docket 18262, adopted on July 17, 1968 (33 F.R. 10807) the Commission indicated its desire to provide for the long-term spectrum needs of the land mobile radio services by proposing to set aside 75 MHz of spectrum for wire line common carriers and 40 MHz of spectrum for private land mobile services in the bands indicated in paragraph 2 above. It was hoped, in so doing, that by the development and implementation of new techniques for both classes of land mobile services, particularly in the development of a high capacity system as had been advocated by the American Telephone & Telegraph Co. for many years, relief at least through 1980 would be achieved. In furtherance of that goal, the Commission stated in the first report and order and second notice of inquiry previously cited that:

[It] is hopeful that A.T. & T., as well as others, will undertake a comprehensive study of market potentials, optimum system configurations and equipment design looking toward the development and implementation of an effective, high capacity common carrier service in the band 806-881 MHz * * *

By inference, the statement was equally applicable to the desire for optimum system design by private land mobile interests as well.¹

5. On the basis of a review of the petitions for reconsideration and, in view of the comments concerning possible stultification of the desired research and

¹In fact, the Commission expects high capacity systems proposals and studies employing the most effective spectrum utilization from both the common carrier and private land mobile interests.

development effort toward new systems in the 900 MHz region, the Commission has reconsidered its original decision with respect to the allocation of 75 MHz of spectrum to the wire line common carriers at this time. In so doing, we do not intend to reopen the question of dividing the 115 MHz provided between the private land mobile services and common carriers, but only whether the entire 75 MHz should be allocated at this time to wire line common carriers exclusively, or whether access also be afforded to nonwire line common carriers to this 75 MHz.

6. In making the original allocation of the 806-881 MHz to wire line common carriers, the Commission recognize the need for assurance by the Bell System that reliance upon the availability of a particular amount of spectrum was warranted in order to justify the allocation of sufficient development funds to produce a new communications system capable of meeting our expectations. The Commission expected, however, that other manufacturers would also undertake developmental programs to produce systems meeting the criteria spelled out by the Commission. To date, however, insofar as the Commission is aware, there has been little developmental effort undertaken except, of course, by the Bell System, in the 900 MHz portion of the spectrum.

7. Further, although design of a broadband common carrier system by the Bell System has not been finalized, the Commission is of the opinion that, at best, regardless of the type of system derived, the full 75 MHz will most probably not be fully utilized in other than the largest cities. Thus, it is apparent that requirements for services provided by entities other than wire line common carriers could undoubtedly be met by use of equipment or systems other than that developed by Bell. To date, however, there has been little interest expressed in developing equipment which is reflective of the latest technology and which is capable of operating in the 806-881 MHz Band except by Bell Laboratories. Such a situation obviously will not provide the flexibility or choices the Commission had hoped for in making the final determinations regarding the service allocations and the use to be made of the spectrum.

8. Accordingly, the Commission concurs with those petitions for reconsideration which believe part of our action was premature. While we are of the opinion that the specific designation of the 806-881 MHz band for wire line common carriers at this time is proving to be self-defeating toward our hopes of developing more sophisticated techniques for improving spectrum utilization by the land mobile services, we are not yet prepared to specifically suballocate any portion of the band for use by Miscellaneous Common Carriers. Thus, the Commission believes that a modification of our allocation is in order. While we are, depending on the type of system to be proposed by the wire line common carriers and the marketing needs therefor, prepared

to allocate to the service a maximum of 75 MHz in the continuous band 806-881 MHz, we are of the opinion that systems of lesser capacity than proposed by the Bell System will indeed have their requirement, particularly in urban areas probably smaller than the largest top 10 to 25 metropolitan areas. Therefore, we are deleting the restriction contained in paragraph 33 of the first report and order and second notice of inquiry relative to limiting developing of the 806-881 MHz band to wire line telephone companies. In so doing, however, we do not mean to imply that, in the event the wire line common carriers develop a system requiring access to the full 75 MHz and can demonstrate a requirement for implementation of the full system in a particular area, such a proposal would be rejected. The need for the full system would be considered on its own merits. We only wish to recognize the probability that a requirement for nonwire line common carrier services will undoubtedly exist and that systems meeting those needs can probably be accommodated in many areas of the country in the 806-881 MHz band. Thus, we wish to clarify our intention to encourage development of new technology which can meet all common carrier needs in a more efficient and effective manner, yet reassure those wire line common carriers who have already invested substantial developmental funds that we are not repudiating our original decision to make the 806-881 MHz band available for development of new common carrier systems.

9. With respect to the allocation of 40 MHz to private land mobile services and 75 MHz to common carriers, the Commission, while concurring that such a breakdown may be somewhat premature, is not disposed to alter its decision at this time. First, upon the record and from previous land mobile history, A.T. & T. has indicated a need for a maximum of approximately 75 MHz to develop a high capacity system in which most of the foreseeable common carrier mobile needs of nearly all metropolitan areas can be accommodated. The opportunity and justification to provide an allocation of that magnitude had not arisen heretofore; thus, when circumstances permitted, the Commission believed it appropriate to afford developmental opportunity with sufficient spectrum assurances to warrant expenditure of the requisite funds. Thus the necessity to establish general bandwidth guidelines for systems development was an important factor. Secondly, in view of the relief afforded the private land mobile services in Docket 18261, an allocation of approximately 40 MHz in the vicinity of 900 MHz appeared reasonable based upon the limited information in the Commission's files. Thirdly, depending upon the type of systems developed at 900 MHz as well as the degree of improved communications efficiency resulting therefrom, coupled with more precise information concerning overall land mobile

needs, the allocations can be more precisely defined in the future. Finally, implementation of the Spectrum Management Task Force and establishment of the National Center with its Regional Offices should result in accommodation of the local differences in spectrum requirements between private and common carrier land mobile services. For these reasons, the Commission believes no change in the division of spectrum is warranted at this time.

10. In view of the above, and, pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended: *It is ordered*, That to the extent indicated herein, the petitions for reconsideration described above are granted and, in all other respects denied.

Adopted: July 28, 1971.

Released: August 2, 1971.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc. 71-11649 Filed 8-11-71; 8:50 am]

[47 CFR Part 73]

[Docket No. 18928; FCC 71-804]

TELEPHONE INTERVIEW PROGRAMS

Licensee Control of Matter Broadcast

Report and order. In the matter of amendment of Part 73 of the Commission's rules and regulations to provide for licensee control of matter broadcast during telephone interview programs on standard, FM, and TV broadcast stations.

1. The Commission instituted this proceeding by notice of proposed rule making, adopted July 22, 1970 (FCC 70-816), published in the FEDERAL REGISTER July 29, 1970, 35 F.R. 12132, to consider proposed rules to aid in enforcing our personal attack rules³ with respect to the telephone interview or "open-mike" type of broadcast.⁴ Broadcasts of this type, ordinarily locally originated by stations, usually feature extemporaneous telephone conversations, covering a wide range of subjects, or on a particular selected topic, between the conductor of the program or, sometimes, special guests appearing on them, and members of the public who call by telephone during the broadcast. Often the identity of callers airing their views on these programs is not revealed.

2. Over the years, the Commission has received many listener complaints about these open-mike programs. As we stated in the notice, most of them are but the normal byproduct of allowing callers to

express their views freely about issues and warrant no Commission action. However, the Commission did consider it necessary and desirable, in view of listener complaints, to issue a public notice in 1963 warning licensees of the danger of obscene or profane remarks being broadcast on telephone interview shows and advising them to check their procedures for protecting the public against offensive language, as well as for preserving their reputation for responsibility.⁵ In opening this proceeding to consider further possible action with respect to these programs, we were not motivated by any desire to suppress them, as some of the commenting parties suggest, or even to indicate disapproval of them, for, as we stressed in the notice, we recognize their value and potential for rendering a significant public service by providing ordinary citizens with a forum for expressing their views and participating publicly in a dialogue on important issues of the day.

3. As we stated in the notice, our Fairness Doctrine and component personal attack rules and policies require licensees to play "a conscious and positive role in bringing about balanced presentation of opposing viewpoints"⁶ on telephone interview programs, as well as on other programs, and when personal attacks are broadcast during discussion of a controversial issue of public importance on open-mike programs, they have an affirmative duty under our rules to notify and to send a copy of the script or tape, or an accurate summary of the attack made if neither is available, to the persons or groups attacked with an offer of time to respond.⁷ Rules along the lines we proposed, we felt, might serve a useful purpose in providing information which would more nearly assure exercise of a licensee's responsibilities, particularly with respect to personal attacks occurring on open-mike programs in the discussion of controversial issues, and which would provide persons attacked with a means of deciding whether civil or other action is available to them.

4. In the main, the rules proposed would require licensees using the telephone interview format to record all telephone conversations broadcast with members of the public; to exercise reasonable diligence to ascertain the correct names and addresses of callers whose conversations are to be broadcast; and to retain and make such recordings, and a list of the names and addresses of all callers permitted to express their

views on the air by telephone, available to interested parties for monitoring and inspection for at least a 15-day period from the date of broadcast.

5. No requirement for broadcast of the names and addresses of callers was proposed, although we thought it the preferable practice. And, while we welcomed comments on a suggestion that licensees should be required to authenticate the names and addresses given by callers by a "call-back" procedure (i.e., securing the caller's telephone number, verifying it by comparing it with a telephone directory listing, and calling the caller back before allowing him to go on the air), it was not a part of our basic proposal. We also considered but did not propose to require electronic delay in connection with the broadcast of telephone conversations. We were, of course, aware that many licensees use electronic tape delay devices as a means of insuring control over the matter broadcast and of preventing the broadcast of matter contrary to law or their policies. However, we felt that use of such devices, without the application of proper discretion, would not necessarily insure licensee control of program matter, and that, unless experience dictates otherwise, this and other means which licensees use to insure exercise of their responsibilities with respect to matter broadcast should be left to their discretion.

6. Nearly 400 comments, of which some 125 were extensive formal comments, were received on the Commission's proposal from licensees, industry associations such as the National Association of Broadcasters and the National Association of Educational Broadcasters, individuals, and other interested organizations and citizens groups such as the National Citizens Committee for Broadcasting, the Office of Communication of the United Church of Christ and the Anti-Defamation League of B'nai Brith. Only the latter three parties and some 16 individuals expressed general support for our proposal as a whole, as well as suggested changes to expand the proposed requirements. The other comments opposed the proposal in whole or in part, suggesting numerous and varied changes if adopted in any form. While the proposed recording requirement drew some support, the proposed rule to require callers to reveal their identity in order to participate in telephone interview programs was strongly opposed. All of the comments have been considered in reaching this decision.

7. This proceeding, we feel, has been of value in alerting licensees to their responsibilities with respect to matter broadcast on telephone interview programs, and particularly to those necessitated by our fairness and personal attack rules and policies. It has also served a useful purpose in providing a body of information concerning the safeguards licensees are now using or might need to use to cope with any arising contingency that might inhibit robust, wide-open debate on these programs or be contrary

² FCC 63-38, released January 10, 1963.

³ See Commission Report in the Matter of Editorializing by Broadcast Licensees, 13 FCC 1246 (1949), Volume 1, Part 3, Pike & Fischer R.R. 91-201.

⁴ The personal attack rules are, of course, to be read and applied in a common sense manner. We have held that where the person attacked has previously been afforded a fair opportunity to address himself to the substance of the particular attack, fairness and compliance with the rule (i.e., sending a subsequent notification, etc.) have clearly been achieved. See Memorandum Opinion and Order in Docket No. 16574, released Mar. 29, 1968, footnote 1, 12 FCC 2d 250.

⁵ Commissioner Johnson absent; Commissioner Wells concurring in the result.

⁶ See §§ 73.123, 73.300, 73.598, and 73.679 of the Commission's rules.

⁷ An Errata was released August 5, 1970 (35 F.R. 12775) to correct the inadvertent omission of noncommercial educational broadcast stations from the scope of the proposed rules, which extends to all standard, FM, and TV broadcast stations.

to their established policies and Commission rules for operating in the public interest. As for the proposed rules we put out for comment, after further consideration, and in light of the comments, which reflect many different and varying views as to the legality, need, practicality, and wisdom of these rules, we have decided that, on balance, they are not clearly warranted at this time and, therefore, should not be adopted.

8. A compelling reason for this decision is that, without regard to the specific proposals, we are not convinced by the record evidence, or on the basis of our experience, of any general wide-spread pattern of abuse of our fairness doctrine and personal attack rules and policies by licensees on telephone interview programs which would call for us to require licensees to use special controls for telephone interview programs specifically. Of course, if that situation should develop, we would consider appropriate special action. Another consideration is that since this proceeding was instituted, we have also launched a broad-ranging inquiry in Docket No. 19260 to consider the effectiveness of our Fairness Doctrine and related policies to promote the basic goal of robust, wide-open debate on public issues, or whether revisions or even entirely new policies would be more effective. One of the important issues to be considered is how the personal attack rules have worked out in practice with respect to all programs and how they should be revised. We can best explore in that broader inquiry proposals, such as suggested herein by the Office of Communications of the United Church of Christ and the National Citizens Committee for Broadcasting, which look toward improving the effectiveness of our fairness and personal attack rules and policies by the adoption of public record requirements for broadcast programming in general.

9. We are also reluctant, on the basis of this record, to lessen in any way the responsibility of licensees for determining what type of controls, if any, must be used to make their open-mike programs effective local forums for broadly based debate on public issues and to meet their fairness and personal attack obligations. They are in the best position to make that judgment. As many licensees have stated, different procedures may be necessary in certain circumstances and for different types of programs, and none in others. Some state that they now record those programs and retain the tapes for public inspection for even longer than the proposed rules would require. Others feel the recording is unnecessary and burdensome. Many use electronic delay devices, screening and monitoring procedures, and other precautionary controls. A few have experimented with requesting the identity of callers and found it inhibiting. It is also argued that the successful open-mike program is not necessarily one that is closely controlled since the end to be attained is not just thoughtful, articulate discussion but the "widest possible dis-

semination of information from diverse and antagonistic sources" which may well entail heated argument, robust debate, satire, and even ridicule and vilifications.

10. The proposed recording and public record requirements, strongly urged, with modifications, by the Office of Communications of the United Church of Christ, the National Citizens Committee for Broadcasting and other citizens groups and individuals, and generally supported by a number of licensees, as well as the National Association of Broadcasters, would be useful, we are sure, in providing a tangible public record of telephone conversations broadcast on open-mike programs whenever need to establish their content in connection with fairness and personal attack questions. However, there are countervailing considerations too.

11. For many licensees, such requirements would not be particularly burdensome, since they now record and maintain records for telephone interview programs and others as well. For some licensees, however, particularly smaller stations, it would be financially and administratively burdensome, even to a degree, as claimed, where it would rule out broadcasting this type of show, which can provide a valuable public service. As the comments point out, the recordkeeping burden of licensees now necessitated by our rules and policies is considerable and takes time and resources that could be used productively in the development of imaginative and creative programming for the public. The public interest requires, we believe, that we hold the line on increasing the recordkeeping burdens of licensees in the absence of a need greater than that demonstrated here. The problems which we have had in enforcing our personal attack rules have not been special to telephone interview programs nor are we convinced, on the basis of experience on this record, that we would be warranted in imposing an increased recordkeeping burden on all licensees with respect to the open-mike type of program on the basis of any special essential need.

12. Further, in light of the record evidence, we have serious doubt that the proposed rules to require the names and addresses of callers, or the verification procedures suggested therewith, even if feasible or practical, are needed or would constitute reasonable requirements for advancing the goals of the fairness doctrine or the objectives of the First Amendment. Licensees have forcefully argued that both proposals would likely inhibit free expression on these programs, if not spell their demise, and possibly subject innocent callers to unwarranted harassment and abuse. They also convincingly argue that anonymity has sometime been assumed for the most constructive purpose, and is a necessary element of these shows, and that the First Amendment protects anonymous

* Associated Press vs. United States, 326 U.S. 1, 20 (1945).

expressions, citing *Talley v. California*, 362 U.S. 60 (1960).

13. In view of the foregoing, we have decided to take no action with respect to the rules proposed in this proceeding. Accordingly, the request of The Straus Broadcasting Group, Inc., for oral argument on the proposal is denied, and the proceeding is terminated.

Adopted: August 4, 1971.

Released: August 9, 1971.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc. 71-11646 Filed 8-11-71; 8:50 am]

[47 CFR Part 73]

[Docket No. 19297; FCC 71-802]

FM BROADCAST STATIONS

Table of Assignments; Certain
Stations

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Modesto, Turlock, and Patterson, Calif.; Albuquerque, N. Mex.; Centerville, Iowa; and Milford, Del.); RM-1611, RM-1612, RM-1622, RM-1625, RM-1661.

1. Notice of proposed rule making is hereby given concerning amendment of the FM Table of Assignments (§ 73.202 (b) of the rules) with respect to the following communities for which petitions have been filed:

Modesto—Kilbro Broadcasting Corp. (RM-1611).

Albuquerque—Sun Country Radio, Inc. (RM-1612) and Vancomar Broadcasting Corp. (RM-1625).

Centerville—Hope Co., Inc. (RM-1622).

Milford—Broadcasters, Inc. (RM-1661).

The Modesto petition suggests to us that changes at Turlock and Patterson, Calif., may be more appropriate. With the exception of the petitions for Albuquerque, no oppositions were filed; Hubbard Broadcasting Inc., licensee of Station KOB-FM, opposed the Albuquerque petitions, and Sandia Broadcasting Corporation also opposed the petition of Vancomar Broadcasting Corp. Any proposed assignment within 250 miles of the United States-Canadian border is subject to coordination with the Canadian Government under the terms of the Canadian-United States Agreement of 1947 and the Working Arrangement of 1963. All population figures, unless otherwise indicated, are from the 1970 U.S. Census.

2. *Modesto, Calif. (RM-1611)*. The petitioner, Kilbro Broadcasting Corp. (Kilbro), is the licensee of AM Station KFIV. Its petition, received April 29, 1970, and accepted for filing on May 8, 1970, requested the assignment of Channel 272A as a third FM channel to Modesto, population 61,712, the seat of Stanislaus County, population 194,506. Modesto is presently served by five local aural services—unlimited time AM Stations KFIV, KTRB, and KBEE and FM

Stations KTRB-FM and KBEE-FM. Other aural facilities in the county consist of AM station KCEY at Turlock (population 13,992) and FM Station KOSO at Patterson (population 3,147), using a channel assigned to Turlock. The petition stated that Modesto is the largest of 15 cities in California not part of an SMSA with only two FM allocations. The supporting engineering data shows that the channel could be assigned to Modesto without any mileage separation problem. The only preclusion of other channel uses would be on Channel 272A itself.

3. A sufficient public interest showing has been made that the proposal be considered for possible rule making. However, a number of questions are posed. Killibro does not indicate what the need of Modesto is for another FM channel. Moreover, with the only channel assigned to Turlock in use elsewhere, it could be urged that Channel 272A should be assigned to Turlock (the transmitter would have to be about 2.5 miles northeast of the Turlock reference point). Under existing Commission criteria, there also are other communities within the preclusion area presently without any aural service to which Channel 272A could be assigned, e.g., Riverbank (population 3,949), Salida (population 1,456), or Newman (population 2,505). Comments on the best use of this channel are invited.

4. *Albuquerque, N. Mex. (RM-1612 and RM-1625)*. Both Sun Country Radio, Inc. (Sun Country) and Vancomar Broadcasting Corp. (Vancomar) petitioned the Commission to add other channels at Albuquerque which presently has seven FM channel assignments. Sun Country, licensee of AM Station KPAR, seeks the assignment of Channel 278 (RM-1612); Vancomar Broadcasting seeks the assignment of Channels 268 and 278. Both petitions were received and accepted for filing in May 1970.

5. Albuquerque has a population of 243,751 and is a Standard Metropolitan Statistical Area (SMSA) which consists of Bernalillo County, population 315,744. Aural broadcast service consists of 10 AM stations—six unlimited time¹ and four daytime-only,² six commercial FM stations,³ and two noncommercial FM stations.⁴ There are also three TV stations. Also pending is an application for a daytime-only station (BP-16,364); and the applications of Zia Tele-Communications, Inc. (BPH-6887) and Alvin L. Korngold (BPH-6952) for FM Channel 300, added in 1969 (16 R.R. 2d 1531), are in a comparative hearing designated in March 1970 (Docket Nos. 19178 and 19179).

6. Sun Country in its petition states that Channel 278 can be assigned to Albuquerque and meet all spacing re-

quirements Sun Country urges that Albuquerque as the largest city in New Mexico warrants another FM assignment. Some reliance is also placed on the large volume of visitors annually; a 3 million figure for 1968 according to the Chamber of Commerce is cited. There is no preclusion study on the six adjacent channels, as required when requesting an FM assignment near a population center having multiple service; see Public Notice, entitled "Policy to Govern Requests for Additional FM Assignments", 9 RR 2d 1245 (1967). A supporting statement merely lists the channel assignments within approximately 200 miles and indicates the mileage to each of the cities. As described below, Hubbard Broadcasting, Inc., licensee of Station KOB-FM, opposed this petition as well as the other Albuquerque request.

7. Vancomar Broadcasting's petition more or less repeats that of Sun Country. Vancomar Broadcasting additionally asserts an intention to program for the "Spanish Community" (a) to allow it to communicate more effectively among themselves and non-Spanish speaking peoples, (b) to allow non-Spanish speaking people to become more conversant with the Spanish language, customs, and interests, and (c) to provide "a better amelioration of Cultures" (Petition, p. 2). Vancomar Broadcasting's engineering data also is not a conventional preclusion study but a list of channels that could be assigned to various cities within 100 miles of Albuquerque.

8. Hubbard Broadcasting Inc. (Hubbard), as licensee of KOB-FM, opposed both petitions for Albuquerque. Hubbard points to the lack of engineering showings and failure of the petitioners to submit preclusion studies, and attacks both petitions as verbatim with that of Zia Telecommunications, Inc., which led to the assignment of Channel 300 in 1969, without even updating. It asserts that (a) the counties of Torrance (population 5,240) and Sandoval (population 17,492), both adjacent to Bernalillo and without any aural service, merit FM channels, and (b) neither petitioner has made an adequate showing that the Commission should reverse its 1969 determination to deny allocation of another channel (16 RR 1531 (1969)). Hubbard's oppositions note the plethora of broadcast service at Albuquerque (see paragraph 5, above), and it questions whether in the circumstances economic viability exists, citing *FCC v. Sanders Bros.*, 309 U.S. 470 (1940); and *Carroll Broadcasting Co. v. FCC*, 258 F.2d 440 (C.A.D.C., 1958). In the latter respect, the net losses for 1964 through 1968 for AM-FM combinations, as reported by the FCC, are referred to.⁵ Hubbard also refers to the dismissal of AM Station KARA's renewal application because financial problems caused it to be

silent for 6 months, and to its own FM operation at a loss since its initial broadcast on August 16, 1967. It is also pointed out that the 1970 Census figures conflict with petitioners' data as to population (see footnote 5 above). In its opposition to the Vancomar petition, Hubbard also states that the Albuquerque unlimited time AM Station KABQ programs almost entirely in Spanish, and thus fulfills the community's needs for such specialized programming. Sandia Broadcasting Corp., licensee of Station KABQ, also filed an opposition to Vancomar's petition raising this issue and also the general one that the Commission should adhere to the portion of Docket No. 18451, 16 RR 2d 1531, denying an additional FM channel for Albuquerque. Vancomar, on the letterhead of "El Hispano (The Only Spanish Newspaper in New Mexico)", replied to the oppositions, speaking of focussing attention on the Spanish speaking residents of the area, 65,000 undereducated in Bernalillo County alone, whose lacks may be overcome by appropriate programming.

9. While either or both channels may be allocated to Albuquerque without difficulty, and we are putting both proposals out for rule making the situation is not free from serious question. Indeed, we indicated our reluctance to add another channel when assigning Channel 300 and denying Channel 278 in Docket No. 18451, 16 RR 2d 1531 (1969). Significantly, it appears that our estimate of population used there was erroneous, and Albuquerque's population is about actually 10 percent less (see fn. 5). Our population criterion for the number of FM channels for a community of this size calls for a maximum of six channels. See further notice of proposed rule making, Docket No. 14185, adopted July 25, 1962 (FCC 62-867) and incorporated by reference in paragraph 25 of the third report and memorandum opinion and order, adopted July 23, 1963, 23 R.R. 2d 1859, 1871. On this basis, both petitions might be denied (and also because of the failure to submit proper preclusion studies).

10. Nonetheless, the Commission feels that consideration should be given to one possible further FM assignment to Albuquerque. In this respect, Hubbard Broadcasting's reliance on economic viability may not be fully apt, for the Sanders case stands for the proposition that economic well-being of broadcasters is only of concern as it affects the public interest rather than an individual station's interests. On the other hand, the Commission might be derelict, if it as-

¹ These criteria were recently applied: In the Matter of Whaleyville, et al., 27 FCC 2d 845, 847-8 (1971); reconsideration pending; memorandum opinion and order, Bangor, Maine, 29 FCC 2d 476 (1971).

² The possibility that the SMSA population figure may be a truer indicia of the situation, we feel, should be considered. In this respect, a "community" of 250,000 to 1 million persons is entitled to 6 to 10 FM channels.

³ Stations KABQ, KDEF, KGGM, KOB, KQEO, and KRZY.

⁴ Stations KAMX, KDAZ, KPAR, and KZIA.

⁵ Stations KBNM, KDEF-FM, KHFM, KMAP, KOB-FM, and KRST.

⁶ Stations KANW and KVMN.

⁷ Its population estimates for Albuquerque proper and the SMSA as of 1968 exceed those in the 1970 U.S. Census.

⁸ The Commission compilation for 1969 also reports a \$84,147 net loss for AM and AM-FM combinations for Albuquerque (Table 22).

signed an unlimited number of FM channels to Albuquerque, as well may be possible because of the peculiarly isolated position of that community in relation to others so that there are few mileage separation or preclusion problems. Another matter which will be considered, before any decision favorable to an additional assignment is reached, is the preclusion effect which it might have on channel availabilities in the two counties adjacent to Bernalillo, mentioned by Hubbard, Sandoval, and Torrance, which now have no AM or FM stations of FM channels assigned. While these counties are fairly small in population, and contain few incorporated places of substantial size, we are of the view that the goal of at least one aural outlet per county, as such, deserves some consideration, certainly before we add channels to Albuquerque. While it appears that channels can still be found for these counties even with Channel 268 and 278 assigned to Albuquerque, unless the proponents show that this is the case, the proposals are subject to denial. In sum, we believe that the public interest, convenience, and necessity is such that the Commission might consider the merits of the assignment of one further FM channel to Albuquerque, despite the many seemingly valid objections to the petitions.

11. *Centerville, Iowa (RM-1622)*. Petitioner Hope Co., Inc., licensee of AM Station KCOG, requests the allocation of Channel 254. Centerville, population 6,531, is the seat of Appanoose County, population 15,007. It has one aural facility—unlimited time Class IV Station KCOG—which also is the only broadcast station in the county. The petitioner contends that it provides service to neighboring counties of Davis, Monroe, Lucas, and Wayne, and, in Missouri, Putnam, and Schuyler Counties. The proposed channel would have to operate from a site less than 5 miles northeast of Centerville because of adjacent channel separation shortages to Stations KCRB-FM, KCLO-FM, and WHBF-FM.⁹ The purpose of the change is to serve 1,093 square miles of unserved and 1,547 square miles of underserved area.¹⁰ On the basis of a supporting engineering statement, it is asserted that there would be no additional preclusion on Channels 251, 255, or 256; there would be some on Channel 252A, and a small amount on Channel 257A. However, other channels are available in the preclusion areas (including 237A if removed from Centerville) and all communities of 5,000 or more have FM channel assignments.

12. It appears that the public interest would be served by noticing this proposal

⁹ Respectively at Council Bluffs, Iowa; Leavenworth, Kans.; and Rock Island, Ill.

¹⁰ Channel 237 at full height and power would serve 180 square miles of unserved area and 394 square miles of underserved area. Petitioner appears to have applied the appropriate criteria; see third report and order in Docket No. 17095, Roanoke Rapids and Goldsboro, North Carolina, 9 FCC 2d 672 (1967).

for rule making. While preclusion on one adjacent channel is substantial, it is not a serious reason not to consider the assignment.

13. *Milford, Del. (RM-1661)*. Broadcasters, Inc. (Broadcasters), licensee of daytime-only AM Station WTHD, Milford, filed its petition to seek substitution of Channel 249A for 240A. The reason is that Broadcasters had applied for Channel 240A with the transmitter at the WTHD site. Because this would be short spaced to cochannel Station WISZ, Glen Burnie, Md., a waiver of mileage requirements (§ 73.207) was requested and denied; see Broadcasters, Inc., 19 R.R. 2d 147 (1970). Broadcasters' application was returned.

14. Petitioner urges that it would be economically unfeasible to construct a separate tower to serve a community the size of Milford (population 5,316), which is situated on the county line between Sussex (population 80,356) and Kent (population 81,892) counties. According to petitioner, any one of five channels could be assigned to Milford (224A, 249A, 276A, 288A, and 296A) and meet mileage separations at the Station WTHD site. Channel 249A was selected because it would not affect any other assignment.

15. Other assignments in the area are Channel 236 at Dover in Kent County operating as Station WSDS, two other Class A assignments in Sussex County—252A at Seaford (population 5,357) and Channel 228A at Georgetown (population 1,844) the county seat, occupied by Station WSEA. It would appear that the proposed assignment would serve the public interest.

16. *Showings required*. Comments are invited as to the proposals discussed above. The proponents will be expected to answer whatever questions have been raised. Proponents are expected to file comments, even if nothing more than resubmit or refer to the petitions. The petitioners, among other things, are expected to state their intention to apply for the channel, if assigned, and, if authorized, to promptly build their stations. Failure to make these showings may result in denial of the petitions.

17. *Cutoff procedure*. As in other recent FM rule making proceedings, the following procedures would govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with any of the proposals in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

18. In view of the foregoing, and pursuant to authority found in sections 4(d), 303 (g) and (r) and 307(b) of the

Communications Act of 1934, as amended, it is proposed to amend the FM Table of Assignments (§ 73.202 (b) of the Commission's rules and regulations) as concerns the following communities:

City	Channel No.	
	Present	Proposed
Modesto, Calif.	277, 281	272A, 277, 281
or Turlock, Calif.	226	272A
Paterson, Calif.		226
Albuquerque, N. Mex.	222, 227, 231, 242, 258, 262, 300	222, 227, 231, 242, 258, 262, 268, 278, 300
Centerville, Iowa.	337A	254
Milford, Del.	240A	240A

19. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before September 16, 1971, and reply comments on or before September 27, 1971. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

20. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. These documents will be available for public inspection during regular business hours in the Commission's Broadcast and Reference Room at its headquarters, 1919 M Street NW., Washington, DC.

Adopted: August 4, 1971.

Released: August 9, 1971.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-11648 Filed 8-11-71; 8:50 am]

[47 CFR Part 73]

[Docket No. 19298; FCC 71-828]

TELEVISION BROADCAST STATIONS

Table of Assignments; San Francisco, Calif.

In the matter of amendment of § 73.606, Table of Assignments, Television Broadcast Stations (San Francisco, Calif.), RM-1694.

1. On October 2, 1970, the Bay Area Educational Television Association (Bay Educators) filed a brief petition with this Commission requesting the shift of the UHF educational reservation from Channel *60 to Channel 32, both in San Francisco, Calif. No other revisions in our Table of Assignments were proposed. No comments were filed in respect to the petition.

2. According to the 1970 U.S. census the population of the city and county of San Francisco is 715,674. The Standard Metropolitan Statistical Area, however, includes 3,069,797 residents. There are nine television channels assigned to

San Francisco. Each is set out below and is licensed to operate in the community unless otherwise listed: 2, KTUV (licensed at Oakland); 4, KRON-TV; 5, KPIX; 7, KGO-TV; *9, KQED (licensed to petitioner as a noncommercial educational station); 20, KEMO-TV; 26, KTSF-TV (CP, BPCT-3303); 32, KQEC (licensed to petitioner and used as a non-commercial educational station); 38, KUDO; 44, KBHK-TV; and *60, which has no application pending for its use.

3. Bay Educators, at the time of the filing of the subject petition, held a construction permit to build a noncommercial educational station on reserved Channel *60 at San Francisco in addition to a license for a noncommercial educational service on reserved Channel *9 in the community. During the pendency of the construction permit for Channel *60, Metromedia, Inc. made a gift of assets, equipment and facilities for Channel 32 at San Francisco to petitioner. On September 9, 1970, the Commission granted its consent to the assignment of the license for Channel 32 from Metromedia, Inc. to petitioner (File No. BALCT-413). The assignment was consummated on September 17, 1970. Petitioner thereafter surrendered its construction permit for Channel *60. In view of its present noncommercial educational operation on Channel 32 petitioner wishes to have that channel designated as a reserved channel. It points out that it is presently providing a valuable second educational service to the San Francisco area on Channel 32, and suggests that it intends to continue to do so.

4. We note that the grant of petitioner's request to shift the noncommercial educational reservation from Channel *60 to Channel 32, both at San Francisco, would be a recognition of the de facto operation of petitioner on Channel 32 as a noncommercial educational service. Furthermore it is our view that the redesignation requested by Bay Educators would make the assignments in § 73.606 of our rules more accurately reflect the nature of the actual operations in San Francisco. Too, petitioner's operation on Channel 32, since it is but educational in nature, should be bound

and protected solely by the rules referring to such educational operations. An examination of the allocations for San Francisco, set out in paragraph 2 above, indicates that all of the assigned commercial channels are licensed or applied for. The shift of the educational reservation from Channel *60 to Channel 32, while continuing the number of noncommercial educational services originally contemplated for San Francisco (two), would permit the activation of the one unused channel in the community (*60) for either commercial or educational use.

5. In view of the foregoing, we consider it in the public interest to explore the subject proposal of petitioner to shift the educational reservation from Channel *60 to Channel 32, both at San Francisco, in a rule making proceeding. Therefore, we propose the following revision in our Television Table of Assignments for San Francisco, Calif.:

City	Channel No.	
	Present	Proposed
San Francisco, Calif.	2+, 4-, 5+, 7-, *9+, 20, 26, 32, 38, 44, *60.	2+, 4-, 5+, 7-, *9+, 20, 26, *32, 38, 44, 60.

6. Authority for the action proposed herein, is contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before September 16, 1971, and reply comments on or before September 27, 1971. All submissions by parties to this proceeding, or persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

9. All filings made in this proceeding will be available for examination by interested parties during regular business

hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C. (1919 M Street NW.).

Adopted: August 4, 1971.

Released: August 9, 1971.

FEDERAL COMMUNICATIONS
COMMISSION,¹
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc. 71-11647 Filed 8-11-71; 8:50 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 512]

[Docket No. 71-63]

VESSEL OPERATING COMMON CARRIERS IN THE DOMESTIC OFFSHORE TRADES

Reports of Rate Base and Income Account; Filing of Comments

By notice published in the FEDERAL REGISTER on June 5, 1971 (36 F.R. 10985), the Commission issued proposed rules amending General Order 11 which governs the reporting of rate base and income accounts by carriers in the domestic offshore trade. The proceeding was limited to the filing of comments.

Hearing Counsel have now requested that they be permitted to participate in the proceeding for the purpose of filing replies to comments. Inasmuch as their participation would assist the Commission in its deliberation, Hearing Counsel's motion is hereby granted. In the interest of fairness, commenting parties will be permitted to file answers to Hearing Counsel's reply.

Accordingly, replies to comments by Hearing Counsel in this proceeding shall be filed on or before August 20, 1971. Answers to Hearing Counsel's replies shall be filed on or before August 30, 1971.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc. 71-11652 Filed 8-11-71; 8:40 am]

¹ Commissioner Houser absent.

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order 116]

DISTRICT DIRECTORS ET AL.

Delegation of Authority to Grant Extensions of Time To File Estate Tax Returns

Pursuant to the authority vested in the Commissioner of Internal Revenue by 26 CFR 20.6081-1 and 301.7701-9: *It is hereby ordered:*

1. District Directors, Assistant District Directors, the Director of International Operations, the Assistant Director of International Operations, Service Center Directors and Assistant Service Center Directors are hereby delegated authority to grant extensions of time to file estate tax returns.

2. This authority may be redelegated but not lower than to Branch Chief.

Issued: August 6, 1971.

Effective date: August 6, 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner.

[FR Doc. 71-11627 Filed 8-11-71; 8:47 am]

IMPLEMENTATION OF NATIONAL ENVIRONMENTAL GOALS Functions and Procedures

SECTION 1. *Purpose.* .01 This manual supplement has two main purposes. It calls attention to the basic policies that the Internal Revenue Service must observe in all activities affecting the environmental goals that are prescribed by Federal law. It also establishes the practices and procedures that the Service will follow in complying with the "Guidelines of the Council on Environmental Quality," published April 23, 1971 (36 F.R. 7724), in regard to the environmental statements Federal agencies are required to prepare pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, 4332(2)(C), or section 309 of the Clean Air Act as amended, 42 U.S.C. 1857, 1857h-7.

.02 The Guidelines of the Council on Environmental Quality (hereafter referred to as Guidelines) are applicable to the practices and procedures in this document.

SEC. 2. *Background.* .01 Section 102(1) of the National Environmental Policy Act of 1969 provides that, to the fullest extent possible, "the policies, regulations and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act." One of the most important objectives of the Act and the Council's

Guidelines is to build into the agency decisionmaking process appropriate consideration of the environmental aspects of the proposed action or decision.

.02 To carry out this objective, the Internal Revenue Service, as a Federal agency, is required to give due recognition in all its activities to each of the various declarations of national policy that are set out in the Act. In those declarations the Congress has recognized that each person has a responsibility to contribute to the preservation and enhancement of the environment. Also the Act provides that it is the continuing responsibility of the Federal Government to foster environmental objectives by using all practicable means consistent with other essential considerations of national policy.

SEC. 3. *Responsibilities.* .01 The Deputy Commissioner of Internal Revenue will serve as the Environmental Quality Officer for the Service. He will be responsible for insuring that key personnel are adequately informed as to the Service's broad-ranging responsibilities under the National Environmental Policy Act of 1969, the Clean Air Act, the Guidelines, and Executive Order 11514, and for generally keeping key personnel informed as to developments in environmental law that affect Service responsibilities. The Deputy Commissioner will have ultimate responsibility for determining which actions proposed by the Service require the preparation of an environmental statement, for the preparation, circularization, and publication of such statements, for necessary liaison with other agencies, both Federal and State, and for the preparation, distribution, and implementation of the subordinate procedures provided for in section 3.03.

.02 The Deputy Commissioner will be assisted in these responsibilities by the Assistant Commissioners (Technical, Compliance, Administration, and Planning and Research) who will be responsible for designating appropriate members of their organizations at all levels for timely initiating, reviewing and circulating environmental statements when required under applicable law or regulations, or the Guidelines.

.03 The Assistant Commissioners are responsible for establishing subordinate procedures within their organizations, including Field offices, for identifying agency actions requiring environmental statements, designating the appropriate time prior to decision on the action for the consultations with other agencies required under the Guidelines, and designating the review levels at which environmental statements are to be available. All such subordinate procedures shall be consonant with these general procedures and guidelines.

.04 The Office of the Assistant Secretary for Tax Policy is assuming responsibility for the preparation and utilization of environmental statements when required in connection with either the development of legislative proposals or regulations involving the Internal Revenue Code or related tax legislation.

SEC. 4. *Factors affecting the need for environmental statements.* .01 The section 102(2)(C) process is designed to insure that environmental considerations are given careful attention and appropriate weight in all Federal Government decisionmaking and that all interested parties including the public are given advance notice of all major Government agency decisions significantly affecting the quality of the environment. This does not mean that environmental values are the only values to be weighed but it does mean that the Service should continuously and responsibly consider environmental factors in its administration of the Internal Revenue Code and related statutes.

.02 A decision which will establish policy will be the subject of an environmental statement if one or more of the Service actions that would be taken under the proposed policy may have significant impact on the environment, even through the decision may not be a "major Federal action" in itself. Subsequent decisions involving substantially the same factual situation as the precedent-making decision will not require environmental statements, unless the continued propriety of the policy appears likely to be challenged if it is applied to the case under consideration.

.03 Section 102(2)(C) does not require environmental statements with regard to proposed Service actions or decisions that cannot reasonably be expected to have substantial effect on the environment, directly or indirectly. Once it is ascertained, however, that a proposed action or decision is one that will have a significant effect on the environment, the phrase "major Federal actions" should be read broadly. Covered decisions might include, for example, the siting of new Service facilities, the inauguration or expansion of operating facilities, the issuance of certain kinds of product composition approvals by the Alcohol, Tobacco, and Firearms Division, and even the preparation of a letter ruling or memorandum of technical advice if the ruling position embodied therein would be appropriate for publication as a revenue ruling.

.04 If the environmental impact of a proposed action is likely to be highly controversial, it should be considered to require an environmental statement.

.05 The statutory phrase "significantly affecting the quality of the human environment" in section 102(2)(C) of the National Environmental Policy Act of

1969 refers only to the physical environment as more particularly described in section 101 of the Act.

.06 The reporting requirements of section 102(2)(C) of the Act apply only to actions or decisions in which the Service has some range of judgment or discretion within which to consider the environmental effect of a given course of action. For example, if the proposed action is an interpretation of the law to be published as a revenue ruling, no environmental statement will be required if the tax law is so clear that only one interpretation is legally possible regardless of environmental considerations. However, in view of the broad nature of Congressional intention as expressed in the Act, doubtful situations should be resolved in favor of the use of environmental statements.

.07 When the Service shares responsibility with another Federal agency for deciding upon a course of action with significant environmental impact, the Service must prepare an environmental statement with regard to the decision only if it has primary authority as the lead agency for the decision. See Guidelines section 5(b).

Sec. 5. *Consultation with other agencies.* .01 Service personnel should initiate appropriate consultations with representatives of other Government agencies, including State and local officials, whenever it appears that such consultations would be helpful in determining the nature or extent to which any proposed Service action would have an impact on the environment. Similar interagency consultations should likewise be carried on with regard to the form and content of any given environmental statement for which the use of such an interdisciplinary approach would serve the established environmental goals of the Federal Government.

.02 If it is determined that an environmental statement is required, and that a review of the environmental impact of the proposed action might be made by a Federal, State, or local agency that is authorized to develop and enforce environmental standards, or is otherwise charged with any affected or potentially affected responsibility of an environmental nature, the Service shall consult with all such agencies by circulating copies of the draft environmental statement. Whenever appropriate for this purpose, the Service shall utilize the clearinghouse mechanism provided for in Office of Management and Budget Circular No. A-95 (July 24, 1969). See Guidelines sections 7 and 9. Comments of the consulted agencies shall be taken into account in preparing the final environmental statement.

Sec. 6. *Publicity.* .01 All draft and final environmental statements that may hereafter be prepared on behalf of the Service are subject to the publicity requirements set out in the current Guidelines of the Council on Environmental Quality. This means that as a general rule each draft environmental statement prepared for the Service, unless expressly excepted from advance publicity because of its potential effect on

procurement costs, shall be made available to the public at the same time that it is supplied to the Council and circulated for the comment of other Government agencies as provided in section 5.02. In any case where a proposed action affects matters within the jurisdiction of one or more State and local agencies having the authority to develop and enforce environmental standards, copies of each draft environmental statement prepared by the Service shall, no later than when first made available to the public and to the extent contemplated by section 9(b) of the Guidelines, also be supplied to each of the affected State, regional, and metropolitan clearinghouses established under OMB Circular No. A-95.

.02 Section 10(e) of the Council's Guidelines provides in part that agency procedures developed to insure public information of Federal plans and programs with environmental impact shall include, whenever appropriate, provision for public hearings. If it appears that a public hearing may be appropriate under the Guidelines, the matter should be referred to the Environmental Quality Officer for his personal decision.

.03 As a general rule, environmental statements and comments will be available for public inspection only at Washington, D.C., in the National Office, Public Information Division. However, if it appears that the nature or extent of the public interest in a particular proposal or class of proposals would best be served by the use of additional inspection locations, the documents will be made available in Regional Commissioners' public reading rooms and such District Directors' offices as the Environmental Quality Officer may approve and such availability will be publicly announced.

.04 Information not subject to public disclosure under existing statutes and regulations should not be revealed in an environmental statement required under section 102(2)(C) of the National Environment Policy Act of 1969. Whenever such information would be revealed by an environmental statement disclosing the facts of an actual case, a hypothetical example should be prepared to set out the environmental problem involved.

Sec. 7. *Content of environmental statement.* .01 Environmental statements shall comply with Guidelines section 6. In situations where proposed Service actions may have only an indirect effect on the environment, it may not be possible for the Service to furnish all the information prescribed by section 6. In that event, the environmental statement shall be as complete as available information permits and the lack of full information shall not be a reason to omit preparation of an environmental statement.

.02 A summary sheet shall accompany each environmental statement, consisting of no more than 1 page, covering the items listed in Appendix I of the Guidelines.

Sec. 8. *Timing.* .01 The Service shall provide the Council on Environmental Quality with 10 copies of the draft

environmental statement as early as possible, and in every case early enough in Service review process to allow time for review and comment by the Council.

.02 No proposed action or decision shall be taken less than 90 days from the issuance of a draft environmental statement, or 30 days from the issuance of a final environmental statement. If the final environmental statement is issued within 90 days of the draft statement, the 30-day period runs concurrently with the 90-day period to the extent that they overlap. In situations where emergency circumstances require that action be taken at an earlier date, see section 10(d) of the Council's Guidelines.

Dated: August 12, 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner
of Internal Revenue.

[FR Doc. 71-11628 Filed 8-11-71; 8:47 am]

DEPARTMENT OF DEFENSE

Department of the Army
SARDIS RESERVOIR, MISS.

Joint Order Interchanging Administrative Jurisdiction of Department of the Army Lands and National Forest Lands

By virtue of the authority vested in the Secretary of Agriculture and the Secretary of the Army by the Act of July 26, 1956 (70 Stat. 656; 16 U.S.C. 505a, 505b), it is ordered as follows:

1. The land under the jurisdiction of the Department of the Army described in Exhibit A, attached hereto and made a part hereof, which is within the exterior boundary of the Holly Springs National Forest, Miss., is hereby transferred from the jurisdiction of the Secretary of the Army to the jurisdiction of the Secretary of Agriculture.

2. The National Forest lands described in Exhibit B, attached hereto and made a part hereof, which are a part of the Holly Springs National Forest, Miss., are hereby transferred from the jurisdiction of the Secretary of Agriculture to the jurisdiction of the Secretary of the Army.

Pursuant to section 2 of the aforesaid Act of July 26, 1956, the National Forest lands transferred to the Secretary of the Army by this order are hereafter subject only to laws applicable to Department of the Army. The Department of the Army lands transferred to the Secretary of Agriculture by this order are hereafter subject to the laws applicable to the lands acquired under the Act of March 1, 1911 (36 Stat. 961), as amended.

Effective date. This order will be effective as of date of publication in the FEDERAL REGISTER (8-12-71).

CLIFFORD M. HARDIN,
Secretary of Agriculture.

Dated: June 24, 1971.

STANLEY R. RESOR,
Secretary of the Army.

Dated: May 25, 1971.

EXHIBIT A

LANDS TRANSFERRED FROM THE SECRETARY OF THE ARMY TO THE SECRETARY OF AGRICULTURE

Tract No. P-157. Land transferred herein consists of 80.00 acres, more or less. Legal description of this tract is on file in the office of District Engineer, Corps of Engineers, Vicksburg, Miss., and the office of the Forest Supervisor, National Forests in Mississippi, Jackson, Miss.

EXHIBIT B

LANDS TRANSFERRED FROM THE SECRETARY OF AGRICULTURE TO THE SECRETARY OF THE ARMY

Tracts 2002 and 600. Land transferred herein consists of 70.32 acres, more or less. Legal descriptions of these tracts are on file in the office of the Forest Supervisor, National Forests in Mississippi, Jackson, Miss., and the District Engineer, Corps of Engineers, Vicksburg, Miss.

[FR Doc. 71-11663 Filed 8-11-71; 8:50 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 18888]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

Correction

In F.R. Doc. 71-10386 appearing on page 13623 in the issue for Thursday, July 22, 1971, under the Minneopa Lake Recreation Area, Section 21, the fourth description "E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ " should read "E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ ".

FIRE BOSSES ET AL., COLORADO
STATE OFFICEDelegation of Authority Regarding
Contracts and Leases

Supplement to Bureau of Land Management Manual 1510.

A. Pursuant to delegation of authority contained in Bureau Manual 1510-03C, any employee under my jurisdiction assigned to fire emergencies as a Fire Boss, Service Chief, Supply Officer, Finance Chief, or Time Officer are authorized:

1. To enter into contracts pursuant to section 302(c)(2) of the FPAS Act, regardless of amount. This authority is to be used for rental of equipment and aircraft and for procurement of supplies and services required for emergency fire suppression and presuppression, where the order exceeds \$2,500, and

2. To enter into contracts pursuant to section 302(c)(3) of the FPAS Act, for supplies, services and rental of equipment and aircraft not to exceed \$2,500 per transaction; and for construction not to exceed \$2,000 per transaction: *Provided*,

That the requirement is not available from established sources of supply.

E. I. ROWLAND,
State Director.

[FR Doc. 71-11611 Filed 8-11-71; 8:46 am]

[N.M. Misc. 20]

NEW MEXICO

Order Opening Lands To Entry

AUGUST 5, 1971.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

NEW MEXICO PRINCIPAL MERIDIAN

- T. 3 N., R. 10 W.,
Sec. 7, E $\frac{1}{2}$;
Sec. 18, lots 2, 3, 4, E $\frac{1}{2}$, and E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 19, lots 1, 2, 3, 4, E $\frac{1}{2}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$.
T. 18 N., R. 12 W.,
Sec. 14, N $\frac{1}{2}$.
T. 30 N., R. 14 W.,
Sec. 7, N $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 18, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 1 N., R. 15 W.,
Sec. 14, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 15, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 20, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 21, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 22, NE $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 23, E $\frac{1}{2}$ and NW $\frac{1}{4}$;
Sec. 26, NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$;
Sec. 27, SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 28, SE $\frac{1}{4}$;
Sec. 33, E $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 34, W $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$;
Sec. 35, N $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 30 N., R. 15 W.,
Sec. 12, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 13, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, and N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 23, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 24, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 25, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 26, N $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 1 N., R. 17 W.,
Sec. 17;
Sec. 18, lot 3, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 30, lots 3, 4, E $\frac{1}{2}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 31.
T. 1 N., R. 18 W.,
Sec. 12, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 13, W $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 1 S., R. 17 W.,
Sec. 5, lots 5, 6, 11, 12, and SW $\frac{1}{4}$;
Sec. 6, lots 9, 10, 11, 12, 13, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 7, lots 2, 3, 4, E $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 8, W $\frac{1}{2}$;
Sec. 18, lots 1, 2, 3, NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 19, lots 1, 2, W $\frac{1}{2}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 20, W $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 30, lots 1, 3, 4, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ W $\frac{1}{2}$.
T. 1 S., R. 18 W.,
Sec. 11, S $\frac{1}{2}$;
Sec. 12, lots 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 13, lots 1, 2, 3, 4, and W $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 14, N $\frac{1}{2}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 15, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 22, NE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 23, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$.

NEW MEXICO PRINCIPAL MERIDIAN—Continued

- Sec. 24, lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 26, W $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 27, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34, lots 3, 4, NE $\frac{1}{4}$, and N $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 35, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 22 S., R. 3 E.,
Sec. 14, W $\frac{1}{2}$.
T. 17 S., R. 17 E.,
Sec. 13, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 24, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 17 S., R. 18 E.,
Sec. 16, W $\frac{1}{2}$;
Sec. 18, lots 1, 2, NE $\frac{1}{4}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 19, lots 3, 4, E $\frac{1}{2}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 20;
Sec. 21, E $\frac{1}{2}$ and SW $\frac{1}{4}$;
Sec. 22, W $\frac{1}{2}$ E $\frac{1}{2}$ and W $\frac{1}{2}$;
Sec. 27, W $\frac{1}{2}$ E $\frac{1}{2}$ and W $\frac{1}{2}$;
Sec. 28;
Sec. 29, E $\frac{1}{2}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;
Sec. 30;
Sec. 31, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 32;
Sec. 33, N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34, W $\frac{1}{2}$ E $\frac{1}{2}$ and W $\frac{1}{2}$.
T. 18 S., R. 18 E.,
Sec. 3, lots 2, 3, 4, 5, 6, 7, 10, 11, 12, SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 4;
Sec. 5, lots 1, 2, 3, 5 to 12, inclusive, and S $\frac{1}{2}$;
Sec. 6, N $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 7, N $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 8, N $\frac{1}{2}$ and N $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 9, N $\frac{1}{2}$ and N $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 10, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 18 S., R. 21 E.,
Sec. 35, NW $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 21 S., R. 31 E.,
Sec. 18, NW $\frac{1}{4}$ NE $\frac{1}{4}$.

The areas described aggregate 25,966.06 acres in Catron, Chaves, Dona Ana, Eddy, Lea, Lincoln, McKinley, and San Juan Counties.

2. The topography of the lands described above varies from moderately rolling to rougher badlands and some mountainous and rough broken terrain created by intermittent drainages. Soils vary from sandy, clayey loams to shallow and rocky soils with moderate size boulders. Vegetation consists of native grasses, snakeweed, Spanish dagger, yucca, prickly pear cacti, creosote bush, and piñon and juniper trees.

3. Subject to valid existing rights, the provisions of existing withdrawals and requirements of applicable law, the lands described above are hereby open to petition-application, location and selection. All valid applications received at or prior to 10 a.m. on September 2, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The land described as N $\frac{1}{2}$ Sec. 14, T. 18 N., R. 12 W., shall also be open to applications and offers under the mineral leasing laws and to locations and entry under the U.S. mining laws. All valid applications received at or prior to 10 a.m. on September 2, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands shall be addressed to the Chief, Division of Technical Services, Bureau of Land Management, Post Office Box 1449, Santa Fe, NM 87501.

MICHAEL T. SOLAN,
Chief,

Division of Technical Services.

[FR Doc.71-11619 Filed 8-11-71; 8:46 am]

Office of the Secretary
CASTLE L. BRADEEN

Report of Appointment and Statement
of Financial Interests

AUGUST 6, 1971.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER.

Name of appointee: Castle L. Bradeen.
Name of employing agency: Department of the Interior, Defense Electric Power Administration.

The title of the appointee's position: Deputy Director, DEPA Area 15.

The name of the appointee's private employer or employers: City of Seattle, Department of Lighting.

The statement of "financial interests" for the above appointee is set forth below.

ROGERS C. B. MORTON,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL
INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 1, 1971, as Deputy Director, Area 15, Defense Electric Power Administration, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Union Oil Co.
Tenneco.
Bank America Realty Investors.
Dayton Power and Light.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

C. L. BRADEEN.

JULY 16, 1971.

[FR Doc.71-11620 Filed 8-11-71; 8:45 am]

HARLEY L. COLLINS
Report of Appointment and Statement
of Financial Interests

AUGUST 6, 1971.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER.

Name of appointee: Harley L. Collins.
Name of employing agency: Department of the Interior, Defense Electric Power Administration.

The title of the appointee's position: Deputy Director, DEPA Area 3.

The name of the appointee's private employer or employers: Pennsylvania Power and Light Company.

The statement of "financial interests" for the above appointee is set forth below.

ROGERS C. B. MORTON,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL
INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 1, 1971, as Deputy Director, Area 3, Defense Electric Power Administration, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Pennsylvania Power & Light Co.—stocks.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

HARLEY L. COLLINS.

JULY 2, 1971.

[FR Doc.71-11621 Filed 8-11-71; 8:45 am]

WALTER M. CREITZ
Report of Appointment and Statement
of Financial Interests

AUGUST 6, 1971.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Walter M. Creitz.

Name of employing agency: Department of the Interior, Defense Electric Power Administration.

The title of the appointee's position: Deputy Director, DEPA Area 3.

The name of the appointee's private employer or employers: Metropolitan Edison Co.

The statement of "financial interests" for the above appointee is set forth below.

ROGERS C. B. MORTON,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL
INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 1, 1971, as Deputy Director, DEPA Area 3, Defense Electric Power Administration, an officer or director:

York County Industrial Corp.—Vice President and Director.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

General Public Utilities Corp. (Common Stock and Debentures).

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

WALTER M. CREITZ.

JULY 12, 1971

[FR Doc. 711622 Filed 8-11-71; 8:45 am]

RAY F. DAVIS

Report of Appointment and Statement
of Financial Interests

AUGUST 6, 1971.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Ray F. Davis.
Name of employing agency: Department of the Interior, Defense Electric Power Administration.

The title of the appointee's position: Deputy Director, DEPA Area 16.

The name of the appointee's private employer or employers: Southern California Edison Co.

The statement of "financial interests" for the above appointee is set forth below.

ROGERS C. B. MORTON,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 1, 1971, as Deputy Director, DEPA Area 16, Defense Electric Power Administration, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Southern California Edison Co., salary and stock only.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

RAY F. DAVIS.

JULY 7, 1971.

[FR Doc.71-11623 Filed 8-11-71;8:46 am]

ROBERT J. MARCHETTI

Report of Appointment and Statement of Financial Interests

AUGUST 6, 1971.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of Appointee: Robert J. Marchetti.

Name of Employing Agency: Department of the Interior, Defense Electric Power Administration.

The Title of the Appointee's Position: Deputy Director, Area 11.

The Name of the Appointee's Private Employer or Employers: Minnesota Power & Light Co.

The statement of "financial interests" for the above appointee is set forth below.

ROGERS C. B. MORTON,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 1, 1971, as Deputy Director, Area 11, Defense Electric Power Administration, an officer or director:

Minnesota Power & Light Co.

(2) Names of any corporations in which I own, or did own within 60 days

preceding my appointment, any stocks, bonds, or other financial interests:

- 1—Minnesota Power & Light Co.
- 2—Cooper Labs.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

ROBERT J. MARCHETTI.

JULY 2, 1971.

[FR Doc.71-11624 Filed 8-11-71;8:46 am]

FREDERIC M. TREFFINGER

Report of Appointment and Statement of Financial Interests

AUGUST 6, 1971.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Frederic M. Treffinger.

Name of employing agency: Department of the Interior, Defense Electric Power Administration.

The title of the appointee's position: Region 8 Power Liaison Officer.

The name of the appointee's private employer or employers: Puget Sound Power & Light Co.

The statement of "financial interests" for the above appointee is set forth below.

ROGERS C. B. MORTON,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 1, 1971, as Regional Power Liaison, Defense Electric Power Administration, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Puget Sound Power & Light Co.
Investment Plan for Employees of Puget Power, National Bank of Commerce of Seattle—Trustee (Diversified Investments).

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days

preceding my appointment:

None.

F. M. TREFFINGER.

JULY 8, 1971.

[FR Doc.71-11625 Filed 8-11-71;8:46 am]

DEPARTMENT OF AGRICULTURE

**Consumer and Marketing Service
POULTRY INSPECTION**

Notice of Intended Designation of Pennsylvania Under Poultry Products Inspection Act

Subsection 5(c) of the Poultry Products Inspection Act (21 U.S.C. 454(c)) required the Secretary of Agriculture to designate promptly after August 18, 1970, any State as one in which the requirements of sections 1-4, 6-10, and 12-22 of said Act would apply to intrastate operations and transactions, and to persons engaged therein, with respect to poultry, poultry products and other articles subject to the Act, if he determined after consultation with the Governor of the State, or his representative, that the State involved had not developed and activated requirements at least equal to those under sections 1-4, 6-10, and 12-22, with respect to establishments within the State (except those that would be exempted from Federal inspection under subsection 5(c)(2) of the Act), at which poultry are slaughtered or poultry products are processed for use as human food, solely for distribution within such State, and the products of such establishments. However, if the Secretary had reason to believe that the State would activate the necessary requirements within an additional year, he could allow the State the additional year in which to activate such requirements.

The Secretary had reason to believe, after consultation with the Governor of the State of Pennsylvania, that the State would develop and activate the prescribed requirements by August 18, 1971, and accordingly allowed the State the additional period of time for this purpose. However, the Governor of the State of Pennsylvania has now advised the Secretary that the State will not be in a position to enforce such requirements. Therefore, notice is hereby given that the Secretary of Agriculture will designate said State under subsection 5(c) of the Act as soon as necessary arrangements can be made for determining which establishments in this State are eligible for Federal inspection, providing inspection at the eligible establishments, and otherwise enforcing the applicable provisions of the Federal Act with respect to intrastate activities in this State when the designation is made and becomes effective. As soon as these arrangements are completed, notice of the designation will be published in the FEDERAL REGISTER. Upon the expiration of 30 days after such publication, the provisions of sections 1-4, 6-10, and 12-22 of the Act shall

apply to intrastate operations and transactions and persons engaged therein, in said State, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce", within the meaning of the Act, and any establishment in said State which conducts any slaughtering of poultry or processing of poultry products as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under subsection 5(c)(2) or section 15 of the Act.

Therefore, the operator of each such establishment in the State of Pennsylvania who desires to continue such operations after designation of the State becomes effective should immediately communicate with the Regional Director specified below:

Dr. C. F. Diehl, Director, Northeastern Region for Meat and Poultry Inspection Program, Seventh Floor, 1421 Cherry Street, Philadelphia, PA 19102. Telephone: AC 215/597-4216.

Done at Washington, D.C., on August 6, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-11626 Filed 8-11-71; 8:47 am]

Office of the Secretary
SARDIS RESERVOIR, MISS.

Joint Order Interchanging Administrative Jurisdiction of Department of the Army Lands and National Forest Lands

CROSS REFERENCE: For a document regarding a joint order interchanging administrative jurisdiction of Army lands and National Forest lands, see F.R. Doc. 71-11663, *supra*.

DEPARTMENT OF COMMERCE

Office of Import Programs

BAPTIST MEMORIAL HOSPITAL

Notice of 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 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 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.

Docket No. 71-00300-33-46040. Applicant: Baptist Memorial Hospital, 899 Madison Avenue, Memphis, TN 38103. Article: Electron microscope, Model EM 9A. Manufacturer: Carl Zeiss, Inc., West Germany.

Intended use of article: The article will be used for studies of human and animal tissue as they are altered by hypertension, experimental and spontaneous. In particular, blood vessels from several locations will be examined and renal changes will be studied with special attention to the medullary interstitial cells. The educational programs of the Pathology Department will use the article to teach electron microscopy.

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 applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The most closely comparable domestic instrument is the Model EMU-4 electron microscope which was formerly being manufactured by the Radio Corp. of America (RCA) and which is currently being supplied by the Forgiolo Corp. (Forgio). The Model EMU-4 electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated March 19, 1971, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU-4 electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-11631 Filed 8-11-71; 8:47 am]

COLUMBIA UNIVERSITY

Notice of 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 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 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.

Docket No. 71-00310-33-46040. Applicant: Columbia University, 630 West 188th Street, New York, NY 10032. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands.

Intended use of article: The article will be used in the Orthopaedic Research Laboratories for studies of the fine structure of bone, cartilage, other connective tissue cells and mineralizing collagen. Osteogenesis and collagen synthesis in fracture repair will be investigated. The main research program concerns the effects of bioelectric phenomena on the functions of connective tissue cells.

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 foreign article provides a continuous magnification from 220 to 550,000 magnifications, without changing the pole-piece. The most closely comparable domestic instrument is the Model EMU-4C manufactured by the Forgiolo Corporation. The Model EMU-4C, with its standard pole-piece, has a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range can be reduced to 200 magnifications or less. But the continued reduction of magnification induces an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU-4C that for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, an optional low magnification pole-piece should be used. Changing the pole-piece on the Model EMU-4C requires a break in the vacuum of the column. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated March 19, 1971, that the applicant requires the capability of rapid shift from very low to very high magnification without opening the column in order to achieve the purposes for which the article is intended to be used.

HEW further advises that breaking the vacuum in the column induces the danger of contamination which would very likely lead to the failure of the experiment. Therefore, the capability of moving from 220 to 550,000 magnifications without changing pole-pieces, while at the same time providing high-quality micrographs at low magnifications, is considered to be a pertinent characteristic. For these reasons, we find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,

Office of Import Programs.

[FR Doc.71-11632 Filed 8-11-71;8:47 am]

DUKE UNIVERSITY

Notice of 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 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 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.

Docket No. 71-00329-00-46040. Applicant: Duke University, Durham, N.C. 27706. Article: Image intensifier. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article is an accessory for an existing Elmiskop 101 electron microscope.

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 an accessory 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.

The Department of Commerce knows of no similar accessory 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.

SETH M. BODNER,
Director,

Office of Import Programs.

[FR Doc.71-11633 Filed 8-11-71;8:47 am]

DUKE UNIVERSITY

Notice of 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 (Public Law 89-651, 80 Stat. 897) and

the regulations issued thereunder as amended (34 F.R. 15787 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.

Docket No. 71-00327-00-46040. Applicant: Duke University Medical Center, Durham, N.C. 27706. Article: Accessories for AEI EM 801. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom.

Intended use of article: The articles are accessories for an existing electron microscope.

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 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.

The Department of Commerce knows of no similar accessories 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.

SETH M. BODNER,
Director,

Office of Import Programs.

[FR Doc.71-11634 Filed 8-11-71;8:48 am]

MALLINCKRODT INSTITUTE

Notice of 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 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 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.

Docket No. 71-00184-33-43780. Applicant: Mallinckrodt Institute of Radiology, 510 Kingshighway, St. Louis, MO 63110. Article: Fluoroscopic apparatus for replicating the geometrical factors relevant to positioning a therapeutic unit according to the size, location and extension of the tumor to be treated. Manufacturer: Toshiba (Tokyo Shibaura Electric Co., Ltd.), Japan.

Intended use of article: The article will be used to test and evaluate the efficacy of the fluoroscopic techniques in localizing and defining the extent of tumors, as

well as to develop techniques for blocking of beams.

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 foreign article has the capability of localizing and defining the location and extent of tumors at low energy in a manner which replicates the geometric factors involved in the positioning of any kind of high energy radiotherapeutic unit. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 5, 1971, that the characteristics of the article described above are pertinent to the applicant's research studies. HEW further advises that it knows of no comparable domestic instrument which provides the pertinent characteristics of the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,

Office of Import Programs.

[FR Doc.71-11635 Filed 8-11-71;8:48 am]

MASSACHUSETTS GENERAL HOSPITAL

Notice of 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 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 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.

Docket No. 71-00281-33-43780. Applicant: The Massachusetts General Hospital, Fruit Street, Boston, MA 02114. Article: 12 total hip joint replacements. Manufacturer: Protek Ltd., Switzerland.

Intended use of article: The article will be used in the study and scientific assessment of hip reconstructions, using total hip replacement in contrast to previously existing modes of reconstructive hip surgery. Medical students will be trained in this technique.

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 article is a combination of the Charnley apparatus which combines a metal femoral head prosthesis with a head diameter of 32 millimeters and a high-density polyethylene acetabulum which accepts only this size head, and the Mueller apparatus which has a larger femoral head size and an acetabular component made of metal but with three polyethylene bearing points in the cup. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 19, 1971, that the combination of characteristics described above is pertinent to the purposes for which the article is intended to be used.

HEW further advises that it knows of no equivalent prosthesis being manufactured in the United States which provides the pertinent combination of characteristics.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc. 71-11636 Filed 8-11-71; 8:48 am]

MASSACHUSETTS GENERAL HOSPITAL

Notice of 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 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 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.

Docket No. 71-00203-33-43780. Applicant: The Massachusetts General Hospital, Fruit Street, Boston, MA 02114. Article: Total hip joint replacements, 12 each. Manufacturer: Protek Ltd., Switzerland.

Intended use of article: The purposes for which the articles are intended to be used are for a study and scientific assessment of hip reconstructions, using total hip replacement in contrast to previously existing modes of reconstructive hip surgery.

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 article is a combination of the Charnley apparatus which combines a metal femoral head prosthesis with a head diameter of 32 millimeters and a high-density polyethylene acetabulum which accepts only this size head, and the Mueller apparatus which has a larger femoral head size and an acetabular component made of metal but with three polyethylene bearing points in the cup.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 29, 1971, that the combination of characteristics described above is pertinent to the purposes for which the article is intended to be used.

HEW further advises that it knows of no equivalent prosthesis being manufactured in the United States which provides the pertinent combination of characteristics.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc. 71-11637 Filed 8-11-71; 8:48 am]

UNIVERSITY OF NEBRASKA

Notice of 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 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 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.

Docket No. 71-00192-98-70000. Applicant: University of Nebraska, Lincoln, Nebr. 68503. Article: Five each miniature net radiometers, Model CN-6, spare domes, and calibration certificates. Manufacturer: Middleton & Co., Pty., Ltd., Australia.

Intended use of article: The article will be used in a research program related to the study of energy and matter transfer at the earth's surface. The net radiation over and within the canopy of irrigated crops will be measured.

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 foreign article is equipped with a 1/2-inch head and

has a sensitivity of 3 millivolts per gram calorie per square centimeter per minute. The most closely comparable domestic instruments are radiometers manufactured by Science Associates Incorporated. We are advised by the National Bureau of Standards (NBS) in its memorandum dated January 21, 1971, that the small size and sensitivity of the article are pertinent to the applicant's research studies. NBS further advises that domestic instruments do not provide sensitivity equivalent to that of the foreign article in their small units.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc. 71-11638 Filed 8-11-71; 8:48 am]

UNIVERSITY OF OKLAHOMA

Notice of 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 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 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.

Docket No. 71-00168-33-46070. Applicant: The University of Oklahoma, School of Geology and Geophysics, 830 Van Vleet Oval, Room 107, Norman, OK 73069. Article: Scanning electron microscope, Model JSM-2 with goniometer type specimen stage. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan.

Intended use of article: The article will be used for research purposes which include orientation and chemical alterations of individual clay particles, microareas of zeolitic development, surface morphology of flea development, fossil brachiopods, fossil spore, and pollen and mineral grain relationship and grain morphology.

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, was being manufactured in the United States, at the time the foreign article was ordered June 16, 1969.

Reasons: The foreign article is equipped with a rapid TV scan attachment which provides a picture having a continuous motion instead of the interrupted motion provided by the conventional mode of presentation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 8, 1971, that the characteristic of the article described above is pertinent to the applicant's research studies. HEW further

advises that it knew of no comparable domestic instrument which provided this pertinent capability at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

SETH M. BODNER,
Director,

Office of Import Programs.

[FR Doc.71-11639 Filed 8-11-71;8:48 am]

UNIVERSITY OF WISCONSIN

Notice of 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 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 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.

Docket No. 71-00175-33-46040. Applicant: University of Wisconsin, 750 University Avenue, Madison, WI 53706. Article: Electron microscope, Model EM6B. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom.

Intended use of article: The article will be used for the following purposes: (1) To study the cytology of chemoreception in insects. (2) Studies on the fate of plant viruses in their insect vectors. (3) The mode of action of pathogenic insect viruses. (4) Studies on the cytology of insect fat bodies. (5) The intra and interrelationships of insect symbionts, and (6) Cytological studies on the penetration and metabolism of insecticides by insects and plants.

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 foreign article provides specimen holders which will hold three grids. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly manufactured by the Radio Corp. of America (RCA) and which is currently being supplied by Forgflo Corp. (Forgflo). We are advised by the Department of Health, Education, and Welfare (HEW) in a memorandum dated January 19, 1971, that the multiple specimen holder of the foreign article is pertinent to the applicant's research studies. HEW further advises that the EMU-4B does not have an equivalent multiple specimen

holder. We, therefore, find that the EMU-4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,

Office of Import Programs.

[FR Doc.71-11640 Filed 8-11-71;8:48 am]

UNIVERSITY OF WYOMING

Notice of 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 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 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.

Docket Number: 71-00169-89-43000. Applicant: University of Wyoming, Department of Geology, Box 3006, University Station, Laramie, WY 82070. Article: Laboratory astatic magnetometer, Model LAM-1. Manufacturer: Institute of Applied Geophysics, Czechoslovakia.

Intended use of article: The article will be used to measure the intensity and direction of remanent magnetization of naturally occurring rock and mineral samples and synthetic specimens of magnetic materials. The objectives of the proposed research are twofold: (1) To determine the mechanisms controlling magnetization in rock-forming magnetic minerals and (2) to conduct paleomagnetic studies on rocks of particular geologic interest. In the course of this research, it will be necessary to measure the remanent magnetization of large, often unconsolidated samples and also to study the decay of remanence as temperature is increased from room temperature to the Curie point.

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 foreign article can be used to measure the remanent magnetization of specimens as large as 1,000 cubic centimeters and permits studies to be made in a furnace for measurement at high temperatures. We are advised by the National Bureau of Standards in its memorandum dated February 2, 1971, that the characteristics

of the article described above are pertinent to the applicant's research studies. NBS further advises that it knows of no comparable domestic instruments which provides the pertinent characteristics of the article.

SETH M. BODNER,
Director,

Office of Import Programs.

[FR Doc.71-11641 Filed 8-11-71;8:48 am]

WALLA WALLA COMMUNITY COLLEGE

Notice of 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 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 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.

Docket No. 71-00194-98-26000. Applicant: Walla Walla Community College, Walla Walla, Wash. 99362. Article: Theory of electricity device, Model EGZA/ZT Ba, Bb. Manufacturer: Dr. Clemenz, West Germany.

Intended use of article: The article will be used in classes of electricity for teaching the basic theory of electricity. This device teaches the student to construct electrical articles by actual practice.

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 foreign article provides a means of demonstrating electrical phenomena to students, through construction by the students of alternating and direct current generators, three-phase motors, etc. We are advised by the National Bureau of Standards (NBS) in its memorandum dated December 15, 1970, that it knows of no instrument or apparatus being manufactured in the United States, which is capable of fulfilling the purposes for which the foreign article is intended to be used.

SETH M. BODNER,
Director,

Office of Import Programs.

[FR Doc.71-11642 Filed 8-11-71;8:48 am]

WHEATON COLLEGE

Notice of 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 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 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.

Docket No. 71-00318-15-14000. Applicant: Wheaton College, Norton, Mass. 02766. Article: Abbe comparator Model B. Manufacturer: Carl Zeiss Jena, East Germany.

Intended use of article: The article will be used to study stellar phenomena such as molecular and elemental compositions of evolved stars; and radial velocities of evolved stars which may be members of clusters and binary systems.

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 foreign article provides an accuracy of 1.5 microns over 200 millimeters of travel. We are advised by the National Bureau of Standards (NBS) in its memorandum dated March 5, 1971, that an accuracy of 1.5 microns over 200 millimeters is pertinent to the purposes for which the foreign article is intended to be used. NBS further advises that it knows of no available domestically manufactured comparator that provides the pertinent characteristic.

SETH M. BODNER,
Director,

Office of Import Programs.

[FR Doc. 71-11643 Filed 8-11-71; 8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 2282]

NONRADIOPAQUE DIAGNOSTIC DRUGS FOR HUMAN USE; DRUG EFFICACY STUDY IMPLEMENTATION

Correction

In F.R. Doc. 71-11293 appearing at page 14507 in the issue for Friday, August 6, 1971, in paragraph 4, following the first paragraph, the word "Insulin" should read "Inulin".

ATOMIC ENERGY COMMISSION

[Docket No. 50-395]

SOUTH CAROLINA ELECTRIC & GAS CO.

Notice of Receipt of Application for Construction Permit and Facility Li- cense; Time for Submission of Views on Antitrust Matters

South Carolina Electric & Gas Co., 328
Main Street, Post Office Box 764, Colum-

bia, SC 29202, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application dated June 30, 1971, for authorization to construct and operate a pressurized water nuclear reactor designated as Virgil C. Summer Nuclear Station, Unit 1, on the applicant's site in Fairfield County, S.C.

The site is located immediately north of Parr, S.C., and is adjacent to a man-made lake created by placing a series of dams across Frees Creek, a tributary of the Broad River. The lake is located east of the Broad River and west of South Carolina State Highway 215, about 26 miles north of Columbia, in western Fairfield County, S.C.

The proposed nuclear power station will consist of a pressurized water nuclear reactor, which is designed for a power output of 2,785 megawatts thermal (MWT), with an equivalent station net electrical output of approximately 900 megawatts electrical (MWE).

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after July 22, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and a copy has been sent to the Fairfield County Library, Vanderhorst Street, Winnsboro, SC 29180, Miss Jean Metelli, Librarian.

Dated at Bethesda, Md., this 15th day of July 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc. 71-10322 Filed 7-21-71; 8:45 am]

[Docket No. 50-255]

CONSUMERS POWER CO.

Notice of Intent To Reconvene Hearing On Less Than 30 Days' Notice

On July 22, 1971, Consumers Power Co. (Consumers) filed a telegraphic motion requesting a license for operation of its constructed Palisades Plant at 60 percent of rated power, or 1,320 thermal megawatts. On August 3, 1971, in response to that motion, a hearing was held in this proceeding, at which time Consumers presented an analysis, dated July 19, 1971, of the emergency core cooling system and plant capability applying the Interim Acceptance Criteria for Emergency Core Cooling Systems specified by the Commission in its statement issued June 19, 1971. In addition, at the August 3 hearing, consideration was given to environmental matters that may be present in this proceeding by reason of the decision issued on July 23, 1971, by the U.S. Court of Appeals for the District of Columbia Circuit in the matter of "Calvert Cliffs' Coordinating Committee, Inc., et al. v. U.S. Atomic Energy Commission" (Case No. 24,871). The regulatory staff of the Commission presented a statement requesting that all action on environmental matters be de-

ferred until further review has been completed by the Staff on environmental statements. The Atomic Safety and Licensing Board granted that request.

In addition, the staff urged the hearing proceed to a consideration of any other matters awaiting development of data for the record. The Board concluded that its remaining concerns in the proceeding were primarily related to or necessarily a part of the environmental issues and the emergency core cooling system matters and that, therefore, it would not expedite the proceeding to interrogate witnesses or to consider those concerns with the parties at that time. The Board has not completed its review of the analysis of the emergency core cooling system submitted by Consumers or the Staff report which were made available within the week prior to the August 3 hearing.

On August 4, 1971, the Atomic Energy Commission issued a statement regarding environmental issues guided by the aforesaid Calvert Cliffs' decision and which issues may be present in the hearings conducted for construction and operating licenses for nuclear power facilities. In the statement, the Commission indicated that its proceedings would continue in hearing as far as possible on all matters not affected by that court decision.

The Atomic Safety and Licensing Board is presently continuing its review of the emergency core cooling system analysis and the Regulatory Staff report thereon. The Board anticipates that some further submittals in this regard will be made by the parties to the proceeding. The Board concludes that when all data on environmental issues and emergency core cooling system reports have been submitted and reasonably adequate time has been provided for review of these data by the parties as well as by the Board, the hearing will be reconvened at a time with less than 30 days' notice but after due consideration to the convenience and availability of all of the parties. Public notice will be given of the order reconvening the hearing, which will include publication of a copy of the order in the FEDERAL REGISTER and distribution of copies to news media, including newspapers, television and radio in the vicinity of Kalamazoo, Mich.

Wherefore, notice is hereby given, in accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, that an order reconvening hearing in this proceeding will be issued on less than 30 days' notice and all persons interested in the proceeding are directed to be informed hereof from the official record of this proceeding in the Office of the Secretary of the Atomic Energy Commission, Washington, D.C. 20545. Copies of the orders issued in this proceeding may be requested from the Secretary.

Issued: August 6, 1971, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc. 71-11658 Filed 8-11-71; 8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19213-19215; FCC 71R-243]

LAKE ERIE BROADCASTING CO. ET AL.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Lake Erie Broadcasting Co., Lorain, Ohio, Docket No. 19213, File No. BPH-6969; Lorain Community Broadcasting Co., Lorain, Ohio, Docket No. 19214, File No. BPH-7044; Vocom Industries, Inc., Lorain, Ohio, Docket No. 19215, File No. BPH-7191; for construction permits.

1. This proceeding, involving the mutually exclusive applications of Lake Erie Broadcasting Co. (Lake Erie), Lorain Community Broadcasting Co., and Vocom Industries, Inc. (Vocom), for a new FM broadcasting station in Lorain, Ohio, was designated for hearing by Commission Order, FCC 71-408, released April 21, 1971. Presently before the Review Board is a petition to enlarge the issues, filed on May 13, 1971, by Lake Erie¹ seeking to add issues to determine: (1) Whether the transmitter site proposed by Vocom is available to it; (2) whether Vocom has misrepresented the availability of the proposed transmitter site and, therefore, has the necessary character qualifications to be a station licensee; and (3) whether the transmitter site proposed by Vocom meets the requirements of § 73.315(a) of the Commission's rules, which requires that the transmitter location be chosen so that a minimum signal strength of 70 dbu will be provided over the entire principal community to be served.

2. In support of its request for the addition of a site availability issue, Lake Erie submits an affidavit wherein it is asserted that a thorough search of the records of the Lorain County Recorder's Office revealed no recorded transfer, conveyance, option or lease by the owners of the proposed tower site to Vocom or Black Resources, Inc. (the predecessor of Vocom); and that the proposed tower site would not comply with the zoning ordinance of the village of Sheffield, Lorain County, Ohio. The affiant also states that he spoke with the owners of the land Vocom proposes to utilize as its site, and was told by the owners that they had no knowledge that their land was a proposed site for a broadcast tower. Lake Erie has also filed an affidavit and a letter from the respective owners of the property upon which Vocom's proposed tower site coordinates fall, wherein they aver that there are no agreements of any kind for the use of the land as a transmitter site. Lake Erie relies on the same allegations to support its request for the

addition of a misrepresentation issue. Finally, Lake Erie requests that an issue inquiring into compliance with § 73.315(a) be added, alleging that part of the city limits of Lorain will not be covered by the required signal. Lake Erie submits an affidavit from its consulting engineer and a map of the Lorain city limits with the pertinent contour depicted thereon to substantiate its allegation. The Broadcast Bureau, in its comments, supports the requested site availability and § 73.315(a) issues, and withholds comment on the requested misrepresentation issue pending an explanation from Vocom.

3. The Review Board will add a site availability issue, as requested by Lake Erie. Its petition is adequately supported by affidavits in which it is asserted that Vocom does not have any agreements with the owners of the land on which it proposes to locate its transmitter nor has it contacted the owners of the property. And, as noted by the Broadcast Bureau, when Black Resources, Inc. (Vocom's predecessor), amended its application to change its transmitter site, it did not amend its FCC Form 301, section III (1), filed April 2, 1970, concerning acquisition of land for the proposed site. Thus, the amended application makes no reference to how Vocom will obtain land for the new transmitter site. The factual questions raised by Lake Erie and the Broadcast Bureau have not been answered by Vocom. Therefore, addition of the requested site issue against Vocom is warranted. Marbro Broadcasting Company, Inc., 2 FCC 2d 1030, 7 RR 2d 216 (1966). The Review Board will also add an issue to determine whether Vocom's proposal complies with the requirements of § 73.315(a) of the rules. Lake Erie has submitted an affidavit from an engineer and a map of the city limits of Lorain, Ohio, which indicate that Vocom's 70 dbu contour does not cover a small portion (southwest corner) of the city limits. Vocom has not responded to Lake Erie's allegations, nor has it requested a waiver of § 73.315(a). An issue inquiring into this matter is therefore clearly necessary. Finally, Lake Erie's request for the addition of a misrepresentation issue will also be granted. As the Board noted in "Moline Television Corp.", 12 FCC 2d 770, 13 RR 2d 77 (1968), an applicant, in specifying a site, "impliedly represents that he has obtained 'reasonable assurance' that the site will be available, and a failure to inquire as to the availability of the site is inconsistent with such a representation." Also see "Geoffrey A. Lapping," FCC 62-682, 23 RR 919. In light of the affidavits submitted by Lake Erie asserting that the owners of Vocom's proposed transmitter site have not been contacted by that company or its predecessor, the Board is constrained to add an issue to determine whether Vocom misrepresented the availability of its proposed site.

4. Accordingly, it is ordered, That the petition to enlarge the issues, filed May 13, 1971, by Lake Erie Broadcasting Co., is granted, and that the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine whether the transmitter site proposed by Vocom Industries, Inc., in its application is actually available to it;

(b) To determine whether Vocom Industries, Inc., has misrepresented the availability of the proposed transmitter site and, if so, the effect on that applicant's qualifications to be a station licensee; and

(c) To determine whether the transmitter site proposed by Vocom Industries, Inc., meets the requirements of § 73.315(a) of the Commission's rules.

5. It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof under Issues (a) and (c), above, shall be on Vocom Industries, Inc.; and that the burden of going forward on Issue (b), above shall be on Lake Erie Broadcasting Co., and that the burden of proof under that issue shall be on Vocom Industries, Inc.

Adopted: August 3, 1971.

Released: August 5, 1971.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-11650 Filed 8-11-71;8:49 am]

FEDERAL MARITIME COMMISSION

AMERICAN MAIL LINE, LTD., AND
AMERICAN PRESIDENT LINES, LTD.

Notice of 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, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

²Review Board Member Berkemeyer absent.

¹Also before the Review Board are comments, filed May 21, 1971, by the Broadcast Bureau; and a "Supplement to Petition To Enlarge the Issues," filed on June 8, 1971, by Lake Erie. No opposition to Lake Erie's petition has been filed.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

James H. Seymour, Esq., American President Lines, Ltd., 601 California Street, Suite 610, San Francisco, CA 94108.

Agreement No. 9964 between the American Mail Line, Ltd. (AML) and American President Lines, Ltd. (APL) is a cooperative working arrangement designed to supersede approved Agreements Nos. 8485, 8485-A, 8485-B, and 8485-C, as they may have been amended. The new arrangement reflects the withdrawal of the Pacific Far East Line, Inc., from the agreements to be canceled, and provides for the continued existence and operation of the Consolidated Marine, Inc., a terminal jointly owned by AML and APL, and for continued coordination and cooperation between AML and APL in such matters as the sharing of office facilities, rationalization of services, joint solicitation, and the joint procurement of necessary insurances.

Dated: August 9, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 71-11653 Filed 8-11-71; 8:49 am]

PRUDENTIAL-GRACE LINES, INC., AND MOORE-McCORMACK LINES, INC.

Notice of 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, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter)

and the statement should indicate that this has been done.

Notice of agreement filed by:

N. D. Pasco, Vice President, Moore-McCormack Lines, Inc., 1000 16th Street NW., Washington, DC 20036.

Agreement No. 9753-3, between Prudential-Grace Lines, Inc., and Moore-McCormack Lines, Inc. (Agent), amends Article 3 (Compensation) of the presently approved agency arrangement of the parties applicable to the Port of Philadelphia, Pa., to provide for an increase in the agency fee from \$400 to \$500 for each vessel calling at the port, plus a 2½ percent commission on both inbound and outbound cargoes.

Dated: August 9, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 71-11654 Filed 8-11-71; 8:49 am]

R.C.D. SHIPPING SERVICES

Notice of 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, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Edward P. Cotter, Agent, R.C.D. Shipping Services, 1776 K Street NW., Washington, DC 20006.

Agreement No. 9490-5, between the parties of R.C.D. Shipping Services, operating in the trade from U.S. Atlantic and Gulf ports to ports named therein in Turkey, Iran, and Pakistan, reflects the current activities undertaken under the basic agreement. The agreement is

intended temporarily to accomplish the aims of the parties under the conditions brought about by the closing of the Suez Canal.

The provision for the participation in conference, pooling, and other agreements by the Service as a single member is retained. Authority is given the General Manager of R.C.D. to establish and maintain rates, charges, and practices covering trades within the scope of the agreement (in those trades where it is not a conference or rate agreement member) and file tariffs containing same with the Commission.

The provisions for basic obligations covering sailing and space allocations, and for basic entitlements covering the pooling of revenue, have been deleted. The agreement now provides that there shall be no pooling or sharing of profits or losses and that revenue earned by vessels employed in the Service shall accrue to the operator thereof. The provisions covering Regional Committees in Turkey, Iran, Pakistan, and the United States, and Port Agents Committees have been deleted.

Administrative expenses shall be borne in the following proportions: Iranian Flag Group 28 percent, Pakistan Flag Group 44 percent, and Turkish Flag Group 28 percent. The official currency of the Service shall be U.S. dollars.

In case of war, hostilities, or other emergencies affecting any of the flag carriers, that portion of the Service affected may be suspended. The General Manager will be promptly advised, and in turn, shall advise the Commission. Admission of new members no longer requires submission of an agreement modification for section 15 consideration, but merely requires the reporting of new members to the Commission by the General Manager.

Dated: August 9, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 71-11655 Filed 8-11-71; 8:49 am]

FEDERAL POWER COMMISSION

[Docket No. CS66-57, etc.]

WISER OIL CO. ET AL.

Notice of Applications for "Small Producer" Certificates¹

AUGUST 3, 1971.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

[Project 135]

PORTLAND GENERAL ELECTRIC CO.

Notice of Application for New License
for Constructed Project

AUGUST 10, 1971.

Public notice is hereby given that application for new license has been filed under section 15 of the Federal Power Act (16 U.S.C. 791a-825r) by Portland General Electric Co. (correspondence to: Frank M. Warren, President and Director, Portland General Electric Co., Electric Building, Portland, Oreg. 97205) for its constructed Oak Grove Project No. 135, located on the Oak Grove Fork of the Clackamas River, in Clackamas County, Oreg. and affects lands of the United States including lands within the Mount Hood National Forest. The present license for the project expires September 26, 1972.

The Oak Grove Project consists of: (1) Timothy Lake seasonal storage reservoir, having a 1400-acre surface area at normal high water elevation 3,227.43 (USGS datum)¹ and a 61,740 acre-foot useable storage capacity; impounded by a 740-foot earth-fill dam 110 feet high with a gated concrete spillway surmounted by 1.9-foot flashboards, and a concrete intake structure with discharge extending through the dam; (2) Harriet Lake forebay located 10 miles downstream, having a 152 acre-foot capacity and an 18-acre surface area at flashboard elevation 2,031.21 (USGS datum)² impounded by a 186-foot long arched concrete-gravity dam 69 feet high with an overflow spillway surmounted by 2.9-foot flashboards, and an intake structure; (3) a conduit extending from Harriet Lake to Frog Lake comprised of 1,545 feet of 12.3-foot diameter tunnel and 20,000 feet of 9-foot diameter pipeline; (4) Frog Lake forebay having a 410 acre-foot useable storage capacity and a 17-acre surface area at maximum operating pool elevation 1,982.8 (USGS datum)³ impounded by a 2,420-foot long earth dike 70 feet high; (5) a 9-foot diameter steel pipeline 12,215 feet long; (6) a surge tank; (7) two 1,300-foot long steel penstocks tapering from 8 to 6 feet in diameter; (8) a powerhouse containing two 25,500 kw. generating units; (9) a 115 kv. transmission line extending 18.8 miles from the Oak Grove substation downstream to the Faraday switching station of the Company's North Fork Project No. 2195, and a 13 kv. line extending 7 miles to Lake Harriet; (10) a 29.5-mile long access road from Faraday switching station to Lake Harriet; and (11) all other facilities appurtenant to operating of the project.

¹ Given in application to PGC datum: 37.43 feet below USGS.

² Given in application to PGC datum: 6.686 feet below USGS.

file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before August 30, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMS,
Secretary.

Docket No.	Date filed	Name of applicant
CS72-44.....	7-16-71	Roy L. Cook, Trustee, 1126 Bank of New Mexico Bldg., Albuquerque, N. Mex. 87103.
CS72-45.....	7-16-71	Piedra Corp., 1126 Bank of New Mexico Bldg., Albuquerque, N. Mex. 87103.
CS72-46.....	7-16-71	Jack L. Burrell, 1300 Republic National Bank Bldg., Dallas, Tex. 75201.
CS72-47.....	7-16-71	Glen A. Martin, 1520 N.B.C. Bldg., San Antonio, Tex. 78205.
CS72-48.....	7-16-71	James Robert Hill et al., d.b.a. Houston Hill Estate, Post Office Box 256, Liberal, KS 67901.
CS72-49.....	7-16-71	Mary Agnes Power Shay, c/o Powers Operating Co., 1816 Vaughn Plaza, Corpus Christi, Tex. 78401.
CS72-50.....	7-19-71	Richard E. Price, d.b.a. Price Exploration Co., Operator, et al., 814 Mayo Bldg., Tulsa, Okla. 74103.
CS72-51.....	7-19-71	Cattle-Land Oil Co., Post Office Box 2411, Corpus Christi, TX 78403.
CS72-52.....	7-19-71	Edwards County Gas Co., 301 South Broadway, Wichita, KS 67202.
CS72-53.....	7-19-71	John F. Gillman and Billy M. Gillman, d.b.a. Travelers Oil Co., Post Office Box 1680, Boquer, TX 79007.
CS72-55.....	7-21-71	James A. Crowson, Jr., and Tatum Interests, Inc. (successor to Robert R. Tatum, Jr.), 636 Aero Dr., Shreveport, LA 71107.
CS72-56.....	7-21-71	Frank Herbert Rhee, 1230 Denver Club Bldg., Denver, Colo. 80202.
CS72-57.....	7-22-71	W. O. Matejowski, Post Office Box 919, Pampa, TX 79065.
CS72-58.....	7-22-71	Paramount Producing, Inc., Post Office Box 919, Pampa, TX 79065.
CS72-59.....	7-22-71	Virginia O. Ramsey et al., 153 Meadows Bldg., Dallas, Tex. 75206.
CS72-60.....	7-22-71	The Altex Corp., Post Office Box 6707, San Antonio, TX 78286.
CS72-61.....	7-22-71	John Trenchard, 1520 Floribunda Ave., Burlingame, CA 94010.
CS72-62.....	7-23-71	Keener Oil Co., 406 N.B.T. Bldg., Tulsa, Okla. 74103.
CS72-63.....	7-23-71	Joe M. Leonard, Jr., 716 Lindsay, Gainesville, TX 76240.
CS72-64.....	7-23-71	James J. Johnston, 2635 Humble Bldg., Houston, Tex. 77002.
CS72-65.....	7-26-71	Yates Drilling Co., 207 South Fourth St., Artesia, NM 88210.
CS72-66.....	7-26-71	Martin Yates III, 207 South Fourth St., Artesia, NM 88210.
CS72-67.....	7-26-71	John A. Yates, 207 South Fourth St., Artesia, NM 88210.
CS72-68.....	7-26-71	Universal Resources Corp., c/o Philip D. Hart, Attorney at Law, 2620 First National Bldg., Oklahoma City, Okla. 73102.
CS72-69.....	7-26-71	J. B. Whisenant, 3646 Long Beach Blvd., Long Beach, CA 90807.
CS72-70.....	7-26-71	Mary H. Trenchard, 3273 South Leyden St., Denver, CO 80222.
CS72-71.....	7-26-71	Halliburton Oil Producing Co., 117 Cameron Bldg., 2915 Classen Blvd., Oklahoma City, OK 73106.
CS72-72.....	7-26-71	Prudential Funds, Inc., 1900 I Main Pl., Dallas, TX 75205.
CS72-73.....	6-3-71	Allyn D. Barrett, 8326 Ashbourne, Shreveport, LA 71106.

[FR Doc. 71-11502 Filed 8-11-71; 8:45 am]

Recreational features include the applicant's Gone Creek, Hood View, and Meditation Point campgrounds on Timothy Lake and Harriet Lake campground, providing camping, boating, fishing, and hiking, and the Forest Service's Pine Camp and Oak Fork campgrounds on Timothy Lake.

The applicant proposes to further develop and expand its facilities at Harriet and Timothy Lakes and thereafter turn them over to the Forest Service to manage, maintain and operate.

According to the applications: (1) Power generated at the project is transmitted into the applicant's transmission and distribution system serving a 3,300-square-mile area in Oregon; (2) the net investment in the project is estimated to be \$7,516,000 as of the September 26, 1972, which is less than the estimated fair value; and for the year 1969 it is estimated that the project provided \$159,881 in State and local tax revenues. Information concerning estimated severance damages in the event of "take-over" by the United States has not been furnished.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 4, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11722 Filed 8-11-71;8:51 am]

FEDERAL RESERVE SYSTEM

COMMERCE BANCSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Commerce Bancshares, Inc., which is a bank holding company located in Kansas City, Mo., for prior approval by the Board of Governors of the acquisition by applicant of more than 80 percent of the voting shares of Blue Hills Bank of Commerce, Kansas City, Mo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be

in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

Board of Governors, August 5, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11617 Filed 8-11-71;8:46 am]

FIRST AT ORLANDO CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First at Orlando Corp., which is a bank holding company located in Orlando, Fla., for prior approval by the Board of Governors of the acquisition by applicant of 90 percent or more of the voting shares of First National Bank and Trust Company of Dunedin, Dunedin, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

TAR¹ AND NICOTINE² CONTENT OF ONE-HUNDRED TWENTY-ONE (121) VARIETIES OF DOMESTIC CIGARETTES

Name	Type	TPM dry (Tar) ¹ (mg./cig.)	Nicotine ² (mg./cig.)
Alpine.....	King size, filter, menthol.....	18	1.2
Belair.....	King size, filter, menthol.....	17	1.3
Belair.....	100 mm., filter, menthol.....	19	1.4
Benson & Hedges.....	Regular size filter, (hard pack).....	18	1.3
Benson & Hedges.....	King size filter, (hard pack).....	20	1.4
Benson & Hedges.....	100 mm., filter.....	21	1.4
Benson & Hedges.....	100 mm., filter, menthol.....	21	1.4
Hull Durham.....	King size, filter.....	30	1.9
Camel.....	Regular size, nonfilter.....	25	1.5
Camel.....	King size, filter.....	20	1.3
Carlton ³	Reg. size, filter.....	3	0.2
Carlton.....	King size, filter.....	4	0.4
Chesterfield.....	Regular size, nonfilter.....	25	1.5
Chesterfield.....	King size, nonfilter.....	29	1.7
Chesterfield.....	King size, filter.....	19	1.2
Chesterfield.....	King size, filter, menthol.....	19	1.1
Chesterfield.....	101 mm., filter.....	19	1.3

TABLE 1 AND NICOTINE² CONTENT OF ONE-HUNDRED TWENTY-ONE (121) VARIETIES
OF DOMESTIC CIGARETTES—Continued

Name	Type	TPM dry (Tar) ¹ (mg./cig.)	Nicotine ² (mg./cig.)
Domino	King size, nonfilter	27	1.4
Domino	King size, filter	21	1.3
Domino	King size, filter, menthol	20	1.6
Doral	King size, filter	14	0.3
Doral	King size, filter, menthol	14	1.0
DuMaurier	King size, filter, (hard pack)	18	1.2
Edgeworth Export	King size, filter, (hard pack)	18	1.2
Edgeworth Export	100 mm., filter	19	1.3
Edgeworth Export	100 mm., filter, menthol	18	1.3
English Ovals	Regular size, nonfilter, (hard pack)	25	1.8
English Ovals	King size, nonfilter, (hard pack)	20	2.2
Eve	100 mm., filter	17	1.2
Eve	100 mm., filter, menthol	17	1.1
Fatima	King size, nonfilter	32	1.9
Frappe	King size, filter, menthol	10	0.3
Galaxy	King size, filter	20	1.4
Hall & Hall	King size, filter	24	1.7
Herbert Taryton	King size, nonfilter	29	1.3
Home Run	Regular size, nonfilter	19	1.8
Kent	Regular size, filter	10	0.6
Kent	King size, filter, (hard pack)	17	1.0
Kent	King size, filter	17	1.0
Kent	100 mm., filter	19	1.2
Kent	100 mm., filter, menthol	19	1.2
King Sano	King size, filter	6	0.3
King Sano	King size, filter, menthol	6	0.2
Kool	Regular size, nonfilter, menthol	21	1.3
Kool	King size, filter, menthol	18	1.4
Kool	100 mm., filter, menthol	19	1.4
L & M	Regular size, filter	16	1.0
L & M	King size, filter (hard pack)	17	1.1
L & M	King size, filter	19	1.3
L & M	100 mm., filter	19	1.3
L & M	100 mm., filter, menthol	19	1.2
Lark	King size, filter	17	1.0
Lark	100 mm., filter	18	1.2
Life	King size, filter	10	0.6
Lucky Strike	Regular size, nonfilter	29	1.7
Lucky Filters	King size, filter	22	1.6
Lucky Filters	100 mm., filter	22	1.6
Mapleton	Regular size, nonfilter	25	1.0
Mapleton	King size, filter	23	1.1
Marlboro	King size, filter (hard pack)	19	1.3
Marlboro	King size, filter	20	1.3
Marlboro	King size, filter, menthol	18	1.1
Marlboro	100 mm., filter (hard pack)	21	1.6
Marlboro	100 mm., filter	22	1.5
Marvels	King size, non-filter	23	0.8
Marvels*	King size, filter	5	0.2
Marvels	King size, filter, menthol	4	0.2
Maryland	100 mm., filter, menthol	20	1.3
Montclair*	King size, filter, menthol	17	1.3
Multifilter	King size, filter (plastic box)	16	1.1
Multifilter	King size, filter, menthol (plastic box)	12	0.9
New Leaf	King size, filter, menthol	19	1.3
Newport	King size, filter, menthol (hard pack)	19	1.1
Newport	King size, filter, menthol	20	1.1
Newport	100 mm., filter, menthol	21	1.3
Oasis	King size, filter, menthol	18	1.1
Old Gold Straights	Regular size, nonfilter	22	1.2
Old Gold Straights	King size, nonfilter	28	1.5
Old Gold Filters	King size, filter	20	1.2
Old Gold	100 mm., filter	24	1.5
Pall Mall	King size, nonfilter	29	1.8
Pall Mall	95 mm., filter (hard pack)	19	1.3
Pall Mall	95 mm., filter, menthol (hard pack)	17	1.2
Pall Mall	100 mm., filter	19	1.3
Pall Mall	100 mm., filter, menthol	18	1.4
Parliament	King size, filter, (hard pack)	16	1.0
Parliament	King size, filter	16	1.0
Parliament	100 mm., filter	19	1.3
Peter Stuyvesant*	King size, filter	19	1.3
Peter Stuyvesant	100 mm., filter	20	1.5
Philip Morris	Regular size, nonfilter	24	1.5
Philip Morris Commander	King size, nonfilter	29	1.8
Pleasure	Regular size, nonfilter	19	1.3
Piedmont	Regular size, nonfilter	24	1.3
Players	Regular size, nonfilter (hard pack)	23	2.4
Raleigh	King size, nonfilter	26	1.6
Raleigh	King size, filter	17	1.2
Raleigh	100 mm., filter	18	1.3
Salem	King size, filter, menthol	19	1.3
Salem	100 mm., filter, menthol	20	1.3
Sano	Regular size, nonfilter	15	0.5
Sano	Regular size, filter	4	0.2
Silva Thins	100 mm., filter	16	1.1
Silva Thins	100 mm., filter, menthol	18	1.1
Spring	100 mm., filter, menthol	22	1.1
Tareyton	King size, filter	19	1.3
Tareyton	100 mm., filter	19	1.3
Tempo	King size, filter	12	0.9
True	King size, filter	12	0.6
True	King size, filter, menthol	13	0.7
Vantage	King size, filter	12	0.8
Viceroy	King size, filter	17	1.2
Viceroy	100 mm., filter	18	1.3
Virginia Silms	100 mm., filter	17	1.1
Virginia Silms	100 mm., filter, menthol	18	1.2
Vogue (black)	King size, filter (hard pack)	27	0.9

TAR¹ AND NICOTINE² CONTENT OF ONE-HUNDRED TWENTY-ONE (121) VARIETIES OF DOMESTIC CIGARETTES—Continued

Name	Type	TPM dry (Tar) ¹ (mg./cig.)	Nicotine ² (mg./cig.)
Vogue (colors)	King size, filter (hard pack)	18	0.7
Winston	King size, filter (hard pack)	20	1.3
Winston	King size, filter	19	1.3
Winston	100 mm., filter	20	1.3
Winston	100 mm., filter, menthol	21	1.6

¹ TPM dry (tar)-milligrams total particulate matter less nicotine and water.

² Milligrams total alkaloids reported as nicotine.

³ Limited availability based on reduced sampling from Washington, D.C., only.

⁴ Cigarettes with and without perforations smoked together.

⁵ Cigarettes marketed with filters of different lengths.

By direction of the Commission dated August 6, 1971.

[SEAL]

[FR Doc.71-11608 Filed 8-11-71;8:45 am]

CHARLES A. TOBIN,
Secretary.

SECURITIES AND EXCHANGE COMMISSION

[612-3001]

ALEX. BROWN & SONS

Notice of Filing of Application for Order of Exemption

AUGUST 6, 1971.

Notice is hereby given that Alex. Brown & Sons, a registered broker-dealer with its principal place of business at 135 East Baltimore Street, Baltimore, MD 21202 (Applicant), and a prospective corerepresentative of a group of underwriters with E. F. Hutton & Co., Inc., as corerepresentative, of a proposed offering of shares of American General Bond Fund, Inc. (Bond Fund), a registered closed-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (the Act) for an order exempting Applicant, its corerepresentative and their coterminers from section 30(f) of the Act to the extent that section adopts section 16(b) of the Securities Exchange Act of 1934 (the Exchange Act) in respect of their transactions incident to the distribution of Bond Fund shares. 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.

Shares of Bond Fund are to be purchased by the underwriters pursuant to an underwriting agreement to be entered into between Bond Fund and the underwriters represented by Applicant. It is intended that the several underwriters will make a public offering of all the ordinary shares of Bond Fund which such underwriters are to purchase under the underwriting agreement, at the price therein specified, as soon on or after the effective date of Bond Fund's Registration Statement on Form S-4 (the "Form S-4") as the Applicant deems advisable, and such shares are initially to be offered to the public in accordance with the formulae for the determination of the per share public offering price, underwriting commissions, and dealer concessions to be specified in the underwriting agreement, at the time the Form S-4 becomes effective under the Securities Act of 1933. While the number of shares

covered by the Form S-4 on file is stated as 2 million shares, it is contemplated that this number of shares may be increased before the underwriting agreement is signed and the Form S-4 is effective.

It is possible that one or more members of the underwriting group may individually become obligated to purchase more than 10 percent of the initial amount of ordinary shares of Bond Fund to be outstanding upon the completion of the initial public offering, thereby becoming persons subject to section 16(b) of the Exchange Act.

Rule 16b-2 under the Exchange Act exempts certain transactions in connection with a distribution of securities from the operation of section 16(b) of the Exchange Act. Applicant states that the purpose of the purchases by Applicant and the other underwriters is for resale in connection with the initial distribution of shares of Bond Fund. The purchases and sales will thus be transactions effect in connection with a distribution of a substantial block of securities within the purpose and spirit of Rule 16b-2.

It is possible, however, that Applicant and its coterminers will not be exempted from section 16(b) by the operation of Rule 16b-2, as they may fail to meet the requirement stated in paragraph (a) (3) of Rule 16b-2 that the aggregate participation of persons not within the purview of section 16(b) of the Exchange Act be at least equal to the participation of persons receiving the exemption under Rule 16b-2, since it is possible that one or more of the underwriters who pursuant to the underwriting agreement will purchase more than 10 percent of the shares of Bond Fund may be obligated to purchase more than 50 percent of the shares of Bond Fund being offered pursuant to the underwriting agreement.

In addition to purchases from Bond Fund and sales to customers, there may be the usual transactions of purchase or sale incident to distribution such as stabilizing purchases, purchases to cover overallocations or other short positions created in connection with such distribution, and sales of shares purchased in stabilization.

Applicant states that all information material to investors will be set forth in the final prospectus and, accordingly, Applicant and its coterminers will not be privy to "inside information."

Applicant submits that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant further contends that the transactions sought to be exempted will not be used for the malpractices which section 16(b) of the Exchange Act is intended to prevent.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 23, 1971, 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 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 (airmail 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. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued 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 notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]

RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71-11612 Filed 8-11-71;8:46 am]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORPORATION

Order Suspending Trading

AUGUST 6, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common

stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 9, 1971, through August 18, 1971.

By the Commission.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71-11613 Filed 8-11-71;8:46 am]

[813-28]

ITTEX FUND

Notice of Proposal To Terminate Registration

AUGUST 6, 1971.

Notice is hereby given that the Commission propose, pursuant to section 8(f) of the Investment Company Act of 1940 (Act) to declare by order upon its own motion that ITTEX Fund (Fund), 320 Park Avenue, New York, NY 10022, a common law trust organized under the State of New York, and registered under the Act, has ceased to be an investment company.

Fund was created pursuant to a Declaration of Trust dated November 24, 1967 among the Fund's Trustees and Irving Trust Co., as Agent for the Trustees. Fund proposed to be an employees' securities company within the meaning of section 2(a) (13) of the Act. Such proposal, however, was abandoned. Fund has no shareholders, is not engaged in any operations, and does not contemplate a public offering of its securities.

Section 8(f) of the Act provides in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness 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 August 26, 1971, 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 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 (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the re-

quest. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application shall be issued 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 notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71-11614 Filed 8-11-71;8:47 am]

TARIFF COMMISSION

[337-22]

TRACTOR PARTS

Reconsideration of Findings and Recommendations

The Tariff Commission agreed on July 28, 1971, to reconsider its findings in Investigation No. 337-22 (T.C. Publication 401, June 1971) of the Tariff Act of 1930 (19 U.S.C. 1337) upon the original complaint of Albert Levine Associates of Jamaica, N.Y., and did so reconsider these findings on August 2, 1971. By a vote of two to one, the Commission reversed its earlier recommendation that the President issue an order excluding from entry certain tractor parts manufactured by Bertoni & Cotti of Copparo, Ferrara, Italy.

The motion for rehearing was duly filed on July 16, 1971, in accordance with the Commission's notice of June 25, 1971 (36 F.R. 12567), and was submitted on behalf of Bertoni & Cotti and certain U.S. importer-distributors of the aforementioned tractor parts.

Upon reconsideration, Commissioner Sutton affirmed his original position in the above earlier decision. Commissioner Moore concurred. Commissioner Leonard reaffirmed his previous finding and recommendation.

Issued: August 9, 1971.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-11629 Filed 8-11-71;8:47 am]

TENNESSEE VALLEY AUTHORITY

PROPOSED MILLS RIVER DAM AND RESERVOIR

Notice of Public Hearing

Notice is hereby given that the Tennessee Valley Authority will hold a public hearing on the proposed Mills River Dam and Reservoir, the first component of TVA's proposed Upper French Broad

Project, beginning at 10 a.m., e.d.t., on August 31, 1971, at the Humanities Building, University of North Carolina, Asheville, N.C. A session will also be held beginning at 7 p.m., e.d.t., for the purpose of receiving statements from persons unable to attend the daytime session. The purpose of the hearing is to provide information concerning the proposed Mills River Dam and Reservoir and to obtain views of interested parties. The Mills River Dam would impound a 660-acre reservoir in Henderson County, N.C. Proposed future components of the Upper French Broad Project would include dams and reservoirs in Madison, Buncombe, and Transylvania Counties, North Carolina, levee work in Asheville, N.C., and channel improvement work.

The draft environment statement prepared in connection with the proposed Mills River Dam and Reservoir, dated June 29, 1971, has previously been filed with the Council on Environmental Quality and been made available to the public. Single copies are available upon request to the Director of Information, Tennessee Valley Authority, Knoxville, Tenn. 37902. Copies of the statement, of the TVA project planning report for the Upper French Broad Project, and of the water quality report mentioned in the statement are available for inspection at the following places:

PUBLIC LIBRARIES

- Henderson County Public Library, 301 Washing Street, Hendersonville, N.C.
- Pack Memorial Library, Pack Square, Asheville, N.C.
- Pack Memorial Library, North Asheville Branch, 37 East Larchmont Drive, Asheville, N.C.
- Transylvania County Public Library, Main Street, Brevard, N.C.
- Madison County Public Library, Main Street, Marshall, N.C.
- Skyland Village Library, Shopping Center, Skyland, N.C.
- Beech Community Library, Community Building, Rural Route 1, Weaverville, N.C.
- Canton Public Library, 36 Park Street, Canton, N.C.
- Pack Memorial Library, East Asheville Branch, 902 Tunnel Road, Asheville, N.C.
- Pack Memorial Library, West Asheville Branch, 970 Haywood Road, (West) Asheville, N.C.
- Swannanoa Public Library, Grovemont Community Center, Swannanoa, N.C.
- Black Mountain Public Library, Dougherty Street, Black Mountain, N.C.
- Weaverville Library, Main Street, Weaverville, N.C.
- Haywood County Public Library, 402 South Haywood, Waynesville, N.C.

The documents are also available for inspection on the Pack Memorial Library Bookmobile.

TVA OFFICES

- Director of Information, Tennessee Valley Authority, 333 New Sprankle Building, 500 Union Avenue, Knoxville, TN 37902.
- Tennessee Valley Authority, 437 Woodward Building, 15th and H Streets, Washington, DC 20444.

Copies of the project planning report, the water quality report, and the environmental statement will also be avail-

INTERSTATE COMMERCE COMMISSION

[Notice No. 64]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FOR- WARDER APPLICATIONS

August 6, 1971.

able for inspection at the place of hearing.

The hearing will begin with a presentation by TVA of information concerning the proposed project. The balance of the hearing will be devoted to the presentation of statements by or on behalf of representatives of State and local government, citizens' groups, and other interested persons. The submission of written statements for inclusion in the hearing record is encouraged. It is requested that such statements be submitted to TVA in advance of the hearings, however, all written statements received by September 10, 1971, will be so included.

Persons desiring to present brief oral statements at the meeting, in addition to or in lieu of written statements, are requested to give TVA written notice of their intention to do so not later than August 20, 1971, specifying the session of the hearing (morning or evening) at which they desire to be heard. In order that all persons desiring to present statements may do so, it is requested that oral statements not exceed 10 minutes.

Written statements and notifications of intent to make statements should be sent to the Presiding Officer, Mills River Dam and Reservoir Hearing, Division of Law, Tennessee Valley Authority, New Sprinkle Building, Knoxville, Tenn. 37902.

The hearing will be conducted by a presiding officer who will be a representative of the TVA Division of Law. The presiding officer will insure that the hearing is conducted in an orderly manner and in accordance with these procedures. In so doing, the presiding officer shall make such parliamentary rulings and establish such supplemental procedures, including allocation of time available, as may be appropriate in his discretion to afford all interested parties a reasonable opportunity to be heard.

A hearing record will be prepared by TVA. The record will include a verbatim transcription of the oral proceedings and a copy of each written statement supplied to TVA by September 10, 1971. A copy of the record will be available for public inspection at a public place in the area of the project, such place to be announced at the hearing. Another copy will be available for inspection during regular business hours in the office of the Director of Information, Tennessee Valley Authority, Knoxville, Tenn. 37902.

(16 U.S.C. secs. 831-831dd; 42 U.S.C. secs. 4321-4335; EO 11514)

Dated: August 5, 1971.

LYNN SEEBER,
General Manager.

[FR Doc. 71-11615 Filed 8-11-71; 8:47 am]

The following applications are governed by Special Rule 1100.247¹ of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Com-

¹ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

mission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, 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 applications as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 1585 (Sub-No. 10), filed July 5, 1971. Applicant: BARNES TRUCK LINE, a corporation, 1320 Highway 13 North, Columbia, MS 39429. Applicant's representative: Harold D. Miller, Jr., 700 Petroleum Building, Post Office Box 22567, Jackson, MS 39205. By the instant application, applicant seeks removal of the following restriction contained in its No. MC 1585 Certificate. Restriction: No service is to be rendered over said route on traffic originating at New Orleans, La., or points beyond destined to Jackson, Miss., and points beyond, and on traffic originating at Jackson and points beyond and destined to New Orleans and points beyond. Note: The purpose of this application is to remove the aforementioned restriction contained in certificate MC 1585 issued to applicant on September 12, 1961, so as to authorize service between New Orleans, La., and Jackson, Miss., over the routes authorized in applicant's certificates MC 1585, MC 1585 Sub 3, and MC 1585 Sub 4. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or New Orleans, La.

No. MC 4405 (Sub-No. 485), filed July 7, 1971. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, IL 60652. Applicant's representative: Robert E. Joyner, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Rail car moving equipment; (2) overhead material handling equipment; (3) foundry and steel melting equipment; (4) railroad maintenance and operational equipment; (5) evaporators, crystallizers, filters, centrifuges, pulp washers, and spray or rotary dryers; and (6) parts and accessories for items described in (1) through (5) above; (a) between the plantsite of The Whiting Corp., at Harvey, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (b) between the plantsite of The Whiting Corp., at Attalla, Ala., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common con-

trol may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 30837 (Sub-No. 439), filed July 6, 1971. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, WI 53140. Applicant's representative: Paul F. Sullivan, 701 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tool trailers*, from York, Pa., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30844 (Sub-No. 362), filed July 2, 1971. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, Waterloo, IA 50704. Applicant's representatives: Paul Rhodes (same address as applicant) and Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, CO. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, from Wilmington, Del., to Pittsburgh, Pa., St. Louis, Mo., and points in Ohio. NOTE: Applicant states it will tack at Pittsburgh, Pa., to serve points in Iowa and also tack at an Iowa point to serve points in Missouri, Arkansas, Oklahoma, Texas, Kansas, Colorado, and Nebraska. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or St. Louis, Mo.

No. MC 35072 (Sub-No. 6), filed July 1, 1971. Applicant: E. L. ELLOR & SON, INC., 29 Mountain Boulevard, Warren, NJ 07060. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wrought steel pipe* (conduit), from Baltimore, Md., to (1) points in New Jersey (except Camden and Salem Counties), (2) (a) points in Richmond, Queens, Bronx, Brooklyn, and Manhattan, N.Y., and (b) points in Nassau, Suffolk, Westchester, Rockland, Orange, and Putnam Counties; (3) points in Berks, Bucks, Carbon, Lehigh, Luzerne, Monroe, Montgomery, and Northampton Counties, Pa.; and (4) points in Fairfield County, Conn., under contract with General Cable Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 41849 (Sub-No. 29), filed July 1, 1971. Applicant: KEIGHTLEY BROS., INC., 1601 South 39th Street, St. Louis, MO 63110. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Burnt shale*, in bulk, from

Brooklyn, Ind., to St. Louis, Mo., and points in St. Louis, Jefferson, Franklin, and St. Charles Counties, Mo., and points in St. Clair, Madison, and Sangamon Counties, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 44605 (Sub-No. 38), filed July 6, 1971. Applicant: MILNE TRUCK LINES, INC., 2200 South Third West, Salt Lake City, UT 84115. Applicant's representative: Stuart L. Poelman, Seventh Floor, Continental Bank Building, Salt Lake City, UT 84101. 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 requiring special equipment). Between Page and Phoenix, Ariz., from Page over U.S. Highway 89 to Flagstaff, Ariz., thence over Arizona Highway 79 (Interstate Highway 17) to Phoenix, as an alternate route in connection with applicant's present service between Salt Lake City and Phoenix, Ariz., for operating convenience only, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 51146 (Sub-No. 224) (correction), filed June 1, 1971, published in the FEDERAL REGISTER, issue of July 9, 1971, and republished as corrected, this issue. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., Post Office Box 2298, Green Bay, WI 54306. Applicant's representative: D. F. Martin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Games and toys, and advertising and promotional matter* when moving at the same time and in the same vehicle with games and toys, from City of Industry, Compton, San Gabriel, Hawthorne, Santa Ana, and south San Francisco, Calif.; and Seattle, Wash., to points in Illinois, Iowa, Minnesota, and Wisconsin. NOTE: Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Applicant has various duplicative items of authority under various subs but does not seek duplicative authority. Common control may be involved. NOTE: The purpose of this republication is to reflect the correct commodity description as *Games and toys* in lieu of *Gems and toys*, shown erroneously in previous publication. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 52657 (Sub-No. 682) (Amendment), filed April 15, 1971, published in the FEDERAL REGISTER, issue of May 6, 1971, and republished as amended this issue. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, IL 60620. Applicant's representatives: A. J. Bieberstein, 121 West Doty

Street, Madison, WI 53703, and S. J. Zangri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Motor vehicles* (except trailers designed to be drawn by passenger automobiles), in initial movements in truckaway and driveaway service, from Bath, N.Y., to points in the United States (except Alaska and Hawaii); and (2) *Rejected, refused and damaged motor vehicles* (except trailers designed to be drawn by passenger automobiles), in secondary movements in truckaway and driveaway service, from points in the United States (except Alaska and Hawaii), to Bath, N.Y. (B) *Motor vehicle cabs*, between Chicago, Ill., and Bath, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to redescribe the scope of authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 52657 (Sub-No. 685), filed July 6, 1971. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, IL 60620. Applicant's representatives: A. J. Bieberstein, 121 West Doty Street, Madison, WI 53703, and S. J. Zangri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foreign made motor vehicles*, in secondary truckaway service, from the St. Paul, Minn., commercial zone, to points in Minnesota, North Dakota, South Dakota, and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., and Chicago, Ill.

No. MC 52657 (Sub-No. 686), filed July 6, 1971. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, IL 60620. Applicant's representatives: A. J. Bieberstein, 121 West Doty Street, Madison, WI 53703, and S. J. Zangri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor buses*, in secondary movements, in truckaway service, from the New York, N.Y., and Baltimore, Md., commercial zones, to points in the United States (except Alaska and Hawaii), and between points in Illinois, Iowa, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority held, nor sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 52921 (Sub-No. 15), filed July 9, 1971. Applicant: RED BALL, INC., Post Office Box 520, Sapulpa, OK. 74066. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, OK. 73112. Authority sought to op-

erate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass products*, from Sapulpa, Okla., to points in New Mexico. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 61592 (Sub-No. 20), filed July 6, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: R. Connor Wiggins, Jr., 100 North Main Street, Memphis, TN. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from the plantsite and storage facilities of Marietta Homes, Crimson Homes, Winston Homes, and Monterey Mobile Homes, Inc., all divisions of Winston Industries, Inc., located in Double Springs, Guin, and Addislon, Ala., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Texas, Virginia, Oklahoma, Tennessee, and West Virginia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 61592 (Sub-No. 221), filed July 6, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Jack Davis, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forest products, lumber, particle board, chip board, hard board, flake board, and press board*, from points in California in and north of Santa Cruz, Santa Clara, Stanislaus, Tuolumne, and Alpine Counties, Calif., to points in Nevada. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 61592 (Sub-No. 222), filed July 12, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: R. Connor Wiggins, Jr., 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Tractors* (except those with vehicle beds, bed frames and fifth wheels); (b) *equipment*, designed for use in conjunction with tractors; (c) *agricultural, industrial and construction machinery and equipment*; (d) *trailers*, designed for the transportation of the above described commodities (except those trailers designed to be drawn by passenger automobiles); (e) *such merchandise as is dealt in by lawn*

and garden dealers (except chemicals and commodities in bulk); (f) *attachments for the above described commodities*; (g) *internal combustion engines*; (h) *parts of the above described commodities* and (i) *hydraulic and lubricating oils*, from Memphis, Tenn., to points in Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Illinois, Kentucky, Tennessee, Mississippi, Alabama, and Georgia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states it can serve this origin now on most of the commodities to most of the territory. This application modifies its commodities and rounds out its territory to full States. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 61592 (Sub-No. 223), filed July 14, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: R. Connor Wiggins, Jr., 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, in cargo containers, having a prior or subsequent movement by water, between Houston, Tex., New Orleans, La., and Mobile, Ala., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin and (2) *Empty containers*, between points in the States named in (1) above. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 61592 (Sub-No. 224), filed July 14, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements; and (2) *buildings*, complete or in sections, mounted on wheeled undercarriages, in initial movements, from Waupaca, Wis., to points in Minnesota. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61825 (Sub-No. 41), filed July 1, 1971. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, Collinsville, Va. 24078. Applicant's representative: George S. Hales, Post Office Box 872, Martinsville, VA 24112. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Clocks and packing materials*, from points in Henry County, Va., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. **NOTE:** Common control may be involved. In regards to tacking, applicant states that it presently holds authority to transport new furniture, furniture parts, and furniture materials to the majority of destination States shown from Martinsville, Va. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 67408 (Sub-No. 4), filed June 28, 1971. Applicant: STOKDYK TRUCK LINE, INC., 927 West Melin Street, Post Office Box 82, Port Washington, WI 53074. Applicant's representative: E. J. Greiveldinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value), serving Fredonia and Random Lake, Wis., as off-route points in connection with applicant's authorized regular route operations. **NOTE:** If a hearing is deemed necessary, applicant does not specify a location.

No. MC 87720 (Sub-No. 110) (Correction), filed June 24, 1971, published in the FEDERAL REGISTER, issue of July 22, 1971 and republished in part as corrected this issue. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. **NOTE:** The sole purpose of this partial republication is to add the destination States of Delaware, Pennsylvania, New York, New Jersey, and Connecticut. The rest of the application remains as previously published.

No. MC 94350 (Sub-No. 291), filed June 17, 1971. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road, Greenville, SC 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Alamance and Durham County, N.C., to points in the United States, east of the Mississippi River, including Louisiana and Minnesota. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 96098 (Sub-No. 54), filed July 16, 1971. Applicant: MILTON TRANSPORTATION, INC., Rural Delivery No. 2, Post Office Box 207, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Salt*, except in bulk, from St. Clair, Mich., to points in New York, Pennsylvania, New Jersey, Delaware, Maryland, and the District of Columbia, under contract with Diamond Crystal Salt Co. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Scranton, Pa.

No. MC 97357 (Sub-No. 40), filed July 9, 1971. Applicant: ALLYN TRANSPORTATION COMPANY, a corporation, 14011 South Central Avenue, Los Angeles, CA 90059. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Catalytic blown asphalt, emulsions, road oils, and asphalts*, from points in Los Angeles County, Calif., to points in Dona Ana County, N. Mex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 103051 (Sub-No. 243), filed July 6, 1971. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue North, Post Office Box 7645, Nashville, TN 37209. Applicant's representative: R. J. Reynolds, Jr., 604-09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils and animal fats*, in bulk, in tank vehicles, from Moultrie, Ga., to points in Louisiana. NOTE: Applicant states that the requested authority can be tacked with its existing authority under MC 103051 and thereby also provide service to points in Georgia, Alabama, Mississippi, North Carolina, and New York. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 103993 (Sub-No. 649), filed July 15, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borgheani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles*, in initial movements, from points in Crittendon County, Ark., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 103993 (Sub-No. 650), filed July 15, 1971. Applicant: MORGAN

DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borgheani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, in sections on undercarriages*, from points in Union County, N.C., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 103993 (Sub-No. 651), filed July 16, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representatives: Paul D. Borgheani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Boat campers*, from points in Greene County, Mo., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Springfield, Mo.

No. MC 105566 (Sub-No. 43) (Correction), filed June 28, 1971, published in the FEDERAL REGISTER, issue of July 29, 1971, and republished as corrected, this issue. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, between Chicago, Ill., and points in Weakley County, Tenn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to clarify the territorial scope of the authority sought. The previous publication inadvertently referred to Weakley County, Tex., in lieu of Weakley County, Tenn. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 107012 (Sub-No. 118), filed July 8, 1971. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Post Office Box 988, Fort Wayne, IN 46801. Applicant's representative: Terry G. Fewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pianos and organs, and piano and organ benches and accessories*, from De Queen, Conway, and Fayetteville, Ark., and Greenwood, Miss., to points in the United States (except Alaska and Hawaii), and *returned shipments* of the above commodities from points in the United States (except Alaska and Hawaii), to the above specified points. NOTE: Common control and dual operations may be involved. Applicant states

that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points and territories which can be served through tacking. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Washington, D.C.

No. MC 107012 (Sub-No. 119), filed July 8, 1971. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Post Office Box 998, Fort Wayne, IN 46801. Applicant's representatives: Terry G. Fewell, Post Office Box 988, Fort Wayne, IN 46801, and Donald C. Lewis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet padding*, from Dyersburg, Tenn., to points in Iowa, North Dakota, South Dakota, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107012 (Sub-No. 120), filed July 8, 1971. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Post Office Box 988, Fort Wayne, IN 46801. Applicant's representatives: Terry G. Fewell and Donald C. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet and carpet padding*, from South Hackensack, N.J., to points in Pennsylvania. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority under MC 107012 at any point in Pennsylvania and serve points in 30 States. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107295 (Sub-No. 535), filed July 1, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representatives: Dale L. Cox and Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum pipe, aluminum billets, aluminum dross, aluminum fittings, and unfinished aluminum shapes*, from Ellenville, N.Y., to points in Wisconsin, Arkansas, Tennessee, Mississippi, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 107295 (Sub-No. 536), filed July 2, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representatives: Dale L. Cox and Mack Stephenson (same address as applicant). Authority sought to operate

as a common carrier, by motor vehicle, over irregular routes, transporting: *Stairs, stair parts and accessories*, from Logan, Ohio, to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland or Columbus, Ohio.

No. MC 107295 (Sub-No. 538), filed July 12, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representatives: Dale L. Cox and Mack Stephenson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pipe and tubing (other than iron or steel), fittings, connections, valves, hydrants, gaskets, and pipe cement and accessories* used in the installation thereof, from Evansville, Ind., and Henderson, Ky., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 107403 (Sub-No. 820), filed July 6, 1971. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representatives: John E. Nelson (same address as applicant), and Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from Good Hope, La., to points in Texas. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 107496 (Sub-No. 815) (Correction), filed June 30, 1971, published in the FEDERAL REGISTER, issue of July 29, 1971, and republished in part as corrected this issue. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, IA 50304. Applicant's representative: H. L. Fabriet (same address as applicant). **NOTE:** The sole purpose of this partial republication is to reflect the correct docket number assigned thereto, in lieu of MC 107406, erroneously shown in previous publication. The rest of the application remains the same.

No. MC 107515 (Sub-No. 761), filed July 8, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050.

Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Papermakers felt*; and (2) *fibers*, from Waycross, Ga., to points in the United States (except Alaska and Hawaii). **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Jacksonville, Fla.

No. MC 107544 (Sub-No. 103), filed July 2, 1971. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, VA 24354. Applicant's representatives: Daryl J. Henry (same address as applicant), and Harry C. Ames, Jr., 666 11th Street, NW., Washington, DC 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products (except petrochemicals, acids, and asphalt)*, in bulk, in tank vehicle, from the terminals of the Colonial Pipeline at or near Montvale, Va., to points in Barbour, Braxton, Brooke, Cabell, Calhoun, Doddridge, Gilmer, Grant, Hampshire, Hancock, Hardy, Harrison, Jackson, Lewis, Marion, Marshall, Mason, Mineral, Monongalia, Ohio, Pleasants, Preston, Putnam, Ritchie, Roane, Taylor, Tyler, Wayne, Wetzel, Wirt, and Wood Counties, W. Va. **NOTE:** Applicant also holds contract carrier authority under MC 113959 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the applicant may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Roanoke, Va.

No. MC 110063 (Sub-No. 3) (Amendment), filed March 19, 1971, published in the FEDERAL REGISTER issue of April 8, 1971, and republished as amended this issue. Applicant: WILLIAM MARAUSZWSKI, doing business as BILLY'S TRUCKING, 13 Clarendon Street, Pittsfield, MA 01201. Applicant's representative: Reubin Kaminsky, Post Office Box 17-067, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Toys, sporting goods and equipment, and portable swimming pools*, from Lee, Mass., to points in Connecticut, Delaware, Maine, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont, under a continuing contract, or contracts with Kaufman Bros., Inc. **NOTE:** Applicant holds common carrier authority under MC 115817, therefore, dual operations

may be involved. The purpose of the republication is to reflect the change in the commodity description. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Albany, N.Y.

No. MC 110589 (Sub-No. 7), filed July 6, 1971. Applicant: J. E. LAMMERT TRANSFER, INC., 317 North Oak Street, Grand Island, NE 68801. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, skins, and commodities in bulk), from the plantsite and warehouses facilities of Swift & Co. at Grand Island, Nebr., to points in Illinois, Iowa, Minnesota, Missouri, and Wisconsin. Restriction: All traffic restricted to shipments originating at and destined to the above-named points. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 111375 (Sub-No. 52), filed July 2, 1971. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., Post Office Box 3358, Madison, WI 53704. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Wisconsin, Minnesota, and Illinois to Fort Madison, Iowa. **NOTE:** Applicant states tacking will be made at Fort Madison, Iowa, with existing authority in its Sub-No. 49. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111375 (Sub-No. 53), filed July 12, 1971. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., Post Office Box 3358, Madison, WI 53704. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Prepared flour, prepared flour mixes, frosting mixes and icing mixes*, from Chelsea, Mich., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111812 (Sub-No. 427), filed July 15, 1971. Applicant: MIDWEST

COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products, vehicle body sealer and sound deadening compounds*, in packages or containers (except in bulk in tank vehicles), from Hancock County, W. Va., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113678 (Sub-No. 424) (Amendment), filed May 4, 1971, published in the FEDERAL REGISTER issue of May 27, 1971, and republished, as amended, this issue. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, CO 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats*, cooked, cured, or preserved, with or without vegetable, milk, egg, or fruit ingredients other than frozen, from Fort Madison, Iowa, to points in Colorado, California, Arizona, and Utah, and (2) *meats, meat products, meat byproducts and articles distributed by meat packing-houses* as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Illinois, Indiana, Minnesota, Kansas, Nebraska, and Wisconsin, to the plantsite and/or storage facilities of Armour-Dial, Inc., at or near Fort Madison, Iowa, restricted to traffic destined to the above plantsite and/or storage facilities. NOTE: The purpose of this republication is to redescribe the scope of the authority sought. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Denver, Colo.

No. MC 114273 (Sub-No. 96), filed July 6, 1971. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, IA 52406. Applicant's representatives: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, IA 52402, and Gene R. Prokuski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, from the cold storage facilities utilized by Wilson-Sinclair Co., at or near Sodus, Mich., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin, restricted to the transportation of traffic originating at the above-specified origin and destined to the above-specified destinations. NOTE: If a hearing is deemed

necessary, applicant requests it be held at Chicago, Ill.

No. MC 115113 (Sub-No. 26), filed July 15, 1971. Applicant: IOWA PACKERS XPRESS, INC., Post Office Box 231, Spencer, IA 51301. Applicant's representative: Bill Husby (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Finished maintenance, sanitation chemicals, and the equipment, supplies, and materials* needed for the processing of finished maintenance and sanitation chemicals, from points in Illinois, New Jersey, New York, Ohio, and Pennsylvania to Des Moines, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines or Sioux City, Iowa.

No. MC 115162 (Sub-No. 232), filed June 28, 1971. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Doors*, from Dallas, Tex., to points in Alabama, Louisiana, Mississippi, and Tennessee; (2) *Building stone (cut stone, split face sawed stone), limestone, and sandstone*, from points in Lawrence County, Ind., to points in Kentucky, Tennessee, Alabama, Georgia, Florida, Mississippi, Louisiana, and Texas; (3) *Pallets*, between points in Alabama and Louisiana, and (4) *Grain augers and farm feed mills and component parts*, from Clay Center, Kans., and Bluffton, Ind., to points in Alabama. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Montgomery or Mobile, Ala.

No. MC 115331 (Sub-No. 316), filed July 6, 1971. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends*, in bulk, from Cedar Rapids, Clinton, and Muscatine, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 115841 (Sub-No. 414), filed July 6, 1971. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Post Office Box 168—also 1215 Bankhead Highway, West., Birmingham, AL 35204—Concord, TN 37720. Applicant's representatives: Roger M. Shaner (same address as applicant), and E. Stephen Helsley, 666 11th Street NW., Washington, DC 20001. Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Traverse City, Mich., to points in Indiana, Kentucky, Ohio, Virginia, West Virginia, Arkansas, Kansas, Iowa, Illinois, Missouri, Nebraska, Oklahoma, and Texas, restricted to traffic originating at the plantsite and/or warehouse facilities of Chef-Pierre, Inc., located at Traverse City, Mich. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 117370 (Sub-No. 22), filed July 2, 1971. Applicant: STAFFORD TRUCKING, INC., 2155 Hollyhock Lane, Elm Grove, WI 53122. Applicant's representative: Nancy J. Johnson, 111 South Fairchild Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial dust*, between points in Wisconsin, Illinois, Indiana, Pennsylvania, and Ohio. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 117613 (Sub-No. 6), filed July 15, 1971. Applicant: DONALD M. BOWMAN, JR., 5 North Clifton Drive, Williamsport, MD 21795. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick (except refractory brick) and tile*, (A) From Somerset, Va., to points in West Virginia, Maryland, Pennsylvania, and the District of Columbia, and (B) from Arlington, Va., to points in Maryland, West Virginia, and Pennsylvania, under contract with Victor Cushwa & Sons, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117686 (Sub-No. 124), filed July 8, 1971. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, IA 51102. Applicant's representative: A. J. Swanson, Post Office Box 417, Sioux City, IA 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, from New Orleans, La., to points in Kansas, Missouri, and North Dakota. NOTE: Applicant states that the requested au-

thority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or New Orleans, La.

No. MC 117940 (Sub-No. 56), filed July 9, 1971. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: Marshall D. Becker, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C 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 vehicle and hides), from the plantsite and/or cold storage facilities of Missouri Beef Packers, Inc., at or near Friona and Plainview, Tex., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 114789 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 118831 (Sub-No. 82), filed June 28, 1971. Applicant: CENTRAL TRANSPORT, INCORPORATED, Post Office Box 5044, High Point, NC 27262. Applicant's representatives: Richard E. Shaw (same address as applicant), and E. Stephen Heisley, 666 11th Street Northwest, Washington, DC. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dimethyl terephthalate*, in bulk, from Gibbstown, N.J., to points in Brunswick County and Transylvania County, N.C., and Davidson County, Tenn. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Atlanta, Ga., or Raleigh, N.C.

No. MC 119619 (Sub-No. 58), filed July 8, 1971. Applicant: DISTRIBUTORS SERVICE COMPANY, a corporation 2000 West 43d Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as de-

scribed in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and quantities in bulk), from the plantsite and facilities utilized by Missouri Beef Packers, Inc., at Friona and Plainview, Tex., and Rockport, Mo., to points in Missouri, Illinois, Indiana, Ohio, Michigan, Pennsylvania, New York, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia, and Louisville, Ky., restricted to traffic originating at the plantsite and facilities of Missouri Beef Packers, Inc., at the above-specified origins. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119670 (Sub-No. 18), filed July 9, 1971. Applicant: THE VICTOR TRANSIT CORPORATION, Post Office Box 115, Winton Place Station, Cincinnati, OH 45232. Applicant's representative: Robert H. Kinker, Post Office Box 464, Frankfort, KY 40601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic containers, closures, and accessories, and plastic carriers*, from the plant and warehouse sites of Owens-Illinois, Inc., in St. Louis, Mo., Chicago, Ill., and Cincinnati, Ohio, to points in Indiana, Illinois, Michigan, Missouri, Ohio, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 119777 (Sub-No. 214), filed July 7, 1971. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box Drawer L, Highway 85 East, Madisonville, KY 42431. Applicant's representatives: William G. Thomas, Post Office Drawer L, Madisonville, KY 42431, and Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Boards* made from wood using wood chips, wood shavings, or wood fiber, alone or in combinations; with or without added binder; with surface unfinished or finished with decorative or protective materials and with or without accessories and supplies used in the installation and/or application thereof, from points in Nash County, N.C., to points in the United States; and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities described in (1) above, from points in the United States to points in Nash County, N.C. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to op-

pose the application may result in an unrestricted grant of authority. Applicant holds contract carrier authority under MC 126970 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119789 (Sub-No. 81), filed July 11, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tractor tread shoes*, from St. Marys, Ohio, to San Jose, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.; Dallas, Tex.; or Washington, D.C.

No. MC 119789 (Sub-No. 82), filed July 14, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Electric motors and parts therefor*, from St. Louis, Mo., and Memphis, Tenn., to Prescott, Ariz., and Phoenix, Ariz., and Los Angeles, Calif., and points in the Los Angeles, Calif. commercial zone. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Dallas, Tex., or Washington, D.C.

No. MC 119789 (Sub-No. 84), filed July 11, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Steel stampings and laminated steel; electric motors and parts for electric motors*, from Philadelphia, Miss., to Prescott, Ariz., and Los Angeles, Calif., and points in the Los Angeles commercial zone. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.; Dallas, Tex.; or Washington, D.C.

No. MC 119789 (Sub-No. 85), filed July 14, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Garbage disposals, and parts and accessories therefor; and machines and machine set-ups compacters*, from Racine, Wis., to Los Angeles, Calif., and points in the Los Angeles commercial zone. NOTE: Applicant states that the

requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.; Dallas, Tex.; or Washington, D.C.

No. MC 121489 (Sub-No. 6), filed June 28, 1971. Applicant: NEBRASKA IOWA EXPRESS, INC., Council Bluffs, IA 51501. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Omaha, Nebr., and Council Bluffs, Iowa, and Falls City, Nebr., from Omaha, Nebr., over U.S. Highways 73 and 75 to Falls City, Nebr., and return over the same routes, serving the intermediate and off-route points of Murray, Union, Nebraska City, Dunbar, Julian, Peru, Brock, Brownville, Johnson, Auburn, Nemaha, Stella, Shubert, Barada, Verdon, Dawson, Salem, and Rulo; (2) between Omaha, Nebr., and Council Bluffs, Iowa, and Henry, Nebr., from Omaha, Nebr., over Interstate Highway 80 to Paxton, Nebr., thence over U.S. Highway 30 to Ogallala, Nebr., thence over U.S. Highway 26 to Henry, Nebr., and return over the same route, serving the intermediate and off-route points of Grand Island, Lexington, Darr, Cozad, Gothenburg, Brady, Maxwell, North Platt, Hershey, Ogallala, Oshkosh, Broadwater, Bridgeport, Bayard, Minatare, Gering, Scotts Bluff, Mitchell, Morrill, and Lyman; and (3) between Omaha, Nebr., and Council Bluffs, Iowa, and Bushnell, Nebr., from Omaha, Nebr., over Interstate Highway 80 to Paxton, Nebr., thence over Interstate Highway 30 to Bushnell, Nebr., and return over the same route, serving the intermediate and off-route points of Brule, Chappell, Sidney, Potter, and Kimball, Nebr. **NOTE:** Applicant states that the purpose of instant application is to convert a portion of its irregular route to regular route authority. Applicant further states it will cancel any duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 123048 (Sub-No. 198), filed July 6, 1971. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 53401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703, and Paul L. Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bleachers, grandstands, and picnic tables*, and (2) *attachments, accessories, and parts* for (1) above, from Baton Rouge Parish, La., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked

with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., Memphis, Tenn., or Washington, D.C.

No. MC 123405 (Sub-No. 28) filed July 15, 1971. Applicant: FOOD TRANSPORT, INC., Post Office Box 1041, York, PA 17405. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aquariums and household pet cages, and aquarium accessories, supplies and equipment* (excluding commodities in bulk, in tank vehicles), from Paterson, East Paterson, Maywood, Hackensack, and Saddle Brook, N.J., to points in New Jersey, Ohio, Indiana, Illinois, Missouri, Kansas, Michigan, Wisconsin, Iowa, North Dakota, South Dakota, Oklahoma, Minnesota, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and California, with no transportation for compensation on return except as otherwise authorized. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 123497 (Sub-No. 3), filed July 6, 1971. Applicant: WOODLAND TRANSPORT, INC., Box 72, Siren, WI 54872. Applicant's representative: Marion Irving Anderson, Siren, Wis. 54872. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing*, from Siren, Wis., to points in Illinois, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Michigan, and Indiana. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 123872 (Sub-No. 4), filed July 6, 1971. Applicant: W & L MOTOR LINES, INC., 10th and C Streets SE., Hickory, NC 28601. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, (a) from points in Alexandria, Burke, Caldwell, Catawba, Iredell, and McDowell Counties, N.C., to points in California, New Mexico, Oklahoma, and Texas, (b) from points in Alexander, Burke, Caldwell, Catawba, Cleveland, Iredell, Lincoln, McDowell, and Wilkes Counties, N.C., to points in Wisconsin, (c) from the plantsite and warehouse facilities of Elkin Furniture Co., Division of Vaughan Bassett, located in Surry County, N.C., to points in California, Colorado, Iowa, Kansas, Minnesota, Nebraska, New Mexico, Oklahoma, Texas, and Wisconsin; and (d) from the plantsite and warehouse facilities of Drexel Enterprises, Division of U.S. Plywood-Champion Papers, Inc., located at

or near Woodfin, Buncombe County, N.C., to points in California, Colorado, Iowa, Kansas, Minnesota, Nebraska, New Mexico, Oklahoma, and Texas; and (2) *returned, damaged and rejected new furniture*, from the destinations specified in (1) above. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hickory or Charlotte, N.C.

No. MC 124377 (Sub-No. 22), filed July 1, 1971. Applicant: REFRIGERATED FOODS, INC., 3200 Blake Street, Box 1018, Denver, CO 80201. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, CO 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (1) between York, Nebr., and Downs, Kans.; and (2) from Downs, Kans., to Denver, Colo.; El Paso, Tex., and points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Washington, restricted to traffic originating at plantsites, warehouses and storage facilities or York Packing Co., York, Nebr., and Pork Packers International, Inc., Downs, Kans., under contract with York Packing Co., and Pork Packers International, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Kansas City, Mo.

No. MC 124701 (Sub-No. 7), filed June 23, 1971. Applicant: HAYWARD TRANSPORTATION, INC., Main Street Fairlee, VT 05045. Applicant's representative: Frederick T. O'Sullivan, 372 Granite Avenue, Milton, MA 02186. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cloth, and materials, equipment and supplies used in the manufacture of cloth*, (1) between Bradford, Vt., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Maryland, Virginia, Massachusetts, Ohio, Connecticut, Rhode Island, Delaware, West Virginia, North Carolina, South Carolina, Indiana, Illinois, Michigan, Tennessee, Kentucky, Georgia, Florida, New Hampshire, Louisiana, Alabama, and Mississippi; and (2) between points in New York and New Jersey on the one hand, and, on the other, points in Pennsylvania, Virginia, North Carolina, South Carolina, Maryland, Georgia, and Massachusetts, under contract with Channel Mills, Inc., a subsidiary of Channel Textile Co., Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., or Concord, N.H.

No. MC 126514 (Sub-No. 33), filed July 7, 1971. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, a partnership, 5200 West Bethany Home Road, Glendale, AZ 85301.

Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic film or sheeting, flakes, granules, lumps, pellets, powder or solid mass, forms, and packaging trays*, from Passaic and Newark, N.J., to points in California, Washington, Arizona, Colorado, Oregon, and Nevada. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 127274 (Sub-No. 26), filed July 2, 1971. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Post Office Box 2189, Muncie, IN 47302. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor*, (1) from Dunkirk and Muncie, Ind., to points in Alabama, Louisiana, Missouri, and Tennessee; and (2) *returned shipments of glass containers*, from points in Alabama, Louisiana, Missouri, and Tennessee, to Dunkirk and Muncie, Ind. **Restriction:** Restricted to traffic originating at the plantsite or warehouse facilities of Kerr Glass Manufacturing Corp., at Dunkirk and Muncie, Ind. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 128273 (Sub-No. 102), filed July 2, 1971. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Applicant's representative: Danny Ellis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, products produced or distributed by manufacturers and converters of paper and paper products and materials and supplies used in the manufacture and distribution of the above-named commodities (except commodities which, because of size or weight, require the use of special equipment, and except commodities in bulk)*, between points in Columbus and Brunswick Counties, N.C.; Albany and Saratoga Counties, N.Y., and Hunterdon and Warren Counties, N.J.; on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128412 (Sub-No. 3), filed July 6, 1971. Applicant: LO-TEMP EXPRESS, INC., 1810 10th Avenue, Altoona, PA 16603. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transport-

ing: *Foodstuffs, except commodities in bulk*, from points in Delaware, Georgia, Ohio, and Dubuque, Iowa, to Altoona and Lemoyne, Pa., under continuing contract with Sky Bros., Inc., Altoona, Pa.; Sky Bros. of Lemoyne, Inc., Lemoyne, Pa.; and Frozen Farm Products, Inc., Altoona, Pa. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 128879 (Sub-No. 18), filed July 12, 1971. Applicant: C-B TRUCK LINES, INC., 1401 East Brady, Post Office Box 1774, Clovis, NM 88101. Applicant's representatives: Jerry R. Murphy, 708 La Veta NE., Albuquerque, NM 87108, and Edwin E. Piper, Jr., Suite 715, Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment)*, (1) between Clovis, N. Mex., and Amarillo, Tex.: From Clovis, N. Mex., over U.S. Highways 60 and 84 to Farwell, Tex., thence over U.S. Highway 60 to Canyon, Tex., thence over U.S. Highway 87 and Interstate Highway 27 to Amarillo, Tex., and return over the same route; (2) between Clovis, N. Mex., and Lubbock, Tex.: From Clovis, N. Mex., over U.S. Highways 60 and 84 to Farwell, Tex., thence over U.S. Highway 84 to Lubbock, Tex., and return over the same route; (3) between Lovington, N. Mex., and Lubbock, Tex.: From Lovington, N. Mex., over U.S. Highway 82 to Plains, Tex., thence over U.S. Highways 82 and 380 to Brownfield, Tex., thence over U.S. Highways 62 and 82 to Lubbock, Tex., and return over the same route; and (4) between Lovington, N. Mex., and Amarillo, Tex.: From Lovington, N. Mex., over U.S. Highway 82 to Plains, Tex., thence over U.S. Highways 82 and 380 to Brownfield, Tex., thence over U.S. Highways 62 and 82 to Lubbock, Tex., thence over U.S. Highway 87 and Interstate Highway 27 to Amarillo, Tex., and return over the same route. Applicant states serving no intermediate points on any route, and restricted against service between Amarillo and Lubbock, Tex. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lubbock and Amarillo, Tex., and Clovis, Lovington, and Carlsbad, N. Mex.

No. MC 129645 (Sub-No. 38), filed July 1, 1971. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, MI 49801. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boards made from wood using wood chips, wood shavings or wood fibre, alone or in combination; with or without added binder; with surface*

unfinished or finished with decorative or protective materials and with or without accessories and supplies used in the installation and/or application thereof, from points in Nash County, N.C., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Wisconsin, and the District of Columbia, and (2) *materials, equipment, and supplies used in the manufacture and distribution of the commodities described in (1) above*, from points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Wisconsin, and the District of Columbia, to points in Nash County, N.C. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 133283 (Sub-No. 1), filed July 9, 1971. Applicant: FURNITURE MANUFACTURERS EXPRESS, INC., Suite 306, 1301 York Road, Lutherville, MD 21093. Applicant's representative: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between Baltimore, Md., and Washington, D.C. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134308 (Sub-No. 3), filed July 8, 1971. Applicant: CADDO EXPRESS, INC., 1016 Southwest 16th, Oklahoma City, OK. Applicant's representative: D. D. Brunson, 419 Northwest 6th, Oklahoma City, OK 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular 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 those requiring the use of special equipment*, (1) between Oklahoma City and Richards Spur, Okla., from Oklahoma City to Richards Spur, Okla., over H. E. Bailey Turnpike and return, serving no intermediate points; (2) between Anadarko and Geary, Okla., from Anadarko to Geary, Okla., over U.S. Highway 281 and return, serving the off-route point of Washita; (3) between Hinton and Calumet Junction, Okla., from Hinton to Calumet Junction, Okla., over Interstate Route 40 and return, serving no intermediate points; (4) between Woodward and Canton, Okla.,

from Woodward, Okla., over Oklahoma Highway 15 to junction Oklahoma Highway 58, thence over Oklahoma Highway 58 to Canton, Okla., and return, serving all intermediate points; (5) between Fairview and Watonga, Okla., from Fairview, Okla., over Oklahoma Highway 8 to Watonga, Okla., and return, serving all intermediate points; (6) between Watonga and Seiling, Okla., from Watonga, Okla., to Seiling, Okla., over Oklahoma Highway 3 and return, serving no intermediate points; and (7) between Elmwood and Felt, Okla., from Elmwood, Okla., over Oklahoma Highway 3 to Felt, Okla., and return, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 134406 (Sub-No. 3), filed June 28, 1971. Applicant: MEDGAR CORP., 2 Water Street, Cuba, NY 14727. Applicant's representatives: Kenneth T. Johnson and Ronald W. Malin, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Groceries*, from the plantsite of Guilford Dairy, Inc., located at Cuba, N.Y. to points in Tioga, McKean, Warren, Potter, Cameron, and Elk Counties, Pa., under continuing contract with Olean Wholesale Grocery Cooperative, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Erie, Pa.

No. MC 134484 (Sub-No. 3), filed July 6, 1971. Applicant: MORGAN G. EDWARDS AND DAVID G. EDWARDS, a partnership, doing business as EDWARDS, BROS., 1875 North Holmes, Idaho Falls, ID 83401. Applicant's representative: Dennis M. Olsen, 485 E Street, Idaho Falls, ID 83401. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meat, and fresh and frozen meat products*, from points in Canyon County, Idaho to points in Adams, Arapahoe, Jefferson, Denver, Boulder, Douglas, El Paso, Pueblo, Weld, and Clear Creek Counties, Colo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Idaho Falls, Idaho; Salt Lake City, Utah, or Boise, Idaho.

No. MC 134640 (Sub-No. 1), filed July 1, 1971. Applicant: DAVIS & SON, INC., Post Office Box 3454, Phoenix, AZ 85030. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, between Teec Nos Pos, Ariz., and Tonalea, Ariz., serving points within 10 miles of the described highway as off-route points, and serving all intermediate points; from Teec Nos Pos, Ariz., over U.S. Highway 164 to Tonalea, Ariz., and return over the same route. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 135018 (Sub-No. 1), filed June 25, 1971. Applicant: A 'n' D CORP., Post Office Box 1186, Orange, CA 92668. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Pool and patio accessories and advertising and promotional equipment, materials and supplies* used in connection therewith, from points in Cameron County, Tex., and South El Monte, Calif., to points in the United States (except Alaska and Hawaii); (2) *damaged, defective, exchanged, rejected, returned, stored, surplus and unclaimed pool and patio accessories, and advertising and promotional equipment, materials and supplies used in connection therewith*, between points in the United States (except Alaska and Hawaii); (3) *aluminum, bolts, hardware and nuts*, from points in the United States (except Alaska and Hawaii), to points in Cameron County, Tex., and Los Angeles and Orange Counties, Calif.; (4) *chair shells*, from points in Illinois, Texas, and Wisconsin to points in Cameron County, Tex., and Los Angeles and Orange Counties, Calif.; (5) *steel*, (a) from points in Illinois, Indiana, and Pennsylvania, to points in Cameron County, Tex., and Los Angeles and Orange Counties, Calif., and (b) from points in California to points in Cameron County, Tex.; (6) *stainless steel*, (a) from points in Connecticut and New Jersey to points in Cameron County, Tex., and Los Angeles and Orange Counties, Calif., and (b) from points in California to points in Cameron County, Tex.;

(7) *Fiberglass*, (a) from points in Ohio, Tennessee, and Texas to points in Cameron County, Tex., and Los Angeles and Orange Counties, Calif.; and (b) from points in California to points in Cameron County, Tex.; (8) *lumber and plywood*, (a) from points in Idaho, Oregon, and Washington to points in Cameron County, Tex., and Los Angeles and Orange Counties, Calif., and (b) from points in California to points in Cameron County, Tex.; (9) *packaging materials*, (a) from points in Oregon and Washington to points in Cameron County, Tex., and Los Angeles and Orange Counties, Calif., and (b) from points in California to points in Cameron County, Tex.; (10) *adhesives*, used in the fabrication of fiberglass, (a) from points in Delaware and New Jersey to points in Cameron County, Tex., and Los Angeles and Orange Counties, Calif.; and (b) from points in California to points in Cameron County, Tex.; (11) *Polyethylene tubing*, (a) from points in Pennsylvania to points in Cameron County, Tex., and Los Angeles and Orange Counties, Calif.; and (b) from points in California to points in Cameron County, Tex.; (12) *pool and patio accessories advertising and promotional equipment materials and supplies* and *methyl ethyl ketone*, (a) from points in Texas to points in Los Angeles and Orange Counties, Calif.; and (b) from points in California to points in Cameron

County, Tex.; and (13) *component parts, materials, supplies and equipment used in the manufacturing, production and distribution of pool and patio accessories*, between points in Los Angeles and Orange Counties, Calif., on the one hand, and, on the other, points in Cameron County, Tex., under contract with Aquaslide 'n' Dive Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 135084 (Sub-No. 2), filed July 19, 1971. Applicant: AIRPORT DELIVERY, INC., 10060 Natural Bridge Road, St. Louis County, MO 63134. Applicant's representatives: Gregory M. Rebman, 314 North Broadway, St. Louis, MO 63102, and William J. Tate, 7 North Seventh Street, St. Louis, MO 63101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Baggage*, between St. Louis International Airport, Mo., on the one hand, and, on the other, points in the counties of Randolph, St. Clair, Monroe, Madison, Jersey, Macoupin, Clinton, Bond, Marion, Greene, Montgomery, Fayette, Jefferson, Franklin, Washington, and Perry, Ill., and Gasconade, Crawford, Osage, Franklin, Jefferson, St. Charles, St. Francois, Warren, Lincoln, Washington, Montgomery, Boone, Pularski, Phelps, and St. Louis County, and the city of St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 135153 (Sub-No. 9), filed July 19, 1971. Applicant: GREAT OVERLAND, INC., Fort Dodge Road, Dodge City, KS 67801. Applicant's representative: Harley E. Laughlin, Post Office Box 1417, Dodge City, KS 67801. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in or used by wholesale and retail import business houses, and in connection therewith; equipment, materials, and supplies used in the conduct of such businesses*, from Glassboro, N.J., Houston, Tex., Fort Worth, Tex., Anaheim, Calif., and Rochelle Park, N.J., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 135266 (Sub-No. 1), filed April 15, 1971. Applicant: VOGEL VAN & STORAGE, INC. 700 South Pearl Street, Albany, NY 12202. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, NY 10019. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Used household goods* between points in Albany, Schenectady, Rensselaer, Saratoga, Warren, Hamilton, Washington, Oneida, Montgomery, Herkimer, Fulton, Schoharie, Greene, Columbia, Dutchess, Putnam, Orange, Sullivan, Ulster, Delaware, and Otsego Counties, N.Y.; Hampden, Worcester, Franklin, Hampshire, and Berkshire Counties, Mass.; Litchfield,

Hartford, New Haven, and Fairfield Counties, Conn.; and Rutland, Bennington, Addison, Windsor, and Windham Counties, Vt. Restriction: The service authorized herein is restricted to the transportation of traffic having a prior or subsequent movement by containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at (1) Albany, N.Y., (2) New York, N.Y.

No. MC 135301 (Sub-No. 1), filed July 6, 1971. Applicant: REPUBLIC VAN LINES OF SAN DIEGO, INC., 4909 Pacific Highway, San Diego, CA 92110. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Used household goods*; and (2) *unaccompanied baggage*, between points in Imperial, Los Angeles, Orange, Riverside, and San Diego Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 135454 (Sub-No. 3), filed July 2, 1971. Applicant: DENNY TRUCK LINES, INC., 893 Ridge Road, Webster, NY 14580. Applicant's representative: Francis P. Barrett, 60 Adams Street, Milton, MA 02187. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from points in Erie, Niagara, Orleans, Genesee, Wyoming, Yates, Seneca, Livingston, and Ontario Counties, N.Y., to points in New Jersey, Pennsylvania, Ohio, and Maryland, and the District of Columbia, and New York, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary applicant requests it be held at Washington, D.C., or Boston, Mass.

No. MC 135520 (Sub-No. 1), filed July 9, 1971. Applicant: DAWSON-JOYCE MOVING AND STORAGE CO., a corporation, West Mountain Drive, Post Office Box 4225, Fayetteville, NC 28306. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Suite 301, Washington, DC 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in the State of North Carolina, restricted to shipments having a prior or subsequent movement beyond

said points in containers and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization or unpacking, uncrating, or decontainerization of such shipments. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify location.

No. MC 135528 (Sub-No. 2), filed July 15, 1971. Applicant: CLIFFORD R. SMITH, doing business as SMITH TRUCKING, R.F.D., Oakley, Utah 84055. Applicant's representative: Stuart L. Poelman, Seventh Floor, Continental Bank Building, Salt Lake City, Utah 84101. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Lumber*, except poles and laminated beams, from Kamas, Utah, to points in Pinal, Maricopa, and Pima Counties, Ariz.; Alameda, Contra Costa, Fresno, Imperial, Kern, Kings, Lassen, Los Angeles, Madera, Marin, Merced, Monterey, Napa, Nevada, Orange, Placer, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Tulare, Ventura, Yolo and Yuba Counties, Calif.; Arapahoe, Douglas, Adams, Jefferson, Denver, and El Paso Counties, Colo., and Mineral and Clark Counties, Nev., under a continuing contract with Blazzard Lumber Co., of Kamas, Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 135546 (Sub-No. 1), filed July 15, 1971. Applicant: ALL STATES MOVING AND STORAGE CO., a corporation, 330 West Mountain Drive, Fayetteville, NC 28306. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in North Carolina, restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization or unpacking, uncrating, or decontainerization or such shipments. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 135549 (Sub-No. 1), filed July 14, 1971. Applicant: BERNIE'S TRUCKING CO., INC., 310 North 32d Street, Philadelphia, PA 19104. Applicant's representative: Alan Kahn, 1920 2 Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe and pipe fittings*, between facilities of Capitol Pipe & Steel Products, Inc., at Lewes, Del., on the one hand, and, on the other, Philadelphia, and Williamsport, Pa., the New York, N.Y., commercial zone

as defined by the Commission, and Newark and Somerville, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 135635 (Sub-No. 1), filed July 22, 1971. Applicant: MERRILL E. FLEIG, Rural Route 4, Box 237, Fairfield, IA 52526. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Automatic livestock watering and feeding equipment, animal pens and equipment, concrete flooring slat-forms and equipment, and livestock equipment*, from Fairfield, Iowa, to points in Arkansas, Delaware, District of Columbia, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin, under contract with Fairfield Engineering and Manufacturing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 135649 (Sub-No. 1), filed July 9, 1971. Applicant: FRIEDERICH TRUCK SERVICE, INC., 626 East State Street, Post Office Box 86, O'Fallon, IL 62269. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis, MO 63101. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Commodities* such as dealt in by retail discount stores for the account of Venture Stores, Inc., a division of May Department Stores Co. (1) between St. Louis, Springfield, Kansas City, and Independence, Mo.; Alton, Fairview Heights, Chicago, and Peoria, Ill., and Overland Park, Kans.; and (2) from points in Wisconsin, Ohio, Indiana, Missouri, Illinois, Kansas, Iowa, Tennessee, Arkansas, and Oklahoma to named points in (1) above, except that no service shall be performed between the St. Louis, Mo.-East St. Louis, Ill., commercial zone, and St. Clair County, Ill., under contract with Venture Stores, Inc., a division of May Department Stores Co. NOTE: Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 135663 (Sub-No. 2), filed July 6, 1971. Applicant: A. J. MIES, INC., 2969 West 13th, Wichita, KS 67203. Applicant's representative: A. J. Mies (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Lightweight building aggregate material*, between Buildex plantsites near Marquette and Ottawa, Kans., on the one hand, and, on the other, to points in Missouri, Nebraska, Colorado, and Oklahoma, under contract with Buildex, Inc. NOTE: If a hearing is deemed necessary,

applicant requests it be held at Wichita or Topeka, Kans.

No. MC 135715 (Sub-No. 2), filed July 16, 1971. Applicant: DAN TRUCKING INC., Post Office Box 2590, San Diego, CA 92112. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottaumwa, IA 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated plastic drainage tubing, related articles, supplies and accessories*, from Pomona, Calif., to points in Arizona, Idaho, Montana, Nevada, Oregon, Utah, and Washington; and (2) *materials, equipment, and supplies*, used in the manufacture, processing, sale, distribution, and installation of corrugated plastic drainage tubing, from points in Arizona, Idaho, Montana, Nevada, Oregon, Utah, and Washington, to Pomona, Calif., under contract with Advanced Drainage Systems, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Los Angeles, or San Francisco, Calif.

No. MC 135746 (Sub-No. 1), filed July 2, 1971. Applicant: DELCO AIR FREIGHT, INC., 600 Rutledge Avenue, Folsom, PA 19033. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, DC. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except classes A and B explosives, commodities in bulk, those requiring the use of special equipment, between points in Philadelphia, Delaware, Chester, Montgomery, and Bucks Counties, Pa., restricted to traffic having a prior or subsequent movement by air. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 135763 (Sub-No. 2), filed July 18, 1971. Applicant: ARKANSAS LOUISIANA LIMESTONE CORPORATION, Post Office Box 33, Foreman, AR 71836. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, in bulk, from Warehouse & Distribution facilities of Arkla Chemical Corp., in Little River County, Ark., to points in Louisiana, Oklahoma, and Texas, under a continuing contract with Arkla Chemical Corp. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 135815, filed July 19, 1971. Applicant: CARROLL MOVING & TRANSFER CO., Rural Delivery No. 1, Carrollton, OH. Applicant's representative: James M. Burch, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, fittings, and accessories*, from Carrollton and Canton,

Ohio, to points in Michigan, Pennsylvania, Indiana, Illinois, West Virginia, and Kentucky. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 135817, filed July 19, 1971. Applicant: B & K VAN STORAGE, INC., 3612 Kurtz Street, San Diego, CA 92110. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used household goods*; and (2) *unaccompanied baggage*, between points in Imperial, Los Angeles, Orange, Riverside, and San Diego Counties, Calif. Restriction: The service proposed to be authorized herein is restricted to the transportation if traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, containerization or unpacking, uncrating, and decontainerization of such traffic. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 135820, filed July 8, 1971. Applicant: WILLIAMS MOVING & STORAGE CO., a corporation, 315 North Jefferson Street, Huntsville, AL 35801. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Building, Post Office Box 22628, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, and *unaccompanied baggage and personal effects*, (1) between Huntsville, Ala., on the one hand, and, on the other, points in Calhoun, Colbert, Cullman, Etowah, Franklin, Jackson, Lauderdale, Lawrence, Limestone, Madison, Marshall, and Oxford Counties, Ala., and Coffee, Franklin, Giles, Lawrence, Lincoln, and Manchester Counties, Tenn.; and (2) between Mobile, Ala., on the one hand, and, on the other, points in Baldwin, Clark, Conecuh, Escambia, Mobile, Monroe, and Washington Counties, Ala., and Greene, Jackson, and Wayne Counties Miss., restricted to the transportation of traffic having a prior or subsequent movement in containers (except as to unaccompanied baggage and personal effects), beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 135821, filed July 8, 1971. Applicant: MADELINE MILESTONE, 4233 Leiper Street, Philadelphia, PA 19124. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Games, toys, appliances, furniture, plastic articles, sporting or athletic equipment, and other such merchandise* as is dealt in by wholesale or retail department stores, including articles used, incidental to, or in connection with the warehousing, sale or distribution of the above-described commodities between Kiddie-City stores or warehouses as follows: Between Kiddie-City stores or warehouses in that portion of New York on and south and west of New York Highway 17 and Interstate Highway 84, including New York, N.Y., and points in Nassau and Suffolk Counties, N.Y.; that portion of Connecticut on and south of Interstate Highway 84 and Connecticut Highway 34; that portion of Maryland on and east of U.S. Highways 15 and 240 and including that portion of Maryland east of the Potomac River and the Chesapeake Bay; that portion of Pennsylvania on and east of U.S. Highways 11 and 15; and between points in New Jersey, Delaware, and the District of Columbia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 135827, filed July 12, 1971. Applicant: PANTIER, INC., 1501 Second Street, Perry, IA 50220. Applicant's representative: William L. Fairbank, 900 Hubbel Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pesticides*, from Des Moines, Perry, and Fort Dodge, Iowa, to points in Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota; and (2) *fertilizer*, from Perry, Iowa, to points in Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota; and (3) *pesticides*, from Omaha, Nebr., to Perry, Iowa. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 135828, filed July 12, 1971. Applicant: RADIO TAXI SERVICE, INC., 999 Rein Road, Cheektowaga, NY 14225. Applicant's representative: William J. Hirsch, Suite 444, 35 Court Street, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in express service (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Erie, Genesee, and Niagara Counties, N.Y., on the one hand, and, on the other, Buffalo, Lewiston, and Niagara Falls, N.Y. Restrictions: (1) To shipments originating at or destined to points in Canada; (2) to the transportation of packages or articles weighing in the aggregate less than 300 pounds per shipment from one consignor to one consignee on one day; and (3) restricted to the transportation of shipments, the deliveries of which are to be completed on the same day that shipments are

tendered. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 135830, filed July 15, 1971. Applicant: DAYTON DELIVERY, INC., CMD 11, Box 103, Fairborn, OH. Applicant's representatives: James R. Stiveron and Edwin H. van Deusen, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials*, from Frankenuth, Mich., and Belleville, Ill., to Dayton, Ohio; and (2) *milk cartons*, from Crossett, Ark., and Versailles, Ky., to Dayton, Ohio. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 135831, filed July 15, 1971. Applicant: NIL GIRARD TRANSPORT, LTEE., 485 rue St. Philippe Street, Chicoutimi, PQ Canada. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the ports of entry on the international boundary line between the United States and Canada located in Maine, New Hampshire, Vermont, and Rouses Point, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania, restricted to traffic originating at points in Dubuc County, Quebec, Canada. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Augusta, Maine, or Boston, Mass.

No. MC 135832, filed July 8, 1971. Applicant: WILLIAM L. HOLLAND, 3928 West Orange Drive, Phoenix, AZ 85019. Applicant's representative: Donald E. Fernaays, 4114 A North 20th Street, Phoenix, AZ 85016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mica*, from the mine and processing site of Space Minerals, Inc., at a point 7 miles east of the junction of U.S. Highway 93 and Arizona Highway 97, on Highway 97, in Yavapai County, Ariz., to San Francisco, and San Diego, Calif., points in Los Angeles, Orange, San Bernardino, and Riverside Counties, Calif.; Duncan and Muskogee, Okla., and Houston and Fort Worth, Tex.; and (2) *equipment, materials, and supplies* used in mining and processing mica, from points in Los Angeles, Orange, San Bernardino, and Riverside Counties, Calif., to the mine and processing site of Space Minerals, Inc., located as described in (1) above, under contract with Space Minerals, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 135825, filed July 9, 1971. Applicant: PANHANDLE FREIGHT SYSTEM, INC., 109 East Jefferson, Elk City, OK. Applicant's representative: R. L. Dugger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household

goods as defined by the Commission, commodities in bulk), between (1) Denver, Colo., and Lawton, Okla., from Denver over U.S. Highway 287 to Boise City, Okla., thence over Oklahoma Highway 3 and U.S. Highway 281 to Lawton, and return over the same route, serving the intermediate points of Woodward, Seiling, Watonga, Anadarko, and the off-route points of Mooreland, Fairview, El Reno, Apache, Cyril, and Fort Sill Military Reservation, Keyes and Chickasha, Okla.; and (2) between Denver, Colo., and Eldorado, Okla., over the above route to junction U.S. Highway 270 and Oklahoma Highway 34, thence south over Oklahoma Highway 34 to Eldorado, and return over the same route, serving the intermediate points of Mangum, Elk City, Hammon, Vici, and the off-route points of Altus, Hobart, and Cordell, Okla. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Elk City, Lawton, or Oklahoma City, Okla.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 169), filed July 6, 1971. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, OH 44113. Applicant's representative: Barrett Elkins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Item A—Regular Routes: Passengers and their baggage and express and newspapers* in the same vehicle with passengers, (Route 1) between the junction of Florida Highway 528 and U.S. Highway 441 and the junction of Florida Highway 528 and Interstate Highway 4, serving all intermediate points: From the junction of Florida Highway 528 and U.S. Highway 441 over Florida Highway 528 to the junction of Interstate Highway 4, and return over the same route; (Route 2) between the junction of Interstate Highway 4 and Florida Highway 557A and the junction of Florida Highway 557 and U.S. Highways 17 and 92, as an alternate route for operating convenience only, serving no intermediate points: From the junction of Interstate Highway 4 and Florida Highway 557A over Florida Highway 557A to the junction of Florida Highway 557, thence over Florida Highway 557 to the junction of U.S. Highways 17 and 92, and return over the same route; (Route 3) between the junction of U.S. Highway 1 and Interstate Highway 95 (south of St. Augustine, Fla.) and the junction of Interstate Highway 295 and County Road No. 553 (Jacksonville Heights Road), as an alternate route for operating convenience only, serving no intermediate points: From the junction of U.S. Highway 1 and Interstate Highway 95 (south of St. Augustine) over Interstate Highway 95 to the junction of Interstate Highway 295, thence over Interstate Highway 295 to the junction of County Road No. 553 (Jacksonville Heights Road) and return over the same route; (Route 4) between Melbourne, Fla., and Cocoa, Fla., serving all intermediate points: From Melbourne over Florida Highway 516 to the junction of Florida Highway A1A, thence over Florida Highway A1A

to the junction of Florida Highway 520, thence over Florida Highway 520 to Cocoa, and return over the same route; (Route 5) between Port Canaveral, Fla., and the junction of Florida Highway 528 and Florida Highway 520, serving no intermediate points, but serving the junction of Florida Highway 528 and U.S. Highway 1 and the junction of Florida Highway 528 and Interstate Highway 95 for the purpose of joinder only: From Port Canaveral over unnumbered access road to the junction of Florida Highway 401, thence over Florida Highway 401 to the junction of Florida Highway A1A, thence over Florida Highway A1A to the junction of Florida Highway 528, thence over Florida Highway 528 to the junction of Florida Highway 520, and return over the same route.

Item B—Irregular Routes: Passengers and their baggage, in one way and round trip charter operations, originating at points on Routes Nos. 4 and 5 described in Item A above, and extending to points in the United States, including Alaska (but excluding Hawaii); *Item C—Irregular Routes: Passengers and their baggage*, in one way and round trip charter operations, originating at points on the route specified below and extending to points in the United States, including Alaska (but excluding Hawaii): From St. Petersburg, Fla., over U.S. Highway 19 to its junction with U.S. Highway 41, thence over U.S. Highway 41 to its junction with U.S. Highway 41-Business, thence over U.S. Highway 41 and U.S. Highway 41-Business to their junction south of Bradenton, thence over U.S. Highway 41 to Naples, thence over Florida State Highway 84 (also known as Alligator Alley or Everglades Parkway) to Fort Lauderdale, Fla. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Orlando, Fla.

No. MC 59238 (Sub-No. 65), filed July 6, 1971. Applicant: VIRGINIA STAGE LINES, INCORPORATED, 114 Fourth Street SE., Charlottesville, VA. Applicant's representative: James E. Wilson, 425 13th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Dale City, Va., and junction Virginia Highway 642 and Interstate Highway 95 (Dale City Interchange), from Dale City over Virginia Highway 784 to junction Virginia Highway 642, thence over Virginia Highway 642 to junction Interstate Highway 95, and return over the same route, with service at the junction of Virginia Highway 642 and Interstate Highway 95 authorized for purpose of joinder only, in connection with Virginia State lines presently authorized regular route between Washington, D.C., and Richmond, Va., over Interstate Highway 95. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Richmond, Va.

No. MC 135738 (Sub-No. 1), filed July 15, 1971. Applicant: DONALD DeGRAFF,

doing business as ACE LIMOUSINE SERVICE, Brick Plaza Shopping Center, Brick Township, NJ 08723. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, in special operations, between points in Ocean and Monmouth Counties, N.J., on the one hand, and, on the other, La Guardia Airport and John F. Kennedy International Airport, New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York City, N.Y.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 135547 (Sub-No. 1), filed July 15, 1971. Applicant: ROBERT N. CODY, SR., doing business as WESTERN EXPRESS STORAGE & TRANSIT, 1815 Massachusetts Avenue, Riverside, CA 92507. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Riverside, San Bernardino, Orange, Los Angeles, and San Diego Counties, Calif., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 71-11502 Filed 8-11-71; 8:45 am]

ASSIGNMENT OF HEARINGS

AUGUST 9, 1971.

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 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.

MC-135268, Tri-Cities Limo Service, Inc., assigned September 8, 1971, in Room E-2222, 26 Federal Plaza Building, New York City, N.Y.

MC-133014 Sub 2 Woodcrest L & S Co., assigned September 20, 1971, in Room 1614, Court of Claims, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC-134182 Sub 4, Milk Producers Marketing Co., doing business as All Star Transportation Corp., assigned September 24,

1971, in Room 1614, Court of Claims, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC-135202 Leon Parent Trucking Co., Inc., assigned September 23, 1971, in Room 1614, Court of Claims, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC-128593 Sub 1, Robert Trinski, doing business as Arrow Marine Transport, assigned September 15, 1971, in Room 1614, Court of Claims, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC-107162 Sub 30, Noble Graham, MC 129645 Subs 30 and 31, Basil J. Smeester and Joseph G. Smeester, doing business as Smeester Brothers Trucking, assigned September 13, 1971, in Room 1614, Court of Claims, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC-F-10697, Jenkins Truck Lines, Inc.—Control—Hayes Truck Lines, Inc., now being assigned for hearing on September 20, 1971, in Room 1057, Federal Office Building, 909 First Avenue, Seattle, WA.

MC-115891 Sub-4, Inter-County Motor Coach, Inc., assigned for hearing on September 13, 1971, in Room B-2331, Federal Plaza, New York, N.Y.

MC-20841 Sub-8, Marathon Freight Lines, Inc., now being assigned for hearing on October 4, 1971, in Room E-2222, 26 Federal Plaza, New York, N.Y.

MC-130138, Chl-Am Tours, Inc., now being assigned for hearing on October 6, 1971, in Room E-2222, 26 Federal Plaza, New York, N.Y.

MC-114045 Sub-339, Trans-Cold Express, Inc., assigned October 4, 1971, in Room B-2231, 26 Federal Plaza, New York, N.Y.

MC-115841 Sub-393, Colonial Refrigerated Transportation, Inc., and MC-119619 Sub 39, Distributors Service Co., assigned October 5, 1971, in Room B-2231, 26 Federal Plaza, New York, N.Y.

MC-F-11011, Main Trucking & Rigging Co., Inc.—Purchase—Coastal Van Lines, Inc., assigned October 7, 1971, in Room B-2231, 26 Federal Plaza, New York, N.Y.

MC-134929 Sub 2, Eyre's Bus Service, Inc., now being assigned hearing October 12, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I & S No. M-24960, Increased Rates and Charges, July 1971, New England Territory, assigned September 20, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35435, No. 35435 Sub 1, Freight All Kinds, Official Territory, assigned November 1, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35361, Public Service Commission, State of North Dakota, et al. v. Burlington Northern, Inc., et al., assigned January 1, 1972, at Fargo, N. Dak.

MC-117589 Subs 15 and 17, Provisioners Frozen Express, Inc., assigned September 20, 1970, at Seattle, Wash., postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 71-11657 Filed 8-11-71; 8:49 am]

[Notice 730]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 9, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72924. By order of August 5, 1971, the Motor Carrier Board approved the transfer to N.O.W. Corp., Youngstown, Ohio, of the operating rights in certificates Nos. MC-115257 (Sub-No. 5), MC-115257 (Sub-No. 6), MC-115257 (Sub-No. 7), MC-115257 (Sub-No. 8), and MC-115257 (Sub-No. 11) issued May 23, 1957, August 19, 1957, September 9, 1957, August 23, 1957, and July 6, 1959, respectively, to Shamrock Van Lines, Inc., Dallas, Tex., authorizing the transportation of household goods, as defined by the Commission, between West Chester, Pa., points in Pennsylvania within 25 miles of West Chester, and points in Delaware, on the one hand, and, on the other, points in 14 States and the District of Columbia; between West Chester, Pa., and points in Pennsylvania within 25 miles thereof, on the one hand, and, on the other, points in Delaware; between Philadelphia, Pa., on the one hand, and, on the other, points in Maryland, New Jersey, and Delaware, and New York, N.Y., and Washington, D.C.; between Mount Airy, N.C., and points within 10 miles thereof, on the one hand, and, on the other, points in Tennessee and the District of Columbia; between points in Essex, Hudson, and Bergen Counties, N.J., on the one hand, and, on the other, points in New Jersey, New York, Pennsylvania, Connecticut, and Massachusetts, and between Lynn, Mass., and points within 15 miles thereof, on the one hand, and, on the other, points in 10 States. Richard H. Brandon, 79 East State Street, Columbus, OH 43215, and Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202, attorneys for applicants.

No. MC-FC-72995. By order of August 4, 1971, the Motor Carrier Board approved the transfer to Kauffman and Minter, Inc., Jobstown, N.J., of a portion of the operating rights set forth in Certificate No. MC-20793 issued December 22, 1954, to Wagner Trucking Co., Inc., Jobstown, N.J., authorizing the transportation of chemicals, between points in Camden, Middlesex, Union, Burlington, Salem, and Monmouth Counties, N.J., on the one hand, and, on the other, Philadelphia, Pa., and points in Pennsylvania within 10 miles of Philadelphia, points in Orange and Rockland Counties, N.Y., and a specified part of New York, including New York and Long Island, N.Y. G. Donald Bullock, 128 Greenwood Avenue, Wyncote, PA 19095, practitioner for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 71-11656 Filed 8-11-71; 8:49 am]

CUMULATIVE LIST OF PARTS AFFECTED—AUGUST

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during August.

3 CFR	Page	7 CFR—Continued	Page	15 CFR	Page
PROCLAMATIONS:		PROPOSED RULES—Continued		50.....	15040
4070.....	14251	1062.....	14270	PROPOSED RULES:	
4071.....	14297	1063.....	14752	400.....	14768
EXECUTIVE ORDERS:		1064.....	14334, 14656	16 CFR	
July 2, 1910 (revoked in part by PLO 5094).....	14313	1068.....	14476, 15054	502.....	14315
5327 (see PLO 5096).....	14639	1070.....	14752	17 CFR	
6143 (revoked in part by PLO 5102).....	14695	1078.....	14752	240.....	14465, 14725
6276 (revoked in part by PLO 5102).....	14695	1079.....	14752	249.....	14465, 14725
6583 (revoked in part by PLO 5102).....	14695	1094.....	14390	270.....	14727
11007 (see EO 11614).....	14621	1099.....	14270	18 CFR	
11331 (amended by EO 11613).....	14299	8 CFR		PROPOSED RULES:	
11345 (amended by EO 11613).....	14299	100.....	14725	141.....	14337
11359 (amended by EO 11613).....	14299	103.....	14630	260.....	14337
11371 (amended by EO 11613).....	14299	214.....	14254, 14630	608.....	14337
11528 (see EO 11613).....	14299	234.....	14630	615.....	14764
11613.....	14299	238.....	14630	19 CFR	
11614.....	14621	245.....	14630	4.....	14637
5 CFR		299.....	14631	153.....	14637
213.....	14301, 14463, 14623, 14723	9 CFR		PROPOSED RULES:	
733.....	14463	75.....	14631	19.....	14388
7 CFR		76.....	14631, 14632	20 CFR	
52.....	14377	PROPOSED RULES:		25.....	14623
68.....	14378	320.....	14335	404.....	14693
210.....	14301	325.....	14335	21 CFR	
271.....	14463	10 CFR		2.....	14255, 14312
718.....	14302	PROPOSED RULES:		17.....	14468
722.....	14691	50.....	14660	121.....	14312, 14727-14729
725.....	14379	12 CFR		141a.....	14469
811.....	14624	10.....	14997	141c.....	14469, 14470
906.....	14253	11.....	14997	141e.....	14469
908.....	14310, 14380, 14691, 15036	12.....	14997	146a.....	14469
909.....	14254	16.....	14997	146c.....	14469, 14470
910.....	14625	18.....	14997	146e.....	14469
917.....	14381	224.....	14382	148l.....	14469
931.....	14311	265.....	14623	148n.....	14469
958.....	14723	522.....	15036	148p.....	14469
980.....	14724	PROPOSED RULES:		148r.....	14469
987.....	15036	207.....	14405	191.....	14729
993.....	14724, 15039	269.....	14479	420.....	14471, 14730
1121.....	14312	291.....	14480	PROPOSED RULES:	
1427.....	14626	14 CFR		121.....	14335, 14336
1483.....	14382, 14630	39.....	14691, 14692, 14743	135g.....	14335, 14336
1822.....	14725	71.....	14254, 14312, 14382, 14383, 14463, 14632- 14636, 14692, 14743	144.....	14335
PROPOSED RULES:		73.....	14255, 14743, 14744	146a.....	14336, 14477
52.....	14389, 14473, 14474	97.....	14464	146c.....	14270
53.....	14650	302.....	14744	146e.....	14477
Ch. IX.....	14316	PROPOSED RULES:		22 CFR	
910.....	14745	1.....	14656	11.....	14693
925.....	14269, 14334	21.....	14656	24 CFR	
926.....	14700	23.....	14656	200.....	14637
927.....	14655	25.....	14656	1914.....	14637
928.....	14334	27.....	14656	1915.....	14638
934.....	14389	29.....	14656	PROPOSED RULES:	
958.....	15054	33.....	14656	72.....	14336
1030.....	14270, 14745	39.....	14656	1710.....	14391
1032.....	14270	47.....	14656	1720.....	14391
1046.....	14270	71.....	14271	1910.....	15054
1049.....	14270	75.....	14272, 14657-14659, 14761-14764	26 CFR	
1050.....	14270	91.....	14764	1.....	14731, 14732
1061.....	14476, 15054		14659	13.....	14732

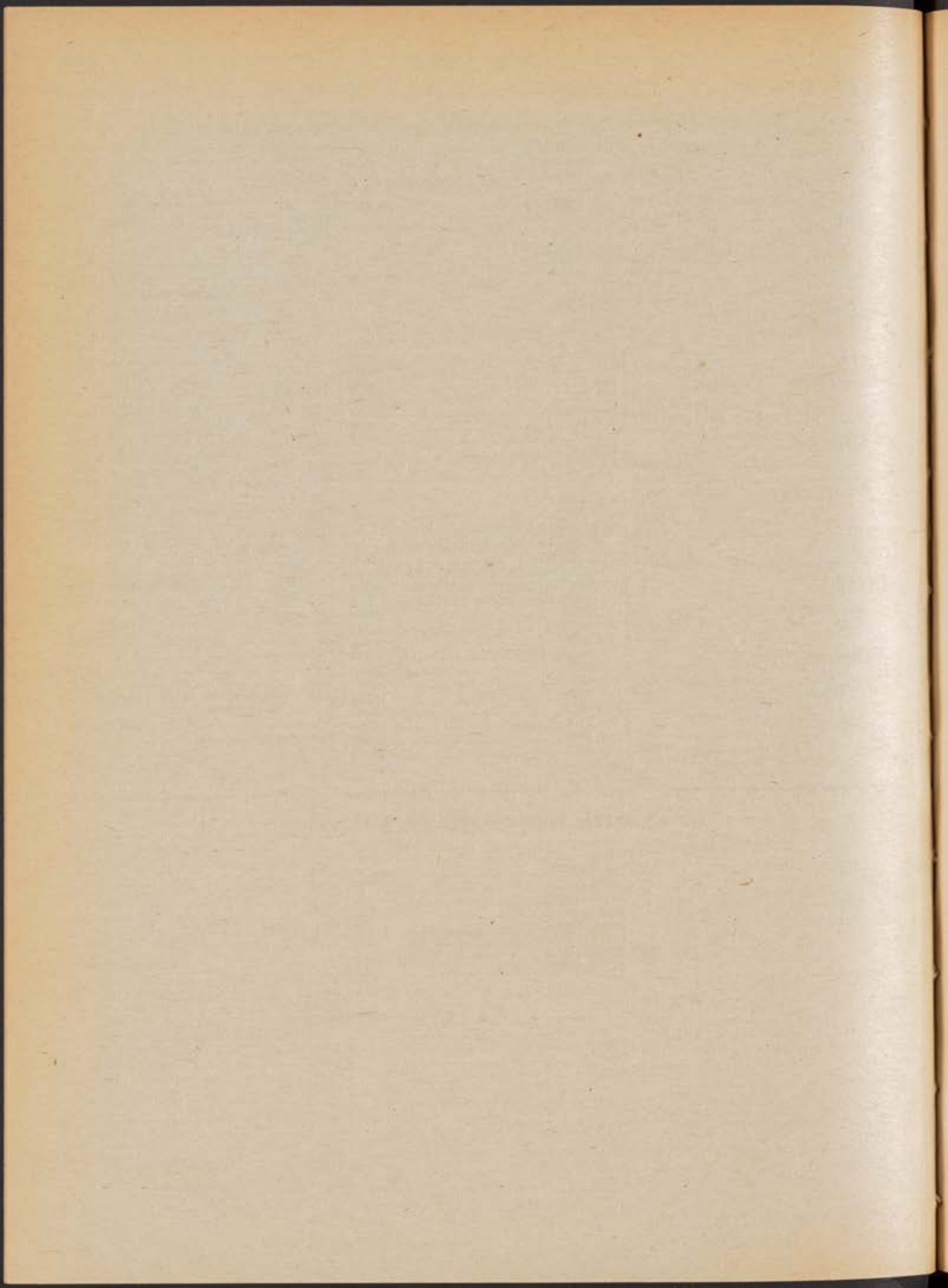
26 CFR—Continued	Page
179.....	14255
301.....	15040
PROPOSED RULES:	
1.....	15050, 15053
28 CFR	
45.....	14466
29 CFR	
608.....	14735
609.....	14735
611.....	14735
612.....	14736
779.....	14466
PROPOSED RULES:	
10.....	14270
30 CFR	
PROPOSED RULES:	
28.....	14448
29.....	14450
32 CFR	
92.....	14736
93.....	14466
719.....	14739
720.....	14739
755.....	14740
830.....	14266
831.....	14266
930a.....	14266
32A CFR	
PROPOSED RULES:	
Ch. X.....	14388
33 CFR	
110.....	14467, 14693
117.....	14313
35 CFR	
67.....	14694

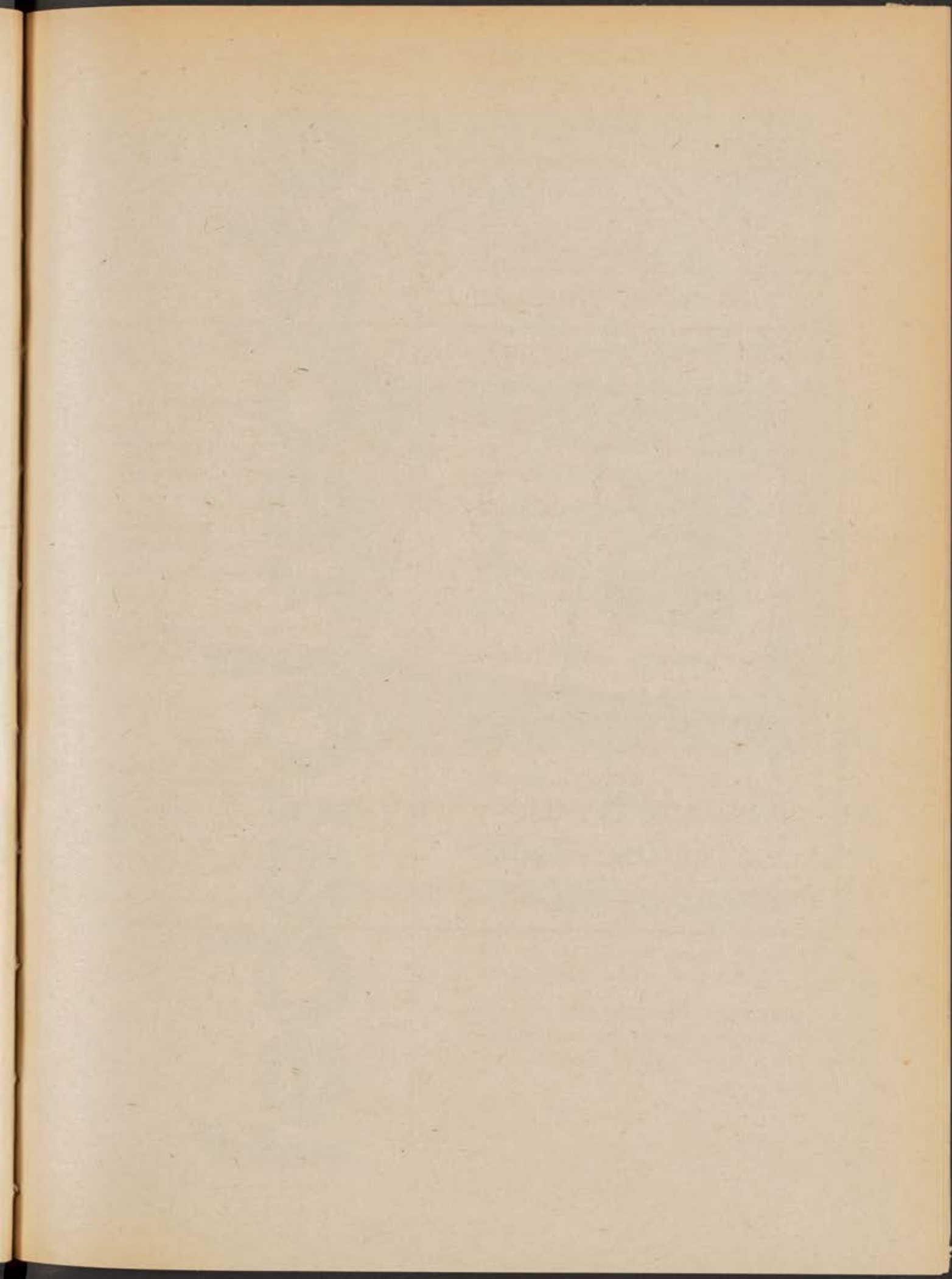
36 CFR	Page
6.....	14740
7.....	14267, 14694
PROPOSED RULES:	
4.....	14700
7.....	14700
38 CFR	
3.....	14313, 14467
39 CFR	
171.....	14694
41 CFR	
5A-16.....	15041
5A-73.....	15041
5A-76.....	15043
14H-1.....	14267
101-20.....	14468
101-32.....	14383
114-35.....	14740
114-40.....	14740
114-47.....	14740
PROPOSED RULES:	
3-4.....	14270
43 CFR	
PUBLIC LAND ORDERS:	
1899 (revoked in part by PLO 5097).....	14639
2550 (modified by PLO 5100).....	14640
4547 (revoked by PLO 5096).....	14639
4936 (amended by PLO 5101).....	14640
5093.....	14313
5094.....	14313
5095.....	14639
5096.....	14639
5097.....	14639
5098.....	14640
5099.....	14640
5100.....	14640
5101.....	14640
5102.....	14695
5103.....	14696

46 CFR	Page
146.....	15043
PROPOSED RULES:	
512.....	15060
546.....	14765
47 CFR	
73.....	13414, 14640
81.....	15045
PROPOSED RULES:	
2.....	15054
18.....	15054
21.....	14404, 15054
43.....	14404
61.....	14404
73.....	14405, 15054
74.....	15054
89.....	15054
91.....	15054
93.....	15054
49 CFR	
173.....	14696, 15047
179.....	14696
391.....	14741
394.....	14741
395.....	14741
397.....	14741
571.....	14649, 14742
573.....	14742
1131.....	14384
1249.....	14384
PROPOSED RULES:	
393.....	14477
571.....	14273, 14392, 14764
1048.....	14769
50 CFR	
10.....	14697
13.....	14697
16.....	14697
32.....	14267, 14314, 14385, 14386, 14649, 14698,
	14742, 15048
33.....	14387, 14698
PROPOSED RULES:	
35.....	14268

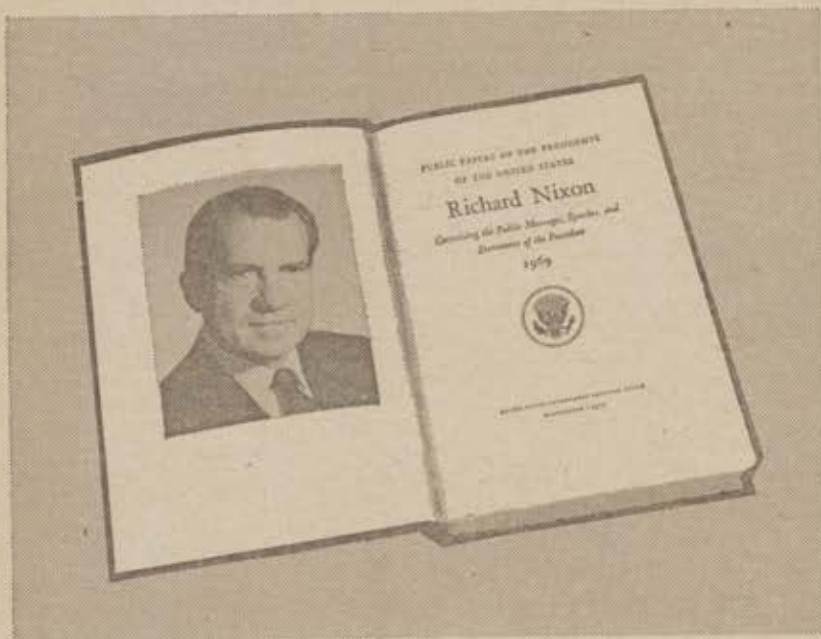
LIST OF FEDERAL REGISTER PAGES AND DATES—AUGUST

Pages	Date
14245-14290.....	Aug. 3
14291-14370.....	4
14371-14456.....	5
14457-14614.....	6
14615-14686.....	7
14687-14716.....	10
14717-14991.....	11
14993-15093.....	12





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