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PROCLAMATION 4353

Amending Proclamation Nos. 4313 and 4345 To Further Extend the Application Period of the Program for the Return of Vietnam Era Draft Evaders and Military Deserters

Correction

In FR Doc. 75–5874 appearing on page 8931 of the issue for Tuesday, March 4, 1975, the proclamation number, which read "4356", should have read "4353", as set forth above.

PROCLAMATION 4354

Loyalty Day, 1975

By the President of the United States of America

A Proclamation

It is now nearly two hundred years since America's Independence was sought and won. Then, as today, the achievement of our Nation's goals was met through the devoted efforts of Americans who gave loyal service.

The United States has become the greatest Nation in history because of the loyalty of our people to our Constitution, to our laws, and to those ideals which they represent.

The thousands who become citizens each year through naturalization take an oath to support the United States. One can sense the meaning and the spirit of loyalty in those proceedings. For most of us who were born to the freedoms we enjoy, a declaration of loyalty has not been such a conspicuous event in our lives. It is, nonetheless, reflected in our patriotic efforts.

In recognition of the need for "a special day for the reaffirmation of loyalty to the United States of America and for the recognition of the heritage of American freedom", the Congress, by a joint resolution of July 18, 1958 (72 Stat. 369, 36 U.S.C. 162), designated May 1 of each year as Loyalty Day, inviting the people of the United States to observe such day with appropriate ceremonies.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do call upon the people of the United States and upon patriotic, civic, and educational organizations to observe Thursday, May 1, 1975, as Loyalty Day, with appropriate ceremonies.

I call upon appropriate officials of the Government to display the flag of the United States on all Government buildings on that day in testimony of our loyalty to this Nation.

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

Gerald R. Ford

[FR Doc.75-6030 Filed 3-4-75;2:05 pm]

PROCLAMATION 4355

Modifying Proclamation 3279,[1] as Amended, Relating to Imports of Petroleum and Petroleum Products, and Providing for the Long-Term Control of Imports of Petroleum and Petroleum Products Through a System of License Fees

By the President of the United States of America

A Proclamation

WHEREAS, I judge it necessary and consistent with the national security, taking into account the economic welfare of the Nation, that provision be made to defer scheduled increases in the fees applicable to imported petroleum and petroleum products for a period of two months; and

WHEREAS, it is my intention, that refiners located in territories of the United States, and in foreign trade zones, shall participate in the Mandatory Oil Import Program upon terms not less favorable than domestic refiners; and

WHEREAS, in order to facilitate such treatment, it is necessary that the Administrator of the Federal Energy Administration be authorized to determine at what point the oil import license fees effective February 1, 1975 shall be deemed to apply with respect to crude oil entered into such territories and zones; and

WHEREAS, I judge it necessary to permit a system for the receipt by Puerto Rico of sums equivalent to the license fees on petroleum consumed in Puerto Rico, to be appropriated by the Commonwealth for the benefit of individuals and corporations resident therein, comparable to the system which I have proposed for other parts of the United States;

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the laws of the United States, including Section 232 of the Trade Expansion Act of 1962, as amended, do hereby proclaim that, effective as of February 1, 1975, Proclamation No. 3279, as amended, is hereby further amended as follows:

Section 1. Subparagraphs (iii), (iv), and (viii) of subparagraph (1) of paragraph (a) of section 3 are amended to read as follows:

"(iii) with respect to imports of crude oil, natural gas products, unfinished oils, and all other finished products (except ethane, propane, butanes, and asphalt) entered into the customs territory of the United

[1] 3 CFR, 1959–1963 Comp. p. 11.

States on or after February 1, 1975, there shall be a supplemental fee per barrel of $1.00, rising to $2.00 on imports entered on or after May 1, 1975, and to $3.00 on imports entered on or after June 1, 1975;

(iv) with respect to the fees imposed pursuant to paragraphs 3(a)(1)(i)–(iii), the amount of such fees shall be reduced, on a monthly basis, by an amount equal to any applicable duties paid less any drawbacks received during the same period, except that where duty drawbacks exceed the duty paid during that period, the net differences shall be applied to subsequent periods; provided that when the duty less drawbacks exceeds the fee imposed, the Administrator may provide that any excess may be used to reduce fees payable in subsequent months, such extended period not to exceed six months;

(viii) with respect to licenses issued pursuant to paragraph 3(a)(1)(iii) for imports other than (A) crude oil as defined for purposes of the Old Oil Allocation Program which is imported for refining or (B) products refined in a refinery outside of the customs territory as to which crude oil runs to stills would qualify a refiner to receive entitlements under the Old Oil Allocation Program, the Administrator may by regulation reduce the fee payable by the following amounts, or by such other amounts as he may determine to be necessary to achieve the objectives of this Proclamation and the Emergency Petroleum Allocation Act of 1973:

—for imports entered into the United States customs territory during the months of February, March and April, 1975, $1.00 per barrel;

—for imports entered during the month of May, 1975, $1.40 per barrel;

—for imports entered during the month of June, 1975, and thereafter, $1.80 per barrel."

Section 2. Paragraph (a) of Section 3 is amended by adding subparagraph (5) to read as follows:

"(5) In order to ensure that refiners located in territories of the United States and in foreign trade zones are treated not less favorably than other United States refiners, the Administrator shall by regulation determine at what point crude oil, unfinished oils and finished products shipped into United States territories and foreign trade zones shall become subject to the fees imposed pursuant to paragraphs 3(a)(1)(i)–(iii)."

Section 3. Subparagraph (1) of paragraph (a) of Section 3 is amended by adding clause (x) to read as follows:

"(x) The Administrator shall by regulation reduce the fees payable by importers pursuant to paragraphs 3(a)(1)(i)–(iii) with respect to crude oil, unfinished oils, and finished products imported into Puerto Rico, or imported into Districts I–V and shipped to Puerto Rico, with or without further processing, and not shipped to Districts I–V, as crude oil, unfinished oils, or finished products, by the amount of any excise

tax or other levy imposed and collected by the Government of Puerto Rico on such materials, *Provided* that refunds from or reductions in such excise tax or other levy are authorized in the same manner as are authorized with respect to payments prescribed by paragraphs 3(a)(1)(i)–(iii), *Provided further* that with respect to shipments to Puerto Rico from Districts I–V such shipments shall be deemed attributable to imported crude."

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

Gerald R. Ford

[FR Doc.75-6053 Filed 3-4-75; 4:31 pm]

rules and regulations

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

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

Title 1—General Provisions

CHAPTER III—ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

FREEDOM OF INFORMATION

There are issued herewith a description of the organization and purposes and the bylaws of the Administrative Conference of the United States and the regulations of the Conference under the Freedom of Information Act, 5 U.S.C. 552.

On January 15, 1975 there was published in the FEDERAL REGISTER (40 FR 2709) a notice of proposed rulemaking with a proposed schedule of fees for processing documents on records under the Freedom of Information Act. It was stated in that notice that the schedule would become part of a comprehensive regulation governing procedures for complying with the Act. No comments were received from members of the public in response to the proposed schedule. Nevertheless we have made several changes, all in the direction of lowering fees for processing requests. The revised material from the proposed schedule will be found in §§ 304.2(d) and 304.6 of the new regulation.

Since the rules issued herewith relate exclusively to agency organization and procedure, no additional notice and opportunity for public comment is necessary, and these rules will be effective upon publication in the Federal Register. However, public comment on these rules is welcome and will be considered in determining the need for amendments. Comments should be addressed to the Executive Secretary, Administrative Conference of the United States, 2120 L Street NW., Washington, D.C. 20037.

ROBERT A. ANTHONY,
Chairman.

MARCH 3, 1975.

Chapter III is amended to add the following material:

PART 301—ORGANIZATION AND PURPOSE

Sec.
301.1 Establishment; location.
301.2 Purpose.
301.3 Organization.
301.4 Activities.
301.5 Office of the Chairman.

AUTHORITY: 5 U.S.C. 552, 571–576.

§ 301.1 Establishment; location.

The Administrative Conference of the United States was established as a permanent independent agency of the Federal Government by the Administrative Conference Act (5 U.S.C. 571–576), enacted in 1964. The Conference offices are located at 2120 L Street, NW., Suite 500, Washington, D.C. 20037.

§ 301.2 Purpose.

The purpose of the Administrative Conference is to develop improvements in the legal procedures by which Federal agencies administer regulatory, benefit, and other Government programs. As members of the Conference, agency heads, other Federal officials, private lawyers, university professors, and other experts in administrative law and government are provided with a forum in which they can conduct continuing studies of selected problems involving these administrative procedures and can combine their experience and judgment in cooperative efforts toward improving the fairness and effectiveness of such procedures.

§ 301.3 Organization.

The Chairman of the Administrative Conference of the United States is appointed by the President, with the advice and consent of the Senate, for a five-year term. The Council, which is the executive board, consists of the Chairman and 10 other members who are appointed by the President for three-year terms, of whom not more than one-half may be drawn from Federal agencies. It has authority to call plenary sessions of the Conference and fix their agenda, to recommend subjects for study, to receive and consider reports and recommendations before they are considered by the Assembly, and to exercise general budgetary and policy supervision. The total membership of the Conference may not, by statute, exceed 91. It comprises, in addition to the Council, approximately 44 Government members—heads of agencies or their designees—from 36 departments and agencies and approximately 36 non-Government or public members—lawyers in private practice, university faculty members, and others specially informed in law and government—appointed by the Chairman with the approval of the Council for two-year terms. The Chairman is the only full-time compensated member. The entire membership is divided into nine committees, each assigned a broad area of interest as follows: Agency Procedure and Personnel; Claims Adjudications; Compliance and Enforcement Proceedings; Grant and Benefit Programs; Informal Action; Judicial Review; Licenses and Authorizations; Ratemaking and Economic Regulation; and Rulemaking and Public Information. The membership meeting in plenary session is called the Assembly of the Administrative Conference. The Council must call at least one plenary session each year.

§ 301.4 Activities.

Subjects for inquiry are developed by the Chairman, the Council, the committees, and the Assembly. The committees, with the assistance of staff and consultants, conduct thorough studies of these subjects and develop proposed recommendations and supporting reports. Reports and recommendations are considered by the Council and are distributed to the membership, with the views and recommendations of the Council, to be placed on the agenda of the next plenary session. The Assembly has complete authority to approve, amend, remand, or reject recommendations presented by the committees. The deliberations of the Assembly are public. Recommendations adopted by the Conference may call for new legislation or for action on the part of affected agencies. The Assembly also has authority to adopt bylaws for carrying out the functions of the Conference. The Conference collects information and statistics from departments and agencies and publishes such reports as it considers useful for evaluating and improving administrative process. The Conference also serves as a forum for the interchange among departments and agencies of information which may be useful in improving administrative practices and procedures.

§ 301.5 Office of the Chairman.

The Chairman is the chief executive of the Conference. He is served by a small permanent staff. The Chairman is authorized to encourage the departments and agencies to adopt the recommendations of the Conference and is required by the Administrative Conference Act to transmit to the President and to Congress an annual report that interim reports concerning the activities of the Conference, including reports on the implementation of its recommendations. The Chairman is authorized to make independent inquiries into procedural matters he considers important for Conference consideration, including matters proposed by individuals inside or outside the Government. The purpose of conducting inquiries into such individual problems is not to review the results in particular cases, but rather to determine whether the problems should be made the subject of Conference study in the interests of developing fair and effective procedures for such cases. Upon the request of the head of a department or agency, the Chairman is authorized to furnish advice and assistance on matters of administrative procedure.

PART 302—BYLAWS OF THE ADMINISTRATIVE CONFERENCE

Sec.
302.1 Establishment and Objective.
302.2 Membership.
302.3 Committees.
302.4 Liaison Arrangements.
302.5 General.

AUTHORITY: 5 U.S.C. 552, 571–576.

§ 302.1 Establishment and objective.

The Administrative Conference Act, U.S.C. 571 *et seq.* (1970), 78 Stat. 615 (1964), authorized the establishment of the Administrative Conference of the United States as a permanent, independent agency of the Federal Government. The purpose of the Administrative Conference is to improve the administrative procedure of Federal agencies to the end that they may fairly and expeditiously carry out their responsibilities to protect private rights and the public interest. The Administrative Conference Act provides for the membership, organization, powers and duties of the Conference.

§ 302.2 Membership.

(a) *General.* Each member is expected to participate in all respects according to his own views and not necessarily as a representative of any agency or other group or organization, public or private. Each member (other than a member of the Council) shall be appointed to one of the standing committees of the Conference.

(b) *Terms of Non-Government Members.* The terms of non-Government members, who are appointed by the Chairman with the approval of the Council, shall terminate at 2-year intervals from June 30, 1970. No more than ten percent of such members shall at any time be in continuous service beyond a third term.

(c) *Eligibility and Replacements.* (1) A member (other than a member of the Council) who is designated by a Federal agency shall become ineligible to continue as a member of the Conference in that capacity or under that designation if he leaves the service of the agency or department. Designations and re-designations of members shall be filed with the Chairman promptly, but not less than 30 days prior to the first session of the Conference at which such member shall sit, except that in exceptional circumstances the Council may permit a newly designated or re-designated member to participate in any session.

(2) A person appointed as a non-Government member shall become ineligible to continue in that capacity if he enters full-time Government service. In the event a non-Government member of the Conference resigns or becomes ineligible to continue as a member, the appointing authority shall appoint a successor for the remainder of the term.

(d) *Alternates.* Members may not act through alternates at plenary sessions of the Conference. Where circumstances justify, an alternate may be permitted, with the approval of a committee, to participate for a member in a meeting of the committee, but such alternate shall not have the privilege of a vote in respect to any action of the committee.

§ 302.3 Committees.

The following shall constitute the standing committees of the Conference:

1. Committee on Agency Organization and Personnel;
2. Committee on Claims Adjudications;
3. Committee on Compliance and Enforcement Proceedings;
4. Committee on Grant and Benefit Programs;
5. Committee on Informal Action;
6. Committee on Judicial Review;
7. Committee on Licenses and Authorizations;
8. Committee on Ratemaking and Economic Regulation; and
9. Committee on Rulemaking and Public Information.

The activities of the committees shall not be limited to the areas described in their titles, and the Chairman may redefine the responsibilities of the committees and assign new or additional projects to them. With the approval of the Council, the Chairman may establish special ad hoc committees and assign special projects to such committees. The Chairman shall coordinate the activities of all committees to avoid duplication of effort and conflict in their activities.

§ 302.4 Liaison arrangements.

The Chairman, with the approval of the Council, may make liaison arrangements with representatives of the Congress, the judiciary, and Federal agencies which are not represented on the Conference. Persons appointed under these arrangements may participate in the activities of a designated committee without vote; and may participate in the deliberations of the Conference with privileges of the floor, but without vote.

§ 302.5 General.

(a) *Meetings.* All sessions of the Assembly shall be public. Privileges of the floor, however, extend only to: (1) members of the Conference, (2) persons appointed pursuant to section 4, (3) consultants and staff members insofar as matters on which they have been engaged are under consideration, and (4) persons who, prior to the commencement of the meeting, have obtained the approval of the Chairman and who speak with the unanimous consent of the Assembly.

(b) *Quorums.* A majority of the members of the Conference shall constitute a quorum of the Assembly; a majority of the Council shall constitute a quorum of the Council.

(c) *Separate Statements.* (1) A member who disagrees in whole or in part with a recommendation adopted by the Assembly is entitled to enter a separate statement in the record of the Conference proceedings and to have it set forth with the official publication of the recommendation in the FEDERAL REGISTER. A member's failure to file or join in such a separate statement does not necessarily indicate his agreement with the recommendation.

(2) Notification of intention to file a separate statement must be given to the Executive Secretary not later than the last day of the plenary session at which the recommendation is adopted. Members may, without giving such notification, join in a separate statement for which proper notification has been given.

(3) Separate statements must be filed within 10 days after the close of the session, but the Chairman may extend this deadline for good cause.

(d) *Amendment of Bylaws.* The Conference may amend the bylaws provided that 30 days' notice of the proposed amendment shall be given to all members of the Assembly by the Chairman.

(e) *Procedure.* Robert's Rules of Order shall govern the proceedings of the Assembly to the extent appropriate.

PART 303—[Reserved]

PART 304—PUBLIC AVAILABILITY OF DOCUMENTS AND RECORDS

Sec.
304.1 General.
304.2 Publications.
304.3 Requests for records.
304.4 Index.
304.5 Policy with respect to requests for particular kinds of documents.
304.6 Schedules of fees.

AUTHORITY: 5 U.S.C. 552, 571–576.

§ 304.1 General.

This part implements section 552 of Title 5, United States Code, and prescribes rules governing the availability to the public of documents and records of the Administrative Conference of the United States.

§ 304.2 Publications.

(a) Recommendations and Statements of the Administrative Conference are published, upon adoption by the Assembly, in the FEDERAL REGISTER, together with the full texts of any separate statements filed pursuant to section 575(a)(1) of the Administrative Conference Act, 5 U.S.C. 575(a)(1). Complete lists of Recommendations and Statements, together with the texts of those Recommendations and Statements deemed to be of continuing general interest, are published in Parts 305 and 310 of this chapter.

(b) The Annual Report of the Administrative Conference contains the texts of all Recommendations and Statements of the Conference adopted during the preceding year, together with the full texts of any separate statements. It also contains descriptive material regarding the work of the Conference and its committees. The Annual Report is available from the Superintendent of Documents. Single copies of current and past Annual Reports will also be furnished by the Conference on request, to the extent that supplies on hand permit.

(c) The staff or consultant reports that form the basis for Conference Recommendations and Statements are collected and published from time to time in bound volumes under the title Recommendations and Reports of the Administrative Conference of the United

States. These volumes are available from the Superintendent of Documents.

(d) The Conference endeavors to maintain for distribution to interested persons an adequate stock of final consultant and staff reports, copies of congressional testimony, membership lists, newsletters, minutes of recent committee meetings, and other documents of general interest. Requests for single copies of such documents will be filled at no charge to the extent that supplies on hand permit.

§ 304.3 Requests for records.

(a) It is the the policy of the Administrative Conference to make records and documents in its possession available to the public to the greatest extent possible. All records of the Conference are available for public inspection and copying in accordance with this section except those records or portions of records as to which the Executive Secretary or his designee specifically determines that (1) they fall within a particular exemption in section 552(b) of the Freedom of Information Act and (2) disclosure would not be consistent with the national interest, the protection of private rights or the efficient conduct of Conference business.

(b) A request for records, other than for documents which are published in the FEDERAL REGISTER or available for sale or distribution as described in section 304.2 of this regulation, shall be made in writing and directed to the Executive Secretary, Administrative Conference of the United States, 2120 L Street NW., Washington, D.C. 20037. Such request shall be clearly marked "Freedom of Information Request" or "Information Request" and shall reasonably describe the record requested. The staff of the Administrative Conference will make reasonable efforts to assist a requester in formulating his request. Nothing in this section shall preclude staff of the Administrative Conference from complying with oral, unmarked, or generally stated requests for information and documents.

(c) The Executive Secretary or his designee shall, within ten working days after its receipt, either comply with or deny a request for records, provided that when additional time is required because of (1) a need to search for, collect and examine a voluminous amount of separate and distinct records demanded in a single request, or (2) a need for consultation with another agency having a substantial interest in the determination of the request, the time limit for disposing of the request may be extended for up to ten additional working days by a written notice to the requester setting forth the reasons for and the anticipated length of the delay.

(d) (1) Where it appears to the Executive Secretary or his designee that fees chargeable under section 304.6 of this regulation for compliance with the request will exceed $25, and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In such cases, a request will not be deemed to have been received until the requester is notified of the anticipated cost and agrees to bear it. The notification shall offer the requester the opportunity to confer with Conference personnel with the object of reformulating the request so as to meet his needs at lower cost.

(2) Where the anticipated fee chargeable under this part exceeds $50, an advance deposit of 25% of the anticipated fee or $25, whichever is greater, may be required. Where a requester has previously failed to pay a fee under this part, an advance deposit of the full amount of the anticipated fee may be required.

(e) The requester will be notified promptly of the determination made pursuant to paragraph (c) of this section. If the determination is to release the requested record, such record shall promptly be made available. If the determination is not to release the record, the person making the request shall, at the same time he is notified of such determination, be notified of (1) the reason for the determination; (2) the name and title or position of each person responsible for the denial of the request; and (3) his right to seek judicial review of such determination pursuant to the provisions of the Freedom of Information Act, 5 U.S.C. 552(a)(4).

§ 304.4 Index.

The Freedom of Information Act, 5 U.S.C. 552(a)(2), requires each agency to maintain and make available for public inspection and copying a current index of certain materials issued, adopted or promulgated by the agency. With respect to the materials covered by section 552(a)(2)(B), the Conference maintains currently for distribution and publishes in the Code of Federal Regulations a complete list of Conference Recommendations and Statements. See § 304.2(a) of this part. The Conference has no adjudicatory responsibilities of the kind contemplated by section 552(a)(2)(A) of the Act and does not ordinarily issue materials of the type described in section 552(a)(2)(C). Should such materials be issued, appropriate indexes will be maintained.

§ 304.5 Policy with respect to requests for particular kinds of documents.

This section is intended to amplify the policy set out in section 304.3(a) as applied to specific categories of documents:

(a) All materials which are distributed to the membership of the Administrative Conference for consideration at a plenary session will upon distribution be available to the public in accordance with § 304.2(d) of these regulations.

(b) Consultant and staff reports which are otherwise exempt from disclosure under the Freedom of Information Act as interagency or intra-agency correspondence will, absent special circumstances, be made available if the reports are in substantially completed form and have been distributed widely for comment within or outside the Government. Tentative reports and working drafts which have received only limited circulation will ordinarily not be made available.

(c) Agency comments on a report or proposed recommendation, if exempt from disclosure under the Freedom of Information Act, will nevertheless ordinarily be made available unless the agency indicates to the Conference that its comment is confidential. Comment of an individual Conference member, writing in his personal capacity, will not be made available without the consent of the member.

(d) The following categories of documents are declared to be available to the public, notwithstanding any applicable exemption in section 552(b) of the Freedom of Information Act:

(1) Agency reports on the implementation of Conference recommendations;

(2) Correspondence from the Office of the Chairman of the Administrative Conference to committees of Congress, commenting on pending legislation;

(3) Minutes of meetings of the standing committees of the Conference;

(4) Transcripts of plenary sessions of the Conference.

§ 304.6 Schedules of fees.

The Executive Secretary may charge a fee for searching for and copying documents or records requested pursuant to § 304.3, as follows:

(a) The fee for copies shall be $0.10 per copy per page. Copying fees of less than $2 per request are waived.

(b) The search charge shall be $5 per hour for the services of nonprofessional personnel and $9 per hour for the services of professional personnel. Search charges shall be calculated to the nearest quarter hour. There shall be no search charge for searches requiring less than one-half man hour.

(c) No fee will be charged in connection with any record which is not made available because it is found to be exempt from disclosure.

(d) Charges may be waived or reduced where the Executive Secretary determines that such waiver or reduction is in the public interest.

[FR Doc.75-5928 Filed 3-5-75;8:45 am]

Title 9—Animals and Animal Products

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

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

PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

Addition of Harrisburg, Pennsylvania to List of Ports of Export

Statement of considerations. The purpose of this amendment is to add Harrisburg, Pennsylvania, to the list of ports of export in § 91.3(a)(1)(i) of Part 91, 9 CFR. The export facility at Harrisburg, Pennsylvania has been inspected by the Animal and Plant Health Inspection

Service and is found to be suitable for the exportation of animals under 9 CFR, Part 91.

Accordingly, in § 91.3, paragraph (a) (1) (i) is amended to read:

§ 91.3 Ports of export.

(a) * * *

(1) *Airports.* (i) Harrisburg, Pennsylvania; Richmond, Virginia; Miami, Tampa, and St. Petersburg, Florida; New Iberia, Louisiana; Houston, Texas; San Francisco, California; Portland, Oregon; Moses Lake, Washington; and Honolulu, Hawaii.

* * * * *

(Secs. 4, 5, 23 Stat. 32, as amended; sec. 1, 32 Stat. 791, as amended; sec. 10, 26 Stat. 417; secs. 12, 13, 14, 18, 34 Stat. 1263, as amended, 81 Stat. 584, 588, 592; secs. 3 and 11, 76 Stat. 130, 132; sec. 1109, 72 Stat. 799, as amended; 21 U.S.C. 105, 112, 113, 120, 121, 134b, 134f, 612, 613, 614, 618; 49 U.S.C. 1509 (d); 37 FR 28464, 28477; 38 FR 19141)

Effective date. The foregoing amendment shall become effective March 6, 1975.

The amendment relieves certain restrictions by permitting the exportation of livestock through an additional port of export, and should be made effective promptly to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 3rd day of March, 1975.

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

[FR Doc.75-5965 Filed 3-5-75;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Program To Reduce Imports of Foreign Crude Oil and Petroleum Products

On January 17, 1975, the Federal Energy Administration issued a notice (40 FR 3467, January 22, 1975) proposing a number of changes to the Mandatory Petroleum Allocation Regulations and to the Mandatory Petroleum Price Regulations to reflect a program of increased import fees on crude oil and petroleum products announced by the President as an initial step to achieve the objective of reduced dependence by the United States on imports of crude oil and petroleum products. Comments were invited from interested persons by February 4, 1975, and more than 100 comments were received. A public hearing on the proposal was held on February 6 and 7, 1975, at which approximately 20 interested persons presented statements. The FEA has considered carefully all comments and statements submitted in this proceeding, and has concluded that with certain modifications the amendments should be adopted as proposed.

From its further analysis of this matter, FEA has also concluded that a larger share of the increased costs of crude oil under the President's program to reduce imports should be allocated to gasoline, and a lesser share to other petroleum products, and that further limitations should be placed on the allocation of increased costs to residual fuel oil. However, FEA realizes that substantial technical problems may exist in implementing any mandatory change in the refiner's method of cost allocation. Therefore, FEA intends to issue shortly a further notice of proposed rulemaking on this subject, which would become effective April 1, 1975.

I. MODIFICATIONS TO THE OLD OIL ALLOCATION PROGRAM

The amendments proposed for the old oil allocation program provided for, first, the elimination of entitlement issuances with respect to imports of eligible products subsequent to January 1975, since thereafter all product imports will be subject to smaller increases in import fees than imported crude oil. FEA is hereby adopting this amendment. In the specific regulatory modification, reference continues to be made to eligible firms with respect to the content of the entitlement notice, directed sale transactions, transaction reports and corrective amendments for reporting errors. This was deemed necessary in that eligible firms might be either buyers or sellers of entitlements for months subsequent to January 1975 due to corrections for prior reporting errors.

Secondly, FEA has modified the provisions of Special Rule No. 4 as adopted from the rule as proposed. The proposal provided for an exemption (with respect to the first 30,000 barrels per day of each small refiner's runs) from the entitlement purchase requirements of the program as to one-seventh, one-eighth and one-ninth, respectively, of the entitlements otherwise required to be purchased for the months of February, March and April, 1975. These exempted amounts were calculated to correspond to the portion of the entitlement price for the particular month that FEA estimated would be attributable to the increase in the crude oil import fees for that month. On February 5, 1975, FEA extended Special Rule No. 3 to cover the month of February and in addition provided for automatic extension of the first phase of the rule's purchase requirement exemption (*i.e.*, as in effect for the months November and December, 1974) if the small refiner filed an application for exception by February 21, 1975 and until the initial decision on this application was issued. Thus, in Special Rule No. 4 as adopted it was necessary to cover only the months of March and April 1975. For these months, the rule provides for exemptions of one-eighth and one-ninth, respectively, of the entitlements otherwise required to be purchased by small refiners attributable to the first 30,000 barrels per day of their crude runs. The exemption provided by Special Rule No. 4 will not be operative if a small refiner's entitlement purchase requirement continues to be exempted under Special Rule No. 3, as amended, due to the filing of an exception application.

II. MODIFICATION TO THE MANDATORY PETROLEUM PRICE REGULATIONS

As indicated above, the amendments to the price regulations are being adopted substantially as proposed. There are, however, two significant modifications to the proposed amendments.

With respect to the requirement that refiners provide for the equal application of increased product costs, among classes of purchaser of a particular covered product the January 17 notice listed twenty-one categories of covered products, and proposed that each such product or category of products would constitute "a particular covered product" for purposes of compliance with the equal application of increased costs requirement. As proposed, the amendment sought to ensure equitable treatment by all refiners of this important aspect of the price regulations. Comments and statements from refiners in opposition to the amendment, however, indicated that the FEA-designated categories might pose serious practical problems for refiners that had developed historical accounting systems around a more detailed breakdown of products and product categories. To require a refiner to apply increased product costs equally to all products in a category as large as "lubricants", for example, would compel some refiners to disregard wide variances in cost increases within the category. Accordingly, the amendment adopted today provides an alternative for refiners that find it impracticable to use the twenty-one product categories for purposes of complying with the equal application of increased costs requirement. Such refiners may, therefore, upon notice to the FEA, designate alternative products or categories of product insofar as those products or categories represent discrete, technical differences among products that the refiners have consistently and historically applied. Notice to the FEA will take the form of a listing of products or categories so designated, with an accompanying explanation of the discrete, technical differences. The amendment makes it clear

that marketing considerations do not reflect "discrete, technical differences."

A second modification to the proposed amendments relates to the provisions governing the carry forward of unrecouped increased product costs, and makes it clear that amounts of such unrecouped increased product costs, as they existed under the product categories of the previous regulations, will simply be carried forward under the corresponding product categories of the amended regulations. That is, under the previous regulations, a refiner would have computed separate amounts of unrecouped increased product costs for $i=1$ (No. 2 heating oil and No. 2-D diesel fuel), $i=2$ (gasoline), and $i=3$ (all covered products other than No. 2 heating oil and No. 2-D diesel fuel, gasoline and crude oil). Those amounts may simply be carried forward under the corresponding new designations of product categories, i.e., $i=1$ (No. 2 oils), $i=2$ (gasoline), and $i=3$ (general refinery products).

Non-substantive amendments to the rules in subpart F (Resellers and Retailers) are also being adopted to conform the terminology of that subpart to the other modifications being adopted.

(Emergency Petroleum Allocation Act of 1973; Pub. L. 93-159; Federal Energy Administration Act of 1974, Pub. L. 93-275; E. O. 11790, 39 FR 23185)

In consideration of the foregoing, Parts 211 and 212 of Chapter II, Title 10 Code of Federal Regulations are amended as set forth below, effective March 1, 1975, except that the amendments to §§ 211.62 and 211.67(a) of Part 211 shall be effective April 1, 1975.

Issued in Washington, D.C. on February 28, 1975.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

1. Section 211.62 is amended in the definition of "adjusted national old oil supply ratio" to read as follows:

§ 211.62 Definitions.

* * * * *

"Adjusted national old oil supply ratio" means, for a particular month, the volume of old oil included in the aggregate adjusted crude oil receipts for all refiners, expressed as a percentage of the total volume of the crude oil runs to stills for all refiners for that month. Such volume of old oil shall be decreased by a number of barrels of old oil equal to the number of entitlements issuable to small refiners under § 211.67(e). The calculation of the adjusted national old oil supply ratio for each month shall take into account entitlement purchase or sale requirements resulting from the correction of reporting errors pursuant to paragraph (i) of § 211.67.

* * * * *

2. Section 211.66 is amended by deleting paragraphs (j) and (k) and by revising paragraph (i) to read as follows:

§ 211.66 Reporting requirements.

* * * * *

(i) *Monthly transaction report.* On or prior to the tenth day of each month, commencing with the month of February 1975, each refiner and eligible firm that was required to purchase or sell entitlements for the third month prior to the month in which the report is filed shall file with the FEA a report certifying its purchases or sales of entitlements for that prior month.

3. § 211.67 is amended by the deletion of paragraph (a)(3), and is further amended by revising paragraph (i)(4) and paragraph (l) to read as follows:

§ 211.67 Allocation of old oil.

* * * * *

(i) *Issuance and transfer of entitlements.* * * *

(4) The price at which entitlements shall be sold and purchased shall be fixed by the FEA for each month. Such price may be fixed in terms of a price range in which entitlement transactions shall be effected or in terms of a single price at which all entitlement transactions shall take place. Such price or price range shall be fixed by the FEA with reference to the differential between the weighted average costs to refiners of old oil and of new and released crude petroleum, imported crude oil and crude oil produced from stripper wells leases.

* * * * *

(l) *Adjustments to Crude Oil Costs*—(1) *Computations*—(i) *Entitlements purchased.* The cost of entitlements purchased in a particular month pursuant to this section by refiners shall be added to the cost of crude oil purchased or landed in that month (which is the period "*t*" (the month of measurement), for purposes of calculating the increased cost to be applied to product prices in the following month under the "*A*'" factor of the general formulae of § 212.83(c)(2) of this chapter).

(ii) *Entitlements sold.* The sales revenues from entitlements sold in a particular month pursuant to this section by refiners shall be subtracted from the cost of crude oil purchased or landed in that month (which is the period "*t*" (the month of measurement), for purposes of calculating the increased costs to be applied to product prices in the following month under the "*A*'" factor of the general formulae of § 212.83(c)(2) of this chapter).

(2) *Timing.* The date of purchase or sale of entitlements for purposes of determining the date on which a cost or a cost reduction is incurred under § 212.83(c) of this chapter shall be the date on which the transaction is reported to have taken place on the monthly transaction report filed with the FEA under paragraph (i) of § 211.66.

* * * * *

4. The Appendix to subpart C of Part 211 is amended by the addition of a Special Rule No. 4 to read as follows:

SPECIAL RULE NO. 4

1. *Scope.* This special rule provides for a reduction in the entitlement purchase requirements of § 211.67(b) for specified volumes of old oil included in the adjusted crude oil receipts of small refiners for the months of March and April, 1975.

2. *Reduction in entitlement purchase requirements for small refiners.* (a) Each small refiner with a volume of crude oil runs to stills of less than 30,000 barrels per day in the month concerned, that is required to purchase entitlements, shall be exempted from the purchase requirements of § 211.67(b) as to one-eighth (1/8) and one-ninth (1/9), respectively, of the number of entitlements otherwise required to be purchased by that small refiner under § 211.67(b) for the months of March and April, 1975.

(b) Each small refiner with a volume of crude oil runs to stills in excess of 30,000 barrels per day in the month concerned, that is required to purchase entitlements, shall be exempted from the purchase requirements of § 211.67(b) as to a number of entitlements equal to one-eighth (1/8) and one-ninth (1/9), respectively, of the number of entitlements for the months of March and April, 1975, which is in the same proportion to the total number of entitlements otherwise required to be purchased by that small refiner under § 211.67(b) that 30,000 barrels per day is to the daily average volume of that small refiner's crude oil runs to stills for that month. The entitlement purchase requirement exemption provided by this subparagraph (b) shall not be applicable to any small refiner for any month as to which an entitlement purchase requirement exemption is in effect for that small refiner under paragraph 3 of Special Rule No. 3 for subpart C of part 211, as amended February 5, 1975.

3. *Adjustment to number of entitlements issuable.* The total number of entitlements exempted from the purchase requirements of § 211.67(b) pursuant to paragraph 2 of this special rule shall be deducted, on a pro-rata basis, from the number of entitlements otherwise issuable to and available for sale by each refiner or eligible firm which has entitlements available for sale in the month concerned.

4. *Provisions of Subpart C.* The provisions of subpart C of part 211 shall remain in full force and effect, except as expressly modified by the provisions of this special rule.

5. Section 212.31 is revised by deleting the definition of "special products" and by adding, in the appropriate alphabetical order, definitions of "general refinery products" and "No. 2 oils" to read as follows:

§ 211.31 Definitions

* * * * *

"General refinery products" means all covered products other than No. 2 oils, gasoline, and crude oil.

* * * * *

"No. 2 oils" means No. 2 heating oil and No. 2-D diesel fuel.

* * * * *

6. Section 212.83 is amended in paragraph (b) by adding, in the appropriate alphabetical order, a definition of "import fees and duties incurred" and by revising the definition of "landed costs", and is further amended by revising paragraphs (c) and (e) to read as follows:

§ 212.83 Allocation of refiner's increased costs.

* * * * *

(b) *Definitions.* * * *

"Import fees and duties incurred" means only import fees and duties that are paid by or on behalf of the firm purchasing the product and that are in addition to the purchase price of the product, and does not include any import fees and duties paid by or on behalf of

firms other than the purchasing firm, such as import fees and duties that are already reflected in the price charged for a product. Import fees and duties are "incurred" (for purposes of determining increased product costs) at the time the product is released from U.S. customs custody or entered into U.S. customs territory, or withdrawn from a bonded warehouse for consumption, whichever occurs first, even though payment of the fees or duties may be at a later date.

* * * * *

"Landed cost" means:

(1) For purposes of covered products purchased in complete arm's-length transactions, the purchase price at the point of origin, plus the actual transportation cost, plus import fees and duties incurred.

(2) For purposes of covered products purchased in arm's-length transactions and shipped pursuant to a transaction between affiliated entities, the purchase price at the point of origin, plus the transportation cost computed by use of the customary accounting procedures generally accepted and consistently and historically applied by the firm concerned, plus import fees and duties incurred.

(3) For purposes of covered products other than crude oil purchased in a transaction between affiliated entities and shipped pursuant to an arm's-length transaction, the cost of the product computed by use of the customary accounting procedures generally accepted and consistently and historically applied by the firm concerned, plus the actual transportation cost, plus import fees and duties incurred.

(4) For purposes of covered products other than crude oil purchased and shipped pursuant to a transaction between affiliated entities, the costs of the product and the transportation both computed by use of the customary accounting procedures generally accepted and consistently and historically applied by the firm concerned, plus import fees and duties incurred.

(5) For purposes of crude oil purchased in a transaction between affiliated entities and shipped pursuant to an arm's-length transaction, the cost of the crude oil computed pursuant to § 212.84, plus the actual transportation cost, plus import fees and duties incurred.

(6) For purposes of crude oil purchased and shipped pursuant to a transaction between affiliated entities, the cost of the crude oil computed pursuant to § 212.84, plus the transportation cost computed by use of the customary accounting procedures generally accepted and consistently and historically applied by the firm concerned, plus import fees and duties incurred.

* * * * *

(c) *Allocation of increased product costs*—(1) *General rule*—(i) *No. 2 oils and gasoline.* In computing base prices for sales of No. 2 oils and gasoline, a refiner may increase its May 15, 1973 selling price to each class of purchaser once each calendar month beginning with November 1973 by an amount to reflect the increased product costs attributable to sales of that covered product using the differential between the month of measurement and the month of May 1973, provided that the amount of increased costs used in computing a base price is calculated by use of the formula set forth in paragraph (c)(2)(i) of this section, and that the formula of paragraph (c)(2)(i) of this section is computed separately for No. 2 oils and for gasoline, and that the amount of increased product costs included in computing base prices of No. 2 oils and of gasoline is equally applied to each class of purchaser.

(ii) *General refinery products.* (A) In computing base prices for a general refinery product, a refiner may increase its May 15, 1973 selling price to each class of purchaser each month beginning with November 1973 by an amount to reflect the increased product costs attributable to sales of general refinery products, using the differential between the month of measurement and the month of May 1973, provided that the amount of increased costs used in computing a base price is calculated by use of the formula set forth in paragraph (c)(2)(ii) of this section and provided that the amount of increased product costs included in computing base prices of a particular general refinery product must be equally applied to each class of purchaser. In apportioning the total amount of increased product costs allocable to general refinery products among particular general refinery products, a refiner may apportion amounts of increased product costs to a particular general refinery product in whatever amounts it deems appropriate.

(B) For purposes of this section, each of the following products or product categories shall constitute "a particular general refinery product": aviation fuels, benzene, butane, gas oil, greases, hexane, kerosene, lubricant base oil stocks, lubricants, naphthas, natural gas liquids, natural gasoline, No. 1 heating oil and No. 1-D diesel fuel, No. 4 fuel oil and No. 4-D diesel fuel, propane, residual fuel oil, special naphthas (solvents), toluene, unfinished oils, xylene, and other finished products. A blend of two or more particular covered products is considered to be that particular covered product constituting the major proportion of the blend.

(C) Notwithstanding the provisions of paragraph (c)(1)(ii)(B) of this section, for purposes of this section, a refiner, upon notice to and unless disapproved by the FEA, may designate products or product categories to constitute "a particular general refinery product," if the products or product categories so designated by the refiner represent discrete, technical product differences that have been consistently and historically applied by that refiner. For purposes of this paragraph (c)(1)(ii)(C), marketing considerations do not represent "discrete, technical product differences."

(D) The notice required by paragraph (c)(1)(ii)(C) above shall include both a list of the products or product categories designated by the refiner as particular general refinery products, and a description of the discrete, technical product differences between such products or product categories. A refiner that provides the notice described herein shall, upon notice by the FEA, provide verification to the FEA that such discrete, technical product differences have been consistently and historically applied by the refiner.

(iii) *Propane*—(A) *Special propane rule.* Nothwithstanding the provisions of § 212.83(c)(1)(ii) and § 212.83(e), a refiner in computing base prices of propane for the twelve-month period of August 1, 1974 through July 31, 1975:

(I) may not apportion to propane a greater percentage of increased cost of crude oil purchased or landed in the twelve-month period July 1, 1974 through June 30, 1975 than the percentage that the volume of propane sold during the twelve-month period August 1, 1974 through July 31, 1975 that was produced by that refiner from crude oil is to the total volume of all products (including other than covered products) sold by it during the same twelve-month period that were produced by that refiner from crude oil. Notwithstanding § 212.83(b), for purposes of this special propane rule, cost of crude oil shall not include the cost of natural gas liquids; and

(II) may apportion to propane the increased cost of propane purchased or landed in the twelve-month period of July 1, 1974 through June 30, 1975; and

(III) may apportion to propane the increased product costs attributable to propane produced from natural gas as determined pursuant to the provisions of § 212.146 of Subpart K of this part; and

(IV) may not apportion to propane any increased product costs incurred prior to July 1, 1974, and not recovered through July 31, 1974.

(B) *Exception to equal application rule for propane.* Notwithstanding the provisions of paragraph (c)(1)(ii) above, a refiner may comply with the provisions of that paragraph by applying unequal amounts of increased costs to the weighted average May 15, 1973 selling price of propane to classes of purchaser of propane, provided that the highest amount of increased cost applied to the weighted average May 15, 1973 selling price to any class of purchaser shall not exceed by more than 100 percent the amount of increased cost applied to the weighted average May 15, 1973 selling price to any other class of purchaser, and, provided further, that no greater amount of increased cost shall be applied to the weighted average May 15, 1973 selling price of propane in sales to any class of purchaser that includes either an independent marketer, as defined in § 211.51 of this Chapter, or a purchaser that uses the product for residential use, as defined in § 211.51 of this Chapter, than is applied to the weighted average May 15, 1973 selling price of propane in sales to any other class of purchaser.

(iv) *Reallocation of increased product costs among product categories.*

Increased product costs allocable to No. 2 oils and gasoline pursuant to paragraph (c)(1)(i) of this section and to general refinery products pursuant to paragraph (c)(1)(ii) of this section or carried forward pursuant to paragraph (e) of this section may be reallocated among product categories each month only as follows:

(A) *General refinery products.* To the extent that a refiner does not allocate its increased product costs for general refinery products to base prices for such products, it may instead allocate that part of its increased product costs for general refinery products only to base prices for gasoline. No increased product costs for general refinery products may be reallocated to base prices for No. 2 oils.

(B) *No. 2 oils.* To the extent that a refiner does not allocate its increased product costs for No. 2 oils to base prices for No. 2 oils, it may instead allocate that part of its increased product costs for No. 2 oils only to base prices for gasoline. No increased product costs for No. 2 oils may be reallocated to base prices for general refinery products.

(C) *Gasoline.* No increased products costs for gasoline may be reallocated to base prices for general refinery products or No. 2 oils.

(2) *Formulae*—(i) *No. 2 oils and gasoline.* For No. 2 oils and gasoline ($i=1$ and $i=2$):

$$d_i^u = \frac{A^t\left(\frac{V_i^u}{V^u}\right) + B_i t + G_i t \pm H_i^u}{V_i^u}$$

(ii) *General refinery products.* For general refinery products ($i=3$):

$$D_i^u = A^t\left(\frac{V_i u}{V^u}\right) + B_i t + G_i t - H_i u$$

(iii) *Definitions.* For purposes of paragraphs (c)(2)(i) and (c)(2)(ii) of this section:

d_i^u=The dollar increase that may be applied in the period "u" to the May 15, 1973 selling price of the covered product or products of the type "i" to each class of purchaser to compute the base price to each class of purchaser, except that the dollar increase that may be applied in the period "u" to the May 15, 1973 selling price of gasoline to compute the base prices to the classes of purchaser that purchase gasoline at retail from a refiner at service stations operated by employees of the refiner may be "d_i^u" plus a maximum of $0.03 per gallon of gasoline provided that, in computing "d_j^u" for gasoline, the numerator of the formula in clause (i) of this subparagraph is reduced by an amount equal to the product of the actual amount of cents per gallon increase added to "d_i^u" above multiplied by the estimated number of gallons of gasoline to be sold during the period "u" at retail through service stations operated by employees of the refiner. The formula for "d_i^u" must be computed separately for $i=1$ and for $i=2$.

D_i^u=The total dollar amount a refiner may apportion in the period "u" to general refinery products ($i=3$) in whatever amounts it deems appropriate to each particular general refinery product, provided that the total dollar amount shall be reduced by an amount equal to the total number of gallons of benzene and toluene sold by the refiner during the month of May 1973 multiplied by $0.20 and further multiplied by an amount equal to the total number of barrels of refinery input to crude oil distillation units processed during the month of measurement and measured in accordance with Bureau of Mines form 6-1300-M divided by the total number of such barrels processed during the month of May 1973. The formula for general refinery products shall only be computed for $i=3$ (all general refinery products).

V^u=The total volume of all covered products (other than propane, which may be included only to the extent that it was refined by the refiner from crude oil) and all products refined from crude oil other than covered products estimated to be sold in the period "u".

V_i^u=The total volume of a specific covered product or products of the type "i" (other than propane, which may be included only to the extent that it was refined by the refiner from crude oil) estimated to be sold in the period "u".

$$A^t = Q^t\left(\frac{C^t}{Q^t} - \frac{C^o}{Q^o}\right)$$

"A^t" is the total increased cost of crude oil purchased or landed in the period "t" for refining by that refiner. The cost and quantity of crude oil that is consumed as refinery fuel or that is otherwise consumed or disposed of in the period "t" so as not to be available for that refiner's input to crude oil distillation units shall be excluded from this amount (except to the extent permitted with respect to crude oil sold under § 211.65 of this Chapter pursuant to the definitions of Q^t and C^t).

Where:

Q^t=The total quanity or volume of crude oil purchased or landed in the period "t" for refining or for resale under § 211.65, provided, however, that this amount shall be reduced by the quantity of crude oil sold under § 211.65 in the period "t".

Q^o=The total quanity or volume of crude oil purchased or landed in the period "o" for refining.

C^o=The total cost of crude oil purchased or landed in the period "o" for refining.

C^t=The total cost of crude oil purchased or landed in the period "t" for refining or for resale under § 211.65, provided, however, that this amount shall be reduced by the revenues from sales of crude oil under § 211.65 made in the period "t", except for any transportation adjustment or the handling fee provided for by § 212.94(b).

$$B_i t = c_i t - c_i^o Y_i(q_i t - q_i^o)$$

"$B_i t$" is the total increased cost of the specific covered product or products of the type "i" purchased or landed in the period "t". The cost of a specific covered product or products of the type "i" shall include the cost of a specific covered product or products not of the type "i" that are blended or further refined to produce the covered product or products of the type "i". The cost and quantity of covered products purchased or landed that are consumed as refinery fuel shall be excluded from this amount.

Where:

c_i^o=The total cost of a covered product or products of the type "i" purchased or landed in the period "o".

$c_i t$=The total cost of a covered product or products of the type "i" purchased or landed in the period "t".

q_i=The total quantity or volume of a covered product or products of the type "i" purchased or landed in the period "o".

$q_i t$=The total quantity or volume of a covered product or products of the type "i" purchased or landed in the period "t".

Y_i=The lowest price at or above which at least 10 percent of the product or products of type "i" were priced in transactions during the month of May 1973 or, if none occurred in that month, the month next preceding May 1973 in which such transactions occurred.

Alternatively, the cost of the covered product or products concerned during the month of May 1973 may be used if computed by the use of accounting procedures generally accepted and consistently and historically applied by the firm concerned, and provided that the FEA has approved in writing of the cost figures used.

$$G_i t = J_i t - K_i t + L_i t$$

"$G_i t$" is either: (i) the total dollar amount of increased costs of the covered product or products of the type "i" to the period "t" not recovered in sales of that product through the period "t", that have been carried forward pursuant to paragraph (e) of this section; or (ii) the total dollar amount by which increased costs of the covered product or products of the type "i" to the period "t" have been overrecovered in sales of that product through the period "t", that must be subtracted pursuant to paragraph (e) of this section.

Where:

$J_i t$=The total dollar amount of increased product costs attributable to the covered product or products of the type "i" from August 1, 1973 to the period "t."

$K_i t$=The total dollar amount of increased product costs attributable to the covered product or products of the type "i" and recovered by sales through the period "t" by adjusting the May 15, 1973 selling prices pursuant to the provisions of this subpart.

L_t' = The total dollar amount of non-product costs attributable to includable amounts of commissions incurred during the period "t" beginning with June 1974 with respect to sales through consignee-agents of the covered product or products of the type "i." The includable amount of commission incurred with respect to each item sold through each consignee-agent is the dollar amount per unit of volume by which the commission in the period "t" exceeds the commission in effect on May 15, 1973, provided that the includable amount shall be an amount reasonably intended to cover increased non-product costs of the consignee-agent, and that it shall not exceed the amount of the non-product cost price increase that would be permitted if the consignee-agent took title to the product it distributes and were a seller subject to § 212.93(b) of this part.

And where:

H_i^u = For $i=1$, the portion, if any, of the total dollar amount available in the period "u" for inclusion in price adjustments to No. 2 oils that pursuant to paragraphs (c)(1)(iv) or (e)(2) of this section the refiner elects to include in prices of gasoline for the period "u" (in which case "H_i^u" shall be subtracted); for $i=2$, the portion, if any, of the total dollar amount available in the period "u" for inclusion in price adjustments to No. 2 oils and/or general refinery products that pursuant to paragraphs (c)(1)(iv) or (e)(2) of this section the refiner elects to include in the price of gasoline for the period "u" (in which case "H_i^u" shall be added); for $i=3$, the portion, if any, of the dollar amounts available in the period "u" for inclusion in price adjustments to general refinery products that pursuant to paragraphs (c)(1)(iv) or (e)(2) of this section the refiner elects to include in calculating the base prices of gasoline for the period "u".

The type of covered product or products is referenced by the subscript i:

$i=1$ represents No. 2 oils.
$i=2$ represents gasoline.
$i=3$ represents all general refinery products.

The time period for measurement is referenced in the superscript; where:

o = The month of May 1973.
f = The month of measurement (the month of measurement, is the month preceding the current month).
u = The current month. Quantities calculated for the current month will be estimates, which should be based on the best available data.

* * * * *

(e) *Carryover of costs*—(1) *Initial calculation of amounts carried over.* For purposes of calculating the total amount of unrecouped increased product costs of covered products of the type $i=1$, $i=2$, and $i=3$ that may be added to May 15, 1973 selling prices pursuant to paragraph (e)(2) of this section under the "$G_i'^o$" factor of the general formulae of paragraph (c)(2) of this section, as of February 28, 1975 (for i=February 1975), a firm shall calculate the total amount of unrecouped increased product costs of covered products of the type $i=1$, $i=2$, and $i=3$ pursuant to § 212.83 (e) as that section existed on February 28, 1975. The total amounts of unrecouped increased product costs so calculated shall be attributed to the product or products of the type $i=1$, $i=2$, and $i=3$, respectively, pursuant to § 212.83 as amended on March 1, 1975.

(2) *Computation of amounts carried over*—(i) *For No. 2 oils and general refinery products*—(A) If in any month beginning with October 1973 a firm charges prices for No. 2 oils or for general refinery products that result in the recoupment of less than the total dollar amount of increased product costs calculated for that covered product pursuant to the general formula and allowable under paragraphs (c)(1) and (c)(2) of this section, and if that unrecouped amount of increased product costs is not used to increase May 15, 1973 selling prices of gasoline pursuant to paragraph (c)(1)(iv) of this section, that unrecouped amount of increased product costs may be added to the May 15, 1973 selling prices to compute the base prices for that covered product for a subsequent month.

(B) If in any month beginning with October 1973 a firm charges prices for No. 2 oils or for general refinery products that result in the recoupment of more than the total dollar amount of increased product costs calculated for that covered product pursuant to the general formula and allowable under paragraphs (c)(1) and (c)(2) of this section, the excess revenues received must be subtracted from the May 15, 1973 selling prices to compute base prices for that covered product in a subsequent month.

(ii) *For gasoline.* (A) If in any month beginning with October 1973 a firm charges prices for gasoline that result in the recoupment of less than the total dollar amount of increased product costs calculated for gasoline pursuant to the general formula and allowable under paragraphs (c)(1)(i), (c)(1)(iv), and (c)(2)(i) of this section, that unrecouped amount of increased product costs may be added to the May 15, 1973 selling prices to compute the base prices for gasoline for a subsequent month.

(B) If in any month beginning with October 1973 a firm charges prices for gasoline that result in the recoupment of more than the total dollar amount of increased product costs calculated for gasoline pursuant to the general formula and allowable under paragraphs (c)(1)(i), (c)(1)(iv), and (c)(2)(i) of this section, the excess revenues received must be subtracted from the May 15, 1973 selling prices to compute base prices for gasoline in a subsequent month.

(3) *Equal application among classes of purchaser.* With respect to each covered product other than crude oil, when a firm calculates the amount of increased product cost not recouped that may be added to May 15, 1973 selling prices to compute base prices in a subsequent month, it shall calculate its revenues as though the greatest amount of increased product costs actually added to any May 15, 1973 selling price of that covered product and included in the price charged to any class of purchaser, had been added, in the same amount, to the May 15, 1973 selling prices of such product and included in the price charged to each class of purchaser; except that, where an equal amount of increased product cost is not included in the price charged to a purchaser because of a price term of a written contract covering the sale of such product that was entered into on or before September 1, 1974, that portion of the increased product costs not included in the price charged to such a purchaser need not be included in the calculation of revenues.

(4) *Reallocation of increased product costs.* The total amount allowable under this paragraph (e) for No. 2 oils and general refinery products may not include any amount represented by the symbol "H" in the formulae in paragraph (c)(2) of this section that the refiner has elected to include in a prior month in the calculation of the maximum permissible amount that may be used to adjust base prices pursuant to paragraph (c)(1)(iv) of this section.

(5) *Limitation on use of amounts carried over.* Notwithstanding the above provisions, the amount of unrecouped increased product costs calculated under the "$G_i t$" factor of the general formulae of paragraph (c)(2) of this section and carried forward pursuant to this paragraph (e) that may be used to compute base prices for the covered product or products of the type "i", other than gasoline, in the current month shall be limited to not more than:

(i) An amount that when added to the increased product costs for the month of measurement, will provide for the same amount of increased product costs to be included in selling prices for the current month of the covered product or products of the type "i" as was included in the selling prices for the preceding month on a weighted average per unit basis, plus

(ii) An amount that is not more than 10 percent of the amount of unrecouped increased product costs calculated under the "$G_i t'$" factor of the general formulate of paragraph (c)(2) of this section and carried forward pursuant to this paragraph (e), as of October 31, 1974, or as of the end of any month thereafter.

(6) *Unrecouped increased non-product costs.* Increased non-product costs calculated pursuant to § 212.87 for the month of measurement that are not recouped in the current month (the month immediately succeeding the month of measurement) may not be carried forward for use in computing allowable prices in excess of base prices in any subsequent month. If the allowable prices in excess of base prices charged in a current month result in the recoupment of more than the total amount of increased non-product costs for the month of measurement (the month immediately preceding the current month), the amount of such overrecoupment shall be subtracted from the amount of increased product costs that would otherwise be available in the subsequent month for allocation to base prices of the

product or products with respect to which the overrecoupment of increased non-product costs occurred.

* * * * *

7. Section 212.87 is amended to revise paragraph (b)(1), to renumber the present paragraph (c)(1) as (c)(1)(i), and to add a new paragraph (c)(ii) to read as follows:

§ 212.87 **Increased non-product costs.**

* * * * *

(b) *General definition.* (1) Increased non-product costs are, for each month of measurement, the sum of refinery fuel cost increase, the labor cost increase, the additive cost increase, the marketing cost increase, and the other allowed non-product cost increases, (as defined in this section) multiplied by

$$\left(\frac{V_t^u}{V^u}\right),$$

where:

V^u = The total volume of all covered products (other than propane, which may be included only to the extent that it was refined by the refiner from crude oil) and all products refined from crude oil other than covered products estimated to be sold in the period "u".

V_t^u = The total volume of a specific covered product or products of the type "t" (other than propane, which may be included only to the extent that it was refined by the refiner from crude oil) estimated to be sold in the period "u".

* * * * *

(c) *Defined categories of non-product costs.* * * *

(1) *Refinery fuel cost increase.* * * *

* * * * *

(ii) Refiners shall maintain records of the volume and cost of covered products purchased or landed that are consumed as refinery fuel.

* * * * *

8. Section 212.91 is revised to read as follows:

§ 212.91 **Applicability.**

This subpart applies to each sale of a covered product (other than the first sale of crude oil) by resellers, reseller-retailers, and retailers, and to each sale of crude oil (other than the first sale) by a refiner. For purposes of this subpart, "reseller" includes any entity of a refiner (other than an entity that operates in Puerto Rico) that is engaged in the business of purchasing and reselling covered products, provided that the entity does not purchase more than 5 percent of such covered products from the refiner including any entities that it directly or indirectly controls and provided further that the entity has consistently and historically exercised the exclusive price authority with respect to sales by the entity.

9. Section 212.93 is amended by revising paragraphs (b)(1)(i), (c), and the first sentence of paragraph (e) to read as follows:

§ 212.93 **Price rule.**

* * * * *

(b) Notwithstanding the provisions of paragraph (a) of this section:

(1) With respect to No. 2 oils and gasoline: (i) In retail sales, a seller may charge one cent per gallon in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section, and, with respect to all other sales a seller may charge one-half cent per gallon in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section to reflect non-product cost increases that the seller incurred after May 15, 1973. * * *

(c)(1) A seller that charges a price for a covered product other than No. 2 oils or gasoline that exceeds the weighted average price at which the product was lawfully priced by the seller in transactions on May 15, 1973 must decrease the price of that product whenever the costs of that product decrease.

(2) A seller that in any calendar month charges a price for No. 2 oils or gasoline that exceeds the weighted average price at which the product was lawfully priced by the seller in transactions on May 15, 1973 must decrease the price of that product in the next calendar month to the extent necessary to reflect any decrease in the weighted average unit cost from the weighted average unit cost that was used to calculate the price increase in the preceding month. However, such a decrease may be used to offset unrecovered cost increases pursuant to paragraph (e) of this section.

* * * * *

(e) Notwithstanding paragraph (a) of this section if a seller charges prices for a particular product that result in the recoupment of less total revenues than the total amount of increased costs of that product incurred during that month, the amount of increased cost not recouped by a price adjustment in the subsequent month pursuant to paragraph (a) of this section may also be added to the May 15, 1973, selling prices of that product in a subsequent month at the time the selling prices are computed pursuant to paragraph (a) provided that, with respect to No. 2 oils and gasoline, a seller complies with the provisions of paragraph (b) of this section and does not increase prices more than once in any calendar month. * * *

* * * * *

10. Section 212.93 is amended by revising paragraph (g) to read as follows:

§ 212.93 **Price rule.**

* * * * *

(g) *Special rule on addition to May 15, 1973 prices of unrecouped increased costs of a product in a subsequent month.* For covered products other than gasoline, the amount of unrecouped increased product costs calculated and carried forward under paragraph (d) of this section that may be added to the May 15, 1973, selling prices of that product shall be limited to an amount that is not more than:

(i) an amount that, when added to May 15, 1973 selling prices, will provide for the same selling prices for that product in the current month as prevailed at the close of the preceding month, plus

(ii) an amount that, based on estimated sales volumes for each product, will not result in the application to May 15, 1973 selling prices of more than 10 percent of the amount of unrecouped increased costs of product calculated and carried forward under paragraph (e) of this section, as of October 31, 1974, or as of the end of any month thereafter.

* * * * *

11. Section 212.94 is amended by revising paragraph (c) to read as follows:

§ 212.94 **Allocated crude pricing.**

* * * * *

(c) *Calculations.* For the purpose of calculating the weighted average price of all crude oil delivered to a refiner-seller during each month, a refiner-seller shall use, for domestic crude petroleum, the delivered cost of all domestic crude petroleum at the point of purchase, plus any gathering or trucking allowance, pipeline tariffs, water transportation costs, terminalling costs and exchange differentials paid to deliver such crude oil to the refiner-seller's refineries; and, for imported crude petroleum, the landed cost (as defined in § 212.83) plus any pipeline tariffs, water transportation costs, terminalling costs, exchange differentials, insurance, and taxes paid to deliver such crude oil to the refiner-seller's refineries.

* * * * *

[FR Doc.75-5852 Filed 3-3-75;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 75-175]

PART 564—SETTLEMENT OF INSURANCE

Updating of Examples of Insurance Coverage

FEBRUARY 26, 1975.

The Federal Home Loan Bank Board hereby amends Board Resolution No. 74-1177 (FR Doc. 74-27654, 39 FR 41243, 1974, which amended Part 564 of the rules and regulations for Insurance of Accounts, 12 CFR Part 564, by updating the Examples of Insurance Coverage Afforded Accounts in Institutions Insured by the Federal Savings and Loan Insurance Corporation, published as an Appendix to said Part 564 to reflect the increases in maximum insurance authorized in Pub. L. 93-495) by correcting a typographical error in Example 3, under *A. SINGLE OWNERSHIP ACCOUNTS* of said Appendix (deleting the last reference to "$7,000" in the answer and substituting "$10,000"), so that said Example will read:

Question. A has $37,000 invested in an individual account, and his agent, B, invests $10,000 of A's funds in a properly designated agency account. B also holds a $40,000 individual account. What is the insurance coverage?

Answer. A's individual account and the agency account are added together and insured to the $40,000 maximum, leaving $7,000

uninsured. The investment of funds through an agent does not result in additional insurance coverage for the principal. (§ 564.3 (b)) B's individual account is insured separately from the agency account. (§ 564.3(a))

However, if the account records of the institution do not show the agency relationship under which the funds in the $10,000 account are held, the $10,000 in B's name could, at the option of the Insurance Corporation, be added to his individual account and insured to $40,000 in the aggregate, leaving $10,000 uninsured. (§ 564.2(b)(1))

(Secs. 401, 402, 403, 405, 48 Stat. 1255, 1256, 1257, 1259, as amended; 12 U.S.C. 1724, 1725, 1726, 1728. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–1948, Comp., p. 1071.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.75-5926 Filed 3-5-75;8:45 am]

CHAPTER VI—FARM CREDIT ADMINISTRATION

PART 602—RELEASING INFORMATION

Subpart B—Availability of Records of the Farm Credit Administration; Correction

FR Doc. 75-4726, published at page 7341 in the issue dated Wednesday, February 19, 1975, is corrected by changing the sum "$1.10" to read "10 cents" in § 602.265(d)(1), and redesignating the subparagraph "(a)" that follows § 602.265(d)(1) as subparagraph "(2)".

W. M. HARDING,
Governor,
Farm Credit Administration.

[FR Doc.75-5919 Filed 3-5-75;8:45 am]

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 720—DESCRIPTION OF OFFICE, DISCLOSURE OF OFFICIAL RECORDS—AVAILABILITY OF INFORMATION, PROMULGATION OF REGULATIONS

Correction

In FR Doc. 75-5353 appearing at page 8537 of the issue for Friday, February 28, 1975, the chapter and part headings should read as set forth above.

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-EA-45; Amdt. 39-2120]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Vertol Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend and revise AD 73-8-1 applicable to Boeing Vertol helicopters.

Since the promulgation of AD 73-8-1, which required inspection of one vendor's transmission quill shafts, a crack was found in a shaft originating from another vendor. As a result it has been determined that all quill shafts will be inspected and the AD is being amended to this effect. Its format will also be revised.

The same air safety considerations still apply to this deficiency and thus notice and public procedure hereon are impractical and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending and revising AD 73-8-1 as follows:

BOEING VERTOL. Applies to all 107-II type helicopters. Compliance required as indicated unless already accomplished. In order to detect surface defects which can cause complete failure of the P/N 107D2067 aft transmission quill shaft, accomplish the following:

1. Within 25 flight hours after the effective date of this AD, inspect and code mark, in accordance with paragraph 3, all P/N 107D2067-1 or -3 quill shafts having 600 hours total time except those quill shafts specified in Service Bulletin A107-320, Revision C.

2. Quill shafts with less than 600 hours total time, except those quill shafts specified in Service Bulletin A107-320, Revision C, must comply with paragraph 3 prior to accumulating 600 hours total time in service.

3. Strip quill shaft at the .375 inch diameter pin hole; inspect under microscope magnification, code mark acceptable units with suffix letter "R" and apply surface treatments in accordance with Boeing-Vertol Telex 8-1420-1-291 dated 16 November 1972, or Service Bulletin No. A107-320 dated April 30, 1973, and subsequent approved revisions, or an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region. Inspect for surface pits, arc burns and cracks. Replace any quill shaft which has surface pits, arc burns or cracks with a shaft which has been inspected in accordance with this paragraph or a shaft referenced in Service Bulletin No. A107-320, Revisions A and C. (Boeing-Vertol Service Bulletin Nos. A107-320A, A107-320B and A107-320C, and Boeing-Vertol Telex Nos. 8-1420-1-268 and 8-1420-1-254 and available specimen photographs pertain to this subject.)

This amendment is effective March 11, 1975.

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

Issued in Jamaica, N.Y., on April 24, 1975.

JAMES BISPO,
Acting Director, Eastern Region.

[FR Doc.75-5912 Filed 3-5-75;8:45 am]

[Docket No. 75-NW-3-AD; Amendment 39-2119]

PART 39—AIRWORTHINESS DIRECTIVES

Hughes Model 369HS, 369HE, 369HM Helicopters as Modified by Chadwick STC SH133WE or SH129WE

Two recent incidents have shown a need for corrective action on Hughes Model 369HS, 369HE and 369HM helicopters modified by the installation of Chadwick cargo racks in accordance with STC SH133WE or auxiliary fuel tanks in accordance with STC SH129WE. In both incidents, the operator failed to insert one of the lock lugs of the cargo carrier into the mating part of the cross beam which is attached to the helicopter. Consequently, when the ball lock pin was inserted, it only went through the main beam. During flight, the unlocked joint allowed the cargo carrier to lift up, failing the remaining joint and then separated from the helicopter. In the first incident, the helicopter itself was not damaged. However, in the second incident, the helicopter sustained major damage when the cargo carrier hit the main rotor, tore off the tail rotor including the gear box and severed most of the empennage. Since similar accidents could occur in other helicopters of the same type design which have been modified by STC SH133WE or STC SH129WE, an airworthiness directive is being issued to require the installation of a lock pin guard on all Hughes Model 369HS, 369HE, and 369HM helicopters modified by the installation of Chadwick cargo racks in accordance with STC SH133WE, or the installation of the auxiliary fuel system in accordance with STC SH129WE. The lock pin guard will prevent improper engagement of the cargo carriers or the auxiliary fuel tanks. Although the auxiliary fuel tanks were not involved in the two incidents, they are included in this airworthiness directive because they have the same attachment design.

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

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

HUGHES. Applies to Hughes Model 369HS, 369HE and 369HM helicopters as modified by the installation of cargo carriers in accordance with Chadwick STC SH133WE or the installation of auxiliary fuel tanks in accordance with SH129WE, certificated in all categories. Helicopters modified by these two STCs may continue to fly without cargo racks and auxiliary tanks installed. Compliance required as indicated.

To prevent inadvertent loss of cargo racks or auxiliary fuel tanks, accomplish the following:

Within 100 hours time in service or by June 1, 1975, whichever comes first, unless already accomplished, install the lock pin guard, Chadwick P/N 75-30135, in accordance with the Chadwick Field Kit Installation C-75G, Drawing No. 75-11200, dated September 11, 1974 or later FAA approved revisions, or modify in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Northwest Region.

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

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Chadwick Inc., 4375 S.W.

142nd Ave., Beaverton, Oregon 97005. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective March 28, 1975.

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

Issued in Seattle, Washington on February 26, 1975.

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

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

[FR Doc.75-5911 Filed 3-5-75;8:45 am]

[Docket No. 14325; Amdt. No. 91-126]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Pilot Responsibility Under IFR After an ATC Clearance is Received

The purpose of this amendment to Part 91 of the Federal Aviation Regulations is to further ensure that pilots, operating under instrument flight rules (IFR), do not descend below FAA prescribed minimum altitudes upon receipt of an ATC approach clearance. It makes mandatory and expands the provisions of the FAA Notice to Airmen on the same subject issued on December 27, 1974.

Present § 91.119 provides that no person may operate an aircraft under IFR below applicable prescribed minimum altitudes. Notwithstanding this regulation, pilots operating under IFR on unpublished routes, or while being radar vectored, have, due to inadvertence or uncertainty, descended below minimum IFR altitudes after receiving an approach clearance. Such descents cannot be tolerated in an integrated air traffic control system. Safe altitude maintenance is essential if the system is to provide the level of safety to which it was designed and the public has the right to expect. To prevent a recurrence of these incidents, this action requires each pilot, operating under IFR on an unpublished route or being radar vectored, when an approach clearance is received, to maintain his last assigned altitude (1) unless a different altitude is assigned by ATC, or (2) until the aircraft is established on a segment of a published route or instrument approach procedure. The amendment also reemphasizes the requirement of § 91.119 and Parts 95 and 97 that an aircraft established on such a segment is subject to the FAA published minimum altitudes applicable to descent within each succeeding segment of a route or instrument approach procedure unless another altitude is assigned by ATC.

As before, pilots remain responsible for safe altitude management after an approach clearance is received, including compliance with applicable minimum prescribed altitudes. To further ensure this, the new rule requires the pilot to maintain the ATC assigned altitude in effect when the approach clearance is received, unless a different altitude is assigned by ATC. This amendment in no way limits the pilot's right to request any altitude desired after an approach clearclearance is received, he may request an an altitude change after an approach clearance it received, he may request an appropriate clearance from ATC until the aircraft is established on a published route or instrument approach procedure. At that time the pilot may, on his own initiative, descend to the published minimum altitude for the route segment or approach procedure segment, as appropriate, unless cleared for another altitude by ATC. In this connection, it should be emphasized that an ATC clearance does not relieve the pilot of his direct responsibility for, and his final authority as to, the operation of his aircraft. This responsibility is clearly set forth in § 91.3(a).

The FAA believes that the effectiveness of the amendment discussed above will be further enhanced if action is also taken to address the situation of when a pilot may be uncertain of the meaning of an ATC clearance. Therefore (although pilots have already been advised in the Airman's Information Manual that they are expected to request that clearances be repeated or clarified if not understood), § 91.75 is amended to require that the pilot immediately request clarification by ATC if he is at all uncertain concerning the meaning of clearance.

Finally, an editorial change to § 91.116 (f) is being made. This involves substitution of the word "may" for the word "will" in the last sentence of § 91.116(f). This change is necessary since this amendment introduces the word "shall" into § 91.116(f) which could raise questions concerning the meaning of the word "will." It is not intended that the last sentence of § 91.116(f) have mandatory effect. No substantive change results.

The FAA finds that this amendment is required to eliminate any pilot uncertainty concerning the effect of an approach clearance on his duty to maintain a safe altitude and to prevent the recurrence of descents below that altitude. Accordingly, safety and the public interest require its immediate adoption. This is particularly true with respect to ensuring safe altitude management on the part of pilots who are operating under IFR on unpublished routes or are being radar vectored. It is therefore found that notice and public procedure on these amendments would be contrary to the public interest and that good cause exists for making these amendments effective in less than 30 days after publication thereof in the FEDERAL REGISTER.

(Sec. 307, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1354; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

In consideration of the foregoing, Part 91 of the Federal Aviation Regulations is amended, effective March 6, 1975, as hereinafter set forth:

1. Section 91.75(a) is amended by adding the following sentence at the end thereof (following the words "VFR weather conditions"): "If a pilot is uncertain of the meaning of an ATC clearance, he shall immediately request clarification from ATC."

2. Section 91.116(f) is amended as follows:

a. By revising the title of § 91.116(f) to read as follows:

"(f) *Operation on unpublished routes and use of radar in instrument approach procedures.*"

b. By inserting the following sentences after the second sentence (following the words "fix or position") and before the third sentence (before the words "Upon reaching"): "When operating on an unpublished route or while being radar vectored, the pilot, when an approach clearance is received, shall, in addition to complying with § 91.119, maintain his last assigned altitude (1) unless a different altitude is assigned by ATC, or (2) until the aircraft is established on a segment of a published route or instrument approach procedure. After the aircraft is so established, published altitudes apply to descent within each succeeding route or approach segment unless a different altitude is assigned by ATC."

c. By amending the last sentence by deleting the word "will" between the words "the pilot" and the words "either complete" and between the words "facility, or" and the words "continue a", and substituting the word "may" in place thereof.

Issued in Washington, D.C., on February 26, 1975.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.75-5914 Filed 3-5-75;8:45 am]

[Docket No. 14321; Amdt. No. 958]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from

the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

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

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR—VOR/DME SIAPs, *effective April 17, 1975.*

Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., VOR Rwy 26, Amdt. 9.
Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., VOR Rwy 27R, Amdt. 1.
Centerville, Tenn. — Centerville Municipal Arpt., VOR Rwy 2, Amdt. 3.
Danville, Ill.—Vermilion County Arpt., VOR/DME Rwy 3, Amdt. 4.
Danville, Ill.—Vermilion County Arpt., VOR Rwy 21, Amdt. 6.
Jackson, Wyo.—Jackson's Hole Arpt., VOR-A, Amdt. 1.
Knoxville, Tenn.—McGhee-Tyson Arpt., VOR Rwy 22R, Amdt. 19.
Morris, Ill.—Merris Municipal Arpt., VOR-A, Amdt. 5.

* * * *effective March 27, 1975*

Thomson, Ga. — Thomson-McDuffie County Arpt., VOR/DME Rwy 27, Orig.

* * * *effective March 13, 1975*

Janesville, Wisc.—Rock County Arpt., VOR Rwy 4, Amdt. 16.

* * * *effective February 25, 1975*

Bad Axe, Mich.—Huron County Memorial Arpt., VOR Rwy 3, Amdt. 2.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective April 17, 1975.*

Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., LOC (BC) Rwy 9R, Amdt. 2.
Cape Girardeau, Mo.—Cape Girardeau Municipal Arpt., LOC/DME (BC) Rwy 28, Orig.
Joplin, Mo.—Joplin Municipal Arpt., LOC (BC) Rwy 31, Amdt. 14

* * * *effective March 20, 1975*

Nashville, Tenn. — Nashville Metropolitan Arpt., LOC Rwy 31, Orig.
Windsor Locks, Conn.—Bradley Int'l. Arpt., LOC (BC) Rwy 24, Amdt. 11.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective April 17, 1975.*

Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., NDB Rwy 8, Amdt. 38.
Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., NDB Rwy 9L, Amdt. 1.
Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., NDB Rwy 9R, Amdt. 2.
Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l Arpt., NDB Rwy 26, Amdt. 11.
Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., NDB Rwy 27R, Amdt. 1.
Joplin, Mo.—Joplin Municipal Arpt., NDB Rwy 13, Amdt. 17.

* * * *effective April 3, 1975*

Chattanooga, Tenn.—Lovell Field, Arpt., NDB Rwy 20, Amdt. 24.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective April 17, 1975.*

Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., ILS Rwy 8, Amdt. 46.
Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., ILS Rwy 9R, Amdt. 8.
Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., ILS Rwy 26, Amdt. 9.
Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l Arpt., ILS Rwy 27L, Amdt. 3.
Joplin, Mo.—Joplin Municipal Arpt., ILS Rwy 13, Amdt. 16.
Knoxville, Tenn.—McGhee-Tyson Arpt., ILS Rwy 22R, Amdt. 2.

* * * *effective March 27, 1975*

Winston-Salem, N.C.—Smith Reynolds Arpt., ILS Rwy 33, Amdt. 15.

* * * *effective March 20, 1975*

Windsor Locks, Conn.—Bradley Int'l. Arpt., ILS Rwy 6, Amdt. 24.

* * * *effective March 13, 1975*

Janesville, Wisc.—Rock County Arpt., ILS Rwy 4, Orig.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective April 17, 1975.*

Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., RADAR-1, Amdt. 24.

CORRECTION

In Docket No. 14313, Amendment No. 956, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated February 21, 1975, on page 7627, under § 97.25, effective April 3, 1975—Destroy Chattanooga, Tenn. — Lovell Field, LOC (BC) Rwy 2, Amdt. 12, cancelled.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on February 27, 1975.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.75-5913 Filed 3-5-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2592]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Ronnie Ray's National Health Studios

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleading;* § 13.170 *Qualities or properties of product or service;* 13.170-30 Durability or permanence; 13.170-52 Medicinal, therapeutic, healthful, etc.; 13.170-74 Reducing, nonfattening, low-calorie, etc.; § 13.190 *Results;* § 13.205 *Scientific or other relevant facts.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 *Qualities or properties;* § 13.1730 *Quantity;* § 13.-1740 *Scientific or other relevant facts.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.-1870 *Nature;* § 13.1895 *Scientific or other relevant facts.*

(Sec 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Ronnie Ray doing business as Ronnie Ray's National Health Studios, Dallas, Tex. Nov. 4, 1974]

In the matter of Ronnie Ray, an individual, trading and doing business as Ronnie Ray's National Health Studios

Consent order requiring a Dallas, Tex., operator of a physical fitness and/or health clubs, among other things to cease making false weight and inch loss claims for their "body wrap." In addition, respondents are required to disclose to prospective enrollees the nature of their "body wrap" and that results are temporary unless a required diet is followed.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That proposed respondent, Ronnie Ray, individually and doing business as Ronnie Ray's National Health Studios, and proposed respondent's agent, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of physical fitness and/or health clubs memberships and related services, do forthwith cease and desist from:

1. Representing, directly or by implication:

A. That any person participating in respondent's "body wrap" program will achieve a permanent specified reduction in body size or weight.

B. That respondent's "body wrap" will, in any manner, slenderize, beautify and proportion persons' figures or aid in reduring body weight unless respondent discloses in conjunction therewith that such program includes a required diet.

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

C. That respondent's "body wrap" program will (1) tone and firm human tissue, including muscles, (2) induce weight loss or loss of inches by any means: unless such representation is fully substantiated by controlled scientific tests conducted by independent experts, and the results are available for inspection by the general public.

D. That respondent's "body wrap" program will remove up to 15 inches in a single visit or produce any other stated change in body size, configuration or weight by means of a "body wrap".

E. That patrons will lose inches or weight permanently as a result of the "body wrap" program.

2. Failing to disclose clearly, conspicuously, completely, and accurately, both orally and in writing, before selling any person a "body wrap":

A. The nature of respondent's "body wrap" programs and equipment.

B. That any loss of inches or weight is merely temporary in nature and will reappear unless such person follows a required diet.

It is further ordered, That respondent shall forthwith deliver a copy of this order to cease and desist to all present and future employees, instructors or other persons engaged in the offering for sale, or sale of respondent's services, or in any aspect of preparation, creation or placing of advertising.

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

It is further ordered, That in the event that respondent merges with another corporation or transfers all or a substantial part of its business or assets to any other corporation or to any other person, respondent shall require said successor or transferee to file promptly with the Commission a written agreement to be bound by the terms of this order provided that if respondent wishes to present to the Commission any reasons why said order should not apply in its present form to said successor or transferee, it shall submit to the Commission a written statement setting forth said reasons prior to the consummation of said succession or transfer.

It is further ordered, That proposed respondent notify the Commission at least 30 days prior to any proposed change in proposed respondent such as incorporation, assignment or sale resulting in the emergence of a successor, or any other change in the proposed respondent which may affect compliance obligations arising out of the order.

It is further ordered, That the proposed respondent herein, shall within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with this order.

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

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-5884 Filed 3-5-75;8:45 am]

[Docket No. C-2593]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

S-H-S Motor Sales Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.70 *Fictitious or misleading guarantees.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1855 *Identity;* § 13.1895 *Scientific or other relevant facts.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal; § 13.1892 *Guarantee—statutory;* § 13.2030 *Repair or replacement guarantee.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, S-H-S Motor Sales Corporation, et al., Kansas City, Mo., Docket C-2593, Nov. 4, 1974]

In the matter of S-H-S Motor Sales Corporation, a corporation, and Harry Schwartz and Sherman Schwartz, individually and as officers of said corporation

Consent order requiring a Kansas City, Mo., dealer of new and used cars, trucks and other products, among other things to cease disseminating advertisements wherein false, misleading or deceptive statements are made concerning guarantees or warranties.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondent S-H-S Motor Sales Corporation, a corporation, its successors and assigns, and its officers, and respondents Harry Schwartz and Sherman Schwartz, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of new or used automobiles, trucks or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Disseminating or causing the dissemination of any advertisement wherein any warranty or guarantee is mentioned or shown which does not clearly and conspicuously disclose the following terms and conditions:

(1) The identity of the guarantor or warrantor;

(2) The effective date of the warranty or guarantee;

(3) The duration of the warranty or guarantee and any of its parts, if different;

(4) The parts or materials included within the warranty or guarantee;

(5) The parts or materials specifically excluded from the warranty or guarantee;

(6) The manner in which the guarantor or warrantor will perform such repair, replacement or refund; and

(7) The obligations imposed upon the purchaser to avail himself of the guarantee or warranty such as any payment for services or labor charges, partial payment for parts or the exclusive use of any product or service.

2. Disseminating or causing the dissemination of any advertisement wherein false, misleading or deceptive statements are made concerning the issuance or existence of any guarantee or warranty.

3. Misrepresenting in any manner the nature, terms or conditions of any guarantee or warranty.

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

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

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

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

Decision and order issued by the Commission November 4, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-5885 Filed 3-5-75;8:45 am]

[Docket No. C-2594]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Nu-Prime Marketing Systems, Inc. and Herbert Anderson

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.20 *Comparative data or merits;* § 13.70 *Fictitious or misleading guarantees;* § 13.170 *Qualities or*

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

properties of product or service; 13.170–30 Durability or permanence; 13.170–34 Economizing or saving; 13.170–48 Insulating; § 13.205 *Scientific or other relevant facts.* Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements;* 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–45(k) Records, in general. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 *Comparative data or merits;* § 13.1647 *Guarantees;* § 13.1710 *Qualities or properties;* § 13.1740 *Scientific or other relevant facts.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1980 *Guarantee, in general;* § 13.2063 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Nu-Prime Marketing Systems, Inc., et al., St. Petersburg, Fla., Docket C-2594, Nov. 4, 1974]

In the matter of Nu-Prime Marketing Systems, Inc., a corporation, and Herbert Anderson, individually and as an officer of said corporation

Consent order requiring a St. Petersburg, Fla., retailer and wholesale distributor of aluminum replacement windows and other aluminum siding products, among other things to cease misrepresenting the savings or benefits to be derived from their products and misrepresenting their guarantees.

The Decision and Order, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondents Nu-Prime Marketing Systems, Inc., a corporation, its successors and assigns, and its officers, and Herbert Anderson, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, divisions or other device, or through its distributors, in connection with the advertising, offering for sale, sale or distribution of aluminum replacement windows, aluminum siding, and any other products or services in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That any specific percentage or any specific amount of savings in fuel bills will result from the installation of respondents' replacement aluminum windows, or misrepresenting in any manner the savings or benefits to be derived from the purchase of respondents' products.

2. That respondents' products and installation thereof are guaranteed unless the nature, extent and duration of the guarantee, the manner in which the guarantor will perform thereunder and the name and address of the guarantor are clearly and conspicuously disclosed and respondents do in fact fulfill all of their requirements under the terms of said guarantee.

3. That aluminum replacement windows sold by respondents will never need painting; or misrepresenting in any manner, the painting or other maintenance required for respondents' products.

It is further ordered, That respondents no longer disseminate suggested advertisements, promotional materials or any other materials containing statements or representations prohibited by this Order, to its distributors or to any other aluminum replacement window dealers for whom respondents have been providing sales, management or technical assistance.

It is further ordered, That respondents maintain files containing all inquiries or complaints made after the effective date of this Order from any source relating to acts or practices prohibited by this Order for a period of two (2) years after their receipt, and that such files be made available for examination by a duly authorized agent of the Federal Trade Commission during the regular hours of the respondents' business for inspection and copying.

It is further ordered, That respondents deliver a copy of this Order to Cease and Desist to all present and future employees, agents and representatives engaged in the offering for sale or sale of respondents' products or in any aspect of preparation, creation or placing of advertising and that respondents secure a signed statement acknowledging receipt of said Order from each such person.

It is further ordered, That respondents deliver a copy of this Order to Cease and Desist to all present and future distributors and that respondents secure a signed statement from each said distributor wherein each said distributor agrees to abide by the terms of said Order.

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

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

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

[1] Copies of the Complaint, Decision and Order, filed with the original document.

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

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-5883 Filed 3-5-75;8:45 am]

Title 21—Food and Drugs

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

[FRL 340-5; OPP-262301]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

BENEZENE HERACHLORIDE (BHC)

On October 31, 1974, notice was given (39 FR 38411) that the American Spice Trade Association, 580 Sylvan Avenue, Englewood Cliffs NJ 07632, had filed a petition (FAP 5H5063) for a food additive tolerance with the Environmental Protection Agency (EPA). This petition proposed establishment of a food additive tolerance for residues of benzene hexachloride (BHC) in dehydrated peppers (paprika) at 5 parts per million, resulting from application of the insecticide to the growing crop.

Pesticide tolerances have been established for residues of BHC in or on various raw agricultural commodities, including fresh peppers at 1 part per million and on pecans at 0.01 part per million. The proposed tolerance does not represent a new use in the United States. However, it does allow for the importation of dried peppers (paprika) containing residues of BHC. The data submitted in the petition and other relevant material have been evaluated, and the proposed tolerance is considered adequate to cover residues resulting from the use and it will protect the public health. The tolerance, based on a maximum average intake of dehydrated peppers (paprika) of 2 ounces per annum, represents a daily intake of 0.000775 mg of BHC, or 0.000011 mg/kg body weight for an average man. Therefore, it is concluded that the tolerance should be established as set forth below.

Any person adversely affected by this regulation may on or before April 7, 1975 file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW, East Tower, Room 1019, Washington, D.C. 20460. Subh objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on March 6, 1975, § 121.1267 for Benzene Hexachloride (BHC) is established to read as follows.

(Sec. 4509(c)(1) & (4) Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c) (1) &

(4)), transferred to the Administrator EPA in Reorganization Plan No. 3 of 1970 (35 FR 15623)).

§ 121.1267 Benzene Hexachloride (BHC)

A tolerance of 5 parts per million is established for residues of the insecticide benzene hexachloride (BHC) in dehydrated peppers (paprika), resulting from application of the insecticide to growing peppers.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-5866 Filed 3-5-75;8:45 am]

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

The Commissioner of Food and Drugs has evaluated a new animal drug application (99-768V) filed by Blair Milling and Elevator Co., Inc., Atchison, KS 66002, proposing safe and effective use of a tylosin premix in the manufacture of swine feed. The application is approved.

To facilitate referencing, the firm is being assigned a sponsor code number and placed in the list of firms in 21 CFR 135.501(c).

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

1. In § 135.501(c) by adding a new sponsor as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *

Code No.	*Firm name and address*
* * * * *	
136	Blair Milling & Elevator Co., Inc., 1000 Main St., Atchison, KS 66002.

2. In § 135e.10 by adding a new paragraph (b)(32) to read as follows:

§ 135e.10 Tylosin.

* * * * *

(b) *Approvals.* * * *

(32) To 136: 0.4 gram per lb., item 4.

* * * * *

Effective date. This order shall be effective March 6, 1975.

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

Dated: February 28, 1975.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.75-5922 Filed 3-5-75;8:45 am]

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (97-289V) filed by Feed Specialties Co., Des Moines, IA 50313, proposing safe and effective use of an additional tylosin premix in making swine feed. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135e is amended in § 135e.10 by revising paragraph (b)(11) to read as follows:

§ 135e.10 Tylosin.

* * * * *

(b) * * *

(11) To 115: 8 or 10 grams per pound; item 4.

* * * * *

Effective date. This order shall be effective on March 6, 1975.

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

Dated: February 28, 1975.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.75-5920 Filed 3-5-75;8:45 am]

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Chlortetracycline, Penicillin, Sulfathiazole

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (39-077V) filed by Diamond Shamrock Chemical Co., Newark, NJ 07102, proposing safe and effective use of a premix containing 40 grams of chlortetracycline hydrochloride, 40 grams of sulfathiazole, and 20 grams of penicillin per pound for making swine feed. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.58(b) is amended by designating the current text as paragraph (b)(1) and adding paragraph (b)(2). As revised, paragraph (b) reads as follows:

§ 135e.58 Chlortetracycline, procaine penicillin, and sulfathiazole.

* * * * *

(b) *Approvals.* (1) Premix level of 20 grams of chlortetracycline hydrochloride per pound, 20 grams of sulfathiazole per pound, and procaine penicillin equivalent in activity to 10 grams of penicillin per pound has been granted; for sponsor see code No. 025 in § 135.501(c) of this chapter.

(2) Premix level of 40 grams of chlortetracycline hydrochloride, 40 grams of sulfathiazole, and procaine penicillin equivalent to 20 grams of penicillin per pound has been granted to code No. 025 in § 135.501(c) of this chapter.

* * * * *

Effective date. This order shall be effective on March 6, 1975.

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

Dated: February 28, 1975.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.75-5921 Filed 3-5-75;8:45 am]

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Removal of Naltrexone From Control

A Notice of Proposed Rulemaking by the Administrator of the Drug Enforcement Administration, dated December 3, 1974, was published in the FEDERAL REGISTER on Monday, December 9, 1974 (39 FR 42918). This notice proposed amending § 1308.12(b) of Title 21 of the Code of Federal Regulations so as to remove naltrexone from control under Schedule II of the Controlled Substances Act.

In designating reasons for this proposed rulemaking, the notice stated that the Administrator has found that naltrexone has a currently accepted medical use in treatment in the United States, and does not have sufficient potential for abuse or abuse liability to justify its continued control in any schedule under the Act.

The Administrator has, in fact, made no finding that naltrexone has a currently accepted medical use in treatment in the United States, and the appearance of such finding in the December 3, 1974, notice of proposed rulemaking was inadvertent. That finding was, therefore, not relied on as a reason for proposing to remove naltrexone from Schedule II.

The December 9, 1974 notice provided that comments and objections regarding the proposed rulemaking could be submitted no later than January 8, 1975. None were received.

In view of the fact that no comments, objections or requests for a hearing were received as to the proposed order, and based upon the investigations and review of the Drug Enforcement Administration and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education and Welfare, received pursuant to sections 201(a) and 201(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a) and 811(b)), the Administrator of the Drug Enforcement Administration finds that naltrexone has no currently accepted medical use in treatment in the United States, and does not have sufficient potential for abuse or abuse liability to justify its continued control in any schedule under the Act.

Therefore, under the authority vested in the Attorney General by section 201

(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, the Administrator hereby orders that Title 21 of the Code of Federal Regulations (CFR) be amended by revising § 1308.12 (b)(1) to read as follows:

§ 1308.12 Schedule II.

* * * * *

(b) * * *

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding naloxone and its salts, and excluding naltrexone and its salts, but including the following:

1	Raw opium	9600
2	Opium extracts	9610
3	Opium fluid extracts	9620
4	Powdered opium	9639
5	Granulated opium	9640
6	Tincture of opium	9630
7	Apomorphine	9030
8	Codeine	9050
9	Ethylmorphine	9190
10	Etorphine hydrochloride	9059
11	Hydrocodone	9193
12	Hydromorphone	9150
13	Metopon	9260
14	Morphine	9300
15	Oxycodone	9143
16	Oxymorphone	9652
17	Thebaine	9333

* * * * *

This order is effective on March 6, 1975.

Dated: February 26, 1975.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-5929 Filed 3-5-75;8:45 am]

Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

[T.D. ATF-14]

PART 6—INDUCEMENTS FURNISHED TO RETAILERS

Inside Signs Furnished to Retailers of Wine by Industry Members

The purpose of these amendments to 27 CFR Part 6, Inducements Furnished to Retailers, is to increase the maximum value of advertising materials that may be given, rented, loaned, or sold to a retailer of wine by an industry member engaged in business as a rectifier, blender, producer, bottler, importer, or wholesaler of wine. The amendments also correct an editorial error in another section concerning exceptions from the inducement provision.

SUMMARY OF NOTICE

The advertising limitation for wine at the retail level was established at $10, in 1936; and after public hearings held in 1969, the limitation was increased to $15, due primarily to the increase in the cost of advertising materials. The Wine Institue, a trade association representing numerous wine producers in California, petitioned the Bureau to increase the advertising limitation several months ago, and on that basis a notice of proposed rulemaking was published in the FEDERAL REGISTER on September 17, 1974, (39 FR 33359) proposing an increase from $15 to $90 in 27 CFR 6.23a. The notice also included a proposal for correction of an editorial error in 27 CFR 6.21. Interested persons were afforded an opportunity to comment on the proposed amendments and due consideration was given all comments received in response to the notice.

SUMMARY OF COMMENTS

A total of seven comments were received on the proposals. All persons who commented on the proposed change to 27 CFR 6.21 fully supported the amendment. However, there was wide disparity among the comments regarding the proposed amendment of 27 CFR 6.23a. Opposition to the proposed advertising increase was presented in comments submitted by two small wineries. The basis for the opposition was, first, that the increase would permit large wineries to gain an advertising advantage at the retail level over small wineries and, second, that there seemed to be no justification for increasing the limitation to the level proposed.

Four comments in support of the proposals were submitted by industry members and industry associations. Increased costs of advertising materials and labor were the major justifications provided by those supporting the proposed increase. The data presented in these comments indicated increases of up to 160% for material costs and 570% for labor costs. In one comment from an industry association, it was also noted that most industry sources predict an increase of 100% for both material and production costs within the next five years.

Representatives of one winery supported the limitation increase but asked that the total value of materials furnished by an industry member and in use at any one time in any retail establishment be limited to $30 for any one brand. In their opinion, without such a brand limitation, the economic impact upon the small brand owner would make him noncompetitive in the market place. In essence, they indicated that many small family-owned businesses simply could not afford the cost of creating individual displays costing $90.

As stated in the notice, in addition to data relative to increases in the cost of advertising material and labor, the Bureau was also interested in ascertaining if there were other factors which justified an increase in the present limitation. With regard to trade customs, one comment received indicated that there has been significant expansion of the number of wines marketed in the United States in recent years, primarily special natural wines; and this change in the scope of wine industry operations has necessitated changes in advertising methods. Another comment received indicated that changes in both merchandising and distribution patterns for wine require broader coverage with more advertising materials.

CHANGES PURSUANT TO NOTICE

Support for an increase in the limitation which was presented to the Bureau was well documented and provided data which showed that along with an increase in the cost of advertising materials, there has been a change in certain trade practices in the wine industry, specifically changes in merchandising and advertising practices for wine. However, based on independent interpretation of economic indicators, the intent of the Federal Alcohol Administration Act, and careful evaluation of all comments concerning the notice of proposed rulemaking, the Bureau has found that an increased advertising limit of $90 is not justifiable, and an increase in the limitation to $75 is more realistic and equitable. This increase will recognize the impact of inflation on the costs of advertising materials and labor and provide for advertising consistent with modern wine merchandising. With regard to the $30-brand limitation requested by one winery, the Bureau feels that such a limitation would not recognize the effect of inflation over the past six years, and further that such a limitation would be extremely difficult to enforce, and is, therefore, not adopting a limitation of that type.

In view of the foregoing, the proposed regulations are hereby adopted, subject to the change mentioned above.

PARAGRAPH 1. Section 6.21 is amended to include a reference to § 6.23b, in the case of wine. As amended, § 6.21 reads as follows:

§ 6.21 General.

An industry member may furnish to a retailer, under the conditions and within the limitations prescribed, the equipment, signs, supplies, or other things of value specified in §§ 6.22–6.31: *Provided*, That, except for such alcoholic beverages as may reasonably be required to complete a window or other interior display furnished pursuant to § 6.23, §6.23a, or § 6.23b, such furnishing is not conditioned directly or indirectly on the purchase of distilled spirits, wine, or malt beverages.

PAR. 2. Section 6.23b is amended by increasing the limitation to $75. As amended, § 6.23b reads as follows:

§ 6.23b Inside signs: wine.

Signs, posters, placards, designs, devices, decorations, or graphic displays, bearing advertising matter and for use in the windows or elsewhere in the interior of a retail establishment, may be given, rented, loaned, or sold to a retailer by an industry member engaged in business as a rectifier, blender, producer, bottler, importer, or wholesaler, of wine, if they have no value to the retailer except as advertisements and if the total value of all such materials furnished by any industry member and in use at any one time in any retail establishment does

not exceed $75, exclusive of all expenses incurred directly or indirectly by any industry member in connection with the transportation and installation of such materials if such costs do not exceed those which are usual and customary in the particular locality: *Provided*, That the industry member shall not directly or indirectly pay or credit the retailer for displaying such materials or for any expense incidental to their operation.

This Treasury decision shall become effective on May 1, 1975.

(27 U.S.C. 205 (49 Stat. 981))

Dated: February 18, 1975.

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

Approved: February 26, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc. 75-5917 Filed 3-5-75; 8:45 am]

Title 32—National Defense

CHAPTER XVIII—DEFENSE CIVIL PREPAREDNESS AGENCY

PART 1813—AVAILABILITY TO THE PUBLIC OF DEFENSE CIVIL PREPAREDNESS AGENCY INFORMATION

This revision updates the existing DCPA regulation to reflect organizational changes, and implements modifications to the basic Department of Defense regulation (see CFR Part 286), which amended 5 U.S.C. 552, popularly known as the "Freedom of Information Act." This regulation implements the DOD regulation by specifying procedures and assigning responsibilities specific to DCPA as a Department of Defense component.

As this DCPA regulation does not originate a requirement of general applicability, and future effect, and as this regulation relates to agency procedure, public comment and recommendations have not been invited. However, any comments and recommendations submitted will, of course, be considered in connection with any future revisions to this regulation.

Chapter XVIII of Title 32 of the Code of Federal Regulations is amended by revising Part 1813 to read as follows:

Sec.

1813.1 Purpose.
1813.2 Definitions.
1813.3 Policy.
1813.4 Request for Records.
1813.5 Inspection and Copying.
1813.6 Availability of Other Records.
1813.7 Withholding of Records.
1813.8 Records of Other Agencies or Components.
1813.9 Authentication for, and release of records to, governmental bodies.
1813.10 Charges for Records and Waivers Thereof.
APPENDIX A MEANING OF "RECORD"
APPENDIX B FEES FOR SEARCH AND DUPLICATION
APPENDIX C DCPA REGIONAL OFFICES

§ 1813.1 Purpose.

The purpose of the regulation in this part is to implement the DOD regulation (32 CFR Part 286) which implements the Freedom of Information Act (5 U.S.C. 552) by:

(a) describing the kinds of DCPA records that must be made available to a person, as defined herein, upon request, and the procedures to be used in making such records available either by providing a person an opportunity to inspect and copy those records which must be made available in that manner under the provisions of 5 U.S.C. 552(a)(2) or by providing a person a copy of a record reasonably described.

(b) describing the kinds of records which need not be made available to the public.

(c) describing the procedures a person may use to obtain review of a refusal by a DCPA official to make a record available.

Additionally, the regulation in this part describes procedures for authentication or certification of records and procedures for release, in special circumstances for use in making official determinations, of otherwise exempt records when required by governmental bodies, whether legislative, executive, judicial, or regulatory. In the event of any inconsistency between the regulation in this part and the DOD regulation, the DOD regulation shall prevail. Any matter (other than matters covered by internal DCPA Instructions implementing the DOD regulation) covered in the DOD regulation and not covered in this regulation shall be directly applicable if so provided under the terms of the DOD regulation.

§ 1813.2 Definitions.

(a) As used in the regulation in this part, the following terms shall have the following meanings:

(1) "DCPA" means the Defense Civil Preparedness Agency.

(2) "Director" means the Director, DCPA.

(3) "Deputy Director" means the Deputy Director of DCPA.

(4) "DOD" means the Department of Defense.

(5) "DOD Regulation" means the DOD regulation entitled "Availability to the Public of Department of Defense Information" and appearing at 32 CFR Part 286, (also published as DOD Directive 5400.7). This regulation implements the Freedom of Information Act.

(6) "Person" means an individual, partnership, corporation, association or public or private organization other than an agency of the United States government. It includes a State or local government, the government (or a unit thereof) of a territory or possession of the United States, Puerto Rico or the District of Columbia. It does not include Congress, or the United States Courts.

(7) "Requester" means a person who has submitted a request to DCPA for a record.

(8) "Official designated to respond" is the Deputy Director.

(b) The term "record" includes the material which must be made available for public inspection, and copying, the material which must be published in the FEDERAL REGISTER, as well as other "file" material, etc. In interpreting the word "record" as used in this regulation consideration can be given to an extract from the DOD regulation. The extract is set out as Appendix A.

§ 1813.3 Policy.

(a) Consistent with the letter and spirit of the Freedom of Information Act, and the DOD Regulation, the DCPA policy is to make available to the public the maximum amount of information about DCPA operation and activities.

(b) DCPA has established sources for the distribution of published materials. Requests, in reasonable amounts, for these materials are honored, and this standard operating procedure will continue. Therefore, if the requested record is available from one of these sources, the requester will be directed to that source for same even though the request is made pursuant to this part. The charge, if any, will be the regular charge of the aforementioned source. (An example is a DCPA research report available, upon request, from the National Technical Information Service, U.S. Department of Commerce.) Copies of materials required to be published under 5 U.S.C. 552(a)(1), and copies of materials required to be made available for inspection and copying under 5 U.S.C. 552(a)(2) will be made available in reasonable amounts upon written request as a matter of standard operating procedure.

(c) DCPA records may be withheld from a person who requests a record only as authorized by law, including the Freedom of Information Act (5 U.S.C. 552), the DOD Regulation and by the regulation in this part, including material incorporated by reference into this regulation.

(d) Even though a record may be exempt from public disclosure, it should be made available, upon request, (1) when its disclosure is not inconsistent with statutory requirements, security classification requirements, or other requirements of law or regulation; and (2) upon a determination by the official designated to respond, or by the Director, that no significant and legitimate governmental purpose is served by withholding the information contained in the record.

§ 1813.4 Request for records.

(a) In order to invoke the special procedures accorded requests for records under this part, a request for DCPA records made pursuant to the regulation in this part must:

(1) Be made in writing;

(2) Identify that it is being made pursuant to the Freedom of Information Act, and,

(3) Reasonably describe the record sought. This requires sufficient particularity in the description to allow DCPA to locate the record with reasonable effort.

(b) The requester, in the request, must agree to pay the charge, if any, specified in § 1813.10 and Appendix B to this regulation unless such charge is waived or reduced in accordance with the provisions of § 1813.10.

(c) A request for a record should be addressed to the Assistant Director, Administrative Services, DCPA, Pentagon, Washington, D.C. 20301.

(d) DCPA will furnish advice to requesters on framing requests on a case by case basis so as to minimize the burden on the requester and DCPA.

(e) When literal compliance with a request for a determinable category of voluminous records would be impracticable within any reasonable time, DCPA will advise the requester of the need to describe more reasonably and particularly the scope or nature of the request. Orderly procedures on a case by case basis will be established to facilitate a determination by the requester of the records of particular interest. Screening records and transporting records for screening purposes may constitute a search cost payable by the requester, along with costs of duplication in accordance with Appendix B.

§ 1813.5 Inspection and copying.

(a) Subject to the exemptions which § 1813.7 incorporates herein by reference, the following materials will be made available for public inspection and copying at Room 1D511, Pentagon Building, Washington, D.C. 20301 between the hours of 8:30 a.m. to 4:30 p.m., Monday through Friday, holidays excepted. Persons not authorized access to the Pentagon will be escorted to this room and will not be permitted to visit other areas of the building. These materials will also be made available during normal business hours for public inspection and copying at each of the DCPA Regional Offices. The addresses for these Regional Offices are set out at Appendix C.

(1) All final opinions and orders in adjudications that may be cited, used, or relied upon as precedents in future adjudications. (It should be noted that DCPA does not usually engage in adjudication productive of a final opinion or order that is cited, used, or relied on as precedent.)

(2) Statements of policy and interpretations of less than general applicability affecting the public but not published in the FEDERAL REGISTER. For the most part these are Civil Preparedness Guides and Circulars, copies of which are available free from DCPA Headquarters, Regional Offices, and the U.S. Army Publications Center, 2800 Eastern Ave., Baltimore, Md. 21220.

(3) Administrative staff manuals and instructions, or portions thereof, which establish DCPA policy or interpretations of policy that affect a member of the public.

(4) As feasible, materials required to be published by DCPA in the FEDERAL REGISTER.

(5) Indexes. Copies of printed indexes, are made available free upon request.

(b) Identifying details which if revealed would create a clearly unwarranted invasion of personal privacy may be deleted from any final opinion, order, statement of policy, interpretation, staff manual, or instruction, made available for inspection and copying. In every such case, the justification for the deletion must be fully explained in writing.

§ 1813.6 Availability of other records.

(a) In accordance with the policy expressed in § 1813.3, *records*, other than those published in the FEDERAL REGISTER, or those made available for inspection and copying in accordance with § 1813.5, shall be made available to a requester in accordance with § 1813.4 unless it is determined that:

(1) The record is subject to one or more of the exemptions incorporated by reference herein by § 1813.7, and that a significant and legitimate governmental purpose is served by withholding it;

(2) Release of the record is inconsistent with a statutory requirement or other requirement of law;

(3) The record cannot be found because it has not been described with sufficient particularity to enable DCPA to locate it with a reasonable amount of effort; or

(4) The applicant has unreasonably failed to comply with the procedural requirements imposed by the regulation in this part, including Section 1813.4.

(b) The official designated to respond shall make the initial determination within ten working days of the date a request is received providing the requester indicates a willingness to reimburse DCPA for such search and duplication costs incurred in providing the record as are specified in Appendix B. If the willingness of the requester to reimburse DCPA for any required search and duplication costs is not expressed in the request, resolution of the issue is appropriate by obtaining such agreement before the time for responding begins to run out.

(c) When the request is incorrectly addressed, such as to an official in a facility of DCPA other than the Pentagon, the request will be forwarded promptly to the official designated to respond, with the period for response commencing upon receipt by the official designated to respond.

(d) When a decision is made to release a record, it will be forwarded promptly to the requester, upon receipt of any required charge for search and duplication.

(e) When a request is received for a record which:

(1) Was obtained by DCPA from a non-U.S. Government source; or

(2) Contains *information* obtained by DCPA from non-U.S. Government source; and because of the source and the nature of the records or information, there is reason to believe that the source of the information or record may object to release and may have an enforceable right to prevent release, prompt notification of intended release shall be given to the source. Release shall normally be withheld until the source has a reasonable time to comment on the proposed release. Comments received shall be considered in determining the releasability of the document. When the source advises that it is seeking a restraining order or other court action to prevent release, release will normally not be made pending the outcome of the court action.

(f) In all cases where the time for response may become an issue, the official designated to respond will acknowledge to the requester the date of the receipt of the request for purposes of determining time limits.

(g) If additional time is needed in unusual circumstances to respond, the official designated to respond will acknowledge the request in writing within the ten day period, briefly cite one of the unusual circumstances requiring delay, and indicate the anticipated date for substantive response which may not exceed ten additional working days. Unusual circumstances that may justify delay are:

(1) The requested records are located in whole or in part at places other than the office processing the request.

(2) The request requires the collection and coordination of a substantial number of records.

(3) Consultation is required with other components of DOD or Federal agencies having substantial interest in the subject matter of the requested records to determine whether the records requested in whole or part are exempt from disclosure or should be released as a matter of discretion.

(h) The extension of time for responding to an initial request must be approved on a case by case basis by the Director.

(i) When a request for a record or records is denied in whole or part, the official designated to respond shall explain to the requester in writing (with at least one additional copy) the basis for the determination and of the opportunity to appeal to the Director, and the procedures for same.

(1) Inability to process any part of a request within the specified time will be explained to the requester, with notification that he may treat this delay as an initial denial notification, with a right to appeal, or that he may agree to await a substantive response by an anticipated date. It should be made clear that any such agreement does not prejudice the right of the requester to appeal the initial decision after it is made.

(2) The explanation of the substantive basis for a denial shall include both specific citation of the statutory exemption applied pursuant to the DoD regulation, and a short discussion of the significant and legitimate governmental purposes served by invoking an exemption.

(3) The name and title or position of included in the written response to the the official responsible for the denial be requester.

(4) When the initial denial is based in whole or part on a security classification, the explanation will include a summary of the paragraph or paragraphs contained in authoritative classification guidance which set forth the criteria or rationale for the current classification of the requested record, along with the reasons that demonstrate the logical relationship between the content of the requested record and the summarized criteria or rationale.

(j) If the official designated to respond declines to provide a record because such official considers it exempt, and its withholding justified for a significant and legitimate governmental purpose, that decision may be appealed within 60 days by the requester in writing to the Director, along with a copy of the letter denying the initial request. Such appeals should contain the basis for disagreement with the initial refusal.

(k) Final determination on appeals shall normally be made within twenty working days of the receipt of the appeal by the Director who will acknowledge its receipt. If additional time is needed to decide the appeal because of unusual circumstances, as described in paragraph g of this section, the final determination may be delayed for a number of working days, not to exceed ten, which were not utilized as additional time for responding to the initial request.

(l) Final refusal to provide a requested record will be made in writing by the Director. The basis for the refusal shall be explained to the requester, in writing, both with regard to the applicable statutory exemption applied pursuant to the DOD regulation and the significant and legitimate governmental purpose served by withholding. More particularly:

(1) When the final refusal is based in whole or part on a security classification, pursuant to the DOD regulation, the explanation shall include a determination that the record meets the criteria and rationale of authoritative classification guidance, including but not limited to, that in Part 159, and that this determination is based on a declassification review, with an explanation of why that review confirmed the continuing validity of the security classification. The requester shall also be advised of his optional right to seek review by the Interagency Classification Review Committee. This latter review is in accordance with Executive Order 11952, March 8, 1972 and is in lieu of immediate judicial review.

(2) The written final denial shall include a description of the provision for judicial review of the denial.

§ 1813.7 Withholding of records.

(a) Records which would have to be published or made available under 5 U.S.C. 552(a)(1) or under § 1813.5 or § 1813.6 may be withheld from public disclosure if such are within one or more of the statutory exemptions set out in 5 U.S.C. 552 and in the DoD regulation (32 CFR 286.6). Said § 286.6 is incorporated herein by reference.

(b) Even a record exempt from disclosure under the DoD regulation (or reasonably segregable portions thereof) will be made available unless in the judgment of the official designated to respond or the Director a significant and legitimate governmental purpose is served by withholding it under the applicable exemption, or unless release is inconsistent with the requirements of a statute or other law.

(c) Exempt portions of a record should be deleted by DCPA and the remaining reasonably segregable portions of the record released to the requester when the meaning of these portions is not distorted and it can be reasonably assumed that a skillful and knowledgeable person could not reconstruct the exempt information.

§ 1813.8 Records of other agencies or components.

(a) The regulation in this part covers only records of DCPA—i.e., it covers only records generated or originated by DCPA, or those received in the course of DCPA business from sources outside the U.S. Government. It does not cover a copy of a record originated or generated by another component of the DOD or another Federal agency.

(b) A request for a record of another component of DOD, or another Federal agency will be referred to the responsible DOD component or other Federal agency.

§ 1813.9 Authentication for, and release of records to governmental bodies.

(a) Upon request, DCPA will authenticate a record whenever necessary to fulfill an official governmental or other legal function provided that such record can be released under the provisions of this regulation.

(b) Upon request, a DCPA employee may issue a certificate or sign an affidavit to the effect that an otherwise releasable record was prepared by him, or under his supervision, etc. where such a certificate or affidavit is required in connection with conduct of a governmental proceeding.

(c) When the request for a record is made by a State or local governmental body, an official designated to respond may, in determining whether or not a significant and legitimate governmental purpose is served by invoking an exemption, take into account the purpose for which the record is requested and differentiate between requests made by State or local governmental bodies (legislative, executive, administrative or judicial) and requests made by other persons.

§ 1813.10 Charges for records and waiver thereof.

(a) Appendix B is a verbatim extract from material in the DOD regulation. This material is of uniform applicability throughout the Department of Defense. However, the material is not exclusive. As a supplement to Appendix B, this section expresses policy, and describes procedures with respect to charges, and the waiver thereof.

(b) Anyone may obtain DCPA publications without charge from the DCPA Headquarters, Regional Offices (see Appendix C) and from the U.S. Army Publication Center, 2800 Eastern Boulevard, Baltimore, Md. 21220 in accordance with standard operating procedures, including limitations on numbers of specific individual publications. DCPA films may be obtained on loan or certain of these films may be purchased, in which case fees will be charged as set out in a DCPA catalog. Non-exempt DCPA research reports are available from the National Technical Information Service, United States Department of Commerce which establishes its own fee schedule. Charges, if any, for these items and similar user charges are established in accordance with other provisions of law as, for example, 31 U.S.C. 483a and are not deemed search and duplication charges hereunder.

(c) The charge for searching for, and duplicating any record not otherwise available at a charge or without charge is made in accordance with Appendix B. If the official designated to respond determines that the charges for supplying the records may be so substantial that the willingness of the requester to pay the charge is in question, then an estimate of charges will be presented to the requester, together with a request for his express agreement to pay these charges. The time to respond will not begin to run until that agreement is reached.

(d) An official designated to respond may waive the fees in accordance with the criteria in Appendix B. If, under Appendix B, the charges would amount to less than ten dollars, the charge is waived.

APPENDIX A—MEANING OF "RECORD"

"Records include all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included."

1. Records are not limited to permanent or historical documents but include current documents as well.

2. The term "records" does not include objects or articles such as structures, furniture, paintings, sculpture, three-dimensional models, vehicles, equipment, etc., whatever their historical value or value as "evidence."

3. The items listed in this "extract" that are maintained in computers, as well as audiovisual documentary material, are not

excluded from the provisions of the "DoD Regulation."

4. Formulae, designs, drawings, research data, computer programs, technical data packages, and so forth, are not considered "records" within the Congressional intent of the "Freedom of Information Act." Because of development costs, utilization, or value, these items are considered exploitable resources to be utilized in the best interest of all the public and not preserved for informational value nor as evidence of agency functions. Requests for copies of such material shall be evaluated in accordance with policies expressly directed to the appropriate dissemination or use of these resources. Requests to inspect this material to determine its content for informational purposes shall normally be granted, unless inspection is inconsistent with the obligation to protect the property value of the material, as, for example, may be true for certain formulae, or is inconsistent with another significant and legitimate governmental purpose.

NOTE: The quotation marks around material show a variance from the DoD Directive necessary for context.

APPENDIX B—FEES FOR SEARCH AND AND DUPLICATION

The following is a verbatim extract from the DoD Regulation.

INTRODUCTION

This enclosure describes fees for search and duplication. It is not intended to substitute for any schedule of fees or a policy of not to charge a fee established in connection with the issuance of publications or other materials in the routine course of business of a component.

SCHEDULE OF FEES

Duplication

Publications, Forms and Reports. Shelf stock of printed or microfich medium (requesters may be furnished more than one copy of a publication or form if it does not deplete stock levels below projected planned usage).

Minimum fee, per request plus	$2.00
Forms, per copy	.05
Publications, per printed page	.01
Microfiche, per fiche	.06
Reports, per fiche	.05

(Examples: Cost of 20 forms, $3.00; cost of a printed publication with 100 pages, $3.00; cost of a microfiche publication consisting of 10 fiche, $2.60)

Office Copy Reproduction (when shelf stock is not available).

Minimum charge up to six reproduced pages	$2.00
Minimum charge, first fiche	5.00
Each additional page	.05
Each additional fiche	.10

Other Issuances.

Minimum charge up to six pages	2.00
Each additional page	.05

SEARCH

Clerical search, per hour	5.50
Minimum charge	2.75
Professional search (includes computer programmer time and review) to determine whether a record comes within the scope of a request per hour	11.00
Minimum charge	5.50

Computer Service Charges. Computer service charges will be based on actual computer configuration used and be based on direct costs only of the Central Processing Unit, plus Input/Output Devices, plus Memory Capacity. Transportation costs of records and personnel arising from searches for requesting reports will be charged at actual cost.

Audiovisual Documentary Material. Service charges for audiovisual documentary materials will include clerical and professional search fees as listed above as well as the direct costs of reproducing the photography or tape and shipping or mailing charges. Audiovisual materials provided a requester under provisions of this Directive need not be in reproducible format or quality.

Waiver of Fees. 1. In general, charges shall be waived or reduced when it is determined that release of a requested record primarily benefits the general public, and therefore, is in the public interest. Examples of common situations in which such a determination may be made include:

a. The recipient of the benefits is engaged in a nonprofit activity designed for public safety, health or welfare;

b. Payment of the full costs or fee by a state, local government or nonprofit group would not be in the interest of the program;

c. The incremental cost of collecting the fees would be an unduly large part of the receipts from the activity;

d. The request emanates from a representative of public information media seeking a reasonable number of records.

2. A refusal to waive charges by the official responsible for the initial decision on the request for the record may be appealed to the head of the component or his designee for purposes of final appeal.

Collections. 1. Normally, collection of charges and fees will be made in advance of rendering the service. In some instances, it may be more practical to collect charges and fees at the time of conveying the service or property to the recipient, but only in those instances where the request specifically states that whatever cost involved will be acceptable or acceptable up to specified limit that covers anticipated costs.

2. Collection of scheduled fees and charges will normally be deposited to Miscellaneous Receipts of the Treasury.

3. Search fees are assessable even when no records responsive to the request, or no records not exempt from disclosure are found, provided the requester is advised of the requirement at the time the estimated charges are presented to the requester for approval and he agrees to incur the costs of search.

APPENDIX C—DCPA REGIONAL OFFICES

The addresses of the DCPA Regional Offices, and the States each Region covers are:

Region	*Address*
1. Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Puerto Rico, Virgin Islands.	Federal Regional Center, Maynard, Mass. 01754.
Field Office: New Jersey, New York.	26 Federal Plaza, New York, N.Y. 10007.
2. Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virgina.	Federal Regional Center, Olney, Md. 20832.
3. Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Canal Zone.	Federal Regional Center, Thomasville, Ga. 31792.
4. Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.	Federal Center, Battle Creek, Mich. 49016.
5. Arkansas, Louisiana, New Mexico, Oklahoma, Texas.	Federal Regional Center, Denton, Texas 76201.
6. Colorado, North Dakota, South Dakota, Utah, Wyoming.	Federal Regional Center, Denver, Colorado 80225.
Field Office: Iowa, Kansas, Missouri, Nebraska.	1125 Grand Ave., Kansas City, Mo. 64106.
7. Arizona, California, Hawaii, Nevada, American Samoa, Guam.	3900 Finley Ave., P.O. Box 7287, Santa Rosa, Calif. 95401.
8. Alaska, Idaho, Montana, Oregon, Washington.	Federal Regional Center, Bothell, Wash. 98011.

Effective Date: February 27, 1975.

JOHN E. DAVIS,
Director, Defense Civil Preparedness Agency.

[FR Doc.75-5872 Filed 3-5-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER A—GENERAL

[FRL 336-6]

PART 2—PUBLIC INFORMATION

Interim regulations are hereby promulgated which amend Chapter I of Title 40 of the Code of Federal Regulations by revising Part 2 thereof to comply with the requirements of the recent amendments (Pub. L. 93-502, November 21, 1974) to 5 U.S.C. 552, commonly called the Freedom of Information Act. These regulations establish procedures to be followed by the public in making requests for records and by the Environmental Protection Agency (EPA) in handling those requests.

The regulations establish a new subpart A containing the general rules and procedures applicable to all requests for records. A separate subpart B will shortly be issued under proposed rulemaking procedures; it will propose special rules and procedures for the handling of requests for information pertaining to businesses which may be entitled to confidential treatment for reasons of trade secrecy or commercial or financial confidentiality.

For the most part, subpart A contains self-explanatory statements of general EPA policy concerning the availability of information, procedures for making requests for records, a description of EPA procedures for responding to requests and issuing initial determinations, the method for filing an administrative appeal from an initial determination

denying a request, the EPA appeal decision procedure, and provisions concerning payment for search and duplication costs involved in responding to requests.

The recent amendments to 5 U.S.C. 552 provide that within 10 working days from an agency's receipt of a request for records, an initial determination in response to the request shall be issued. The regulation provides in § 2.110 that this 10-day period will commence on the date that the request is received by a Headquarters or regional Freedom of Information Office. Requests addressed to such an office will be received by that office promptly after the EPA mailroom physically receives a request. Requests addressed to other offices may experience delays due to the need for rerouting the request; requestors are therefore urged to submit their requests to the Freedom of Information Offices at the addresses stated in the regulation.

The regulation also provides that in certain cases the running of the 10-day period will be suspended while additional information or payment assurances are obtained from the requestor. EPA does not have any intention of using the time suspension procedures as a means to avoid or delay response to a request, but does not believe that the 10-day period should be allowed to lapse while EPA waits for the requestor to furnish reasonable identification of requested records or to make arrangements for payment of costs which will be incurred in processing the request.

Section 1.120 *Payment* was published in the FEDERAL REGISTER on January 24, 1975, as proposed rulemaking. All public comments were considered.

It is EPA's intention to repromulgate these regulations after a period of experience and after the receipt of comments from interested parties. Interested parties are encouraged to submit written comments, views, or data concerning the regulations promulgated hereby to the Director, Management and Organization Division, PM-213, U.S. Environmental Protection Agency, Washington, D.C., 20460. All such submissions received on or before May 20, 1975, will be considered prior to the promulgation of a final version of these regulations. Copies of all comments will be available for public inspection in Room 206, Waterside Mall, West Tower, 401 M Street SW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m. on Government workdays.

The necessity that these regulations be known to the public and that the Agency's procedures conform to the amendments to 5 U.S.C. 552 by February 19, 1975, the effective date of those amendments, leads the Agency to conclude that it would be impracticable and contrary to the public interest to allow a period for receipt of comments from the public prior to promulgation of these regulations in final form, or to postpone their effective date until 30 days after their promulgation.

Effective date. These regulations are effective on the date of signature.

It is therefore proposed to amend part 2 of Chapter I of Title 40, Code of Federal Regulations, in the manner set forth below.

Dated February 27, 1975.

RUSSELL E. TRAIN,
Administrator.

Part 2 of Chapter I of Title 40 is revised to read as follows:

Subpart A—Interim Regulations Concerning Requests for Information

Sec.

2.100 Definitions.
2.101 Policy on disclosure of EPA records.
2.102 [Reserved]
2.103 Partial disclosure of records.
2.104 Request for existing records.
2.105 Creation of new records.
2.106 [Reserved]
2.107 Where requests for agency records shall be filed.
2.108 Form of request.
2.109 Requests which do not reasonably describe records sought.
2.110 Initial action upon receipt of a request.
2.111 Action by office responsible for maintaining requested records.
2.112 Time allowed for issuance of initial determination.
2.113 Initial denials of requests.
2.114 Appeals from initial denials; manner of making.
2.115 Appeal determinations; by whom made.
2.116 Contents of determination denying appeal.
2.117 Time allowed for issuance of appeal determination.
2.118 Exemption categories.
2.119 Discretionary release of exempt documents.
2.120 Payment.
2.121 Preparation of annual report.

Subpart B—[Reserved]

AUTHORITY: 5 U.S.C. 552, 5 U.S.C. 553.

§ 2.100 Definitions.

For the purposes of this part:

(a) "EPA" means the United States Environmental Protection Agency.

(b) "Request" means a request for the release of records under 5 U.S.C. 552.

(c) "Requestor" means any person who has submitted a request to EPA.

§ 2.101 Policy on disclosure of EPA records.

(a) EPA will make the fullest possible disclosure of records to the public, consistent with the rights of individuals to privacy, the rights of persons in trade secrets and other information entitled to confidential treatment, and the need for EPA to promote frank internal policy deliberations and to pursue its official activities without undue disruption.

(b) All EPA records shall be available to the public unless they are specifically exempt under this part.

(c) All nonexempt records of EPA shall be made available for public disclosure upon request regardless of whether any justification or need for such records has been shown.

§ 2.102 [Reserved]

§ 2.103 Partial disclosure of records.

If a record contains both disclosable and nondisclosable information, the nondisclosable information will be deleted and the disclosable information will be disclosed unless the disclosable portions cannot be reasonably segregated from the other portions in a manner which will allow meaningful information to be disclosed.

§ 2.104 Request for existing records.

(a) Any written request to EPA for existing records shall be deemed to be a request for records pursuant to the Freedom of Information Act, 5 U.S.C. 552, whether or not that statute is mentioned in the request, and shall be governed by the provisions of this Part.

(b) All existing EPA records are subject to routine destruction according to standard record retention schedules.

(c) Any written request to EPA for existing records prepared by EPA for routine public distribution, e.g., pamphlets, copies of speeches, press releases, and educational materials, shall be honored. No individual determination under § 2.111 is necessary in such cases, since preparation of the records for routine public distribution itself constitutes a determination that the records are available to the public. Copies shall be furnished with reasonable promptness in response to the request.

§ 2.105 Creation of new records.

The Freedom of Information Act and the provisions of this part apply only to existing records; they do not require the creation of new records.

§ 2.106 [Reserved]

§ 2.107 Where requests for agency records shall be filed.

A request for records may be filed with the EPA Freedom of Information Officer, A-101, 401 M Street, SW., Washington, D.C. 20460. Should the requestor have reason to believe that the records sought may be located in EPA regional offices, he should transmit his request to the appropriate regional Freedom of Information Office indicated below:

(a) *Region I.* (Massachusetts, Connecticut, Maine, New Hampshire, Rhode Island, Vermont):

U.S. Environmental Protection Agency
Freedom of Information Officer
Room 2303
John F. Kennedy Federal Building
Boston, Mass. 02203

(b) *Region II.* (New Jersey, New York, Puerto Rico, Virgin Islands):

U.S. Environmental Protection Agency
Freedom of Information Officer
Room 1005
26 Federal Plaza
New York, NY 10007

(c) *Region III.* (Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia):

U.S. Environmental Protection Agency
Freedom of Information Officer
Curtis Building
Sixth and Walnut Streets
Philadelphia, PA 19106

(d) *Region IV.* (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee):

U.S. Environmental Protection Agency
Freedom of Information Officer
Suite 504
1421 Peachtree Street, N.E.
Atlanta, GA 30309

(e) *Region V.* (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin):

U.S. Environmental Protection Agency
Freedom of Information Officer
230 Dearborn Street
Chicago, IL 60604

(f) *Region VI.* (Arkansas, Louisiana, New Mexico, Oklahoma, Texas):

U.S. Environmental Protection Agency
Freedom of Information Officer
Suite 1100
1600 Patterson Street
Dallas, TX 75201

(g) *Region VII.* (Iowa, Kansas, Missouri, Nebraska):

U.S. Environmental Protection Agency
Freedom of Information Officer
1735 Baltimore Avenue
Kansas City, MO 64108

(h) *Region VIII.* (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming):

U.S. Environmental Protection Agency
Freedom of Information Officer
Suite 900
1860 Lincoln Street
Denver, CO 80203

(i) *Region IX.* (Arizona, California, Hawaii, Nevada, American Samoa, Guam, Trust Territories of Pacific Islands, Wake Island):

U.S. Environmental Protection Agency
Freedom of Information Officer
100 California Street
San Francisco, CA 94111

(j) *Region X.* (Alaska, Idaho, Oregon, Washington):

U.S. Environmental Protection Agency
Freedom of Information Officer
1200 Sixth Avenue
Seattle, WA 98101

§ 2.108 Form of request.

A request for EPA records shall be in writing, shall reasonably describe the records sought in a way that will permit their identification and location by EPA, but otherwise need not be in any particular form. Where the requestor anticipates that search and duplication fees involved in the request might be substantial, he may wish to consider a prepayment, or include a commitment to pay all fees that may be involved or all fees up to a stated limit (see § 2.120). Placing the term "Freedom of Information Act Request" on the envelope and letter may well result in a speedier response.

§ 2.109 Requests which do not reasonably describe records sought.

(a) If the description of the records sought in the request is not a reasonable description sufficient to allow EPA to identify and locate the requested records, EPA will notify the requestor (by telephone when practicable) that the request cannot be further processed until additional information is furnished.

(b) EPA will make every reasonable effort to assist in the identification and description of records sought, and to assist the requestor in formulating his request. If a request is described in general terms (e.g., all records having to do with a certain area), the EPA office should attempt to communicate with the requestor (by telephone when practicable) with a view toward lessening both the administrative burden of processing a broad request and minimizing the fees payable by the requestor. Such attempts will not be used as a means to discourage requests, but rather as a means to help identify with more specificity the records actually sought.

§ 2.110 Initial action upon receipt of a request.

(a) *Requests received by the Freedom of Information Offices.* Each request received by a Freedom of Information Office, whether at EPA Headquarters or at an EPA region, shall be promptly stamped with the date of receipt by that office and assigned a Request Identification Number. The Freedom of Information Office shall promptly forward the request to the EPA office(s) believed to be responsible for maintaining the requested records, retaining a copy of the request. If a request is received by a Freedom of Information Office at an EPA region and the requested records (or some of them) are not maintained by that EPA region, the regional Freedom of Information Office shall promptly furnish a copy of the request to the Headquarters Freedom of Information Office.

(b) *Requests received by EPA offices other than Freedom of Information Offices.* If any request is received by any EPA office other than a Freedom of Information Office, a copy of the request shall be forwarded immediately to the Headquarters Freedom of Information Office (or, if the receiving office is part of an EPA region, to the regional Freedom of Information Office).

(c) *Method of forwarding requests.* Requests shall be forwarded under paragraphs (a) and (b) of this section by electronic means (facsimile machine, telephone, etc.).

§ 2.111 Action by office responsible for maintaining requested records.

(a) Whenever an EPA office becomes aware that it has been assigned the responsibility of responding to a request, or whenever such an office becomes aware that EPA has received a request for records which that office maintains or for which that office has responsibility, the office shall:

(1) Locate the records as promptly as possible, or determine that the records are not known to exist, or that they are located at another EPA office, or that they are held by another Federal agency and not by EPA;

(2) Determine which of the records (or portions of records) held by the office may not legally be released, and why;

(3) Determine whether disclosure will be made of requested records which are exempt from mandatory disclosure but which are not required by law or this part to be withheld (see §§ 2.118–2.119), and the reasons for withholding any such records;

(4) Issue an initial determination within the allowed period (see § 2.112), specifying which requested records will be withheld and which will be released (determinations to withhold requested records shall comply with § 2.113).

(b) If any requested records located under paragraph (a) of this section contain business information which is covered by a business confidentiality claim or is the type of information for which business sometimes requests confidential treatment, or is or may be required by law to be held in confidence for reasons of business confidentiality, the EPA office in possession of such records shall comply with applicable provisions of subpart B of this Part.

(c) Whenever an EPA office learns that some or all of the requested records are not in that office's possession but are or may be in the possession of some other EPA office or some other Federal agency, that office shall immediately so inform the Headquarters or regional Freedom of Information Office which is monitoring the request.

(d) If at any time it appears to an EPA office that performance of further search work would cause fees to be incurred in excess of those which the requestor has paid or agreed to pay (or $25.00 if no fee has been agreed upon), action shall be taken to obtain or assure payment (see § 2.120), to assist in the reformulation of the request (see § 2.109), or both.

§ 2.112 Time allowed for issuance of initial determination.

(a) Except as otherwise provided in this section, not later than the tenth working day after the date of receipt by a Freedom of Information Office of a request for records, the EPA office responsible for responding to the request shall issue a written determination to the requestor stating which of the requested records will, and which will not, be released, and the reason for any denial of a request. (A written determination is not necessary if within that 10-day period all requested records are actually furnished to the requestor.)

(b) The period of 10 working days shall be measured from the date the request is first received and logged in by the Headquarters or regional Freedom of Information Office.

(c) There shall be excluded from the period of 10 working days (or any extension thereof) any time which elapses between the time that a requestor is notified by EPA that his request does not reasonably identify the records sought and the time that the requestor furnishes a reasonable identification (see § 2.109).

(d) There shall be excluded from the period of 10 working days (or any extension thereof) any time which elapses between the time that a requestor is notified by EPA that processing his request will generate chargeable fees in excess of $25.00 (or any higher dollar limit he has established as acceptable), and the time that the requestor makes suitable arrangements for payment of such charges (see § 2.120).

(e) The EPA office taking action under S2.111, after notifying the appropriate

Freedom of Information Office, may extend the basic 10-day period established under paragraph (a) of this section by a period not to exceed 10 additional working days, by furnishing written notice to the requestor within the basic 10-day period stating the reasons for such extension and the date by which the office expects to be able to issue a determination. The period may be so extended only when absolutely necessary, only for the period required, and only when one or more of the following unusual circumstances require the extension:

(1) There is a need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) There is a need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) There is a need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of EPA.

(f) Failure of EPA to issue a determination within the 10-day period or any authorized extension shall constitute final agency action which authorizes the requestor to commence an action in an appropriate Federal district court to obtain the records.

§ 2.113 Initial denials of requests.

(a) An initial denial of a request may be issued only for the following reasons:

(1) The record requested is not known to exist;

(2) The record is not in EPA's possession;

(3) The record has been published in the FEDERAL REGISTER or is otherwise published and available for sale.

(4) A statutory provision, provision of this part, or court order requires that the information not be disclosed;

(5) The record is exempt from mandatory disclosure under 5 U.S.C. 552(b) and EPA has decided as a matter of discretion not to release it;

(6) Subpart B of this part requires initial denial because a third person must be consulted in connection with a business confidentiality claim; or

(7) The record is believed to exist in EPA's possession but has not yet been located (see paragraph (h) of this section).

(b) Initial denials of requests may be issued or ordered by those EPA officers or employees occupying positions to which such authority has been delegated or redelegated.

(c) Initial determinations should normally be made by the office which is in possession of, or has responsibility for maintaining, the requested records, and only in unusual cases should it be necessary to refer the matter to higher authorities for issuance of the determination. Initial determinations to deny requests may be issued only by an officer or employee who exercises supervisory authority over the EPA office which possesses or has responsibility for maintaining the requested records.

(d) Each initial determination to deny a request shall be written, signed, and dated, and shall contain a reference to the Request Identification Number.

(e) If the determination to deny a request was directed to be issued by some EPA officer or employee other than the person signing the determination letter, that other person's identity and position shall be stated in the determination letter. If an EPA regulation (e.g., § 2.204) requires that an initial denial determination be issued upon the finding of certain facts, reference shall be made to the regulation and the determination letter shall state the name of the person who made the fact finding.

(f) Each initial determination which denies a request in whole or part shall state that the requestor may appeal the initial denial by mailing or personally delivering an appeal in writing to the address stated in § 2.114 within 30 days of receipt of the determination or within 30 days of the date the requestor last received any records in response to the request, whichever date is later.

(g) An initial determination shall be deemed to be issued at the time the determination letter is placed in EPA mailing channels for first class mailing to the requestor, is delivered to the U.S. Postal Service for mailing, or is personally delivered to the requestor, whichever first occurs.

(h) When a request must be denied because the record has not yet been located (although it is believed to exist in EPA's possession), the EPA office responsible for maintaining the record shall continue to search diligently until it is located or it appears that the record does not exist or is not in EPA's possession, and shall periodically inform the requestor of the office's progress.

§ 2.114 Appeals from initial denials; manner of making.

(a) Any person whose request has been denied in whole or in part by an initial determination may appeal that denial by addressing a written appeal to the Freedom of Information Officer (A-101), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

(b) Any appeal shall be mailed no later than 30 calendar days after the date the requestor received the initial determination from which the appeal is taken, or 30 calendar days after the date the requestor last received any documents in response to the request, whichever is later.

(c) The appeal letter shall contain a reference to the date of the initial determination, the name and address of the person who issued the denial letter. The appeal letter shall also indicate whether any of the documents to which access was denied are not the subject of appeal.

§ 2.115 Appeal determinations; by whom made.

(a) The General Counsel shall make one of the following legal determinations in connection with every appeal of an initial determination from the initial denial of a request for an existing record in EPA's possession:

(1) The record must be released;

(2) The record must not be released, because a statute or a provision of this part so requires; or

(3) The record is exempt from mandatory disclosure but may be released as a matter of Agency discretion.

(b) Whenever the General Counsel has determined under paragraph (a) of this section that a record is exempt from mandatory disclosure but may legally be disclosed, the matter shall be referred to the Director of the EPA Office of Public Affairs. If the Director of the EPA Office of Public Affairs determines that the record shall not be disclosed, a determination denying the appeal shall be issued by the General Counsel. If the Director of the EPA Office of Public Affairs determines that the record should be disclosed, the record shall be disclosed unless the Administrator (upon a review of the matter requested by the appropriate Assistant Administrator, Regional Administrator, or the Director of a Headquarters Staff Office) determines that the record shall not be disclosed, in which case the General Counsel shall issue a determination denying the appeal.

(c) The General Counsel may delegate his duties under paragraph (a) of this section to a Regional Counsel, or to any other attorney employed on a full-time basis by EPA, in connection with any category of appeals or any individual appeal. No redelegation of such duties is authorized.

§ 2.116 Contents of determination denying appeal.

A determination denying an appeal from an initial denial shall be in writing shall state which of the exemptions in 5 U.S.C. 552(b) are felt to apply to each requested existing record, and shall state briefly the reason(s) for denial of the request. A denial determination shall also state the name and position of each EPA officer or employee who determined or ordered that the appeal be denied. Such a determination shall further state that the person whose request was denied may obtain judicial review of the denial by complaint filed with the district court of the United States in the district in which the complainant resides, or in which the Agency records are situated, or in the District of Columbia, pursuant to 5 U.S.C. 552(a)(4).

§ 2.117 Time allowed for issuance of appeal determination.

(a) Except as otherwise provided in this section, not later than the twentieth working day after the date of receipt by the Freedom of Information Officer at EPA Headquarters of an appeal from an initial denial of a request for records, the General Counsel shall issue a written determination stating which of the requested records (as to which an appeal was made) shall be disclosed and which shall not be disclosed.

(b) The period of 20 working days shall be measured from the date an appeal, in accordance with § 2.114, is first received by the Freedom of Information Officer at EPA Headquarters, except as otherwise provided in § 2.205.

(c) The Office of General Counsel, after notifying the Freedom of Information Officer at EPA Headquarters, may extend the basic 20-day period established under paragraph (a) of this section by a period not to exceed 10 additional working days, by furnishing written notice to the requestor within the basic 20-day period stating the reasons for such extension and the date by which the office expects to be able to issue a determination. The period may be so extended only when absolutely necessary, only for the period required, and only when one or more of the following unusual circumstances require the extension:

(1) There is a need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) There is a need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) There is a need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of EPA.

(d) No extension of the 20-day period shall be issued under subsection (c) of this section which would cause the total of all such extensions and of any extensions issued under § 2.112(e) to exceed 10 working days.

§ 2.118 Exemption categories.

(a) 5 U.S.C. 552(b) establishes nine exclusive categories of matters which are exempt from the mandatory disclosure requirements of 5 U.S.C. 552(a). No request under 5 U.S.C. 552 for an existing, located record in EPA's possession shall be denied by any EPA office or employee unless the record contains (or its disclosure would reveal) matters that are—

(1) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order;

(2) Related solely to the internal personnel rules and practices of an agency;

(3) Specifically exempted from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

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

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would: (i) interfere with enforcement proceedings; (ii) deprive a person of a right to a fair trial or an impartial adjudication; (iii) constitute an unwarranted invasion of personal privacy; (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source; (v) disclose investigative techniques and procedures; or (vi) endanger the life or physical safety of law enforcement personnel.

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

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

(b) The fact that the applicability of an exemption permits nondisclosure of a requested record (or portion thereof) does not necessarily mean that the record must or should be withheld. Where the rights of third parties other than Federal agencies would not be prejudiced, disclosure of records in response to a request is encouraged unless there is an important reason for nondisclosure.

§ 2.119 Discretionary release of exempt documents.

(a) EPA may, in its discretion, release requested records despite the applicability of the exemptions listed in paragraphs (2), (5), (7), (8), or (9) of § 2.118(a).

(b) As a matter of policy, EPA will not release a requested record if EPA determines that one or more of the exemptions listed in paragraphs (1), (3), (4), or (6) of § 2.118(a) apply to the record, except when ordered to do so by a Federal court or in exceptional circumstances under appropriate restrictions with the approval of the Office of General Counsel or a Regional Counsel.

§ 2.120 Payment.

(a) *Fee Schedule.* Fees will be charged for copies of records which are furnished to a person under this part and for time spent in locating and reproducing them in accordance with the fee schedule below. No fee will be charged for periods of less than one-half hour spent in connection with a search for records or computer programming.

Record search time (per half hour)	$2.50
In-house computer programming time (per half hour)	4.50
Reproduction of documents (per page)	.20

If the information requested exists as a computer record and a printout or tape is a means by which that information may be made available, the fee will be the actual direct cost of the computer system time added to any applicable search, in-house programming, reproduction, or contract programming costs.

(b) *Prepayment.* In the event pending requests under this part from the same requesting party would require the payment of fees in excess of $25.00, such records will not be searched for or made available, nor copies or such records furnished unless the requesting party first pays, or makes acceptable arrangements to pay, the total amount due; or if not ascertainable exactly, the approximate amount that would become due upon the completion of EPA's search and/or copying activities, as determined by the office responding to the request. All payments must be in the form of check or money order made payable to the U.S. Environmental Protection Agency and delivered to the Freedom of Information Officer at EPA Headquarters or at the appropriate regional office. In the event an advance payment hereunder shall differ from the amount of the fees actually due, an appropriate adjustment will be made at the time the negative determination is issued, the copies requested are delivered, or the records are made available.

(c) *Waiver.* EPA may reduce or waive the payment of fees, if such reduction or waiver would be in the public interest.

§ 2.121 Preparation of annual report.

On or before March 1 of each calendar year, EPA's Freedom of Information Officer will submit an Agency report covering the preceding calendar year to the Speaker of the House of Representatives and President of the Senate for referral to the appropriate committees of the Congress. The report shall include:

(a) The number of determinations made by EPA not to comply with requests for records made under section 552(a) of the Freedom of Information Act, as amended, and the reasons for each determination;

(b) The number of appeals made by persons under subsection 552(a)(6), the result of such appeals, and the reason for the action upon each appeal that results in a denial for information;

(c) The name(s) and title(s) or position(s) of each person responsible for the denial of records requested under section 552(b) and the number of instances of participation for each;

(d) The results of each proceeding conducted pursuant to subsection 552(a)(4)(f), including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

(e) A copy of Agency rules regarding the Freedom of Information Act;

(f) A copy of the fee schedule and the total amount of fees collected for making records available; and

(g) Other information related to administering section 552(c).

[FR Doc.75-5859 Filed 3-5-75;8:45 am]

SUBCHAPTER C—AIR PROGRAMS

[FRL 333-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Idaho; Approval and Disapproval of Compliance Schedules

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51, require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with certain exceptions, the State of Idaho Air Quality Implementation Plan.

On July 23, 1973, and July 1, 1974, after proper notice and public hearing, the Governor of Idaho submitted to the Environmental Protection Agency (EPA) several revisions to the Idaho Air Quality Implementation Plan, including revisions to the compliance schedule portion of the Plan. On May 8, 1974 (39 FR 16366) and August 23, 1974 (39 FR 30496), EPA announced receipt of these revisions in the FEDERAL REGISTER and invited public comment on whether the revisions should be approved or disapproved. No comments were received during the 30-day public comment period. This publication approves, with specific exceptions, the revisions to the compliance schedule portion of the Implementation Plan pursuant to provisions of 40 CFR 51.8.

A total of thirteen compliance schedules were proposed. All of the compliance schedules have been evaluated for compliance with 40 CFR 51.4, 51.6, and 51.15.

The Administrator will take no action with regard to eight of the compliance schedules. The final compliance date for Wickes Forest Industries, Monsanto Corporation, and Potlatch Corporation at Jaypee and St. Maries will have passed by the date of this publication. The approval or disapproval of the compliance schedule for the J. R. Simplot Company is pending a final decision on the State of Idaho sulfur oxide regulation. The Amalgamated Sugar Company plants at Mini-Cassia, Nampa, and Twin Falls have been issued Section 113 Consent Orders by EPA.

Two compliance schedules have been found not to satisfy the requirements of 40 CFR Part 51. The compliance schedule for the Louisiana Pacific Corporation at Priest River is unenforceable because it does not expressly relate to any specific emission limitation. That portion of the compliance schedule for the Bunker Hill Company at Kellogg which relates to particulate emissions does not meet the requirements of 40 CFR 51.15 (c) for enforceable increments of progress, and is not expressly related to applicable process weight regulation. The Bunker Hill schedule also is technically inadequate in certain respects. The portion of the Bunker Hill Company's compliance schedule regulating sulfur oxides was not reviewed because there presently is no federally approved regulation for the control of sulfur oxide emissions from combined lead and zinc smelters in the Eastern Washington-Northern Idaho Interstate Air Quality Control Region.

The remaining three compliance schedules, Louisiana Pacific Corporation at Post Falls, Seeds, Incorporated, and Merritt Brothers Lumber Company, have been found to satisfy the requirements of 40 CFR Part 51 and to be consistent with the approved control strategy and are approved.

Each revision establishes a new date by which an individual air pollution source must comply with an emission limitation specified by the Implementation Plan. This date is indicated in the table below under the heading "Final compliance date." Each compliance schedule contains interim dates for increments of progress which are not listed in the table. These dates, which are federally enforceable, are listed in the actual compliance schedule. The "Effective date" column in the table below refers to the date the compliance schedule becomes effective for purposes of federal enforcement. The "Date of adoption" column refers to the date the compliance schedule was adopted by the State. An evaluation of each schedule is available for public inspection at the Regional Office of the EPA at the address noted below.

State compliance schedule revisions are available for public inspection at the appropriate State agency, EPA headquarters, and at the EPA Regional Office. The locations of these offices are as follows:

Idaho Department of Health and Welfare
Statehouse
Boise, Idaho 83720

Freedom of Information Center
Environmental Protection Agency
401 M Street SW.
Washington, D.C. 20460

Environmental Protection Agency
1200 Sixth Avenue
Seattle, Washington 98101

The Administrator finds good cause to make this rulemaking effective immediately as the compliance schedules are already in effect under Idaho State law and EPA's approval imposes no additional regulatory burdens; likewise EPA's disapproval imposes no regulatory burden.

This rulemaking is issued under the authority of section 110 of the Clean Air Act as amended. (42 U.S.C. 1857c-5).

Administrator.
RUSSELL E. TRAIN,

Dated: February 27, 1975.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart N—Idaho

1. In § 52.670, paragraph (c) is amended as follows:

§ 52.670 Identification of plan.

* * * * *

(c) Supplemental information was submitted on: * * *

(2) March 2, May 5, and June 9, 1972; February 15, July 23 and October 16, 1973; and July 1, 1974 (Idaho Indirect Source Regulation and compliance schedules).

2. Section 52.677 is amended by adding the following to the table in paragraph (b) as follows:

§ 52.677 Compliance schedules.

* * * * *

(b) The compliance schedules for the sources identified below are approved as meeting the requirements of §§ 51.6 and 51.15 of this Chapter. All regulations cited are contained in the "Rules and Regulations for the Control of Air Pollution in Idaho."

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
*	*	*	*	*	*
Louisiana Pacific Corp.	Post Falls	Reg. P, Sec. 2	June 20, 1974	Immediately	June 30, 1975
Seeds, Inc.	Worley	Reg. H	do	do	July 31, 1975
Merritt Brothers Lumber Co.	Priest River	Reg. P, Sec. 2	do	do	June 30, 1975

3. Section 52.677 is amended by adding the following to the table in paragraph (c) as follows:

§ 52.677 Compliance schedules.

* * * * *

(c) The compliance schedules for the sources identified below are disapproved as not meeting the requirements of § 51.15 of this chapter. All regulations cited are contained in the "Rules and Regulations for the Control of Air Pollution in Idaho."

Source	Location	Regulation involved	Date of adoption
*	*	*	*
Louisiana Pacific Corporation	Priest River	Reg. P, Sec. 2	June 20, 1974
Bunker Hill Co. (portion of compliance schedule regulating particulates).	Kellogg	Reg. E, Reg. H	June 29, 1973

[FR Doc.75-5861 Filed 3-5-75;8:45 am]

[FRL 273-9]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

New Mexico Regulation for Schedules of Compliance

On May 31, 1972 (37 FR 10881), pursuant to section 110 of the Clean Air Act, 42 USC 1857c-5, the Administrator approved, with specific exceptions, the plan submitted by the State of New Mexico for the implementation of the national ambient air quality standards. One of the requirements for implementation plans, described in § 51.15(c) of this Chapter, was that any compliance schedule extending over a period of 18 months from the date of its adoption should provide for periodic increments of progress toward compliance. Section 52.1626(a) of this Chapter, promulgated May 31, 1972 (37 FR 10882), noted the failure of the New Mexico plan to meet the requirements of § 51.15(c).

On July 27, 1972 (37 FR 15106), in order to correct the deficiency in the New Mexico plan, the Administrator proposed the addition of § 52.1626(d) to this Chapter to require increments of progress in compliance schedules. Almost contemporaneously, on July 29, 1972, the State of New Mexico adopted Air Quality Control Regulation 705 requiring semi-annual progress reports from pollution sources until the sources reported compliance with emission limiting regulations. This Regulation 705 was submitted to the Administrator on July 31, 1972. Since the requirement for progress reports did not assure the setting of specific dates for achieving increments of progress, Regulation 705 did not meet the requirements of § 51.15(c). On May 14, 1973 (38 FR 12709), the Administrator promulgated § 52.1626(d) of this Chapter requiring increments of progress with dates in compliance schedules.

On September 24, 1973, the State of New Mexico repealed the July 29, 1972, Regulation 705, and adopted a new Air Quality Control Regulation 705, Schedules of Compliance, requiring increments of progress. Prior to its adoption, the proposed regulation was subjected to public hearing on May 17, 1973. This hearing was preceded by adequate notice to the public of thirty days. During this period, the proposed regulation was available for public inspection. The new Regulation 705 became effective on December 16, 1973, and was submitted to the Administrator on February 12, 1974. It has been examined and found to meet the requirements of § 51.15(c).

On June 20, 1974 (39 FR 22159), the Regional Administrator, Region VI, published a notice of proposed rulemaking to replace § 52.1626(d) with the New Mexico Regulation 705 which was adopted on September 24, 1973, as a requirement of the appdicable implementation plan. It also added the New Mexico submittal of February 12, 1974, to the Identification of the Plan. Interested persons were given until July 22, 1974, to comment on the proposed rulemaking. No written comments have been received. The proposed revisions are adopted without change.

Because this Regulation 705 has been a State requirement in New Mexico for a year, and because no significant new substantive requirements are imposed on facilities with the promulgation of this rulemaking, the Administrator finds good cause to make these revisions effective immediately.

(Authority: (Sec. 110 Clean Air Act, as amended, Pub. L. 91-604, 84 Stat. 1713)

Effective date. This revision becomes effective on March 6, 1975.

Dated: February 27, 1975.

RUSSELL E. TRAIN,
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 52.1620, paragraph (c) is amended by adding a paragraph (3) as follows:

§ 52.1620 Identification of Plan.

* * * * * * *

(c) * * *

(3) February 12, 1974.

2. In § 52.1626, paragraph (d) is revoked and paragraph (a) is revised to read as follows:

§ 52.1626 Compliance schedules.

(a) New Mexico Air Quality Control Regulation 705, Schedules of Compliance, as adopted by the State of New Mexico on September 24, 1973, meets the requirements of § 51.15(c) of this Chapter and is hereby approved as part of the State of New Mexico Implementation Plan.

* * * * * * *

(d) [Removed]

[FR Doc.75-5862 Filed 3-5-75;8:45 am]

[FRL 340-3]

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Deferral of Certain Incremental Dates for Stage II Vapor Recovery Regulations; Correction

In FR Doc. 75-272 appearing at page 1126 in the issue for Monday, January 6, 1975, vapor recovery regulations applying to Texas were incorrectly cited on page 1127 in an order which deferred until further notice certain incremental dates. The incorrect language currently reads "Texas: 40 CFR 52.2288(h); 52.2289(f)." It is revised to read "Texas: 40 CFR 52.2288(h) and (i); 52.2289(g)."

Dated: February 26, 1975.

RICK JOHNSON,
Acting Assistant Administrator for Enforcement.

[FR Doc.75-5863 Filed 3-5-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 9—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

PART 9-7—CONTRACT CLAUSES

PART 9-16—PROCUREMENT FORMS

Miscellaneous Amendments

The substance of the material covered herein was first published at 40 FR 4146 dated January 28, 1975 under Nuclear Regulatory Commission and then republished at 40 FR 5781 dated February 7, 1975. Because of the establishment of ERDA and the NRC and the adoption of the AECPR's as the ERDA-PR's certain organizational relationships and titles were incorrectly stated. In order to clarify these organizational relationships and titles the material appearing at 40 FR 5781 is hereby deleted and republished as follows:

These revisions to the ERDA-PR's are being made to make the Safety and Health Clause mandatory as to text and to provide an alternative clause for non-GOCO contracts where ERDA elects not to assert its statutory authority to prescribe general occupational safety and health standards.

1. In Part 9-7, the following items in the Table of Contents are revised as follows:

Subpart 9-7.50—Use of Standard Clauses

* * * * * * *

Sec.

9-7.5004-12 Safety and Health.

* * * * * * *

9-7.5006-47 [Reserved]

* * * * * * *

(Authority: Section 105 of the Energy Reorganization Act of 1974 (P.L. 93-438).

Subpart 9-7.50—Use of Standard Clauses

2. In Subpart 9-7.50, Use of Standard Clauses, § 9-7.5004-12 formerly reserved, is added as follows:

§ 9-7.5004-12 Safety and Health.

(a) The clause set forth herein shall be included in all contracts and subcontracts for, and be made applicable to, work to be performed at a government-owned contractor-operated (GOCO) facility where ERDA has elected to assert its statutory authority to enforce occupational safety and health standards applicable to the working conditions of contractor and subcontractor employees.

SAFETY AND HEALTH

The contractor shall take all reasonable precautions in the performance of the work under this contract to protect the safety and health of employees and of members of the public and shall comply with all applicable safety and health regulations and requirements (including reporting requirements) of ERDA. In the event that the contractor fails to comply with said regulations or requirements of ERDA, the Contracting Officer may, without prejudice to any other legal or contractual rights of ERDA, issue an order stopping all or any part of the work; thereafter a start order for resumption of the work may be issued at the discretion of the

Contracting Officer. The contractor shall make no claim for an extension of time or for compensation or damages by reason of or in connection with such work stoppage.

(b) The clause set forth herein shall be included in those contracts or subcontracts for, and be made applicable to, work to be performed *at a facility* where ERDA does not elect to assert its statutory authority to enforce occupational safety and health standards applicable to the working conditions of contractor and subcontractor employees, but does need to enforce radiological safety and health standards pursuant to provisions of the contract or subcontract rather than by reliance upon Nuclear Regulatory Commission licensing requirements (including agreements with states under section 274 of the Atomic Energy Act).

RADIATION PROTECTION AND NUCLEAR CRITICALITY

The contractor shall take all reasonable precautions in the performance of work under this contract to protect the safety and health of employees and of members of the public against the hazards of ionizing radiation and radioactive materials and shall comply with all applicable radiation protection and nuclear criticality safety standards and requirements (including reporting requirements) of ERDA. In the event that the contractor fails to comply with said standards and requirements of ERDA, the Contracting Officer may, without prejudice to any other legal or contractual rights of ERDA, issue an order stopping all or any part of the work; thereafter a start order for resumption of the work may be issued at the discretion of the Contracting Officer. The contractor shall make no claim for an extension of time or for compensation or damages by reason of or in connection with such work stoppage.

§ 9–7.5006–47 [Reserved]

3. In Subpart 9–7.50, Use of Standard Clauses, § 9–7.5006–47, *Safety, health, and fire protection*, is deleted and reserved.

Subpart 9–16.4—Forms for Advertised Construction Contracts

4. In Subpart 9–16.4 of Part 9–16, § 9–16.404–50, *ERDA authorized additions to Standard Form 19*, paragraph (b) (1) is revised as follows:

§ 9–16.404–50 ERDA authorized additions to Standard Form 19.

* * * * *

(b) * * *

(1) Safety and health (§ 9–7.5004–12).

* * * * *

5. In Subpart 9–16.4, Forms for Advertised Construction Contracts, § 9–16.404–52, *ERDA additions to Standard Form 23A General Provisions (Construction Contract) (October 1969 edition)*, paragraph (a) 23. is revised as follows:

§ 9–16.404–52 ERDA additions to Standard Form 23A General Provisions (Construction Contract) (October 1969 edition).

(a) * * *

23. Safety and health (§ 9–7.5004–12).

* * * * *

Subpart 9–16.7—Forms for Negotiated Architect-Engineer Contracts

6. In Subpart 9–16.7, Forms for negotiated Architect-Engineer Contracts, § 9–16.703–50, *Terms, conditions, and provisions*, paragraph 22 is revised as follows:

§ 9–16.703–50 Terms, conditions, and provisions.

* * * * *

22. Safety and health (§ 9–7.5004–12).

* * * * *

Subpart 9–16.50—Contract Outlines

7. In Subpart 9–16.50, Contract Outlines, § 9–16.5002–4, *Outline of a cost-plus-a-fixed-fee-construction contract*, Article XVI is revised as follows:

§ 9–16.5002–4 Outline of a cost-plus-a-fixed-fee-construction contract.

* * * * *

Article XVI—Safety and health. Insert contract clause set forth in § 9–7.5004–12.

* * * * *

8. In Subpart 9–16.50, Contract Outlines, § 9–16.5002–5, *Outline of a cost-plus-a-fixed-fee architect-engineer contract*, Article XVII is revised as follows:

§ 9–16.5002–5 Outline of a cost-plus-a-fixed-fee architect-engineer contract.

* * * * *

Article XVII—Safety and health. Insert contract clause set forth in § 9–7.5004–12.

* * * * *

9. In Subpart 9–16.50, Contract Outline, § 9–16.5002–9, *Outline of cost-type contract for research and development with educational institutions*, Article B–17 is revised as follows:

§ 9–16.5002–9 Outline of cost-type contract for research and development with educational institutions.

* * * * *

ARTICLE B–17 SAFETY AND HEALTH

If applicable, include one or both of the clauses set forth in § 9–7.5004–12.

* * * * *

Effective date. This amendment retains the effectivity date of January 28, 1975.

Dated at Germantown, Maryland, this 25th day of February, 1975.

JOSEPH L. SMITH,
Director of Procurement.

[FR Doc.75–5882 Filed 3–5–75;8:45 am]

CHAPTER 14—DEPARTMENT OF THE INTERIOR

RESERVATION PROGRAMS PERFORMED BY INDIAN TRIBAL CONTRACTORS

Miscellaneous Amendments

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, Parts 14–3, 14–30, 14–55, and 14–63 of Chapter 14 of Title 41 of the Code of Federal Regulations, are hereby amended for the following reasons:

1. A new Subpart 14–3.8 and § 14–3.809 are added to Part 14–3 to provide a cross reference to the audit requirements contained in Subpart 14–63.1 of Part 14–63.

2. The instructions in § 14–30.406 of Subpart 14–30.4 are designated paragraph (a); the instructions are revised to authorize the Assistant Director for Procurement, Office of Management Services, to approve the use of advance payment provisions in contracts; and new paragraphs (b) and (c) are added to § 14–30.406 to prescribe procedures for requesting approval to make advance payments.

3. A new paragraph (c) is added to § 14–30.406–50 of Subpart 14–30.4 to authorize the Commissioner of Indian Affairs to approve advance payments under contracts with Indian Tribal contractors.

4. The first sentence of paragraph (a) and all of paragraph (b) of § 14–30.410 of Subpart 14–30.4 are amended to refer to Federal Management Circular 73–7 which replaced OMB Circular A–101, and to make editorial changes.

5. Revisions to §§ 14–55.101(b)(14), 14–55.102(a), 14–55.104(a), and 14–55.104(a)(7) of Subpart 14–55.1 are made to authorize the Director of Management Services, Office of the Assistant Secretary—Management to approve contracts for services which exceed $100,000 and to provide for reservation programs performed by Indian Tribal contractors.

6. Subpart 14–63.1 is amended by deleting §§ 14–63.103(f), 14–63.103(g) and 14–63.106; by revising § 14–63.101 to add a cross reference to Part 360 of the Departmental Manual concerning audit; and by revising § 14–63.103(a) to include the instructions formerly contained in § 14–63.103(f) and the last two sentences of § 14–63.106.

It is the general policy of the Department of the Interior to allow time for interested parties to participate in the rulemaking process. However, the changes are entirely administrative and the public rulemaking process is waived in this instance. Parts 14–3, 14–30, 14–55, and 14–63 are amended to read as stated below effective immediately.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

PART 14–3—PROCUREMENT BY NEGOTIATION

1. The Table of Contents of Part 14–3 of 41 CFR is amended by adding a new Subpart 14–3.8 and § 14–3.809 as follows:

Subpart 14–3.8—Price Negotiation Policies and Techniques

Sec.
14–3.809 Contract audit as a pricing aid.

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

2. Part 14–3 of 41 CFR is amended by adding a new Subpart 14–3.8 and § 14–3.809 to read as follows:

Subpart 14–3.8—Price Negotiation Policies and Techniques

§ 14–3.809 Contract audit as a pricing aid.

Departmental requirements and instructions pertaining to audit of proposals, contracts and modifications and prescribed contract clauses are contained in Subpart 14–63.1 of this chapter. (See also Part 360 of Department Manual.)

PART 14–30—CONTRACT FINANCING

Subpart 14–30.4—Advance Payments

3. Subpart 14–30.4 of Part 14–30 of 41 CFR is amended by revising § 14–30.406; by adding new §§ 14–30.406 (b) and (c) and by adding a new paragraph (c) to § 14–30.406.50, to read as follows:

§ 14–30.406 Responsibility—delegation of authority.

(a) Pursuant to § 1–30.406 of this title, the Assistant Director for Procurement, Office of Management Services, is authorized to approve or disapprove (1) determinations prepared by the contracting officer, based on written findings as provided in § 1–30.405 of this title, that the making of advance payments is in the public interest; and (2) the provisions for making advance payments to be included in contracts or classes of contracts.

(b) The head of the procuring activity shall request the necessary approvals to make advance payments from the Assistant Director for Procurement, Office of Management Services. Each request for approval shall be accompanied by (1) an explanation for the need of advance payments; (2) a findings, determination and authorization; (3) a copy of the proposed contract containing the advance payment clause, or by the contract and a copy of the proposed contract modification if the contract does not contain an advance payment clause; (4) the contractor's application for advance payments and supporting documentation (see §§ 1–30.214 and 1–30.411 of this title); and (5) the applicable supporting data required by § 1–30.412 of this title.

(c) After written approval has been received, the contracting officer may sign the findings and determination and may make the advance payments in accordance with approved contract provisions.

§ 14–30.406.50 Special approvals.

* * * *

(c) The Commissioner of Indian Affairs may approve advance payments not to exceed $250,000 involving contracts with Indian Tribal contractors who operate totally Indian owned and controlled nonprofit businesses and who qualify for contracts with the Bureau of Indian Affairs.

Subpart 14–30.4—Advance Payments

4. The first sentence of paragraph (a) and all of paragraph (b) of § 14–30.410 of Subpart 14–30.4 are amended to read as follows:

§ 14–30.410 Findings, determinations, and authorization.

(a) Federal Management Circular 73–7 dated December 19, 1973 (formerly Office of Management and Budget Circular No. A–101 dated January 9, 1971), provides policies and procedures for establishing greater consistency among Federal agencies in the administration of grants, contracts or other agreements with educational institutions in the United States for research projects. * * *

(b) Accordingly, it is hereby determined pursuant to FMC 73–7 (formerly OMB Circular No. A–101) that it is necessary in the public interest to make advance payments to educational institutions for research projects. Such payments are authorized to be made as required by FMC 73–7 and in accord with the procedures provided in Subpart 1–30.4 of this title. The requirements of §§ 1–30.405(c) and 1–30.410 of this title and § 14–30.406 of this chapter shall be satisfied by this § 14–30.410 and a statement to that effect should be placed in the contract file.

PART 14–55—PROCUREMENT OF SERVICES

Subpart 14–55.1—Contracts for Services

5. Subpart 14–55.1 of Part 14–55 of 41 CFR is amended by revising §§ 14–55.101 (b)(14), 14–55.102(a), 14–55.104(a) and 14–55.104(a)(7) to read as follows:

§ 14–55.101 Definition of a contract for services.

* * * * *

(b) * * *

(14) Special services for Indians (includes reservation programs performed by Indian Tribal contractors);

* * * * *

§ 14–55.102 Policy.

(a) It is the policy of the Department of the Interior to provide management direction and execution of authorized programs and activities and workforce capability essential to accomplishment. In light of this broad policy, additional services acquired by contract is staff augmentation and must be justified (does not include contracts with Indian Tribal contractors for the performance of reservation programs.)

* * * * *

§ 14–55.104 Requirements for Departmental approval.

(a) Proposals to acquire services by contract shall require approval of the Director of Management Services, Office of the Assistant Secretary—Management, where it is estimated that the contract will exceed $100,000: *Provided*, That, proposals to acquire the following categories of services shall be exempt from this requirement:

* * * * *

(7) Special services for Indians (guidance and teaching, nursing, medical care, and contracts with Indian Tribal contractors for the performance of reservation programs) as authorized by the Bureau of Indian Affairs programs;

* * * * *

PART 14–63—AUDIT

6. The Table of Contents of Part 14–63 of 41 CFR is amended by changing the title of § 14–63.103 to read as follows:

Sec.

14–63.103 Requirements.

Subpart 14–63.1—Audit of Contractor's Records

7. The first sentence of § 14–63.101 of Part 14–63 is amended to read as follows:

§ 14–63.101 Audit responsibility.

The Office of Audit and Investigation conducts or arranges audits of contractor's records to the extent that such audits are required by law, regulation, or sound business judgment (see Part 360 of Departmental Manual). * * *

8. Subpart 14–63.1 of Part 63 or 41 CFR is amended by deleting §§ 14–63.103(f) and (g), and by revising § 14–63.103(a) to read as follows:

§ 14–63.103 Requirements.

(a) A preaward audit shall be made as required by § 1–3.809 of this title for each negotiated proposal, contract and modification where the cost to the Government exceeds or may exceed $100,000.

(1) The contracting officer shall be responsible for strict compliance with the preaward audit requirements. The preaward audit shall not be waived without proper written justification which shall be placed in the contract file. Contracting officers who fail to observe the requirements shall be subject to restriction of their discretionary authority to waive any preaward audit.

(2) Requests for preaward audit shall be submitted to the Office of Audit and Investigation accompanied by a copy of the applicable proposal, contract, modification and other pertinent information. As much time as possible should be allowed by contracting officers for the audit work. Except under unusual circumstances, at least 30 days should be allowed for the review of contractors' proposals pursuant to § 1–3.809 of this title.

§ 14–63.105–2 [Amended]

9. The last sentence of § 14–63.105–2 of Part 14–63 is amended by changing the phrase "within 60 calendar days" to read "within 90 calendar days."

§ 14–63.106 [Revoked]

10. Section 14–63.106 is revoked.

[FR Doc.75–5902 Filed 3–5–75;8:45 am]

PART 114–26—PROCUREMENT SOURCES AND PROGRAMS

PART 114–43—UTILIZATION OF PERSONAL PROPERTY

Miscellaneous Amendments

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and section 205(c), 63 Stat. 390; 40

U.S.C. 486(c), Parts 114–26 and 114–43 of Chapter 114, Title 41 of the Code of Federal Regulations, are amended as set forth below.

This amendment relates only to matters of internal Department practice. It is, therefore, determined that the public rulemaking procedure is unnecessary and this amendment shall become effective on March 6, 1975.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

FEBRUARY 27, 1975.

Subpart 114–26.4—Purchase of Items From Federal Supply Schedule Contracts

Section 114–26.406–2(d) is amended by deleting the line reading "Reserved—865 through 964 inclusive" and adding the following:

§ 114–26.206–2 Billing code.

* * * * *

(d) * * *

Bureau of Indian Affairs—865 through 914 inclusive.
Mining Enforcement and Safety Administration—915 through 924 inclusive.
Reserved—925 through 964 inclusive.

Subpart 114–26.7—Procurement Sources Other Than GSA and the Department of Defense

Subpart 114–26.6 is redesignated as 114–26.7 and the title changed to read as set forth above.

The Table of Contents is amended to read as follows.

Subpart 114–26.7—Procurement Sources Other Than GSA and the Department of Defense

Sec.
114–26.750 Procurement of tax-free alcohol.

Section 114–26.650 is redesignated as § 114–26.750 and the title change to read as follows:

§ 114–26.750 Procurement of tax-free alcohol.

* * * * *

Subpart 114–43.4—Utilization of Abandoned and Forfeited Personal Property

§ 114–43.402–4 [Amended]

In Part 114–43, § 114–43.402–4(a) is deleted in its entirety (114–43.402–4(c) remains in effect).

[FR Doc.75–5904 Filed 3–5–75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19842; FCC 75–214]

PART 73—RADIO BROADCAST SERVICES

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Cape Girardeau, Dexter, Portageville, Caruthersville, and Malden, Missouri); Docket No. 19842, RM–2005, RM–2117.

1. The Commission here considers the notice of proposed rulemaking in Docket No. 19842, adopted October 3, 1973 (FCC 73–1035, 38 FR 28573), and related filings.[1]

2. The Notice set November 16, 1973, as the cut-off date for receipt of comments and counterproposals. On that date Earl Bradsher requested that the time for filing comments be extended so that he might prepare a counterproposal believed to be in the public interest. This was granted and the cut-off date was extended to and including November 30, 1973. On December 3, 1973, the Commission received the "Comments, Counterproposal and Petition of Stuart W. Epperson" (by Earl Bradsher) postmarked November 30, 1973. Normal Commission rules and practices regarding the time of filing of documents refer to the date that the document is "filed with the Commission," *i.e.*, received at the Commission's offices. (Rules and Regulations, § 1.4(c); *Schedule of Fees*, 28 F.C.C. 2d 139 at para. 6 (1971).) The Bradsher pleading was therefore not timely filed.

3. That pleading is unacceptable for two reasons. First, it was not accompanied by a showing of good cause for acceptance as a late-filed pleading. Second, it does not comply with the subscription and verification requirements of the Commission Rules (§ 1.52) under which a party not represented by an attorney must himself sign and verify his petition. The aforementioned pleading, entitled "Comments, Counterproposal and Petition of Stuart W. Epperson," was not signed by Mr. Epperson. Rather, it was signed by "Earl L. Bradsher, Jr., Consultant." In another rulemaking proceeding involving FM channel assignments, Mr. Bradsher also signed pleadings on behalf of Mr. Epperson. In a Report and Order adopted in that proceeding (Docket No. 19827) on July 17, 1974, the Commission (47 F.C.C. 2d 1067 at paras. 4–5) discussed the aforementioned Section 1.52. Part of that discussion mentioned that Mr. Epperson and Mr. Bradsher had been notified of the subscription and verification requirements, and that in response thereto Mr. Bradsher had informed the Commission that appropriately signed pleadings would be submitted in that docket, as well as in the instant Docket No. 19842, as replacements for the pleadings in those dockets which did not comply with the requirements. Such replacement pleadings have not been forthcoming. This failing constitutes the second ground for not accepting the Bradsher pleading. In any event, it may be noted that had the pleading been accepted it would have been deficient on the merits since it proposed to assign an additional FM channel to Memphis, Tennessee, and in order to do this it proposed, among other things, to substitute Channel 255 for Channel 241 at Blytheville, Arkansas, on which Station KHLS is operating. The Bradsher analysis indicated that Channel 255 could be assigned to Blytheville in conformance with the Commission's spacing requirements (Sec. 73.207 of the Rules). However, that analysis failed to consider the existence of Station WHOP–FM, operating on Channel 254 at Hopkinsville, Kentucky, which would be short-spaced to KHLS operating on Channel 255. (See *Portland, Tennessee*, 33 F.C.C. 2d 601 (1972).)

4. The Notice issued in this proceeding was responsive to petitions from Communications Systems, Inc. ("CCI") and Tri-County Broadcasting Co. ("T–CB"). As set out in the Notice, CCI operates a station (KFMP) on Channel 275, which is one of the two FM channels assigned to Cape Girardeau, Missouri. Cape Girardeau is located on the west bank of the Mississippi River. Location of KFMP's transmitter on the east side of the river (Zone I) would cause it to be classified as a Class B operation; location on the west (Zone II), would make it a Class C operation. Class C channels are permitted to operate with more power and greater antenna height than Class B channels. CCI elected to locate its transmitter on the east side of the river. Subsequent to its election, and without receiving comments or objections from CCI, the Commission assigned channels to Dexter (Channel 272A) and Caruthersville, Missouri (Channel 276A). CCI has relocated on the west side of the river,[2] but is precluded from operating as a Class C assignment due to these two channel assignments. CCI's proposals seek to regain Class C status. However, in order to do so Caruthersville (pop. 7,350)[3] or Portageville, Missouri (pop. 3,117) (Channel 292A), must lose their assignments or the T–CB petition seeking assignment of Channel 224A to Malden, Missouri (pop. 5,374) must be denied. Five proposals were advanced (some by the petitioners and some by the Commission) and they are set out in the Appendix to this Report and Order.

5. Malden is a small community located 57 miles northwest of Cape Girardeau. T–CB, the licensee of daytime-only AM Station KTCB at Malden, has submitted information regarding the social and economic activities of Malden indicating that Malden merits an FM assignment of its own. Absent a competing petition, it would appear to merit an assignment.

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[1] These filings include numerous comments and reply comments of Communications Systems, Inc.; comments and reply comments of Tri-County Broadcasting Co.; Comments, Counterproposal and Petition of Stuart W. Epperson; Statement in Opposition to Petition for Rulemaking of New Madrid Broadcasting Co.; an opposition to the Epperson filing submitted by Hopkinsville Broadcasting Co., Inc.; Comments and Opposition of KBOA, Inc., licensee of KTMO(FM), to Comments and Counterproposal and Petition of Stuart W. Epperson; and reply comments of Sudbury Services, Inc., in opposition to the Epperson filing.

[2] It did so after its original antenna was destroyed by a tornado.

[3] All population figures are from the 1970 U.S. Census.

6. The gist of all the proposals favoring CCI is the same. In order for Channel 275 at Cape Girardeau to become a Class C channel, a small community must be without an assignment. When the Notice was adopted, the Caruthersville assignment was unapplied for.[4] This is no longer the case. Further, there is an application pending for the Portageville assignment and T–CB has indicated that if 224A is assigned to Malden it will promptly apply for a license to operate on that channel. Thus it appears that each of these small communities is assured of receiving local service in the near future if the Malden assignment is made and the existing assignments are not deleted.

7. The fact that the Channel 275 assignment was originally a Class C assignment does not inure to CCI's benefit. The Commission views this status on a purely demographic basis. Any loss which CCI may feel was occasioned by the Caruthersville and Dexter assignments occurred because of CCI's failure to keep abreast of rule makings that could affect its future plans.[5]

8. CCI avers that its proposed Class C operation would provide a first FM service to 23,927 persons residing in an area of 713 square miles and estimates that second FM service would be provided to a minimum of 18,274 persons. This showing is based on actual rather than assumed service to this area.[6] A staff study employing *Roanoke Rapids* criteria [7] indicates that a first FM service would be provided to only 100 square miles and a second FM service to 600 square miles.[8] CCI's position is further weakened by the fact that the entire 100-square-mile area which would receive a first FM service receives 0.5 mV/m or better nighttime AM service from Class I–A clear channel Station KMOX, St. Louis, Missouri. Hence, that area is considered already to be receiving a first aural service, both daytime and nighttime, and the FM service that would be provided to that area would constitute a second aural service. On the other hand, assignments at Caruthersville, Portageville and Malden would satisfy higher priorities since they would provide for first aural nighttime service to those communities and their surrounding areas as well for a first local aural service to those communities. (See *Anamosa and Iowa City, Iowa*, 46 F.C.C. 2d 520 at paras. 14 and 16 (1974).) Therefore we shall grant the Malden petition and deny the CCI petition. (Alternative 2 in attached Appendix.)

9. Accordingly, pursuant to the authority contained in sections 4(i), 303(r) and 307(b) of the Communications Act of 1934, as amended, *it is ordered*, That effective April 7, 1975, the FM Table of Assignments, § 73.202(b) of the rules, is amended to read as follows for the city listed below:

City:	*Channel No.*
Malden, Mo.	224A

10. *It is further ordered*, That the petion of Communications Systems, Inc., IS DENIED.

11. *It is further ordered*, That this proceeding is terminated.

Adopted: February 19, 1975.

Released: February 26, 1975.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[4] In the petition for rule making seeking an assignment for Caruthersville, Pemiscot Broadcasters, Inc., indicated that it would promptly apply for this channel if assigned. However, it delayed doing so, and the Notice in this proceeding indicated that this delay might be a factor weighing in favor of deletion of this assignment.

[5] That is not to say that these assignments would not have been made over CCI's objections if they had been interposed.

[6] CCI indicates that it did not have time to conduct a full study.

[7] *Roanoke Rapids and Goldsboro, N.C.*, 9 F.C.C. 2d 672 (1967).

[8] As indicated in the *Roanoke Rapids* case, the Commission will view all service in an area as if transmitting with reasonable facilities or in instances in which more powerful facilities are used the Commission will view actual service. While this never produces a picture of less service than actually exists it often produces one showing greater than actual service. This position is founded on our belief that FM stations will seek higher power as the industry grows.

APPENDIX [1]

City	County	Population: City	Population: County	AM facilities	Alternatives: No. 1 (present FM assignments)	No. 2	No. 3	No. 4	No. 5
Cape Girardeau	Cape Girardeau	31,283	49,350	3 (2 daytime)	*245C, 275B*	246C, 275B	246C, 275C	246C, 275C	246C, 275C
Caruthersville	Pemiscot	7,350	26,373	1 (daytime)	276A	276A	288A		288A
Dexter	Stoddard	6,624	25,771	1 (daytime)	*272A* [2]	*272A*	292A	292A	292A
Portageville	New Madrid	3,117	23,420	1 (daytime)	(292A) [3]	292A		288A	224A
Malden	Dunklin	5,374	33,742	1 (daytime)		224A	224A	224A	

[1] This table with the various alternatives and other information was appended to the Notice of Proposed Rulemaking in this proceeding.
[2] Italic indicates channel is presently in use.
[3] Parentheses indicates that an application is pending for use of the channel.

Effects of the various alternatives

No. 1—Denial of both petitions, retention of the status quo.
No. 2—Denial of CCI petition, grant of T–CB petition.
No. 3—Grant of CCI and T–CB petitions, Portageville loses its channel.
No. 4—Grant CCI and T–CB petitions, Caruthersville loses its channel.
No. 5—Grant of CCI petition, denial of TC–B petition.

[FR Doc.75–5787 Filed 3–5–75;8:45 am]

[Docket No. 19880; 30426]

PART 89—PUBLIC SAFETY RADIO SERVICES

Emergency Medical Services; Correction

In the matter of Amendments of Parts 2 and 89 of the Commission's rules and regulations relating to communications for emergency medical services.

The Commission's Memorandum Opinion and Order, FCC 74–1156 (39 FR 38902), released October 29, 1974, is corrected as follows:

1. In Part B, instruction number three, § 89.525(e) is corrected to read as follows:

§ 89.525 Frequencies available to the Special Emergency Radio Service.

* * * * * *

(e) * * *

Frequency or band	Class of station(s)	Limitations
*	* * * *	*
MHz		
460.525	Base and mobile	1, 8
460.550	do	1, 8
463.000	do	1, 2, 5, 20
463.025	do	1, 2, 5, 20
463.050	do	1, 2, 5, 20
*	* * * *	*
465.525	Mobile only	1, 8, 22
465.550	do	1, 8, 22
468.000	do	1, 2, 5, 20, 22
468.025	do	1, 2, 5, 20, 22
468.050	do	1, 2, 5, 20, 22
468.075	do	1, 2, 19, 20, 22
468.100	do	1, 2, 19, 20, 22
468.125	do	1, 2, 19, 20, 22
468.150	do	1, 2, 19, 20, 22
468.175	do	1, 2, 19, 20, 22
*	* * * *	*

Released: February 26, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–5789 Filed 3–5–75;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

PART 7—PUBLIC AVAILABILITY OF INFORMATION

Correction

In FR Doc. 75–4857 appearing on page 7915 in the issue for Monday, February 24, 1975, the following corrections should be made:

1. On page 7919, the second line of § 7.63(b) now reading "ary 1, 1950 (3 CFR 1949–1953 Comp., p", should read "ary 20, 1960 (3 CFR 1959–1963 Comp., p.".

2. On page 7919, the second line of § 7.63(c) now reading "ary, 1950 (3 CFR 1949–1953 Comp., p.", should read "ary 1, 1950 (3 CFR 1949–1953 Comp., p.".

3. On page 7920, the third line of § 7.81(a) now reading "number of the public for a record under", should read "member of the public for a record under".

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—OFFICE OF PIPELINE SAFETY

[Docket No. OPS–27; Amdt. 192–19]

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

Qualification for Use of Plastic Pipe

By this amendment, Appendices A and B to Part 192 are modified to incorporate by reference the 1970 and 1971 editions of the American Society for Testing Materials (ASTM) Specification D2513, "Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing, and Fittings." Also, two changes to § 192.59 are made. First, the use of special sizes of plastic pipe is permitted where pipe of a diameter included in a listed specification is impractical to use. Secondly, plastic pipe manufactured after March 21, 1975, is qualified for use only if it is manufactured in accordance with the latest listed edition of a listed specification. Listed specifications are those in Section I of Appendix B.

This amendment is based on a notice of proposed rule making (Notice 74–2) issued by the Director, Office of Pipeline Safety (OPS), on April 16, 1974, and published at 39 FR 14218. Interested persons were given an opportunity to comment on the proposed rule changes by submitting written information, views, or arguments by June 3, 1974. The comments received have been fully considered in developing the final rules.

All comments received favored the proposed rule changes with one exception. Notice 74–2 proposed an amendment to § 192.123(c) that would have established a standard dimension ratio (SDR) of 21 as the maximum for qualifying plastic pipe under Part 192. OPS proposed the change in light of adverse experience in the gas industry with pipe manufactured with an SDR of 26. Furthermore, while an SDR of 26 is included in earlier editions of ASTM D2513, in the 1970 and 1971 editions, the highest SDR listed is 21. It appeared to OPS that the change in the 1970 and 1971 editions was made to provide a safer design for plastic pipe. Nevertheless, a majority of commenters opposed the rule change.

Commenters objected to a fixed SDR of 21 primarily because it would restrict usage and development of higher strength plastic materials and would not necessarily provide an adequate factor of safety for the lower strength materials. It was suggested that the existing design formula and limitations in §§ 192.121 and 192.123 ensure sufficient safety without change. Commenters pointed out that the 1970 and 1971 editions actually do not confine the usage of plastic pipe to that with an SDR of 21, or less. A higher SDR is permissible under certain conditions. The reason an SDR larger than 21 was not included in the tables of specifications in the 1970 and 1971 editions is that when these editions were published, the use of plastic pipe with an SDR larger than 21 was uncommon. Commenters objecting to a maximum SDR of 21 also noted that most problems experienced with pipe having an SDR of 26 were probably due more to improper application of material than to wall thickness.

Based on the additional information and arguments submitted by commenters, OPS has determined that rule making action to establish a fixed SDR of 21 is not necessary for safety in the design of plastic pipe. Consequently, the proposal has not been adopted. Research currently being performed for OPS may provide additional information on this subject. If new information indicates that further regulatory action is necessary, a notice of proposed rule making will be issued to give all interested persons a chance to evaluate the basis for that action.

The 1970 and 1971 editions of ASTM D2513 improve the quality control requirements contained in earlier editions. These newer editions are being incorporated by reference in Part 192 to permit the use of plastic pipe manufactured in accordance with those editions. To qualify for use under Part 192, plastic pipe must be manufactured in accordance with a listed edition of a listed specification. Currently, there are two listed editions of ASTM D2513: the 1966T and 1968 editions. Pipe manufactured to later published editions does not qualify for use under Part 192 until those editions are also incorporated by reference. One commenter suggested that OPS incorporate by reference the 1973 edition of ASTM D2513 since it is now the latest published edition. Although the 1973 edition is not a subject of this proceeding, OPS recognizes the problem for industry when revised editions of referenced specifications are published. Nevertheless, each new edition must be reviewed by OPS, and if found to contain acceptable safety criteria, subjected to a public rule making proceeding before it can be included in the list of referenced specifications. OPS has a policy of reviewing new editions in due course as they become available. It is anticipated the 1973 edition will be the subject of a future rule making proceeding.

Incorporation by reference of the 1971 edition of ASTM D2513 also permits operators, for the first time, to use pipe made from the new plastic material "polybutylene." After undergoing extensive testing, this material consistently has been found acceptable in all respects.

Plastic pipe manufactured on or after the effective date of the final rules, March 21, 1975, will only be qualified for use if it is manufactured in accordance with the latest referenced edition of a listed specification. In the case of ASTM D2513, the latest referenced edition is the 1971 edition. There were no objections to this change. The purpose of the rule change is to ensure that, where operators use newly manufactured pipe, the pipe has all the safety improvements provided by the latest referenced edition of a listed specification. In the absence of this amendment, pipe made for use under Part 192 could be manufactured in accordance with any listed edition of a listed specification. For economic or other reasons, such pipe might not contain all recent safety improvements. The final rule, however, contains a "grandfather" clause permitting the continued use of stockpiled pipe manufactured before March 21, 1975, if it is manufactured in accordance with a listed edition of a listed specification.

An amendment to § 192.59 permits operators to use pipe of a diameter between the diameters included in a listed specification so long as (1) the in-between size of pipe meets certain criteria required of pipe with diameters included in the listed specification, and (2) pipe with a diameter included in a listed specification is impractical to use. These special sizes of plastic pipe are often needed by industry for insert renewals of distribution lines and unusual applications where pipe of a nominal diameter is inappropriate.

Report of the Technical Pipeline Safety Standards Committee

Section 4(b) of the Natural Gas Pipeline Safety Act of 1968 requires that all proposed standards and amendments to such standards be submitted to the Committee and that the Committee be afforded a reasonable opportunity to prepare a report on the "technical feasibility, reasonableness, and practicability of each such proposal." This amendment to Part 192 was submitted to the Committee as Item 1 in a list of five proposed amendments. The Committee has made a favorable report which is set forth below. The Committee member who disagreed with the majority of the Committee on Item 1 did not submit a statement of his views.

January 17, 1975.

Memorandum to: The Secretary of Transportation Attention: Joseph C. Caldwell, Director Office of Pipeline Safety.

From: Secretary, Technical Pipeline Safety Standards Committee.

Subject: Proposed Changes to 49 CFR Part 192, Minimum Federal Safety Standards for Transportation of Natural and Other Gases by Pipeline.

The following letter and attachments represent an official report by the Technical Pipeline Safety Standards Committee concerning the Committee's action related to five proposed amendments to 49 CFR Part 192, Minimum Federal Safety Standards for Transportation of Natural and Other Gases by Pipeline.

The Committee reviewed the proposals of the Office of Pipeline Safety at a meeting, held in Washington, D.C., on October 30 and 31, 1974, and through an informal balloting procedure recommended certain modifications, some of which were acceptable to the Office of Pipeline Safety. A formal ballot, reflecting the suggested changes, was prepared and distributed to the Committee members, by the undersigned on December 5, 1974.

Formal ballots have been submitted by all fourteen members of the Committee. The majority of the Committee approved all five items on the ballot as being technically feasible, reasonable, and practicable. Negative votes were cast by one member against Items 1, 2, and 3, by two members against Item 4 and by four members against Item 5. Another member, who had been unable to attend the meeting and participate in the discussions, abstained from voting.

Attachment A sets forth the minority opinions submitted in support of the negative votes on Items 4 and 5.

LOUIS W. MENDONSA.

In view of the improved safety criteria provided by this amendment and the period reasonably necessary for compliance, I have determined that good cause exists for making this amendment effective in less than 30 days after issuance.

In consideration of the foregoing, Part 192 of Title 49 of the Code of Federal Regulations is amended as follows, effective March 21, 1975:

1. In § 192.59, paragraphs (a) (1) and (b) (1) are revised and a new paragraph (c) is added to read as follows:

§ 192.59 Plastic pipe.

(a) New plastic pipe is qualified for use under this part if—

(1) When the pipe is manufactured, it is manufactured in accordance with the latest listed edition of a listed specification, except that before March 21, 1975, it may be manufactured in accordance with any listed edition of a listed specification; and

* * * * *

(b) Used plastic pipe is qualified for use under this part if—

(1) When the pipe was manufactured, it was manufactured in accordance with the latest listed edition of a listed specification, except that pipe manufactured before March 21, 1975, need only have met the requirements of any listed edition of a listed specification;

* * * * *

(c) For the purpose of paragraphs (a) (1) and (b) (1) of this section, where pipe of a diameter included in a listed specification is impractical to use, pipe of a diameter between the sizes included in a listed specification may be used if it—

(1) Meets the strength and design criteria required of pipe included in that listed specification; and

(2) Is manufactured from plastic compounds which meet the criteria for material required of pipe included in that listed specification.

2. In Section II of Appendix A, subsection B.18. is amended by adding "D2513–70" and "D2513–71" within the parenthetical expression.

3. In Section I of Appendix B, the next to the last item, beginning "ASTM D2513," is amended by adding the numbers "1970" and "1971" within the parenthetical expression.

This amendment is issued under the authority of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1672), § 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A to Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

Issued in Washington, D.C., on March 3, 1975.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc.75-5936 Filed 3-5-75;8:45 am]

Title 7—Agriculture

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

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

SUBPART C—U.S. STANDARDS FOR ROUGH RICE

Statement of considerations. The Agricultural Marketing Act of 1946, as amended, provides for the issuance by the Secertary of Agriculture of standards with respect to the quality, condition, quantity, grade, and packaging of agricultural commodities for the voluntary use by producers, merchandisers, processors, and consumers in the marketing of these commodities. Official grading service is provided under the Act upon request of the applicant and payment of a fee to cover the cost of the service.

Pursuant to sections 203 and 205 of the Act, 60 Stat. 1087 and 1090 (7 U.S.C. 1622 and 1624), a notice was published in the FEDERAL REGISTER (39 FR 28896) on August 12, 1974, according to the administrative procedure provisions of section 553 of Title 5, United States Code, concerning a proposed revision of the U.S. Standards for Rough Rice (7 CFR 68.201 *et seq.*).

Approximately 800 reprints of the notice were sent to individuals, firms, and associations interested in the production, marketing and use of rough rice. Interested parties were given until November 1, 1974, to submit data, views, or recommendations concerning the proposed revision.

Two written comments were received in response to the notice. One commentor, representing six rice grower cooperatives and 24 independent rice milling companies, concurred with the proposal.

The other commentor concurred with the changes, except the proposed increased allowance for total seeds and heat-damaged kernels in the numerical grades. The proposed increased allowance was based on a study of the 1973 commercial rice crop and, in general, reflected the level of occurrence of seeds and heat-damaged kernels in the crop. There is no available data that indicates that the level of occurrence was not representative of preceding crops. The Department will monitor future rice crops for these factors. If the monitoring indicates that the level of occurrence of seeds and heat-damaged kernels in the 1973 crop was not representative, changes in the allowance will be considered in accordance with the available data.

After full consideration of all comments, discussions, and other relevant information available to the Department, the proposed revision is hereby adopted.

Accordingly, the U.S. Standards for Rough Rice (7 CFR 68.201, 68.203, 68.205, 68.206, 68.207, 68.208, 68.209, 68.210, 68.211, 68.212 and 68.13) are revised to read as follows:

Subpart C—United States Standards for Rough Rice

TERMS DEFINED

Sec.
68.201 Definition of rough rice.
68.202 Definition of other terms.

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

68.203 Basis of determinations.
68.204 Temporary modifications in equipment and procedures.
68.205 Interpretive line samples.
68.206 Milling requirements.
68.207 Milling yield determination.
68.208 Moisture.
68.209 Percentages.

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

68.210 Grades and grade requirements for the classes of rough rice.
68.211 Grade designation.

SPECIAL GRADES, SPECIAL GRADE REQUIREMENTS, AND SPECIAL GRADE DESIGNATIONS

68.212 Special grades and requirements.
68.213 Special grade.

AUTHORITY: 60 Stat. 1087, 1090 (7 U.S.C. 1622, 1624).

Subpart C—United States Standards for Rough Rice[1]

TERMS DEFINED

§ 68.201 Definition of rough rice.

Rice (*Oryza sativa* L.) which consists of 50.0 percent or more of paddy kernels [see § 68.202(i)] of rice.

§ 68.202 Definition of other terms.

For the purposes of these standards, the following terms shall have the meanings stated below:

(a) *Broken kernels.* Kernels of rice which are less than three-fourths of whole kernels.

(b) *Chalky kernels.* Whole or broken kernels of rice which are one-half or more chalky.

(c) *Classes.* The following four classes:

Long Grain Rough Rice
Medium Grain Rough Rice
Short Grain Rough Rice
Mixed Rough Rice

Classes shall be based on the percentage of whole kernels and types of rice.

(1) "Long grain rough rice" shall consist of rough rice which contains more than 25.0 percent of whole kernels and which, after milling to a well-milled degree, contains not more than 10.0 percent of whole or broken kernels of medium- or short-grain rice.

(2) "Medium grain rough rice" shall consist of rough rice which contains more than 25.0 percent of whole kernels and which, after milling to a well-milled degree, contains not more than 10.0 percent of whole or broken kernels of long- or short-grain rice.

(3) "Short grain rough rice" shall consist of rough rice which contains more than 25.0 percent of whole kernels and which, after milling to a well-milled degree, contains not more than 10.0 percent of whole or broken kernels of long- or medium-grain rice.

(4) "Mixed rough rice" shall consist of rough rice which contains more than 25.0 percent of whole kernels and which, after milling to a well-milled degree, contains more than 10.0 percent of "other types" as defined in paragraph (h) of this section.

(d) *Damaged kernels.* Whole or broken kernels of rice which are distinctly discolored or damaged by water, insects, heat, or any other means, and whole or broken kernels of parboiled rice in nonparboiled rice. "Heat-damaged kernels" (see paragraph (e) of this section) shall not function as damaged kernels.

(e) *Heat-damaged kernels.* Whole or broken kernels of rice which are materially discolored and damaged as a result of heating, and whole or broken kernels of parboiled rice in nonparboiled rice which are as dark as, or darker in color than the interpretive line for heat-damaged kernels.

(f) *Milling yield.* An estimate of the quantity of whole kernels and total milled rice (whole and broken kernels combined) that are produced in the milling of rough rice to a well-milled degree.

(g) *Objectionable seeds.* Seeds other than rice, except seeds of *Echinochloa crusgalli* (commonly known as barnyard grass, watergrass, and Japanese millet)

(h) *Other types.* (1) Whole kernels of: (i) Long-grain rice in medium- or short-grain rice and medium- or short-grain rice in long-grain rice, (ii) medium-grain rice in long- or short-grain rice and long- or short-grain rice in medium-grain rice, (iii) short-grain rice in long- or medium-grain rice and long- or medium-grain rice in short-grain rice, and (2) Broken kernels of long-grain rice in medium- or short-grain rice and broken kernels of medium- or short-grain rice in long-grain rice.

NOTE.—Broken kernels of medium-grain rice in short-grain rice and broken kernels of short-grain rice in medium-grain rice shall not be considered other types.

(i) *Paddy kernels.* Whole or broken unhulled kernels of rice.

(j) *Red rice.* Whole or broken kernels of rice on which there is an appreciable amount of red bran.

(k) *Seeds.* Whole or broken seeds of any plant other than rice.

(l) *Smutty kernels.* Whole or broken kernels of rice which are distinctly infected by smut.

(m) *Types of rice.* The following three types:

Long grain
Medium grain
Short grain

Types shall be based on the length/width ratio of kernels of rice that are unbroken and the width, thickness, and shape of kernels of rice that are broken as set forth in Inspection Handbook HB 918–11.[3]

(n) *Ungelatinized kernels.* Whole or broken kernels of parboiled rice with distinct white or chalky areas due to incomplete gelatinization of the starch.

(o) *Whole and large broken kernels.* Rice (including seeds) that (1) passes over a 6 plate (for southern production), or (2) remains on top of a 6 sieve (for western production).

(p) *Whole kernels.* Unbroken kernels of rice and broken kernels of rice which are at least three-fourths of an unbroken kernel.

(q) *6 sieve.* A metal sieve 0.032-inch thick, perforated with rows of round holes 0.0938 (6/64) inch in diameter.

(r) *6 plate.* A laminated metal plate 0.142-inch thick, with a top lamina 0.051-inch thick, perforated with rows of round holes 0.0938 (6/64) inch in diameter, and a bottom lamina 0.091-inch thick, without perforations.

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

§ 68.203 Basis of determinations.

The determination of seeds, objectionable seeds, heat-damaged kernels, red rice and damaged kernels, chalky kernels, other types, color, and the special grade Parboiled rough rice shall be on the basis of the whole and large broken kernels of milled rice that are produced in the milling of rough rice to a well-milled degree. When determining class, the percentage of (a) whole kernels of rough rice shall be determined on the basis of the original sample, and (b) types of rice shall be determined on the basis of the whole and large broken kernels of milled rice that are produced in the milling of rough rice to a well-milled degree. Smutty kernels shall be determined on the basis of the rough rice after it has been cleaned and shelled as set forth in Inspection Handbook HB 918–11,[3] or by any method that is approved by the Administrator as giving equivalent results.[3] All other determinations shall be on the basis of the original sample. Mechanical sizing of kernels shall be adjusted by handpicking as set forth in Inspection Handbook HB 918–11,[3] or by any method that is approved by the Administrator as giving equivalent results.[3]

§ 68.204 Temporary modifications in equipment and procedures.

The equipment and procedures referred to in the rough rice standards are applicable to rice produced and harvested under normal environmental conditions. Abnormal environmental conditions during the production and harvest of rice may require minor temporary modifications in the equipment or procedures to obtain results expected under normal conditions. When these adjustments are necessary, Grain Division Field Offices, official inspection agencies and interested parties in the rice industry will be notified promptly in writing of the modification. These modifications shall not include changes in interpretations of identity, class, quality, or condition.

§ 68.205 Interpretive line samples.

Interpretive line samples showing the official scoring line for factors that are determined by visual examinations shall be maintained by the Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, and shall be available for reference in all inspection offices that inspect and grade rice.

§ 68.206 Milling requirements.

In determining milling yield (see § 68.202(f)) in rough rice, the degree of milling shall be equal to, or better than, that of the interpretive line sample for "well-milled" rice.

§ 68.207 Milling yield determination.

Milling yield shall be determined by the use of an approved device in accordance with procedures prescribed in Inspection Handbook HB 918–11, and the Equipment Manual.[3] For the purpose of this paragraph, "approved device" shall include the McGill Miller No. 3 and any other equipment that is approved by the Administrator as giving equivalent results.[3]

NOTE.—Milling yield shall not be determined when the moisture content of the rough rice exceeds 18.0 percent.

§ 68.208 Moisture.

Water content in rough rice as determined by an approved device in accordance with procedures prescribed in the Inspection Handbook HB 918–11.[3] For the purpose of this paragraph "approved

[1] Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

[2] The following publications are referenced in these standards. Copies will be made available upon request to the Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 6525 Belcrest Road, Hyattsville, Maryland 20782:

a. Equipment Manual, GR Instruction 916–6, effective September 25, 1968, as amended, U.S. Department of Agriculture, Agricultural Marketing Service.

b. Inspection Handbook HB 918–11, effective June 1, 1974, U.S. Department of Agriculture, Agricultural Marketing Service.

[3] Requests for information concerning approved devices and procedures, criteria for approved devices, and request for approval of devices should be directed to the Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 6525 Belcrest Road, Hyattsville, Maryland 20782.

device" shall include the Motomco Moisture Meter and any other equipment that is approved by the Administrator as giving equivalent results.[3]

§ 68.209 Percentages.

Percentages shall be determined on the basis of weight and shall be rounded off as follows:

(a) When the figure to be rounded is followed by a figure greater than 5, round to the next higher figure; e.g., 0.46, report as 0.5.

(b) When the figure to be rounded is followed by a figure less than 5, round to the next lowest figure; e.g., 0.54, report as 0.5.

(c) When the figure to be rounded is followed by the figure 5, round to the nearest even figure; e.g., 0.45, report as 0.4; 0.55, report as 0.6.

All percentages, except for milling yield, shall be stated in whole and tenth percent to the nearest tenth percent. Milling yield shall be stated to the nearest whole percent.

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

§ 68.210 Grades and grade requirements for the classes of rough rice.

(See also § 68.212.)

Grade	Maximum limits of—						
	Seeds and heat-damaged kernels (number in 500 g)		Red rice and damaged kernels (singly or combined) (percent)	Chalky kernels (percent) [1]			Color requirements [1]
	Total (singly or combined)	Heat-damaged kernels and objectionable seeds (singly or combined)		In long-grain rice	In medium- or short-grain rice	Other types (percent) [2]	
U.S. No. 1	4	3	0.5	1.0	2.0	1.0	Shall be white or creamy.
U.S. No. 2	7	5	1.5	2.0	4.0	2.0	May be slightly gray.
U.S. No. 3	10	8	2.5	4.0	6.0	3.0	May be light gray.
U.S. No. 4	27	22	4.0	6.0	8.0	5.0	May be gray or slightly rosy.
U.S. No. 5	37	32	6.0	10.0	10.0	10.0	May be dark gray or rosy.
U.S. No. 6	75	75	[3] 15.0	15.0	15.0	10.0	Do.
U.S. Sample grade.	U.S. Sample grade shall be rough rice which: (a) does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 6 inclusive; (b) contains more than 14.0 percent of moisture; (c) is musty, or sour, or heating; (d) has any commercially objectionable foreign odor; or (e) is otherwise of distinctly low quality.						

[1] For the special grade Parboiled rough rice see § 68.212(a).
[2] These limits do not apply to the class Mixed Rough Rice.
[3] Rice in grade U.S. No. 6 shall contain not more than 6.0 percent of damaged kernels.

§ 68.211 Grade designation.

(a) The grade designation for all classes of rough rice, except Mixed Rough Rice, shall include in the following order: (1) The letters "U.S."; (2) the number of the grade or the words "Sample grade," as warranted; (3) the class; (4) each applicable special grade (see § 68.213); and (5) a statement of the milling yield.

(b) The grade designation for the class Mixed Rough Rice shall include, in the following order: (1) The letters "U.S."; (2) the number of the grade or the words "Sample grade," as warranted; (3) the class; (4) each applicable special grade (see § 68.213); (5) the percentage of whole kernels of each type in the order of predominance; (6) the percentage of broken kernels of each type in the order of predominance; (7) when applicable, the percentage of seeds; and (8) a statement of the milling yield.

NOTE: Broken kernels other than long grain, in Mixed Rough Rice, shall be certificated as "medium or short grain."

SPECIAL GRADES, SPECIAL GRADE REQUIREMENTS, AND SPECIAL GRADE DESIGNATIONS

§ 68.212 Special grades and requirements.

A special grade, when applicable, is supplemental to the grade assigned under § 68.210. Such special grades are established and determined as follows:

(a) *Parboiled rough rice.* Parboiled rough rice shall be rough rice in which the starch has been gelatinized by soaking, steaming, and drying. Grades U.S. No. 1 to U.S. No. 6 inclusive, shall contain not more than 10.0 percent of ungelatinized kernels. Grades U.S. No. 1 and U.S. No. 2 shall contain not more than 0.1 percent, grades U.S. No. 3 and U.S. No. 4 not more than 0.2 percent, and grades U.S. No. 5 and U.S. No. 6 not more than 0.5 percent of nonparboiled rice. If the rice is: (1) Not distinctly colored by the parboiling process, it shall be considered "Parboiled Light"; (2) distinctly but not materially colored by the parboiling process, it shall be considered "Parboiled"; (3) materially colored by the parboiling process, it shall be considered "Parboiled Dark." The color levels for "Parboiled Light," "Parboiled" and "Parboiled Dark" rice shall be in accordance with the interpretive line samples for parboiled rice.

NOTE: The maximum limits for "Chalky kernels" and the "Color requirements" shown in § 68.210 are not applicable to the special grade "Parboiled rough rice."

(b) *Smutty rough rice.* Smutty rough rice shall be rough rice which contains more than 3.0 percent of smutty kernels.

(c) *Weevily rough rice.* Weevily rough rice shall be rough rice which is infested with live weevils or other live insects injurious to stored rice.

§ 68.213 Special grade designation.

The grade designation for parboiled, smutty, or weevily rough rice shall include, following the class, the word(s) "Parboiled Light," "Parboiled," "Parboiled Dark," "Smutty," or "Weevily," as warranted, and all other information prescribed in § 68.211.

Effective date. The revised United States Standards for Rough Rice shall become effective June 1, 1975.

Certification. For a period of 6 months after July 1, 1975, official inspection personnel shall, upon request of the applicant and in accordance with instructions issued under the Part 68 regulations (7 CFR 68.1 *et seq.*) show on certificates of grade, for rough rice, the grade under both the "new" and the "old" standards.

Done at Washington, D.C. on February 28, 1975.

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

[FR Doc.75-5925 Filed 3-5-75;8:45 am]

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

[Navel Orange Reg. 342]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period March 7–13, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.642 Navel Orange Regulation 342.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel 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 Navel 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 Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges continues to be sluggish. Prices f.o.b. averaged $3.79 per carton on a reported sales volume of 1,542 carlots last week, compared with an average f.o.b. price of $3.75 per carton and sales of 1,110 carlots a week earlier.

Track and rolling supplies at 701 cars were up 74 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) 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 this regulation 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 Navel 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, 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 Navel 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 March 4, 1975.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period March 7, 1975, through March 13, 1975, are hereby fixed as follows:

(i) District 1: 1,190,000 cartons;

(ii) District 2: 210,000 cartons;

(iii) District 3: Unlimited movement."

(2) As used in this section, "handled," "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: March 5, 1975.

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

[FR Doc.75-6106 Filed 3-5-75;12:18 pm]

proposed rules

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

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Parts 4, 5, 7]

[Notice No. 273; Reference Nos. 270, 271 & 272]

LABELING AND ADVERTISING OF WINE, DISTILLED SPIRITS, AND MALT BEVERAGES

Relocation of Public Hearing

The site of the public hearing on ingredient labeling of malt beverages, published on August 1, 1974, (39 FR 27812) has been relocated; the site of the public hearing on ingredient labeling of distilled spirits, published on February 11, 1975, (40 FR 6354) has also been relocated. Both hearings will now be held in the Federal Energy Administration Conference Room, Room 3400, Federal Building, 1200 Pennsylvania Avenue NW., Washington, D.C. The hearing dates are April 15, 1975, for malt beverages, convening at 10 a.m., e.d.t., and April 16, 1975, for distilled spirits convening at 10 a.m., e.d.t.

The public hearing on ingredient labeling of wine, published on February 11, 1975, (40 FR 6349) will still be held in the George S. Boutwell Auditorium, seventh floor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C., on April 29, 1975, at 10 a.m., e.d.t.

Dated: February 27, 1975.

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

[FR Doc.75-5916 Filed 3-5-75;8:45 am]

Internal Revenue Service

[26 CFR Part 1]

FOREIGN SUBSIDIARIES OR DOMESTIC SUBSIDIARIES ENGAGED IN BUSINESS OUTSIDE THE UNITED STATES

Employee Pension Plans

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 pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by April 7, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every comment submitted to it in response to this notice of proposed rulemaking is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by April 7, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a public hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Preamble. This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) in order to conform such regulations to sections 406 and 407 of the Internal Revenue Code of 1954, as added by section 220 of the Revenue Act of 1964 (78 Stat. 58) and amended by section 515(c) (2) and (3) of the Tax Reform Act of 1969 (83 Stat. 645, 646). Section 406 of the Code relates to qualified pension, etc. plans of domestic corporations which cover certain United States citizens who are employees of foreign subsidiaries of such corporations. Section 407 of the Code relates to qualified pension, etc. plans of domestic corporations which cover certain employees of domestic subsidiaries of such corporations engaged in business outside the United States.

For purposes of applying the rules relating to the income tax consequences of a qualified pension, profit-sharing, stock bonus, annuity, or bond purchase plan, if the requirements of section 406 and the regulations thereunder are satisfied, a citizen of the United States who is an employee of a foreign subsidiary of a domestic corporation may be treated as if he were an employee of the domestic corporation. For purposes of applying such rules, if the requirements of section 407 and the regulations thereunder are satisfied, a citizen of the United States who is an employee of a domestic subsidiary of a domestic parent corporation may be treated as if he were an employee of the domestic parent corporation.

Sections 1.406–1(c) and 1.407–1(c) of the proposed regulations provide special rules for applying the qualification standards contained in section 401(a) to a plan which provides coverage for United States citizens who are treated as employees of a domestic corporation under section 406 or of a domestic parent corporation under section 407. Proposed §§ 1.406–1(d) and 1.407–1(d) provide rules under which, in certain situations, termination of the status of an individual as an employee of the domestic corporation or the domestic parent corporation will not be considered as separation from service for purposes of sections 402(a)(2) and 403(a)(2) (relating to capital gains treatment for certain distributions which are made after an employee's separation from service) and section 72(n) (relating to limitation of tax).

The proposed regulations do not reflect the conforming amendments made to sections 406 and 407 by the Employee Retirement Income Security Act of 1974. Those changes will be reflected in regulations to be proposed later.

These proposed amendments, in general, are effective for taxable years ending after December 31, 1963.

Proposed amendments to the regulations. In order to prescribe regulations under sections 406 and 407 of the Internal Revenue Code of 1954, the Income Tax Regulations (26 CFR Part 1) are amended by adding the following new sections immediately after § 1.405–3:

§ 1.406 Statutory provisions; certain employees of foreign subsidiaries.

SEC. 406. *Certain employees of foreign subsidiaries*—(a) *Treatment as employees of domestic corporation.* For purposes of applying this part with respect to a pension, profitsharing, or stock bonus plan described in section 401(a), an annuity plan described in section 403(a), or a bond purchase plan described in section 405(a), of a domestic corporation, an individual who is a citizen of the United States and who is an employee of a foreign subsidiary (as defined in section 3121(l)(8)) of such domestic corporation shall be treated as an employee of such domestic corporation, if—

(1) Such domestic corporation has entered into an agreement under section 3121(l) which applies to the foreign subsidiary of which such individual is an employee;

(2) The plan of such domestic corporation expressly provides for contributions or benefits for individuals who are citizens of the United States and who are employees of its foreign subsidiaries to which an agreement entered into by such domestic corporation under section 3121(l) applies; and

(3) Contributions under a funded plan of deferred compensation (whether or not a

plan described in section 401(a), 403(a), or 405(a)) are not provided by any other person with respect to the remuneration paid to such individual by the foreign subsidiary.

(b) *Special rules for application of section 401(a)—(1) Nondiscrimination requirements.* For purposes of applying paragraphs (3)(B) and (4) of section 401(a) with respect to an individual who is treated as an employee of a domestic corporation under subsection (a)—

(A) If such individual is an officer, shareholder, or person whose priacipal duties consist in supervising the work of other employees of a foreign subsidiary of such domestic corporation, he shall be treated as having such capacity with respect to such domestic corporation; and

(B) The determination of whether such individual is a highly compensated employee shall be made by treating such individual's total compensation (determined with the application of paragraph (2) of this subsection) as compensation paid by such domestic corporation and by determining such individual's status with regard to such domestic corporation.

(2) *Determination of compensation.* For purposes of applying paragraph (5) of section 401(a) with respect to an individual who is treated as an employee of a domestic corporation under subsection (a)—

(A) The total compensation of such individual shall be the remuneration paid to such individual by the foreign subsidiary which would constitute his total compensation if his services had been performed for such domestic corporation, and the basic or regular rate of compensation of such individual shall be determined under regulations prescribed by the Secretary or his delegate; and

(B) Such individual shall be treated as having paid the amount paid by such domestic corporation which is equivalent to the tax imposed by section 3101.

(c) *Termination of status as deemed employee not to be treated as separation from service for purposes of capital gain provisions and limitation of tax.* For purposes of applying section 72 (n), section 402 (a)(2), and section 403(a)(2) with respect to an individual who is treated as an employee of a domestic corporation under subsection (a), such individual shall not be considered as separated from the service of such domestic corporation solely by reason of the fact that—

(1) The agreement entered into by such domestic corporation under section 3121(l) which covers the employment of such individual is terminated under the provisions of such section,

(2) Such individual becomes an employee of a foreign subsidiary with respect to which such agreement does not apply,

(3) Such individual ceases to be an employee of the foreign subsidiary by reason of which he is treated as an employee of such domestic corporation, if he becomes an employee of another corporation controlled by such domestic corporation, or

(4) The provision of the plan described in subsection (a)(2) is terminated.

(d) *Deductibility of contributions.* For purposes of applying sections 404 and 405 (c) with respect to contributions made to or under a pension, profit-sharing, stock bonus, annuity, or bond purchase plan by a domestic corporation, or by another corporation which is entitled to deduct its contributions under section 404(a)(3)(B), on behalf of an individual who is treated as an employee of such domestic corporation under subsection (a)—

(1) Except as provided in paragraph (2), no deduction shall be allowed to such domestic corporation or to any other corporation which is entitled to deduct its contributions under such sections,

(2) There shall be allowed as a deduction to the foreign subsidiary of which such individual is an employee an amount equal to the amount which (but for paragraph (1)) would be deductible under section 404 (or section 405 (c)) by the domestic corporation if he were an employee of the domestic corporation, and

(3) Any reference to compensation shall be considered to be a reference to the total compensation of such individual (determined with the application of subsection (b)(2)).

Any amount deductible by a foreign subsidiary under this subsection shall be deductible for its taxable year with or within which the taxable year of such domestic corporation ends.

(e) *Treatment as employee under related provisions.* An individual who is treated as an employee of a domestic corporation under subsection (a) shall also be treated as an employee of such domestic corporation, with respect to the plan described in subsection (a)(2), for purposes of applying the following provisions of this title:

(1) Section 72(d) (relating to employees' annuities).

(2) Section 72(f) (relating to special rules for computing employees' contributions).

(3) Section 101(b) (relating to employees' death benefits).

(4) Section 2039 (relating to annuities).

(5) Section 2517 (relating to certain annuities under qualified plans).

[Sec. 406 as added by sec. 220, Rev. Act 1964 (78 Stat. 58); as amended by sec. 515(c)(2), Tax Reform Act 1969 (83 Stat. 645)]

§ 1.406–1 Treatment of certain employees of foreign subsidiaries as employees of the domestic corporation.

(a) *Scope—(1) General rule.* For purposes of applying the rules in part 1 of subchapter D of chapter 1 of subtitle A of the Code and the regulations thereunder with respect to a pension, profit-sharing, or stock bonus plan described in section 401(a), an annuity plan described in section 403(a), or a bond purchase plan described in section 405(a), of a domestic corporation, an individual who is a citizen of the United States and who is an employee of a foreign subsidiary (as defined in section 3121(l)(8) and the regulations thereunder) of such domestic corporation shall be treated as an employee of such domestic corporation if the requirements of paragraph (b) of this section are satisfied.

(2) *Cross references.* For rules relating to nondiscrimination requirements and the determination of compensation, see paragraph (c) of this section. For rules under which termination of the status of an individual as an employee of the domestic corporation in certain instances will not be considered as separation from service for certain purposes, see paragraph (d) of this section. For rules regarding deductibility of contributions, see paragraph (e) of this section. For rules regarding treatment of such individual as an employee of the domestic corporation under related provisions, see paragraph (f) of this section.

(b) *Application of this section—(1) Requirements.* This section shall apply and the employee of the foreign subsidiary shall be treated as an employee of domestic corporation for the purposes set forth in paragraph (a)(1) of this section only if each of the following requirements is satisfied:

(i) The domestic corporation must have entered into an agreement under section 3121(l) to provide social security coverage which applies to the foreign subsidiary of which such individual is an employee and which has not been terminated under section 3121(l)(3) or (4).

(ii) The plan, referred to in paragraph (a)(1) of this section, must expressly provide for contributions or benefits for individuals who are citizens of the United States and who are employees of one or more of its foreign subsidiaries to which an agreement entered into by such domestic corporation under section 3121(l) applies. The plan must apply to all of the foreign subsidiaries to which such agreement applies.

(iii) Contributions under a funded plan of deferred compensation (whether or not a plan described in section 401(a), 403(a), or 405(a)) must not be provided by any other person with respect to the remuneration paid to such individual by the foreign subsidiary.

(2) *Supplementary rules.* Subparagraph (1)(ii) of this paragraph does not modify the requirements for qualification of a plan described in section 401(a), 403(a), or 405(a) and the regulations thereunder. It is not necessary that the plan provide benefits or contributions for all United States citizens who are employees of such foreign subsidiaries. If the plan is amended to cover individuals who are employees by reason of paragraph (a)(1) of this section, the plan will not qualify unless it meets the coverage requirements of section 401(a)(3) and the nondiscrimination requirements of section 401(a)(4). In addition, the administrative rules contained in § 1.401–3(e) (relating to the determination of the contributions or benefits provided by the employer under the Social Security Act) will also apply for purposes of determining whether the plan meets the requirements of section 401. For purposes of subparagraph (1)(iii) of this paragraph, contributions will not be considered as provided under a funded plan merely because the foreign subsidiary is required under the laws of the foreign jurisdiction to pay social insurance taxes or to make similar payments with respect to the wages paid to the employee.

(c) *Special rules—(1) Nondiscrimination requirements.* For purposes of applying paragraphs (3)(B) and (4) of section 401(a) and the regulations thereunder (relating to coverage of employees and nondiscrimination concerning benefits and contributions) with respect to an employee of the foreign subsidiary who is treated as an employee of the domestic corporation under paragraph (a)(1) of this section—

(i) If the employee is an officer, shareholder, or person whose principal duties consist in supervising the work of other employees of the foreign subsidiary of the domestic corporation, he shall be

treated as having such capacity with respect to the domestic corporation; and

(ii) The determination as to whether the employee is a highly compensated employee shall be made by comparing his total compensation (determined under subparagraph (2) of this paragraph) with the compensation of all the employees of the domestic corporation (including individuals treated as employees of the domestic corporation pursuant to section 406 and this section).

(2) *Determination of compensation.* For purposes of applying section 401(a)(5) and the regulations thereunder, relating to classifications that will not be considered discriminatory, with respect to an employee of the foreign subsidiary who is treated as an employee of the domestic corporation under paragraph (a)(1) of this section—

(i) The sum of the total compensation of the employee shall be the remuneration of the employee from the foreign subsidiary which would constitute his total compensation if his services had been performed for the domestic corporation;

(ii) The basic or regular rate of compensation of the employee shall be determined for the employee in the same manner as it is determined under section 401 for other employees of the domestic corporation; and

(iii) The amount paid by the domestic corporation which is equivalent to the tax imposed with respect to the employee by section 3101 (relating to the tax on employees under the Federal Insurance Contributions Act) shall be treated as having been paid by the employee and shall be included in his compensation.

(d) *Termination of status as deemed employee not to be treated as separation from service for purposes of capital gain provisions and limitation of tax.* For purposes of applying section 72(n) (with respect to taxable years ending after December 31, 1969), section 402(a)(2), and section 403(a)(2) (relating to capital gains treatment for certain distributions which are made after an employee's separation from service) with respect to an employee of a foreign subsidiary who is treated as an employee of a domestic corporation under paragraph (a)(1) of this section, the employee shall not be considered as separated from the service of the domestic corporation solely by reason of the occurrence of any one or more of the following events:

(1) The termination, under the provisions of section 3121(l), of the agreement entered into by the domestic corporation under that section which covers the employment of the employee;

(2) The employee's becoming an employee of another foreign subsidiary of the domestic corporation with respect to which such agreement does not apply,

(3) The employee's ceasing to be an employee of the foreign subsidiary by reason of which employment he was treated as an employee of such domestic corporation, if he becomes an employee of another corporation controlled by such domestic corporation; or

(4) The termination of the provision of the plan described in paragraph (b)(1)(ii) of this section, for coverage of United States citizens who are employees of foreign subsidiaries covered by an agreement under section 3121(l).

For purposes of subparagraph (3) of this paragraph, a corporation is considered to be controlled by a domestic corporation if such domestic corporation owns directly or indirectly more than 50 percent of the voting stock of the corporation.

(e) *Deductibility of contributions*—(1) *In general.* For purposes of applying sections 404 and 405(c) with respect to the deduction for contributions made to or under a pension, profit-sharing, or stock bonus plan described in section 401(a), an annuity plan described in section 403(a), or a bond purchase plan described in section 405(a), by a domestic corporation, or by another corporation which is entitled to deduct its contributions under section 404(a)(3)(B), on behalf of an employee of a foreign subsidiary treated as an employee of the domestic corporation under paragraph (a)(1) of this section—

(i) Except as provided in subdivision (ii) of this subparagraph, no deduction shall be allowed to such domestic corporation or to any other corporation which would otherwise be entitled to deduct its contributions on behalf of such employee under one of such sections;

(ii) There shall be allowed as a deduction from the gross income of the foreign subsidiary which is effectively connected with the conduct of a trade or business within the United States (within the meaning of section 882 and the regulations thereunder) an amount which is allocable and apportionable to such gross income under the rules of § 1.861-8 and which in no event may exceed the amount which (but for subdivision (i) of this subparagraph) would be deductible under section 404 or section 405(c) by the domestic corporation if the individual were an employee of the domestic corporation and if his compensation were paid by the domestic corporation; and

(iii) Any reference to compensation shall be considered to be a reference to the total compensation of such individual (determined by applying paragraph (c)(2) of this section).

(2) *Year of deduction.* Any amount deductible by the foreign subsidiary under section 406(d) and this paragraph shall be deductible for its taxable year with or within which ends the taxable year of the domestic corporation in which the contribution was made.

(3) *Special rules.* Whether contributions to a plan on behalf of an employee of the foreign subsidiary who is treated as an employee of the domestic corporation under paragraph (a)(1) of this section, or whether forfeitures with regard to such employee, will require an inclusion in the income of the domestic corporation or an adjustment in the basis of its stock in the foreign subsidiary, shall be determined in accordance with the rules of general application of subtitle A of chapter 1 of the Code (relating to income taxes). For example, an unreimbursed contribution by the domestic corporation to a plan which meets the requirements of section 401(a) will be treated, to the extent each employee's rights to the contribution are nonforfeitable, as a contribution of capital to the foreign subsidiary to the extent that such contributions are made on behalf of the employees of such subsidiary.

(f) *Treatment as an employee of the domestic corporation under related provisions.* An individual who is treated as an employee of a domestic corporation under paragraph (a)(1) of this section shall also be treated as an employee of such domestic corporation, with respect to the plan having the provision described in paragraph (b)(1)(ii) of this section, for purposes of applying section 72(d) (relating to employees' annuities), section 72(f) (relating to special rules for computing employees' contributions), section 101(b) (relating to employees' death benefits), section 2039 (relating to annuities), and section 2517 (relating to certain annuities under qualified plans) and the regulations thereunder.

(g) *Nonexempt trust.* If the plan of the domestic corporation is a qualified plan described under section 401(a), the fact that a trust which forms a part of such plan is not exempt from tax under section 501(a) shall not affect the treatment of an employee of a foreign subsidiary as an employee of a domestic corporation under section 406(a) and paragraph (a)(1) of this section.

§ 1.407 Statutory provisions; certain employees of domestic subsidiaries engaged in business outside the United States.

SEC. 407. *Certain employees of domestic subsidiaries engaged in business outside the United States*—(a) *Treatment as employees of domestic parent corporation*—(1) *In general.* For purposes of applying this part with respect to a pension, profit-sharing, or stock bonus plan described in section 401(a), an annuity plan described in section 403(a), or a bond purchase plan described in section 405(a), of a domestic parent corporation, an individual who is a citizen of the United States and who is an employee of a domestic subsidiary (within the meaning of paragraph (2)) of such domestic parent corporation shall be treated as an employee of such domestic parent corporation, if—

(A) The plan of such domestic parent corporation expresaly provides for contributions or benefits for individuals who are citizens of the United States and who are employees of its domestic subsidiaries; and

(B) Contributions under a funded plan of deferred compensation (whether or not a plan described in section 401(a) 403(a), or 405(a)) are not provided by any other person with respect to the remuneration paid to such individual by the domestic subsidiary.

(2) *Definitions.* For purposes of this section—

(A) *Domestic subsidiary.* A corporation shall be treated as a domestic subsidiary for any taxable year only if—

(i) Such corporation is a domestic corporation 80 percent or more of the outstanding voting stock of which is owned by another domestic corporation;

(ii) 95 percent or more of its gross income for the three-year period immediately preceding the close of its taxable year which ends on or before the close of the taxable year of such other domestic corporation (or for such part of such period during which the corporation was in existence) was derived from sources without the United States; and

(iii) 90 percent or more of its gross income for such period (or such part) was derived from the active conduct of a trade or business.

If for the period (or part thereof) referred to in clauses (ii) and (iii) such corporation has no gross income, the provisions of clauses (ii) and (iii) shall be treated as satisfied if it is reasonable to anticipate that, with respect to the first taxable year thereafter for which such corporation has gross income, the provisions of such clauses will be satisfied.

(B) *Domestic parent corporation.* The domestic parent corporation of any domestic subsidiary is the domestic corporation which owns 80 percent or more of the outstanding voting stock of such domestic subsidiary.

(b) *Special rules for application of section 401(a)—(1) Nondiscrimination requirements.* For purposes of applying paragraphs (3)(B) and (4) of section 401(a) with respect to an individual who is treated as an employee of a domestic parent corporation under subsection (a)—

(A) If such individual is an officer, shareholder, or person whose principal duties consist in supervising the work of other employees of a domestic subsidiary, he shall be treated as having such capacity with respect to such domestic parent corporation; and

(B) The determination of whether such individual is a highly compensated employee shall be made by treating such individual's total compensation (determined with the application of paragraph (2) of this subsection) as compensation paid by such domestic parent corporation and by determining such individual's status with regard to such domestic parent corporation.

(2) *Determination of compensation.* For purposes of applying paragraph (5) of section 401(a) with respect to an individual who is treated as an employee of a domestic parent corporation under subsection (a), the total compensation of such individual shall be the remuneration paid to such individual by the domestic subsidiary which would constitute his total compensation if his services had been performed for such domestic parent corporation, and the basic or regular rate of compensation of such individual shall be determined under regulations prescribed by the Secretary or his delegate.

(c) *Termination of status as deemed employee not to be treated as separation from service for purposes of capital gain provisions and limitation of tax.* For purposes of applying section 72(n), section 402(a)(2), and section 403(a)(2) with respect to an individual who is treated as an employee of a domestic parent corporation under subsection (a), such individual shall not be considered as separated from the service of such domestic parent corporation solely by reason of the fact that—

(1) The corporation of which such individual is an employee ceases, for any taxable year, to be a domestic subsidiary within the meaning of subsection (a)(2)(A),

(2) Such individual ceases to be an employee of a domestic subsidiary of such domestic parent corporation, if he becomes an employee of another corporation controlled by such domestic parent corporation, or

(3) The provision of the plan described in subsection (a)(1)(A) is terminated.

(d) *Deductibility of contributions.* For purposes of applying sections 404 and 405(c) with respect to contributions made to or under a pension, profit-sharing, stock bonus, annuity, or bond purchase plan by a domestic parent corporation, or by another corporation which is entitled to deduct its contributions under section 404(a)(3)(B), on behalf of an individual who is treated as an employee of such domestic corporation under subsection (a)—

(1) Except as provided in paragraph (2), no deduction shall be allowed to such domestic parent corporation or to any other corporation which is entitled to deduct its contributions under such sections,

(2) There shall be allowed as a deduction to the domestic subsidiary of which such individual is an employee an amount equal to the amount which (but for paragraph (1)) would be deductible under section 404 (or section 405(c)) by the domestic parent corporation if he were an employee of the domestic parent corporation, and

(3) Any reference to compensation shall be considered to be a reference to the total compensation of such individual (determined with the application of subsection (b)(2)).

Any amount deductible by a domestic subsidiary under this subsection shall be deductible for its taxable year with or within which the taxable year of such domestic parent corporation ends.

(e) *Treatment as employee under related provisions.* An individual who is treated as an employee of a domestic parent corporation under subsection (a) shall also be treated as an employee of such domestic parent corporation, with respect to the plan described in subsection (a)(1)(A), for purposes of applying the following provisions of this title:

(1) Section 72(d) (relating to employees' annuities).

(2) Section 72(f) (relating to special rules for computing employees' contributions).

(3) Section 101(b) (relating to employees' death benefits).

(4) Section 2039 (relating to annuities).

(5) Section 2517 (relating to certain annuities under qualified plans).

[Sec. 407 as added by sec. 220, Rev. Act 1964 (78 Stat. 60); as amended by sec. 515 (c)(3), Tax Reform Act 1969 (83 Stat. 646)]

§ 1.407–1 Treatment of certain employees of domestic subsidiaries engaged in business outside the United States as employees of the domestic parent corporation.

(a) *Scope—(1) General rule.* For purposes of applying the rules in part 1 of subchapter D of chapter 1 of subtitle A of the Code and the regulations thereunder with respect to a pension, profit-sharing, or stock bonus plan described in section 401(a), an annuity plan described in section 403(a), or a bond purchase plan described in section 405(a), of a domestic parent corporation (as defined in paragraph (b)(3)(ii) of this section), an individual who is a citizen of the United States and who is an employee of a domestic subsidiary (as defined in paragraph (b)(3)(i) of this section) of such domestic parent corporation shall be treated as an employee of such domestic parent corporation if the requirements of paragraph (b) of this section are satisfied.

(2) *Cross-references.* For rules relating to nondiscrimination requirements and the determination of compensation, see paragraph (c) of this section. For rules under which termination of the status of an individual as an employee of the domestic parent corporation in certain instances will not be considered as separation from service for certain purposes, see paragraph (d) of this section. For rules regarding deductibility of contributions, see paragraph (e) of this section. For rules regarding treatment of such individual as an employee of the domestic parent corporation under related provisions, see paragraph (f) of this section.

(b) *Application of this section—(1) Requirements.* This section shall apply and the employee of the domestic subsidiary shall be treated as an employee of the domestic parent corporation for the purposes set forth in paragraph (a)(1) of this section only if each of the following requirements is satisfied:

(i) The plan, referred to in paragraph (a)(1) of this section, must expressly provide for contributions or benefits for individuals who are citizens of the United States and who are employees of one or more of the domestic subsidiaries of the domestic parent corporation. The plan must apply to every domestic subsidiary.

(ii) Contributions under a funded plan of deferred compensation (whether or not a plan described in section 401(a), 403(a), or 405(a)) must not be provided by any other person with respect to the remuneration paid to such individual by the domestic subsidiary.

(2) *Supplementary rules.* Subparagraph (1)(i) of this paragraph does not modify the requirements for qualification of a plan described in section 401(a), 403(a), or 405(a) and the regulations thereunder. It is not necessary that the plan provide benefits or contributions for all United States citizens who are employees of such domestic subsidiaries. If the plan is amended to cover individuals who are employees by reason of paragraph (a)(1) of this section, the plan will not qualify unless it meets the coverage requirements of section 401(a)(3) and the nondiscrimination requirements of section 401(a)(4). In addition, the administrative rules contained in § 1.401–3(e) (relating to the determination of the contributions or benefits provided by the employer under the Social Security Act) will also apply for purposes of determining whether the plan meets the requirements of section 401. For purposes of subparagraph (1)(ii) of this paragraph, contributions will not be considered as provided under a funded plan merely because the domestic subsidiary employer pays the tax imposed by section 3111 (relating to tax on employers under the Federal Insurance Contributions Act) with respect to such employee or is required under the laws of a foreign jurisdiction to pay social insurance taxes or to make similar payments with respect to the wages paid to the employee.

(3) *Definitions—(i) Domestic subsidiary.* For purposes of this section, a corporation shall be treated as a domestic subsidiary for any taxable year only if

each of the following requirements is satisfied:

(A) It is a domestic corporation 80 percent or more of the outstanding voting stock of which is owned by another domestic corporation;

(B) 95 percent of more of its gross income for the three-year period immediately preceding the close of its taxable year which ends on or before the close of the taxable year of such other domestic corporation (or for such part of such period during which it was in existence) was derived from sources without the United States, determined pursuant to sections 861 through 864 and the regulations thereunder; and

(C) 90 percent or more of its gross income for such period (or such part) was derived from the active conduct of a trade or business.

If for the period (or part thereof) referred to in (B) and (C) of this subdivision such corporation has no gross income, the provisions of (B) and (C) shall be treated as satisfied if it is reasonable to anticipate that, with respect to the first taxable year thereafter for which such corporation has gross income, such provisions will be satisfied.

(ii) *Domestic parent corporation.* The domestic parent corporation of any domestic subsidiary is the domestic corporation which owns 80 percent or more of the outstanding voting stock of such domestic subsidiary.

(c) *Special rules*—(1) *Nondiscrimination requirements.* For purposes of applying paragraphs (3) (B) and (4) of section 401(a) and the regulations thereunder (relating to coverage of employees and nondiscrimination concerning benefits and contributions) with respect to an employee of the domestic subsidiary who is treated as an employee of the domestic parent corporation under paragraph (a) (1) of this section—

(i) If the employee is an officer, shareholder, or person whose principal duties consist in supervising the work of other employees of the domestic subsidiary of the domestic parent corporation, he shall be treated as having such capacity with respect to the domestic parent corporation; and

(ii) The determination as to whether the employee is a highly compensated employee shall be made by comparing his total compensation (determined under subparagraph (2) of this paragraph with the compensation of all the employees of the domestic parent corporation (including individuals treated as employees of the domestic parent corporation pursuant to section 407 and this section).

(2) *Determination of compensation.* For purposes of applying section 401(a) (5) and the regulations thereunder, relating to classifications that will not be considered discriminatory, with respect to an employee of the domestic subsidiary who is treated as an employee of the domestic parent corporation under paragraph (a) (1) of this section—

(i) The sum of the total compensation of the employee shall be the remuneration of the employee from the domestic subsidiary which would constitute his total compensation if his services had been performed for such domestic parent corporation; and

(ii) The basic or regular rate of compensation of the employee shall be determined for the employee in the same manner as it is determined under section 401 for other employees of the domestic parent corporation.

(d) *Termination of status as deemed employee not to be treated as separation from service for purposes of capital gain provisions and limitation of tax.* For purposes of applying section 72 (n) (with respect to taxable years ending after December 31, 1969), section 402(a)(2), and section 403(a)(2) (relating to capital gains treatment for certain distributions which are made after an employee's separation from service) with respect to an employee of a domestic subsidiary who is treated as an employee of a domestic parent corporation under paragraph (a) (1) of this section, the employee shall not be considered as separated from the service of the domestic parent corporation solely by reason of the occurrence of any one or more of the following events:

(1) The fact that the corporation of which such individual is an employee ceases, for any taxable year, to be a domestic subsidiary within the meaning of paragraph (b)(3)(i) of this section;

(2) The employee's ceasing to be an employee of the domestic subsidiary of such domestic parent corporation, if he becomes an employee of another corporation controlled by such domestic parent corporation; or

(3) The termination of the provision of the plan described in paragraph (b) (1)(i) of this section, requiring coverage of United States citizens who are employees of domestic subsidiaries of the domestic parent corporation.

For purposes of subparagraph (2) of this paragraph, a corporation is considered to be controlled by a domestic parent corporation if the domestic parent corporation owns directly or indirectly more than 50 percent of the voting stock of the corporation.

(e) *Deductibility of contributions*—(1) *In general.* For purposes of applying sections 404 and 405(c) with respect to the deduction for contributions made to or under a pension, profit-sharing, or stock bonus plan described in section 401(a), an annuity plan described in section 403 (a), or a bond purchase plan described in section 405(a), by a domestic parent corporation, or by another corporation which is entitled to deduct its contributions under section 404(a)(3)(B), on behalf of an employee of a domestic subsidiary treated as an employee of the domestic parent corporation under paragraph (a)(1) of this section—

(i) Except as provided in subdivision (ii) of this subparagraph, no deduction shall be allowed to the domestic parent corporation which would otherwise be entitled to deduct its contributions on behalf of such employee under one of such sections;

(ii) There shall be allowed as a deduction to the domestic subsidiary of which such individual is an employee an amount equal to the amount which (but for subdivision (i) of this subparagraph) would be deductible under section 404 or section 405(c) by the domestic parent corporation if the individual were an employee of the domestic parent corporation and if his compensation were paid by the domestic corporation; and

(iii) Any reference to compensation shall be considered to be a reference to the total compensation of such individual (determined by applying paragraph (c) (2) of this section).

(2) *Year of deduction.* Any amount deductible by the domestic subsidiary under section 407(d) and this paragraph shall be deductible for its taxable year with or within which ends the taxable year of the domestic parent corporation in which the contribution was made.

(3) *Special rules.* Whether contributions to a plan on behalf of an employee of the domestic subsidiary who is treated as an employee of the domestic parent corporation under paragraph (a) (1) of this section, or whether forfeitures with regard to such employee, will require an inclusion in the income of the domestic parent corporation or an adjustment in the basis of its stock in the domestic subsidiary, shall be determined in accordance with the rules of general application of subtitle A of chapter 1 of the Code (relating to income taxes). For an example, an unreimbursed contribution by the domestic parent corporation to a plan which meets the requirements of section 401(a) will be treated, to the extent each employee's rights to the contribution are nonforfeitable, as a contribution of capital to the domestic subsidiary to the extent that such contributions are made on behalf of the employees of such subsidiary.

(f) *Treatment as an employee of the domestic parent corporation under related provisions.* An individual who is treated as an employee of a domestic parent corporation under paragraph (a) (1) of this section shall also be treated as an employee of such domestic corporation, with respect to the plan having the provision described in paragraph (b) (1)(i) of this section, for purposes of applying section 72(d) (relating to special rules for computing employees' contributions), section 72(f) (relating to special rules for computing employees' contributions), section 101(b) (relating to employees' death benefits), section 2039 (relating to annuities), and section 2517 (relating to certain annuities under qualified plans) and the regulations thereunder.

(g) *Nonexempt trust.* If the plan of the domestic parent corporation is a qualified plan described under section 401(a), the fact that a trust which forms a part of such plan is not exempt from tax under section 501(a) shall not affect the treatment of an employee of a domestic subsidiary as an employee of a domestic parent corporation under section 407(a) and paragraph (a)(1) of this section.

[FR Doc.75-5977 Filed 3-5-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Parts 211, 216]

COAL MINING OPERATING REGULATIONS

Extension of Comment Time

On January 30, 1975, the Department of the Interior published as proposed rulemaking at 40 FR 4428 a revised 30 CFR Part 211—Coal Mining Operating Regulations and a repeal of 30 CFR Part 216—Operating Regulations Governing the Mining of Coal in Alaska. In the notice it was stated that written comments, suggestions, or objections with respect to proposed rulemaking could be submitted on or before March 3, 1975. The period for submitting comments, suggestions, or objections is hereby extended so that they may be submitted on or before March 18, 1975.

Dated: March 3, 1975.

C. KING MALLORY,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-5953 Filed 3-5-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

[7 CFR Part 271]

[Amdt. No. 56]

FOOD STAMP PROGRAM

Submission of State Plans to Governors

Pursuant to the authority contained in the Food Stamp Act of 1964 (78 Stat. 703, as amended; 7 USC 2011-2026), notice is hereby given that the Food and Nutrition Service, Department of Agriculture intends to amend Part 271 of its regulations governing the operation of the Food Stamp Program, 7 CFR 271. The amendment is for the purpose of implementing Part III of OMB Circular A-95 regarding the submission of State plans and amendments to the State Governor for review and comment on their relationship to other State plans and programs.

Interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to P. Royal Shipp, Director, Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received not later than April 7, 1975. All comments, suggestions or objections received by this date will be considered before the final regulations are issued. Comments, suggestions, or objections will be open to public inspection pursuant to 7 CFR 1.27(b) at the Office of the Director during regular business hours (8:30 am to 5 pm) at 500 12th Street SW., Washington, D.C., Room 650. The proposed amendment is as follows:

Section 271.8 of Part 271 of Chapter II, Title 7 of the Code of Federal Regulations is amended by adding a new paragraph (f). The new paragraph of § 271.8 reads as follows:

§ 271.8 Plans of operation.

* * * * *

(f) Each State agency shall submit its Plan of Operation and amendments to the State Governor, or his delegated authority, for comment on its relationship to other State plans and programs. The Governor, or his delegated authority, shall be allowed a period of 45 days, prior to submission to FNS, to make such comments, attach them to the plan or amendment and submit them to FNS.

(Catalog of Federal Domestic Assistance Programs No. 10.551, National Archives Reference Service)

(78 Stat. 703, as amended; 7 USC 2011-2026)

JOHN M. DAMGARD,
Deputy Assistant Secretary.

FEBRUARY 28, 1975.

[FR Doc.75-5969 Filed 3-5-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[23 CFR Part 658]

[Docket No. 75-4; Notice 1]

MAXIMUM NATIONAL SPEED LIMIT

Maximum Vehicle Weight and Size

This notice proposes to amend Part 658 of title 23, Code of Federal Regulations, to implement those provisions of the Federal-Aid Highway Amendments of 1974, Pub. L. 93-643, relating to the establishment of a 55 mph national maximum speed limit, to the enforcement of the speed limit on all public highways, and to the enforcement of the weight and size limitations on the Federal-aid highways.

The national 55 mph speed limit was originally established on January 2, 1974, by Section 2 of the Emergency Highway Energy Conservation Act, Pub. L. 93-239, 87 Stat. 1046. That Act directed the Secretary of Transportation to withhold approval of any Federal-aid highway construction project under section 106 of title 23 of the United States Code in any State that had a speed limit higher than 55 mph. The Federal Highway Administration subsequently issued Part 658 to implement the Act by establishing a process for the States to certify their compliance. All States subsequently established the 55 mph limit, either by legislation or administrative order.

Experience under the new speed limit during 1974 showed a significant drop in speed on those roads that had previously had higher limits. The lower speeds produced a savings in fuel, as expected. In addition, they contributed to a considerable savings in lives. At the end of 1974, the number of highway deaths had fallen to 46,000, a reduction of 9,000 from the year before. These factors led Congress to convert the national speed limit from a temporary measure, which would have expired on or before June 30, 1975, into a permanent one. The new Act therefore amended title 23, United States Code, by adding a new section 154, National Maximum Speed Limit, which makes State compliance with the 55 mph limit a continuing prerequisite to the Secretary's approval of Federal-aid road projects under 23 U.S.C. 106.

Because the permanent speed limit rests on new statutory authority, the first purpose of this proposed regulation is to reestablish the process whereby the States certify that they have established the 55 mph limit. In most respects, this process would be unchanged from the former version of Part 658. To reflect one variation between the temporary and permanent laws, the States could elect to fix their speed limits lower than 55 mph on roads that had formerly had higher limits. In most cases, the States could satisfy this aspect of the regulation by submitting certification information similar to the information they submitted in early 1974.

In addition to section 154, the new Act added a new section 141, *Enforcement of requirements*, to title 23, United States Code. The new section provides that the States shall certify to the Secretary that they are enforcing the 55 mph speed limit established by section 154 and that they are enforcing the weights and sizes requirements on the Federal-aid highway systems, including the Interstate System in accordance with section 127 of title 23, United States Code. The section further provides that the Secretary shall not approve highway projects under 23 U.S.C. 106 in any State which has failed to certify that it is enforcing the speed limit and weight and size requirements. The regulation proposed by this notice would therefore establish a process for the States' certification of enforcement of sections 154 and 127.

With respect to enforcement of the national maximum speed limit, the proposed regulation would direct the States to submit two categories of enforcement-related information in support of their certification that they are enforcing the 55 mph speed limit. The first category of information concerns enforcement agency authority and activity. Several items of information are proposed: the highway mileage subject to the 55 mph limit in each State, the percentage patrolled by State and by local personnel, the enforcement policy statements issued, and the monthly number of citations and warnings issued by State and local law enforcement agencies.

The second category of information relating to enforcement concerns the actual observance of the speed limit by motorists. A system of speed monitoring has been used by most States in recent years for purposes of highway planning. In late 1973, the Federal Highway Administration requested the States to conduct special speed studies, apart from their usual planning activity, to monitor the effectiveness of the 55 mph limit. The information submitted by the 23 States which responded to the request enabled the Department to compile a

rough nation-wide profile of the observance of the speed limit. The Department considers knowledge of actual speeds to be essential to enforcement planning, and therefore proposes a requirement that the States submit a basic amount of information relating to speed limit observance.

The specific items requested concerning speed observance are aimed at determining vehicle speeds under conditions where the speed limit is the principal constraint on speed. Thus, the observations should be made on level stretches of straight roadway in dry weather during a period of three to four hours in which the traffic volume is light enough to permit speeds higher than 55 mph. The proposed regulation does not specify the number of observations to be made, or the exact roads to be observed. However, the observations should be frequent enough to measure trends in speeds and should be conducted on roads representative of the mix of roads in the State. The Department of Transportation will conduct its own program to monitor vehicle speeds in support of the State programs.

Although the proposed regulation would require the State certifications to contain the foregoing information relating to enforcement, it would not specify an acceptable level of enforcement or a minimum level of speed limit observance. The partial data submitted thus far to the Federal Highway Administration appears to suggest that under conditions of free-flowing traffic approximately 53 percent of the motorists are traveling at 55 mph or less. This represents a significant decline over the speeds recorded a year earlier, and testifies to the willingness of the American public to respond to a national need. Enforcement will have to be at high levels and have a high degree of public visibility if speeds are to be further reduced, but 1974 has shown that a speed reduction program can be effective. A reasonable goal would be to increase the level of observance during free-flowing conditions to 70 percent in 1975, 80 percent in 1976, and 90 percent in 1977 and subsequent years. If these goals can be reached, the nation will realize a significant savings in both energy and lives.

The Federal-Aid Highway Amendments of 1974 included an amendment to section 127 of title 23, United States Code, to permit a modest increase in the weights of vehicles using the Federal-aid Interstate System. This increase was designed to partially offset the economic effects of lower speeds on the trucking industry. To ensure that the States keep careful watch on the vehicles using their roads, the 1974 Amendments require the States to certify that they are enforcing the limits on weights and sizes.

The Federal Highway Administration had previously instituted a system of obtaining weight and size enforcement information from the States. The regulation proposed by this notice would convert the earlier system into the certification process of section 141. The information proposed to be submitted consists of the following items: (1) the laws and regulations of the State relating to weights and sizes, (2) the names of enforcement agencies, (3) the number of fixed scales in use, (4) the number of portable scales, (5) the hours of scale operation, (6) the number of enforcement personnel, (7) the number of citations, assessments or arrests during the year preceding the certification, and (8) the number of overweight permits issued.

The inclusion of comprehensive data relating to weights and sizes in Part 658 would supplant the earlier regulation on weights and sizes at 23 CFR 1.29. That section would therefore be deleted.

Section 141 specifies that the State certification of enforcement is to be made prior to January 1 of each year. Thus, although the regulation issued by this notice is effective immediately, it cannot require the States to submit enforcement data before January 1, 1976. A State may elect to submit data at any time before January 1.

With respect to State certification of legal compliance with 23 U.S.C. 127 only, the States would still be asked to certify considerably in advance of January 1 of each year, because Federal-aid Interstate Funds for the succeeding fiscal year, under 23 U.S.C. 104(b), must be apportioned on or before that date.

A State that failed to submit its certification in accordance with the proposed regulation by January 1, 1976, would not receive approval for its projects under 23 U.S.C. 106 until such time as a conforming certification is accepted by the Secretary. The FHWA Division offices are available for assistance on speed monitoring techniques and other matters related to this regulation. Responsibility for carrying out the provisions of 23 U.S.C. 141 and 154 will be shared by FHWA and NHTSA, and the office of the Secretary where appropriate.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: National Highway Traffic Safety Administration, Docket Section, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. Relevant material will continue to be filed as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: April 21, 1975.

(Secs. 106, 107, 114, Pub. L. 93-643, 80 Stat. 2281; 23 U.S.C. 127, 141, 154; 23 U.S.C. 315)

Issued on March 4, 1975.

JOHN W. BARNUM,
Acting Secretary.

It is proposed to revise 23 CFR Part 658 to read as follows:

PART 658—NATIONAL MAXIMUM SPEED LIMIT; MAXIMUM VEHICLE WEIGHTS AND SIZES

§ 658.1 Scope and purpose.

(a) *Scope.* This Part implements the 55 mph maximum national speed limit requirement of 23 U.S.C. 154, sec. 114, Pub. L. 93-643, and the provisions of 23 U.S.C. 141, sec. 107, Pub. L. 93-643, relating to certification by the States of their enforcement of the speed limit requirements of 23 U.S.C. 154 and the maximum weight and size requirements of 23 U.S.C. 127.

(b) *Purpose.* The purpose of this Part is to conserve fuel and increase safety through enforcement of the 55 mph maximum national speed limit and to preserve highway pavement and structures and increase safety through enforcement of maximum vehicle weight and size.

§ 658.3 Definitions.

As used in this Part:

(a) "Act" means the Federal-Aid Highway Amendments of 1974, Pub. Law 93-643, 80 Stat. 2281.

(b) "Highway" means all streets, roads, or parkways under the jurisdiction of a State, including its political subdivisions, and open for use by the general public, and includes toll facilities.

(c) "Motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.

(d) "State" means any one of the fifty States, the District of Columbia, and Puerto Rico.

§ 658.5 Adoption of maximum national speed limit.

In order to obtain approval of Federal-aid projects under 23 U.S.C. 106, each State shall adopt or maintain maximum speed limits as follows:

(a) The maximum speed limit on any highway in the State shall be 55 mph or less, except that emergency and police motor vehicles may be authorized to operate at higher speeds when necessary to protect health or safety.

(b) Except as provided in paragraphs (c) and (d) of this section, the speed limit on any portion of a highway shall be uniformly applicable to all types of motor vehicles using such portion of highway, if on November 1, 1973, such portion of highway had a speed limit which was uniformly applicable to all types of vehicles using it.

(c) Notwithstanding the provisions of paragraph (b) of this section, a State

may establish a lower speed limit for a motor vehicle operating under a special permit because of any weight or dimension of such vehicle, including any load thereon.

(d) Notwithstanding the provisions of paragraph (b) of this section, a State may specify nonuniform speed limits on any portion of a highway when the condition of the highway, weather, an accident, or other condition creates a temporary hazard to the safety of traffic on such portion of a highway.

§ 658.6 Statement of compliance.

Each Governor shall submit to the Federal Highway Administrator, not later than 30 days after issuance of this Part, a statement that the State has complied with section 154 of title 23.

(a) *Contents of statement.* The statement shall include:

(1) A copy of each law, regulation, or administrative order adopted by the State legislature, the Governor, or other State or local official or agency to implement the Act, including all laws, regulations, and orders which specify sanctions for violation of the 55 mph speed limit;

(2) An opinion of the State's legal counsel that the action taken is lawful in cases where the action is not based on a specific, cited provision of State statute (such as the State's assent law) or the State's constitution; and

(3) A statement that speed limit signs have been changed when necessary to reflect modifications in speed limits required by the Act.

(b) *Effect of stated action.* Administrative action lawfully taken by a Governor or other appropriate State official in compliance with the Act and as specified in the State's statement shall be deemed to place the State in compliance with the Act.

§ 658.7 Certification of speed limit enforcement.

In order to obtain approval of Federal-aid projects under 23 U.S.C. 106, the Governor of each State shall certify to the Federal Highway Administration before January 1 of each year that the State is enforcing the national maximum speed limit of 55 miles per hour. The certification shall consist of the following elements:

(a) A statement signed by the Governor certifying that the State is enforcing the national maximum speed limit.

(b) Copies of any laws, regulations, or administrative orders relating to enforcement of the 55 mph speed limit, which were adopted after the date of the statement required by section 658.6, and which have not been included in earlier certifications under this section.

(c) Information relating to enforcement, as follows:

(1) The approximate number of miles of highways having posted or allowable speeds of 55 miles per hour.

(2) The approximate portion of the mileage listed in paragraph (c)(1) of this section on which the State has patrol responsibility, and the portion on which local law enforcement agencies have patrol responsibility, counting portions concurrently patrolled as both State and local.

(3) The administrative orders or instructions regarding enforcement agency policy on enforcement of the 55 mile per hour limit.

(4) The number of citations and warnings issued by State and by local agencies for violation of the 55 mile per hour speed limit during each month of the year preceding the date of certification.

(d) Information relating to observance of the speed limit by motorists, as follows:

(1) A description of the State program for monitoring speeds, including the number of stations for each type of highway, the basis for determining the number and location of stations, the frequency and duration of operations, and the total sample size and basis for sample selection.

(2) The data obtained from the monitoring program, classified according to highway type (Interstate rural, Interstate urban, other multi-lane divided rural and urban, major nondivided rural, etc.), indicating the average speed, the median speed, the 85th percentile speed, and the percent of motorists exceeding 55, 60, and 65 miles per hour.

§ 658.9 Certification of weight and size enforcement.

In order to obtain approval of Federal-aid projects under 23 U.S.C. 106, each State shall certify to the Federal Highway Administrator that the State is enforcing its laws on all Federal-aid highways and on the Federal-Aid Interstate System in accordance with 23 U.S.C. 127. The certification shall consist of the following elements:

(a) A statement, to be submitted before September 30 of each year by the Governor of the State, that the size and weight laws and regulations in the State conform to 23 U.S.C. 127 and that size and weight limits are being enforced.

(b) A statement, to be submitted before January 1 of each year by the Governor of the State, that all size and weight limits are being enforced, which statement shall include the following information relating to enforcement:

(1) A copy of any law or regulation pertaining to vehicles sizes and weights adopted since the State's last certification;

(2) The name of the agencies enforcing State size and weight limits;

(3) The number of fixed scales in place along the Federal-Aid highway system or in other positions to weigh vehicles which will use the Federal-aid highway;

(4) The number of portable scales controlled by the State which can be used along the Federal-aid highway system;

(5) The days and hours of operation of all such scales;

(6) The number of enforcement personnel used in actual measurement of sizes and weights;

(7) The number of citations, assessments, or arrests made by such personnel for size or weight violations; and

(8) The number of overweight permits issued.

§ 658.11 Federal reimbursement for sign modifications.

(a) *Availability of funds.* Federal-aid highway funds apportioned to a State under 23 U.S.C. 104 are available to pay 100 percent of the eligible cost of modifying the signing on Federal-aid highway systems to carry out the intent of the Act.

(b) *Eligible costs.* Any costs incurred by a State after November 1, 1973 for modifying speed limit signs are eligible for participation even though the project was not programmed before the work was done. Eligible costs will normally be limited to the costs of changing the numerals on speed limit signs to reflect a new speed limit.

§ 658.13 Procedures for obtaining reimbursement for sign modification costs.

To simplify and expedite payment of the cost of modifying signs to carry out the Act, the following procedures for obtaining Federal-aid highway funds are authorized:

(a) States should submit a single statewide project for each Federal-aid system. The Federal Highway Administration has found that it is in the public interest to permit sign modification work to carry out the Act to be performed by force account.

(b) A complete PS&E submission is not required. Each State must prepare and submit a cost estimate to permit the development of a project agreement.

(c) The Federal Highway Administration will accept simplified cost records. The development and use of an average cost-per-sign figure will be acceptable for cost reimbursement purposes.

§ 658.15 Effect of failure to certify.

After January 1, 1976, a State that has not submitted certifications determined by the Secretary or his designee to conform with sections 658.6, 658.7, and 658.9 of this Part shall not receive approval of its plans, specifications and estimates and shall not receive authorization to advertise for bids for construction, until such time as it has submitted such conforming certifications.

[FR Doc.75-6017 Filed 3-4-75;2:43 pm]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 70-27; Notice 12]

HYDRAULIC BRAKE SYSTEMS

Proposed Delay

This notice responds to 13 petitions for rulemaking on the subject of postponement or revocation of Standard No. 105-75, *Hydraulic brake systems*, 49 CFR 571.105-75, by proposing a 4-month delay of the standard as it applies to passenger cars and indefinite delay as it applies to other hydraulic-braked vehicles. In view of this substantial proposed delay of the standard, the NHTSA anticipates

the proposal of interim braking standards in the near future for multipurpose passenger vehicles (MPV's), trucks, and buses, to become effective September 1, 1976. To the degree that this proposal and the upcoming interim requirements are not responsive to the outstanding petitions for rulemaking on Standard No. 105–75, those petitions are denied.

Standard No. 105–75 establishes new hydraulic brake system requirements for passenger cars, MPV's, trucks, and buses. In response to petitions for reconsideration of the standard, the NHTSA modified the lightly-loaded stopping distance requirements for some short-wheelbase trucks when it became evident that they would have more difficulty than anticipated in meeting the "no lockup" performance requirements (39 FR 25943, July 15, 1974). Manufacturers responded to these changes with requests for technical modifications that are treated in an amendment separate from this proposal which will be issued shortly.

More recently, the NHTSA has received new petitions that ask for substantial delay or revocation of the standard. In addition, a petition to implement the standard on schedule has been received from Bendix Corporation, a major supplier of brake components. In the interest of furthering the prompt resolution of the petitions, the NHTSA held a public meeting on February 11, 1975, to solicit the views of interested parties on the requests for delay or revocation. Several more petitions and arguments were submitted at that time, including the comments of the Council on Wage and Price Stability. These petitions and comments are on file in the public docket.

Those who favor significant delay or revocation base their position, for the most part, on the national economic burden of expenditures for new brake systems and the lack of hard evidence of the standard's safety benefits. They argue that the increased retail vehicle costs attributable to the standard will depress sales and employment and, accordingly, that the present economic situation necessitates reconsideration of whether the safety benefits of the standard justify its imposition at this time. The petitions also cite the stringency of certain requirements of the standard which the NHTSA addresses in the separate amendment of the standard noted above.

The NHTSA agrees, in implementing governmental policy to avoid inflationary regulations, that the current economic situation justifies reevaluation of major new standards. The NHTSA has already undertaken such an evaluation of Standard No. 121, *Air brake systems* (39 FR 43639, December 17, 1974). In part because of the employment and financial commitments already made in that case, the NHTSA concluded that the standard should be implemented (40 FR 1248, January 7, 1975).

In commenting on Standards Nos. 121 and 105–75, the Council on Wage and Price Stability (the Council), recommended an indefinite delay of the standards pending a detailed, formal evaluation of their economic impact. One of the essential elements of an evaluation of economic impact is the comparison of costs and benefits. In evaluating safety regulations, however, cost-benefit analysis is severely limited by the difficulty in quantifying "safety benefit." One problem noted by the Council is assigning monetary value to lives saved and injuries prevented as a measure of the standard. Another major problem in establishing the safety benefits of a brake standard is to establish how many deaths, injuries, or property damage claims are avoided by its implementation. Accident statistics are not complete and causation factors are generally a matter of personal judgment at the accident scene.

These problems are not new, and ongoing NHTSA research efforts are directed at improving statistics, determinations of causation, and projections of safety standard efficacy. At the same time, the NHTSA is charged by the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391, et seq.) with issuance of safety standards, based on consideration of relevant data, and whether the rule is reasonable, practicable, and appropriate for the particular class of vehicle. The failure to issue or implement safety standards until cost-benefit analysis is perfected would be inconsistent with the mandate of the Act.

It should be noted that the Act does not specify that decisions concerning safety standards be made on the basis of a monetary cost-benefit ratio. At the time the Act was being drafted, the Automobile Manufacturers Association (now MVMA) sought a statutory requirement that the standards be met by devices or technology available "at costs commensurate with the benefit to be achieved." (Hearings before the Committee on Interstate and Foreign Commerce, U.S. House of Representatives, 89th Cong., 2d Sess., on H.R. 13228, "Part 2, Traffic Safety," p. 1203.) As noted by the U.S. Court of Appeals for the Sixth Circuit in *Chrysler* v. *DOT*, 472 F. 2d 659, with regard to these proposed amendments, "None of these specific restraints sought by the Automobile Manufacturers Association was adopted, and we must decline to write into the Act the very same suggestions which Congress declined to write into the Act." 472 F. 2d 659, footnote 16 at 672.

The NHTSA concludes that, as in the past, its responsibility is to accumulate quantifiable cost and benefit data to the degree possible, and make a determination, based on criteria in the Act, whether or not a safety standard should go forward. In this case, the NHTSA makes separate determinations in the case of passenger cars and in the case of other vehicles, because the costs associated with vehicle types vary greatly.

Passenger Cars

Manufacturer estimates of the retail cost of upgrading passenger car braking performance to Standard 105–75 levels vary from $15 to $40 per vehicle. (Those estimates include brake systems indicator components and brake assembly modifications not required in vehicles manufactured before September 1, 1976, in accordance with the separate amendment noted earlier.) Thus the costs to the consumer of the standard are small, particularly in view of the total cost of today's passenger car.

While the specific criteria and procedures for evaluation of rulemaking under Executive Order 11821 are still under development, the NHTSA has evaluated the impact of the standard for passenger cars. It is evident that the small expense in passenger cars results in improved brake components, and as such the costs are not inflationary, to the extent that "inflation" refers to an increase in price with no value added. From the standpoint of overall economic activity, the effects of implementation of Standard 105–75 in passenger cars are not clear, but it does not appear that they will be significant. Although manufacturers argued that any cost increase may hurt sales, no data have been presented illustrating that an increase in cost averaging only 15 dollars (GM estimate) in response to an upgraded braking system requirement would have any significant effect. Furthermore, since the cost increases represent "value added" in labor and materials, they should themselves create a positive increment of economic activity, at both the manufacturer and the supplier levels.

The benefits attributable to Standard No. 105–75 are not so easily quantifiable, but the NHTSA considers that they are real and substantial enough to justify implementation of the standard. As the NHTSA stated in earlier rulemaking on the standard (Notice 8, Docket 70–27, 38 FR 13077, May 18, 1973), braking system performance has consistently rated high on the safety critical list. The dominance of the role of braking systems in accident avoidance maneuvers has long been recognized and undisputed. The importance of braking in motor vehicle safety is evidenced by the fact that of all vehicle defects which cause or contribute to accidents, brake failures lead the list. In the consumer information data on braking stopping distances provided by the automobile manufacturers, the better performing vehicles are reported to stop from 60 mi/h in slightly more than one half the distance of the poorer performing vehicles. Large stopping distance differentials among vehicles operating in a common traffic stream are recognized as creating serious hazards to the motorist.

Data have shown that in many accidents a more effective service brake system would have lessened the severity of the collision or possibly averted it. Existing vehicles in many instances do have good braking capabilities but require excessive control forces to utilize these capabilities. Many drivers are not able to exert these forces and hence do not utilize existing systems to the fullest. With reduced stopping distances within the specified pedal forces required by Standard No. 105–75, it is the opinion of NHTSA that deaths, injuries, and property damage will be reduced.

Since the requirements also specify that the stopping distances shall be achieved with the vehicle under control, stopping without locked wheels in a 12-ft-wide roadway lane, motorists will be afforded a greater opportunity to operate their brakes effectively in accident avoidance maneuvers.

These judgments remain valid today. The NHTSA would like to indicate its disagreement with the assertions of General Motors and others at the public meeting that the NHTSA's University of Indiana study demonstrates that no more than a fraction of 1 percent of accidents could be attributed to brake design. The conclusions cited from that study relate to the accident causative effects of mechanical defects and failures of the vehicle brake systems. Such defects and failures indeed are largely attributable to inadequate brake maintenance and other user abuse, rather than brake design. The primary influence of brake design on the accident avoidance/mitigation potential of a vehicle is through aspects of braking performance, regulated by Standard No. 105–75, whose effects were not addressed in the Indiana study.

In view of the extremely low cost for passenger-car compliance with the standard, and the NHTSA's determination that significant safety benefit will derive from better stopping performance, stability, and pedal force levels, the NHTSA denies the petitions for substantial delay or revocation of Standard No. 105–75 as it applies to passenger cars.

One of the petitions in question (Midland-Ross) raises a technical issue that bears on the question of brake system cost. Midland-Ross asserts that the standard's requirements for maximum allowable control forces in wet recovery stops are excessively stringent. The NHTSA does not accept this view. However, prototype 105–75 vehicle test data submitted by a vehicle manufacturer on a confidential basis indicate that production variables in some elements of the brake system are greater than previously anticipated and, accordingly, that available vacuum booster capacity may be inadequate to assure 100 percent compliance with the standard's fifth water recovery test requirement. To permit the additional development which may be required to assure compliance in such cases without undue cost, the NHTSA proposes the amendment of S5.1.5.2 to permit (until September 1, 1976) a pedal force increase of 60 pounds up to a total of 110 pounds, and solicits the view of interested persons on the justification for this proposal.

The late date of this decision does make necesary a short delay of effectiveness to permit manufacturers to effectuate the changes allowed by the earlier noted minor revisions of the standard. The NHTSA estimates that 4 months of additional leadtime will permit orderly transition to the revised requirements, and accordingly proposes that the effective date of Standard No. 105–75 be January 1, 1976.

Multipurpose Passenger Vehicles, Trucks, and Buses

The manufacturer estimates of costs to meet Standard No. 105–75 in vehicles other than passenger cars are substantially greater. Toyota estimates a $150 expense for its light vehicles other than passenger cars. Estimates range from $650 to $775 for medium-duty trucks. The NHTSA agrees that costs for these vehicles are significantly greater than for passenger cars.

The brake system of vehicles other than passenger cars are not regulated at this time, and some of these vehicles have substantially poorer braking performance than passenger cars. The inherent differences in vehicle type (e.g., large difference in loaded and unloaded weight) account in part for the disparity, but it is clear that a safety problem exists. The generally longer stopping distances and the greater severity of truck accidents alone justify a safety standard for these vehicles.

The NHTSA is not certain, however, that the increase in braking performance represented by Standard No. 105–75 for trucks will produce sufficient safety benefit to justify the substantial costs required to meet it. The variety and complexity of truck braking problems represented in the wide offering of vehicle configurations make their solution far more difficult and expensive than for passenger cars. The NHTSA concludes that these problems justify reconsideration of the standard's performance levels for trucks. For this reason the NHTSA proposes an indefinite postponement of the rule as it applies to trucks. Standard No. 105–75 as it exists would not be imposed without further rulemaking and opportunity to comment.

As noted, brake performance in these vehicles does not match passenger car braking, and the NHTSA believes some interim level of braking performance is achievable at a reasonable cost. The NHTSA therefore announces its intention to issue proposed interim standards for non-passenger vehicles in the near future. The contemplated performance levels exist in many of today's better-designed vehicles and should exist in all vehicles. The partial failure performance found in split-system vehicles is one example.

The interim standards would not be proposed for those oversize and construction vehicles which are proposed for exemption from Standard No. 121, *Air brake systems*. The same complexities and restricted highway use would justify their exclusion from the hydraulic brake standard.

The NHTSA recognizes that, with the delay of Standard No. 105–75, no braking standard would exist for school buses. The NHTSA therefore intends shortly to propose braking standards applicable to school buses independently of other buses under the authority of the Congressional mandate in the "Motor Vehicle and Schoolbus Safety Amendments of 1974" (15 U.S.C. 1392).

The NHTSA, in its last public meeting, expressed its willingness to hold another public meeting for presentation of views on the proposal. The invitation was intended particularly for those who indicated that they felt unable to fully prepare a statement of their position in the short leadtime provided. Therefore the NHTSA hereby announces that it will hold a second public meeting to receive oral and written views on this proposal.

Interested persons are invited to attend the meeting. Persons who desire to make a formal presentation should contact Mr. Vernon Bloom, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (telephone 202–426–2153), no later than March 26, 1975, so that limitations (if necessary) and the need for any special equipment, such as projectors, can be discussed and final arrangements can be made. A general outline of the planned presentation should also be submitted at this time. Persons whose presentations include slides, motion pictures, or other visual aids should plan to submit copies of them for the record at the meeting.

An agenda will be available at the meeting. A transcript of the meeting will be made, and will be available for examination in the Docket Section, Room 5108, 400 Seventh Street, SW., Washington, D.C., approximately 5 days after the meeting.

The meeting will be held in Conference Room 2230, Nassif Building, 400 Seventh Street, SW., Washington, D.C. The meeting will be in session from 9 a.m. to 5 p.m. on April 1, 1975.

In consideration of the foregoing, it is proposed that 49 CFR 571.105–75 *Standard No. 105–75, Hydraulic brake systems*, be amended as follows:

1. The effective date of Standard No. 105–75 would be delayed from September 1, 1975, to January 1, 1976.

2. S3 would be amended to read:

S3. *Application.* This standard applies to passenger cars equipped with hydraulic service brake systems.

3. S5.1.5.2(a)(2) would be amended by the addition of a new sentence at the end of the text to read:

However, the maximum control force for the fifth stop in the case of a vehicle manufactured before September 1, 1976, shall be not more than plus 60 pounds of the average control force for the baseline check (but in no case more than 110 pounds).

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before

and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: April 4, 1975.

Proposed effective date: September 1, 1975.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51 and 49 CFR 501. 8.)

Issued on March 4, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc. 75-6019 Filed 3-4-75;1:08 pm]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20312]

FM BROADCAST STATIONS, ARIZ.

Table of Assignments, Extension of Time

In the matter of amendment of §73.202 (b) of the Commission's rules, Table of Assignments, FM Broadcast Stations. (Chandler, Phoenix, Sedona, Arizona), Docket No. 20312, RM-2230, RM-2231, RM-2315, RM-2315.

1. On December 19, 1975, the Commission adopted a notice of proposed rule making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on January 9, 1975, 40 FR 1714. The time for filing comments has expired and the date for filing reply comments is presently March 3, 1975.

2. On February 24, 1975, Chandler Communications Company (CCC), requested that the time for filing reply comments be extended for ten days. CCC states that it is utilizing the services of a commercial firm to obtain copies of the comments filed relative to the proceeding and some delay is being encountered in this procedure because of the two-way mailing and order processing times involved.

3. We are of the view that the public interest would be served by extending the time in this proceeding. *Accordingly, it is ordered,* That the date for filing reply comments is extended to and including March 14, 1975.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: February 19, 1975.

Released: February 28, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-5930 Filed 3-5-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business Special Trades Contractor (Construction)

On February 14, 1974, the Small Business Administration amended the Small Business Size Standards Regulation by lowering the effective size standard for the purpose of bidding on Government procurements for various kinds of special trade construction from annual receipts not exceeding $7.5 million to annual receipts not exceeding $1 million or $2 million, depending on the industry involved in a particular procurement.

Several concerns and/or representatives thereof (in particular in the roofing industry; the sheet metal and air conditioning industry; and the painting, paperhanging and decorating industry) have taken the position that the standards should not have been lowered and more particularly that certain concerns, until the effective date of the lowering of the standard, had been primarily engaged in performing small business set-aside contracts and now, because almost all special trade work is set aside for small business, such concerns are in dire circumstances because they have lost their principal customer, to wit, the United States Government.

We have carefully considered the circumstances and have concluded that such concerns should be given some time to adjust their business operations. Accordingly, we propose to adopt a "grandfather" clause under which, for a period of 1 year from the effective date of the new clause, any concern which, during the 12 months prior to the date on which the standards were lowered, was primarily engaged in performing small business set-aside contracts shall be considered a small business for the purpose of procurements subject to the applicable special trade construction size standard if its average annual receipts for its preceding 3 fiscal years did not exceed $7.5 million. For the purpose of such rule, it is proposed to consider a concern as primarily engaged in performing small business set-aside contracts if 50 percent or more of its annual receipts (including receipts of its affiliates) were attributable to such contracts.

Specifically, it is proposed to revise § 121.3-8(a)(1) of Part 121, Chapter I of Title 13 of the Code of Federal Regulations to read as follows:

§ 121.3-8 Definition of small business for Government procurements.

* * * * *

(a) * * *

(1) Small if its average receipts for its preceding 3 fiscal years do not exceed $7.5 million: *Provided, however,* That if the requirements of the contracts are classified in an industry set forth in Schedule H of the part, it is small if it does not exceed the size standard established therein for that industry. (Notwithstanding the above proviso, for a period of 1 year from the effective date of this amendment, any concern which from March 18, 1973, to March 18, 1974, was primarily engaged in performing small business set-aside contracts is small for the purpose of any contract covered by the proviso if its average annual receipts for its preceding 3 fiscal years did not exceed $7.5 million. For the purpose of this rule, a concern was primarily engaged in performing small business set-aside contracts if 50 percent or more of its receipts (including receipts of its affiliates were attributable to such contracts.)

Interested parties may file with the Small Business Administration on or before March 21, 1975, written statements of facts, opinions, or arguments concerning the proposal.

All correspondence shall be addressed to:

William L. Pellington
Director, Size Standards Division
Small Business Administration
1441 L Street NW.
Washington, D.C. 20416

(Catalog of Federal Domestic Assistance Program No. 59.009, Procurement Assistance to Small Business)

THOMAS S. KLEPPE,
Administrator.

Dated: March 3, 1975.

[FR Doc.75-6002 Filed 3-5-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice 442]

CULTURALLY SIGNIFICANT OBJECTS OF ART

Soviet Collections

Notice is hereby given of the following determination:

Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985), Executive Order 11312 of October 14, 1966 (31 FR 13415, October 18, 1966) and delegation of authority number 113 of December 23, 1966 (32 FR 58, January 5, 1967), I hereby determine that (1) the objects described in the list filed as a part of this determination[1] imported from the Union of Soviet Socialist Republics pursuant to a loan agreement between the Ministry of Culture of the USSR and Mr. Thomas Hoving on behalf of the Metropolitan Museum of Art and the Los Angeles County Museum of Art for temporary exhibition without profit within the United States are of cultural significance and that (2) the temporary exhibition or display of such objects at the Metropolitan Museum of Art in New York City and the Los Angeles County Museum of Art in Los Angeles, California, on or about March 20, 1975 to on or about September 30, 1975, is in the national interests.

Public notice of this determination is ordered to be published in the FEDERAL REGISTER.

Dated: March 3, 1975.

JOHN RICHARDSON, Jr.
Assistant Secretary for Educational and Cultural Affairs.

[FR Doc.75-5943 Filed 3-5-75;8:45 am]

[Public Notice CM-5/23]

SHIPPING COORDINATING COMMITTEE SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Notice of Meeting

The working group on Standards of Training and Watchkeeping of the Subcommittee on Safety of Life at Sea will hold an open meeting at 10 a.m. on Wednesday, March 26, 1975. The meeting will be held in Room 8438 of the Department of Transportation, 400 7th Street, SW., Washington, D.C.

The purpose of the meeting is to discuss the agenda for the 6th Session of the Intergovernmental Maritime Consultative Organization (IMCO) Subcommittee on Standards of Training and Watchkeeping which will be held June 9–13, 1975 in London. Included in the agenda for the 6th session will be qualifications of officers and crews of ships carrying liquefied gases in bulk, scope and level of knowledge of masters and deck officers of ships of 200 gross registered tons and over, qualifications of ratings forming part of an engine room watch, and engineers section of the "Document for Guidance". The meeting will also discuss the report of the Fifth Session of the Standards of Training and Watchkeeping Subcommittee.

Requests for further information on the meeting should be directed to Captain J. V. Caffrey of the U.S. Coast Guard. He may be reached by telephone on (area code 202) 426–1500.

SAMUEL V. SMITH,
Acting Executive Secretary, Shipping Coordinating Committee.

FEBRUARY 27, 1975.

[FR Doc.75-5909 Filed 3-5-75;8:45 am]

[Public Notice CM-R5/1]

STATUS OF ADVISORY COMMITTEES

A determination was made by the Department of State pursuant to section 14 of the Federal Advisory Committee Act that it was in the public interest to continue certain advisory committees. Subsequently the Office of Management and Budget advised that it approves the reestablishment of these committees in accordance with section 6 of OMB Circular A–63. These extant committees are described below:

ADVISORY COMMITTEE ON "FOREIGN RELATIONS OF THE UNITED STATES"

The Advisory Committee on "Foreign Relations of the United States" was established in 1956 to advise the Department in solving professional problems connected with the preparation of the "Foreign Relations" series. The Printing and Binding Act of 1893 (44 U.S.C. 250) authorizes the printing of these volumes.

The Committee gives advice to the Bureau of Public Affairs (particularly the Historical Office) regarding the solution of professional problems connected with the preparation of the "Foreign Relations" series and other responsibilities of the Historical Office. It also serves as liaison between the Department and the learned societies represented on the Committee and that part of the academic community interested in foreign affairs.

The Committee consists of seven members, and the Director of the Historical Office who serves *ex officio* as Executive Secretary. To insure balanced membership on the Committee three members are appointed on the basis of nominations submitted by the American Historical Association, two on the basis of nominations submitted by the American Political Science Association, and two on the basis of nominations submitted by the American Society of International Law. To provide continuity to the Committee and its work membership tenure is maintained in staggered terms.

The Committee reports to the Assistant Secretary of State for Public Affairs or to his/her designee.

ADVISORY COMMITTEE OF THE FOREIGN SERVICE INSTITUTE

The Advisory Committee of the Foreign Service Institute was established in 1972 as a result of the Department of State's in-house management reform program. The task force which studied the reorganization of the Foreign Service Institute recommended the establishment of a broadly representative advisory body for the purpose of advising on all aspects of policy and programs of the Institute.

The Committee provides advice on the general character and scope of educational and training needs and programs; reviews the operations of the Institute and makes recommendations as to its future operations; and renders such related advisory services as may be requested by the Director of the Institute, or the Chairman of the Committee.

The Committee has three officers and not less than 8 nor more than 12 public members. The Chairman is the Director General of the Foreign Service; the Vice Chairman is the Director of the Foreign Service Institute; and the Executive Secretary is the Assistant Director for Management of the Foreign Service Institute. The public members are distinguished citizens in the fields of education, business, communications media, and philanthropy. Membership tenure on the Committee is staggered to provide for continuity.

The Committee reports to the Secretary of State, through the Chairman.

ADVISORY COMMITTEE ON INTERNATIONAL INTELLECTUAL PROPERTY

The Advisory Committee on International Intellectual Property, consisting of two Panels which are the International Copyright Panel and the International Industrial Property Panel, was established in 1968.

The purpose of the Committee is to advise the Department of State with respect to programs, operations, and activities in industrial and copyright matters. Specifically, it serves as a forum for a thorough exchange of views, and a mechanism whereby responsible government officials and recognized experts

[1] List and description of 196 objects from the ancient art collections of Soviet museums.

from private organizations discuss issues and problem areas relating to international intellectual property matters; explores alternative courses of public policy, particularly as they relate to international agreements of interest to the United States; and facilitates this Government's participation in the World Intellectual Property Organization.

The International Copyright Panel has three officers and thirty-one public members. The Chairman is the Deputy Assistant Secretary for Commercial Affairs and Business Activities, Bureau of Economics and Business Affairs; the Co-Chairman is the Register of Copyrights in the Library of Congress; and the Executive Secretary is the Director of the Office of Business Practices, Commercial Affairs and Business Activities. The public members are prominent in the fields of education, publishing, broadcasting and communications media, authors and performing rights societies and library work.

The International Industrial Property Panel has three officers and ten public members. The Chairman is the Deputy Assistant Secretary for Commercial Affairs and Business Activities, Bureau of Economic and Business Affairs; the Co-Chairman is the Commissioner of Patents in the Department of Commerce; and the Executive Secretary is the Director of the Office of Business Practices, Commercial Affairs and Business Activities. The members are prominent in Trademark and Patent Bar Associations, and recognized experts in business, legal, manufacturing, and other organizations concerned with international patent and trademark matters.

The Committee reports, through the Chairman, to the Assistant Secretary of State for Economic Affairs.

ADVISORY COMMITTEE ON LAW OF THE SEA

The Advisory Committee on the Law of the Sea was established in May 1972 to advise the Department of State and the National Security Council Interagency Law of the Sea Task Force, particularly in regard to the Third United Nations Conference on the Law of the Sea and its related negotiations. The Committee advises with respect to U.S. law of the sea policy and on a wide variety of related subjects including marine science, petroleum, hard minerals, environment, maritime finance, transportation, and international law.

The officers of the Committee are a Chairman, various Vice Chairmen, Executive Secretary, and a Public Chairman. The Chairman is the Chairman of the NSC Interagency Law of the Sea Task Force; the Vice Chairmen are such Department of State members of the NSC Interagency Task Force on the Law of the Sea as may be designated by the Chairman; the Executive Secretary is the Executive Assistant to the Chairman of the NSC Interagency Law of the Sea Task Force; and the Public Chairman is a member of the Advisory Committee designated by the Chairman of the NSC Interagency Task Force on the Law of the Sea in consultation with other members of the Executive Committee of the NSC Interagency Task Force.

The number of public members, not to exceed 125, is determined by the Chairman. The public members are selected individuals who can provide adequate representation of the diverse interests involved in law of the sea, including, but not limited to individuals from the petroleum, hard minerals, fishing and maritime industries, and from the fields of international law and finance, marine science and environment, and Members of Congress.

The Committee reports to the Secretary of State, through the Chairman.

ADVISORY PANEL ON ACADEMIC MUSIC

The Supplemental Appropriations Act of 1954 provided the President with emergency funds for International affairs and the Advisory Panel on Academic Music came into being under a contract between the Department of State and the American National Theatre and Academy. Subsequently Pub. L. 84–860 specifically authorized the strengthening of international relations by demonstrating cultural achievements through tours abroad of performing artists, and this authority was reemphasized and continued in Pub. L. 87–256.

The function of the Advisory Panel on Academic Music is to evaluate the Qualifications of American College/University musicians and music groups to represent the United States abroad as performing artists and therefore to receive grants or other non-financial facilitation from the Department of State and American Embassies and Consulates overseas.

The Chairman of the Panel, which consists of no more than 12 members, is the Director of the Office of International Arts Affairs, Bureau of Educational and Cultural Affairs. In the Director's absence the Deputy Director acts as Chairman and the secretariat services are provided by the Office of International Arts Affairs.

The Panel members are experts in the field of music, and are appointed on a non-partisan basis by the Assistant Secretary, Bureau of Educational and Cultural Affairs. The members serve under annual contracts subject to renewal.

The Panel reports to the Director of the Office of International Arts Affairs.

ADVISORY PANEL ON FOLK MUSIC AND JAZZ

The Supplemental Appropriations Act of 1954 provided the President with emergency funds for international affairs and the Advisory Panel on Folk Music and Jazz came into being under a contract between the Department of State and the American National Theatre and Academy. Subsequently Pub. L. 84–860 specifically authorized the strengthening of international relations by demonstrating cultural achievements through tours abroad of performing artists, and this authority was reemphasized and continued in Pub. L. 87–256.

The function of the Advisory Panel on Folk Music and Jazz is to evaluate the qualifications of American folk music and jazz musicians and groups to represent the United States abroad as performing artists and therefore to receive grants or other non-financial facilitation from the Department of State and American Embassies and Consulates overseas.

The Chairman of the Panel, which consists of no more than 12 members, is the Director of the Office of International Arts Affairs, Bureau of Educational and Cultural Affairs. In the Director's absence the Deputy Director acts as Chairman and the secretariat services are provided by the Office of International Arts Affairs.

The Panel members are experts in the field of folk music, jazz and popular music. Members are appointed on a non-partisan basis by the Assistant Secretary, Bureau of Educational and Cultural Affairs. The members serve under annual contracts subject to renewal.

The Panel reports to the Director of the Office of International Arts Affairs.

ADVISORY PANEL ON MUSIC

The Supplemental Appropriations Act of 1954 provided the President with emergency funds for international affairs and the Advisory Panel on Music came into being under a contract between the Department of State and the American National Theatre and Academy. Subsequently Pub. L. 84–860 specifically authorized the strengthening of international relations by demonstrating cultural achievements through tours abroad of performing artists, and this authority was reemphasized and continued in Pub. L. 87–256.

The function of the Advisory Panel on Music is to evaluate the qualifications of American professional musicians and music groups to represent the United States abroad as performing artists and therefore to receive grants or other non-financial facilitation from the Department of State and American Embassies and Consulates overseas.

The Chairman of the Panel, which consists of no more than 12 members, is the Director of the Office of International Arts Affairs, Bureau of Educational and Cultural Affairs. In the Director's absence the Deputy Director acts as Chairman and the secretariat services are provided by the Office of International Arts Affairs.

The Panel members are experts in the field of music. Members of the Panel are appointed on a non-partisan basis by the Assistant Secretary, Bureau of Educational and Cultural Affairs. The members serve under annual contracts subject to renewal.

The Panel reports to the Director of the Office of International Arts Affairs.

FINE ARTS COMMITTEE

The Fine Arts Committee was established in 1961 to advise, guide, and serve the Department in furnishing the Diplomatic Reception Rooms and Seventh Floor Reception Rooms of the State Department Building. It, also, advises as to the proper achitectural backgrounds for these furnishings.

Through the efforts of this Committee these rooms are furnished by means of gifts and loans from public spirited citizens and friends of the Department. The rooms are being furnished with American 18th and 19th century furniture, paintings, and decorative objects. As gifts and loans do not fill all the requirements for planned furnishings many valuable items are on consignment from American business establishments and private owners.

The Committee has 60 public members and three officers. The members are chosen nationally and are experts in Americana, museum directors, advanced Americana collectors and fund raisers.

To provide for continuity on the Committee the tenure of membership is staggered, with one third of the committee rotating every two years.

The officers are from the Fine Arts Office of the Department, with the Curator serving as Chairman.

The Chairman as spokesman for the Committee reports to the Secretary of State.

GOVERNMENT ADVISORY COMMITTEE ON INTERNATIONAL BOOK AND LIBRARY PROGRAMS

The Government Advisory Committee on International Book and Library Programs was established in 1962 in accordance with the authorization provided in the Mutual Educational and Cultural Exchange Act of 1961 and the delegation conveyed by Executive Order 11034. The Committee advises the foreign affairs agencies, i.e., the Department, A.I.D., and USIA, on the policies and operations for overseas book, educational materials and library programs. It endeavors to achieve closer coordination between public and private book and library activities overseas through cooperative studies and exchange of information at Committee meetings. Its areas of concern include increasing overseas distribution of American books and educational materials, the nature and role of American libraries abroad, training of educational planning programs, promoting the free flow of educational materials across national boundaries, and effects of information technologies in international relations.

The Committee consists of twelve voting public members, three non-voting ex-officio members and three non-voting Government members. The Secretary of State (or his designee) appoints the public members, of whom nine will be publishers or educational materials producers, two will be librarians and one an educator, to serve on a rotating basis. The Chairman of the Board of the Association of American Publishers (AAP), the Chairman of the International Trade Committee of the AAP, and the President of the American Booksellers Association shall serve as ex-officio non-voting members. The Department of State, the United States Information Agency and the Agency for International Development each designate one Government member (and alternate) to serve on the Committee without a vote.

The Committee has three officers; a Chairman, Vice-Chairman, and one Executive Secretary. The Chairman is appointed by the Secretary of State and the Vice-Chairman is elected by the members from among the twelve public members of the Committee. The Executive Secretary is a Government official designated by the Secretary of State after consultation with the Chairman of the Committee.

The Committee reports to the Secretary of State through the Assistant Secretary for Educational and Cultural Affairs.

NATIONAL REVIEW BOARD FOR THE CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

The National Review Board Center for Cultural and Technical Interchange Between East and West was established in 1965 in accordance with the authorizations provided in the Mutual Security Act of 1960, Chapter VII, section 704(a) and the U.S. Information and Education Exchange Act of 1948 as amended, Title VIII, section 801(6). The Board reviews the programs and operations of the East-West Center and advises on general policies governing its activities, including the annual budget, capital improvements, and relations with the Board of Regents of the University of Hawaii. The Board also appraises the effectiveness of the programs carried out by the Center and its five Institutes.

The Board consists of 15 members, appointed by the Secretary of State, who represent a cross section of educational, cultural, business and public service backgrounds. One member is appointed from the membership of the U.S. Advisory Commission on International Educational and Cultural Affairs.

The Committee has three officers; a Chairman, and a Vice-Chairman who are elected from the membership by the members of the Committee, and an Executive Secretary who is a Government official designated by the Secretary of State after consultation with the Chairman.

The Board reports to the Secretary of State through the Assistant Secretary for Educational and Cultural Affairs.

OCEAN AFFAIRS ADVISORY COMMITTEE

In 1970 the Department of State combined four fisheries committees dating from 1950 and one oceanography committee to establish the Ocean Affairs Advisory Committee.

This Committee advises the Department on all aspects of ocean affairs, particularly the formulation and implementation of international fisheries policies, international marine science affairs policies, and international marine environment policies; and provides any related advisory services as may be requested by the Office of Oceans and Fisheries Affairs.

The Committee has two officers and public members, not to exceed seventy-five, as the Chairman deems necessary.

The Chairman of the Committee is the Deputy Assistant Secretary for Oceans and Fisheries Affairs, and the Vice-Chairman is the Coordinator of Oceans and Fisheries.

The members are prominent in fisheries, marine science, marine environment, and related fields and are requested to serve on the Committee because of their known expertise in the particuar aspects of ocean affairs.

The Committee reports to the Secretary of State through the Deputy Assistant Secretary for Ocean and Fisheries Affairs.

OVERSEAS SCHOOLS ADVISORY COUNCIL

The Overseas Schools Advisory Council was established in 1967 to seek the advice of American leaders from education, business, and foundation communities relative to American-sponsored elementary and secondary schools abroad which are assisted by the Department of State.

The Council provides advice as to policy guidance and sources of financial support, and assists in coordinating the efforts of American business firms and foundations with those of the Department of State to improve and maintain United States educational standards overseas. The expertise and interest of the Council members in educational excellence for American overseas schools has made service abroad more attractive for U.S. Government employees, as well as for representatives and personnel of American business, who have school-age children.

The Council has an Executive Committee, comprised of selected members of the Council, to assist with the work of the Council.

The officers of the Council are a Chairman and Vice-Chairman, who are public members, and an Executive Secretary, who is the Director of the Office of Overseas Schools.

The public members, not to exceed twenty-five, are senior executives of businesses and foundations and leaders in the professional and educational communities. The Council also may appoint honorary members in recognition of previous assistance and to provide the opportunity to continue services on behalf of the Council.

The Council reports to the Deputy Under Secretary of State for Management through the Council's Executive Secretary.

SECRETARY OF STATE'S ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW

The Secretary of State's Advisory Committee on Private International Law was established in February 1964 to advise the Department of State in the formulation of positions on matters of private international law, particularly on matters under consideration by the Hague Conference on Private International Law, the International (Rome) Institute for the Unification of Private Law, and the United Nations Commission on International Trade Law. United States Government participation in the Hague Conference, which was first convened in 1893, and the Rome Institute,

which was established in 1928, is pursuant to 22 U.S.C. 269g and 269g–1.

United States positions on complex and far-reaching matters in private international law are formulated and advanced by the advice received from the members of this Committee who represent America's foremost legal organizations.

The officers of the Committee—a Chairman, Vice-Chairman, and Executive Secretary—are officials in the Office of the Legal Adviser of the Department of State. The membership of 100 or more members consists of a representative of the Department of Justice, and representatives of the major legal organizations interested in private international law, including the following organizations:

American Association for the Comparative Study of Law
American Bar Association
American Branch of the International Law Association
American Law Institute
American Society of International Law
Association of American Law Schools
National Conference of Commissioners on Uniform State Laws
The Conference of Chief Justices
The Judicial Conference of the United States

The Committee has the following subsidiary bodies:

Study Group on Agency
Study Group on Arbitration
Study Group on Estate Matters
Study Group on Hotelkeepers' Liability
Study Group on International Sale of Goods
Study Group on Legalization
Study Group on Maritime Law Matters
Study Group on Matrimonial Matters
Study Group on Negotiable Instruments
Study Group on Products Liability
Study Group on Protection of the Bona Fide Purchaser of Corporeal Movables
Study Group on Recognition and Enforcement of Foreign Judgments

The Chairman or Vice-Chairman of the Committee may establish other subsidiary bodies, or may terminate any subsidiary body established, according to the needs of the Committee with respect to significant issues of private international law of interest to the foreign relations of the United States.

The Committee reports to the Secretary of State or to the Legal Adviser as appropriate; and the subsidiary bodies make their reports and recommendations to the Committee.

SHIPPING COORDINATING COMMITTEE

The Shipping Coordinating Committee was inaugurated in 1958, and was established under the general authority of the Secretary of State as set forth in 22 U.S.C. 2656. The Committee is the channel for obtaining advice on matters pertaining to international shipping and effectively contributes to the Department's developing and formulating guidance for United States delegations to the Intergovernmental Maritime Consultative Organization (IMCO), and subsidiary elements of IMCO.

The Committee has two officers. The Chairman is the Director, Office of Maritime Affairs, and the Executive Secretary is the Adviser, Office of Maritime Affairs, in the Department of State.

Members of the Committee are representatives of U.S. Government agencies having an interest in the area of shipping, and public members representing the various elements of the shipping industry, maritime unions, and other organizations having a pertinent interest.

The Committee has subcommittees, and the authority to create subcommittees as it deems necessary, which advise on specialized matters within its purview.

The membership of the various subcommittees and working groups thereof is not formal but is derived from the general membership of the Committee and subcommittees, respectively. The subcommittees are:

Maritime Law Subcommittee
Subcommittee on the Code of Conduct for Liner Conferences
Subcommittee on Safety of Life at Sea
Subcommittee on Tonnage Measurement
United States National Committee for the Prevention of Marine Pollution

The Committee reports to the Assistant Secretary of State for Economic and Business Affairs through the Deputy Assistant Secretary for Transportation and Telecommunications. The subcommittees report and make their recommendations to the Chairman of the Shipping Coordinating Committee.

UNITED STATES NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

The United States CCIR National Committee was originally established in 1951. It is this Government's channel for coordinating and presenting U.S. views and positions to the International CCIR on behalf of our private operating industry, the manufacturing and scientific industry, and concerned Government agencies. The International CCIR is a permanent organ established by the International Telecommunication Convention in which our Government participates by virtue of a treaty obligation.

The National Committee provides advice and recommendations in regard to the work of its 13 highly-technical subgroups listed below:

STUDY GROUP 1—(Spectrum utilization—Monitoring)
STUDY GROUP 2—(Space research and radio-astronomy services)
STUDY GROUP 3—(Fixed service at frequencies below about 30 MHz)
STUDY GROUP 4—(Fixed service using satellites)
STUDY GROUP 5—(Propagation in non-ionized media)
STUDY GROUP 6—(Ionospheric propagation)
STUDY GROUP 7—(Standard-frequency and time-signal services)
STUDY GROUP 8—(Mobile services)
STUDY GROUP 9—(Fixed service using radio-relay systems)
STUDY GROUP 10—(Broadcasting service (sound))
STUDY GROUP 11—(Broadcasting service (television))
CMV—(CCIR/CCITT Joint Study Group for Vocabulary)
CMTT—(CCIR/CCITT Joint Study Group for television and sound transmission)

The Committee has two officers: a Chairman and an Executive Secretary, both of whom are provided by the Office of International Communications Policy, Bureau of Economic and Business Affairs of the Department of State. The membership is not limited to a prescribed number except that normally there shall be only one member designated for each affiliated agency or organization. Membership criteria will be as set forth in the International Telecommunication Convention for participation in the CCIR, i.e., Government agencies, recognized private operating agencies, and scientific or industrial organizations which are engaged in the study of telecommunication problems or in the design or manufacture of equipment intended for telecommunication services. The Chairmen of the United States CCIR Study Groups, and the active or retired officers of the international CCIR Secretariat/Study Groups who are U.S. citizens, are *ex officio* members of the Committee.

The Chairman of the CCIR National Committee appoints a Chairman and an Executive Secretary for each Study Group. The criteria for Study Group membership is the same as set forth above for the National Committee.

The National Committee reports to the Assistant Secretary for Economic and Business Affairs through the Director of the Office of International Communications Policy and the Deputy Assistant Secretary for Transportation and Telecommunications; and the Study Groups report to the Chairman of the United States CCIR National Committee.

UNITED STATES NATIONAL COMMITTEE FOR THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE (CCITT)

The United States National Committee for the International Telegraph and Telephone Consultative Committee (CCITT) was originally established in 1962.

The United States CCITT National Committee is this Government's channel for coordinating and presenting U.S. views and positions to the International CCITT on behalf of our private operating industry and concerned Government agencies. The International CCITT (a component of the International Telecommunication Union of which the United States is a member by virtue of a treaty obligation) formulates recommendations which govern operational and tariff procedures on a worldwide basis.

The Committee's officers, a Chairman and a Vice-Chairman, are provided by the Office of International Communications Policy, Bureau of Economic and Business Affairs.

The membership criteria is as set forth in the International Telecommunication Convention for participation in the CCITT, i.e., Government agencies, recognized private operating agencies, and scientific or industrial organizations which are engaged in the study of telecommunication problems or in the design

or manufacture of equipment intended for telecommunication services. Membership is not limited to a prescribed number except that normally there is only one member designated for each affiliated agency or organization. The Chairman of the United States CCITT Study Groups, and the active or retired officers of the international CCITT Secretariat/Study Groups who are U.S. citizens, are *ex officio* members of the Committee.

The National Committee provides advice and recommendations in regard to the work of its five highly-technical subgroups listed below:

U.S. STUDY GROUP 1—(U.S. Government Regulatory Problems)
U.S. STUDY GROUP 2—(World and Regional Plan Committees)
U.S. STUDY GROUP 3—(Telegraph Operations)
U.S. STUDY GROUP 4—(World-wide Telephone Network)
U.S. STUDY GROUP 5—(Data Transmission)

The Chairman of the CCITT National Committee appoints a Chairman and an Executive Secretary for each Study Group. The Chairmen of the Study Groups are *ex officio* members of the United States CCITT National Committee.

The criteria for Study Group membership is the same as set forth above for the National Committee.

The National Committee reports to the Assistant Secretary for Economic and Business Affairs through the Director of the Office of International Communications Policy and the Deputy Assistant Secretary for Transportation and Telecommunications; and the Study Groups report to the Chairman of the United States CCITT National Committee.

In behalf of the Secretary of State and in my capacity as Acting Deputy Under Secretary for Management, I certified on February 28, 1975, that the creation of each of these above described committees is in the public interest.

In addition to the advisory committees described above the Department has four continuing statutory advisory committees. These committees and the statutes directing their establishment are:

ADVISORY COMMITTEE TO THE UNITED STATES NATIONAL SECTION OF THE INTER-AMERICAN TROPICAL TUNA COMMISSION

Section 4 of the Tuna Conventions Act of 1950;

ADVISORY COMMITTEE TO THE UNITED STATES SECTION, INTERNATIONAL NORTH PACIFIC FISHERIES COMMISSION

Section 4 of the North Pacific Fisheries Act of 1954;

NORTHWEST ATLANTIC FISHERIES ADVISORY COMMITTEE

Section 4 of the Northwest Atlantic Fisheries Act of 1950; and the

UNITED STATES ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Mutual Educational and Cultural Exchange Act of 1961. The members of the Commission are appointed by the President and confirmed by the Senate.

A charter for each advisory committee listed herein is available in the Rare Book Room, located on the Second Floor in the Main Building of the Library of Congress, 10 First Street, SE., Washington, D.C.

Dated: February 28, 1975.

LAWRENCE S. EAGLEBURGER,
Acting, Deputy Under Secretary for Management.

[FR Doc.75-5910 Filed 3-5-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 8893]

ARIZONA

Proposed Withdrawal and Reservation of Lands

FEBRUARY 19, 1975.

The National Park Service, Department of the Interior, has filed an application, Serial No. A 8893, for the withdrawal of the lands described below from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), and the mineral leasing laws.

The subject lands border the western portion of the Saguaro National Monument on the north and east.

The purpose of the proposed withdrawal is for protection of scenic, open space, and environmental values of the lands until legislation is enacted authorizing the expansion of the Tucson Mountain West Unit of the Saguaro National Monument. The proposed withdrawal would be subject to valid existing rights.

On or before April 7, 1975, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Arizona 85025.

The Department's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 13 S., R. 11 E.,
Sec. 9, S½;
Sec. 10, S½;
Sec. 11, S½.
T. 13 S., R. 12 E.,
Sec. 9, SW¼;
Sec. 21, NW¼, N½SW¼;
Sec. 28, SW¼;
Sec. 32, part of M.S. #3978 in N½;
Sec. 33, E½NW¼, S½SW¼.

The areas described aggregate 1,700.06 acres in Pima County, Arizona.

EDWARD F. SPANG,
Acting State Director.

[FR Doc.75-5898 Filed 3-5-75;8:45 am]

[CA 2624]

CALIFORNIA

Proposed Withdrawal and Reservation of Lands

FEBRUARY 26, 1975.

The Bureau of Land Management, U.S. Department of Interior, has filed application CA 2642 for the withdrawal of approximately 12,256.99 acres of national resource land described herein from all forms of appropriation and the public land laws, including mining laws, but not leasing under mineral leasing laws, and concurrently designated as a Class III Natural Environment Area, 35 FR 9534 (June 13, 1970), amended.

The land is located in the eastern portion of Kern County, California. Because of its unique ecological assets, the subject land has high values for scientific and educational uses. It is one of the relatively few areas affording extensive habitat for the desert tortoise. The land will be managed as a sanctuary for the desert tortoise and a reserve for the components of its habitat.

On or before April 7, 1975, all persons who wish to submit comments, suggestions, or objections with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of Interior, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento CA 95825.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The land involved in the application is as follows:

MOUNT DIABLO MERIDIAN

T. 30 S., R. 38 E.,
Sec. 34, S½.
T. 31 S., R. 38 E.,
Secs. 1 to 4, inclusive;
Sec. 5, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 8, all;
Sec. 9, N½, E½SW¼, SE¼;
Sec. 10, all;
Sec. 11, N½, SW¼;
Sec. 12, all;
Sec. 14, all;
Sec. 18, N½, SE¼;
Secs. 20, 22, 24, 26, 28, 30, 32, 34.

The area described aggregates approximately 12,256.99 acres.

JOAN B. RUSSELL,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-5947 Filed 3-5-75;8:45 am]

[Serial No. I-9113]

TONY JOLLEY

Application for Airport Lease

FEBRUARY 27, 1975.

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211–214) Tony Jolley has applied for an airport lease for the following land:

BOISE MERIDIAN, IDAHO

T. 6 S., R. 5 E.,
Sec. 33, W½SW¼.
T. 7 S., R. 5 E.,
Sec. 4, lot 4.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their name and address to the State Director, Bureau of Land Management, 550 West Fort Street, Box 042, Boise, Idaho 83724.

VINCENT S. STROBEL,
Chief, Branch of L&M Operations.

[FR Doc.75-5896 Filed 3-5-75;8:45 am]

[NM 24604]

NEW MEXICO

Notice of Application

FEBRUARY 27, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Llano, Inc. has applied for a 4-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 27 E.,
Sec. 7, SW¼NE¼, SE¼NW¼.

This pipeline will convey natural gas across .114 mile of natural resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-5948 Filed 3-5-75;8:45 am]

[NM 24638]

NEW MEXICO

Notice of Application

FEBRUARY 26, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Phillips Petroleum Company has applied for a 4½-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 S., R. 32 E.,
Sec. 23, E½SW¼, NW¼SE¼.

This pipeline will convey natural gas across .396 mile of natural resource lands in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-5949 Filed 3-5-75;8:45 am]

[NM 24642]

NEW MEXICO

Notice of Application

FEBRUARY 26, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for a 6-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 S., R. 26 E.,
Sec. 1, SE¼SE¼.
T. 18 S., R. 27 E.,
Sec. 5, SW¼NW¼;
Sec. 6, lot 6, S½NE¼, SE¼NW¼ and NE¼SW¼.

This pipeline will convey natural gas across 1.306 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, 1717 West Second Street, Roswell, NM 88201.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-5950 Filed 3-5-75;8:45 am]

[NM 24625]

NEW MEXICO

Notice of Application

FEBRUARY 26, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for a 4-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 17 S., R. 30 E.,
Sec. 17, SW¼NE¼, W½SE¼;
Sec. 20, W½E½.

This pipeline will convey natural gas across 1.477 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, 1717 West Second Street, Roswell, NM 88201.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-5951 Filed 3-5-75;8:45 am]

[Colorado 011369]

NORTHWEST PIPELINE CORP.

Notice of Correction

The sixth line of the title heading of the Notice published on page 5545 of the FEDERAL REGISTER, Vol. 40, No. 26, Thursday, February 6, 1975, is hereby corrected. The name of the company applying for the right-of-way is *Northwest Pipeline Corporation* not *Western Slope Gas Company*. The subject Notice otherwise remains unchanged.

EVERETT K. WEEDIN,
Chief, Branch of Land Operations.

[FR Doc.75-5895 Filed 3-5-75;8:45 am]

[Serial No. I-9082]

ROGER LEON STIMPSON

Application for Airport Lease

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211–214) Roger Leon Stimpson has applied for an airport lease for the following land:

BOISE MERIDIAN, IDAHO

T. 6 S., R. 9 E.,
Sec. 35, E½SW¼.

The purpose of this notice is to inform the public that the filing of this application segregates the described land

from all other forms of use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their name and address to the State Director, Bureau of Land Management, 550 West Fort Street, Box 042, Boise, Idaho 83724.

VINCENT S. STROBEL,
Chief,
Branch of L&M Operations.

[FR Doc.75-5897 Filed 3-5-75;8:45 am]

Fish and Wildlife Service

SAFARI PARK, INC.

Endangered Species Permit; Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Safari Park, Inc., Box 777, Bayamon, Puerto Rico 00619, Hector M. Pesquera, Director, Jose R. Garcia, President.

Form No. 42-R1575

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Import five (5) Bengal Tigers from Munich for public display and propagation of species

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Safari Park Inc.
Box 777
Bayamón, P. R. 00619
Att: Mr. Héctor M. Pesquera
(809) 783-3315

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OF KIND OF BUSINESS, AGENCY, OR INSTITUTION
Business Corporation: Amusement and entertainment for mass audiences, including zoological exhibitions

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
José R. García, President (809) 783-3315

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
Puerto Rico

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Import from Munich, Germany to Safari Park at Highway #2 Km. 26.7, Dorado, Puerto Rico

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT ☐ YES ☒ NO
(If yes, list license or permit number(s))

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Not required

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ Fifty Dollars ($50.-)

10. DESIRED EFFECTIVE DATE
As soon as possible

11. DURATION NEEDED
Six (6) months

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
See Attached Exhibits A,B,C,D

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (See Instr.) Safari Park Inc. By: Hector M. Pesquera, Director — DATE December 10, 1974

3-200
8/74

DECEMBER 10, 1974.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Department of the Interior,
Fish and Wildlife Service,
Washington D.C. 20240

DEAR C. R. BAVIN: Pursuant to the Code of Federal Regulations, Title 50, as revised on September 1, 1974, we hereby respectfully apply for a permit to import endangered wildlife for zoological and educational purposes, including, but not limited, to the propagation of the species, as per stated in Chapter 1 section 17.23 of same.

In accordance to such application and to comply with all regulations affected, we include herewith the following documentations:

1. Original of form 3-200 (federal fish and Wildlife License/Permit Application) Duly completed and signed by the subscriber.

2. Original of Letter of Attachments, marked as Exhibit "A", which fulfills all requisites outlined in section 17.23.

3. Copy of the Contract Letter, marked as Exhibit "B", between Safari Park Inc. and The Krone Circus, in German language. Attached to it and marked as Translation to Contract Letter is a "verbatim" translation to the English.

4. Brochure of Safari Park describing its facilities and attractions, marked as Exhibit "C".

5. A photograph of the existing cage facilities where the proposed acquisition will be housed, marked as Exhibit "D".

6. Banco Crédito y Ahorro Manager Check #002004920 dated December 11, 1974 in the amount of fifty dollars ($50.-) to offset expenses in the issuance of the permit.

We understand that we have fully complied, to the best of our knowledge, with all the requisites contained in the aforementioned regulations in order to obtain the permit, however if any additional information is required please contact us at your earliest.

Cordially yours,

SAFARI PARK INC.,
HECTOR M. PESQUERA,
Director.

EXHIBIT "A"

DECEMBER 10, 1974.

In accordance with § 17.23 of the Code of Federal Regulations, Title 50, the following is the additional information to complement form 3-200 (Federal Fish and Wildlife License/Permit Application) in Regard to the proposed acquisition:

1. Name of Proposed Acquisition: Bengal Tigers (Panthera Tigris).

2. Quantity: Five (5); two (2) Males, three (3) Females; 2½ years old.

3. Copy of Contract: See attached copy of letter contract marked as Exhibit "B".

4. Justification: Safari Parks Inc. intends to use the proposed acquisition for educational purposes as far as public display is concerned and to propagate the species of same by Breeding.

5. Address: Proposed acquisition will be maintained in the Safari Park facilities at Km. 26 Hm. 7 of Highway #2 at Dorado, Puerto Rico. The site comprises 140 acres of which approx. 50 are developed as part of the business. Included and marked as Exhibit "C" is a brochure of such.

6. Statement: At the time of this application the proposed acquisition was born in captivity.

7. Description of facilities: Included and marked as Exhibit "D" is a photograph of the facilities where the proposed acquisition will be housed.

8. Previous Experience: Safari Park has been in operation since 1971 and through the years has breeded species such as Lions, Boa Constrictors, Pumas, Camels, Rheas, Pigmy Cattles and many others. At present our animal, Bird, reptile population averages around seven hundred (700).

9. Breeding Programs: If requested by proper authorities, Safari Park Inc. is willing to participate in a cooperative breeding program and contribute data to such effects.

10. Arrangements for Importation: The proposed acquisition will be imported to Puerto Rico via one of the various official air carriers. Our animal keeper will accompany them in the trip to Puerto Rico.

EXHIBIT B—TRANSLATION TO CONTRACT LETTER

Krone
(Your Wish—Ours)
The Circus—the whole World Knows

MUNICH, *November 22, 1974.*

Air Mail
Mrs. CAROL R. SKAR,
c/o Safari Park, Inc.,
Box 1633, Bayamon, P. R. 00619

DEAR MRS. SKAR: We thank you for your letter of Nov. 7, 1974. Please excuse that we first today answered your letter, but we just returned from our vacations, which we began shortly after our season ended.

By the 5 tigers contains 3 females and 2 male animals, they will be 3 years old in this following spring. The all animals are in excellent condition and gorgeous looking. They are all from one birth (one mother) from our breed stock.

Since they are all brothers, they will be especially good to keep in one Safari Park.

Incidentally the animals have been worked with the following tricks:

1. Pyramid.
2. Jumping.
3. Double jump over 2 standing animals.
4. Laying down in a row.
5. Pive sitting up.
6. Sitting up.
7. Exit trick—one animal walks hindleg backwards.

The price for the animals is each 4,000 German Marks from Munich without cages and requisites. The animals will be given only together. Our offer is free given.

We are waiting for your quick answer, please because we are dealing with others.

With friendly Greetings,

CARL SEEMBACH.

FEBRUARY 12, 1975.

A. EUGENE HESTER,
Special Agent in Charge (Permits),
Division of Law Enforcement,
U.S. Fish and Wildlife Service,
Department of the Interior,
Washington, D.C. 20240

DEAR MR. HESTER: In reference to your letter dated February 5, 1975, we are pleased to inform you of the following:

Regarding the first point in your letter, in which you request our experience in breeding tigers, we would like to point out to you that although we have no experience in breeding tigers, we have successfully bred pumas, leopards, lions and a substantial number of animals—exhibits of which we are including as exhibits 1–12.

Regarding point number two, we are pleased to enclose photographs of the facilities which will be used to house the tigers we intend to bring into Puerto Rico. Said facilities have the following characteristics:

(a) Dimensions—25' x 15';

(b) Recent construction (June 1974);

(c) Plenty of water and cleaning facilities for the animals;

(d) Ventilation has been resigned according to a free-flow system proposed by our Resident Zoologist and our Chief Veterinarian;

(e) They are made of reinforced concrete, together with grill work (½" thick) and they include private pools (water facilities) for both cleaning and exercise for the animals, and trap doors which also have been designed according to the expertise that we have above-mentioned, and which we will further qualify in our next comments;

(f) The animals that appear in the photographs that we are including will be located at similar facilities that are built, but vacant at the present time;

(g) Drainage facilities are available and our Chief Veterinarian believes that there should be no problem in breeding the animals in said facilities.

Regarding point number three in your letter, enclosed you will find the resume of Mr. Edwin Velazquez, who works on a full-time basis with our zoo. Our Chief Veterinarian is Dr. Jose Diaz Bonnet. He is the leading veterinarian on the Island, and has had the necessary experience in caring for and breeding tigers. He works on a part-time basis with our organization. He visits the zoo at least once a week, or when there is a need for further assistance. His offices are very close to our facilities and all necessary communication facilities are available.

Regarding your fourth point, we intend to use commercial air cargo facilities to import the animals to Puerto Rico and we shall use the necessary crates that will be previously approved by Mr. Ricardo Cotte, your Senior Resident Agent in Puerto Rico.

In reference to these last two statements, we would like to point out a letter addressed to your offices in Atlanta, which is self-explanatory and we believe proves our availability and capability in complying with your requisites.

We are also enclosing the exact location of where the facilities are in relation to the rest of the zoo—please refer to the map that we hereby submit.

We would like to take this opportunity to thank you for your personal assistance in this matter, as well as your associates in the Department and we will look forward to a long and fruitful relationship.

Sincerely yours,

HECTOR PESQUERA.

RÉSUMÉ

Name: Edwin Velazquez Aponte.
Place of Birth: Rio Piedras, Puerto Rico.
Date: September 20, 1948.
Citizenship: American.
Status: Married.
Dependents: Two children.
Address: BH–24 Street 114 Urb. Jardines de Country Club, Carolina, Puerto Rico 00913.

Education: Bachelor degree in Arts, Science and Education with a major in Zoology at the U.P.R. Seminar at the Highland Park Zoo on Zoo Biology. (Pittsburgh, Pa.).

Experience: 1972 to present: Zoologist and General Curator at Safari Park Bo. Espinosa, Dorado, P.R. the largest Zoo in P.R. Here I'm in charge of the personnel working with the animals, preparing and supervising the diets, medicating the animals and assist the veterinarian. Also make proposals for buying new animals. Supervise the cleaning of the buildings and cages of the animals.

1969–1972: Zoologist and Assistant Director of Monoloro Park, the first private animal park in large scale in P.R. Here I worked planning, building and buying the animals. The first real exhibit of reptiles especially snakes to be exhibited in P.R. was arranged by me at Monoloro.

1966–1969: Veterinary Assistant under the guidance of Dr. Jose Diaz Bonnet. Here I was involved with the anatomy, physiology, pharmacology, animal care, surgical nursing and anesthesiology, laboratory procedures and hospital records.

1963–1969: Maintenance of my own private reptile collection.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before April 7, 1975 will be considered.

Dated: February 28, 1975.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-5792 Filed 3-4-75;8:45 am]

Office of Hearings and Appeals

[Docket No. M 75-88]

G & B COAL COMPANY, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), G & B Coal Company has filed a petition to modify the application of 30 CFR 77.1605(k) to its No. 2 Mine, Morgan County, Tennessee.

30 CFR 77.1605(k) provides: "Berms or guards shall be provided on the outer bank of elevated roadways."

In support of its petition, Petitioner states:

(1) Petitioner's haulage road consists of a gravel roadway, approximately 16 to 20 feet wide, with several passing places along its steep portion. The roadway is fairly straight and contains three steep grades. The timberline abuts the roadway.

(2) Berms have been installed in several areas along the roadway, but there are no guardrails along the road.

(3) The installation of berms and guards would diminish the usable surface of the roadway thereby making the haulage road more dangerous.

(4) The installation of berms would interfere with drainage. Inadequate drainage would be particularly hazardous in the winter since the elevation of the roadway is between 2700 and 3700 feet.

(5) Petitioner possesses an excellent safety record due in large part to careful maintenance of machinery, a supervised traffic system, and proper maintenance of the roadway. There has never been an accident involving Petitioner's equipment on the haulage road.

(6) The installation of berms and guardrails would be prohibitively expensive, and for the reasons stated above would not promote the safety of the miners.

(7) Petitioner believes that the safety precautions presently taken on the haulage road will guarantee a better measure of protection for the miners than will be afforded by the application of the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 7, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior,

4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: February 24, 1975.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.75-5899 Filed 3-5-75;8:45 am]

[Docket No. M 75-89]

ISLAND CREEK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), Island Creek Coal Company has filed a petition to modify the application of 30 CFR 75.1405 to the following mines located in Holden, Logan County, West Virginia:

Guyan #1 Mine.
Guyan #1-A Mine.
Guyan #1-B Mine.
Guyan #1-C Mine.
Guyan #5 Mine.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coalmine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine oh March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

In support of its petition, Petitioner states:

1. MESA has informed Petitioner that, contrary to earlier practice, section 314(f) of the Act and § 75.1405 of the Departmental regulations would be deemed applicable and would be enforced with respect to all vehicles used on track even if equipped for off-track use. Said application will result in a diminution of safety to the miners in Petitioner's mines.

2. Petitioner's mines employ a track coal haulage system, but all cars are handled as a unit. The only time cars are coupled or uncoupled is at the section loading point and at the dump area on the surface. Cars are not regularly coupled or uncoupled except in these instances.

3. Track haulage cars used for transporting supplies in Petitioner's mines are not regularly coupled and uncoupled as the majority of all supply trips are coupled before entering the mine and not uncoupled prior to returning from said trip. Supplies are unloaded directly from the cars while on track.

4. Petitioner has designed semi-automatic type couplers for use on its track equipment which enables the miner to couple or uncouple said cars without physically positioning himself between vehicles. Said system furthermore, allows closer and more accessible inspection of coupling parts than possible with automatic couplers which would aid in the prevention of coupling failure. A copy of a schematic drawing[1] of said system is attached hereto, as Exhibit A, and made a part hereof.

5. Petitioner states that its training program and safety record regarding its coupling system has been excellent in each of the subject mines.

6. Because of the foregoing facts, installation of automatic couplers on all equipment used on track in Petitioner's aforementioned mines would diminish safety and, in fact, create hazards or the risk of hazards not now present.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 7, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: February 24, 1975.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.75-5900 Filed 3-5-75;8:45 am]

[1] The schematic diagram will be available for inspection at the address mentioned in the last paragraph of the notice.

National Park Service

[Order No. 87]

CHIEF, DIVISION OF CONTRACTING AND PROPERTY MANAGEMENT

Delegation of Authority

SECTION 1. *Delegation.* The Chief, Division of Contracting and Property Management, Washington Office, is authorized to:

(1) Execute, approve, and administer contracts for construction, equipment, supplies, and services, in conformity with applicable regulations and statutory requirements and subject to the availability of appropriated funds.

SEC. 2. *Redelegation.* The authority delegated in this order No. 87 may be redelegated to the Purchasing Agent not to exceed $10,000.

SEC. 3. *Revocation.* This order supersedes and revokes National Park Service Delegation of Authority Order No. 62 (36 FR 5629) published March 25, 1971.

(205 DM, as amended; 245 DM, as amended; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: February 24, 1975.

GARY EVERHARDT,
Director, National Park Service.

[FR Doc.75-5988 Filed 3-5-75;8:45 am]

CUMBERLAND ISLAND NATIONAL SEASHORE, GA.

Public Meeting

A public meeting concerning the future preservation, development, and use of Cumberland Island National Seashore will be held at 8 p.m., March 21, 1975, at the National Park Service, Southeast Regional Office Building at 3401 Whipple Avenue, Atlanta, Georgia. The building is one block north of Hartsfield Municipal Airport.

The purpose of the meeting is to discuss planning for the national seashore and to solicit the views of interested persons and parties. The planning under consideration deals with the preparation of a park master plan, a possible wilderness plan, and plans for individual developed areas which might be provided to offer facilities for public use and enjoyment.

Information gained from these meetings will be incorporated in an environmental assessment, which will offer a comprehensive analysis of the alternatives and which will also be offered for public review at a later date. After comments on the assessment are received, the Service will analyze the responses and then prepare to make preliminary planning decisions.

Additional information, including premeeting orientation materials, is available upon request from the Regional Director, National Park Service, Southeast Regional Office, 3401 Whipple Avenue, Atlanta, Georgia 30344 (telephone number 404-526-7560) or the Superintendent, Cumberland Island National Seashore, P.O. Box 960, Kingsland, Georgia 31548 (telephone number 912-729-3447).

Participants may present written comments in lieu of or supplementary to oral presentations. The record will be kept open until April 7, 1975, for the receipt of additional comments for consideration in the environmental assessment.

Dated: February 14, 1975.

ROBERT STANTON,
Acting Regional Director,
Southeast Region,
National Park Service.

[FR Doc.75-5945 Filed 3-5-75;8:45 am]

Office of the Secretary

[INT FES 75-34]

PROPOSED POTOMAC HERITAGE NATIONAL SCENIC TRAIL

Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Potomac Heritage National Scenic Trail, Maryland-Virginia-District of Columbia-Pennsylvania-West Virginia. Notice of availability of the draft environmental impact statement inviting comments was announced in the FEDERAL REGISTER on January 19, 1972.

The environmental statement considers the probable impact of establishng a proposed Potomac Heritage National Scenic Trail which would extend 874 miles, traversing the length of the Potomac River from the mouth at the Chesapeake Bay to its source in the Appalachian Mountains.

Copies are available for inspection at the following locations:

Office of Communications, Room 7229, Department of the Interior, Washington, D.C. 20240;

Division of Information, Bureau of Outdoor Recreation, Room 4425, Department of the Interior, Washington, D.C. 20240. Telephone: (202) 343-5726;
Office of Regional Director, Bureau of Outdoor Recreation, 600 Arch Street, Philadelphia, Pennsylvania 19106. Telephone: (215) 597-7989;
State Clearinghouse, Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201;
State Clearinghouse, Pennsylvania State Planning Board, 503 Finance Building, State Capitol, Harrisburg, Pennsylvania 17120;
State Clearinghouse, Virginia Division of Planning and Community Affairs, 1010 James Madison Building, Richmond, Virginia 23219;
State Clearinghouse, Governor's Office of Federal-State Relations, State Capitol, Charleston, West Virginia 25305;
Metropolitan Clearinghouse, Metropolitan Washington Council of Governments, 1225 Connecticut Avenue NW., Washington, D.C. 20036;
Metropolitan Clearinghouse, Cambria County Planning Commission, Court House, Ebensburg, Pennsylvania 15931; and
Metropolitan Clearinghouse, Southwestern Pennsylvania Regional Planning Commission, 564 Forbes Avenue, Pittsburgh, Pennsylvania 15219.

Copies may be obtained by writing the Washington or Regional Office of the Bureau of Outdoor Recreation. Please refer to the statement number above.

Dated: February 26, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-5901 Filed 3-5-75;8:45 am]

[INT DES 75-9]

SATSOP INTEGRATING TRANSMISSION

Availability of Draft Supplement to Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared a draft facility location supplement to its Fiscal Year 1976 Environmental Statement. This supplement covers the proposal for Satsop Integrating Transmission.

The proposed facilities involve construction of a substation near Satsop and two 500-kV transmission lines from the proposed Satsop Substation approximately 24 miles west of Olympia, one running from Satsop to Paul Substation and one running from Satsop to Olympia Substation. This proposal will involve Thurston, Lewis, and Grays Harbor Counties, Washington. Depending on the final route location chosen, between approximately 62 and 73 miles of 500-kV transmission line between the proposed Satsop Substation and Olympia and Paul Substations would be required over existing, parallel, and new rights-of-way. Between 15 and 31 miles of new access road would also be required. Land use affected would include clearing from 560 to 1,180 acres of timber. Depending upon the route location chosen, between ¼ and 4 acres of agricultural land would be removed from production and between 4 and 37 acres temporarily disrupted. In addition, approximately 30 acres of land would be required for the substation.

Copies of the draft supplement are available for inspection in the library of the Headquarters Office of BPA, 1002 NE. Holladay Street, Portland, Oregon 97232; the Washington, D.C., Office in the Interior Building, Room 5600; and the Seattle Area Office, 415-1st Avenue North, Room 250, Seattle, Washington 98109.

A limited number of copies are also available and may be obtained by writing to the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208 or to the Seattle Area Office at the above address. Comments on the supplement should be sent to the Environmental Office by April 21, 1975.

Dated: February 26, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-5894 Filed 3-5-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Wisconsin Grain Inspection Point

Notice is hereby given pursuant to § 26.99 of the regulations (7 CFR 26.99) under the U.S. Grain Standards Act (7 U.S.C. 71 *et seq.*) that on November 19, 1974, there was published in the FEDERAL REGISTER (39 FR 40597) a notice announcing a request by the Wisconsin Department of Agriculture that its assignment of inspection points be amended to add Jefferson, Wisconsin, as a designated inspection point. Interested persons were given until December 18, 1974, to submit written views and comments with respect to the proposed amendment of assignment.

No comments were received with respect to the November 19, 1974, notice in the FEDERAL REGISTER. After due consideration of market needs and circumstances and other material available to the Department, the assignment of the Wisconsin Department of Agriculture is amended to add Jefferson, Wisconsin, as a designated inspection point.

Effective date: This notice shall become effective March 6, 1975.

Done in Washington, D.C. on February 28, 1975.

(Sec. 7, 39 Stat. 482, as amended 82 Stat. 764; 7 U.S.C. 79(f); 37 FR 28464 and 28476.)

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

[FR Doc.75-5924 Filed 3-5-75;8:45 am]

Animal and Plant Health Inspection Service

ANIMAL WELFARE

List of Registered Exhibitors

Pursuant to the provisions of the Act of August 24, 1966, as amended by the Animal Welfare Act of 1970 (7 U.S.C. 2131 et seq.), and the regulations thereunder (9 CFR Part 2), notice is hereby given that the following exhibitors are licensed under said Act:

ALASKA

Alaska Children's Zoo, Box 1730 S. Star Route, Anchorage 99507.
Alaskaland Wildlife Park, Moore and Avenue of Flags, Fairbanks 99701.
Brown, Leon T., Jr., 3001 Mountain View Drive, Anchorage 99503.

ARIZONA

Arizona-Sonora Desert Museum, P.O. Box 5607, Tucson 85703.
Arizona Zoological Society, P.O. Box 5155, Phoenix 85010.
Belmonte Zauatta, 15520 North 38th Street, Phoenix 85032.
Randolph Park Zoo, 900 South Randolph Way, Tucson 85716.
Tropic Gardens Zoological Park, 6232 North 7th Street, Phoenix 85014.

ARKANSAS

Arkansas Communities, Inc., P.O. Box 1506, Hot Springs 71901.
Jungle Land Zoo and Gift Shop, Mountainburg 72946.
Ormond, H. C., P.O. Box 303, Clinton 72031.

CALIFORNIA

Big Bear Valley Recreation and Park District, P.O. Box 2832, Big Bear Lake 92315.
County of Santa Barbara, dba Waller Park, 123 East Anapamu Street, Santa Barbara 93101.
Denning, Mario and Ruth, dba Frontier Village Petting Zoo, 490 Maher Road, Watsonville 95706.
Fawcett, Brian, dba Magic Mountain, 21719 Barton Road, Colton 92324.
Fisher, Frances, Box 1170, Star Route, Techachapi 93561.
Gatti-Charles Productions, Inc., P.O. Box 508, Orange 92666.
Gentry, Margaret, dba Lion Country Safari, 271 McKnight Road, Box 515, Newburg Park, 92365.
Henry, Ivan M., 2247 Parkway Drive, El Monte 91733.
Jones, Robert, P.O. Box 588, Bloomington 92316.
Kaye, Paul V., dba Entertainment Enterprises, 1680 N. Vine Street, Hollywood 90028.
Krauter, Carl E. and Howard, dba Krauter Nursery, 2006 Kentucky Street, Bakersfield 93305.
LeRoy, Harry D., dba Pinetree Park, P.O. Box 201 Big Bear City, 92314.
Los Angeles County Fair Association, P.O. Box 2250, Pomona 91766.
Matthews, George, Great London Circus, 604 Ferry Street, Martinez 94553.
McDermott, Clark D., 407 34th Avenue, San Francisco 94121.
Milhous, Oliver, dba Milhous Boys Ranch, Alleghany Route, Nevada City, 95959.
Orange County Harbors, Beaches and Parks District, 1901 Bayside Drive, Newport Beach 92662.
Prentice Park Zoo, 1700 East First Street, Santa Ana 92705.

Santa Barbara County Park Department, 1105 Santa Barbara Street, Santa Barbara 93101.
Whitfield, Ronald W., 10419 Haddon Avenue, Pocoima 91331.
York, Lester, dba Little Baja, Highway I, Moss Landing 95039.

COLORADO

Arnold, Samuel P., The Fort, Morrison 80465.
City of Alamosa Zoo, 425 4th, Alamosa 81101.
City of Englewood, dba Belleview Park, Parks & Recreation Dept., R3400 S. Elati, Englewood 80110.
City of Greeley Parks Department, Greeley 80631.
City of Pueblo Parks and Recreation Dept., City Park Pavilion, Pueblo 81005.
Drake, Dean, 333 6th, Penrose 81240.
Engle, Henry J., Wray 80758.
Judish, Anthony L., 921 Long's Peak Avenue, Longmont 80501.
Jump Steady Corporation, Route 1, Box 203, Buena Vista 81211.
Krohn, John C., The Fort, SR Box 20AA, Morrison 80465.
McCulloch Properties, Inc., Pueblo West 81007.
National Park Village, 4600 Fall River Road, Estes Park 80517.
Poirier, Harold, Box 526, Delta 81416.
Riley Zoo, Cheland Park, Delta 81416.

CONNECTICUT

Children's Museum of Hartford, 950 Trout Brook Drive, West Hartford 06119.
City of Hartford, 25 Stonington, Hartford, 06106.
City of Norwich, City Hall, Norwich 06360.
The Denison Pequotsepos Nature Center, Inc., P.O. Box 42, Mystic 06355.
Goodwin, Roger, Route 5, Warehouse Point 06088.
Hires, Diane, Cedar Street, Chester 06412.
Mid-Fairfield County Youth Museum, P.O. Box 165, Westport 06880.
Moran, Herbert F., Nature Center and Zoo, Municipal Building, New London 06320.
Stamford Museum and Nature Center, Inc., 39 Scofieldtown Road, Stamford 06903.
The Bruce Museum, 467 Steamboat Road, Greenwich 06830.
The Connecticut Packing Company, Bloomfield 06002.
West Rock Nature Recreation Center, P.O. Box 2969, New Haven 06515.
Willington Game Farm, Old Farms Road, Willington 06279.

DELAWARE

Brandywine Zoo, 102 Middleboro Road, Wilmington 19804.

FLORIDA

Animal Kingdom, 233 E. Robinson Street, Orlando 32801.
Animal Playland, dba Armond's Animal Playland, Rt. 1, Box 147, St. Augustine 32084.
Asper, Edward D., dba Sea World of Florida, 7007 Sea World Drive, Orlando 32809.
Blanchard, Charles D., 307 Coastal Highway, Vilano Beach, St. Augustine 32084.
Cline, John, 3732 Old Tampa Highway, Lakeland 33803.
Cristiani, Oscar, 2810 S. Jefferson, Sarasota 33579.
Clyde Beatty-Cole Brothers Circus, 1713 South Orange Avenue, Sarasota 33577.
Dickman, Joseph, dba Pirates World, 3311 N. 37 Street, Hollywood 33004.
Everglades Wonder Gardens, Bonita Springs 33923.
Fairlyland Municipal Zoo, Lowry Park, North Boulevard & Sligh, Tampa 33604.
Fee, Harry W., Box 493, Gibsonton 33573.
Flipper's Sea School & Seaquarium, Porpoise Training Center, P.O. Box 2875, Marathon Shores 33052.
Gator World of Flamingo Groves, 3752 Flamingo Road, Fort Lauderdale 33314.
Gossing, G. & G. Stevens, Singletary Road, Box 9, Myakka City 33551.
Hanneford, Tommy, Hanneford Motel, Osprey 33559.
Holiday Inn Trav-L-Park, 2650 Holiday Trail, Kissimmee 32741.
Homosassa Springs, Inc., P.O. Box 8, Homosassa Springs 32647.
Hoover, David C., 665 W. 38th Street, Hialeah 33012.
Joyce, Jack, Box 1570, Winter Park 32789.
Jungle Larry's Safari Land Inc., Fleischmann Boulevard and Goodlette Road Naples 33940.
Keith, Justin, 5140 Davie Road, Davie 33314.
Krieg, Frederick and Agnus, dba Caloosa Animal Farm Star Route 2, Box 360A, LaBelle 33935.
MGM's Bounty Exhibit, 345 Second Avenue, NE., St. Petersburg 33701.
Maas, Gary, 6971 Haverhill Road, West Palm Beach 33407.
Marine Attractions, Inc., 6500 Beach Plaza Road, P.O. Box 6086, St. Petersburg Beach 33736.
Marineland, Inc., R.F.D. 1, Box 122, St. Augustine 32084.
Masterpiece Gardens, Inc., P.O. Box 1230, Lake Wales 33853.
McKee Jungle Gardens, 300 U.S. 1, Vero Beach 32960.
Miracle Strip Jungleland, P.O. Box 2000, Panama City 32401.
Morris, Mrs. Bernice, d/b/a Morris Enterprise, Edgewater 32032.
Museum of Sea and Indian, Star Route, Box 611, Destin 32441.
Noell, Mr. and Mrs. Robert M., P.O. Box 396, Tarpon Springs 33589.
Nowak, Edward Jr., d/b/a Swamparium, Route 5, Box 39, Cantonment 32533.
Owen, Cary B., d/b/a Animal Korner, P.O. Box 9338, Panama City Beach 32401.
Parks Department, 1450 16th Street North, St. Petersburg 33704.
Parnell, Garland, P.O. Box 994, Gibsonton 33534.
Parrot Jungle, Inc., 11000 SW. 57th Avenue, Miami 33156.
Porter, Mrs. Margaret B., P.O. Box 157, Gibsonton 33534.
Potter, Dean, P.O. Box 1092, Gibsonton 33534.
Ringling Bros. and Barnum and Bailey Combined Shows, Inc., P.O. Box 1528, Venice 33595.
Sanford Municipal Zoo, Park Avenue, Sanford 32771.
Sarasota Jungle Gardens, 3701 Bayshore Road, Sarasota 33580.
Baptist Schreiber, d/b/a Capt. Schreiber Chimpanzees, Route 3, Box 48-X, St. Augustine 32084.
Shell Land Nov. Co., Inc., 14788 U.S. 19 South, Clearwater 33516.
Silver Springs, Inc., Ross Allen Reptile Institute, P.O. Box 367, Silver Springs 32688.
Sipek, Steve, 15341 NW 32nd Avenue, Opa Locka 33054.
Slom, Morris, Box 18623, Tampa 33609.
Spyke's Groves, 7250 Griffin Road, Fort Lauderdale 33314.
Squirrels Zooland, Route 1, Box 305, Gulf Breeze 32561.
St. Augustine Alligator Farm, P.O. Box 166, St. Augustine 32084.
Stephenson, Morris R. & Son, Bass Capital Taxidermist, Crescent City 32012.
Sugarhouse, Inc., 2805 North Tamiami Tr., North Fort Myers 33903.
Szymonski, Kurt, 2022 Dodge Avenue, Sarasota 33580.
Tarzan Zerbini, Route 2, Box 8, Sarasota 33580.
Tiki Gardens Inc., P.O. Box 8, 19601 Gulf Blvd., Indian Shores 33535.
Tropical Wonderland, Inc., 4700 S. Washington Avenue, Titusville 32780.
Valegroves, 6990 Griffin Road, Fort Lauderdale 33314.
Weeki Wachee Spring, Inc., U.S. 19 and Fla. 50, Weeki Wachee 33512.
Wild Kingdom, Inc., 233 E. Robinson Street, Orlando 32801.
Wildlife Trust of Broward County, 2070 Griffin Road, Fort Lauderdale 33302.
Williams, Rex, 6226 Lincoln Street, Hollywood 33024.
Wilnow, Eric and Angela, 861 Oak Street, Fort Myers Beach 33931.
Wonders of Sea, Star Route, Carabelle 32332.

GEORGIA

Beverly, Olen L., P.O. Box 724, Moultrie 31768.
City of Athens-Recreation and Parks Department, Memorial Park, Athens 30601.
Edwards, Lee, 3653 Dial Drive, Stone Mountain 30083.
Ketcham, Lewis E., Box 60A, Route 3, Woodstock 30188.
Lunsford, Dick, Rt. 2, Douglas 31533.
Okefenokee Association, Inc., Okefenokee 31501.
Schleentz, Osborn R., Valdosta 31601.

HAWAII

Island Holidays, Ltd., dba Coco Palms Resort Hotel, Box 631, Lihue 96765.
Meadow Gold Farms, R.R. 1, Box 224, Haleiwa 96712.
Orchid Island Hotel, 211 Banyan Drive, Hilo 96720.
Pearl City Tavern, P.O. Box 246, Pearl City 96872.

IDAHO

Wild Wild West, Inc., Route 7, Caldwell 83605.

ILLINOIS

Barnett, Chester E., P.O. Box 257, Lovington 61937.
Bower, Edward C., Route 2, Ava 62907.
Cairn's, George Bird Land, 708 South Hughes Road, S., Woodstock 60098.
Children's Farm, c/o Rockford Park District, 1401 North Second Street, Rockford 61107.
Children's Prairie Farm, 706 Holiday Park Drive, Champaign 61820.
Dundee Twnp. Park District, 21 N. Washington Street, Carpentersville 60110.
DuPage County Forest Preserve District, 25101 Park Boulevard, Glen Ellyn 60137.
Forest Park Foundation, 4801 Prospect Road, Peoria Heights 61614.
Forest Preserve District of Cook County, 536 North Harlem, River Forest 60305.
Hawthorne Circus Corp., Libertyville 60048.
Handel's Steak House, Route 1, Savannah 61074.
Illinois Department of Children and Family Services, 524 South Second, Springfield 62704.
Illinois Department of Conservation, 602 State Office Building, Springfield 62706.
Lamb's Pet Park, Box 520, Libertyville 60048.
Land of Lincoln Deer Park and Campground, Inc., Route 97, Tallula 62688.
LaSalle County Environmental Education Center, Route 4, Ottawa 61350.
Naightin, Walter, 436 Fourth Street, Northfield 60093.
Niabi Zoological Preserve, Route 1, Moline 61265.
Parks and Recreation Department, Elgin 60120.
Phillips Park Zoo, Phillips Park, Aurora 60538.
Polar Dome Corp., Routes 72 & 25, East Dundee 60118.
Reding, M., 9600 Golf Road, Desplaines 60016.
Scoville Farm Zoo, Box 1136, Decatur 62525.
Shafton, Saul, The Amazing Mr. Shafton, America's Premier Poodle Illusionist, 616 Wicker Avenue, Streamwood 60103.
Sheppard, Jerry A., R.R. 4, Springfield 62707.
Simeon Aviles-Martinez, 436 Fourth Street, Northfield 60093.

Springfield Park District, 2500 South 11th Street., Springfield 62703.
Stone, Lester R., Box 349, Route 1, East Moline 61244.
Talbott, Gnile, dba Talbott's Shady Oak Market, Manito 61546.
White Pines Deer Park, Inc., Route 3, Oregon 61061.
Zelke, Alfred, 3702 North Route 31, McHenney 60050.

INDIANA

Baird, Clifton and Kenny, Box 102, Salem 47167.
Hauri, James and Flora, Albany 47320.
Kelly, Paul B. and Dorothy K., Peru, Indiana 46970.
Santa Claus Land, Inc., Box 36, Santa Claus 47579.
Smith, Keith, R.R. 3, Box 33, Muncie 47302.
Spruce Hill Farm, Inc., R.R. 7, Box 206, Martinsville 46151.
Transcontinental Circus, Indianapolis 46952.
Wise, Duane O., Muncie 47302.

IOWA

Board of Park Commissioners, dba Children's Zoo, 236 West Central Park Avenue, Davenport 52803.
Buffalo Ranch Museum, 310 Lovers Lane, Fayette 52142.
City of Cedar Rapids Park Department, City Hall, Cedar Rapids 52406.
City of Fort Dodge Park Department, 1450 Oleson Park Avenue, Mason City 50401.
City of Mason City Parks Department, 9 South Delaware Avenue, Mason City 50401.
City Park Zoo, Iowa City 52240.
Hawkeye Zoological Society, Box 1482, Cedar Rapids 52406.
Iowa State Conservation Commission, Boone 50036.
Polk County Conservation Board, Jester Park, Granger 50109.

KANSAS

Bear House Truck Stop, Bunker Hill 67626.
Dodge City. Wright Park Zoo, Dodge City 67801.
Markley, J. E., Seneca 66538.
Perkin's Trained Dog Show, Box 351, Syracuse 67878.
Scandia Zoo, Scandia 66966.

KENTUCKY

Garvin, Charles, Beech Band Park, Bowling Green 42101.
Issac W. Bernheim Foundation, Bernheim Forrest, Clermont 40110.
Mammoth Onyx Cave, Box 527, Horse Cave 42749.
Otter Creek Park, Vine Grove 40175.
Roundup Zoo, 3100 Dixie Highway, Erlanger 41018.
Shelton, James T., dba Funland Park, Box 372, Route 6, Corbin 40701.

LOUISIANA

Alfred Bonnabel High School, 400 Phlox Street, Metairie 70001.
Colacurcio, Bill, 522 Bourbon Street, New Orleans 70130.
Playland Amusements, Inc., Pontchartrain Beach, New Orleans 70122.
Snake Farm, P.O. Box 96, LaPlace 70068.

MAINE

Animal Forest Park, Box 404, York Beach 03910.
Aqualand, R.D. 1, Route 3, Bar Harbor 04609.
Maine Fish and Game Department Information and Education Division, Room 600, State Office Building, Augusta 04330.
Rumford Wild Animal Park, Rumford Point 04279.
Simpson's Wild Animal Park, Old Road, Brunswick 04011.
Skibicki, Joseph F., Kennebunk 04043.
Vaughn Gallop, Calais Road, Houlton 04730.

MARYLAND

Arnold's Shoes of Bowie, Inc., Rt. 450, Freestate Mall, Bowie 20715.
Baltimore Zoo, Druid Hill Park, Baltimore 21217.
Columbia Association, 1000 Century Plaza, Columbia 21044.
Dykes Brothers Attraction, Merritt Road, Salisbury 21801.
Enchanted Forest Enterprises, Inc., 10040 Baltimore National Pike, Ellicott City 21043.
Hahn, Richard A., dba Catoctin Mountain Zoological Park, Thurmont 21788.
Haviland, Hal, P.O. Box 1222, Landover 20785.
Jackson, Harry Lee, dba Trader Lee's Village, Route 50, West Ocean City 21842.
Marjec, Inc., Shawnee-Land, Olney 20832.
Salisbury Zoological Garden, P.O. Box 791, Salisbury 21801.
Starsun Park, Rt. 1, Box 234, Whaleysville 21872.

MASSACHUSETTS

Aquarium of Cape Cod, Inc., 2 Highland Street, Hyannis Park 02601.
Barnyard Zoo, Parks Department, City Hall, Worcester 01608.
Blue Hills Trailside Museum, 1904 Canton Avenue, Milton 02186.
Children's Museum, Jamaica Way, Jamaica Plain 02130.
Children's Museum, Inc., P.O. Box 98, Dartmouth 02714.
City of Pittsfield, Pittsfield 01201.
Cole, Robert, Museum, dba Mt. Tom State Reservation, Holyoke 01040.
Eastover, Inc., Lenox 01240.
Edaville Corporation, Box 7, South Carver 02566.
Forest Park Zoo, Department of Public Parks & Recreation, Springfield 01108.
Frank Newhall Nook Memorial Park, 300 North Main Street, Northampton 01060.
Johnson's Inc., dba Santa's Lookout, North Main Street, Middleton 01949.
Massachusetts Audubon Society, Lincoln 01773.
Museum of Science, Boston 02114.
New Bedford Park Department, Room 215, Municipal Building, New Bedford 02740.
New England Aquarium, Central Wharf, Boston 02110.
New England Educational Center, 100 Summer Street, Holliston 01746.
Town of North Attleboro, North Attleboro 02760.
Waltham Park & Recreation, City Hall, Waltham 02154.
Ward's Nursery, Inc., 610 South Main Street, Great Barrington 01230.
Webster, H. K., Company Inc., 32 West Street (P.O. Box 8), Lawrence 01842.

MICHIGAN

Ball, John Zoological Gardens, 301 Market, S.W., Grand Rapids 49502.
Becker's Zoo, East Cass City Road, Ubly 48475.
Bertha Brock Park, Route 3, Box 295, Ionia 48846.
Bitely, Gerald, dba Birch Shores Resort, R1, McMillan 49853.
Cederberg, Ernest H., 2093 Coggins Road, Pinconning 48650.
City of Kalamazoo, City Hall, 241 West South Street, Kalamazoo 49006.
City of Mt. Pleasant, 120 South University, Mt. Pleasant 48858.
Claerhout, Emil and Madeline Schuster, 8887 Gratiot Road, Richmond 48062.
Clinch Park Zoo, Grand View Parkway, Traverse City 49684.
Clough, LeRoy and June, Evergreen Resort, Route 2, M-65, Hale 48736.
Currie-Wildon Enterprises, Post Office Box 227, Midland 48640.
Dickey, Darwin, L., Pine Ridge Amusement, 7784 Main Street, Birch Run 48415.
Dillon, Otto L., Inc., Route 1, Box 92, Grayling 49738.
Edison Institute, Greenfield Village, Dearborn 48121.
Elm Rest Service, 1507 S. Lake Mitchell Drive, Cadillac 49601.
Erickson, Shirley Mrs., R2, Box 2334, Grayling 49738.
Fenner, Carl G., Arboretum, 2020 East Mt. Hope, Lansing 48910.
Finley, Merle, dba Longhorn Ranch, 7684 125 Mile Road, Washington 48094.
Fiath, Julius, dba Dell's Supper Club, Escanaba 49837.
Fountain, L. J. & P. A., 306 E. John Street, Newberry 49868.
Hafeman, Robert, R2, Box 75, Wallace 49893.
John Henes Park, 202 Henes Park Drive, Menominee 49848.
Hill, D. B. and Kay E., Santaland and the Woodshed, 2515 N. Euclid, Bay City 48706.
Holbrook, Stanley, R1, Germfask 49836.
Hulko, Samuel F., 1108 Crystal Avenue, Crystal Falls 49920.
Humane Society of Macomb County, 11350 22 Mile Road, Utica 48087.
Huron County Road Commission, 417 South Hanselman, Bad Axe 48413.
Industrial Mutual Association, 901 East Second, Flint 48503.
Iron Mountain City Park, Westends of A and B Streets, Iron Mountain 49801.
N. E. Isaacson of Michigan, Inc., 5477 Sugar River Road, Gladwin 48624.
Jensen, Mr. & Mrs. Robert, R1, Powers 49874.
Johnny's Fish and Game Park, 5511 East 46½ Road, Cadillac 49601.
Kalamazoo Nature Center, 7000 N. Westnedge, Kalamazoo 49007.
King Animaland Park, Inc., 62000 Gratiot Avenue, Richmond 48062.
Loftis, Audrey Lee, 14140 Worden Road, Gregory 48137.
May, Howard, 394 Cambria Road, Hillsdale 49242.
Mayer, W. G., 7606 Hix Road, Westland 48185.
Mercier, Francis R., dba Santa's Gift Shop, Box 75, Munising 49822.
Moe, Arne G., dba The Red Barn, R1, Box 210, Munising 49822.
Mott Farm Program, G6140 Bray Road, Flint 48505.
Nankin Mills Nature Center, 33175 Ann Arbor Trail, Westland 48185.
Norm's Bald Mountain Riding Stable, 3085 S. Laprec Road, Pontiac 48057.
Ogemaw Game Refuge, Ten Lakes Sportsmen Club, 5626 W. Rose City Road, West Branch 48661.
Palmer, Betty, Mrs., dba Presque Isle Park, Marquette 49855.
Parr's Park, Box 81, Prudensville 48651.
Peebles, Gloria, 18810 Cardoni, Detroit 48203.
Potter Park Zoo, 1301 South Pennsylvania Avenue, Lansing 48933.
Quas, Garry, dba Bambi Park, Box 215, Iron Mountain 49801.
Realm of the Wild, Inc., P.O. Box 267, Harrison 48625.
Rice, Elmer, 539 Golf Road, Lapeer 48446.
Rouge Park Nature Center, 142 W. Outer Drive, Detroit 48239.
Saginaw Children's Zoo, 1694 S. Washington, Saginaw 48601.
Scidmore Park, Three Rivers 49093.
Smith, Curtis L., P.O. Box 204, Baldwin 49304.
Stephens, Yvonne R., dba Yvonne and Her Friends, Box 37, Williamsburg 49690.
Tesch, Harold, dba Lenawee Institute, 3046 Sutton Road, Adrion 49221.
Trail, Betty E., dba Betty's Pet and Garden Center, M-55, Zone 6, Houghton Lake 48629.
Waffle, Ernest J., 2416 Aldrich Road, Tekonsha 49092.

Waltz, Dirk B., 625 Linwood Beach Road, Linwood 48634.
Westra, Jim C., dba Animal Kingdom Wildlife Refuge, 9320 S. Division, Byron Center 49315.
Wilder, Dale, 9580 Dixie Highway, Clarkston 48016.
Zellar, George A., R1, Box 106, Gerfast 49836.

MINNESOTA

Ahrendt, Dwayne J., Jasper 56144.
AK-SAR-BEN Gardens, Route 2, Aitkim 56431.
Alexandria Deer Park, Route 4, Alexandria 56308.
Asander, Phyllis, dba Schmidt's Circus, R.R. 1, Dalton 56324.
Blue Mound Inn, Luverne 56156.
Boelter, James F., Route 3, McGregor 55760.
Brainerd Baxter Corp., dba Paul Bunyan Amusement Center, Box 563, Brainerd 56401.
Buffalo House, 2500 Guss Road, Duluth 55810.
City of Mankato, Div. of Parks & Forestry, 202 E. Jackson St., Mankato 56001.
City Park Board, c/o Municipal Office Bldg., 56283.
Cook, Val S., Orr 55771.
Cougarville Castle, Quamba 55064.
Deer Town, Inc., Highway 71 North, Park Rapids 56470.
Duluth Zoo, 7210 Fremont Street, Duluth 55807.
Eggleston, Ogden C., Walker 56484.
Fort Detroit, P.O. Box 66, Detroit Lakes 56401.
Gopher Campfire Club, c/o H. P. Quade, Sr., 122 N. Main Street, Hutchinson 55350.
Granfor, Julian, Perley 56574.
Hansen, William T., dba Animal Acres Zoo, RR #3, Box 203, Wadena 56482.
High Town Deer Park, Route 3, Box 160, Bemidji 56601.
Himes, Robert L., dba Trapper Himes Wild Animal Farm, Ray 56669.
HiWay Trading Post, Hackensack 56452.
Ike's Chicken Shack, Browns Valley 56219.
Jacobson, E. N., Nevis 56467.
Jaegers, Sidney W., R.R. 1, Buffalo Lake 55314.
Kleven, Lyle, 3500 5th Street North, Minneapolis 55412.
Krachey, Donald W., dba Aqua Park Aquarium, 1008 East 1st Street, Park Rapids 56470.
LaBarge, Mr. and Mrs. Lisle, Jr., Route 1, Box 65A, Chisholm 55719.
Lewis, Walter D., Alexandria 56308.
Markkanen, Reino, Route 1, Box 262, Eveleth 55734.
McGregor Dairy Queen, Inc., Box 66, McGregor 55760.
Miles, Bowler, Village of LeCenter, 21 N. Lexington, LeCenter 56057.
Nelson, Irvin, Route 2, St. Peter 56082.
Oberle, Donald, Comfrey 56019.
Ohlgren, E. J., Clear Lake 55319.
Olmsted County Park and Recreation Division, 1421 3rd Avenue, S.E., Rochester 55901.
Pine Grove Park Municipal Zoo, 727 3rd Street, N.E., Little Falls 56345.
Pinske, Ben, Route 1, Gary 56545.
Riverside Inn, Side Lake 35781.
Sheppard, Duane, 510 Wilson Ave., N.E., St. Cloud 56301.
Smuda's Wildlife Zoo, Little Falls 56345.
St. Paul's Como Zoo, St. Paul 55103.
The Farm Supper Club, Inc., RR 4, Princeton 55371.
Village of Wadena, Box 30, Wadena 56482.
Virginia Park Commission, Olcott Park, Virginia 55792.
Wall Bros., Comfrey 56019.

MISSISSIPPI

McWilliams, Mrs. Eugene C., Rt. 1, Box 108, Picayune 39466.

MISSOURI

Carr, C. L., dba Strange & Mysterious Shows, Inc., 1517 W. Broadmoor, Springfield 65807.
Clarksville Skylift, Inc., Clarksville 63336.
Gold Nuggets Junction, Osage Beach 65065.
Hooten Holler Exotic Game Preserve, Ltd., P.O. Box 3463, Kimberling City 65686.
Jackson Co., Department of Parks & Recreation, Route 2, Box 408, Blue Springs 64015.
Jones, J. W., dba Buena Vista's Exotic Animal Paradise, Rt. 1, Strafford 65757.
Kirk's Animal Acts, Box 126, Route 2, Reeds Spring 65737.
Lone Elk Park c/o St. Louis Co., Parks Dept., 7900 Forsyth, St. Louis 63105.
Max Allen's Zoological Gardens, U.S. 54 S., Eldon 65026.
Mid-America Enterprises, Inc., 4545 Worlds of Fun Ave., Kansas City 64161.
Ozark Deer Farm, Rt. 3, Eldon 65026.
Rivers, Johnny, Rt. 1, Box 262, Camdenton 65020.
Six Flags Over Mid America, Inc., P.O. Box 248, Eureka 63025.
The Squirrel House, P.O. Box 65, Gravois Mills 65037.
Szasz, Albert B., Rt. 1, Gerald 63037.

MONTANA

Brogan, Welch E., dba Cincinnati Game Farm, Gorwin Springs 59021.
Red Lodge Zoo (Elmer Neff), Red Lodge 59068.
Svelstad, Nels, Wise River 59762.
World Animal Odyssey, 2050 Euclid, Helena 59601.

NEBRASKA

Municipal Zoo, 1300 South 27th, Lincoln 68502.

NEVADA

Augspurg, August W., 6607 Escondido Street, Las Vegas 89109.
Berosini, Jan, 496 W. Keno Lane, Las Vegas 89109.
Canestrelli, Fred, 4842 Santa Barbara, Las Vegas 89121.
Farfan, Armando and Anna, 4040 Pearl, Las Vegas 89109.
Fischbacher, Siegfried, and Roy Uwe Horn, 904 Valley Drive, Las Vegas 89108.
Sparks, Nugget, Inc., Box 797, Sparks 89431.
Vinicky, Jan, P.O. Box 14715, Las Vegas 89114.

NEW HAMPSHIRE

Animal Forest Park, 87 Shore Drive, Laconia 03246.
Brady, James, Jefferson 03583.
Clark's Trading Post, Box 1, North Woodstock 03262.
The Friendly Farm, Inc., Box 76, Dublin 03444.
Santa's Village, Inc., Box 8, Jefferson 03583.

NEW JERSEY

Alexander, Tibor, 62 Central Avenue, Hillsdale 07642.
Bergen County Park Commission, 575 Main Street, Hackensack 07601.
Cohanzick Zoo, Bridgeton 08302.
Collins, Mrs. Betty, Box 550, Route 23, Oak Ridge 07438.
Dawn Animal Agency, Inc., Meadow Gate Farm, Cross Road, Colts Neck 07722.
Division of Health-City of Trenton, Room 214, State Street, City Hall, Trenton 08611.
Hammond, Earl and Elizabeth, 197 Morristown Road, Gillette 07933.
Hunt's Circus, Post Office Box 66, Florence 08518.
Jones, Robert E., 151 North Annapolis Avenue, Atlanta City 08401.
Julian, Victor & His Little Stars, Box 129, Ramsey 07446.
LeVine, Charlotte, Box 34, Florence 08518.
Middlesex County Department of Parks & Recreation, P.O. Box 661, New Brunswick 08903.
Morgan, Les, R.D. 1, Jacksonville Road, Burlington 08016.
Parsons, Ken, c/o Debbie Rende, 486 Stonetown Road, Ringwood 07465.
Phifers, Animal Farm, 197 Morristown Road, Gillette 07933.
Ricci, Henry, R.D. 6, Bridgeton 08302.
Terry, Franklyn T., 1451 Raritan Road, Scoth Plains 07076.
Turtle Back Zoo, 560 Northfield Avenue, West Orange 07052.
Woodford, Elizabeth M., Cedar Run Lake, Marlton 08053.

NEW MEXICO

City of Alamogordo, 511 10th Street, Alamogordo 88310.
City of Clovis, P.O. Box 760, Clovis 88101.
Spring River Park and Zoo, City Hall, Roswell 88201.

NEW YORK

Fee, Kenneth J., 362 Mosley Road, Rochester 14616.
Fox's Wild Animal Farm, Inc., Route 152, West Sand Lake 12196.
Herman's Nursery, Inc., 660 Dutchess Turnpike, Poughkeepsie 12603.
Lollypop Farm of Rochester and Monroe Co., Inc., 99 Victor Road, Fairport 14450.
Moreau, Margaret M., 1807 18th Street, Niagara Falls 14305.
Oppenheim Zoological Society of Niagara County, Inc., 2697 Niagara Falls Blvd., Niagara Falls 14304.
Popolizio, George Ross, R.D. 1, Holmes 12531.
Rensselaer County Schaghticoke Fair, Schaghticoke 12154.
Rix, Albert, R.D. 1, Middletown 10940.
Sabo, David, Route 44, Amenia 12501.
Steinherr, Ralph, Box 22, Siam Road, Windham 12496.
Thomas, J. and R. Janeen Wilds, P.O. Box 698, Greenwood Lake 10925.
Vidbel, Alfred, P.O. Box 114, Windham 12496.

NORTH CAROLINA

Charlotte Nature Museum, Inc., 1658 Sterling Rd., Charlotte 28209.
Cherokee Charm Lift, Box 361, Cherokee 28719.
City of Asheville, City Hall, Asheville 28807.
County Park Zoo and Natural Science Center, 4301 Lawndale Drive, Greensboro 27408.
Frontier Trading Post, Highway 19, Cherokee 28719.
Grandfather Mountain, Inc., Linville 28646.
Kiddie Zoo, P.O. Box 1810, Wilmington 28401.
McAdenville Aviary Gardens, McAdenville Foundation, Inc., McAdenville 28101.
North Carolina Museum of Life and Science, P.O. Box 87177, Durham 27704.
Parker, Gerard, Route 1, Cherokee 28719.
Silver City Developers, Inc., P.O. Box 56, Chimney Rock 28720.
Woody, Woodrow W., Route 2, Box 303, Sylva 28779.

NORTH DAKOTA

Wahpeton Zoo, Wendell Langendorfer, Curator, Rural Route 2, Wahpeton 58705.

OHIO

Barkas, John D., P.O. Box 2, Rome 44084.
Baron Julius Von Uhl RR#1, c/o Ed Maxwell, Wooster 44691.
Beam, Harry J., Jr., 5414 Wagonerford Road, Dayton 45414.
Beebe, Raymond, Route #3, Pataskalay 43062.
Camillo, Pat J. & Kathy R., 12119 Center Road, Mantua 44255.
Chovanic, David & Lawrence Humbarger, 133 McKim Street, Bellevue 44811.
Cleland's Deer Acres, Rt. 1, Bainbridge 45612.

Cleveland Museum of Natural History, Wade Oval, University Circle, Cleveland 44106.
Conley, Carl E., 4689 St., Route 276, Batavia 45103.
Dayton Museum of Natural History, 2629 Ridge Avenue, Dayton 45414.
Diamond "O" Ranch, Inc., Wild Animal Zoo, 1000 Warner Rd., S.E. Canton,44707.
Eckenrode, Harry N., 1596 Grandview Avenue, Apt. B, Columbus 43212.
Elyria Parks Recreation Dept. 1101 Prospect Street, Elyria 44035.
Evans, Bob Farms, Inc., Box 154, Rio Grande 45674.
Evans, Keith, 9218 Morgan Road, Huntsburg 44046.
Faflik, Clarence Shoe Store, #2, 26242 Great Northern, North Olmstead 44070.
Faflik, Clarence, Shoe Store #3, 7272 Ridgewood Drive, Parma 44146.
Faflik, Clarence, Shoe Store #4, 4920 Turney Road, Garfield 44125.
Faflik, Clarence, Shoe Store #6, 21642 Libby Road, Maple Heights 44137.
Faflik, Clarence, Shoe Store #7, 3032 Lakeshore Blvd., Willowick 44094.
Faflik, Clarence, Shoe Store #9, 3333 Market Street, Fairlawn 44313.
Faflik, Clarence, Shoe Store #10, Chapel Hill Shopping Center, Akron 44310.
Faflik Shoe Store, Mellett Mall, Canton 44702.
Fantasy Farm, Rt. 1, Middletown 45052.
Funtime, Inc., P.O. Box 184, Aurora 44202.
Khol, Rudy, 30770 Cannon Road, Solon 44139.
Lake Erie Nature and Science Center, 28728 Wolf Road, Cleveland 44140.
Lowe, Joseph T., 1192 E. 40 Street, Cleveland 44114.
Moknach, Ken P., 34 West Main Street, Madison 44047.
Moore, Harry E., Box 32, Main Street, Cumberland 43732.
Muskingum Area Technical College, 400 Richards Ave., Zanesville 43701.
Nelson Ledge Park, Rt. 2 Box 292, Garrettsville 44231.
Rosselott, Lena, Box 25, Sardinia 45171.
Sea World of Ohio, Inc., P.O. Box 237, Aurora 44202.
Siedel Fun Farm, Inc., 21897 Westwood Drive, Strongsville 44136.
Sink, Randon, 38 Jasper Street, Dayton 45409.
The Hiram House, 33775 Hiram Trail, Chagrin Falls, 44022.
Toledo Zoological Gardens, 2700 Broadway, Toledo 43609.
Vancel, William, 214 McKim Street, Bellevue 44811.
Wonderland Exhibits, Inc., 9480 State Rt. 14, Streetsboro 44240.

OKLAHOMA

W. V. Shearer, Route 1, Mooreland 73852.

OREGON

Salem Junior Women's Club, 2380 E. Nob Hill, S.E. Salem 97203.

PENNSYLVANIA

The Academy of Natural Sciences, 19th and the Parkway, Philadelphia 19103.
Animal Gardens, Hershey Park, Hershey 17033.
Animaland, R.D. 6, Wellsboro 16901.
Big O Bargain Center, 2nd and Mill Street, Coraopolis 15108.
Birdland Park, R.D. 1, Covington 16917.
Black Forest Trading Post, R.D. 1, Ulysses 16948.
Blubaugh, Chauncey R., Route 1, Waynesboro 17268.
Conneaut, Lake Park, Conneaut Lake 16316.
Cornwall, Raymond A., Jr., 20 Riverside Drive, Warren 16365.
Department of Parks, Recreation and Conservation, 345 County Office Building, Pittsburgh 15219.
Dietch, Ralph J., dba Dorney Park Zoorama, Allentown 18104.
Emerald Lakes (Unidel Corp.), P.O. Box 14, Pocono Summit 18346.
Eveland, Windsor G., R.D. 1, Mt. Union 17066.
Fantasyland Storybook Gardens, R.D. 1, Box 339, Gettysburg 17325.
Farmer's Exchange, Water Street, Alexandria 16611.
Fin, Fur, and Feather Trading Post, Star Route, Lockhaven 17745.
Forest Zoo and Animal Safari, R.D. 1, Ashville 16613.
Forker, Truby, Star Route, Tionesta 16353.
Frederick, Mabel E., R.D. 1, Watsontown 17777.
Guyer, Basil K., Fort Louden 17224.
Hampton Company, 712 Monroe Street, Stroudsburg 18360.
Heasley's Trading Post, R.D. 1, Lewis Run 16738.
Henke, Rodney W., Box 173, Marienville 16239.
Holler, Joseph, dba Deer Stop, R.D. 1, Easton 18042.
Kaufmann, George J., dba Angel Aquarium and Pet Supplier, Room 26, Great Southern Shopping Center, Bridgeville 15017.
Kiser Wildlife Ranch, R.D. 1, Box 117, Cairnbrook 15924.
Klondike Gift Shop, Kinzua Heights, Bradford 16701.
Leavengood, Robert D., 209 East Garden Road, Pittsburgh 15227.
Linvilla Orchards, 137 Knowlton Road, Media 19063.
Macks, Jim, The Cream, R.D. 11, Hellan Branch, Harrisburg, 17105.
Mealy, Raymon and Lucille M., R.D. 1, Tionesta 16353.
Montgomery County Commissioners, dba Upper Schuylkill Valley Farm Park, Court House, Airy and Swede Streets, Norristown 19404.
Moon Valley Park, Inc., R.D. 1, Milford 18337.
Morrison's Grocery, R.D. 1, Tionesta 16353.
Mount Airy Lodge, Mt. Pocono 18344.
Nemacolin Farms, Route 40, Box 65, Farmington 15437.
Noah's Ark, 225 S. Main Street, Cambridge Springs 16403.
North American Operating Co., Inc., P.O. Box 181, East Berlin 17316.
Old McDonald's Farm, Inc., R.D. 1, Butler 16001.
Parmer, Woodrow W., R.D. 1, Needmore 17238.
Peacock Corners Game Farm, R.D. 4, Bloomsburg 17815.
Pennsylvania Dutch Farm, Grange Road, Mt. Pocono 18344.
Pocono Snake Country, Inc., Route 209, Box 238, Marshalls Creek 18335.
Pymatuning Deer Park, Box 397, Jamestown 16134.
Rayner, Kenneth, R.D. 1, Box 264, Edinburg 16116.
Riday's Wildlife Studio, R.D. 3, Stroudsburg 18360.
Ridge Run Camp Sites, Box 395, Route 1, Elizabethtown 17022.
Sherwood's Service Center, Box 285, Fort Loudon 17224.
Stevens, Harry M. Inc., of Pennsylvania, Bushkill Falls, Bushkill 18324.
Story Book Forest, Inc., Box F., Ligonier 15658.
Storyland, Schellsburg 15559.
Tioga Hunting Preserve, Tioga 16946.
Tocks Island Marine, Inc., R.D. 1, East Stroudsburg 18301.
Union County Sportsmen Club, Inc., Weikert 17885.
Yeagle, Norman G., 3020 Pennsylvania Ave., W., Warren 16365.
Zoological Society of Scranton Inc., Nay Aug Park, Scranton 18501.

PUERTO RICO

Amador, Felix Jimenez, Rd. 482, Km 0.9, B.O. Cocos, Quebradillas 00742.
Antonucci, A., Route 5, Box 9, Burlington, Wisconsin 53105.
Becerra, Francisco Landron, Box 11008, Fernandez Juncos Station, Santurce 00910.
Congregacion de Mita, Inc., 235 Duarte Street, Hato Rey 00919.
Continental Circus, 989 Calle Puerto Principe, Urb. Las Americans, Pto. Nuevo 00920.
Garcia, Romano, RUA Pelotas, 291 Casa 1, Sao Paulo, Brazil.
Gran Circo Panamericano, Box 3945, San Juan 00904.
Horn, Roy Uwe and Seigfried Fischbacher, dba Siegfried and Roy, American Hotel, San Juan 00904.
Institute of Health Laboratories Box 1730, Hato Rey Station, Hato Rey 00919.
Monoloro Park, Box 8302, Santurce 00910.
Ocean Life Park Aquarium, 105 Third Street, Villamar, Isla Verde 00913.
Rosado, Francisco Vasquez Bda. Santa Clara, Box 674, Jayuya 00664.
Safari Parks, Inc., P.O. Box 777, Bayamon 00619.
University of Puerto Rico, Rio Piedras 00931.
Zoological Garden of Puerto Rico, P.O. Box 1085, Mayaguez 00708.

RHODE ISLAND

Crescent Park Recreation Corporation, Bullocks Point Avenue, Riverside 02915.
Roger Williams Park Zoo, Roger Williams Park, Providence 02905.
State of Rhode Island, Department of Natural Resources, 83 Park Street, Providence 02903.

SOUTH CAROLINA

Animal Forest, Charles Towne Landing, 1500 Old Town Road, Charleston 29407.
Brookgreen Gardens, Murrells Inlet 29576.
City Council of Charleston, City Hall, Charleston 29402.
Cromer's P-Nuts, Incorporated, P.O. Box 163, Columbia 29201.
Eagleson, G. S., 730 Flat Street, Allendale 29810.
Greenville Zoo, Cleveland Park Drive, Greenville 29601.
Marvin, Frank M., Hollywood 29449.
Nature Museum of York County, Rt. 4, Box 211, Rock Hill 29730.
Serpent City Jungle Land, Highway 17 North, Myrtle Beach 29577.
Smith, William C., dba Smith's Truck Stop, Winnsboro 29180.
Stevenson, Clyde, Rt. 3, Lancaster 29720.
Wonderland Zoo & Gift Shop, Route 3, Box 102, Conway 29526.

TENNESSEE

Buck Sorell Enterprises, Inc., P.O. 77, Whitehouse 37188.
Cumberland Museum & Science Center, 800 Ridley Avenue, Nashville 37203.
Mills, Bill, Rt. I, Rockwood 37854.
Nunemaker, Dick, Box 15, Hampton 37658.
Oliver, Betty L. & Delma Ree Miller, c/o Village of 1800, Highway 411 N., Etowah 37331.
Opryland USA, P.O. Box 2138, Nashville 37214.
Rucker, Hines, Watertown 37184.
Tenn-Alabama Gift Shop, Box 27, South Pittsburg 37380.

TEXAS

Allen, Dianne Wilson, dba Wilson's Seals & Monkeys, P.O. Box 971, Donna 78537.
Baughman, Eleanor N., 2529 Clara Lane, Apt. 210, San Antonio 78213.
Baylor University Chamber of Commerce, Box 225, Union Building, Baylor University, Waco 76706.

Brownsville Animal Research Center, 1810 Central Boulevard, Brownsville 78520.
Caverns of Sonora, P.O. Box 213, Sonora 76950.
City of Andrews, Municipal Administration Building, Andrews 79714.
City of Childress, City Hall, Childress 79201.
City of Sinton, P.O. Box 1395, Sinton 78387.
Conner, James H., 804 Anthony Street, Gainesville 76240.
Craig, Max, dba Craigs Guanacos, 1612 South Street, Augustine Drive, Dallas 75217.
Duke, Ralph, R.R. 3, Box 187, Seagoville 75159.
Fort Worth Museum of Science & History, 1501 Montgomery Street, Fort Worth 76107.
Gibbs, Bob, Rt. 4, Box 550, Mission 78572.
Hall, Carmen A., Rt. 1, Box 762, Mesquite 75149.
Hall, James K., Rt. 1, Box 762, Mesquite 75149.
Henry, Gary G., Box 3, Gainesville 76240.
Henry, Glen M., Box 292, Gainesville 76240.
Lucia, Tom, Rt. 3, Box 154, Weatherford 78086.
Madden, Linda, 724 Anthony, Gainesville 76240.
Neuces County Zoo, Box 347, Banquete 78339.
Pinson, Joanne & Dennie, Rt. 1, Gainesville 76240.
Rucker, Lawrence, c/o Don E. Johnson, 12824 Noel Road, Apt. 2052, Dallas 75230.
Siles, John, Box 15, Gainesville 76240.
Smith, James A. H., 1960 Peavy Road, Dallas 75228.
Steele, Bucky R., Box 179, Haymarket Road, Seagoville 75159.
Stodgill's Ranch, Quinlan 75475.
Wonder World, P.O. Box 1369, San Marcos 78666.

VERMONT

Santa's Land, Inc., Rt. 5 Putney 05346.
Shortsleeves, William, Lowell 05847.
Trustees, Vermont Veterans' Home, 325 North Street, Bennington 05201.
Vermont Railroad Museum, RFD, East Ryegate 05042.

VIRGINIA

Bennett, W. M., Box 356, Christiansburg 24073.
Childress, Frank B., Rt. 1, Box 214, New Market 22844.
City of Newport News, Department of Recreation & Parks, 2400 Washington Avenue, Newport News 23607.
City of Richmond, Department of Recreation & Parks, 900 East Broad Street, Richmond 23219.
Department of Parks, Hampton City Hall, Hampton 23369.
G. A. Coleman Co., 916 Main Street, Lynchburg 24505.
Hofheimer's Inc., 325 Granby Street, Norfolk 23510.
Junior Woman's Club of Lynchburg, Virginia, Inc., P.O. Box 3262, Rivermount Station, Lynchburg 24503.
Martin, James R., 8725 Commodore Drive, Norfolk 23503.
Peninsula Nature & Science Center, 524 J. Clyde Morris Blvd., Newport News 23601.
Staunton City Zoo, P.O. Box 58, Staunton 24401.
Ocean View Amusement Park, North End of Granby Street, Norfolk 23503.
The Wishing Well Gift Shop, 9 Miles North of Skyline Drive, White Post 22663.

WASHINGTON

Berchtold, Eloise C., 601 Lane Road, Woodland 98674.
City of Centralia Park Department, City Hall, Centralia 98531.
Everett Park and Recreation Department, Forest Park, Everett 98203.
Inland Empire Zoological Society, Box 14258, Opportunity 99214.
Olympic Game Farm, Route 3, Box 903, Sequim 98382.
Wallace, Ray L. dba Wild Animal Farm, P.O. Box 125, Toledo 98591.

WEST VIRGINIA

Meadows, Ernest R., Rt. 4, Box 107, Grafton 26354.
Nunemaker, Richard A., dba Hawk's Nest Zoo, General Delivery, Anstead 25812.
Rider, John W., Jr., Rt. 2, Box 14B, Rainelle 25962.

WISCONSIN

Aqualand Inc., Ephraim 54211.
Arcadia Sportsman's Club, Arcadia 54612.
Barthman, Virgil T., Route 1, Clear Lake 54005.
Bay Beach Wildlife Sanctuary, 1660 East Shore Drive, Green Bay 54301.
Behn, Wilbert, Route 1, Aniwa 54408.
Belshaw, Robert D., Earl 54883.
Bill's Landing Deer Farm, Route 3, Hayward 54843.
Blackhawk Camp Ground, Box 686, Milton Junction 53564.
Blackhawk Ridge, P.O. Box 92, Sauk City 53583.
Bob's Chuck Wagon, Inc., Wisconsin Dells 53965.
Bodin's, Inc., Lakeshore Drive, Ashland 54806.
Brown County Reforestation Camp, Route 4, Green Bay 54301.
Chipman, Marvin C., Box 8, Danburry 54830.
Christensen, Carl A., dba Christy's Landscape Service, Box 852, Bellevue Road, Green Bay 54305.
City of Ashland, Park Department, Ashland 54806.
City of Black River Falls, Box 229, Black River Falls 54615.
City of Blair, Blair 54616.
City of Chippewa Falls, 30 West Central Street, Chippewa Falls 54729.
City of Fond du Lac, 76 East Second Street, Fond du Lac 54935.
City of Marshfield, Wildwood Park, Marshfield 54449.
City of Oshkosh, Menominee Park, P.O. Box 1130, Oshkosh 54901.
City of Stanley, Stanley 54768.
Clark County Hospital and Home, Route 2, Box X, Owen 54460.
Corallo, Anthony, dba St. Germain Village, Park, St. Germain 54558.
Connor Forest Industries, Camp 5 Farm, Laona 54541.
Cornford, M. J. and Allen H., Rural Route 1, Randolph 53596.
Deer Park Athletic C Club, Deer Park 54007.
Deisinger, Donald, Route 2, Antigo 54409.
Dorfman, Allen, dba Jack O'Lantern Lodge, Route 3, Eagle River 54521.
Duval, Everett, Route 3, New Auburn 54757.
Edgerton Conservation Club, Box 13J, Route 1, Edgerton 53534.
Fay's Wildlife Museum, Route 5, Tomahawk 54478.
Fine R-K Ranch, Route 5, Hayward 54843.
Fitzgerald, James F., P.O. Box 348, Janesville 53545.
Forest County Deer Farm, Court House, Crandon 54533.
Fowler, Donald C., Route 2, Tomah 54660.
Gannon's Birchwood Resort, Rural Route 1, Lodi 53555.
Ge-Ca-Wa Lodge Deer Farm, Box 117A, Iron River 54847.
Grandpas Farm, Inc., c/o Wesley B. White, Route 3, Rhine Lander 54501.
Grunewald, James, Route 2, Fall Creek 54742.
Gullickson, William, 1680 N. Farwell Avenue, Milwaukee 53202.
Hans Brothers, Rural Route 2, Jefferson 53549.
Hayward Game Farm, Inc., Route 3, Hayward 54843.
The David A. Hellman Foundation, Inc., P.O. Box 502, Menomonee Falls 53051.
Historic Sites Foundation, Baraboo 53913.
Horner, Everett, Route 1, Box 36, Waterford 53105.
Janesville Conservation Club, Box 129, Janesville 53545.
Johnson, A. R., c/o Murry Hill, Route 5, Box 9, Burlington 53105.
Jueds, Arnold, Route 1, Marion 54950.
Kamps, Margaret, dba Buck and Doe Forest, Box 277, Eagle River 54521.
Kapsy, Peter, Gilman 54433.
Kleven, David, Route 1, Sarona 54870.
Kling, Duane, Route 1, Box 169, Merrillan 54754.
Lange, Ervine P., 1623 Saemann Avenue, Sheboygan 53081.
Lebeck, Dr. Alvin, Route 2, Phillips 54555.
Levinson, Vivian, Route 1, Hayward 54843.
Lincoln Park Zoo, 736 Revere Drive, Manitowoc 54220.
Link Bros., Inc., Wilfred Link, Minong 54859.
Little Mexico Deer Farm, Route 2, Siren 54872.
Ludwig Bros., Inc., 5107 W16311 Loomis Road, Route 2, Hales Corners 53130.
Main Store, Star Route, Webb Lake 54892.
Mahloch, James, dba Cottonpatch Restaurant, 2003 Lake Drive, Shawano 54166.
Menomonie Lions Club Game Park, Menomonie 54751.
Meyer, Don J., 5511 W. National Avenue, Apt. 234A, Milwaukee 53214.
Miller, Jerry Lee, Route 1, T.J.M. Ranch, West Bend 53095.
Miller, Louis W., The Outpost, Route 3, Tomahawk 54487.
Milwaukee County Zoo, 10001 W. Blumound Road, Milwaukee 53226.
Monthg, Elgene H., Route 1, Chili 54420.
Nelson, John, Route 1, Wabena 54566.
Noziska, Mrs. Richard, Westboro 54490.
Nyguard, L. A., dba Kettles the Clown and his Animal Friends, Route 1, Box 175A, Wisconsin Dells 53965.
Ochsner Park, 903 Park Street, Baraboo 53913.
Olson, Alvin R., Route 2, Oxford 53952.
P-M, Inc., Eagle River 54521.
Park and Recreation Commission, City of Wisconsin Rapids, 441 West Grand Avenue, Wisconsin Rapids 54494.
Peck, Jim, dba Wildwood Wildlife Kingdom, Minocqua 54548.
Pliska, Roman and Len, R.R. 1, Box 279-A, Custer 54423.
Ponderosa, Inc., Waupaca 54981.
Randall, Jane Vincent, c/o John Batdorf, Route 1, Box 73, Phine Lander 54501.
Quill Inn, Route 2, Box 264, Lady Smith 54848.
Racine Zoological Park, 2131 North Main Street, Racine 53402.
Radies, Mrs. R. A., Rt. 1, Big Falls 54950.
Rauchnot, John M., J. R. Ranch, Inc., Route 1, Hudson 54016.
Sauter, Leona, Route 2, Edgar 54426.
Schesvold, James R., Route 1, Cameron 54822.
Schrock, J. J., Route 3, Medford 54451.
Setchell, Vern, Chetek 54728.
S. Shady, 60 Watts Street, Janesville 53545.
Shay, William L., Route 3, New Richmond 54017.
Simpson, Wayland and Martha, Rt. 4, Wampaca 54981.
Smykal, Kevin, Route 1, Dunbar 54119.
Sommers, Ray P., Route 1, Random Lake 53075.
St. Camillus Novitiate, R.R. 2, Box 220, Baraboo 53913.
Stevenson, Stanford A., Route 1, Bayfield 54814.
Storybook Gardens, Route 1, Box 135A, Wisconsin Dells 53965.
Streblow, Raymond, 5703 Knapp Street, Oshkosh 54901.
Sturgul, Francis G., Hazelhurst 5431.
Tollaksen, Russell, Route 1, Box 17, Wisconsin Dells 53965.

Twin Bucks Game Farm, 3407 Plover Road, Plover 54467.
Uncle Barney's Barnyard, Route 4, Baraboo 53913.
VanDyke, Richard H., Rt. 3, New London 54961.
Henry Vilas Park Zoo, 500 S. Randall Avenue, Madison 53715.
Village of Suring Park, Suring 54174.
Vollrath Park Zoo, 117 Vollrath Boulevard, Sheboygan 53081.
Vougers Village, Inc., Box 396, Danbury 54830.
Walker, William R., Box 128, Amberg 54102.
Walters, Ivan, White Lake 54491.
Weber, Ellen, Star Route, Sayner 54560.
Welch, Francis, Luger Route, Phillips 54555.
Wendland, Fred, Park Falls 54552.
West, Elwyn, Rt. 3, Waupaca 54981.
White Birch Fisheries, Inc., Boulder Junction 54512.
Whitley, Elaine K., Star Route, Manitowish Waters 54545.
Wilderness Walk, Hayward 54843.
Wilkinson Gift Shop, Highway 53, Wascott 54890.
Wille, Gerhart, R.R. 2, Box 293, Waupun 53963.
Willers, Walter J., Box 74, Earl 54833.
Wisconsin Department of Natural Resources, Box 450, Madison 53701.
Wnek, Leon, Thorp 54433.
Woodside Ranch Resort, Inc., Rt. 3, Maugton 53948.

WYOMING

City of Cheyenne, Cheyenne 82001.
Huthmacher, Paul A., Route 2, Box 1357, Cheyenne 82001.
Lakeside Resort, Shoshoni 82649.

(Sec. 6, 80 Stat. 351 as amended 84 Stat. 1561 (7 U.S.C. 2136), 37 FR 28464, 28477, 38 FR 19141, 9 CFR 2.127.)

Done at Washington, D.C., this 26th day of February, 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-5966 Filed 3-5-75;8:45 am]

Farmers Home Administration

[Notice of Designation Number A158]

NEW MEXICO

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in nine counties in New Mexico as a result of various adverse weather conditions. The following chart shows the counties, natural disasters and dates on which the disasters occurred.

New Mexico, 9 counties, 1973 and 1974

County	Drought	Excessive rainfall	Cool temperatures	Late freeze	Forest fires
Colfax	May 1, 1973 to Dec. 1, 1974.				
Curry	Sept. 16, 1973 to Aug. 16, 1974.	Sept. 16 to Oct. 31, 1974.			
Guadalupe	May 1, 1973 to Aug. 4, 1974.				
Lea	Sept. 16, 1973 to Aug. 16, 1974.	Aug. 25 to Nov. 13, 1974.	Sept. 1 to Oct. 31, 1974.		
Mora	Jan. 1 to Nov. 30, 1974.			May 17, 1974	May 15 to May 23, 1974.
Roosevelt	Sept. 16, 1973 to Aug. 16, 1974.	Sept. 1 to Oct. 31, 1974.			
Torrance	Sept. 1, 1973 to July 31, 1974.	Aug. 1 to Nov. 30, 1974.			
Union	May 1, 1973 to Nov. 30, 1974.				
Valencia	Jan. 1, 1973 to July 31, 1974.	Sept. 1 to Nov. 1, 1974.			Apr. 1 to July 1, 1974 also grass fires.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Jerry Apodaca that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 25, 1975, for physical losses and November 25, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 28th day of February 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-5967 Filed 3-5-75;8:45 am]

[Notice of Designation Number A159]

WISCONSIN

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Wisconsin as a result of natural disasters consisting of:

Crawford. Excessive rainfall April 1 through May 31, 1974, Drought June 15 through August 15, 1974, Frosts September 5, 22, and 23, 1974.

Manitowoc. Frost September 21 and 22, 1974.

Marinette. Freeze September 22 and 23, 1974.

Oconto. Freeze September 22 and 23, 1974.

Sawyer. Excessive rainfall May 10 through June 30, 1974, Frosts August 31 and September 1, 2, and 3, 1974.

Sheboygan. Frost September 21 and 22, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Patrick J. Lucey that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 25, 1975, for physical losses and November 25, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice or proposed rule making and invite public participation.

Done at Washington, D.C., this 28th day of February 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-5968 Filed 3-5-75;8:45 am]

Soil Conservation Service

CLAYTONIA CREEK WATERSHED PROJECT, NEBR.

Notice of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for work remaining to be done in the Claytonia Creek Watershed Project, Lancaster and Gage Counties, Nebraska.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Wilson J. Parker, State Conservationist, Soil Conservation Service, USDA, 134 South 12th Street, Room 604, Lincoln, Nebraska 68508, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention.

The remaining planned works of improvement as described in the Negative Declaration include conservation land treatment supplemented by five single purpose floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 134 South 12th Street, Room 604, Lincoln, Nebraska 68508

Requests for the Negative Declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until March 21, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: February 25, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources Soil Conservation Service.

[FR Doc.75-5870 Filed 3-5-75;8:45 am]

[Floodwater Retarding Structure Nos. 5, 9, 13B]

SALADO CREEK WATERSHED, TEX.

Notice of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8 (b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for floodwater retarding structure Nos. 5, 9 and 13B, Salado Creek Watershed, Bexar County, Texas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Edward E. Thomas, State Conservationist, Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the Negative Declaration include single purpose floodwater retarding structure Nos. 5, 9 and 13B.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, First National Bank Building Temple, Texas 76501

Requests for the Negative Declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until March 21, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: February 25, 1975.

WILLLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-5783 Filed 3-5-75;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

RECONSTRUCTION OF TWO EXISTING C-4 MARINER TYPE VESSELS

Computation of Foreign Cost

Notice is hereby given of the intent of the Maritime Subsidy Board to compute the estimated foreign cost of reconstruction of two existing C-4 mariner type vessels, consisting of conversion of the reefer and deep tank spaces to make them suitable for stowage of ordinary dry general cargo, pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936 as amended.

Any person, firm or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on March 14, 1975 with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099-B, Department of Commerce Building, 14th & E Streets, NW, Washington, D.C. 20230.

Dated: March 3, 1975.

By Order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75-5987 Filed 3-5-75;8:45 am]

Office of the Secretary

CTAB PANEL ON SULFUR OXIDE CONTROL TECHNOLOGY

Extension of Meeting

This is to announce that the meeting of the CTAB Panel on Sulfur Oxide Control Technology scheduled for March 10 and 11, 1975, as announced on pages 5175 (February 4, 1975) and 8373 (February 27, 1975) of the FEDERAL REGISTER, will be continued through March 12, 1975.

The following is the schedule for the March meeting of the Panel.

Date	Time	Purpose	Meeting place
Mar. 10, 1975	8:30 a.m. to 5 p.m.	Reports from members and consultants on technologies.	Room 6802, Main Commerce Bldg., Washington, D.C.
Mar. 11, 1975	do.	Critique of reports and delineation of scenario studies.	Do.
Mar. 12, 1975	do.	Assignments for initial report drafts.	Room 5230, Main Commerce Bldg., Washington, D.C.

A limited number of seats will be available to the press and to the public. Written statements or inquiries may be filed with the Chairman before or after any of these meetings.

Persons desiring further information on the Panel or on individual meetings should contact Dr. Bruce B. Robinson, Room 3877, U.S. Department of Commerce, 14th Street and Constitution Avenue N.W., Washington, D.C. 20230.

Dated: February 28, 1975.

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

[FR Doc.75-5915 Filed 3-5-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

FOLLOW THROUGH PROGRAM

Correction

In the notice of closing date for receipt of applications under title V, Parts B and C of the Economic Opportunity Act, as amended (Follow Through), published at 40 FR 6217 (February 10, 1975), the title of the program was incorrect and read Special Community Services and Continuing Education instead of Follow Through.

Dated: February 28, 1975.

T. H. BELL,
U.S. Commissioner of Education.

(Catalog of Federal Domestic Assistance No. 13.433, Follow Through)

[FR Doc.75-5877 Filed 3-5-75;8:45 am]

STATEMENT OF ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Miscellaneous Amendments

Part 2 (Office of Education) section 2-C, Delegations of Authority published in the FEDERAL REGISTER of April 15, 1972 at 37 FR 17078 is hereby amended as follows:

The heading, 2-C Delegations of Authority, and the statement immediately following is deleted and a new heading and statement incorporating additions, deletions and revisions to date is added as follows:

2-C *Delegations of Authority and Vested Authority.* Except as noted below and as provided in Part 1 (Office of the Secretary) and section 2-D of this Statement (Reservation of Authority), the Commissioner of Education shall exercise the functions vested in or delegated to the Secretary, the Department of Health, Education, and Welfare, the Commissioner, or the Office of Education by or under the following:

1. Establishment of Federal agency, Reorganization Plan No. 1, dated July 1, 1939, and Reorganization Plan No. 1, dated April 11, 1953; derived from the Acts of March 2, 1867 (20 U.S.C. 1221a, 1221c).

2. Establishment of and assistance to land-grant colleges and universities

(Morrill Acts and special legislation in lieu thereof), except that authority to certify funds is reserved to the Secretary. (Act of July 2, 1862; Act of August 30, 1890, as amended; and Act of June 29, 1935 (7 U.S.C. 301–329)).

3. Availability of library facilities (Joint Resolution No. 8, 52d Congress, approved April 12, 1892, as amended) (20 U.S.C. 91).

4. Inspection of Howard University (section 8 of Pub. L. 70–634, approved December 13, 1928, as amended) (20 U.S.C. 123).

5. Membership on District of Columbia Commission on Licensure (section 4 of Pub. L. 70–831, approved February 27, 1929, as amended) (2 District of Columbia Code 103).

6. Agreement with Housing and Home Finance Agency under title IV of the Housing Act of 1950 regarding college housing loans (Pub. L. 81–475, approved April 20, 1950, as amended) (12 U.S.C. 1749a(c)(2)).

7. Future Farmers of America (Pub. L. 81–740, approved August 30, 1950) (36 U.S.C. 271–291).

8. School construction in areas affected by Federal activities and in disaster relief areas (Pub. L. 81–815, approved Sept. 23, 1950, as amended) (20 U.S.C. 631–647).

9. Financial assistance for local educational agencies in areas affected by Federal activities and in disaster relief areas (Pub. L. 81–874, approved September 30, 1950, as amended) (20 U.S.C. 236–241–1, 242–244).

10. Immigration and Nationality Act—approval of schools for aliens under student visas (Pub. L. 82–414, approved June 27, 1952, as amended) (8 U.S.C. 1101(a)(15)(F)).

11. Veterans Readjustment Benefits Act of 1966—approval of accrediting agencies and membership on advisory committee (Pub. L. 89–358, approved March 3, 1966) (38 U.S.C. 1775, 1782–1783, 1786, 1788, 1790).

12. Consultation with National Science Foundation on study of effects on educational institutions of Federal contracts and grants for scientific research and development (Executive Order 10521 of March 17, 1954, as amended by Executive Order 10807 of March 3, 1959).

13. National Defense Education Act of 1958, including functions of the Secretary under section 1001(d) to study Federal programs in higher education, after initial contact has been made by the Secretary with the heads of departments and agencies concerned; and excepting the functions of the Secretary under section 761(a) (Pub. L. 85–864, approved September 2, 1958, as amended) (20 U.S.C. 401–602).

14. Membership on Board of Trustees of the John F. Kennedy Center for the Performing Arts (Pub. L. 85–874, approved September 2, 1958, as amended).

15. Science Clubs (Pub. L. 85–875, approved September 2, 1958) (20 U.S.C. 2 note).

16. Education of the Handicapped Act except the functions of the Secretary under section 604 (Pub. L. 91–230, title VI, approved April 13, 1970) (20 U.S.C. 1401–1461).

17. Preparation of national emergency plans and development of preparedness programs covering education functions and educational institutions (Executive Order 11490 of Oct. 28, 1969, Part II, section 1107, and those portions of Part 30, sections 3001, 3002, 3003, 3004, 3005, 3007, 3008, 3009, and 3010 which pertain to education).

18. Indian Education Act (Pub. L. 92–318, title IV, approved June 23, 1972) (20 U.S.C. 241aa–241ff, 887c, 1211a).

19. Cooperative Research Act, except the functions of the Secretary under section 2(c) relating to the transfer of funds to other Federal agencies and section 2(e) (Pub. L. 83–531, approved July 26, 1954, as amended) (20 U.S.C. 331–332b).

20. Library Services and Construction Act, except the functions of the Secretary under section 502 (Pub. L. 84–597, approved June 19, 1956, as amended) (20 U.S.C. 351–358).

21. Grants for construction of educational broadcasting facilities under title III, part IV of the Communications Act of 1934, except the functions of the Secretary under sections 392–395 (Pub. L. 87–477, approved May 1, 1962, as amended) (47 U.S.C. 701–756).

22. Cuban refugee educational assistance programs, as assigned by the Commissioner of Welfare, under the Migration and Refugee Assistance Act of 1962 (Pub. L. 87–510, approved June 28, 1962, as amended) (22 U.S.C. 2601–2605).

23. Approval of recognized bodies for accrediting schools of medicine, dentistry, optometry, osteopathy, pharmacy, podiatry, nursing, and public health, and membership on the National Advisory Council on Nurse Training under the Public Health Service Act (Pub. L. 88–120, approved September 24, 1963, as amended, sections 721, 725, 841(a)(1), and 843(f)) (42 U.S.C. 293a(b)(1), et seq.).

24. Vocational Education Act of 1963, except the functions of the Secretary under section 104(a)(2)(B) (Pub. L. 88–210, approved December 18, 1963, as amended) (20 U.S.C. 1241 et seq.).

25. Presidential Scholars (Executive Order 11155 of May 23, 1964).

26. Assistance in desegregation of public schools under title IV of the Civil Rights Act of 1964 (Pub. L. 88–352, approved July 2, 1964) (42 U.S.C. 2000c–2000c–9).

27. Extension to the Trust Territory of the Pacific Islands of any program or of assistance under any program administered by the Commissioner of Education, except financial assistance under a grant-in-aid program (Pub. L. 88–487, approved August 22, 1964) (48 U.S.C. 1681).

28. Membership on and assistance to President's Commission on White House Fellowships (Executive Order 11183 of October 6, 1964).

29. Coordination of Federal education programs under Executive Order 11185 of October 16, 1964, as amended by Executive Order 11260 of December 15, 1965, and as amended by Executive Order 11410 of May 6, 1968, except the functions of the Secretary thereunder.

30. Financial assistance for follow through under the Economic Opportunity Act of 1964 (Pub. L. 88–452, approved August 30, 1964, as amended) (42 U.S.C. 2809(a)(2), 2971).

31. Vocational education facilities and supplements to certain grant-in-aid programs administered by the Commissioner of Education—Appalachian Regional Development Act of 1965 (Pub. L. 89–4, approved March 9, 1965, as amended) (40 U.S.C. App. 211, 214).

32. Elementary and Secondary Education Act of 1965, except the functions of the Secretary under sections 103(d), 309(b), and 708, and except as provided by sections 741 and 742 (Pub. L. 89–10, approved April 11, 1965, as amended) (20 U.S.C. 241 a–m, 242–44, 821–887b).

33. Membership on the Federal Council on the Arts and Humanities and grants and loans for improving instructions in the humanities and arts under the National Foundation on the Arts and Humanities Act of 1965 (Pub. L. 89–209, approved September 29, 1965, as amended) (20 U.S.C. 958).

34. Higher Education Act of 1965, except the functions of the Secretary under section 205(a), section 303(a) and section 502, and the functions of the Secretary under section 745(b) to set limitations of general applicability respecting the amount of the annual interest grant or the amount on which such grant is based. (Pub. L. 89–329, approved November 8, 1965, as amended) (20 U.S.C. 1001–1145a, 42 U.S.C. 2751–2756c).

35. Adult Education Act of 1966, except the functions of the Secretary under section 310 (Pub. L. 89–750, title III, approved November 3, 1966) (20 U.S.C. 1201–1211).

36. General Education Provisions Act, except the functions of the Secretary under sections 417, and 434(a)(2) and except for those evaluation funds which are received in any fiscal year for use at the initiative and direction of the Assistant Secretary for Planning and Evaluation; and except authority which is reserved to the Secretary to approve regulations, establish such advisory committees as he may deem appropriate, and appoint members thereof (Pub. L. 90–247, title IV, approved January 2, 1968, as amended) (20 U.S.C. 1221–1223g).

37. The agreements made with the Department of State in connection with educational aspects of international education exchange and international technical cooperation programs under:

a. Agricultural Trade Development and Assistance Act of 1954 (Pub. L. 83–480, approved July 10, 1954, as amended) (7 U.S.C. Ch. 41).

b. Foreign Assistance Act of 1961 (Pub. L. 87–195, approved September 4, 1961, as amended) (22 U.S.C. Ch. 32).

c. Mutual Educational and Cultural Exchange Act of 1961 (Pub. L. 87–256, approved September 21, 1961, as amended) (22 U.S.C. Ch. 33).

38. Mutual Educational and Cultural Exchange Act of 1961, section 102(b)(6), to the extent provided in section 4 of Executive Order 11034 of June 25, 1962 (Pub. L. 87-256, approved September 21, 1961, as amended) (22 U.S.C. 2452(b)(6)).

39. Emergency Insured Student Loan Act of 1969, except the functions of the Secretary under section 2 (Pub. L. 91-95, approved October 22, 1969) (20 U.S.C. 1078a).

40. The Environmental Education Act, except the functions of the Secretary under section 3(c)(1) and section 4 thereof (Pub. L. 91-516, approved October 30, 1970) (20 U.S.C. 1531-1536).

41. Provision of Administrative support under the National Commission on Libraries and Information Science Act, section 3(b), (Pub. L. 91-345, approved July 20, 1970) (20 U.S.C. 1502).

42. The Alcohol and Drug Abuse Education Act Amendment of 1974 (Pub. L. 93-422, approved September 21, 1974) (21 U.S.C. 1001-1007).

43. The National Reading Improvement Program under Title VII of the Education Amendments of 1974 (Pub. L. 93-380).

44. The Emergency School Aid Act, except the functions of the Secretary under section 706(d), and the review and approval by the Assistant Secretary for Education of plans for the expenditure of funds under section 708(a) and 713 (Title VII of Pub. L. 93-318, as amended; 20 U.S.C. 1601, et seq.).

45. Sex Discrimination Prohibition, under section 901(a)(2) of the Education Amendments of 1972 (20 U.S.C. 1681(a)(2)).

46. Consolidation of Certain Educational Programs, sections 402-410, P.L. 93-380, approved August 21, 1974.

Dated: February 28, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-5960 Filed 3-5-75;8:45 am]

Food and Drug Administration

OVER-THE-COUNTER VITAMIN, MINERAL AND HEMATINIC DRUG PRODUCTS

Safety and Efficacy Review; Supplemental Request for Data and Information

The Food and Drug Administration is undertaking a review of all over-the-counter (OTC) drug products for human use currently marketed in the United States to determine that these OTC products are safe and effective for their labeled indications. This review is utilizing expert panels working with FDA personnel.

A notice outlining procedures for this review was published in the FEDERAL REGISTER of May 11, 1972 (37 FR 9464). Pursuant to these regulations, the Commissioner issued a request for data and information on active ingredients of vitamin, mineral and hematinic drug products, published in the FEDERAL REGISTER of October 15, 1973 (38 FR 28581). In reviewing the data submitted in response to the request for data of October 15, 1973, the Panel finds that supplemental data and information concerning their absorption are desirable to determine that OTC vitamins, minerals, and hematinics are safe and effective for their labeled indications. Among the areas of concern is the apparent lack of data and methodology for establishing the rate and extent of absorption of vitamins and minerals, as single entities or in combination, in normal individuals, for presently marketed products. In addition, the Panel identified the need for data concerning the effect of interactions among vitamins and/or minerals in combination on the rate and extent of their absorption. The Agency wishes to make clear that the Panel is not seeking data to compare different brands of products, but rather it is seeking data to evaluate the rate and extent of drug absorption of vitamins and minerals as single entities and/or in combination.

To facilitate this review and a determination as to whether an OTC drug for human use is generally regcn odzassael human use is generally recognized as safe and effective and not misbranded under its recommended conditions for use, and to provide all interested persons an opportunity to present for the consideration of the reviewing experts any supplemental data and information on absorption to support the stated claims for all dosage forms of vitamin, mineral and hematinic drug products, the Commissioner of Food and Drugs invites submission of data, published and unpublished, on the following: (1) The rate and extent of absorption of a single dose of these ingredients, (2) methods employed for measuring the degree and rate of absorption of these ingredients, and (3) the effect of any possible interaction(s) of these ingredients in combination on the rate and extent of absorption. The Commissioner wishes to make it clear that this request is for submission of existing data and information on absorption of vitamins, minerals, and hematinic drug product; it is not a request that new studies be started to obtain these data and information.

Material submitted to the OTC Vitamin, Mineral and Hematinic Panel pursuant to the notice published in the FEDERAL REGISTER of October 15, 1973 (38 FR 28581) need not be resubmitted.

To be considered, eight copies of the data and/or information must be submitted, preferably bound, indexed and on standard size paper (approximately 8½ by 11 inches). All submissions must be in the format described in the Request for Data, published in the FEDERAL REGISTER of October 15, 1973 (38 FR 28581), and submitted by May 5, 1975. Submissions should be filed with the Division of OTC Drug Product Evaluation, Food and Drug Administration, Rm. 16-85, 5600 Fishers Lane, Rockville, MD 20852.

Dated: February 28, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-5923 Filed 3-5-75;8:45 am]

National Institutes of Health

CHEMICAL/BIOLOGICAL INFORMATION HANDLING REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Chemical/Biological Information-Handling Review Committee, Division of Research Resources, 9 a.m., April 22, 1975, National Institutes of Health, Bldg. 31, Rm. 6A-21, 9000 Rockville Pike Bethesda, Maryland. This meeting will be open to the public from 9 a.m. to 11 a.m. during the introductory remarks and the presentation on tabulation and analysis of immunoglobulin sequence data and from 1:30 p.m. to adjournment during the discussion of Chemical/Biological Information-Handling long-range plans. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 11 a.m. to 12:30 p.m. for the review of research prospectuses submitted by organizations seeking access to PROPHET System services. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on these individual research prospectuses which contain information of a proprietary or confidential nature, including research protocols and other technical information on the subject of applications of computers to research in pharmacology and personal information concerning individuals associated with the prospectuses.

Mr. James Augustine, Information Officer, Division of Research Resources, Bldg. 31, Rm 5B-39, Bethesda, Maryland 20014, telephone Area Code 301, 496-5545, will provide summaries of meetings and rosters of committee members.

Dr. William F. Raub, Program Director, Chemical/Biological Information-Handling Program, Division of Research Resources, Bldg. 31, Rm. 6A-04, Bethesda, Maryland 20014, telephone Area Code 301, 496-4903, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.877, National Institutes of Health)

Dated: February 28, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-5888 Filed 3-5-75;8:45 am]

COMMUNICATIVE DISORDERS REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Communicative Disorders Review Committee, National Institute of Neurological Diseases and Stroke, National Institutes of Health, April 5, 1975, at 9 a.m., in the Holiday Inn of Atlanta, 175 Piedmont Avenue, NE., Atlanta, Georgia 30303.

This meeting will be open to the public from 9 a.m. until 10 a.m. on April 5th, to

discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on April 5th, from 10 a.m. to adjournment, for the review, discussion and evaluation of individual initial pending and renewal grant applications. The closed portion of the meeting involve solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications in the field of communicative disorders. Mrs. Ruth Dudley, Institute Information Officer, Bldg. 31, Room 8A03, Bethesda, Maryland, 20014, (301) 496–5751, will provide summaries of the meeting and rosters of committee members.

Dr. J. Buckminster Ranney, Executive Secretary, Westwood Bldg., Room 7A16A, Bethesda, Maryland, 20014 (301) 496–7725, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.851, National Institutes of Health)

Dated: February 28, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-5893 Filed 3-5-75;8:45 am]

GENERAL RESEARCH SUPPORT PROGRAM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the General Research Support Program Advisory Committee, Division of Research Resources, April 27–29, 1975, at the Quality Inn Midtown, 3900 Tulane Avenue, New Orleans, Louisiana 70125. This meeting will be open to the public on April 28–29 from 9 a.m. to 5 p.m. The morning of April 28th will be devoted to discussion of policy concerning the renewal of Minority Biomedical Support grants upon completion of the initial five year project period. The afternoon session will involve discussion of a draft of proposed guidelines for the Minority Biomedical Support program and also involve a report on the General Research Support program. The morning of the 29th will be devoted to development of recommendations for criteria to evaluate the Minority Biomedical Support program. This session will be interrupted for committee members and Division of Research Resources staff to attend the MBS symposium presentations so that first-hand observation of reports of MBS research can contribute to the formulation of evaluation criteria. The committee will resume its open session at approximately 2:00 p.m. to discuss impressions of the MBS symposium. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and section 10(d) of Public Law 92–463, the meeting will be closed to the public on April 27 from 9 a.m. to 5 p.m. for the review, discussion, and evaluation of initial pending, supplemental, and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, Building 31, Room 5B39, Bethesda, Maryland 20014, AC 301 496-5545 will provide summaries of meetings and rosters of committee members. Dr. Ciriaco Q. Gonzales, Executive Secretary, General Research Support Program Advisory Committee, Division of Research Resources, Building 31, Room 4B04, Bethesda, Maryland 20014, AC 301 496–6743 will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs Nos. 13.337 and 13.375, National Institutes of Health)

Dated: February 28, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-5887 Filed 3-5-75;8:45 am]

NATIONAL ADVISORY CHILD HEALTH AND HUMAN DEVELOPMENT COUNCIL

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Child Health and Human Development Council, March 24–25, 1975, Building 31, Conference Room 4, National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public on March 24 from 9 a.m. to 5 p.m. with current status reports, a scientific presentation, and review of the Perinatal Biology and Infant Mortality Program. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and section 10(d) of Public Law 92–463, the meeting will be closed to the public on March 25 from 9 a.m. to adjournment for the review, discussion and evaluation of individual initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Majorie Neff, Committee Management Officer and Council Secretary, NICHD, Landow Building, Room C–603, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1756, will provide summaries of meetings and roster of Council members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.317, National Institutes of Health)

Dated: February 28, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-5890 Filed 3-5-75;8:45 am]

NATIONAL ADVISORY DENTAL RESEARCH COUNCIL

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Dental Research Council, National Institute of Dental Research on March 27–28, 1975, Building 31–C, Conference Room 8, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 9 a.m. to 12:30 p.m. on March 27, 1975, for general discussion and program presentations. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Public Law 92–463, the meeting will be closed to the public on March 27, 1975, from 1:30 p.m. to 5 p.m. and on March 28, 1975, from 9 a.m. to adjournment, for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portion of the meeting involves solely the expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Janet Lynn McMahan, Council Secretary, National Institute of Dental Research, National Institutes of Health, Building 31–C, Room 2C–35, Bethesda, Maryland (telephone 301–496–3571), will provide summaries of meeting, rosters of committee members, and substantive program information.

(Catalog of Federal Domesitc Assistance Program No. 13.325, National Institutes of Health)

Dated: February 28, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-5891 Filed 3-5-75;8:45 am]

NATIONAL ADVISORY GENERAL MEDICAL SCIENCES COUNCIL

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory General Medical Sciences Council, National Institute of General Medical Sciences, March 25-26, 1975, Building 31C, Conference Room 6. This meeting will be open to the public on March 25 from 9 a.m. to 5 p.m. The morning session will be devoted to opening remarks; report of the Director, NIGMS; and other business of the Council. The afternoon session will be devoted to the review of the Cellular and Molecular Basis of Disease Program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 26 from 9 a.m. to adjournment for the review, discussion and evaluation of initial pending, supplemental, and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members of individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Paul Deming, Research Reports Officer, NIGMS, Building 31, Room 4A46, Bethesda, Maryland 20014, Telephone (301) 496-5676, will provide a summary of the meeting and a roster of Council members. Dr. Ruth L. Kirschstein, Executive Secretary, NAGMS Council, Building 31, Room 4A52, Telephone (301) 496-5231, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13-859, 13-860, 13-861, 13-862, 13-863, National Institutes of Health)

Dated: February 28, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-5892 Filed 3-5-75;8:45 am]

PRESIDENT'S CANCER PANEL

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the President's Cancer Panel, National Cancer Institute, April 22, 1975, 9:30 a.m. to adjournment, National Institutes of Health, Building 31, Conference Room 7. This meeting will be open to the public from 9:30 a.m. to 12 noon for a report from the Director, National Cancer Institute, and a report from the Chairman, President's Cancer Panel. Attendance by the public will be limited to space available. The meeting will be closed to the public from 1:30 p.m. to adjournment for review and discussion of the proposed fiscal year 1977 budget in accordance with the provisions set forth in section 552(b)(5) of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish transcripts of the open meeting and roster of committee members.

Dr. Richard A. Tjalma, Executive Secretary, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5854) will provide substantive program information.

Dated: February 28, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-5889 Filed 3-5-75;8:45 am]

Social and Rehabilitation Service

FEDERAL ALLOTMENT TO STATES FOR SOCIAL SERVICES EXPENDITURES

Amendment of Promulgation for Fiscal Year 1976

This notice amends the Federal Allotment to States for Social Services Expenditures—Promulgation for Fiscal Year 1976 published at 39 FR 28177, August 5, 1974, to make clear that a new title XX, added to the Act by Pub. L. 93-647, the Social Services Amendments of 1974, will supersede title VI and the services provisions of title IV-A on October 1, 1975, and that thereafter the allotments will be made under title XX. Accordingly, the first paragraph of such promulgation is hereby amended as set forth below:

Promulgation is made of the Federal allotment for fiscal year 1976 for purposes of grants to States under Part A of title IV, title VI, and title XX of the Social Security Act, pursuant to section 1130(b) of the Act (42 U.S.C. 1330b(b)) and section 2002(a) of the Act (P.L. 93-647) which provide that Federal allotment shall be determined and promulgated in accordance with said sections and section 601 of the Act (42 U.S.C. 801) which provides for appropriations for Title VI subject to the limitations in section 1130.

Dated: February 3, 1975.

JAMES S. DWIGHT, Jr.,
Administrator,
Social and Rehabilitation Service.

[FR Doc.75-5963 Filed 3-5-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Notice No. 75-4]

INTERNATIONAL AVIATION POLICY REVIEW

Request for Public Participation

The current concern over the viability of international air transportation in general, the international regulatory structure, and the serious financial difficulties facing the U.S. flag air carrier system has prompted a review of U.S. international aviation policy. This review will be conducted on an interagency basis. It is considered necessary to assess changes in international aviation including declining traffic growth rates, changes in the world economy, environment and energy considerations, international aircraft sales, the conditions of U.S.-foreign aviation agreements, and the shrinking or vanishing profits of U.S. flag international carriers.

A Government Steering Committee composed of officials from the Council on International Economic Policy, Office of Management and Budget, Domestic Council, National Security Council, Council of Economic Advisers, Civil Aeronautics Board, Department of Commerce, Department of Justice, Department of the Treasury, Department of State, Department of Defense, and Department of Transportation has been established under the leadership of the Department of Transportation and the Department of State. Also, interagency working groups composed of representatives from these agencies have been formed to focus on specific issues and to examine areas related to those issues. The International Aviation Policy Review Subtantive Issue Work Statement Outline for the Steering Committee and working groups is as follows:

A. *Steering Committee—Issues to be resolved.* Identification and priority ranking of U.S. international aviation objectives; determination of policies to advance objectives. The Committee also provides coordination and policy guidance to working groups.

Areas of examination. Specificity of objectives; domestic vs. international objectives; public vs. commercial; U.S. vs. foreign; priority of objectives; analysis of working group recommendations; relating policies to objectives; assessment of overall U.S. International Aviation Policy formulation of policy recommendations.

B. *Working Groups*—1. *Relative Role of Private/Public Sectors—Issue to be resolved.* Extent and limits of Federal Governmental financial particiaption in international aviation; role of the U.S. Government regarding the ability of U.S. carriers to compete with foreign carriers.

Areas of examination. Role of the Federal Government; organizational structure of U.S. flag air carriers; financial condition of industry; efficiency of U.S. carriers; direct and indirect subsidies; scope and effect of user charges; currency exchange rates; subsidized foreign companies impact on U.S. companies; military airlift requirements; Civil Reserve Air Fleet induced operating penalties; Department of Defense impact on overall system; foreign discriminatory practices.

2. *Rates, Fares, and Costs—Issue to be resolved.* Proper rate and fare levels and how to achieve them; the role of rate regulation.

Areas of examination. Existing and future costs of various services; price structures; breakeven load factors; load factor standards; capital requirements; revenue levels; return on investment; structure of scheduled and charter fares; charter rate criteria; scheduled fare criteria; passenger and cargo rate regulations and controls; relationship between passenger and cargo rates and costs; relationship between rates for various classes

of service; industry equilibrium and efficiency; fare setting mechanisms; IATA/CAB rate powers.

3. *Demand, Capacity, Routes, and Competition—Issues to be resolved.* Role of scheduled and supplemental services; degree of competition and participation; capacity and payload standards; access to domestic markets; international route structures.

Areas of examination. Demand, forecast, and confidence levels for passenger and cargo services; area vs. point-to-point competition; U.S.-foreign carrier competition; competition between U.S. carriers; chosen instrument; effect of competition on capacity and vice versa; regulation of capacity; capacity agreements; pooling; degree of competition; energy constraints; domestic route support; certificate and bilateral route structures.

4. *Tariff Integrity and Role of Agent/Middleman—Issues to be resolved.* The relationships between agents, carriers, and customers; the integrity of passenger and air cargo tariffs.

Areas of examination. Types of agents/middlemen; authority of carriers to act as agents and tour operators; tariff filing procedures, and IATA rate agreements; types of, and basis for, commissions; impact of antitrust exemptions in establishing commissions; reasonableness of commissions; the role of travel agents and tour operators in generating traffic to and from the U.S.; enforcement procedures (IATA/CAB): need for licensing and regulation of agent/middleman; the role of government tourism departments in international aviation.

5. *Role of the U.S. Aircraft Manufacturing Industry—Issue to be resolved.* Role and prospects of the aircraft manufacturing industry; role of U.S. industry in developing/implementing major technological improvements for air transport; U.S. industry role in enhancing energy and economic efficiency in air transportation.

Areas to be examined. Relative position of U.S. aircraft manufacturing industry in world markets, present and future; present status of jet transport orders; foreign aircraft industry competition; joint manufacturing programs; demand for aircraft; lead times and delivery schedules; disposal of used aircraft; aircraft financing; petroleum availability; impact of new equipment introduction; the need for new aircraft types in the next decade.

6. *Safety, Energy, Environmental, and Security Standards—Issues to be resolved.* Adequacy and implementation of statutes, regulations, standards, and procedures relating to safety, energy, environment, and security.

Areas to be examined. Certification and operation of aircraft including the transport of hazardous material; airspace system; conservation, availability, allocation, and cost of fuel; environmental objectives and their impact; security objectives and their impact.

7. *International Regulatory Structure and Negotiating Strategies—Issue to be resolved.* Achievable regulatory structure and negotiating strategies which best attain U.S. objectives.

Areas to be examined. Existing international regulatory structures and their effectiveness; route exchange methodology; status and balance of charter activities; types and enforcement of U.S. foreign agreements; adequacy of current air transport agreements; negotiating strategy; route exchange methodology; feasibility of multilateral agreements; desirable changes in agreement provisions; consolidated vs. separate agreements for scheduled, charter, and cargo services; enforcement of bilateral provisions.

8. *Current and Future International Environment—Issue to be resolved.* The international economic, technological and political environment within which objectives should be achieved.

Areas to be examined. Market outlook; cost picture; technological developments and potential impact; foreign government policies and objectives; market shares.

The public is invited to participate in the policy review through the submission of written comments on the identified international aviation policy issues. Each submission should focus on the work of one working group and be addressed to that group. Where a submission applies to more than one working group, it will be distributed to each such group if extra copies are provided and each set is clearly labeled with the working group for which it is intended. Each working group will require 26 copies of comments submitted for its consideration. All correspondence shiuld be addressed to:

Executive Secretariat
International Aviation Policy Review
c/o John B. Flynn
Department of Transportation
400 Seventh Street, SW., Room 9217
Washington, D.C. 20590

Comments received before April 7, 1975, will be considered by the Steering Committee and the respective working groups. Comments received after April 7, 1975, will be considered to the extent practicable. All comments filed will be available for public inspection at the above address.

Issued in Washington, D.C., on March 3, 1975.

ROBERT HENRI BINDER,
Assistant Secretary for Policy, Plans & International Affairs.

[FR Doc.75-5979 Filed 3-5-75;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON AGENCY ORGANIZATION AND PERSONNEL

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Agency Organization and Personnel of the Administrative Conference of the United States, to be held at 2 p.m., March 20, 1975, in the office of the Administrative Conference of the United States, Suite 500, 2120 L Street NW., Washington, D.C.

The Committee will meet to consider Professor David Welborn's report and recommendation regarding the role of the chairman in the independent regulatory commission.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Richard K. Berg, (202-254-7020). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

MARCH 3, 1975.

[FR Doc.7-5927 Filed 3-5-75;8:45 am]

COMMITTEE ON JUDICIAL REVIEW

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States, to be held at 1:30, March 31, 1975 in the offices of William H. Allen, Covington and Burling, 888 16th Street, NW., Washington, D.C. 20006.

The Committee will meet to consider the following topics:

(1) "Hybrid Rulemaking: The Evolution of Notice-and-Comment Procedures under section 553 of the Administrative Procedure Act" (Stephen F. Williams, consultant).

(2) "Judicial Review of Federal Administrative Action: Quest for the Optimum Forum" (Frank I. Goodman, consultant).

(3) "Justice Department Control of Agency Litigation," (John F. Davis, consultant).

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Lynda S. Zengerle, Staff Liaison, (phone 202-254-7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

FEBRUARY 27, 1975.

[FR Doc.75-5946 Filed 3-5-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 75-2-127]

ALASKA AIRLINES, INC., ET AL.

Embargo Notices

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of February, 1975.

Alaska Airlines, Inc. (Alaska), Allegheny Airlines, Inc. (Allegheny), Eastern Air Lines, Inc. (Eastern), Frontier Airlines, Inc. (Frontier), Hawaiian Airlines, Inc. (Hawaiian), Ozark Air Lines, Inc. (Ozark), Piedmont Aviation Inc. (Piedmont) and Trans World Airlines, Inc. (Trans World), and Western Air Lines, Inc. (Western) by Embargo Notices filed, effective February 1, 1975,[1]

[1] Alaska embargo notice effective February 11, 1975.

and generally bearing an expiration date on or about March 2, 1975, have given notice they will refuse and/or limit, substantially all shipments of hazardous materials.

Alaska, Allegheny, Frontier, and Piedmont have embargoed, systemwide, all hazardous materials except radioactive pharmaceuticals for medical purposes, dry ice, and magnetic materials. Eastern has placed a total embargo on passenger aircraft except radioactive materials to be used for medical purposes and has limited the quantity of restricted articles accepted on all-cargo aircraft to the quantity permitted on passenger aircraft. Hawaiian has embargoed all hazardous articles on passenger aircraft except radioactive materials to be used for medical purposes, dry ice, magnetic materials, and nonpressurized liquid nitrogen, and limited the quantity of restricted articles accepted on all-cargo aircraft to the quantity permitted on passenger aircraft. Ozark and Western have embargoed all restricted articles except radioactive medicines, dry ice, nonpressurized liquid nitrogen and magnetic materials. Trans World has limited the quantity of restricted articles accepted on all-cargo aircraft to the quantity permitted on passenger aircraft.

The carriers offer a variety of reasons for their embargoes, which deal primarily with safety considerations. Allegheny states that substantial confusion and conflict exist among interested elements in the industry concerning the adequacy and enforcement of safety regulations governing the transportation of hazardous materials. Eastern offers as its reason that it is temporarily unable to perform normal transportation services for restricted articles because of delays in gaining agreement between the industry, the Air Line Pilots Association, the Federal Aviation Administration (FAA) and the Department of Transportation (DOT) regarding the carriage of materials which are classified as hazardous, and which can be considered to be a potential safety hazard for airline passengers and crew members. Frontier states that its first and fundamental responsibility is to assure the safe transportation of its passengers and employees. In light of the serious questions raised as to the adequacy of current rules pertaining to the transportation of hazardous materials in scheduled air services, Frontier believes that it is in the best interest of the traveling public to temporarily embargo hazardous materials until the staff of experts assembled pursuant to the Transportation Safety Act of 1974 can evaluate and rule upon the safety of transporting hazardous materials. Hawaiian and Western state that the embargo will bring their acceptance of restricted articles into conformity with legislation passed by the Congress. Alaska and Ozark state that the embargoes are necessary due to the refusal of the Air Line Pilots Association (ALPA) to allow its members to accept restricted articles, and is intended to protect both the shipper and carrier from undue hardship caused by the refusal of ALPA members to operate aircraft carrying restricted articles in accordince with currently effective tariffs and Federal Air regulations. Piedmont states it is acting in the interest of its passengers, employees, and the general public with its embargo, and in accordance with an announcement by ALPA that U.S. airline pilots will refuse to fly passenger aircraft which contain hazardous materials. Trans World states that it expects the Department of Transporation to issue new regulations regarding the transportation of hazardous materials pursuant to Public Law 93–633. It believes the current practice of permitting specified quantities of restricted articles on all-cargo aircraft is not justified when viewed from a safety aspect. While there are no passengers on cargo aircraft, there are flight crews and ground handling personnel which must be considered along with the potential harm to its passengers and cargo equipment.

As noted above, Ozark and Frontier relate their embargoes to an announcement by ALPA of a program under which its member pilots will refuse to carry hazardous materials on passenger aircraft. The scope of the Ozark and Frontier embargoes, as well as those of the other named carriers, closely follows the program announced by ALPA.[2] In embargoing all hazardous materials (with limited exceptions) the carriers are declaring that they will not accept a broad list of articles which are suitable for carriage under the regulations of the Department of Transportation/Federal Aviation Administration (DOT/FAA) subject mainly to labeling and packaging requirements, and in some cases limitations upon amounts of the material to be carried.

The Board has previously accepted in principle the primary responsibility of DOT/FAA for regulations on the transportation of hazardous materials by air. Further, our own regulations (§ 221.38 (a)(5)) provide that tariff rules relating to the transportation of restricted articles shall be in conformity with Part 103 of the FAA regulations.[3]

As indicated, the scope of the carrier's embargoes follows that of the Pilots' program and is in complete divergence with the FAA regulations and any proposals or legislation to modify them.[4] The embargoes would prohibit the carriage of many items necessary for medical or other important purposes and are in derogation of the carriers' common-carrier obligation to carry, and their statutory obligation to provide adequate service. The Board's embargo regulations specifically provide that they shall not be construed as relieving any air carrier of any duty otherwise imposed upon it to furnish authorized transportation service or to observe all requirements of the Federal Aviation Act, and the rules and regulations thereunder. The Board does not consider that its embargo regulations embrace the matters set forth in the above noted embargoes. The Board is therefore by this order rejecting said embargoes.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958 and particularly §§ 204(a) and 404 and the provisions of Part 228 of the Board's economic regulations (14 CFR Part 228),

It is ordered, That: 1. Embargo Notice No. 3 filed by Alaska Airlines, Inc.; Embargo Notice No. 1–75 filed by Allegheny Airlines, Inc.; Embargo Notice No. 75–1 filed by Eastern Air Lines, Inc.; Embargo Notice No. 3–75 filed by Frontier Airlines, Inc.; Embargo Notice No. 75–01 filed by Hawaiian Airlines, Inc.; Embargo Notice No. 75–01 filed by Ozark Air Lines, Inc.; Embargo Notice No. PI–75–01 filed by Piedmont Aviation, Inc.; Embargo Notice No. TWA 75–3 filed by Trans World Airlines, Inc.; and Embargo Notice No. WA–C CE01 filed by Western Air Lines, Inc.; are hereby rejected; and

2. A copy of this order be served upon Alaska Airlines, Inc., Allegheny Airlines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., Hawaiian Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Trans World Airlines, Inc., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.75-5958 Filed 3-5-75;8:45 am]

[Docket No. 27564, etc.; Order 75-2-128]

ALLEGHENY AIRLINES, INC.

Discount Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of February, 1975.

In the matter of Group 4–9 discount fares proposed by Allegheny Airlines, Inc., Dockets Nos. 27564, 27440, 27443, 27445, 27448, and 27449.

By tariff revisions[1] marked to become effective March 1, 1975, Allegheny Air-

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[2] Trans World's embargo follows the scope of the ALPA program as to all-cargo aircraft, but not as to passenger aircraft.

[3] See Order 74–6–77, dated June 14, 1974 and Order 75–1–124, dated January 29, 1975.

[4] The Board has permitted tariffs to become effective which appeared generally to reflect the intent of Congress embodied in the Transportation Act of 1974 to prohibit radioactive materials aboard passenger aircraft subject to exceptions principally for medical purposes. (See Order 75–1–124 dated January 29, 1975, which defers action upon complaints to such tariffs.)

The Board notes that the Department of Transportation (DOT) has filed complaints requesting rejection of embargoes of numerous domestic air carriers which limit the carriage of restricted articles (Dockets 27488, 27520, and 27521). While this order does not deal with all of the embargoes complained against by DOT, the Board notes that the rejection action herein is to that extent consistent with the DOT position and request for relief. The Board will subsequently act upon the DOT complaints in the light of the answers filed thereto.

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariffs C.A.B. Nos. 202 and 142.

lines, Inc. (Allegheny) proposes to establish round-trip discount fares for groups of between four and nine persons in 328 markets. The proposed fares offer a 20 percent discount and would be available on flights departing before noon Monday through Friday and all day Saturday and Sunday. The fares are subject to a minimum-stay requirement of three days and a maximum limit of 30 days. In addition, reservations must be confirmed for the complete itinerary and tickets purchased for the entire group at least 48 hours prior to departure. The fares are marked to expire March 1, 1976.

In support of its proposal, Allegheny contends that the combined effect of double-digit inflation; the decline of consumer confidence in the economy; an unprecedented rise in passenger fares; and the elimination of important airline discount-fare programs have made air travel—particularly pleasure travel—vulnerable to severe contraction. In response to these conditions, Allegheny believes that action is necessary in the area of reducing the cost of air travel to the public in order to stimulate travel and to improve utilization of existing capacity.

Allegheny asserts that it has modified its proposal from that submitted in mid-1974 (and suspended by Order 74-6-105) to minimize diversion of full-fare passengers by (1) blacking out travel after noon on Monday through Friday and (2) limiting the fares to 328 markets. It estimates that it will carry 20,840 passengers under the fare, 35 percent of which will be newly generated, and that these fares will contribute $528,000 to profit for the one-year period they will be in effect.

In support of its generation estimate, Allegheny cites the carriers' experience (detailed in Phase 5) of generation estimates ranging from 16.5 percent to 37.8 percent for the family fares, and 23.1 to 33 percent for Discover America fares, the two types of fares it alleges are most nearly comparable to its proposed fares. Allegheny contends that its estimate of 35 percent generation, although on the high end of the spectrum, is nevertheless realistic in light of conditions which are far different from those existing at the time of the Phase 5 surveys (1969), in particular the general economic climate and the steep rise in the general fare level since 1971. These circumstances have allegedly increased the generative potential of discounted fares such as it now proposes.

Complaints against the proposal have been filed by American Airlines, Inc., Delta Air Lines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc. The complaints allege, *inter alia*, that no meaningful changes have been made in the Group 4-9 fares to correct the flaws which the Board found to exist when it suspended a very similar type proposal last June by Order 74-6-105. They further allege that the weekday afternoon blackouts will still leave close to half of Allegheny's traffic subject to diversion, and that a significant number of passengers now traveling during the periods Allegheny proposes to blackout will alter their travel habits to avail themselves of the 20 percent discount afforded by these fares. The complaints also contend that Allegheny's suggestion that current conditions support the reasonableness of its 35 percent generation factor is unsupported by facts or figures.

In answer to the complaints, Allegheny asserts that each restriction on the fare should not be judged by itself but should be viewed in combination with the other restrictions, and that in this context they will effectively discourage diversion from existing traffic pools. It further alleges that its Group 4-9 fares constitute a unique proposal for which there is virtually no historic precedent and that the proof of the reasonableness of its profit-impact estimate must await the experience of actual implementation.

Upon consideration of all relevant matters, the Board has concluded that the proposed fares, insofar as they apply in the markets listed in Appendix A hereto, may be unjust, or unreasonable, or unjustly discriminatory or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that these fares should be suspended pending investigation. With respect to the remaining markets included in the proposal, the Board concludes that the complaints do not set forth sufficient facts to warrant investigation and hence the requests therefor, and consequently the requests for suspension, will be denied and the complaints dismissed.

In formulating the 35 percent generation estimate for its Group 4-9 fares, Allegheny indicates that it considered generation data provided by the carriers in Phase 5 (Discount Fares) of the *Domestic Passenger-Fare Investigation* relative to family and Discover America fares, together with trunkline carrier experience with a midweek long-haul excursion fare. Aside from the questionable relevance of these particular fares to its instant filing which involves a markedly shorter length of passenger trip, we note that the generation factors for family and Discover America fares which the Board settled on in its Phase 5 decision were considerably less than 35 percent. In our opinion, the carrier's 35 percent generation factor is based essentially on judgment rather than supportive evidence.

Allegheny's judgment in this regard has been challenged by five competing trunkline carriers and, in the absence of more adequate support by Allegheny, we cannot dismiss lightly this rather solid front of opposition from affected carriers. Under the Board's *DPFI* standards all carriers involved must bear the risk of Allegheny's proposed experiment since any revenue dilution resulting from these discount fares would be eliminated in calculating the overall normal-fare level of the trunkline carriers under Phase 5 standards, which are intended to guard against normal-fare traffic being burdened by uneconomic discount fares. Thus, in view of the virtually unanimous opposition of competing carriers, and the fact that Allegheny's justification does not fully lay to rest the risk of uneconomic regular-fare diversion for which the trunkline carriers will be held accountable under the DPFI standards, we believe it desirable to exercise caution in our action.

We do recognize that in today's air travel environment, the probity of historic generation data may well be diminished and that the proposed Group 4-9 fares are not comparable in pertinent respects to any past or present discount-fare plan. Given present conditions prevailing throughout the economy, potential air passengers are undoubtedly more price conscious, and hence may be more susceptible to the appeal of a discount than might otherwise have been the case. For this reason we believe that Allegheny's concept is worth testing in the market place.

The Board has decided therefore to permit Allegheny to offer the Group 4-9 fares in markets where its share of total traffic is 90 percent or higher, i.e., in markets where it will bear the risk of the experiment. This will allow the carrier to offer the fares in 224 markets of the 328 markets in its proposal. Availability of the fares in 224 markets, in a number of which Allegheny carries 100 or more passengers a day will, in our view, provide a valid test of the fare's potential. If after a reasonable period of experimentation Allegheny feels the fares have proven successful, it is of course free to propose expansion of the market coverage provided experience data document its reasonableness. In the overall, we believe the approach we are following here, although cautious and constrained, is reasonable, and to permit the proposal as filed would subject the industry to unwarranted and unproven risks.

We will require Alleghany to file a traffic and revenue report (Appendix B) each month. These reports are to be filed in Docket 27564 within 30 days after the end of each calendar month beginning with March 1975. In addition, we will require Allegheny to file an interim covering the period March 1 through profit-impact estimate (Appendix C) August 31, 1975. This report will be filed in Docket 27564 no later than October 10, 1975. Finally, we will require Allegheny to file a report covering the one-year term of the fares detailing the results of the experiment whether or not the carrier elects to extend the fares beyond March 1, 1975. We will not consider favorably any proposed extension of those fares in the absence of a thorough generation/diversion analysis.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof,

It is ordered that: 1. An investigation be instituted to determine whether the fares described in Appendix A attached hereto,[2] and rules, regulations, and prac-

[2] Opinion and appendices filed as part of original document.

tices affecting such fares, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful fares and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the fares described in Appendix A hereto are suspended and their use deferred to and including May 29, 1975, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints in Dockets 27440, 27443, 27445, 27448, and 27449 be, and hereby are dismissed;

4. The investigation ordered herein be assigned before an Administrative Law Judge at a time and place hereafter to be designated; and

5. A copy of this order be filed with the aforesaid tariffs and be served upon Allegheny Airlines, Inc., American Airlines, Inc., Delta Air Lines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[2]

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.75-5956 Filed 3-5-75;8:45 am]

[Docket No. 27521; Order 75-2-105]

EASTERN AIR LINES, INC. AND FRONTIER AIRLINES, INC.

Nonacceptance of Certain Radioactive Materials

Adopted at the Civil Aeronautics Board at its office in Washington, D.C. on the 26th day of February, 1975.

By tariff revisions[1] issued January 28 and marked to become effective February 27, 1975, Eastern Air Lines, Inc. (Eastern) and Frontier Airlines, Inc. (Frontier) propose to establish provisions restricting the acceptance of radioactive materials to those shipments which the shipper certifies in writing are (1) intended to be administered to humans for diagnostic or therapeutic medical purposes; (2) to be used in the analysis, for medical purposes, of biological materials from humans; or (3) essential to the conduct of medical research having direct application of human medical welfare. The Frontier proposal is subject to an expiry date of May 31, 1975.

A complaint requesting rejection, or, in the alternative, suspension and investigation, has been filed by the United States Department of Transportation (DOT/FAA). This complaint was filed late as a request for suspension and, consequently, will only be considered as a request for rejection, or alternatively investigation.[2] The complaint alleges, *inter alia*, that the Federal Aviation Administration (FAA), acting under delegated authority from the Secretary of Transportation, has promulgated regulations prescribing uniform regulation in the classification, packaging, marking and labeling of all hazardous materials for transportation by air, including regulations for radioactive materials transported by air; that because the FAA exercises exclusive jurisdiction to regulate safety in air commerce and because the FAA has, by regulation, provided for the safe carriage of radioactive and other hazardous materials, individual carriers are legally precluded from engaging in *ad hoc* regulation of the transportation of those materials in derogation of the statutory authority and responsibility of the DOT/FAA; that Eastern and Frontier are required by the Federal Aviation Act to provide for the common carriage of property, and in particular to accept shipments of properly packaged and labeled hazardous materials, including radioactive materials, under their existing tariff rules and in general conformity with the regulations of the FAA; that the radioactive materials proposed to be excluded from the tariffs, when properly packaged and labeled in accordance with FAA Regulations, can be transported by air without materially jeopardizing health or safety; that neither carrier has applied to the FAA for a rulemaking or other relief from current regulations; that radioactive materials having identical properties and tendered in identical quantities but intended for uses other than those referenced in the proposed tariffs and which would therefore be rejected by the carriers pose no greater threat to health or safety than those materials allowed under the proposals; and that the proposals are at variance with section 108(a) of the Transportation Safety Act of 1974 and with FAA's proposed implementing regulations pending in Docket 14249 (Notice 75-2).

In support of their proposals, Eastern and Frontier variously assert, *inter alia*, that the recently enacted Transportation Safety Act of 1974 will require implementation of this tariff through DOT Regulations; that this filing is identical to a recent filing by Delta Air Lines, Inc. (Delta); that the airline services rendered must be weighed against the risks involved to the carriers' employees and property, and most importantly, to the traveling public; that most of the shipments affected by this prohibition can be served by alternative means of transportation; that experience has demonstrated that applicable federal regulations are not and cannot be enforced so as to ensure safety; and that air transport is the least desirable means of transporting radioactive materials with regard to exposure of the public to unnecessary radiation.

Upon consideration of all relevant factors, the Board finds that the complaint does not set forth facts sufficient to warrant investigation, and, consequently, the request therefor will be denied.

Pursuant to the Transportation Safety Act of 1974, enacted January 3, 1975, the Secretary of Transportation is required to issue within 120 days of the passage of the law, regulations prohibiting any transportation of radioactive materials on any passenger-carrying aircraft "unless the radioactive materials involved are intended for use in, or incident to, research, medical diagnosis, or treatment, so long as such materials as prepared for and during transportation do not pose an unreasonable hazard to health and safety." The complaint asserts that the FAA is currently considering a rulemaking proposing amendments to its regulations to implement the Transportation Safety Act which would permit the shipment of safe radioactive materials "intended for use in, or incident to" research of any kind, and for nonhuman as well as human medical diagnosis or treatment, as is proposed.

The Board has previously accepted in principle the primary responsibility of the DOT/FAA for regulations on the transportation of hazardous materials, including radioactive materials, by air.[3] This principle was set forth in Order 75-1-124, involving an identical proposal by Delta, wherein the Board stated that it appeared that the Delta proposal was generally consistent with the intent of the Transportation Safety Act of 1974, and deferred action on the rejection requested of the proposal. Consistent with our action in the aforementioned order, we shall defer action on the rejection requested herein. We note, however, that the tariff rules here proposed and certain other similar rules now in effect appear more narrow in scope with respect to allowed radioactive "research" and medical materials than as proposed in the FAA rulemaking. Accordingly, we will expect the carriers promptly to conform their tariff provisions to the FAA proposed rulemaking.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 401, 403, 404, and 1002 thereof, *It is ordered*, That: 1. The complaint filed by the Department of Transportation in Docket 27521 is dismissed as to investigation. Action upon the request for rejection is deferred until further order of the Board.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.75-5955 Filed 3-5-75;8:45 am]

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[2] Opinion and appendices filed as part of original document.

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 82.

[2] The Board's Regulations, 14 CFR 302.505 (b), provide that a complaint requesting suspension of any tariff ordinarily will not be considered unless filed at least 18 days before the effective date of the tariff. The proposed tariffs are marked to become effective February 27, and complaints were due February 10. DOT's complaint was received February 14.

[3] The Board's regulations, § 221.38(a)(5), provide that tariff rules relating to the transportation of hazardous materials should be in conformity with Part 103 of the Federal Aviation regulations.

[Docket No. 26877]

OVERSEAS NATIONAL AIRWAYS, INC., ET AL.

Postponement of Hearing

Counsel for the respondent, Arthurs Travel, Inc., has requested a one week postponement of the hearing in this proceeding. In support of the request, counsel states that the postponement will provide additional time needed for continued discussions between the Enforcement Attorney and Arthurs Travel regarding stipulations as to a number of the allegations set forth in the complaint that could possibly shorten the procedural requirements of this case.

Counsel for Arthurs Travel states that neither the Enforcement Attorney nor counsel for the respondent, Overseas National Airways, Inc., object to the requested extension of time.

Accordingly, Arthurs Travel's request for a one week postponement is hereby granted, and the hearing now scheduled for March 18, 1975 (40 FR 5811, February 7, 1975) is postponed to March 25, 1975, at 10:00 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., March 3, 1975.

[SEAL] ALEXANDER N. ARGERAKIS,
Administrative Law Judge.

[FR Doc.75-5954 Filed 3-4-75;8:45 am]

[Docket No. 27559; Order 75-2-124]

VARIOUS CARRIERS

Extension of Bicentennial Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of February 1975.

By tariff provisions[1] United Air Lines, Inc. (United) proposes to offer its "Bicentennial" excursion fares in markets of 600–1499 miles in length. The fares, marked to become effective March 1, 1975, are similar in provisions to the excursion fares proposed by American Airlines, Inc. (American) and subsequently matched by United after approval by the Board in Order 75–1–72; January 17, 1975. The fares provide a 25 percent discount during the off-season, and a 20 percent discount during the summer period from June 15, 1975, through September 15, 1975. The fares are blacked out at certain times during the peak summer season, are subject to a seven-day advance-ticketing requirement, and have a 7/30-day minimum/maximum length-of-stay limitation. Presently, these fares are in effect in markets of 1500 miles or more in distance.[2]

In support of its proposal, United alleges that there are several reasons for expanding the fares into medium-haul markets. First, United feels that the need to stimulate pleasure and personal travel is just as great in shorter-length-of-haul markets as in markets over 1,500 miles. Second, United asserts that the extension will permit promotion of the fares from Chicago/Milwaukee and points west to all east coast cities which will have major Bicentennial activities. Third, United alleges that the initial decision in Phase 5 of the *Domestic Passenger-Fare Investigation* recommended continuance of Discover America fares in markets of 600 miles or more. Fourth, United asserts that in distances of 600 miles or more, the benefits of air travel over auto travel become pronounced and the opportunity for diversion from auto travel increases. And fifth, United contends that, pending conclusive evidence on promotional-fare generation in medium-haul markets which will be developed by expanding the mileage limits, the fare should be extended to the many potential travelers within these markets.

United estimates that 29 percent of the Bicentennial-fare passengers will be generated. The basis for United's estimate here is the same as utilized in its previous filing.[3] Additionally, United offers an analysis allegedly illustrating that generation actually declined for the former Discover America fares during each of the four quarters following removal of the below-1,500-mile markets.

Complaints against the proposal have been filed by Allegheny Airlines, Inc. (Allegheny); American Airlines, Inc. (American); Delta Air Lines, Inc. (Delta); Hughes Air Corp. d/b/a Hughes Airwest (Airwest); Braniff Airways, Inc. (Braniff); and National Airlines, Inc. (National). The complainants allege, *inter alia*, that the proposal represents a dangerous and unsupported expansion of excursion-fare pricing in that there is great risk that these discounts will not be sufficiently generative to offset the extensive dilution of revenue which they will cause; that the only new support presented by United is an exhibit that is totally invalid because, in addition to eliminating short-haul mileages at the time, the carriers also reduced the discount; and that United has not used the fully allocated costing methodolgy that the Administrative Law Judge used to conclude that Discover America fares could be continued in markets of 600 miles or more (with no reference to generation), but instead, used an incremental approach. The complainants additionally contend that a general application has the effect of making the discount fares available at times of peak demand in numerous markets which do not conform to the overall characteristics of United's system; that interstation mileage as the sole basis for discrimination has not been proved by United to be justified; that determination of fare availability based solely on length of haul precludes any measure of individual market potential; and that United's tariff should be investigated and suspended insofar as it applies to markets of less than 1,500 miles with the proviso that the Board would consider properly designed excursion fares applied to shorter markets properly related to the demand characteristics of particular markets or regions.

In its answer, United alleges it revised its fares to make them available down to the 600-mile level in a continuing effort to make the fares available to as much of the general public as possible. The carrier answers that there exists no direct evidence from which to predict with complete certainty what sort of response will occur. However, United alleges that the absence of direct evidence does not preclude a *prima facie* showing; and that in dealing with this new proposal, the Board should recognize why there is an absence of direct data and accept the best evidence available in the spirit of testing these fares in the market place. Finally, United contends that these fares are already available at most cities of origin in United's system, and, if the instant proposal is approved, will only increase the number of destinations to which this discount fare will be marketable.

Western Air Lines, Inc. (Western) has filed an answer to the complaint by Airwest in which Western states that its principal Las Vegas/Phoenix/Southern California markets that would be affected by the 600–1,499 mileage criteria do peak during the winter/spring period with respect to travel to Las Vegas, Palm Springs, and Phoenix. However, the Los Angeles and San Diego markets peak during the summer months which corresponds directly to the peak and off-peak seasons under United's proposal. Western contends that for the Board to separately consider all such market anomalies such as these would result in infinite complexity of Bicentennial fares which rely in part on their simplicity for generative effect.

Upon consideration of the tariff proposals, the complaints and answers thereto, and all other relevant matters, the Board finds that the fares proposed in markets of 600 to 750 miles and in Florida markets during the peak winter season may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board has also concluded to suspend the fares pending investigation. Otherwise the Board concludes that the complaints do not set forth sufficient facts to warrant investigation of the proposals and the requests therefor and consequently the requests for suspension will be denied and the complaints dismissed.

As is often the case with major discount-fare proposals, the industry is sharply divided, and available information does not lead to a clear direction either for or against the proposal. However, the carriers have demonstrated that a properly constructed discount fare at this time would be consistent with the Board's Phase 5 decision, and we have previously stated our opinion

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[1] Revisions to Airline Tariff Publishers Company, Agent, Tariff C.A.B. No. 202.

[2] All the trunk carriers plus North Central and Frontier have filed to match. In addition, Northwest proposes to provide the fares in the Florida market, which United specifically excluded.

[3] See Order 75–1–72, Appendix B, Page 1 of 3.

that the fares could be productively generative in medium-haul markets. For these reasons we believe that some expansion of the discount fares is now warranted.

We do not believe, however, that United has justified expanding the coverage of the fares to markets as low as 600 miles on a blanket basis. United's basic support for the 600-mile cutoff is that at this distance the benefits of air travel over the auto allegedly become pronounced and the opportunity for diversion from the auto increases. United's basis for choosing 600 miles is that it is the maximum distance that can be reasonably driven in one day. However, no basis is provided for the assumption that a one-day driving distance is of particular significance. Both time and cost are factors which bear on a travelers choice between automobile and air travel and United simply has provided no meaningful justification for concluding as it has that these factors begin weighing sufficiently to the advantage of air service at 600 miles to materially affect the generative potential of its proposed fares.[4]

We believe it significant that a primary concern of the complainants is the broad-brush applicability of the fares to all markets over a given distance. In this connection it must be borne in mind that the risk that United's experiment may be unsuccessful falls not only on United, but on all carriers who are forced to match the fares, since under the principles established in Phase 5 of the *DPFI*, the yield dilution resulting from the discount fares would not be reflected in determining fare level. In view of the foregoing, and the probability that the generative potential of discount fares decreases as distance shortens, we believe a reasonable disposition of this proposal is to suspend the fares in markets under 750 miles, and to restrict further expansion of the fares to an individual-market basis, where specific justification can be provided. Admittedly the 750-mile cutoff is somewhat arbitrary. However, in the absence of better information on the impact of distance on generation, we believe it important to preclude the fares in short-haul markets, except on an individual basis, and the 600-mile cutoff proposed by United is simply too close to the higher-risk short-haul markets to be permitted on a blanket basis.

Turning to the application of the fares in the Florida market during the peak season, the proponent carrier, Northwest, has offered little support other than the statements that the "fare is equally desirable—and necessary—in the Florida markets," and "that there is no valid reason for discriminating against these markets in such a broad ranging fare program." While in its original proposal Northwest provided some justification for the fares in Florida markets during the summer months, it did not comment on the need for such fares during the peak season. Clearly this is inadequate support for establishing the fares in markets which have historically been accorded special fare treatment and, accordingly, we will suspend the fares insofar as they apply in Florida markets during the peak winter season.

To ensure that the overall fare level is not burdened by traffic moving on excursion fares permitted by this order, the Board has decided to include the traffic in its Phase 5 (DPFI) discount-fare adjustment in future evaluation of the industry's revenue need. Accordingly, we will require that the carriers specifically isolate the traffic, adult and children, in their discount-fare traffic submissions pursuant to Phase 5. Additionally we will require the carriers to submit separate monthly reports containing similar data by mileage block in increments of 100 miles *e.g.*, 750 to 849 miles, 850 to 949 miles, etc. We will also require each carrier providing these or similar fares to submit a full appraisal to the Board within two months after the expiration date, regardless of whether or not they elect to continue the fares. The appraisal should include a profit-impact test, including detailed support, and a separate analysis of generation and diversion. The impact of the fares by market distance should be included. We leave to the discretion of individual carriers an evaluation of the generative impact of the fares—through survey techniques, traffic analysis, etc. However, we expect a more definitive analysis than a purely judgment estimate.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof, *It is ordered*, That: 1. An investigation be instituted to determine whether the fares and provisions described in Appendix A, and rules, regulations and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A are suspended and their use deferred to and including May 29, 1975, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints in Dockets 27485, 27500, 27502, 27504, 27505, and 27507 are hereby dismissed;

4. The investigation ordered herein be assigned before an Administrative Law Judge at a time and place hereafter to be designated; and

5. All carriers providing the fares authorized by this order (or similar fares) are hereby required to isolate this category of traffic, adult and children, in their discount-fare submissions in Phase 5 of the *Domestic Passenger-Fare Investigation*.[5] Additionally, carriers are required to submit separate monthly reports to the Director, Bureau of Economics, containing similar data by mileage block in increments of 100 miles. These carriers will also submit a full appraisal to the Director, Bureau of Economics, within two months after the expiration date of the fares, including a profit-impact test with detailed support, and a separate analysis of generation/diversion, and an evaluation of the generative ability of the fares by market distance; and

6. A copy of this order be served upon Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Delta, Air Lines, Inc., Hughes Air Corp. d/b/a Hughes Airwest, National Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[6]

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.75-5957 Filed 3-5-75;8:45 am]

[4] United's argument that the 600-mile limit will permit the promotion of the Bicentennial fare from Chicago/Milwaukee to East Coast cities proves nothing of the generative impact of the fares at those distances.

[5] Order 74-12-130, December 31, 1974.

[6] Opinions and appendices filed as part of the original document.

CIVIL RIGHTS COMMISSION

DELAWARE STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Delaware State Advisory Committee will convene at 12 p.m. on March 13, 1975, at the YMCA, 11th and Washington Streets, Wilmington, Delaware.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20037.

The purpose of this meeting is planning for employment conference on April 12 in Wilmington, Delaware.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 28, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-5937 Filed 3-5-75;8:45 am]

FLORIDA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Florida State Advisory Committee (SAC) to this

Commission will convene at 12 p.m. on April 4, 1975, at the University Faculty Club, Dining Room, 1550 Brescia, University of Miami, Coral Gables, Florida 33124.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue, NE., Atlanta, Georgia 30303.

The purpose of this meeting is to review decision on SAC project of Police/Community Relations in Miami in view of Mayor's open meeting on this subject; discuss release of Jacksonville Report and follow-up.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 28, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-5938 Filed 3-5-75;8:45 am]

KANSAS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Kansas State Advisory Committee (SAC) to this Commission will convene at 8:30 a.m. on March 21, 1975, at the Colony Hotel, 7730 Bonhomme Avenue 63105.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Central States Regional Office of the Commission, Room 3103, Old Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is for project planning and to discuss major activities for 1975.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 28, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-5939 Filed 3-5-75;8:45 am]

SOUTH CAROLINA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the South Carolina State Advisory Committee (SAC) to this Commission will convene at 10 a.m. on March 24, 1975, at the Buccaneer Room, Capitol Cabana Motel, 1901 Assembly Street, Columbia, South Carolina 29202.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue, NE., Atlanta, Georgia 30303.

The purpose of this meeting is an orientation for rechartered SAC; review LEAA reports; plans for next project for SAC.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 28, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-5940 Filed 3-5-75;8:54 am]

TEXAS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Texas State Advisory Committee (SAC) to this Commission will convene at 9 a.m. on March 22, 1975 at the Sheraton-Crest Inn 111 East First St., Austin, Texas 78711.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southwestern Regional Office of the Commission, Room 231, New Moore Building, 106 Broadway, San Antonio, Texas 78205.

The purpose of this meeting is to discuss further strategies for the proposed school finance principles.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 28, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-5941 Filed 3-5-75;8:45 am]

DEFENSE NUCLEAR AGENCY

STEMMING AND CLOSURE PANEL

Closed Meeting

The next meeting of the Stemming and Closure Panel (SACPAN), sponsored by the Defense Nuclear Agency (DNA), will be held during the period 24-25 March 1975 at Field Command, Defense Nuclear Agency, Kirtland AFB, New Mexico. The SACPAN will review matter relating to sample protection and containment of underground nuclear tests. Since all discussions will involve classified information, the meeting will be closed to the public under the provisions of sections 552(b) (1) and (3) of Title 5, United States Code.

REID R. SAMUELSON,
Lt Col, USAF,
Executive Secretary, SACPAN.

[FR Doc.75-5871 Filed 3-5-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 340-7]

CIVIL SUPERSONIC AIRPLANES

Submittal to FAA of Proposed Aircraft Noise Abatement Regulations

Section 611(c)(1) of the Federal Aviation Act (the Act) of 1958, 49 U.S.C. 1431, as amended by section 7(b) of the Noise Control Act of 1972, 86 Stat. 1239, requires that the Administrator of the Environmental Protection Agency submit to the Federal Aviation Administration (FAA) proposed regulations to provide such control and abatement of aircraft noise and sonic boom including control and abatement through the exercise of any of the FAA's regulatory authority over air commerce or transportation or over aircraft or airport operations as EPA determines is necessary to protect public health and welfare.

In compliance with the Act, the EPA submitted to the Administrator of the FAA on February 27, 1975, the proposed regulation on "Aircraft Noise Requirements: Civil Supersonic Airplanes".

This proposed regulation has been submitted to the Federal Aviation Administration under the authority of 49 U.S.C. 1431.

Dated: February 27, 1975.

ROGER STRELOW,
Assistant Administrator,
Air and Waste Management.

[FR Doc.75-5864 Filed 3-5-75;8:45 am]

[FRL 335-4]

EDWARDS AQUIFER, SAN ANTONIO, TEX.

Proposal on EPA Determination

The Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93-523, 88 Stat. 1661, provides in section 1424(e):

(e) If the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the Federal Register. After the publication of any such notice, no commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for Federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer.

The principal concern of the Congress in enacting section 1424(e) was the Edwards Aquifer, which supplies the city of San Antonio, Texas with drinking water. Congress wishes to direct the attention of the Environmental Protection Agency toward the question of whether the Edwards Aquifer is the sole or principal drinking water source for the San

Antonio area which, if contaminated, would create a significant hazard to public health.

A petition has been presented on behalf of the Sierra Club, the League of Women Voters and Citizens for a Better Environment urging me to make such a determination.

In view of the foregoing, I will decide whether to make such a determination under section 1424(e) at the earliest date consistent with a thorough and complete review of the revelant facts and considerations. As a part of that review, and before deciding whether to make such a determination, the Environmental Protection Agency intends to develop a full, factual record and to consider the views of interested persons. Accordingly, the Agency solicits the submission of comments, data and references to sources of information relevant to making the determination provided for in section 1424 (e). In particular, information is sought concerning the geographical boundaries and other characteristics of the Edwards Aquifer, the recharge zone for that aquifer, the area or areas dependent upon that aquifer for drinking water, the significance of current or anticipated threats to public health that might result from contamination of the aquifer, and the prospects that such contamination will occur as a result of current activities or events that must be anticipated.

Comments, data and references in response to this notice should be submitted in writing to EPA's Region VI Office; 1600 Patterson Street, Suite 1100, Dallas, Texas 75201 no later than May 5, 1975. EPA has a substantial amount of documentation concerning the Edwards Aquifer which is available for inspection at the address listed above. If there is significant public interest in this matter, the Agency will consider holding a public hearing thereon, at a time and place to be established by subsequent notice.

Dated: February 27, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.75-5865 Filed 3-5-75;8:45 am]

[FRL 341-2 OPP-32000/200 & 201]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington, DC 20460.

On or before May 5, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW, Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after May 5, 1975.

Dated: February 27, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-32000/200)

EPA File Symbol 1730-GA. American Cyanamid Co., Consumer Products Div., 859 Berdan Ave., Wayne NJ 07470. PINE SOL. Active Ingredients: Pine Oil 30.0%; Isopropanol 10.9%; Soap 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 7043-RA. American Oil and Supply Co., 238 Wilson Ave., Newark NJ 07105. PQ PROVEN QUALITY BLEACH. Active Ingredients: Sodium Hypochlorite 12%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 34963-R. Brubaker Plumbing and Heating, Inc., 1284 Rohrerstown Rd., Lancaster PA 17601. IODINE (TECHNICAL GRADE). Active Ingredients: Iodine 99.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 35572-R. Chem-Tab Chem. Corp. 1729 Seabright Ave., Long Beach CA 90813. MR. O'S SUPERSANITIZING TABLETS. Active Ingredients: Sodium Dichloro-S-Triazinetrione 36%. Method of Support: Application proceeds under 2(a) of interim policy. PM34

EPA File Symbol 34773-A. Chemtech Resources, Inc., PO Box 24440, Dallas TX 75224. MWK-3 NON-SELECTIVE WEED KILLER. Active Ingredients: Monuron trichloroacetate 3-(p-Chlorophenyl)-1, 1-dimethylurea trichloroacetate 3.10%; Aromatic Petroleum Derivative 91.67%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 8789-L. Dixie Chemical Co., PO Box 5188, Jacksonville FL 32207. KONTROL-A-BUG PAINT INSECTICIDE. Active Ingredients: Chlordane: (Equivalent to 10.97% Octachloro-4,7-Methanotetrahydroindane and 7.30% related compounds) 18.0%; Gamma Isomer of Benzene Hexachloride (from Lindane) 6.0%; Aromatic Petroleum Derivative Solvent 72.2%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA Reg. No. 279-2712. FMC Corp., 100 Niagara St., Middleport NY 14105. FURADAN 10 GRANULES. Active Ingredients: Carbofuran (2,3-dihydro-2,2-Dimethyl-7-Benzofuranyl Methyl Carbamate) 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA Reg. No. 279-2876. FMC Corp. FURADAN 4 FLOWABLE. Active Ingredients: Carbofuran (2,3-dihydro-2,2-Dimethyl-7-Benzofuranyl Methyl Carbamate) 40.64%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA File Symbol 779-OI. Faesy and Besthoff, Inc., 143 River Rd., Edgewater NJ 07020. F & B ROOTICATE. Copper Sulphate 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 36402-R. Ford's Chem. Co., PO Box 784, Pasadena TX 77501. FORD'S NURSERY AND ORNAMENTAL SPRAY. Active Ingredients: S-[2-(Ethylsulfinyl) Ethyl] 0,0-Dimethyl Phosphorothioate 6.0%; Methoxychlor Technical Equivalent to 4.4% of 2,2 - bis (p - methoxy - phenyl) 1,1,1-Trichloroethane 0.6%; Related compounds 5.0%; 1,1-Bis (p-chlorophenyl) 2,2,2-trichloroethanol 0.9%; Xylene 49.6%. Method of Support: Application proceeds under 2(c) of interim policy. PM13

EPA File Symbol 12461-E. Heat Power Engineering, Inc., 5606 Covington Rd., Ft. Wayne IN 46804. No. 694. Active Ingredients: Disodium Cyanodithioimidocarbonate 14.7%; Potassium N-methyl-dithiocarbamate 20.3%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA Reg. No. 5905-195. Helena Chem. Co., Suite 2900—Clark Tower, 5100 Poplar Ave., Memphis TN 38137. HELENA TRIPLE KILL T. Active Ingredients: Toxaphene (Technical Chlorinated Camphene (67-69%)) 36.68%; 0,0 - Dimethyl 0 - p - nitrophenyl phosphorothioate (Methyl Parathion) 27.52%; 0-Ethyl 0-p-nitrophenyl phenylphosphonothioate (EPN) 9.18%; Xylene 6.37%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA Reg. No. 891-23. Hercules Incorporated, 910 Market St., Wilmington DE 19899. HERCULES TOXAPHENE 72% EMULSIFIABLE CONCENTRATE. Active Ingredients: Toxaphene (Technical Chlorinated Camphene containing 67-69% Chlorine) 72.0%; Xylene 23.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM12

EPA File Symbol 7905-GR. Labbco, Inc., P.O. Box 14466, Houston TX 77021. GERLAND'S FOOD FAIR ALL PURPOSE BLEACH. Active Ingredients: Sodium Hypochlorite 5.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 18185-E. Petway Prod. Corp., 350 Fifth Ave., New York NY 10001. PET WAY FLEA AND TICK SPRAY FOR DOGS. Active Ingredients: Pyrethrins 0.05%; Piperonyl Butoxide, Technical 0.50%; Carbaryl (1-Naphthyl N-methylcarbamate) 0.50%; Butoxypolypropylene Glycol 5.00%; Petroleum Distillate 0.21%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA Reg. No. 572–216. Rockland Chem. Co., P.O. Box 204, Passaic Ave., West Caldwell NJ 07006. PROFESSIONAL DURSBAN CHINCH BUG KILLER. Active Ingredients: Chlorpyrifos [0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.46%; Aromatic petroleum derivate solvent 0.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA Reg. No. 572–219. Rockland Chem. Co. SUPER PROFESSIONAL DURSBAN CHINCH BUG KILLER. Active Ingredients: Chlorpyrifos [0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 2.32%; Aromatic petroleum derivate solvent 1.26%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 36115–R. Tech Chemicals, Inc., 10659 Galaxie Ave., Ferndale MI 48220. TEKCIDE I. Active Ingredients: Hexahydro-1,3,5-triethyl-s-triazine 10.0%; Bis (tributyltin) oxide 1.0%; Ethylenediamietetraacetic acid, Tetrasodium salt 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 2724–EAT. Thuron Industries, Inc. 12200 Denton, Dr., Dallas TX 75234. SUPER STRENGTH GOLDEN MALRIN RP–81 FLY BAIT. Active Ingredients: 2-2-Dichlorovinyl dimethyl phosphate 0.50%; Related compounds 0.04%. Method of Support: Application proceeds under 2(b) of interim policy. PM13

APPLICATIONS RECEIVED (OPP–32000/201)

EPA File Symbol 10807–UI. Aero Mist, Inc., 990 Industrial Park Dr., Marietta, GA 30062. MISTY WASP AND HORNET KILLER. Active Ingredients: Pyrethrins 0.10%; Piperonyl butoxide, technical [Equivalent to 0.16% (butylcarbityl) (6-propylpiperonyl) ether and 0.04% related compounds] 0.20%; N-octyl bicycloheptene dicarboximide 0.33%; 2-(1-methylethoxy) phenol methylcarbamate (Baygun) 0.50%; Petroleum distillate 0.87%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 6718–EE. Amway Corp., 7575 E. Fulton Rd., Ada MI 49301. PURSUE II DISINFECTANT AND DEODORIZER. Active Ingredients: o-phenylphenol 0.1%; n-alkyl (C18 92%; C16 8%) n-ethyl morpholinium ethylsulfates 0.07%; Isopropyl alcohol 67.6%. Method of Support: Application proceeds under 2(c) of interim policy. PM33

EPA File Symbol 960–ENE. Balcom Chemicals, Inc., P.O. Box 667, Greeley CO 80631. CLEAN CROP MALATHION BIG–6 DUST. Active Ingredients: Malathion (*O,O*-dimethyl dithiophosphate of diethyl mercaptosuccinate) 6.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 960–ENG. Balcom Chemicals, Inc. CLEAN CROP DEMOSAN 10–D FUNGICIDE. Active Ingredients: Chloroneb (1,4-dichloro-2,5-dimethoxybenzene) 10.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 10477–RR. Bond Chemicals, Inc., 1500 Brookpark Rd., Cleveland OH 44109. BONDICIDE NO. 2–2322. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA File Symbol 10471–U. C&B Chemical Co., 3706 Raymond St., Houston TX 77007. C&B ALGICIDE INHIBITOR. Active Ingredients: Alkyl (C14, 58%; C16, 28%; C12, 14%) dimethyl benzyl ammonium chloride 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 36406–R. Central Arkansas Industrial Service, PO Box 223, Conway AR 72032. CAIS–CIDE C. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA File Symbol 1660–TU. Chemical Specialties Co., Inc., 51–55 Nassau Ave., Brooklyn NY11222. DEL FORMULA #2. Active Ingredients: Pyrethrins 0.30%; Piperonyl Butoxide, Technical 3.00%; Petroleum Distillate 1.20%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 7173–RAA. Chempar Chemical Co., Inc., 260 Madison Ave., New York NY 10016. ROZOL RAT AND MOUSE KILLER PEST CONTROL OPERATORS FORMULA BLOCKETTES. Active Ingredients: 2 - [p-chlorophenyl) phenylacetyl]-1,3 - indandione 0.005%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 192–RRA. Dexol Industries, 1450 West 228th St., Torrance CA 90501. DEXOL BUG OUT HOUSE AND GARDEN INSECT KILLER. Active Ingredients: Tetramethrin (1-Cyclohexene-1,2-dicarboximido) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl cyclopropanecarboxylate 0.106%; Related compounds 0.014%; Petroleum Distillate 9.000%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 11345–E. Dold Feed Co., Inc., 717 Elk St., Buffalo NY 14210. GREENWAY WEED AND FEED PLUS IRON. Active Ingredients: 2,4-D (2,4-Dichlorophenoxyacetic Acid) 1.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

PA File Symbol 2517–RA. Geisler Pet Products, Inc., 3902 Leavenworth St., Omaha NB 68105. CAT FLEA AND TICK POWDER. Active Ingredients: Rotenone 0.75%; Other Cube Resins 1.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 2517–RL. Geisler Pet Products, Inc. LICE POWDER. Active Ingredients: Rotenone 0.75%; Other Cube Resins 1.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 2517–RU. Geisler Pet Products, Inc. DOG FLEA AND TICK POWDER. Active Ingredients: Rotenone 0.75%; Other Cube Resins 1.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA Reg. No. 5905–225. Helena Chem. Co., 5100 Poplar Ave., Memphis TN 38137. HELENA PARATHION-METHYL PARATHION 6–3 INSECTICIDE. Active Ingredients: Parathion (0,0-diethyl 0-p-nitrophenyl thiophosphate) 57.77%; 0,0-dimethyl 0-o-nitrophenyl thiophosphate (Methyl Parathion) 29.03%; Xylene 5.99%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA Reg. No. 5905–292. Helena Chem. Co. HELENA 15% PARATHION WETTABLE. Active Ingredients: Parathion (0,0-diethyl 0-p-nitrophenyl phosphorothioate) 15.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA Reg. No. 5905–346. Helena Chem. Co. HELENA HEL-CHEM 4–4. Active Ingredients: Toxaphene [Technical Chlorinated Camphene (67%–69% Chlorine)] 37.03%; 0,0-dimethyl 0-p-nitrophenyl phosphorothioate (Methyl Parathion) 37.12%; Xylene Range Aromatic Solvent 20.85%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 17866–A. Industrial Maintenance Corp., 3520 Tryclan Dr., Charlotte NC 28210. BA–1011. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA File Symbol 17866–L. Industrial Maintenance Corp. BA–1010. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA File Symbol 2831–UI. Napasco International, PO Box 1219, Thibodaux LA 70301. NAPASCO ACTION IV PLUS BOWL, PORCELAIN AND SHOWER STALL CLEANER. Active Ingredients: Hydrogen Chloride 9.50%; Nonylphenoxypolyethoxy-ethanol-Iodine Complex 3.00%; Essential Oils 1.20%. Method of Support: Application proceeds under 2(c) of interim policy. PM32

EPA File Symbol 7493–E. Ormont Drug and Chem. Co., Inc., 520 South Dean St., Englewood-NJ 07631. PARASITICIDE SHAMPOO FOR THE CONTROL OF HEAD AND BODY LICE. Active Ingredients: Soap 30.000%; Isobornyl Thiocyanoacetate 5.125%; Other Related Terpenes 1.125%. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA File Symbol 9657–O. Solvent Manufacturing Co., Inc., PO Box 18732, Oklahoma City OK 73118. ALGAECIDE–SRM. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA File Symbol 13926–G. Verpas Products, Inc., PO Box 825–Urb. Industrial, Julio N. Matos, Carolina PR 000630. DRAGON AEROSOL MATA MOSCAS Y MOSQUITOS. Active Ingredients: Petroleum Distillate 588.20%; Technical Piperonyl Butoxide 1.60%; Pyrethrins 0.20%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 34744–E. Water Services Co., 205 SW. 64 Terrace, Oklahoma City OK 73139. ALGAECIDE N. Active Ingredients: Disodium Cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

[FR Doc.75–5858 Filed 3–5–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 20266, 20267; Files Nos. BPH–8863, BPH–8965; FCC 75R–84]

KENNEBEC WESTERN BROADCASTING CO. AND WILLSON BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In re applications of Kennebec Western Broadcasting Company, Hanford, California, Docket No. 20266, File No. BPH–8863; Willson Broadcasting Company, Hanford, California, Docket No. 20267, File No. BPH–8965; for construction permits (39 F.R. 44507).

1. Willson Broadcasting Company (Willson), one of the two competing applicants in this proceeding, seeks the addition of § 1.514, § 1.65 and limited financial issues against its competitor, Kennebec Western Broadcasting Company

(Kennebec).[1] Kennebec, in its application, estimated that first year costs for construction of its studio building will be $2,400.00. Other than a statement that this figure is based on a "verbal estimate," no further details of the arrangement were provided. In response to a predesignation letter from the Commission, Kennebec amended its application on November 7, 1974, but as to the building it still showed only that the first year payment on construction would be $2,400.00. However, an explanatory letter from Kennebec's counsel, which accompanied the amendment, recited that the total building costs would be $8,000.00, $5,600.00 of which was to be financed by the building owner. Once more, no details were provided. It appears, therefore, that there has been technical non-compliance with the requirements of Section 1.514 of the Rules. Section III of Form 301 (the financial section) contains an introductory paragraph which states that the Commission is seeking information concerning "any arrangement or negotiations, written or oral, which relate to the present or future financing of the station," and the instructions on page 3 of Section III, in subparagraph (a), specify that for each person who has agreed to extend credit, there must be submitted "a copy of the agreement * * * showing the amount, rate of interest, terms of repayment, and security, if any," Kennebec did not supply any of the required information.

2. Among the assets Robert F. Fuller, the President of Kennebec, listed in his financial statement are a savings account of $8,148.00 and holdings in a bond fund of $4,000.00, both of which are shown to be subject to draw by Robert F. Fuller and Arthur A. Fuller, Robert's father. According to the petitioner, the joint draw provision makes it doubtful that the funds in these two accounts can be treated as liquid assets available to Robert F. Fuller, and it is argued that the failure to clarify this situation in the application constitutes a further violation of Section 1.514. Petitioner maintains that without these funds, Fuller may not have sufficient liquid assets to meet his commitment to the applicant to purchase 8,200 shares of stock at $1.00 per share and to lend the applicant $17,000.00. Affidavits attached to the opposition remove the doubts raised by Willson regarding Robert Fuller's access to the funds in both of these accounts, but this showing should have been made in the application or by subsequent amendment.[2] Particularly is this so because, as will be noted later, there are questions about the ability of Robert Fuller to meet his financial commitment to Kennebec.

3. Arthur A. Fuller, Jr. is also an officer and a principal of Kennebec. He has agreed to lend the applicant $65,000.00 and to purchase 1,800 shares of stock at $1.00 per share, making a total financial commitment of $66,800.00. To meet this obligation, he relies on liquid assets in the amount of $151,065 shown in his February 20, 1974, financial statement, including a one month certificate of deposit in the amount of $113,000.00. The application has not been amended to show what has become of this asset and this fact, as well as allegations that much of the $113,000.00 has been invested elsewhere, is the basis for Willson's contention that the application has not been kept up to date as required by § 1.65. Kennebec, in its opposition, in effect concedes the correctness of petitioners assertions concerning Arthur Fuller and attempts to rely on other assets which were not included in the original balance sheet to establish his ability to meet his commitment. In light of the apparent changes, a substantial question is raised as to whether a violation of § 1.65 has occurred.

4. As noted above, Robert F. Fuller has a $25,200.00 commitment to the applicant. In his financial statement, he claims total liquid assets of $28,634.00, but Willson, in its petition, insists that this amount is not available because deductions must be made for liabilities arising from a $3,500.00 automobile loan, because the savings account and bond fund referred to in paragraph 2 above cannot be counted on for the reasons discussed there, and because the value of the Towle Manufacturing Company stock which Fuller owns must be reduced because of a decline in the share price. Petitioner thus urges that an issue should be added to determine whether Robert Fuller has sufficient resources to meet his commitment to Kennebec.

5. The Board does not agree that a financial issue is necessary. According to our computations, Robert Fuller has $26,584.00 available to meet his commitment. We give him full credit for the savings account and bond fund, for the reasons explained in paragraph 2, *supra*. We have reduced the value of the Towle Manufacturing Company stock asset by $500.00 to $4,000.00, based upon the bid price of 8 as indicated by the February 25, 1975, over the counter quotation and have deducted $1,550.00, the amount remaining on the auto loan, from the total liquid assets. Mr. Fuller thus has a surplus of funds available in an amount of $750.00 above his commitment.

6. On the basis of our earlier discussion, Rule 1.514 and 1.65 issues must be added, but the derelictions have been relatively minor and do not appear to have stemmed from any intentional efforts to conceal the true facts from the Commission. Therefore the issue will be added on a comparative basis only.

7. *Accordingly, it is ordered*, That the petition to enlarge issues, filed on January 8, 1975, by Willson Broadcasting Company is granted to the extent indicated below, and is denied in all other respects; and

8. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether Kennebec Broadcasting Company has failed to report information and substantial changes in its financial proposal in violation of Rule 1.65 and/or Rule 1.514, and, if so, to determine the effect of such noncompliance on the comparative qualifications of the applicant.

Adopted: February 26, 1975.

Released: March 3, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-5932 Filed 3-5-75;8:45 am]

[1] The pleadings before the Board are: (a) petition to enlarge issues, filed January 8, 1975, by Willson Broadcasting Company; (b) opposition, filed January 22, 1975, by Kennebec; (c) comments, filed January 22, 1975, by the Broadcast Bureau; and (d) reply, filed February 3, 1975, by Willson.

[2] The instructions in paragraph (b) to page 3 of section III to the application form contain the following sentence: "If a balance sheet or a financial statement does not clearly indicate liquid and current assets sufficient in amount to meet current liabilities and in addition, sufficient liquid assets to meet the proposed commitments, it should be supplemented by a statement showing the manner in which non-liquid assets will provide such funds."

FEDERAL POWER COMMISSION

[Docket Nos. RI75-46, RI75-76] [1]

RATE CHANGES

Order Providing for Hearing and Suspension, and Allowing To Become Effective Subject to Refund

FEBRUARY 27, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] These proceedings previously have been consolidated for hearing.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI75-46	Exxon Corp.	357	[1] [2] 1-41	Columbia Gas Transmission Corp. (Garden City, et al., Fields, Vermilion, et al., Parishes, southern and offshore Louisiana).	[3] $1,029,120	1-28-75	11-28-74	[17] Accepted	[3] [12] 25.375	[3] [4] 29.8433	RI75-46.
RI75-46	do	do	do	do	[3] 1,029,120	1-28-75	1-1-75	[17] Accepted	[3] [5] 20.5433	[3] [7] 29.5828	RI75-46.
RI75-46	do	do	do	do	[3] 1,029,120	1-28-75	11-28-74	[17] Accepted	[4] [10] 21.262	[4] [8] 28.7338	RI75-46.
RI75-46	do	do	do	do	[3] 1,029,120	1-28-75	1-1-75	[17] Accepted	[3] [5] 28.7338	[4] [7] 28.9964	RI75-46.
RI75-76	do	[1] [9] 1-43	do	do	483,913	1-28-75	1-22-75	[17] Accepted	24.7375	[10] 26.9875	RI75-76.
	do	do	do	do			1-22-75			[11] 31.1125	
	do	do	do	do			11-19-74			[12] [13] 59.3220	
	do	do	do	do			1-1-75			[3] [13] [14] 60.3563	
RI75-76	do	do	do	do	483,913	1-28-75	1-22-75	[17] Accepted	[4] [10] 20.625	[10] 22.875	RI75-76.
	do	do	do	do			1-22-75			[11] 28.0	
	do	do	do	do			11-19-74			[12] [13] 54.06	
	do	do	do	do			1-1-75			[4] [13] [14] 55.1166	

*Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Supersedes increase rate filing previously submitted.
[2] Prior increase suspended and made effective subject to refund in Docket No. RI75-46 on Nov. 28, 1974.
[3] Applicable to acreage subject to the Louisiana taxing jurisdiction.
[4] Applicable to acreage in the Federal domain. All offshore gas is delivered onshore by Exxon and includes 1.0 cent transportation allowance.
[5] Weighted average price inclusive of price adjustment factors based on 25 percent supplemental gas.
[6] For period Nov. 28, 1974, to Jan. 1, 1975.
[7] For period Jan. 1, 1975, to Jan. 22, 1975.
[8] For the locked-in period Nov. 28, 1974, to Jan. 22, 1975.
[9] Prior increase suspended and made effective subject to refund in Docket No. RI75-76.
[10] Flowing gas. Gas from reservoirs discovered prior to Oct. 1, 1968.
[11] New gas. Gas that qualifies under Opinion No. 567, i.e., from reservoirs discovered from Oct. 1, 1968, to Jan. 1, 1973.
[12] Gas qualifying for the national rate pursuant to Opinion No. 699-H.
[13] For period Nov. 19, 1974, to Jan. 1, 1975.
[14] For period on or after Jan. 1, 1975.
[15] Includes adjustment based on supplemental gas sold.
[16] Subject to adjustment based on supplemental gas sold.
[17] Accepted, to be effective as of the date set forth in the "Effective Date Unless Suspended" column, subject to refund in the existing proceedings in Dockets Nos. RI75-46 and RI75-76, respectively.

Exxon seeks to substitute the proposed increases involved here for earlier filings which were suspended in Docket Nos. RI74-46 and RI75-76. Docket No. RI75-46 (Supplement No. 41) involves a contractual question with respect to Exxon's right to file for the rates proposed by it. Docket No. RI75-76 (Supplement No. 43) involves the question of whether Exxon is entitled to amend its basic contract in light of the certificate issued to it. The same questions are presented by the substitute filings. The substitute filing relating to Supplement No. 43 reflects the modifications prescribed in Opinion No. 699-H to the national ceiling established in Opinion No. 699, and the substitute filing relating to Supplement No. 41 involves a revision in the amount of supplemental gas sold as well as the modification of the national ceiling in Opinion No. 699-H. Docket Nos. RI75-46 and RI75-76 previously have been consolidated and set for hearing. We shall therefore accept the proposed substitute increases subject to refund in these existing suspension proceedings.

[FR Doc.75-5763 Filed 3-5-75;8:45 am]

RATE CHANGES

Order Providing for Hearing and Suspension, and Allowing To Become Effective Subject to Refund [1]

FEBRUARY 27, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX "A"

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per thousand cubic feet* Rate in effect [2]	Cents per thousand cubic feet* Proposed increased date [3]	Rate in effect subject to refund in docket numbers
RI75-114	Gulf Oil Corp.	47	15	El Paso Natural Gas Co. (Rocky Mountain area, New Mexico).	$1,856	2-3-75		8-6-75	29.9774	32.7067	
	do	190	17	do	7,023	2-3-75		8-6-75	29.9536	32.7854	
	do	202	13	do	14,902	2-3-75		8-6-75	29.9774	32.7067	
	do	258	10	Southern Union Gathering Co. (Rocky Mountain area, New Mexico).	882	2-3-75		8-6-75	29.7913	32.5467	
	do	351	17	Northwest Pipeline Corp. (Rocky Mountain area, New Mexico).	6,485	2-3-75		8-6-75	29.9536	32.7854	
RI75-115	Continental Oil Co.	257	21	Southern Union Gathering Co. (Rocky Mountain area, New Mexico).	55,267	1-28-75		7-28-75	[1] 26.4475	[1] 27.5171	

*Unless otherwise stated, the pressure base is 15.025 lb/in² a.
[1] Subject to Btu adjustment above 1,050 and below 1,000 Btu.
[2] Unless otherwise stated, the rate includes Btu adjustment and tax.

The proposed rate increases exceed the applicable area rate set forth in Opinion No. 658 and are suspended for five months.

[FR Doc.75-5764 Filed 3-5-75;8:45 am]

[Rate Schedule Nos. 78, etc.]

RATE CHANGE FILINGS

FEBRUARY 26, 1975.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filing should on or before March 12, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Jan. 31, 1975	Amoco Production Co., 500 Jefferson Bldg., P.O. Box 3092, Houston, Tex. 77001.	78	Columbia Gas Transmission Corp.	Southern Louisiana.
Do	do	174	do	Do.
Do	do	641	do	Do.
Do	Kirby Petroleum Co., 1200 First City National Bank Bldg., Houston, Tex. 77002.	36	Tennessee Gas Pipeline Co.	Texas Gulf Coast.
Feb. 4, 1975	Burmah Oil & Gas Co., Golden Center 1, 2800 North Loop West, P.O. Box 94193, Houston, Tex. 77018.	1	Cities Service Gas Co.	Other Southwest.
Feb. 10, 1975	Stephens Production Co., P.O. Box 248, 115 North 12th St., Fort Smith, Ark. 72901.	1	Arkansas Oklahoma Gas Corp.	Do.
Do	Amoco Production Co., 500 Jefferson Bldg., P.O. Box 3092, Houston, Tex. 77001.	58	Texas Eastern Transmission.	Texas Gulf Coast.
Do	do	87	do	Do.
Feb. 14, 1975	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	146	Tennessee Gas Pipeline Co.	Do.

[FR Doc.75-5762 Filed 3-5-75;8:45 am]

[Docket No. E-8947]

DELMARVA POWER AND LIGHT CO.

Notice of Conference

MARCH 4, 1975.

A public conference will be held at the Federal Power Commission commencing at 10 a.m., e.d.t., on March 10, 1975, pursuant to § 1.18 of the Commission's rules of practice and procedure.

The purpose of this conference is for the Staff to meet with representatives of the Delmarva Power and Light Company (Delmarva) to discuss the Staff's data requests and Delmarva's filing of additional data pursuant to Staff's Motion of February 4, 1975.

Any person desiring to attend the conference may do so. The conference will be attended and moderated by Commission Staff Counsel.

Copies of this notice of conference shall be published in the FEDERAL REGISTER and sent to all parties.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6093 Filed 3-5-75;11:27 am]

FEDERAL RESERVE SYSTEM

FIRST ALABAMA BANCSHARES, INC.

Acquisition of Bank

First Alabama Bancshares, Inc., Birmingham, Alabama, has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to The Citizens Bank, Moulton, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842 (c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 28, 1975.

Board of Governors of the Federal Reserve System, February 25, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-5867 Filed 3-5-75;8:45 am]

FRIONA BANCORPORATION, INC.

Formation of Bank Holding Company

Friona Bancorporation, Inc., Friona, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842 (a)(1)) to become a bank holding company through acquisition of 100 per cent of the voting shares (less directors' qualifying shares) of Friona State Bank, Friona, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 25, 1975.

Board of Governors of the Federal Reserve System, February 26, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-5868 Filed 3-5-75;8:45 am]

TENNESSEE VALLEY BANCORP, INC.

Order Denying Acquisition of Bank

Tennessee Valley Bancorp, Inc., Nashville, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of Valley Fidelity Bank and Trust Company, Knoxville, Tennessee ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842 (c)).

Applicant, the fourth largest commercial banking organization in Tennessee, controls 12 banks with aggregate deposits of about $909 million, representing approximately 7.9 per cent of total deposits held by commercial banks in the State.[1] Acquisition of Bank (deposits of about $94.5 million) would increase Applicant's share of commercial bank deposits in the State by approximately .8 of one per cent,

[1] All banking data are as of June 30, 1974.

and Applicant would become the State's third largest banking organization.

Bank, the third largest of 14 banks in the Knoxville area banking market,[2] controls approximately 8.9 percent of the total deposits in commercial banks in this market. Applicant is not presently represented in the Knoxville Banking market, and its closest subsidiary is located 67 miles northeast of Bank in a separate banking market. It appears from the record that no significant existing competition would be eliminated as a result of this proposal. On the other hand, the proposal would result in the foreclosure of *de novo* entry. Due to population and deposits per banking office ratios higher than that for the State as a whole, the Knoxville area banking market appears to be relatively attractive for *de novo* entry. Applicant has previously used *de novo* entry as a means of entering the Chattanooga and Memphis banking markets. Thus, Applicant may be regarded as a possible *de novo* entrant into the Knoxville market. Accordingly, based on the foregoing and other facts of record, the Board concludes that consummation of the proposed acquisition would have slight adverse effects on potential competition.

The present proposal is not an exchange of stock but contemplates an immediate cash outlay in excess of $9 million. In this connection, the Board notes that the capital of Applicant's lead bank has not grown at a rate comparable with its assets growth, and its present capital position is lower than what the Board regards as desirable. In these circumstances, it would be preferable for Applicant to use its resources to augment the capital position of its lead bank rather than for expansion of Applicant's banking interests at this time. Accordingly, based on the foregoing, the Board concludes that considerations relating to the financial aspects of Applicant's proposal weigh against approval of the application.

With respect to convenience and needs considerations, Applicant proposes to expand the services presently offered by Bank to include: equipment leasing, factoring, accounts receivable financing, international banking services, and investment management services. While these considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application, they do not outweigh the adverse findings with respect to the financial factors involved in Applicant's proposal.

Based upon the foregoing and other considerations reflected in the record, the Board concludes that the financial considerations involved in the proposal present adverse factors bearing on the financial condition and future prospects of Applicant and Bank. Such adverse factors are not outweighed by an procompetitive effects or by the benefits which would result in serving the convenience and needs of the community. Accordingly, it is the Board's judgment that approval of the application would not be in the public interest and that the application should be, and hereby is, denied.

By order of the Board of Governors,[3] effective February 25, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-5869 Filed 3-5-75;8:45 am]

FEDERAL OPEN MARKET COMMITTEE

Foreign Currency Directive

The Federal Open Market Committee of the Federal Reserve System has approved a realignment of staff personnel who supervise System open market operations under the Committee's direction at the New York Reserve Bank. The following revisions of the Committee's Foreign Currency Directive are designed to reflect this staff personnel realignment.

Therefore, in accordance with § 271.5 of its rules regarding availability of information, there are set forth below amendments to subparagraph 2(C) of the Committee's Foreign Currency Directive.

(1) Effective February 19, 1975, subparagraph 2(C) of the Committee's Foreign Currency Directive (32 FR 9583) is amended by the deletion of the word "Special" from the phrase "Special Manager" wherever that phrase appears in that subparagraph.

By order of the Federal Open Market Committee, February 26, 1975.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.75-6055 Filed 3-5-75;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

DORIS COAL CO. ET AL.

Applications for Renewal Permits, Electric Face Equipment Standard; Opportunity for Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

(1) ICP Docket No. 4077-000, Doris Coal Co., Mine No. 6, Mine ID No. 44 01875 0, Grundy, Va.,
ICP Permit No. 4077-001-R-1 (Epling Three Wheel Battery Tractor, I.D. No. E-3).

(2) ICP Docket No. 4208-000, Maggard Coal Co., Inc., Mine No. 18, Mine ID No. 44 01815 0, Richlands, Va.,
ICP Permit No. 4208-003-R-1 (S&S 100 Battery Tractor, Ser. No. A 1964).

(3) ICP Docket No. 4291-000, Indian Head Mining Co., Indian Head Mine No. 3, Mine ID No. 15 02378 0, Hazard, Ky.,
ICP Permit No. 4291-006 (Porter End Dump Battery Buggy, I.D. No. B-6),
ICP Permit No. 4291-010 (Joy 14BU7 Loading Machine, I.D. No. J-4),
ICP Permit No. 4291-012 (Joy 10RU Cutting Machine, I.D. No. M-2),
ICP Permit No. 4291-014 (Joy 10SC Shuttle Car, I.D. No. S-2).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before March 21, 1975. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

FEBRUARY 28, 1975.

[FR Doc.75-5879 Filed 3-5-75;8:45 am]

JOSEPH BROS. COAL CO.

Applications for Renewal Permits Electric Face Equipment Standard; Opportunity for Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP Docket No. 4143-000, Joseph Bros. Coal Co., Mine No. 14, Mine ID No. 15 02789 0, Premium, Ky.,
ICP Permit No. 4143-001-R-2 (S&S 80 Battery Motor, Ser. No. 02765-65B),
ICP Permit No. 4143-002-R-2 (Stacy's 16 Spinner Loader, Ser. No. 116),
ICP Permit No. 4143-003-R-2 (Porter Wagon Drill, Ser. No. 222).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before March 21, 1975. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

C. DONALD NAGLE,
Vice Chairman,
Interim Compliance Panel.

FEBRUARY 26, 1975.

[FR Doc.75-5878 Filed 3-5-75;8:45 am]

[2] The Knoxville area banking market is approximated by Anderson, Blount, and Knox counties.

[3] Voting for this action: Vice Chairman Mitchell and Governors Shehan, Bucher and Wallich. Absent and not voting: Chairman Burns and Governors Holland and Coldwell.

NATIONAL CREDIT UNION ADMINISTRATION

NATIONAL CREDIT UNION BOARD

Meeting and Agenda

Pursuant to the provisions of the Federal Advisory Committee Act, Pub. L. 92–463, 86 Stat. 770, notice is hereby given that the National Credit Union Board will hold its quarterly meeting on March 25–26, 1975, at the offices of the National Credit Union Administration, 2025 M Street, N.W., Washington, D.C. 20456. The meetings will commence at 9 a.m. daily in Room 4210.

The agenda for this meeting will consist of an update briefing regarding the activities of the several offices of the National Credit Union Administration, a briefing on the progress of the Administration's library project, a briefing on share insurance activities, and other aspects of the Administration.

Matters for discussion will include a reserve study and legislative activities.

This meeting of the National Credit Union Board will be open to the public. Members of the public may file written statements with the Board either before or after the meeting. To the extent that time permits, interested persons may be permitted to present oral statements to the Board only on items listed in the aforementioned agenda. Requests to present such oral statements must be approved in advance by the Chairman of the Board. Such requests should be directed to the Chairman, National Credit Union Board, National Credit Union Administration, Washington, D.C. 20456.

Dated: February 27, 1975.

HERMAN NICKERSON, Jr.,
Administrator.

[FR Doc.75-5906 Filed 3-5-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL ON SCIENCE EDUCATION PROJECTS

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Problem Assessment and Experimental Projects Subpanel, to be held at 9 a.m. on March 24 and 25, 1975, in room 651, 5225 Wisconsin Avenue, NW., Washington, D.C.

The purpose of this Subpanel is to review and evaluate specific education proposals, projects or applications.

This meeting will not be open to the public because the Subpanel will be reviewing, discussing, and evaluating individual research proposals. These proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated February 21, 1975, pursuant to the provisions of section 10(d) of Pub. L. 92–463.

For further information about this Subpanel please contact Miss M. Joan Callanan, Acting Head, Office of Experimental Projects and Programs, Rm. 680–W, National Science Foundation, Washington, D.C. 20550, telephone (202) 282–7947.

FRED K. MURAKAMI,
Committee Management Officer.

MARCH 3, 1975.

[FR Doc.75-5959 Filed 3-5-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-286]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.; INDIAN POINT NUCLEAR GENERATING UNIT 3

Order Re-setting Session for Presentation of Data

The Atomic Safety and Licensing Board has received a request from the Regulatory Staff to postpone from March 24 to April 1, 1975 the session to be convened for the presentation of data related to the stipulation which has been executed by the parties to this proceeding. The basis of the request is that the schedule for attendance of persons able to present the data for the Staff would be subject to better arrangement with this change of date for the session.

The Regulatory Staff has stated that attorneys for all parties have consented to this change in date.

The Atomic Safety and Licensing Board finds that good cause has been shown to change the date, time and place for the presentation of data.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission,[1] the date, time and place for the commencement of the session of this proceeding for presentation of data related to the stipulation on the issues in the case is changed and postponed from 2:00 p.m. on Monday, March 24, 1975 and the session for presentation of those data shall commence at 9:30 a.m. on Tuesday, April 1, 1975 in the Auditorium of the Hendrick Hudson High School, Albany Post Road, Montrose, New York.

Issued: February 28, 1975, Bethesda, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.75-5881 Filed 3-5-75;8:45 am]

[1] The Nuclear Regulatory Commission is the successor organization to the Atomic Energy Commission as provided by legislation enacted by the Congress in Public Law 93-438.

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 8 to Provisional Operating License No. DPR-22 issued to the Northern States Power Company (the licensee) which revised the Technical Specifications for operation of the Monticello Nuclear Generating Plant located in Wright County, Minnesota. The amendment is effective as of its date of issuance.

The amendment incorporates new inservice inspection, surveillance, and testing requirements for the torus-to-drywell vacuum breakers to increase performance reliability and provide added assurance that the breakers will operate as required under accident conditions.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated July 10, 1973, and related filings by the licensee dated March 12, 1973, and September 17, 1973, (2) Amendment No. 8 to License No. DPR 22, with Change No. 17, (3) the Commission's concurrently issued Safety Evaluation and (4) the Commission's letter to the licensee dated January 12, 1973, and memorandum to Files dated September 11, 1973. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at The Environmental Conservation Library, 300 Nicollet Mall, Minneapolis, Minnesota 55414. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention, Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 26th day of February, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75-5880 Filed 3-5-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public

received by the Office of Management and Budget on February 26, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Questionnaire Regarding Satellite Magnetic Field Measurements, single-time, geophysicists in specialties—magnetic field, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Forest Service, Production and Distribution of Wood Residues at Secondary Wood Manufacturing Plants, single-time, secondary wood products firms in Minneapolis-St. Paul, SMSA, Weiner, N., 395-4890.

Food and Nutrition Service, Termination Information—WIC Program, single-time, WIC program participants, Human Resources Division, 395-3532.

Statistical Reporting Service, Public Involvement in Federal Land-Use Planning: Who Participates and Why? single-time, participants in land-use planning issues, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce, Licensing/Joint Venture Proposal, DIB-4036P, on occasion, manufacturers, Weiner, N., 395-4890.

Bureau of the Census, Pollution Control Industrial Revenue Bond Survey, F-75-12, annually, local government finance officers, Ellett, C. A., 395-6172.

National Bureau of Standards, Administration/Management Software Survey for Federally Sponsored University Research, NBS-1022, single-time, colleges and universities, Hulett, D. T., 395-4730.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Assessment of Family Nurse Practitioner Care Competence, BHRDO127, single-time, Physicians, nurse practitioners, and patients, Human Resources Division, 395-3532.

Social Security Administration:

Interview Schedule for the Evaluation of Prospective Reimbursement for Downstate N.Y. Hospital Controllers, SSA-3109, single-time, hospital controllers, Human Resources Division, 395-3532.

Questionnaire for the Evaluation of Prospective Reimbursement for Downstate N.Y. Hospitals, SSA-3110, single-time, hospital controllers, Human Resources Division, 395-3532.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration:

Designation of the Governor's Authorized Representative as Applicant's Agent, HUD 490.1, on occasion, State and local government in disaster areas, Lowry, R. L., 395-3772.

Designation of Applicant's Local Agent, HUD 490, on occasion, State and local government in disaster areas, Lowry, R. L., 395-3772.

Pumping Equipment Survey (Supplement to Damage Survey Report), HUD 484.4, on occasion, State and local government in disaster areas, Community and Veterans Affairs Division, 395-3532.

Flood Insurance Survey (Supplement to Damage Survey Report), HUD 448.5, on occasion, State and local government in disaster areas, Community and Veterans Affairs Division, 395-3532.

Building Survey (Supplement to Damage Survey Report), HUD 484.3, on occasion, State and local government in disaster areas, Community and Veterans Affairs Division, 395-3532.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Multiple Risk Factor Intervention Trial Forms, NIH-HL-9, other (see SF-83), Hall, George, 395-4697.

Department of Health, Education, and Welfare; Office of Education:

Application for Federal Assistance (Nonconstruction) for Title IV Civil Rights Act, Desegregation of Public Education-Instructions-Supplementary Questionnaire, OE 296, on occasion, LEAS, SEAS, institutions of HGIH, Lowry, R. L.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Bureau of the Census:

Monthly Inventory Report (Shuttle Form — Retail Trades), BUS-0105, monthly, Evinger, S. K., 395-3648.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Equal Opportunity, Housing Discrimination Complaint, HUD 903, on occasion, Community and Veterans Affairs Division, 395-3532.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc. 75-6032 Filed 3-5-75;8:45 am]

RAILROAD RETIREMENT BOARD

RAILROAD RETIREMENT SUPPLEMENTAL ANNUITY PROGRAM

Quarterly Rate of Excise Tax

In accordance with directions in section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such section 3221(c) on every employer, with respect to having individuals in his employ, for each man-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning April 1, 1975, shall be at the rate of eight and one-half cents.

In accordance with directions in section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning April 1, 1975, five percent of the taxes collected under sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and ninety-five percent of the taxes collected under such sections 3211(b) and 3221(c) plus one hundred percent of the taxes collected under section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

Dated: February 27, 1975.

By authority of the Board.

[SEAL] R. F. BUTLER,
Secretary of the Board.

[FR Doc.75-5918 Filed 3-5-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 12-A; Amdt. 2]

DIRECTOR, OFFICE OF PROGRAM DEVELOPMENT

Delegation of Financial Assistance

Delegation of Authority No. 12-A (Revision 1), (38 FR 18595), as amended (40 FR 6395), is hereby further amended to delegate certain authorities to the Director, Office of Program Development.

Delegation of Authority No. 12-A (Revision 1) is amended to read as follows:

I. Pursuant to the authority delegated by the Administrator to the Associate Administrator for Finance and Investment in Delegation of Authority No. 12 (38 FR 13063), as amended (38 FR 16001, 38 FR 26509, and 40 FR 8398), the following authority is hereby delegated to the specific positions as indicated herein:

A. *Director, Office of Program Development.* 1. To take all necessary actions in connection with determinations of eligibility for lending institutions to participate in SBA lending and financial assistance programs.

2. To take all necessary actions in connection with the regulation of lending institutions participating in SBA lending and financial assistance programs, in accordance with the Small Business Act, as amended, and the Regulations thereunder as amended from time to time.

Effective date: February 21, 1975.

EINAR JOHNSON,
Acting Associate Administrator for Finance and Investment.

[FR Doc.75-5907 Filed 3-5-75;8:54 am]

LITTLE ROCK DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Little Rock District Advisory Council will meet at 12 Noon (c.d.t.), Thursday, March 27, 1975, at the Fuller Motel, located at the Brinkley exit on Interstate 40, Brinkley, Arkansas, to discuss such business as may be presented by members, the staff of the Small Business Administration and others attending. For

further information, call or write Maurice L. Britt, Small Business Administration, 611 Gaines Street, Suite 900, P.O. Box 1401, Little Rock, Arkansas 72201, (501) 378-5871.

Dated: February 27, 1975.

JOHN JAMESON,
Director, Office of Advisory Councils, Small Business Administration.

[FR Doc.75-5908 Filed 3-5-75;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on March 14, 1975, at 10 a.m. in the 7th floor training room, the Portland Regional Office Station Committee on Educational Allowances shall at the Regional Office, 426 SW. Stark Street, Portland, Oregon conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Lee's Flying Service, 375 Scravel Hill Road, Albany, Oregon should be discontinued, as provided in 38 CFR 21.4134, because of a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: February 28, 1975.

DONNA M. ARNDT,
Director, VA Regional Office.

[FR Doc.75-5952 Filed 3-5-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON MARINE TERMINAL FACILITIES

Meeting

Notice is hereby given that a Standards Advisory Committee on Marine Terminal Facilities, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Tuesday, March 18, and Wednesday, March 19, starting at 9 a.m. in Room 102A, B, C and D, Main Labor Building, 14th and Constitution Avenue, NW, Washington, D.C. The meeting will be open to the public.

It is intended that this will be the final meeting of the Standards Advisory Committee on Marine Terminal Facilities which was formed to make recommendations on safety regulations for longshoring with respect to marine terminal facilities. The committee began its activities June 28, 1974, and must submit its recommendations to the Assistant Secretary of Labor for Occupational Safety and Health no later than March 27, 1975.

The agenda will include the final review of the proposed dock safety code and the finalization of recommended changes.

Due to the necessity to conclude all committee activities at this meeting, time will not be available for oral presentations. However, written data, views or comments may be filed, together with 20 copies thereof, with the Committee Management Officer by close of business March 14, 1975. Any such submissions will be provided to the members of the committee and will be included in the record of the meeting.

Communications should be addressed to:

J. Goodell
Committee Management Office
U.S. Department of Labor
Occupational Safety and Health Administration
1726 M Street, Northwest, Room 200
Washington, D.C. 20210

Signed at Washington, D.C., this 3rd day of March, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

NOTE.—With regard to the meeting announced by this notice, the requirement for 15 days advance notice has been impossible to meet. This additional meeting has been scheduled on an emergency basis because it is felt that all committee activities cannot be completed at the March 4-6, 1975 meeting which had previously been determined to be the final meeting of the committee.

[FR Doc.75-5980 Filed 3-5-75;8:45 am]

Office of the Secretary

COLORADO, MONTANA, AND UTAH

Availability of Extended Benefits and Federal Supplemental Benefits

I, as Secretary of Labor, have determined that there was a reduced National "on" indicator for the week ending on January 11, 1975, as announced in 40 FR 7509, and that an Extended Benefit Period and a Federal Supplemental Benefit Period commenced with the week beginning on January 26, 1975, in the States of Colorado, Montana, and Utah. This determination is made pursuant to the Federal-State Extended Unemployment Compensation Act of 1970, 84 Stat. 708, and the Emergency Unemployment Compensation Act of 1974, 88 Stat. 1869.

Section 203(d)(1) of the Federal-State Extended Unemployment Compensation Act of 1970 provides that there will be a National "on" indicator for a week if in each of the three calendar months preceding that week the rate of insured unemployment for all States equalled or exceeded 4.5 per centum. Whenever there is a National "on" indicator under the Act an Extended Benefit Period commences in every State with the third week following the week for which there is an "on" indicator. During an Extended Benefit Period, individuals who are unemployed and qualify may receive up to 13 weeks of Federal-State Extended Benefits after they have exhausted their rights to regular unemployment benefits.

Section 107 of the Emergency Unemployment Compensation Act of 1974 amended the Federal-State Extended Unemployment Compensation Act of 1970 to authorize a reduction in he National "on" indicator during 1975 and 1976. Under that amendment a State may amend its unemployment compensation law to provide that the National "on" indicator shall take effect in that State when the rate of insured unemployment nationally reaches 4.0 per centum instead of 4.5 per centum. Each of the States named herein has amended its unemployment compensation law in accordance with section 107 of the Emergency Unemployment Compensation Act of 1974.

There have been three consecutive calendar months in which the monthly rate of insured unemployment for all States equalled or exceeded 4.0 per centum. The rate was 4.0 per centum for October 1974, 4.5 per centum for November 1974, and 5.2 per centum for December 1974. Accordingly, there was a reduced National "on" indicator for the first week of January 1975, and an Extended Benefit Period commenced in each of the States named herein with the week beginning on January 26, 1975.

The same "on" indicator is effective to commence a Federal Supplemental Benefit Period in accordance with the Emergency Unemployment Compensation Act of 1974, in States which have entered into an Agreement with the Secretary of Labor of the United States pursuant to the Act. During a Federal Supplemental Benefit Period up to 13 weeks of Federal Supplemental Benefits are payable under the Act to individuals who are unemployed and have exhausted their rights to regular unemployment benefits and Federal-State Extended Benefits (or are not eligible for such extended benefits because of the ending of their eligibility periods). Each of the States named herein has entered into an Agreement pursuant to the Act. Accordingly, a Federal Supplemental Benefit Period commenced in each of those States with the week beginning on January 26, 1975.

The Extended Benefit Periods in those States will last for a minimum period of 13 weeks, and the Federal Supplemental Benefit Periods will last for a minimum period of 26 weeks. The Extended Benefit Period in each State will end with the third week following the week for which there is both a State and National "off" indicator in accordance with the State law and the Federal-State Extended Unemployment Compensation Act of 1970. The Federal Supplemental Benefit Period in each State will end on the same date as the Extended Benefit Period ends, if it has been in effect for 26 or more weeks.

Persons who believe they may be entitled to Federal-State Extended Benefits or Federal Supplemental Benefits in the States of Colorado, Montana, or Utah, or who wish to inquire about their rights under these programs, should contact the State employment security office or unemployment insurance claims office in their locality.

Signed at Washington, D.C. this 28th day of February, 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-5905 Filed 3-5-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 713]

ASSIGNMENT OF HEARINGS

MARCH 3, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 138274 Sub 12, Shippers Best Express, Inc., application dismissed.

MC 136032 Sub 5, Texas Continental Express, Inc., now assigned May 12, 1975, at Washington, D.C., is cancelled and application is dismissed.

MC 95540 Sub 915, Watkins Motor Lines, Inc. now assigned March 17, 1975, at Denver, Colorado, is cancelled and application is dismissed.

MC 110563 Sub 151, Coldway Food Express, Inc. and MC 134323 sub 69, Jay Lines, Inc.; now being assigned April 7, 1975 (3 days) at Wichita, Kansas in Room 120, Internal Revenue Building, 412 S. Main St.

MC 116915 Sub 14, Eck Miller Transportation Corporation, application dismissed.

MC 118142 Sub 77, M. Bruenger & Co., Inc., now assigned April 7, 1975 at Wichita, Kansas will be held in Room 120 Internal Revenue Building, 412 S. Main Street.

MC 139979, American Colloid Carrier Corp., now assigned April 1, 1975 at Kansas City, Missouri will be held in Room 609 Federal Office Building, 911 Walnut Street.

MC 107496 Sub 965, Ruan Transport Corporation, now assigned April 10, 1975 at Kansas City, Missouri will be held in Room 609 Federal Office Building, 911 Walnut Street.

MC 106398 Sub 718, National Trailer Convoy, Inc., now being assigned April 29, 1975 (1 day), at Chicago, Illinois, in a hearing room to be designated later. FF 347 Sub 1, Sal. Inc., now being assigned April 30, 1975 (3 days), at Chicago, Illinois, in a hearing room to be designated later.

MC-F 12264, Mayfield Transfer & Storage Co., Inc.—Purchase (Portion)—Fred Olson Motor Service Company, now being assigned May 5, 1975 (1 week), at Chicago, Illinois, in a hearing room to be designated later.

I&S No. M-28281, Commutation Fares, Hudson Transit Lines, Inc., now assigned March 10, 1975, at New York, N.Y., is cancelled. No. 36029, Penn Central Transportation Company, George P. Baker, Robert W. Blanchette and Richard C. Bond, Trustees, Vs. Burlington Northern, Inc., et al, now assigned March 11, 1975, at Washington, D.C., is cancelled.

MC 121673 Sub 1, Western Motor Freight, Inc., now being assigned May 5, 1975 (2 weeks) at Oklahoma City, Oklahoma, in a hearing room to be designated later.

MC 133966 Sub 35, North East Express, Inc., now being assigned May 28, 1975, is continued at the Office of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5970 Filed 3-5-75;8:45 am]

[Notice No. 714]

ASSIGNMENT OF HEARINGS

MARCH 3, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

CORRECTION

MC 140081, A & A Trucking, Inc., now being assigned April 1, 1975, (3 days) at Lincoln, Nebr., in a hearing room to be later designated, instead of April 4, 1975.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5971 Filed 3-5-75;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 3, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before March 21, 1975.

FSA No. 42945—*Joint Water-Rail Container Rates—Zim Israel Navigation Co., Ltd.* Filed by Zim Israel Navigation Co., Ltd. (No. 10), for itself and interested rail carriers. Rates on general commodities, from ports in Hong Kong, British Crown Colony, Manila, P.I., Singapore, Port Kelang, Penang, Malaysia, to railroad terminals at U.S. Atlantic and Gulf Coast ports.

Grounds for relief—Water competition.

Tariff—Zim Israel Navigation Co., Ltd., tariff I.C.C. No. 4, F.M.C. No. 25. Rates are published to become effective on April 5, 1975.

FSA No. 42946—*Wrought Iron or Steel Oil Country Tubular Goods and Line Pipe from Minnequa, Colorado.* Filed by Southwestern Freight Bureau, Agent (No. B-515), for interested rail carriers. Rates on wrought iron or steel oil country tubular goods and line pipe, in carloads, as described in the application, from Minnequa, Colorado, to Abbeville and Mermentau, Louisiana.

Grounds for relief—Rate relationship.

Tariff—Supplement 66 to Southwestern Freight Bureau, Agent, tariff 259-F, I.C.C. No. 5080. Rates are published to become effective on April 5, 1975.

FSA No. 42947—*Soda Ash to Chocolate Bayou, Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-517), for interested rail carriers. Rates on soda ash, in bulk in covered hopper cars, as described in the application, from Alchem, Stauffer and Westvaco, Wyoming, to Chocolate Bayou, Texas.

Grounds for relief—Rate relationship.

Tariff—Supplement 213 to Southwestern Freight Bureau, Agent, tariff 270-F, I.C.C. No. 4832. Rates are published to become effective on April 13, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5972 Filed 3-5-75;8:45 am]

[Notice No. 244]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

MARCH 6, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 26, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75439. By order of February 24, 1975, the Motor Carrier Board on reconsideration approved the transfer to C. H. Colvin, Inc., Cherry Creek, N.Y., of the operating rights in Certificate No. MC-34600 (Sub-No. 4) issued January 17, 1964, to Clifford James and Effie James, a partnership, doing business as Clifford and Effie James, Mayville, N.Y., authorizing the transportation of fertilizer, except in bulk in dump trucks and except liquid fertilizer, from Union Township and the Borough of Union City, Erie County, Pa., to points in Allegany, Cattaraugus, Chautauqua, Erie, Steuben, and Wyoming Counties, N.Y., and damaged, defective, and returned fertilizer, from the named destination points to the specified origin points. Kenneth T. Johnson, Bankers Trust Building, Jamestown, N.Y. 14701, attorney for applicants.

No. MC-FC-75621. By order entered February 24, 1975 the Motor Carrier Board approved the transfer to Gay Bros., Inc., Jonesboro, Maine, of the operating rights set forth in Certificate No. MC-60462, issued May 1, 1941, to

Gerald A. Gay and W. Allen Gay, doing business as Gay's Motor Express, Jonesboro, Maine, authorizing the transportation of berries, from points in Washington and Hancock Counties, Me., to Boston, Mass., and agricultural commodities, peat moss, canned blueberries, smoked fish, and canned seafood, from points in Washington County, Me., to Boston, Mass. Stephen Gay, Route 1, Jonesboro, Maine 04648, representative for applicants.

No. MC-FC-75632. By order of February 24, 1975, the Motor Carrier Board approved the transfer to Zip Parcel and Messenger Service, a corporation, Livingston, N.J., of the operating rights in Certificates Nos. MC-105822 (Sub-No. 1) and MC-105822 (Sub-No. 2) issued December 5, 1969, and April 7, 1971, to Felson Interstate, Inc., New York, N.Y., authorizing the transportation of general commodities, with usual exceptions, between points in Morris, Passaic, and Bergen Counties, N.J., on the one hand, and, on the other, New York, N.Y.; tile and tile products, between points in Hudson and Essex Counties, N.J., and piece goods, between New York, N.Y., on the one hand, and, on the other, points in Hudson and Essex Counties, N.J. Morton E. Kiel, 5 World Trade Center, New York, N.Y. 10048 and Norman Weiss, 2 West 45th Street, New York, N.Y. 10036, attorneys for applicants.

No. MC-FC-75635. By order of February 24, 1975, the Motor Carrier Board approved the transfer to Willie's Boat Moving Ltd., Surrey, British Columbia, Canada, of the operating rights in Certificate No. MC-135294 (Sub-No. 1) issued August 14, 1972, to William James Wimmer, doing business as Willie's Boat Moving, 10131 176th Street, Surrey, British Columbia, Canada, authorizing the transportation of boats, from the port of entry on the United States-Canada Boundary Line at or near Blaine, Wash., to Seattle, Wash.

No. MC-FC-75611. By order of February 24, 1975, the Motor Carrier Board approved the transfer to Thomas L. Powell, doing business as Powell Moving & Trucking, Queens, N.Y., of the operating rights in Certificate No. MC-129813 issued June 13, 1969, to Dave Cohen, doing business as D. & I. Moving & Express, Bronx, N.Y., authorizing the transportation of household goods as defined by the Commission, between New York, N.Y. (except points in Nassau County, N.Y., within the New York, N.Y., Commercial Zone as defined by the Commission), on the one hand, and, on the other points in Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, and New York (except points in Nassau and Suffolk Counties, N.Y.). Alvin Altman, 1776 Broadway, New York, N.Y. 10019, and Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368, attorneys for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5973 Filed 3-5-75;8:45 am]

[Notice No. 2]

MOTOR CARRIER APPLICATIONS FOR TACKING AND GATEWAY ELIMINATION IN FINANCE PROCEEDINGS

MARCH 3, 1975.

The following notices are supplemental materials to the section 5(2) finance applications listed below wherein each applicant requests (1) to tack certain authorities in its respective pending finance application, and (2) to concurrently eliminate the gateway in order to provide the described direct service.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

Protests to the granting of the requested authority must be filed with the Commission on or before April 7, 1975. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in this noticed portion of the finance proceeding.

A protest should comply with section 247(d) of the Commission's general rules of practice. 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.

MC-F-11775—J. V. McNicholas Transfer Company—Control—Tom's Express, Inc.

MC-F-11891—Gray Moving & Storage, Inc.—Pur. (P)—Thomas C. Warner, dba Cole Transfer & Storage Company.

MC-F-12173 — Cherokee Hauling & Rigging, Inc.—Purchase—Virginia Hauling Company.

MC-F-12215—H.M.E. Motor Express Co., Inc.—Pur. (P)—Tredways Express, Inc.

MC-F-12302 — Matlack, Inc. — Merger—Southern Tank Lines, Inc. And T. I. McCormack Trucking Co., Inc.

MC-F-12303 — Dudley's Transcontinental Movers, Inc. et al—Purchase—Trans-World Movers, Inc.

MC-F-12338—Riteway Express, Inc.—Pur.—A. Knorr's Express, Inc. First National State Bank of NJ, As Attorney In Fact.

MC-F-12391—Ace Doran Hauling & Rigging Co.—Purchase (Portion)—Fred Carpenter, Inc.

MC-F-12414—Stony's Trucking Co.—Control and Merger—Mississippi East, Inc.

No. MC 14552 (Sub-No. 59), filed January 31, 1975. Applicant: J. V. McNICHOLAS TRANSFER CO., a corporation, 555 West Federal St., Youngstown, Ohio 44501. Applicant's representative: Paul F. Beery, 8 East Broad St., Ninth Floor, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel, steel products, materials* used in the manufacture of steel, and *building and construction materials* (except commodities in bulk and commodities requiring special equipment), between points in Pennsylvania on and west of a line beginning at the State Boundary line between West Virginia and Pennsylvania and extending along Pennsylvania Highway 844, thence east over Pennsylvania Highway 844 to intersection U.S. Highway 19, thence north along U.S. Highway 19 to intersection Pennsylvania Highway 65, thence north along Pennsylvania Highway 65 to intersection with Pennsylvania Highway 989, thence west to Pennsylvania Highway 51, thence south on Pennsylvania Highway 51 to intersection Pennsylvania Highway 151, thence west on Pennsylvania Highway 151 to U.S. Highway 30, thence west on U.S. Highway 30 to the West Virginia-Pennsylvania State line, on the one hand, and, on the other, points in West Virginia, Michigan, New York, Ohio, and Pennsylvania. The purpose of this filing is to eliminate the gateways of Birgettstown, Pa., and points within 15 miles thereof.

(2) *Pipe and tubing*, From points in Hancock, Brooke, and Ohio Counties, West Virginia, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Rhode Island, Virginia, Illinois, Indiana, Iowa, Kentucky, Wisconsin, Missouri, Minnesota, and the District of Columbia. The purpose of this filing is to eliminate the gateways at the plant site of Youngstown Sheet and Tube Company at or near Youngstown and Struthers, Ohio and the warehouse facilities of the Edward Corporation at or near Warren, Ohio.

(3) *Steel mill equipment, materials* used in the manufacture of steel, and *building and construction materials*, (except commodities in bulk, and rolling mill rolls, From points in Connecticut, Delaware, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, and the District of Columbia, to points in West Virginia, Michigan, New York, Ohio, and Pennsylvania. The purpose of this filing is to eliminate the gateway at the plantsite of the Youngstown Sheet and Tube Company at Youngstown, Ohio.

(4) *Steel pipe, conduit, tubing and fittings* for the steel pipe, conduit and tubing, (a) From points in West Virginia, Michigan, New York, Ohio and Pennsylvania, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Wisconsin, Missouri, Minnesota, and West Virginia. The purpose of this filing is to eliminate the gateways at Weirton, W. Va., and Youngstown, Ohio. (b) From points in West Virginia, Michigan, New York, Ohio, and Pennsylvania, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateways at Weirton, W. Va. and Youngstown, Ohio. This application is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 Sub-No. 8 noticed in the FEDERAL REGISTER issue of December 9, 1974; and is directly related to MC-F-11775 published in

the FEDERAL REGISTER of January 24, 1973.

No. MC 112070 (Sub-No. 11), filed February 4, 1975. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl Street, Denver, Colo. 80210. Applicant's representative: Carlin Hansen, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Arkansas, Colorado, Connecticut, California, Delaware, District of Columbia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming. The purpose of this filing is to eliminate the gateways of Weber and Box Elder Counties, Utah. This application is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 (Sub-No. 8) noticed in the FEDERAL REGISTER issue of December 9, 1974; and is directly related to MC-F-11891 published in the FEDERAL REGISTER of June 6, 1973.

No. MC 127834 (Sub-No. 106), filed February 6, 1975. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Ave., Nashville, Tenn. 37203. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials* (except in bulk), from points in North Carolina, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia, to points in Tennessee, Arkansas, and Kentucky. The purpose of this filing is to eliminate the gateway of Roanoke, Va. (2) *iron and steel articles* which because of size or weight require the use of special equipment and *iron and steel building materials*, from the plant site of Tennessee Forging Steel Corporation at or near Harriman, Tenn., to points in North Carolina, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia, (3) *iron and steel articles* which because of size or weight require the use of special equipment and *iron and steel building materials*, from Nashville and Springfield, Tenn., to points in North Carolina, (4) *aluminum building materials in coils, sheets and plates and aluminum in coils, sheets and plate* which because of size or weight require the use of special equipment, from the plant site of International Anodizing Corporation of Tennessee and Production Steel Co., Inc. at Nashville, Tenn., to points in West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Greensboro, Asheville, High Point, and Charlotte, N.C., and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Virginia.

(5) *Building materials* (except iron and steel articles, commodities which because of size or weight require special equipment or handling, commodities in bulk and contractors equipment), from Nashville, Tenn., to points in Virginia, except points located in Northumberland, Lancaster, Westmoreland and and Richmond Counties, Va., and in that part of King George County, Va., on and east of U.S. Highway 301. The purpose of this filing is to eliminate the gateway of points in North Carolina. This application is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 (Sub-No. 8) noticed in the FEDERAL REGISTER issue of December 9, 1974; and is directly related to MC-F-12173 published in the FEDERAL REGISTER of March 27, 1974.

No. MC 46281 (Sub-No. 2), filed January 20, 1975. Applicant: H. M. E. MOTOR EXPRESS CO., INC., 2122 Tonnele Ave., North Bergen, N.J. 07047. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in Orange, Westchester, and Rockland Counties, N.Y., points in Mercer, Middlesex, Monmouth, Morris, Somerset, and Sussex Counties, N.J., and points in that part of Hunterdon and Warren Counties, N.J., east of a line beginning at the Hunterdon-Mercer County line near Woodsville and extending northward along New Jersey Highway 69 to junction U.S. Highway 46, and thence along U.S. Highway 46 to the Delaware River, including points on the indicated portions of the highways specified, to points on Long Island, N.Y., in Nassau County and that part of Suffolk County on and west of New York Highway 112. The purpose of this filing is to eliminate the gateway of Hudson River crossing between northern New Jersey and New York City, N.Y. This application is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 (Sub-No. 8) noticed in the FEDERAL REGISTER issued of December 9, 1974; and is directly related to MC-F-12215 published in the FEDERAL REGISTER of May 22, 1974.

No. MC 107403 (Sub-No. 930), filed January 31, 1975. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson, (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk, in tank vehicles, from Calvert City, Ky., to points in Delaware, Maryland, New Jersey, New York, and Pennsylvania. The purpose of this filing is to eliminate the gateway at Natrium, W. Va.

(2) *Liquid chemicals*, in bulk, in tank vehicles, from Calvert City, Ky., to points in Massachusetts, Vermont, Maine, and New Hampshire. The purpose of this filing is to eliminate the gateway at Cincinnati, Ohio.

(3) *Liquid chemicals* (non-flammable), in bulk, in tank vehicles, from Calvert City, Ky., to points in Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateway at Cincinnati, Ohio.

(4) *Chemicals*, in bulk, in tank vehicles, from Calvert City, Ky., to points in Pennsylvania, Maryland, and West Virginia all within 150 miles of Monongahela, Pa. The purpose of this filing is to eliminate the gateway at Athens, Ohio.

(5) *Chemicals*, in bulk, in tank vehicles, from points in Robertson County, Tenn., to points in Wisconsin and Minnesota. The purpose of this filing is to eliminate the gateway at Calvert City, Ky. and Millsdale, Ill.

(6) *Chemicals*, in bulk, in tank vehicles, from points in Robertson County, Tenn., to points in Pennsylvania, Maryland, and West Virginia all within 150 miles of Monongahela, Pa. The purpose of this filing is to eliminate the gateway at Athens, Ohio.

(7) *Liquid chemicals*, in bulk, in tank vehicles, from points in Robertson County, Tenn., to points in Delaware, Maryland, Massachusetts, Maine, New Hampshire, New Jersey, New York, Vermont, and Pennsylvania. The purpose of this filing is to eliminate the gateway at Hopewell, W. Va.

(8) *Liquid chemicals* (non-flammable), in bulk, in tank vehicles, from points in Robertson County, Tenn., to points in Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateway at Hopewell, Va.

(9) *Dry chemicals*, in bulk, in tank vehicles, from points in Robertson County, Tenn., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and West Virginia. The purpose of this filing is to eliminate the gateway at Cincinnati, Ohio.

(10) *Dry chemicals*, in bulk, in tank vehicles, from points in Robertson County, Tenn., to points in Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont, and Maine. The purpose of this filing is to eliminate the gateways at Cincinnati, Ohio and Solvay, New York.

(11) *Liquid chemicals*, in bulk, in tank vehicles, from McIntosh, Ala., to points in Wisconsin. The purpose of this filing is to eliminate the gateway at Calvert City, Ky., and Millsdale, Ill.

(12) *Liquid chemicals*, in bulk, in tank vehicles, from McIntosh, Ala., to points in Delaware, Maryland, New Jersey, New York, and Pennsylvania. The purpose of this filing is to eliminate the gateway at Natruim, W. Va.

(13) *Liquid chemicals*, in bulk, in tank vehicles, from McIntosh, Ala., to points in Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateway at Cincinnati, Ohio.

(14) *Liquid chemicals*, in bulk, in tank vehicles, from McIntosh, Ala., to points in Maine, Massachusetts, New Hampshire, and Vermont. The purpose of this

filing is to eliminate the gateway at Cincinnati, Ohio.

(15) *Sulphur Hexafluoride*, in bulk, from Metropolis, Ill., to points in New York, New Jersey, Massachusetts, Rhode Island, Delaware, Maryland, Maine, and New Hampshire. The purpose of this filing is to eliminate the gateway at Pittsburgh, Pa.

(16) *Liquid sugar and blends, coloring syrup*, in bulk, in tank vehicles, from Louisville, Ky., to points in New York, New Jersey, Delaware, Maryland, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateway at Pittsburgh, Pa.

(17) *Molasses*, in bulk, in tank vehicles, *liquid sugar and blends* and *coloring syrup*, in bulk, in tank vehicles, from Louisville, Ky., to points in Massachusetts, Vermont, Maine, and New Hampshire. The purpose of this filing is to eliminate the gateway at Warren, Ohio.

(18) *Liquid fertilizer*, in bulk, in tank vehicles and *liquid caustic soda*, in bulk, in tank vehicles, from Kentucky Asphalt Terminal, near Louisville, Ky., to Connecticut, Delaware, Maryland, Maine, Pennsylvania, New Jersey, Rhode Island, and Missouri. The purpose of this filing is to eliminate the gateway at Cincinnati, Ohio.

(19) *Liquid fertilizer*, in bulk, in tank vehicles and *liquid caustic soda*, in tank vehicles, from the Kentucky Asphalt Terminal, near Louisville, Ky., to points in Pennsylvania and West Virginia within 150 miles of Monongahela, Pa. The purpose of this filing is to eliminate the gateway at Zanesville, Ohio.

(20) *Liquid fertilizer*, in bulk in tank vehicles, and *liquid caustic soda*, in bulk, in tank vehicles, from Kentucky Asphalt Terminal, near Louisville, Ky. to points in New York. The purpose of this filing is to eliminate the gateway at Cleveland, Ohio.

(21) *Dry feed ingredients*, in bulk, from Madison, Ind., to points in Pennsylvania and West Virginia. The purpose of this filing is to eliminate the gateway at Zanesville, Ohio.

(22) *Dry feed ingredients*, in bulk, from Madison, Ind., to points in New York west of U.S. Highway 11. The purpose of this filing is to eliminate the gateway at Zanesville, Ohio.

(23) *Vegetable oils*, in bulk, in tank vehicles, from Louisville, Ky., to points in Massachusetts, Vermont, Maine, New Hampshire, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateway at Newark, N.J.

(24) *Vegetable oils, in bulk*, in tank vehicles, from Louisville, Ky., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway at Cumberland, Md.

(25) *Lards, greases and fats*, in bulk, in tank vehicles, from Louisville, Ky., to Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island.

(26) *Ferric sulphate*, in bulk, in tank vehicles, from Copperhill, Tenn., to points in Maine, Rhode Island, New Hampshire, Vermont, and New York. The purpose of this filing is to eliminate the gateway at Louisville, Ky.

(27) *Ferric sulphate*, in bulk, in tank vehicles, from Copperhill, Tenn., to points in Ohio and Pennsylvania within 150 miles of Monongahela, Pa.

(28) *Lecithin oil*, in bulk, in tank vehicles, from Louisville, Ky., to points in Massachusetts, Vermont, Maine, New Hampshire, Connecticut, Delaware, Maryland, Pennsylvania, Rhode Island, and New Jersey. The purpose of this filing is to eliminate the gateway at Cincinnati, Ohio.

(29) *Inedible liquid flavoring compounds*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Connecticut, Massachusetts, New Jersey, Rhode Island, and New York. The purpose of this filing is to eliminate the gateway at Peekskill, N.Y.

(30) *Molasses*, in bulk, in tank vehicles, from the site of the terminal of Kentucky Asphalt Terminal, Inc., near Louisville, Ky., to points in Connecticut, New Jersey, Rhode Island, and points in Pennsylvania. The purpose of this filing is to eliminate the gateway at Zanesville, Ohio.

(31) *Vegetable oil*, in bulk, in tank vehicles, from Moultrie, Ga., to points in Maine, Vermont, New Hampshire, New York, and Pennsylvania. The purpose of this filing is to eliminate the gateway at Columbus, Ohio.

(32) *Animal fats and greases*, in bulk, in tank vehicles, from Owensboro, Ky., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateway of Newark, N.J.

(33) *Liquid fertilizer*, in bulk in tank vehicles, from Henderson, Ky., to points in West Virginia within 150 miles of Monongahela, Pa. The purpose of this filing is to eliminate the gateway of Addison, Ohio.

(34) *Liquid fertilizer solutions*, in bulk in tank vehicles, from Henderson, Ky., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Millsdale, Ill.

(35) *Liquid fertilizer solutions*, in bulk in tank vehicles from Henderson, Ky., to points in Iowa, Minnesota, and Nebraska. The purpose of this filing to to eliminate the gateway of Mapleton, Ill.

(36) *Liquid fertilizer solutions*, in bulk in tank vehicles, from Henderson, Ky., to points in Michigan. The purpose of this filing is to eliminate the gateway of Fort Wayne, Ind.

(37) *Liquid fertilizer solutions*, in bulk in tank vehicles, from Henderson, Ky., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Ashland, Ky.

(38) *Liquid corn products* (except corn oil, corn syrup, and liquid edible food stuffs), in bulk, in tank vehicles, from Indianapolis, Ind., to points in West Virginia within 150 miles of Monongahela, Pa. The purpose of this filing is to eliminate the gateway of Athens, Ohio.

(39) *Liquid corn products* (except corn oil, corn syrup, and liquid edible food stuffs), in bulk, in tank vehicles, from Indianapolis, Ind., to points in Connecticut, New Jersey, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateway of Cambridge, Ohio.

(40) *Liquid corn products* (except corn oil, corn syrup, and liquid edible foodstuffs), in bulk, in tank vehicles, from Indianapolis, Ind., to points in Maine, Massachusetts, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Cambridge, Ohio.

(41) *Liquid corn products* (except corn oil, corn syrup, and liquid edible foodstuffs) in bulk, in tank vehicles, from Indianapolis, Ind., to points in Delaware, and Maryland. The purpose of this filing is to eliminate the gateway of Cambridge, Ohio.

(42) *Liquid corn products* (except corn oil, corn syrup, and liquid edible foodstuffs) in bulk, in tank vehicles, from Indianapolis, Ind., to points in New York. The purpose of this filing is to eliminate the gateway of Cambridge, Ohio.

(43) *Asphalt and asphalt products* in bulk, in tank vehicles, from North Vernon, Ind., to points in West Virginia within 150 miles of Monongahela, Pa. The purpose of this filing is to eliminate the gateway of Addison, Ohio.

(44) *Asphalt and asphalt products* in bulk, in tank vehicles, from North Vernon, Ind., to points in Maryland. The purpose of this filing is to eliminate the gateway of Athens, Ohio.

(45) *Asphalt and asphalt products*, in bulk, in tank vehicles, from North Vernon, Ind., to points in Maine and Vermont. The purpose of this filing is to eliminate the gateway of Athens, Ohio.

(46) *Asphalt and asphalt products* in bulk, in tank vehicles, from North Vernon, Ind., to points in Connecticut, Massachusetts, New Hampshire, and Rhode Island. The purpose of this filing is to eliminate the gateway of Athens, Ohio.

(47) *Asphalt and asphalt products*, in bulk, in tank vehicles, from North Vernon, Ind., to points in New York, New Jersey, and Pennsylvania. The purpose of this filing is to eliminate the gateway of Athens, Ohio.

(48) *Asphalt and asphalt products*, in bulk, in tank vehicles, from North Vernon, Ind., to points in Delaware. The purpose of this filing is to eliminate the gateway of Athens, Ohio.

(49) *Liquefied petroleum gas*, in bulk, in tank vehicles, from Siloam, Ky., to points in Illinois north of Route 24 and points in Wisconsin. The purpose of this filing is to eliminate the gateway of Fort Wayne, Ind.

(50) *Liquefied petroleum gas*, in bulk, in tank vehicles, from Siloam, Ky., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Athens, Ohio.

(51) *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Henderson, Ky., to points in Delaware, Connecticut, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, New York, Rhode Island, and Vermont. The purpose

of this filing is to eliminate the gateway of Ashland, Ky.

(52) *Liquefied petroleum gas*, in bulk, in tank vehicles, from Siloam, Ky., to points in Illinois, Iowa, Kansas, Minnesota, and Nebraska. The purpose of this filing is to eliminate the gateway of Findlay, Ohio.

(53) *Liquid fertilizer, liquid fertilizer materials, anhydrous ammonia*, and *nitrogen fertilizer solution*, in bulk, in tank vehicles, from Browns Valley, Ky., to points in Michigan. The purpose of this filing is to eliminate the gateway of Newark, Ohio.

(54) *Liquid fertilizer, liquid fertilizer materials, anhydrous ammonia*, and *nitrogen fertilizer solution*, in bulk, in tank vehicles, from Browns Valley, Ky., to points in Delaware, Maryland, New Jersey, New York, and Pennsylvania. The purpose of this filing is to eliminate the gateway of Natrium, West Virginia.

(55) *Liquid fertilizer, liquid fertilizer materials, anyhdrous ammonia*, and *nitrogen fertilizer solution*, in bulk, in tank vehicles, from Browns Valley Ky., to points in Maine, Massachusetts, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Wheeling, West Virginia.

(56) *Coal tar and coal tar products*, in bulk, in tank vehicles, from the plant site of Western Tar Products, Corp., at or near Terre Haute, Ind., to points in Maryland, Pennsylvania, and West Virginia within 150 miles of Monongahela, Pa. The purpose of this filing is to eliminate the gateway of Wheeling, West Virginia.

(57) *Liquid fertilizer, liquid fertilizer materials, anhydrous ammonia*, and *nitrogen fertilizer solution*, in bulk, in tank vehicles, from Browns Valley, Ky., to points in Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateway of Wheeling, West Virginia.

(58) *Coal tar products*, in bulk, in tank vehicles, from the plant site of Western Tar Products Corp., at or near Terre Haute, Ind., to points in Delaware, Maryland, New Jersey, New York, and Pennsylvania. The purpose of this filing is to eliminate the gateway of Natrium, West Virginia.

(59) *Coal tar and road tar* in bulk, in tank vehicles, from Jeffersonville, Ind., to points in Maryland, Pennsylvania, and West Virginia all within 150 miles of Monongahela, Pa. The purpose of this filing is to eliminate the gateway of Zanesville, Ohio.

(60) *Whiskey*, in bulk, in tank vehicles, from New Orleans, La., to points in West Virginia within 150 miles of Monongahela, Pa. The purpose of this filing is to eliminate the gateway of Zanesville, Ohio.

(61) *Whiskey*, in bulk, in tank vehicles, from New Orleans, La., to points in Connecticut, Delaware, New Jersey, and Rhode Island. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

(62) *Whiskey*, in bulk, in tank vehicles, from New Orleans, La., to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

(63) *Liquefied petroleum gas*, in bulk, in tank vehicles, from Farmington, Ill., Crossville, Ill., and Siloam, Ky., to points in Delaware. The purpose of this filing is to eliminate the gateway of Athens, Ohio.

(64) *Liquefied petroleum gas*, in bulk, in tank vehicles, from Crossville, Ill., to points in Michigan in and south of Oceana, Newaygo, Mecosta, Isabella, Midland, Bay, Tuscola, and Huron Counties, Mich. The purpose of this filing is to eliminate the gateway of Toledo, Ohio.

(65) *Liquefied petroleum gas*, in bulk, in tank vehicles, from Farmington, Ill., and Siloam, Ky., to points in New Jersey, and New York. The purpose of this filing is to eliminate the gateway of Canton, Ohio.

(66) *Liquefied petroleum gas*, in bulk, in tank vehicles, from Crossville, Ill., to points in New Jersey and New York. The purpose of this filing is to eliminate the gateway of Athens, Ohio.

(67) *Liquefied petroleum gas*, in bulk, in tank vehicles, from Farmington, Ill., and Siloam, Ky., to points in Connecticut, Maine, New Hampshire, and Rhode Island. The purpose of this filing is to eliminate the gateway of Canton, Ohio.

(68) *Liquefied petroleum gas*, in bulk, in tank vehicles, from Crossville, Ill., to points in Connecticut, Maine, New Hampshire, and Rhode Island. The purpose of this filing is to eliminate the gateway of Athens, Ohio.

(69) *Liquefied petroleum gas*, in bulk, in tank vehicles, from Farmington, Ill., Crossville, Ill., and Siloam, Ky., to points in Maryland. The purpose of this filing is to eliminate the gateway of Athens, Ohio.

(70) *Liquefied petroleum gas*, in bulk in tank vehicles, from Farmington, Ill., and Crossville, Ill., to points in Pennsylvania and West Virginia. The purpose of this filing is to eliminate the gateway of Lebanon, Ohio.

(71) *Petroleum products*, in bulk, in tank vehicles, from Madison, Seymour, Troy, Evanston, Princeton, Ind., Louisville, Henderson, Daviess County, West Point, Ky., Lawrenceville, Ill., and Pascagoula, Miss., to points in Connecticut, Maine, Mayland, Massachusetts, New Jersey, New Hampshire, New York, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Athens, Ohio.

(72) *Petroleum products*, in bulk, in tank vehicles, from Madison, Seymour and Troy, Ind., Pascagoula, Miss., and Louisville, Ky, to points in Mississippi, Pennsylvania, and West Virginia. The purpose of this filing is to eliminate the gateway of Lebanon, Ohio.

(73) *Petroleum products*, in bulk, in tank vehicles, from Lawrenceville, Evansville, and Princeton, Ind., to points in Michigan and south of Oceana, Midland, Newaygo, Bay, Mecosta, Tuscola, Isabella, and Huron Counties, Mich. The purpose of this filing is to eliminate the gateway of Toledo, Ohio.

(74) *Petroleum products*, in bulk, in tank vehicles, from Evansville and Princeton, Ind., and Lawrenceville, Ill., to points in Pennsylvania and West Virginia. The purpose of this filing is to eliminate the gateway of Lebanon, Ohio.

(75) *Petroleum chemicals*, in bulk, in tank vehicles, from Madison and Evansville, Ind., and Louisville, Ky., to points in Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont. The purpose of this filing is to eliminate the gateway of Athens, Ohio.

(76) *Petroleum chemicals*, in bulk, in tank vehicles, from Madison, Seymour, and Evansville, Ind., and Louisville, Ky., to points in Pennsylvania, and West Virginia within 150 miles of Monongahela, Pa. The purpose of this filing is to eliminate the gateway of Addison, Ohio.

(77) *Petroleum chemicals*, in bulk, in tank vehicles, from Madison and Seymour, Ind., and Louisville, Ky., to points in Michigan. The purpose of this filing is to eliminate the gateway of Toledo, Ohio.

(78) *Petroleum chemicals*, in bulk, in tank vehicles, from Madison and Seymour, Ind., and Louisville, Ky., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Millsdale, Ill.

(79) *Petroleum chemicals*, in bulk, in tank vehicles, from Madison and Seymour, Ind., and Covington, Ky., to points in Iowa, Minnesota, Missouri, and Nebraska. The purpose of this filing is to eliminate the gateway of Mapleton, Ill.

(80) *Petroleum chemicals*, in bulk, in tank vehicles, from Louisville and West Point, Ky., to points in Iowa. The purpose of this filing is to eliminate the gateway of Mapleton, Ill.

(81) *Petroleum chemicals*, in bulk, in tank vehicles, from Troy and Princeton, Ind., Lawrenceville, Ill., and Pascagoula, Miss., to points in Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont. The purpose of this filing is to eliminate the gateway of Ashland, Ky.

(82) *Petro-chemicals*, in bulk, in tank vehicles, from Troy and Princeton, Ind., Lawrenceville, Ill., and Pascagoula, Miss., to points in West Virginia within 150 miles of Monongahela, Pa. The purpose of this filing is to eliminate the gateway of Addison, Ohio.

(83) *Liquefied petroleum, gas*, in bulk, in tank vehicles, from Farmington, and Crossville, Ill., and Siloam, Ohio, to points in Maine and Vermont. The purpose of this filing is to eliminate the gateway of Canton, Ohio.

(84) *Petroleum chemicals*, in bulk, in tank vehicles, from Pascagoula, Miss., to points in Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateway of Point Pleasant, West Virginia.

(85) *Petroleum chemicals*, in bulk, in tank vehicles, from Pascagoula, Miss., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Mapleton, Ill.

(86) *Non-flammable liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut, Maine, and Rhode Island, to points in Arkansas, Kansas, Louisiana,

Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(87) *Liquid chemicals,* in bulk, in tank vehicles, from points in New York, to points in Arkansas, Kansas, Louisiana, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(88) *Liquid chemicals,* in bulk, in tank vehicles, from points in New Jersey to points in Arkansas, Kansas, Louisiana, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(89) *Liquid chemicals,* (except petroleum products and coal tar products), in bulk, in tank vehicles, from points in Delaware, to points in Arkansas, Kansas, Louisiana, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(90) *Liquid chemicals,* (non-flammable) except petroleum products and coal tar products, in bulk, in tank vehicles, from points in Maryland, to points in Arkansas, Kansas, Louisiana, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(91) *Liquid Chemicals,* in bulk, in tank vehicles (except petroleum products and coal tar products), from points in Maryland within 100 miles of Philadelphia, Pa., to points in Arkansas, Kansas, Louisiana, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(92) *Liquid Chemicals,* in bulk, in tank vehicles, from points in Pennsylvania within 150 miles of Monongahela, Pa., to points in Arkansas, Kansas, Louisiana, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(93) *Liquid Chemicals,* in bulk, in tank vehicles, from points in Pennsylvania within 100 miles of Philadelphia, Pa., to points in Arkansas, Kansas, Louisiana, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(94) *Liquid Chemicals* (non-flammable), except petroleum products and Coal Tar products, in bulk, in tank vehicles, from points in Pennsylvania, to points in Arkansas, Kansas, Oklahoma, Louisiana, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(95) *Liquid Chemicals,* in bulk, in tank vehicles, from points in West Virginia within 150 miles of Monongahela, Pa., to points in Arkansas, Kansas, Louisiana, Mississippi, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(96) *Chemicals,* in bulk, in tank vehicles, from points in Ohio within 150 miles of Monongahela, Pa., to points in Arkansas, Louisiana, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(97) *Liquid Chemicals, Dry Chemicals,* in bulk, in tank vehicles, from Ironton and South Point, Ohio, to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(98) *Chemicals,* in bulk, in tank vehicles, from points in Delaware County, Ohio, to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(99) *Paints, stains and varnishes, paint materials,* and *plastics,* in bulk, in tank vehicles, from Circleville, Ohio to points in Alabama, Louisiana, Mississippi, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(100) *Plasticizers,* in bulk, in tank vehicles, from the plant site of Allied Chemical Corp., at or near Toledo, Ohio, to points in Alabama, Arkansas, Louisiana, Oklahoma, Mississippi, Tennessee, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(101) *Liquid Chemicals* (except oxygen, hydrogen, and nitrogen) in bulk, in tank vehicles, from the plant site of The Glidden Company, at or near Huron, Ohio, to points in Alabama, Arkansas, Mississippi, and Oklahoma. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(102) *Anhydrous ammonia,* in bulk, in tank vehicles, from the plant site of Phillips Co., at or near North Bend, Ohio, to points in Alabama, Arkansas, Mississippi, Oklahoma, Kansas, Louisiana, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(103) *Anhydrous ammonia, nitrogen fertilizer solution, ammoniating solutions,* and *aqua ammonia,* in bulk, in tank vehicles, from the plant site of Southern Nitrogen, Inc., at or near Columbia Park (Finney), Hamilton County, Ohio, to points in Alabama, Arkansas, Mississippi, Oklahoma, Louisiana, Tennessee, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(104) *Liquid chemicals,* in bulk, in tank vehicles, from Muskegon, Michigan, to points in Alabama, Arkansas, Louisiana, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(105) *Liquid resins,* in bulk, in tank vehicles, from the facilities of Owens-Corning Fiberglas Corp., at or near Valparaiso, Ind., to points in Arkansas, Kansas, Mississippi, Missouri, Louisiana, and Oklahoma. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(106) *Chemicals,* in bulk, in tank vehicles, from the plant site of Stepan Chemical Company at or near Millsdale, Ill., to points in Alabama, Arkansas, Louisiana, Mississippi, Tennessee, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(107) *Dry chemicals,* in bulk, from Springfield, Mass., to points in Arkansas, Kansas, Mississippi, Oklahoma, Louisiana, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(108) *Dry chemicals,* in bulk, in tank vehicles, from Solvay, New York, to points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(109) *Dry chemicals,* in bulk, in tank vehicles, from Niagara Falls, N.Y., to points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(110) *Dry chemicals,* in bulk, in tank vehicles, from Carneys Point, Deepwater, and Gibbsboro, New Jersey and points in New Jersey north of New Jersey Highway 33, to points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(111) *Polypropylene* and *processed clay,* in bulk, in tank vehicles, from points in West Deptford Township, Paulsboro, New Jersey, to points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(112) *Dry chemicals,* in bulk, in tank vehicles, from points in Pennsylvania, to points in Arkansas, Kansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(113) *Dry chemicals,* in bulk, in tank vehicles, from Elkton, Md., Claymont, Del., and Baltimore, Md., to points in Arkansas, Kansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(114) *Dry chemicals,* in bulk, in tank vehicles, from points in Maryland within 150 miles of Monongahela, Pa., to points in Arkansas, Kansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(115) *Dry chemicals,* in bulk, in tank vehicles, from points in West Virginia within 150 miles of Monongahela, Pa., to points in Arkansas, Kansas, Louisiana, Mississippi, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(116) *Calcium carbide, fly ash, plastic granules,* and *resin powder,* in bulk, in tank vehicles, from points in Ohio within 150 miles of Monongahela, Pa., to points in Tennessee. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

(117) *Calcium carbide,* in bulk, from points in Ohio within 150 miles of Monongahela, Pa., to points in Alabama, Georgia, and Tennessee. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

(118) *Dry chemicals,* in bulk, in tank vehicles, between points in Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, and Wayne Counties,

Ohio on the one hand, and, on the other, points in Kentucky, to points in Arkansas, Kansas, Alabama, Louisiana, Mississippi, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(119) *Calcium carbide residue, fly ash, plastic granules, resin powder,* in bulk, in tank vehicles, between points in Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, and Wayne Counties, Ohio, on the one hand, and, on the other, points in Kentucky, to points in Tennessee. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

(120) *Calcium carbide,* in bulk, between points in Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, and Wayne Counties, Ohio, on the one hand, and, on the other, points in Kentucky, to points in Alabama, Georgia, and Tennessee. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

(121) *Acetone and phenol,* in bulk, in tank vehicles, from the plant site of the United States Steel Corporation, at or near Haverhill, Ohio, to points in Louisiana, Oklahoma, Texas, and Mississippi. The purpose of this filing is to elimiinate the gateway of Calvert City, Ky.

(122) *Dry plastics,* in bulk, in tank or hopper type vehicles, from Delaware City, Del., to points in Arkansas, Kansas, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(123) *Dry chemicals,* in bulk, in tank vehicles, from points in Michigan to points in Arkansas, Louisiana, Mississippi, Oklahoma, Texas, and St. Louis, Mo. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(124) *Petroleum products,* in bulk, in tank vehicles, from Paulsboro, Pettys Island, Eagle Point, Bayonne, Carteret, Jersey City, Linden, Camden, Edgewater, Dundee, Bayway, New Jersey and points on and east of U.S. Highway 1 and north of the Raritan River, to points in Missouri. The purpose of this filing is to eliminate the gateway of Madison, Ind.

(125) *Petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Philadelphia, and Marcus Hook, Pa., to points in Missouri. The purpose of this filing is to eliminate the gateway of Madison, Ind.

(126) *Petroleum products* (except petrochemicals), in bulk, in tank vehicles, from points in Pennsylvania within 150 miles of Monongahela, Pa., to points in Missouri. The purpose of this filing is to eliminate the gateway of Madison, Ind.

(127) *Petroleum products,* in bulk, in tank vehicles, from Baltimore, Md., to points in Missouri. The purpose of this filing is to eliminate the gateway of Madison, Ind.

(128) *Petroleum products,* in bulk, in tank vehicles, from points in Maryland within 150 miles of Monongahela, Pa., to points in Missouri. The purpose of this filing is to eliminate the gateway of Madison, Ind.

(129) *Petroleum products* (except petro-chemicals), in bulk, in tank vehicles, from points in West Virginia within 150 miles of Monongahela, Pa., to points in Missouri. The purpose of this filing is to eliminate the gateway of Madison, Ind.

(130) *Petroleum* and *petroleum products* (except petro-chemicals) in bulk, in tank vehicles, from points in Lake, Mahoning, Harrison, Ashtabula, Stark, Guernsey, Geauga, Columbiana, Belmont, Trumbull, Carroll, Portage, and Jefferson Counties, Ohio within 150 miles of Monongahela, Pa., to points in Tennessee. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

(131) *Liquid petroleum* products as described in Appendix XIII, in bulk, from points in Medina, Summit, Portage, Mahoning, Columbiana, Stark, Ashtabula, Trumbull, Carroll, Jefferson, Harrison, and Belmont Counties, Ohio within 150 miles of Monongahela, Pa., to points in Missouri. The purpose of this filing is to eliminate the gateway of Madison, Ind.

(132) *Petro-Chemicals,* in bulk, in tank vehicles, from points in Ohio on and north of U.S. Highway 30 and 30S except those points within 150 miles of Monongahela, Pa., to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(133) *Liquid adhesives* (except those derived from petroleum), in bulk, in tank vehicles, from Columbus, Ohio to points in Alabama, Arkansas, Kansas, Louisiana, Missouri, Mississippi, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(134) *Phosphatic fertilizer solutions,* in bulk, in tank vehicles, from the plant site of Monsanto Chemical Company at Trenton, Michigan to points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(135) *Liquid corn products,* in bulk, in tank vehicles, from the plant site and storage facilities of A. E. Staley Manufacturing Company at or near Morrisville, Pa., to points in Illinois, Missouri, and Wisconsin. The purpose of this filing is to eliminate the gateway of Indianapolis, Ind.

(136) *Liquid Alum,* in bulk, in tank vehicles, from New Orleans, and Monroe, La., to points in Pennsylavnia. The purpose of this filing is to eliminate the gateways of Roberston County, Tenn., and Ashland, Ky.

(137) *Liquid alum,* in bulk, in tank vehicles, from New Orleans, and Monroe, La., to points in Illinois. The purpose of this filing is to eliminate the gateway of Roberston County, Tenn.

(138) *Liquid alum,* in bulk, in tank vehicles, from New Orleans, and Monroe, La., to points in Wisconsin and Minnesota. The purpose of this filing is to eliminate the gateway of Roberston County, Tenn., and Mapelton, Ill.

(139) *Petroleum and petroleum products,* in bulk, in tank vehicles, from New Orleans, La., and points within 5 miles thereof, to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of Pascagoula, Miss., and Ashland, Ky.

(140) *Petroleum products,* in bulk, in tank vehicles, from New Orleans, La., and points within 5 miles thereof, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, New Jersey, and Vermont. The purpose of this filing is to eliminate the gateways of Pascagoula, Miss., and Ashland, Ky.

(141) *Petroleum chemicals,* (except liquefied petroleum gas and anhydrous ammonia), from Abbeville, La., to points in Alabama, Florida, Georgia, and Kentucky. The purpose of this filing is to eliminate the gateway of Pascagoula, Miss.

(142) *Liquid petroleum chemicals,* in bulk, in tank vehicles, from Abbeville, La., to points in Delaware and New Jersey. The purpose of this filing is to eliminate the gateways of Pascagoula, Miss. and Ashland, Ky.

(143) *Petro-chemicals* (except liquefied petroleum gas) in bulk, in tank vehicles, from Abbeville, La., to points in Illinois, Indiana, Minnesota, Michigan, Ohio, and West Virginia (except Brooke, Hampshire, Hancock, Kanawha, Monongalia, and Ohio Counties). The purpose of this filing is to eliminate the gateway of Pascagoula, Mississippi.

(144) *Petroleum Chemicals* (except flammables and liquefied petroleum gas), in bulk, in tank vehicles, from Abbeville, La., to points in Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateways of Pascagoula, Mississippi, and Ashland.

(145) *Petroleum chemicals* (except liquefied petroleum gas), in bulk, in tank vehicles, from Abbeville, La., to points in Wisconsin. The purpose of this filing is to eliminate the gateways of Pascagoula, Miss., plant sites of Baird Chemicals Ind., Inc., at or near Mapleton, Ill.

(146) *Liquid petroleum chemicals* (except liquefied petroleum gas, and anhydrous ammonia), in bulk, in tank vehicles, from Abbeville, La., to points in Maine, Massachusetts, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Pascagoula, Mississippi and Ashland, Kentucky.

(147) *Liquid petroleum chemicals* (except liquefied petroleum gas and anhydrous ammonia), in bulk, in tank vehicles, from Abbeville, La., to points in Maryland, and New York. The purpose of this filing is to eliminate the gateway of Pascagoula, Miss., and Ashland, Kentucky.

(148) *Liquid aluminum sulfate,* in bulk, in tank vehicles, from Marrero, La., to points in Illinois, Indiana, Iowa, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Wisconsin, and West Virginia (except points in Brooke, Hampshire, Hancock, Kanawha, Monongahela, and Ohio Counties). The purpose of this filing is

to eliminate the gateway of McIntosh, Ala.

(149) *Liquid aluminum sulfate*, in bulk, in tank vehicles, from Marrero, La., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateways of McIntosh, Ala. and Ashland, Ky.

(150) *Liquid aluminum sulfate*, in bulk, in tank vehicles, from Marrero, La., to points in Maryland and New York. The purpose of this filing is to eliminate the gateways of McIntosh, Ala., and Ashland, Ky.

(151) *Liquid aluminum sulfate*, in bulk, in tank vehicles, from Marrero, La., to points in Kentucky. The purpose of this filing is to eliminate the gateway of McIntosh, Ala.

(152) *Liquid aluminum*, in bulk, in tank vehicles, from Monroe, La., to points in Maine, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, and Vermont. The purpose of this filing is to eliminate the gateways of Robertson County, Tenn. and Ashland, Ky.

(153) *Liquid aluminum*, in bulk, in tank vehicles, from Monroe, La., to points in Indiana, Kentucky, Michigan, North Carolina, Ohio, and Virginia. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

(154) *Liquid aluminum*, in bulk, in tank vehicles, from Monroe, La., to points in Delaware, Connecticut, New Jersey, and Rhode Island. The purpose of this filing is to eliminate the gateways of Robertson County, Tenn., and Ashland, Ky.

(155) *Liquid alum*, in bulk, in tank vehicles, from Monroe, La., to points in Illinois. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

(156) *Dimethyl sulfoxide*, in bulk, in tank vehicles, from Bogalusa, La., to points in Illinois, Iowa, Indiana, Mississippi, Minnesota, Nebraska and Ohio. The purpose of this filing is to eliminate the gateway of McIntosh, Ala.

(157) *Dimethyl sulfoxide*, in bulk, in tank vehicles, from Bogalusa, La., to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of McIntosh, Ala. and Ashland, Ky.

(158) *Liquid chemicals* (except liquefied petroleum gas and anhydrous ammonia), in bulk, in tank vehicles, from Norco, La., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and West Virginia (except points in Brooke, Hampshire, Hancock, Kanawha, Monongalia, and Ohio Counties). The purpose of this filing is to eliminate the gateway of McIntosh, Ala.

(159) *Liquid chemicals* (except liquefied petroleum gas and anhydrous ammonia), in bulk, in tank vehicles, from Norco, La., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn. and Ashland, Ky.

(160) *Liquid chemicals* (except liquefied petroleum gas and anhydrous ammonia), in bulk, in tank vehicles, from Norco, La., to points in Indiana, Kentucky, Michigan, Ohio, Tennessee (points east of U.S. Highway 27), and Virginia. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

(161) *Liquid chemicals* (except liquefied petroleum gas and anhydrous ammonia), in bulk, in tank vehicles, from Norco, La., to points in Delaware and New Jersey. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn. and Ashland, Ky.

(162) *Liquid chemicals* (except liquefied petroleum gas and anhydrous ammonia), in bulk, in tank vehicles, from Norco, La., to points in Maryland and New York. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn. and Ashland, Ky.

(163) *Liquid chemicals* (except liquefied petroleum gas and anhydrous ammonia) in bulk, in tank vehicles, from Norco, La., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of McIntosh, Ala., and the plant sites of Baird Chemicals, Ind. Inc., at or near Mapleton, Ill.

(164) *Liquid chemicals* (except liquefiel petroleum gas and anhydrous ammonia), in bulk, in tank vehicles, from Norco, La., to points in Maine, Massachusetts, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn. and Ashland, Ky.

(165) *Petroleum products*, in bulk, in tank trucks, from Norco, La., to points in Alabama, Florida, Georgia, and Kentucky. The purpose of this filing is to eliminate the gateway of Pascagoula, Miss.

(166) *Petroleum products*, in bulk, in tank trucks, from Norco, La., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio and West Virginia (except points in Brooke, Hampshire, Hancock, Kanawha, Monongalia, and Ohio Counties). The purpose of this filing is to eliminate the gateway of Pascagoula, Miss.

(167) *Petroleum products*, in bulk, in tank trucks, from Norco, La., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Pascagoula, Miss. and Ashland, Ky.

(168) *Petroleum products*, in bulk, in tanks trucks, from Norco, La., to points in Wisconsin. The purpose of this filing is to eliminate the gateways of Pascagoula, Miss. and the plant sites of Baird Chemicals Enterprises, Inc., at or near Mapleton, Ill.

(169) *Petroleum products*, in bulk, in tank trucks, from Norco, La., to points in Maine, Massachusetts, New Hampshire, Vermont, Maryland, New York, Delaware, New Jersey, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateway of Pascagoula, Miss. and Ashland, Ky.

(170) *Chemicals* (not including liquefied petroleum gas) in bulk, from Lake Charles, La., and points within 5 miles thereof, to points in Indiana, Michigan, North Carolina, Ohio, and Virginia. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

(171) *Liquid chemicals* (not including LPG), in bulk, in tank vehicles, from Lake Charles, La., and points within 5 miles thereof, to points in Minnesota. The purpose of this filing is to eliminate the gateway of McIntosh, Ala.

(172) *Acids and chemicals* (not including LPG), from Lake Charles, La., and points within 5 miles thereof, to points in Illinois. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

(173) *Liquid acids and chemicals*, in bulk, in tank vehicles, from Lake Charles, La., and points within 5 miles thereof, to points in Maine, New Hampshire, Vermont, and Massachusetts. The purpose of this filing is to eliminate the gateways of Robertson County, Tenn. and Greensboro, N.C.

(174) *Non-flammable liquid chemicals*, in bulk, in tank vehicles, from Lake Charles, La., and points within 5 miles thereof, to points in Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateways of Robertson County, Tenn. and Greensboro, N.C.

(175) *Liquid chemicals*, in bulk, in tank vehicles, from Lake Charles, La., and points within 5 miles thereof, to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and Virginia. The purpose of this filing is to eliminate the gateways of Robertson County, Tenn. and Greensboro, N.C.

(176) *Liquid chemicals*, in bulk, in tank vehicles, from Lake Charles, La., and points within 5 miles thereof, to points in Wisconsin. The purpose of this filing is to eliminate the gateways of Robertson County, Tenn. and the plantsites of Baird Chemicals Industries, Inc., at or near Mapleton, Ill.

(177) *Chemicals* (not including liquefied petroleum gas), in bulk, in tank vehicles, from Lake Charles, La., to points within 5 miles thereof to Kingsport, Tenn. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

(178) *Liquid chemicals* (except liquefied petroleum gas), in bulk, in tank vehicles, from the plant site of Dow Chemical Co., at or near Plaquemine, La., to points in Michigan, Ohio, and Virginia. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

(179) *Liquid chemicals* (except liquefied petroleum gas), in bulk, in tank vehicles, from the plant site of Dow Chemical Co., at or near Plaquemine, La., to points in West Virginia (except points in Brooke, Hampshire, Hancock, Kanawha, Monongalia, and Ohio Counties). The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(180) *Whiskey*, from Baton Rouge, La., to points in Maryland, Massachusetts, New York, Ohio, and Pennsylvania. The purpose of this filing is to eliminate the gateway of Madison, Indiana.

(181) *Whiskey*, in bulk, in tank vehicles, from Baton Rouge, La., to points in Kentucky. The purpose of this filing is to eliminate the gateway of Tullahoma, Tenn.

(182) *Grain neutral spirits* and *alcoholic liquors*, in bulk, in tank vehicles,

from Baton Rouge, La., to the plant site of Seagrams Hunting Creek Corp., at Williamson, Pa. The purpose of this filing is to eliminate the gateway of Lawrence, Ind.

(183) *Liquid alum,* in bulk, in tank vehicles, from New Orleans, La., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, New York, and Rhode Island. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn. and Ashland, Ky.

(184) *Dimethyl sulfoxide,* in bulk, in tank vehicles, from Bogalusa, La., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of McIntosh, Ala., and Ashland, Ky.

(185) *Dimethyl sulfoxide,* in bulk, in tank vehicles, from Bogalusa, La., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of McIntosh, Ala. and the plant site of Baird Chemicals Enterprises, Inc., at near Mapleton, Ill.

(186) *Liquid aluminum sulfate,* in bulk, in tank vehicles, from Bastrop and Springhill, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn. and Ashland, Ky.

(187) *Liquid aluminum sulfate,* in bulk, in tank vehicles, from Bastrop and Springhill, La., to points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn. and the plantsite of Baird Chemicals Industries, at or near Mapleton, Ill.

(188) *Anhydrous ammonia,* in bulk, in tank vehicles, from Sterlington, La., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn. and Ashland, Ky.

(189) *Anhydrous ammonia,* in bulk, in tank vehicles, from Sterlington, La., to points in Illinois. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

(190) *Formaldehyde,* in bulk, in tank vehicles, from Sterlington, La., to Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateways of McIntosh, Ala. and Ashland, Ky.

(191) *Nitro paraffines and derivations thereof,* in bulk, in tank vehicles, from Sterlington, La., to points in Indiana, Illinois, and Kentucky. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

(192) *Dry chemicals,* in bulk, in tank vehicles, from Baton Rouge, La., to points in Illinois. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

(193) *Dry chemicals,* in bulk, in tank vehicles, from Baton Rouge, La., to points in New Jersey and New York. The purpose of this filing is to eliminate the gateways of Robertson County, Tenn. and Zanesville, Ohio.

(194) *Dry chemicals,* in bulk, in tank vehicles, from Baton Rouge, La., to points in Pennsylvania and West Virginia. The purpose of this filing is to eliminate the gateways of Robertson County, Tenn. and Zanesville, Ohio.

(195) *Dry chemicals* (except calcium chloride), in bulk, in tank vehicles, from Baton Rouge, La., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn. and Cincinnati, Ohio.

(196) *Liquefied petroleum gases,* in bulk, in tank vehicles, from points in Louisiana, to points in Connecticut, Delaware, Maryland, New Jersey, New York, and Rhode Island. The purpose of this filing is to eliminate the gateways of McIntosh, Ala. and Ashland, Ky.

(197) *Liquefied petroleum gases,* in bulk, in tank vehicles, from points in Louisiana, to points in Maine, Massachusetts, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of McIntosh, Ala. within 250 miles of Dragon, Mississippi.

(198) *Liquid chemicals,* in bulk, in tank vehicles, from the plant site of Nalco Chemical Co., near Garyville, La., to points in Iowa, Minnesota, Missouri, Nebraska, and West Virginia (except Brooke, Hampshire, Hancock, Kanawha, Monongalia, and Ohio Counties). The purpose of this filing is to eliminate the gateway of McIntosh, Ala.

(199) *Chemicals,* in bulk, in tank vehicles, from the plant site of Nalco Chemical Co., near Garyville, La., to points in Illinois. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

(200) *Liquid wax,* in bulk, in tank vehicles, from Baton Rouge, La., to points in Ohio. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

(201) *Liquid wax,* in bulk, in tank vehicles, from Baton Rouge, La., to points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateways of Louisville, Ky. and Zanesville, Ohio.

(202) *Liquid wax,* in bulk, in tank vehicles, from Baton Rouge, La., to points in New Jersey, New York, Delaware, and Pennsylvania. The purpose of this filing is to eliminate the gateways of Louisville, Ky. and Zanesville, Ohio.

(203) *Liquid wax,* in bulk, in tank vehicles, from Baton Rouge, La., to points in Indiana north of U.S. Highway 40, points in Michigan and West Virginia. The purpose of this filing is to eliminate the gateways of Louisville, Ky. and Lebanon, Ohio.

(204) *Liquid wax,* in bulk, in tank vehicles, from Baton Rouge, La., to points in Illinois. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

(205) *Muriatic acid,* in bulk, in tank vehicles, from Weeks, La., to points in Connecticut, Delaware, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateways of Robertson County, Tenn. and Ashland, Ky.

(206) *Muriatic acid,* in bulk, in tank vehicles, from Weeks, La., to points in Illinois. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

(207) *Sulphuric acid,* in bulk, in tank vehicles, from Avondale, La., to points in Wisconsin. The purpose of this filing is to eliminate the gateways of McIntosh, Ala. and the plant sites of Baird Chemicals Industries, Inc., at or near Mapleton, Ill.

(208) *Sulphuric acid,* in bulk, in tank vehicles, from Avondale, La., to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of McIntosh, Ala. and Ashland, Ky.

(209) *Sulphuric acid,* in bulk, in tank vehicles, from Avondale, La., to points in Illinois, Indiana, Iowa, Mississippi, Minnesota, Missouri, Nebraska, Ohio, and West Virginia (except Brooke, Hampshire, Hancock, Monongalia, and Ohio Counties). The purpose of this filing is to eliminate the gateway of McIntosh, Ala.

(210) *Sulphuric acid,* in bulk, in tank vehicles, from Avondale, La., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateways of McIntosh, Ala. and Ashland, Ky.

(211) *Petroleum and petroleum products,* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, in bulk, in tank vehicles, from Chalmette and Meraux, La., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, and West Virginia (except Brook, Hampshire, Hancock, Kanawha, Monongalia, and Ohio Counties). The purpose of this filing is to eliminate the gateway of Pascagoula, Miss.

(212) *Petroleum and petroleum products,* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, in bulk, in tank vehicles, from Chalmette and Meraux, La., to points in Wisconsin. The purpose of this filing is to eliminate the gateways of Pascagoula, Miss., and the plant site of Baird Chemicals Industries, Inc., at or near Mapleton, Ill.

(213) *Petroleum products,* in bulk, in tank vehicles, from New Orleans, La., and points within 5 miles thereof to Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, and West Virginia (except Brooke, Hampshire, Hancock, Kanawha, Monongalia, and Ohio Counties). The purpose of this filing is to eliminate the gateway of Pascagoula, Miss.

(214) *Petroleum products,* in bulk, in tank vehicles, from New Orleans, La., and points within 5 miles thereof, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Pascagoula, Miss., and the plant sites of

Baird Chemicals Industries, Inc., at or near Mapleton, Ill.

(215) *Nitrogen solutions*, in bulk, in tank vehicles, from Sterlington, La., to points in Maine, Massachusetts, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Pascagoula, Miss., and Ashland, Ky.

(216) *Liquid chemicals*, in bulk, in tank vehicles, (except liquefied petroleum gas), from Good Hope, La., to points in Wisconsin. The purpose of this filing is to eliminate the gateways of Calvert City, Ky., and the plant sites of Baird Chemicals Industries, Inc., at or near Mapleton, Ill.

(217) *Petroleum and petroleum products*, as described in Appendix XIII to the reports in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Chalmette and Meraux, La., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateways of Pascagoula, Miss., and Ashland, Ky.

(218) *Dry petro-chemicals*, (except calcium chloride), in bulk, in tank vehicles, from Abbeville, La., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateways of Pascagoula, Miss. and Cincinnati, Ohio that portion of the Cincinnati Commercial Zone which is within the State of Kentucky.

(219) *Liquid aluminum sulfate*, in bulk, in tank vehicles, from Bastrop and Springhill, La., to points in Indiana, Kentucky, Michigan, North Carolina, Ohio, Tennessee, and Virginia. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

(220) *Liquid aluminum sulfate*, in bulk, in tank vehicles, from Bastrop and Springhill, La., to points in Illinois. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

(221) *Anhydrous ammonia*, in bulk, in tank vehicles, from Sterlington, La., to points in Indiana, Kentucky, Michigan, North Carolina, Ohio, and Virginia. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

(222) *Anhydrous ammonia*, in bulk, in tank vehicles, from Sterlington, La., to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of Robertson County, Tenn. and Ashland, Ky.

(223) *Anhydrous ammonia*, in bulk, in tank vehicles, from Sterlington, La., to points in Wisconsin. The purpose of this filing is to eliminate the gateways of Robertson County, Tenn. and the plant site of Baird Chemicals Industries, Inc., at or near Mapleton, Ill.

(224) *Nitrogen solutions*, in bulk, in tank vehicles, from Sterlington, La., to points in Florida and Georgia. The purpose of this filing is to eliminate the gateway of Pascagoula, Miss.

(225) *Methanol*, in bulk, in tank vehicles, from Sterlington, La., to points in Illinois, Indiana, Minnesota, and West Virginia (except Brooke, Hampshire, Hancock, Kanawha, Monongahela, and Ohio Counties). The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(226) *Methanol*, in bulk, in tank vehicles, from Sterlington, La., to points in Wisconsin. The purpose of this filing is to eliminate the gateways of Calvert City, Ky. and the plant sites of Baird Chemicals, Industries, Inc., at or near Mapleton, Ill.

(227) *Liquid chemicals*, in bulk, in tank vehicles, from Baton Rouge, La., to points in West Virginia those points within 150 miles of Monongahela, Pa. The purpose of this filing is to eliminate the gateways of Calvert City, Ky. and Zanesville, Ohio.

(228) *Liquid chemicals*, in bulk, in tank vehicles, from Baton Rouge, La., to points in Tennessee and Virginia. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

(229) *Liquid chemicals*, in bulk, in tank vehicles, from Baton Rouge, La., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of South Point, Ohio.

(230) *Liquid chemicals*, in bulk, in tank vehicles, from Baton Rouge, La., to points in Michigan, Ohio, and West Virginia (except Brooke, Hampshire, Hancock, Kanawha, Monongalia, and Ohio Counties). The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(231) *Dry chemicals*, in bulk, in tank vehicles, from Baton Rouge, La., to points in Michigan, Ohio, Virginia, and Kentucky. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

(232) *Liquefied petroleum gases*, in bulk, in tank vehicles, from points in Louisiana, to points in Kentucky. The purpose of this filing is to eliminate the gateway of McIntosh, Ala.

(233) *Liquefied petroleum gases*, in bulk, in tank vehicles, from the site of the Gulf Sohio plant at or near Washington, La., to points in Alabama, Florida, and Georgia. The purpose of this filing is to eliminate the gateway of Pascagoula, Miss.

(234) *Liquefied petroleum gases*, in bulk, in tank vehicles, from Krotz Springs, La., to points in Alabama, Florida, and Georgia. The purpose of this filing is to eliminate the gateway of Pascagoula, Miss.

(235) *Chemicals*, in bulk, from the plant site of Nalco Chemical Co., near Garyville, La., to points in Indiana, Michigan, North Carolina, Ohio, and Virginia. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

(236) *Ammonium sulphate*, dry and in bulk, from Avondale, La., to points in Iowa, Missouri, and West Virginia (except Brooke, Hampshire, Hancock, Kanawha, Monongalia, and Ohio Counties). The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(237) *Ammonium sulphate*, dry and in bulk, from Avondale, La., to points in Indiana, Michigan, Ohio, and Virginia. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

(238) *Liquid wax*, in bulk, in tank vehicles, from Baton Rouge, La., to points in Indiana on and south of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

(239) *Liquefied petroleum gases*, in bulk, in tank vehicles, from points in Louisiana, to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of McIntosh, Ala., within 250 miles of Dragon, Miss. and Ashland, Ky.

(240) *Muriatic Acid*, in bulk, in tank vehicles, from Weeks, La., to points in Indiana, Kentucky, Michigan, North Carolina, Ohio, and Virginia. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

(241) *Muriatic Acid*, in bulk, in tank vehicles, from Weeks, La., to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of Robertson County, Tenn. and Ashland, Ky.

(242) *Acrylonitrile*, in bulk, in tank vehicles, from Avondale, La., to points in Indiana, Michigan, North Carolina, Ohio, and Virginia. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

(243) *Acrylonitrile*, in bulk, in tank vehicles, from Avondale, La., to points in Illinois, Missouri, Iowa, Minnesota, Nebraska, and West Virginia (except points in Brooke, Hampshire, Hancock, Kanawha, Monongahela, and Ohio Counties). The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(244) *Sulphuric acid*, in bulk, in tank vehicles, from Avondale, La., to points in Kentucky. The purpose of this filing is to eliminate the gateway of McIntosh, Ala.

(245) *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Chalmette and Meraux, La., to points in Alabama, Florida, Georgia, and Kentucky. The purpose of this filing is to eliminate the gateway of Pascagoula, Miss.

(246) *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Chalmette and Meraux, La., to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of Pascagoula, Miss., and Ashland, Ky.

(247) *Liquid alum*, in bulk, in tank vehicles, from New Orleans, La., to points in Iowa and Minnesota. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn. and the plant sites of Baird Chemicals Industries, Inc., at or near Mapleton, Ill.

(248) *Muriatic acid*, in bulk, in tank vehicles, from Weeks, La., to points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateways of Robertson County, Tenn. and Mapleton, Ill.

(249) *Liquid alum*, in bulk, in tank vehicles, from New Orleans, La., to points in Indiana, Kentucky, Michigan, North Carolina, Ohio, and Virginia. The

purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

(250) *Petroleum products*, in bulk, in tank vehicles, from New Orleans, La., and points within 5 miles thereof, to points in Alabama, Florida, Georgia, and Kentucky. The purpose of this filing is to eliminate the gateway of Pascagoula, Miss.

(251) *Liquid chemicals*, in bulk, in tank vehicles (except liquefied petroleum gas), from Good Hope, La., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, and West Virginia. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

(252) *Acrylonitrile*, in bulk, in tank vehicles, from Avondale, La., to points in Wisconsin. The purpose of this filing is to eliminate the gateways of Robertson County, Tenn. and the plant sites of Baird Chemicals Industries, Inc., at or near Mapleton, Ill.

(253) *Nitro paraffines and derivations thereof*, in bulk, in tank vehicles, from Sterlington, La., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn. and the plant sites of Baird Chemicals, Industries Inc., at or near Mapleton, Ill.

(254) *Whiskey*, in bulk, in tank vehicles, from New Orleans, La., to points in Virginia. The purpose of this filing is to eliminate the gateways of Tullahoma, Tenn. and Pekin, Ill.

(255) *Dimethyl sulfoxide*, in bulk, in tank vehicles, from Bogalusa, Ala., to points in Kentucky. The purpose of this filing is to eliminate the gateway of McIntosh, Ala. This application is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 (Sub-No. 8) noticed in the FEDERAL REGISTER issue of December 9, 1974; and is directly related to MC-F-12302 published in the FEDERAL REGISTER issue of September 18 1974.

No. MC 112070 (Sub-No. 10), filed February 4, 1975. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl Street, Denver, Colo. 80210. Applicant's representative: Carlin Hansen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Alabama, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming. The purpose of this filing is to eliminate the gateways between points in Illinois south of U.S. Highway 36, points in that part of Indiana south of a line beginning at the Illinois-Indiana state line and extending along U.S. Highway 36 to Indianapolis, Ind., and thence along U.S. Highway 40 to the Indiana-Ohio state line, and points in Wisconsin north of U.S. Highway 16. This application is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 (Sub-No. 8) noticed in the FEDERAL REGISTER issue of December 9, 1974; and is directly related to MC-F-12303 published in the FEDERAL REGISTER of September 18, 1974.

No. MC 1668 (Sub-No. 6), filed January 29, 1975. Applicant: RITEWAY EXPRESS, INC., 285 Old Hook Road, Westwood, N.J. 07675. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Nassau County, N.Y., on the one hand, and, on the other, Orange, Rockland, and Ulster Counties, N.Y. and Pike County, Pa. The purpose of this filing is to eliminate the gateway of Bergen County, N.J. (2) Between New York, N.Y., and points in Nassau County, N.Y., on the one hand, and, on the other, Dutchess, Putnam and Sullivan Counties, N.Y. The purpose of this filing is to eliminate the gateways of Bergen County, N.J. and Rockland County, N.Y.(3)(a) Between Middlesex County, N.J., on the one hand, and, on the other, Orange, Rockland, and Ulster Counties, N.Y., and Pike County, Pa., and (b) between Middlesex County, N.J., on the one hand, and, on the other, Dutchess, Putnam and Sullivan Counties, N.Y. The purpose of this filing is to eliminate the gateway of New York, N.Y.

(4) Between New York, N.Y. and Westchester County, N.Y., on the one hand, and, on the other, Nassau County, N.Y. The purpose of this filing is to eliminate the gateways of Rockland County, N.Y. and Westwood, N.J. (5) between Sussex County, N.J., on the one hand, and, on the other, Nassau and Westchester Counties, N.Y. The purpose of this filing is to eliminate the gateways of Rockland County, N.Y. and Westwood, N.J. This application is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 (Sub-No. 8) noticed in the FEDERAL REGISTER issue of December 9, 1974; and is directly related to MC-F-12338 published in the FEDERAL REGISTER of October 31, 1974.

MC 112304 (Sub-No. 87), filed December 16, 1974. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in Vermont, New Hampshire, Massachusetts, Connecticut and Rhode Island, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, Ohio, West Virginia and those in Pennsylvania east of U.S. Highway 15. The purpose of this filing is to eliminate the gateways of points in New York within 75 miles of Syracuse and any point in Ohio.

(2) *Commodities* which because of size or weight require the use of special equipment, between points in Vermont, New Hampshire, Massachusetts, Connecticut and Rhode Island on the one hand, and, on the other, points in the District of Columbia, Maryland, Virginia and that part of Pennsylvania on and east of U.S. Highway 15. The purpose of this filing is to eliminate the gateways of any points in New York within 75 miles of Syracuse and points within 50 miles of Clarksburg, W. Va.

(3) *Cooling towers and fluid coolers*, which because of size or weight require the use of special equipment, from points in Vermont, New Hampshire, Massachusetts, Connecticut and Rhode Island to points in Illinois and Wisconsin. The purpose of this filing is to eliminate the gateways of any points in New York within 75 miles of Syracuse, and any point in Ohio and the plantsite of Marley Company at Louisville, Ky.

(4) *Materials, equipment and supplies* used in the manufacture and processing of iron and steel articles, which because of size or weight require the use of special equipment, from points in Vermont, New Hampshire, Massachusetts, Connecticut and Rhode Island to the plantsite of the Jones & Laughlin Steel Corporation located at Putnam County, Illinois. The purpose of this filing is to eliminate the gateways of any point in New York within 75 miles of Syracuse and any point in Ohio.

(5) *Iron and steel articles* which because of size or weight require the use of special equipment, from points in Vermont, New Hampshire, Massachusetts, Connecticut and Rhode Island to points in Wisconsin, Texas and those in St. Charles and St. Louis Counties, Missouri. The purpose of this filing is to eliminate the gateways of any point in New York within 75 miles of Syracuse, any point in Ohio and Daviess County, Kentucky.

(6) *Iron and steel articles* which because of size or weight require the use of special equipment, from points in Vermont, New Hampshire, Massachusetts, Connecticut and Rhode Island to points in Tennessee. The purpose of this filing is to eliminate the gateways of any point in New York within 75 miles of Syracuse, any point in Ohio and points in Oakland and Wayne Counties, Michigan.

(7) *Guardrail and component parts* which because of size or weight require the use of special equipment, from points in Vermont, New Hampshire, Massachusetts, Connecticut and Rhode Island, to points in the United States (except Alaska, Georgia, Hawaii, North Carolina, South Carolina and Virginia. The purpose of this filing is to eliminate the gateways of any point in New York within 75 miles of Syracuse and Lima, Ohio.

(8) *Building materials and supplies* which by reason of size or weight require the use of special equipment, from points in Vermont, New Hampshire, Massachusetts, Connecticut and Rhode Island, to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways of any point in New York within 75 miles of Syracuse, any point in Ohio and the plantsite of Tech-Panel Corporation at or near Springfield, Kentucky.

(9) *Aluminum and aluminum products, and equipment, materials and supplies* used in the manufacture and processing of aluminum and aluminum products which because of size or weight require the use of special equipment, from points in Vermont, New Hampshire, Massachusetts, Connecticut and Rhode Island, to points in Missouri and Illinois. The purpose of this filing is to eliminate the gateways of any point in New York within 75 miles of Syracuse, any point in Ohio and the plantsites of National Southwire Aluminum Co., Southwire Company and National Aluminum Corporation at or near Hawesville, Kentucky.

(10) *Iron and steel articles* which by reason of size or weight require the use of special equipment from the facilities of Continental Steel Corporation at or near Kokomo, Indiana to points in Vermont, New Hampshire, Massachusetts, Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateway of any point in New York within 75 miles of Syracuse.

(11) *Aluminum products* which because of size or weight require the use of special equipment, from points in Vermont, New Hampshire, Massachusetts, Connecticut and Rhode Island to points in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri (except St. Louis), Nebraska, New Mexico, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas and Wisconsin. The purpose of this filing is to eliminate the gateways of any point within 75 miles of Syracuse, New York, any point in Ohio, the plantsites of National Southwire Aluminum Co., Southwire Company and National Aluminum Corporation at or near Hawesville, Kentucky and the plantsite and warehouse facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

(12) *Electrical precipitators and parts of electrical precipitators* which because of size or weight require the use of special equipment, from points in Vermont, New Hampshire, Massachusetts, Connecticut and Rhode Island to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways of any point in New York within 75 miles of Syracuse and Warren, Ohio. This application is a gateway elimination requests filed pursuant to the Commissions Policy Statement in Ex Parte No. 55 Sub-No. 8 noticed in the FEDERAL REGISTER issued of December 9, 1974; and directly related to MC-F-12391 published in the FEDERAL REGISTER of March 5, 1975.

No. MC 75816 (Sub-No. 6), filed January 10, 1975. Applicant: STONY'S TRUCKING CO., 11550 Mahoning Avenue, North Jackson, Ohio 44451. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Steel and metal and wire products* requiring specialized handling or rigging because of size or weight, between points in Ohio on the one hand, and, on the other, points in West Virginia and those in Allegheny, Westmoreland, Fayette, Washington and Greene Counties, Pennsylvania. The purpose of this filing is to eliminate the gateway of Martins Ferry, Ohio.

(B) *Wire and wire products, sheet steel ware, steel coal doors, steel channels, steel fence posts, sheet steel, tinplate and terne plate,* all of which require specialized handling or rigging because of size or weight, between points in Allegheny, Westmoreland, Fayette, Washington and Greene Counties, Pennsylvania and points in West Virginia on the one hand, and, on the other, points in that part of Indiana south of a line beginning at the Ohio-Indiana state line and extending along U.S. Highway 30 to Etna Green, Indiana, thence along Indiana Highway 19 to junction Indiana Highway 10, thence along Indiana Highway 10 to the Indiana-Illinois state line, and north of a line beginning at the Ohio-Indiana state line and extending along U.S. Highway 50 to junction Indiana Highway 7, thence along Indiana Highway 7 to Columbus, Indiana, thence along Indiana Highway 46 to Bloomington, Indiana, thence along Indiana Highway 45 to junction Indiana Highway 54, thence along Indiana Highway 54 to the Indiana-Illinois state line, including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateway of any point within 25 miles of Wheeling, West Virginia.

(C) *Wire and wire products, sheet steel ware, steel coal doors, steel channels, steel fence posts, sheet steel, tinplate and terne plate,* all of which require special handling or rigging because of size or weight, between points in Allegheny, Westmoreland, Fayette, Washington and Greene Counties, Pennsylvania, and all points in West Virginia on the one hand, and, on the other, all points in Ohio. The purpose of this filing is to eliminate the gateway of any point within 25 miles of Wheeling, West Virginia.

(D) *Wire and wire products, sheet steel ware, steel coal doors, steel channels, steel fence posts, sheet steel, tinplate and terne plate,* all of which require special handling or rigging because of size or weight, between Allegheny, Westmoreland, Fayette, Washington and Greene Counties, Pennsylvania, points in West Virginia, and points in Ohio on and east of U.S. Highway 21 on the one hand, and, on the other, Detroit, Michigan. The purpose of this filing is to eliminate the gateway of any point within 25 miles of Wheeling, West Virginia.

(E) *Flat rolled steel sheets and strip steel* (flat or on coils), requiring specialized handling or rigging because of size or weight, from points in Allegheny, Westmoreland, Fayette, Washington and Greene Counties, Pennsylvania, those in Ohio east of U.S. Highway 21, and all points in West Virginia to Seymour, Indiana. The purpose of this filing is to eliminate the gateway of Weirton, West Virginia.

(F) *Commodities* as specified in paragraphs (A) through (E) above which are used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, between points in Washington, Fayette and Greene Counties, Pennsylvania on the one hand, and, on the other, points in Ohio, Detroit, Michigan, and those in that part of Indiana described in paragraph (B), above. The purpose of this filing is to eliminate the gateway of points within 25 miles of Wheeling, West Virginia. This application is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 Sub-8 noticed in the FEDERAL REGISTER issue of December 9, 1974; and directly related to MC-F-12414 published in the FEDERAL REGISTER of January 22, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5975 Filed 3-5-75;8:45 am]

[Notice No. 24]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 4, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the Federal Register publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Sec-

retary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 550 (Sub-No. 6TA), filed February 21, 1975. Applicant: RUDIE WILHELM WAREHOUSE CO., doing business as WILHELM TRUCKING CO., 3250 Northwest St. Helens Road, Portland, Oreg. 97210. Applicant's representative: Robert J. Wilhelm, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Core support fixtures and top guides* for nuclear reactors requiring special trailer with rotating support fixture for height adjustment, from Portland, Oreg., to Memphis, Tenn., Chester, Penn., Berwick, Penn., Baillytown, Ind., and Seneca, Ill., for 180 days. Supporting shipper: Bingham-Willamette Company, 2800 N.W. Front Avenue, Portland, Oreg. 97210. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 60787 (Sub-No. 6TA), filed February 24, 1975. Applicant: GARRISON VAN & WAREHOUSE CORPORATION, INCORPORATED, 5529 First Avenue, South, Birmingham, Ala. 53212. Applicant's representative: D. H. Markstein, Jr., 512 Massey Bldg., Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, North Carolina, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shippers: There are approximately 8 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 106674 (Sub-No. 159TA), filed February 19, 1975. Applicant: SCHILLI MOTOR LINES, INC., Box 123, Remington, Ind. Applicant's representative: Jerry Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sprayers, self-propelled and distributors of fertilizers*, from Evansville, Ind., to Cerro Gordo, Ill., Hills, Iowa, Keokuk, Iowa, Lucky, Ohio, Chesaning, Mich., Hudson, Mich., St. Charles, Mich., and Saginaw, Mich., for 180 days. Supporting shipper: Hahn, Inc., 1625 N. Garvin, Evansville, Ind. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 W. Waune St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 108207 (Sub-No. 413TA), filed February 20, 1975. Applicant: FROZEN FOOD EXPRESS, P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resin, impregnated broadgoods and rovings* (except in bulk), in vehicles equipped with mechanical refrigeration, from points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Texas, and Wisconsin to points in California, for 180 days. Supporting shipper: Reliable Mfg., Inc., 10910 Talbert Ave., Fountain Valley, Calif. Send protests to: Gerald T. Holland, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

No. MC 112395 (Sub-No. 5TA), filed February 21, 1975. Applicant: CITIZEN EXPRESS, INC., 28 N. French Broad Avenue, P.O. Box 2215, Asheville, N.C. 28801. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motion picture film, supplies and commodities used in the operation of motion picture theatres when moving to or from places of exhibition*, (1) Between points in Avery, Buncombe, Burke (points on and west of a line formed by U.S. Highway 64 from the Burke-McDowell County line, to Morganton, N.C., thence N.C. Highway 181, from Morganton, N.C. to the Burke-Avery County line, only), Cherokee, Clay, Graham, Haywood, Henderson, McDowell, Macon, Jackson, Madison, Mitchell, Polk, Rutherford (points on and west of U.S. Highway 221, only), Swain, Transylvania, Yancey, and Watauga Counties, N.C., and (2) Between points in (1), on the one hand, and, on the other, Charlotte, N.C., for 180 days. Supporting shippers: There are approximately 17 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Rd., suite CC516, Charlotte, N.C. 28205.

No. MC 112822 (Sub-No. 364TA), filed February 24, 1975. Applicant: BRAY LINES, INCORPORATED, 1401 N. Little, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, (except in bulk), from the plantsite and storage facilities of Pepperidge Farm, Inc., at or near Richmond, Utah, to points in Arkansas, Illinois, Nebraska, Oklahoma and Texas, for 180 days. Supporting shipper: Pepperidge Farm, Inc., David P. Beardsley, P.O. Box 5500, Norwalk, Conn. 06856. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 250, Old P.O. Bldg., 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 117765 (Sub-No. 184TA), filed February 24, 1975. Applicant: HAHN TRUCK LINE, INC., 3515 N.W. Fifth Street, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from the plantsite of American Salt Company, Lyons, Kans., to points in Indiana and Ohio, for 180 days. Supporting shipper: American Salt Company, John K. Branha, T. M., 3142 Broadway, Kansas City, Mo. 64111. Send Protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240, Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 124236 (Sub-No. 75 TA), filed February 21, 1975. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simons Bldg., Dallas, Tex. 75201. Applicant's representative: Leroy Hallman, 4555 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement in bags*, from Dallas, Tex., to Houston, Tex., for 180 days. Supporting shipper: Trinity Division, General Portland, Inc., P.O. Box 47524, Dallas, Tex. 75247. Send protests to: Gerald T. Holland, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 124328 (Sub-No. 74TA), filed February 20, 1975. Applicant: BRINK'S INCORPORATED, 234 East 24th St., Chicago, Ill. 60616. Applicant's representative: Ben Cotten, 704 Southern Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precious metals, precious metal products, including toxic and corrosive materials and other items of unusual value*, between Newark, N.J., Carteret, N.J., Attleboro, Mass., and Plainville, Mass., on the one hand, and, all points in the contiguous 48 states on the other hand, for 180 days. Supporting shipper: N. F. Carsillo, Divisional Traffic Manager, Englehard Industries, 430 Mountain Avenue, Murray Hill, N.J. 07974. Send protests to: Richard K. Shullaw, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 124796 (Sub-No. 144TA), filed February 21, 1975. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Ave., P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: Richard A. Peterson, 521 South 14th St., P.O. Box 81849, Lincoln,

Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard products* for the account of Tenneco, Inc., from Concord, Ark., to Aberdeen and Southaven, Miss., Batavia, Ill., Harrisburg, Va., Lake Mills, Iowa, Racine, Wis., and Salt Lake City, Utah, for 180 days. Supporting shipper: Tenneco, Inc., Walker Manufacturing Co., Division of Tenneco, Inc., 1201 Michigan Blvd., Racine, Wis., 53402. Send protests to: Walter W. Strakosch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708, Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 128290 (Sub-No. 4TA), filed February 25, 1975. Applicant: EARL HAINES, INC., P.O. Box 841, Winchester, Va. 22601. Applicant's representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Road, Atlanta, Ga. 30339. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned and preserved foodstuffs*, from Winchester and Timberville, Va., and Martinsburg, W. Va., to points in Lincoln County, N.C., and (2) *Canned and preserved foodstuffs*, from points in Lincoln County, N.C., to points in Alabama, Georgia, Florida, Kentucky, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia and (3) *Materials, equipment, and supplies* used in the manufacture, sale and distribution of the commodities named in (1) and (2) above, from points in Alabama, Georgia, Florida, Kentucky, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia to points in Lincoln County, N.C., for 180 days. Supporting shipper: National Fruit Products Co., Inc., P.O. Box 609, Winchester, Va. 22601. Send protests to: W. C. Hersman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 317, 12th & Constitution Ave. NW., Washington, D.C. 20423.

No. MC 129624 (Sub-No. 3TA), filed February 20, 1975. Applicant: ROUTE MESSENGERS OF PENNSYLVANIA, INC., 4007 Ludlow Street, Philadelphia, Pa. 19104. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, 15th & J. F. Kennedy Blvd., Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business forms and materials* used in accounting systems, no single parcel or package to exceed 25 lbs. in weight, between Lansdale, Pa., on the one hand, and, on the other, points in New Castle County, Del., Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester and Salem Counties, N.J., for 180 days. Supporting shipper: Safeguard Business & Systems, Inc., P.O. Box 151, Lansdale, Pa. 19446. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Bldg., Room 3238, 600 Arch St., Philadelphia, Pa. 19106.

No. MC 129645 (Sub-No. 55TA), filed February 20, 1975. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: H. G. Denny (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough lumber, lumber blocking and railroad ties*, restricted to flatbed equipment only, From the plantsites of Lasco, Inc., located at points in Alexander, Hardin, Jackson, Johnson, Massac, Pope, Pulaski, Union, and Williamson Counties, Ill., to Burns Harbor, Gary, E. Chicago, Indiana, Detroit, Mich., Cleveland, Lorain, Massillon, Toledo, Warren, and Youngstown, Ohio, and Aliquippa, Pa., for 180 days. Supporting shipper: Lasco, Inc., P.O. Box 460, Wilmette, Ill. 60091. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 138000 (Sub-No. 18TA), filed February 24, 1975. Applicant: ARTHUR H. FULTON, P. O. Box 86, Stephens City, Va. 22655. Applicant's representative: Gayle L. Crawford, Jr., P.O. Box 1417, 1329 Pennsylvania Avenue, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Pittsburgh, Pa., to points in Virginia, and points in Morgan, Berkeley, Jefferson, Hampshire, Hardy, Pendleton, and Grant Counties, W. Va., for 180 days. Supporting shippers: Harrisonburg Candy & Fruit Co., 1593 South Main St., P.O. Box 397, Harrisonburg, Va. 22801; Reid's Distributor, 638 N. Queen St., Martinsburg, W. Va. 25401; Dod Distributing Co., Inc., Drawer 4, Verona, Va. 24482; Martin Distributing Co., Inc., 211 Lawn St., Martinsburg, W. Va.; Olen M. Buckley, T/A, Buckley Distributing Co., Route 1, P.O. Box 478, Romney, W. Va. 26757. Send protests to: W. C. Hersman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 317, 12th & Constitution Ave., NW., Washington, D.C. 20423.

No. MC 138480 (Sub-No. 3TA), filed February 24, 1975. Applicant: CENTRAL DELIVERY SERVICE, INC., 1101 Ripley Street, Silver Spring, Md. 20910. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter* and *related documents* used in and useful for the preparation of telephone directories, from Philadelphia, Pa., to the offices and facilities of the Chesapeake & Potomac Telephone Company of Maryland, located in Cambridge, Chestertown, Cumberland, Easton, Frederick, Hagerstown, LaPlata, Leonardtown, Oakland, Salisbury, and Westminster, Md., for 180 days. Supporting shipper: Datacomp Corporation, 211 South Broad St., Philadelphia, Pa. 19107. Send protests to: W. C. Hersman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 317, 12th & Constitution Ave. NW., Washington, D.C. 20423.

No. MC 138807 (Sub-No. 8TA), filed February 20, 1975. Applicant: ZIP TRUCKING, INC., P.O. Box 5717, Jackson, Miss. 39208. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Covered copper wire and fluorescent lamp ballasts*, from Mendenhall, Miss., to points in Oregon, Washington and California, for 180 days. Supporting shipper: Universal Manufacturing Corporation, 290 51 East Sixth St., Paterson, N.J. 07509. Send protests to: Alan C. Tarrant, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 140571 (Sub-No. 1 TA), filed February 21, 1975. Applicant: MEDIA EXPRESS, INC., P.O. Box 8565, 5010 Hovis Road, Charlotte, N.C. 28208. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motion picture film, supplies and commodities used in the operation of motion picture theatres when moving to or from places of exhibition.* (1) Between points in Alamance, Beaufort, Bertie, Camden, Carteret, Caswell, Chatham, Chowan, Craven, Currituck, Dare, Davidson, Durham, Edgecombe, Forsyth, Franklin, Gates, Granville, Greene, Guilford, Halifax, Harnett, Hertford, Hyde, Johnston, Jones, Lee, Lenoir, Martin, Mecklenburg, Nash, Northampton, Onslow, Orange, Pamlico, Pasquotank, Perquimans, Person, Pitt, Randolph, Rockingham, Rowan, Stokes, Surry (except Elkin, N.C.), Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson Counties, N.C.; (2) Between points in Abbeville, Aiken, Anderson, Cherokee, Edgefield, Greenville, Greenwood, Laurens, Lexington, McCormick, Newberry, Oconee, Pickens, Saluda, Spartanburg, and Union Counties, S.C.; (3) Between points in (1), on the one hand, and, on the other, points in (2); and (4) Between points in (1) and (2), on the one hand, and, on the other, Augusta, Ga., and Danville, Va., for 180 days. Supporting shippers: There are approximately 33 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 140671 TA, filed February 20, 1975. Applicant: BRUCE L. CLARK, doing business as CLARK'S TRUCKING, P.O. Box 401, Trenton, Nebr. 69044. Applicant's representative: E. Earl Bailey, Stratton, Nebr. 69043. Authority sought to operate as a *contract carrier*, by motor

vehicle, over irregular routes, transporting: *Oil well drilling mud products*, from Trenton, Nebr., to (1) points in Kansas on and north of Kansas Highway 96 and on and west of U.S. Highway 281, and (2) points in Colorado on and west of the Kansas-Colorado, State Line and on and north of Colorado Highway 96 and on and east of Colorado Highway 71, under a continuing contract or contracts with Baroid Division, N L Industries, Inc., Houston, Tex., for 180 days. Supporting Shipper: James J. Doyle, Manager, Physical Distribution Department, Baroid Division, N L Industries, Inc., 2404 Southwest Freeway, Houston, Tex. 77006. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Bldg., & Court House, Lincoln, Nebr. 68508.

No. MC 139210 (Sub-No. 2TA), filed February 20, 1975. Applicant: WESLEE ENTERPRISES, INC., doing business as ALASKA-YUKON MOTORCOACHES, 2434 32nd Avenue West, Seattle, Wash. 89199. Applicant's representative: Charles J. Williams, 74 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, over regular routes, (1) Between Fairbanks, Alaska and Valdez, Alaska: From Fairbanks over Alaska Highway 2 to junction Alaska Highway 4, thence over Alaska Highway 4 to Valdez, and return over the same route, serving all intermediate points; (2) Between Anchorage, Alaska and Valdez, Alaska: From Anchorage over Alaska Highway 1 to junction Alaska Highway 4, thence over Alaska Highway 4 to Valdez, and return over the same route, serving all intermediate points; (3) Between Anchorage, Alaska and the International Boundary Line between the United States and Canada at the Yukon Territory: From Anchorage over Alaska Highway 1 to junction Alaska Highway 2, thence over Alaska Highway 2 to the International Boundary Line between the United States and Canada at the Yukon Territory, and return over the same route, serving all intermediate points; (4) Between the International Boundary line between the United States and Canada at British Columbia and Haines, Alaska: From British Columbia, over Alaska Highway 7 to Haines, also serving Porcupine, and return over the same route, serving all intermediate points; and (5) Between Haines, Alaska and Skagway, Alaska: From Haines over the Alaska Marine Highway to Skagway, and return over the same route, serving all intermediate points, for 180 days. Supported by: There are approximately 20 statements attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

By the Commission.

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

[FR Doc.75-5974 Filed 3-5-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letters Notices

FEBRUARY 25, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination rules (49 CFR 1065 (a)) and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before March 17 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 21170 (Sub-No. E60), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, 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 (except commodities in bulk, in tank vehicles, and hides), restricted to the transportation of such commodities as are dealt in by wholesale, retail, or chain grocery stores, from the plant site of Cornland Dressed Beef Company, at or near Rexington, Nebr., to points in that part of Iowa on and east of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 65 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Iowa-Missouri State line. The purpose of this filing is to eliminate the gateway of that part of Missouri on and north of U.S. Highway 50, and on the west of U.S. Highway 63.

No. MC 61403 (Sub-No. E28), filed May 31, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in bulk, in tank vehicles, (a) between points in Louisiana, on the one hand, and, on the other, points in Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, North Carolina, points in that part of Tennessee on and east of a line beginning at the Tennessee-Virginia State line and extending along U.S. Highway 25E to junction U.S. Highway 25, thence along U.S. Highway 25 to the Tennessee-North Carolina State line (Kingsport, Tenn.)*; (b) between those points in Louisiana on and south of a line beginning at the Louisiana-Texas State line and extending along Louisiana Highway 6 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Mississippi-Louisiana State line, thence along the Mississippi-Louisiana State line to U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Mississippi-Louisiana State line, on the one hand, and, on the other, those points in Michigan on and east of a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 27 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Ohio-Michigan State line (Kingsport, Tenn.)*; (c) between those points in Louisiana on and west of a line beginning at the Louisiana-Texas-Arkansas State lines and extending along Louisiana Highway 1 to junction Louisiana Highway 20, thence along Louisiana Highway 20 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction Louisiana Highway 317, thence along Louisiana Highway 317 to the Gulf of Mexico, on the one hand, and, on the other, points in South Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending along Interstate Highway 26 to junction South Carolina Highway 72 to the North Carolina-South Carolina State line (Kingsport, Tenn.)*; (d) between those points in Louisiana on and south of a line beginning at the Texas-Louisiana State line and extending along U.S. Highway 190 to junction U.S. Highway 171, thence along U.S. Highway 171 to Lake Charles, on the one hand, and, on the other, those points in South Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending along South Carolina Highway 72 to junction U.S. Highway 321, thence along U.S. Highway 321 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 601, thence along U.S. Highway 601 to the North Carolina-South Carolina State line; and (e) from points in Louisiana to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; (2) *Dry chemicals*, in bulk, in tank vehicles,

from Baton Rouge, La., to points in Kentucky, Ohio, Illinois, and Indiana; and (3) *Liquid acids and liquid chemicals*, in bulk, in tank vehicles, from the plant site of American Cyanamid Company at Avondale, La., to points in Ohio and Michigan (Sheffield, Ala.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 66886 (Sub-No. E1), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment* which, because of size or weight, require the use of special equipment, from those points in Oklahoma on and north of a line beginning at the Arkansas-Oklahoma State line and extending along Interstate Highway 40 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Oklahoma-Texas State line, to those points in Florida on and east of a line beginning at the Florida-Georgia State line and extending along U.S. Highway 301 to junction Florida Highway 24, thence along Florida Highway 24 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of Kansas and Springfield, Mo.

No. MC 66886 (Sub-No. E35), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment* which, because of size or weight, require the use of special equipment, from those points in Texas on and north of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 82 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Texas-Oklahoma State line to those points in Florida on and south of Interstate Highway 4. The purpose of this filing is to eliminate the gateways of Kansas and Springfield, Mo.

No. MC 83539 (Sub-No. E67), filed May 30, 1974. Applicant: C & H TRANSPORTATION CO., INC., 2010 W. Commerce St., Dallas, Tex. 75208. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment (except machinery, equipment, materials and supplies used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof), and *related contrators' equipment, materials and supplies* when their transportation is incidental to the transportation of commodities which because of size or weight, require the use of special equipment, and (2) *Self-propelled articles*, and weighing 15,000 pounds or more, which may be included in heavy machinery, and *related machinery, tools, parts, and supplies* moving in connection therewith; between points in Idaho, on the one hand, and, on the other, points in that part of Nebraska on and east of U.S. Highway 61 (points in that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.)*; and (3) *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment or handling (except machinery, equipment, materials, and supplies used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof), and *parts* thereof; and (4) *Self-propelled articles*, each weighing 15,000 pounds or more, which may be included in heavy machinery, and *related machinery, tools, parts, and supplies* moving in connection therewith; between points in that part of Idaho north and west of a line beginning at the Idaho-Utah State line and extending along U.S. Highway 191 to its junction with U.S. Highway 30N, thence along U.S. Highway 30N to the Caribou-Bannock County line, thence along the Caribou-Bannock County line to the Caribou-Bingham County, thence along the Caribou County line to the Idaho-Wyoming State line, on the one hand, and, on the other, points in that part of Oklahoma os and west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 81 to its junction with the H. E. Bailey Turnpike, thence along the H. E. Bailey Turnpike to the Oklahoma-Texas State line (points in Kansas, Nebraska, and that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.)*. Restriction: The operations authorized in (1) and (3) above are subject to the following conditions: (a) carrier's service on traffic originating at or destined to points in Illinois and Iowa, by reason of carrier's operations authorized in certificate No. MC 83539 (Sub-No. 146), shall be limited to movements (i) of machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and (ii) of related contractors' equipment, materials and supplies when their transportation by carrier of commodities, which because of size or weight, require the use of special equipment, and (b) the carrier shall not engage in the stringing or picking up of pipe along main or trunk pipeline rights of way, other than in the transportation, stringing or picking up of pipe (i) in connection with river crossings of pipelines and (ii) in connection with the operation, repair, and maintenance of pipelines. The operations authorized in (3) and (4) above are further restricted against the transportation of (a) any shipment which originates at St. Louis or Kansas City, Mo., and which is destined to any point in Missouri, Kansas, or Iowa, or (b) any shipment which originates at any point in Missouri, Kansas, or Iowa, and which is destined to St. Louis and Kansas City. The operations authorized in (2) and (4) above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 83539 (Sub-No. E69), filed May 30, 1974. Applicant: C & H TRANSPORTATION CO., INC., 2010 W. Commerce St., Dallas, Tex. 75208. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and *related machinery parts and related contractors' materials and supplies* when their transportation is incidental to the transportation of the commodities authorized above, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, which may be included in heavy machinery (except in driveaway service), and *related machinery, parts, tools, and supplies* moving in connection therewith; (a) between points in Orange, Los Angeles, Ventura, Santa Barbara, San Luis Obispo, Lassen, Shasta, Trinity, Humboldt, Del Norte, Siskiyou, and Modoc Counties, Calif., on the one hand, and, on the other, points on Owyhee, Ada, Canyon, Gem, Payette, Washington, Adams, Idaho (points west of U.S. Highway 95 only), Lewis, Nez Perce, Latah, Benewah, Shoshone, Kootenai, Bonner, and Boundary Counties, Idaho, and (b) between points in that part of California in and west of San Mateo, Santa Clara, Stanislaus, San Joaquin, Sacramento, Sutter, Butte, Tehama, Shasta, and Modoc Counties, Calif., on the one hand, and, on the other, points in Idaho, north and east of Canyon, Ada, Elmore, Camas, Lincoln, Minidoko, and Cassia Counties, Idaho, and (c) between points in Humboldt, Trinity, Tehama, Lassen, Shasta, Modoc, Siskiyou, and Del Norte Counties, Calif., on the one hand, and, on the other, points in Idaho. Restriction: The operations authorized in (2) above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of points in Oregon.

No. MC 106509 (Sub-No. E2), filed May 26, 1974. Applicant: YOUNGER TRANSPORTATION, INC., P.O. Box 14066, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and *machinery, equip-*

ment, materials and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main pipe lines, between points in Colorado, on the one hand, and, on the other, points in Alabama, Florida, Georgia and Mississippi. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 106509 (Sub-No. E3), filed May 26, 1974. Applicant: YOUNGER TRANSPORTATION, INC., P.O. Box 14066, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; and, *machinery, materials, equipment and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the picking up or stringing of pipe in connection with main or trunk pipelines, between points in Florida, on the one hand, and, on the other, points in Colorado, Montana, South Dakota, Utah, Wyoming and Nevada. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 106509 (Sub-No. E4), filed May 26, 1974. Applicant: YOUNGER TRANSPORTATION, INC., P.O. Box 14066, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; and *machinery, materials, equipment and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the picking up or stringing of pipe in connection with main or trunk pipelines, between points in Georgia, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, Montana and Nevada. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 106509 (Sub-No. E5), filed May 26, 1974. Applicant: YOUNGER TRANSPORTATION, INC., P.O. Box 14066, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; and *machinery, materials, equipment and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the picking up or stringing of pipe in connection with main or trunk pipelines, between points in Mississippi, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, Montana and Nevada. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 106509 (Sub-No. E6), filed May 26, 1974. Applicant: YOUNGER TRANSPORTATION, INC., P.O. Box 14066, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and *machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main pipe lines, between points in Montana, on the one hand, and, on the other, points in Alabama, Florida, Georgia and Mississippi. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 106509 (Sub-No. E7), filed May 26, 1974. Applicant: YOUNGER TRANSPORTATION, INC., P.O. Box 14066, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and *machinery, equipment, materials and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main pipe lines, between points in South Dakota, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 106509 (Sub-No. E8), filed May 26, 1974. Applicant: YOUNGER TRANSPORTATION, INC., P.O. Box 14066, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and *machinery, equipment, materials and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main pipe lines, between points in Utah, on the one hand, and, on the other, points in Alabama, Florida, Georgia, and Mississippi. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 106509 (Sub-No. E9), filed May 26, 1974. Applicant: YOUNGER TRANSPORTATION, INC., P.O. Box 14066, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and *machinery, equipment, materials and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main pipe lines, between points in Wyoming, on the one hand, and, on the other, points in Alabama, Florida, Georgia and Mississippi. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 106509 (Sub-No. E10), filed May 26, 1974. Applicant: YOUNGER TRANSPORTATION, INC., P.O. Box 14066, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *equipment* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and *materials and supplies* (not including sulphur) used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job construction, plant (including refining, manufacturing, and processing plant) sites or storage sites, between points in Wyoming, on the one hand, and, on the other, points in Oklahoma, Mississippi, Louisiana, and points in Lea and Eddy Counties, N. Mex. The purpose

of this filing is to eliminate the gateway of points in Texas.

No. MC 106509 (Sub-No. E11), filed May 26, 1974. Applicant: YOUNGER TRANSPORTATION, INC., P.O. Box 14066, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies*, used in, or in connection with, the drilling of water wells, (1) between points in Colorado, on the one hand, and, on the other, points in Louisiana, Georgia, Mississippi, and Florida, and (2) between points in that part of Colorado on and east of a line beginning at the Colorado-New Mexico State line extending along Interstate Highway 25 to the Colorado-Wyoming State line, on the one hand, and, on the other, points in Lea and Eddy Counties, N. Mex. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 106509 (Sub-No. E12), filed May 26, 1974. Applicant: YOUNGER TRANSPORTATION, INC., P.O. Box 14066, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with, the drilling of water wells, between points in Wyoming, on the one hand, and, on the other, points in Lea and Eddy Counties, N. Mex., points in Oklahoma, Louisiana, Georgia, Mississippi and Florida. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 106509 (Sub-No. E13), filed May 26, 1974. Applicant: YOUNGER TRANSPORTATION, INC., P.O. Box 14066, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies*, used in, or in connection with, the drilling of water wells, between points in Utah, on the one hand, and, on the other, points in Oklahoma, Louisiana, Georgia, Mississippi and Florida. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 106509 (Sub-No. E14), filed May 26, 1974. Applicant: YOUNGER TRANSPORTATION, INC., P.O. Box 14066, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with, the drilling of water wells, between points in Montana, on the one hand, and, on the other, points in Oklahoma, Louisiana, Georgia, Mississippi, Florida, and Lea and Eddy Counties, N. Mex. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 106509 (Sub-No. E15), filed May 26, 1974. Applicant: YOUNGER TRANSPORTATION, INC., P.O. Box 14066, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with, the drilling of water wells, between points in North Dakota, on the one hand, and, on the other, points in Louisiana and Lea and Eddy Counties, N. Mex. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 106509 (Sub-No. E16), filed May 26, 1974. Applicant: YOUNGER TRANSPORTATION, INC., P.O. Box 14066, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with, the drilling of water wells, between points in South Dakota, on the one hand, and, on the other, points in Louisiana, Florida, and Lea and Eddy Counties, N. Mex. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 106509 (Sub-No. E17), filed May 26, 1974. Applicant: YOUNGER TRANSPORTATION, INC., P.O. Box 14066, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in Lea and Eddy Counties, N. Mex., on the one hand, and, on the other, points in Wyoming, Montana, North Dakota, South Dakota, and points in that part of Colorado on and east of a line beginning at the New Mexico-Colorado State line extending along Interstate Highway 25 to the Colorado-Wyoming State line. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 106509 (Sub-No. E18), filed May 26, 1974. Applicant: YOUNGER TRANSPORTATION, INC., P.O. Box 14066, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in Oklahoma, on the one hand, and, on the other, points in Wyoming, Utah and Montana. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 106509 (Sub-No. E19), filed May 26, 1974. Applicant: YOUNGER TRANSPORTATION, INC., P.O. Box 14066, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-ways, between points in Louisiana, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, Montana, North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 106509 (Sub-No. E20), filed May 26, 1974. Applicant: YOUNGER TRANSPORTATION, INC., P.O. Box 14066, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in Mississippi, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 106509 (Sub-No. E21), filed May 26, 1974. Applicant: YOUNGER TRANSPORTATION, INC. P.O. Box 14066, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in Alabama, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana. The purpose of this

filing is to eliminate the gateway of points in Texas.

No. MC 106509 (Sub-No. E22), filed May 26, 1974. Applicant: YOUNGER TRANSPORTATION, INC., P.O. Box 14066, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in Florida, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, Montana and South Dakota. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 106674 (Sub-No. E5), filed June 4, 1974. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer compounds*, in containers, from Streator, Ill., to points in Kentucky on and east of Kentucky Highway 79 to junction Kentucky Highway 79 and Kentucky Highway 185, thence along Kentucky Highway 185 to junction Kentucky Highway 185 and Kentucky Highway 67, thence along Kentucky Highway 67 to junction Kentucky Highway 67 and U.S. Highway 31W, thence along U.S. Highway 31W to the Kentucky-Tennessee State line, and on and south of Interstate Highway 64 from Louisville extending eastward to the Kentucky-West Virginia State line; and (2) *Fertilizer and fertilizer compounds*, in bulk (except liquid fertilizers, in bulk, in tank vehicles), from Streator, Ill., to points in Kentucky on and east of Kentucky Highway 79 beginning at the Indiana-Kentucky State line to junction Kentucky Highway 79 and Kentucky Highway 185, thence along Kentucky Highway 185 to junction Kentucky Highway 185 and Kentucky Highway 67, thence along Kentucky Highway 67 to junction Kentucky Highway 67 and U.S. Highway 31N, thence along U.S. Highway 31N to the Kentucky-Tennessee State line and on and south of Interstate Highway 64 from the Kentucky-Indiana State line at Louisville, Ky., extending to the Kentucky-West Virginia State line. The purpose of this filing is to eliminate gateways of (1) Jeffersonville, New Albany, and Seymour, Ind., and (2) New Albany, Ind.

No. MC 106674 (Sub-No. E6), filed June 4, 1974. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic foam and plastic foam insulation panels*, used or useful in the construction of roofs, minimum 20,000 pounds, from Cincinnati and Franklin, Warren County, Ohio, to points in Illinois on and north of U.S. Highway 40, Wisconsin, Minnesota, Iowa, Kansas, South Dakota, and Nebraska. The purpose of this filing is to eliminate the gateway of the plant site and facilities of the Elliot Company at Indianapolis, Ind.

No. MC 106674 (Sub-No. E9), filed June 4, 1974. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions and ingredients*, in bulk, in tank vehicles, from Streator, Ill., to points in Ohio (except points in Ashtabula, Cuyahoga, Lake Summit, Muskingum, Franklin and Wayne Counties). The purpose of this filing is to eliminate the gateways of Thorntown, Warsaw, Eaton, Ind.

No. MC 106674 (Sub-No. E10), filed June 4, 1974. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* (except in bulk), and *liquid fertilizer*, from Streator, Ill., to points in Ohio located on and south of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Rushville, Ind.

No. MC 106920 (Sub-No. E15) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER January 30, 1975. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLanchlen Bank Bldg., 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dairy products* as defined by the Commission, from Elmira, N.Y., to points in Georgia beginning at the Georgia-Tennessee State line and extending along U.S. Highway 129 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 41 at Perry, Ga., thence along U.S. Highway 41 to junction Georgia Highway 33, thence along Georgia Highway 33 to junction U.S. Highway 319, thence along U.S. Highway 319 to the Georgia-Florida State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio. The purpose of this correction is to correct the territorial description.

No. MC 106920 (Sub-No. E109) (correction), filed June 3, 1974, published in the FEDERAL REGISTER February 11, 1975. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, classified as dairy products* under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 48 M.C.C. 628, from those points in Missouri north of a line beginning at the Missouri-Illinois State line and extending along Missouri Highway 16 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction Missouri Highway 11, thence along Missouri Highway 11 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Kansas State line, and extending along Missouri Highway 51 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction Missouri Highway 21, thence along Missouri Highway 21 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction Missouri Highway 38, thence along Missouri Highway 38 to junction Missouri Highway 5, thence along Missouri Highway 5 to the Missouri-Arkansas State line, to those points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line and extending along Interstate Highway 85 to junction U.S. Highway 15/501, thence along U.S. Highway 15/501 to junction Interstate Highway 95, thence along Interstate Highway 95 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio. The purpose of this correction is to expand the territorial description.

No. MC 106920 (Sub-No. E111) (correction), filed June 3, 1974, published in the FEDERAL REGISTER February 11, 1975. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, classified as dairy products* under b in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 48 M.C.C. 628, from points in Missouri north of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 54 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction Missouri Highway 154, thence along Missouri Highway 154 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Kansas-Missouri State line, and south of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 50 to junction U.S. Highway 54, thence along

U.S. Highway 54 to junction Missouri Highway 52, thence along Missouri Highway 52 to the Kansas-Missouri State line to those points in South Carolina east of a line beginning at the Atlantic Ocean and extending along Interstate Highway 26 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction U.S. Highway 501, thence along U.S. Highway 501 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio. The purpose of this correction is to expand the territorial description.

No. MC 107295 (Sub-No. E31), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Buildings*, complete, knocked down, or in sections, including all component parts, materials and fixtures, and when shipped with such buildings accessories used in the erection, construction, and completion thereof, from points in Tennessee (1) to points in Arizona, California, Colorado, Nevada, New Mexico, Oregon, Washington and Utah; (2) to points in Idaho, Montana, North Dakota, South Dakota and Wyoming; (3) to points in that part of Louisiana on and west of Concordia, Avoyelles, Evangeline, Jefferson Davis, and Cameron Parishes and to points in Texas and Oklahoma; (4) to points in Kansas; (5) to points in Nebraska; (6) to points in Minnesota; (7) from points in that part of Tennessee beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 231 to the Tennessee-Alabama State line to points in that part of Louisiana east of Concordia, Avoyelles, Evangeline, Jefferson Davis, and Cameron Parishes and to points in that part of Mississippi on and west of George, Perry, Jones, Smith, Rankin, Madison, Holmes, Leflore, Tallahatchie, Quitman, and Tunica Counties, (B) *prefabricated and precut buildings or houses*, complete, knocked down, or in sections, and all *component parts* necessary to the construction, erection, or completion of such buildings or houses, when shipped with same, from points in Tennessee to points in Maine, Massachusetts, New Hampshire, Rhode Island, Vermont and Connecticut. The purpose o fthis filing is to eliminate the gateways of (A) (1) Pine Bluff, Ark., (2) Wapello County, Iowa, (3) points in Arkansas, (4), (5), (6) points in Illinois, (7) points in Arkansas, and (B) Baltimore, Md.

No. MC 107295 (Sub-No. E41), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated and precut buildings or houses*, complete, knocked down, or in sections and all component parts necessary to the construction, erection, or completion of such buildings or houses, when shipped with same, (1) from points in West Virginia to points in Arizona, California, and Oregon; (2) from points in that part of West Virginia on and south of Mingo, Wyoming, and Mercer Counties to points in that part of Washington in and west of Okanogan, Douglas, Grant, Adams, Columbia, Garfield, and Asotin Counties; (3) from points in West Virginia to points in Arkansas; (4) from points in West Virginia to points in Colorado; (5) from points in West Virginia to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont; (6) from points in West Virginia to points in Idaho, Montana, New Mexico, North Dakota, South Dakota, Utah and Wyoming; (7) from points in West Virginia to points in Illinois, Indiana, Iowa and Wisconsin; (8) from points in West Virginia to points in Kansas; (9) from points in West Virginia to points in Michigan; (10) from points in West Virginia to points in Minnesota; (11) from points in West Virginia to points in Missouri; (12) from points in West Virginia to points in Nebraska; and (13) from points in West Virginia to points in Nevada. The purpose of this filing is to eliminate the gateways of (1) Pine Bluff, Ark., (2) Pine Bluff, Ark., (3) points in Tennessee, (4) points in Ohio and Wapello County, Iowa, (5) Baltimore, Md., (6) Washington Court House, Ohio, (7) points in Ohio, (8) points in Ohio and Illinois, (9) points in Ohio, (10) points in Ohio and Illinois, (11) points in Ohio, (12) points in Ohio and Illinois, and (13) Washington Court House, Ohio.

No. MC 107515 (Sub-No. E447), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Part, Ga. 30050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, from Chino, Calif., to North Carolina, South Carolina, and those points in Tennessee located on and east of a line beginning at the Tennessee-Georgia State line and extending along Tennessee Highway 27 to its junction with Tennessee Highway 108, thence along Tennessee Highway 108 to its junction with Tennessee Highway 111, thence along Tennessee Highway 111 to junction Tennessee Highway 84, thence along Tennessee Highway 84 to junction Tennessee Highway 42, thence along Tennessee Highway 42 to the Tennessee-Kentucky State line, restricted to the transportation of traffic originating at the plant site and storage facilities of Swift Fresh Meats Co., at Chino, Calif. The purpose of this filing is to eliminate the gateway of any point within the commercial zone of Macon, beyond the city limits of Macon and Pensacola, Fla.

No. MC 114019 (Sub-No. E358), filed May 16, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEMS, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). 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, Classes A and B explosives, livestock, commodities in bulk, and commodities requiring special equipment, from Sparrows Point and Baltimore, Md.; New York, N.Y., and points within 30 miles thereof, points in those parts of New Jersey, Delaware and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Lake Ontario and extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 36, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to junction New York Highway 17, thence along New York Highway 17 to the New York-Pennsylvania State line, points in Pennsylvania and those in West Virginia, on north and west of Wetzel, Harrison, Upshur, Randolph, and Pocahontas Counties, to points in that part of Indiana on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 24 to junction Indiana Highway 3, thence along Indiana Highway 3 to the Indiana-Michigan State line. The purpose of this filing is to eliminate the gateway of Akron, Ohio.

No. MC 114211 (Sub-No. E692), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Road building equipment*, from Deerefield, Ill., to points in Texas and Oklahoma. The purpose of this filing is to eliminate the gateway of points in Kansas.

No. MC 114211 (Sub-No. E693), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment*, between Durant, Okla., on the one hand, and, on the other, points in South Dakota, Iowa, Illinois, Minnesota, Nebraska, and Colorado. The purpose of this filing is to eliminate the gateway of points in Kansas.

No. MC 114211 (Sub-No. E694), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, accessories, and attachments, and parts thereof*, between Springfield, Ill., on the one hand, and, on the other, points in that part of Wyoming on and

north of a line beginning at the Wyoming-North Dakota State line extending along U.S. Highway 26 to junction Wyoming Highway 220, thence along Wyoming Highway 220 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Wyoming-Utah State line, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling and restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E695), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment*, between Springfield, Ill., on the one hand, and, on the other, points in Texas and Oklahoma. The purpose of this filing is to eliminate the gateway of points in Kansas.

No. MC 114211 (Sub-No. E699), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment*, from Durant, Okla., to points in that part of Minnesota on and north of a line beginning at the Minnesota-South Dakota State line extending along Minnesota Highway 236 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Minnesota Highway 27, thence along Minnesota Highway 27 to junction Minnesota 371, thence along Minnesota Highway 371 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction U.S. Highway 61, thence along U.S. Highway 61 to Duluth, Minn.; to points in that part of North Dakota on and north of a line beginning at the Montana-North Dakota State line extending along U.S. Highway 12 to the North Dakota-South Dakota State line; to points in that part of Montana on and north of a line beginning at the Idaho-Montana State line extending along U.S. Highway 12 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Montana-South Dakota State line; to points in that part of Idaho on and north of a line beginning at the Washington-Idaho State line extending along U.S. Highway 12 to the Idaho-Montana State line; to points in that part of Washington on and north of a line beginning at the Oregon-Washington State line extending along U.S. Highway 730 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Washington-Idaho State line; and to points in that part of Oregon on and north of a line beginning at the Pacific Ocean extending along US. Highway 20 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 730, thence along U.S. Highway 730 to the Oregon-Washington State line. The purpose of this filing is to eliminate the gateway of points in Kansas, and that part of the Fargo, N. Dak., commercial zone located in Moorhead, Minn.

No. MC 114211 (Sub-No. E700), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, between Tonkawa, Okla., on the one hand, and, on the other, points in North Dakota, Minnesota, and points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 136 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateways of Beatrice and Nebraska City, Nebr., and points in Iowa.

No. MC 114211 (Sub-No. E701), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment*, from Lubbock, Tex., to points in South Dakota, Nebraska, Iowa, Minnesota, Illinois, and to points in that part of Colorado on and north of a line beginning at the Kansas-Colorado State line extending along U.S. Highway 24 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Utah State line. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 114211 (Sub-No. E702), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames and fifth wheels), *equipment* designed for use in conjunction with tractors, *attachments* for the above-described commodities and *parts* in mixed loads with such commodities, from Streator, Ill., to points in Washington, Oregon, Montana, North Dakota, and to points in that part of Minnesota, on, west, and north of a line beginning at the South Dakota-Minnesota State line extending along Minnesota Highway 236 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Minnesota Highway 55, thence along Minnesota Highway 55 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 75, thence along U.S. Highway 75 to the United States-Canada International Boundary line; to points in that part of South Dakota on and north of a line beginning at the Wyoming-South Dakota State line extending along Interstate Highway 90 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction South Dakota Highway 20, thence along South Dakota Highway 20 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction South Dakota Highway 23, thence along South Dakota Highway 23 to the South Dakota-Minnesota State line; to points in that part of Wyoming on and north of a line beginning at the Idaho-Wyoming State line extending along U.S. Highway 20 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 14, thence along U.S. Highway 14 to the Wyoming-South Dakota State line; to points in that part of Idaho on, north, and west of a line beginning at the Nevada-Idaho State line extending along U.S. Highway 93 to junction Interstate Highway 80N, thence along Interstate Highway 80N to junction Interstate Highway 15W, thence along Interstate Highway 15W to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Idaho-Wyoming State line; to points in that part of Nevada on, north, and west of a line beginning at the California-Nevada State line extending along U.S. Highway 6 to junction Nevada Highway 8A, thence along Nevada Highway 8A to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Nevada-Idaho State line; and to points in that part of California on, north, and west of a line beginning at Santa Ana, Calif., extending along California Highway 73 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction California Highway 99, thence along California Highway 99 to junction California Highway J59, thence along California Highway J59 to junction California Highway 120, thence along California Highway 120 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line. The purpose of this filing is to eliminate the gateway of Fargo, N. Dak., and points in Iowa.

No. MC 114211 (Sub-No. E703), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Self-propelled road making machinery*, from McAllen, Tex., to points in Wisconsin,

North Dakota, Montana, Idaho, Washington, and to points in that part of Wisconsin on and north of a line beginning at the Iowa-Wiscosin State line extending along Wisconsin Highway 11 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Wisconsin Highway 50, thence along Wisconsin Highway 50 to Kenosha, Wis.; to points in that part of North Dakota on and northeast of a line beginning at the Montana-North Dakota State line extending along U.S. Highway 12 to the North Dakota-South Dakota State line; to points in that part of Montana on and north of a line beginning at the Idaho-Montana State line extending along U.S. Highway 2 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Montana Highway 200, thence along Montana Highway 200 to junction Montana 22, thence along Montana Highway 22 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Montana-North Dakota State line; to points in that part of Idaho on and north of a line beginning at the Washington-Idaho State line extending along U.S. Highway 10 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Idaho-Montana State line; and to points in that part of Washington on and northeast of a line beginning at the Idaho-Washington State line extending along U.S. Highway 10 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Washington Highway 174, thence along Washington Highway 174 to junction Washington Highway 17, thence along Washington Highway 17 to junction U.S. Highway 97, thence along U.S. Highway 97 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateways of Minneapolis, Minn., and points in Kansas.

No. MC 114211 (Sub-No. E704), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment* (except in each instance, commodities which because of size or weight requires the use of special equipment, and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from Lubbock, Tex., to points in West Virginia, Virginia, Wisconsin, and to points in that part of Kentucky on and north of a line beginning at the Illinois-Kentucky State line extending along U.S. Highway 62 to junction Kentucky Highway 440, thence along Kentucky Highway 440 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to the Kentucky-Tennessee State line; to points in that part of North Carolina on, north, and east of a line beginning at the Virginia-North Carolina State line extending along U.S. Highway 52 to junction U.S. Highway 311, thence along U.S. Highway 311 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 74, thence along U.S. Highway 74 to junction U.S. Highway 52, thence along U.S. Highway 52 to the North Carolina-South Carolina State line; and to points in that part of South Carolina on and north of a line beginning at the North Carolina-South Carolina State line extending along U.S. Highway 52 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction U.S. Highway 501, thence along U.S. Highway 501 to Myrtle Beach, S.C. The purpose of this filing is to eliminate the gateways of Claremore, Okla., and points in Kansas.

No. MC 114211 (Sub-No. E705), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, between Enid, Okla., on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateways of Beatrice and Nebraska City, Nebr., and points in Iowa.

No. MC 114211 (Sub-No. E707), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), *equipment* designed for use in conjunction with tractors, *attachments* for the above-described commodities, and *parts* in mixed loads with such commodities, from Springfield, Ill., to points in North Dakota, Montana, Washington, Oregon, and to points in that part of California on and west of a line beginning at the Oregon-California State line extending along U.S. Higway 395 to the Nevada-California State line, thence along the Nevada-California State line to junction Interstate Highway 80, thence along Interstate Highway 80 to junction California Highway 99, thence along California Highway 99 to junction California Highway 152, thence along California Highway 152 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction California Highway 156, thence along California Highway 156 to junction California Highway 1, thence along California Highway 1 to Monterey, Calif.; to points in that part of Idaho on and west of a line beginning at the Nevada-Idaho State line extending along U.S. Highway 93 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Idaho-Wyoming State line; to points in that part of Wyoming on and north of a line beginning at the Idaho-Wyoming State line extending along U.S. Highway 20 to junction U.S. Highway Alternate 14, thence along Alternate U.S. Highway 14 to junction Interstate Highway 90, thence along Interstate Highway 90 to the South Dakota-Wyoming State line; to points in that part of South Dakota on and north of a line beginning at the South Dakota-Wyoming State line extending along Interstate Highway 90 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction South Dakota Highway 10, thence along South Dakota Highway 10 to junction U.S. Highway 81, thence along U.S. Highway 81 to the South Dakota-North Dakota State line; and to points in that part of Minnesota on and west of a line beginning at the Unied States-Canada International Boundary line extending along Minnesota Highway 72 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 34, thence along Minnesota Highway 34 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to the Minnesota-North Dakota State line. The purpose of this filing is to eliminate the gateway of points in Iowa, and that part of the Fargo, N. Dak., commercial zone, located in Moorhead, Minn.

No. MC 114211 (Sub-No. E1072), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery* and *parts* thereof, from Barnesville, Minn., to points in California, Arizona, New Mexico, Texas, Oklahoma, Arkansas, Louisiana, Michigan, Indiana, Ohio, Kentucky, West Virginia, Tennessee, North Carolina, Mississippi, Alabama, Georgia, Florida and to points in that part of Missouri on and south of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 169 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Kansas State line, points in that part of Kansas on and south of a line beginning at the Missouri-Kansas State line extending along U.S. Highway 59 to junction Kansas Highway 4, thence along Kansas Highway 4 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 154, thence along U.S. Highway 154 to junction Kansas Highway 23, thence along Kansas Highway 23 to junction Kansas Highway 96.

Thence along Kansas Highway 96 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Kansas Highway 27, thence along Kansas Highway 27 to the Kansas-Nebraska State line, to points in that part of Colorado on and south of a line beginning at the Nebraska-Colo-

rado State line extending along U.S. Highway 34 to junction Colorado Highway 61, thence along Colorado Highway 61 to junction Colorado Highway 14, thence along Colorado Highway 14 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Colorado Highway 13, thence along Colorado Highway 13 to junction Colorado Highway 64, thence along Colorado Highway 64 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Colorado-Utah State line, to points in that part of Utah on and south of a line beginning at the Utah-Colorado State line extending along U.S. Highway 40 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 80N, thence along Interstate Highway 80N to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Utah-Nevada State line, to points in that part of Nevada on and south of a line beginning at the Utah-Nevada State line extending along Alternate U.S. Highway 50 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Nevada 51, thence along Nevada Highway 51 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction Nevada Highway 140.

Thence along Nevada Highway 140 to the Nevada-Oregon State line, to points in that part of Oregon on and of a line beginning at the Nevada-Oregon State line extending along Oregon Highway 140 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction Oregon Highway 62, thence along Oregon Highway 62 to junction Oregon Highway 227, thence along Oregon Highway 227 to junction Oregon Highway 99, thence along Oregon Highway 99 to junction Oregon Highway 138, thence along Oregon Highway 138 to junction Oregon Highway 38, thence along Oregon Highway 38 to Reedsport, Oregon, to points in that part of Wisconsin on and south of a line beginning at the Minnesota-Wisconsin State line extending along Wisconsin Highway 77 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 70, thence along Wisconsin Highway 70 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Wisconsin-Michigan State line, to points in that part of Upper Peninsula of Michigan on and east of a line beginning at the Wisconsin-Michigan State line extending along U.S. Highway 45 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Michigan Highway 64, thence along Michigan Highway 64 to Silver City, Michigan. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E1073), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery* and *parts* thereof, from Green Island, Minn., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, Wyoming, District of Columbia, Oregon, South Carolina, and to points in that part of South Dakota on and west of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 183 to junction U.S. Highway 18, thence along U.S. Highway 18, to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction South Dakota Highway 63.

Thence along South Dakota State Highway 63, to junction U.S. Highway 212, thence along U.S. Highway 212, to junction U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-North Dakota State line, and to points in that part of Nebraska on, south and west of a line beginning at the Nebraska-Iowa State line extending along Nebraska State Highway 2 to junction U.S. Highway 73, thence along U.S. Highway 73, to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Nebraska State Highway 50, thence along Nebraska State Highway 50 to junction Nebraska State Highway 41, thence along Nebraska State Highway 41, to junction U.S. Highway 81, thence along U.S. Highway 81, to junction U.S. Highway 34, thence along U.S. Highway 34, to junction Nebraska State Highway 22, thence along Nebraska State Highway 22, to junction Nebraska State Highway 11, thence along Nebraska State Highway 11, to junction Nebraska Highway 91, thence along Nebraska State Highway 91, to junction U.S. Highway 183, thence along U.S. Highway 183 to the Nebraska-South Dakota State line. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E1075), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, from Thief River Falls, Minn., to points in Kansas Missouri, Indiana, and to points in that part of Nebraska on and south of a line beginning at the Iowa-Nebraska State line extending along U.S. Highway 73 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Nebraska Highway 4, thence along Nebraska Highway 4 to junction U.S. Highway 183, thence along U.S. Highway 183, to junction Nebraska Highway 23, thence along Nebraska Highway 23, to junction U.S. Highway 283, thence along U.S. Highway 283, to junction U.S. Highway 30, thence along U.S. Highway 30 to the Nebraska-Colorado State line. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E1076), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, (except commodities the transportation of which because of size or weight requires the use of special equipment) from Barnesville, Minn. to points in Louisiana, Florida, and to points in that part of California on and south of a line beginning at the California-Arizona State line extending along Interstate Highway 40 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction California Highway 111, thence along California Highway 111 to junction California 74, thence along California Highway 74 to junction California 71, thence along California Highway 71 to junction California Highway 91, thence along California Highway 91 to junction Interstate Highway 5, thence along Interstate Highway 5 to Santa Ana, Calif., to points in that part of Arizona on and south of a line beginning at the California-Arizona State line extending along U.S. Highway 66 to the Arizona-New Mexico State line, to points in that part of New Mexico on and south of a line beginning at the New Mexico-Arizona State line extending along U.S. Highway 66 to junction New Mexico Highway 52, thence along New Mexico Highway 52 to junction U.S. Highway 60.

Thence along U.S. Highway 60, junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Texas-New Mexico State line, to points in that part of Oklahoma on and south of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 66 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to junction Oklahoma Highway 58, thence along Oklahoma Highway 58 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Oklahoma-Kansas State line, to points in that part of Arkansas on and south of a line beginning at the Missouri-Arkansas State line extending along U.S. Highway 65 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Tennessee-Arkansas State line, to points in that part of Mississippi on and south of a line beginning at the Tennessee-Mississippi State line extending along U.S. Highway 78 to the Alabama-Mississippi State line, to points in that part of Alabama on and south of a line beginning at the Alabama-Mississippi State line extending along U.S. Highway 78 to junction U.S. Highway 278.

Thence along U.S. Highway 278 to junction U.S. Highway 431, thence along U.S. Highway 431 to junction Alabama Highway 48, thence along Alabama Highway 48 to the Alabama-Georgia State line, and to points in Georgia on and south of a line beginning at the Georgia-Alabama State line extending along Georgia Highway 166 to junction Alternate U.S. Highway 27, thence along Alternate U.S. Highway 27 to junction Georgia Highway 18, thence along Georgia Highway 18 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction U.S. Highway 80, thence along U.S. Highway 80 to Savannah, Ga. The purpose of this filing is to eliminate the gateway of Beatrice and Nebraska City, Nebr., Claremore, Okla., and points in Iowa.

No. MC 114211 (Sub-No. E1094), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof* (except commodities the transportation of which, because of size or weight, requires special equipment), from Bainesville, Minn., to points in Texas (except Dallas, Ft. Worth, Houston, Galveston, Abilene, Sweetwater, Big Springs, Midland, Odessa, and El Paso), Arkansas, Louisiana, Mississippi, Alabama, Florida, and to points in that part of Tennessee on and south of a line beginning at the Missouri-Tennessee State line extending along Tennessee Highway 20 to junction Tennessee Highway 99, thence along Tennessee Highway 99 to junction Alternate U.S. Highway 31, thence along Alternate U.S. Highway 31 to junction Tennessee Highway 64, thence along Tennessee Highway 64 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Alternate U.S. Highway 41, thence along Alternate U.S. Highway 41 to junction Tennessee Highway 55, thence along Tennessee Highway 55 to junction Interstate Highway 24, thence along Interstate Highway 24 to the Georgia-Tennessee State line; to points in that part of Georgia on and south of a line beginning at the Tennessee-Georgia State line extending along Interstate Highway 24 to junction Interstate Highway 59, thence along Interstate Highway 59 to junction Georgia Highway 143, thence along Georgia Highway 143 to junction Georgia Highway 53, thence along Georgia Highway 53 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction Interstate Highway 20, thence along Interstate Highway 20 to the Georgia-South Carolina State line; to points in that part of South Carolina on and south of a line beginning at the Georgia-South Carolina State line extending along U.S. Highway 278 to junction South Carolina Highway 781, thence along South Carolina Highway 781 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction South Carolina Highway 61, thence along South Carolina Highway 61 to Charleston, S.C.; and to points in that part of New Mexico on and south of a line beginning at the Arizona-New Mexico State line extending along Interstate Highway 40 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction New Mexico Highway 120, thence along New Mexico Highway 120 to junction U.S. Highway 56, thence along U.S. Highway 56 to the New Mexico-Oklahoma State line (except Las Cruces, Deming, and Lordsburg). The purpose of this filing is to eliminate the gateways of points in Iowa; Beatrice and Nebraska City, Nebr.; and Tulsa, Okla.

No. MC 114211 (Sub-No. E1095), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled tractors, road making machinery and contractors' equipment and supplies*, from Deerefield, Ill., to points in Washington, Oregon, California, Nevada, Idaho, Arizona, Utah, Wyoming, Montana, North Dakota and to points in that part of New Mexico on and west of a line beginning at the Colorado-New Mexico State line extending along U.S. Highway 85 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 285, thence along U.S. Highway 285 to the New Mexico-Texas State line; to points in that part of Nebraska on and west of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 83 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Nebraska Highway 87, thence along Nebraska Highway 87 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction Nebraska Highway 19, thence along Nebraska Highway 19 to the Nebraska-Colorado State line; and to points in that part of South Dakota on and north of a line beginning at the Minnesota-South Dakota State line extending along U.S. Highway 16 to junction South Dakota Highway 42, thence along South Dakota Highway 42 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to junction South Dakota Highway 44, thence along South Dakota Highway 44 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-Nebraska State line. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E1096), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), *equipment* designed for use in conjunction with tractors, *attachments* for the above-described commodities, and *parts* of the commodities described above, in mixed loads with such commodities, from Deerefield, Ill., to points in Washington, Oregon, Idaho, Montana, and to points in that part of California on and west of a line beginning at the Nevada-California State line extending along U.S. Highway 95 to junction California Highway 62, thence along California Highway 62 to junction California Highway 177, thence along California Highway 177 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction California Highway 195, thence along California Highway 195 to Junction California Highway 111, thence along California Highway 111 to El Centro, Calif.; to points in that part of Nevada on and west of a line beginning at the Arizona-Nevada State line extending along U.S. Highway 91 to junction U.S. Highway 95, thence along U.S. Highway 95 to the Nevada-California State line; to points in that part of Utah on and west of line beginning at the Wyoming-Utah State line extending along Interstate Highway 80 to Junction Utah Highway 65, thence along Utah Highway 65 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Utah-Arizona State line; to points in that part of Wyoming on and north of a line beginning at the South Dakota-Wyoming State line extending along U.S. Highway 14 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Wyoming Highway 28, thence along Wyoming Highway 28 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction Wyoming Highway 361, thence along Wyoming Highway 361 to junction U.S. Highway 189.

Thence along U.S. Highway 189 to junction Interstate Highway 80 thence along Interstate Highway 80 to the Wyoming-Utah State line to points in that part of South Dakota on and north of a line beginning at the North Dakota-South Dakota State line extending along U.S. Highway 281 to junction U.S. Highway 12 thence along U.S. Highway 12 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction South Dakota Highway 79, thence along South Dakota Highway 79 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway

14, thence along U.S. Highway 14 to the South Dakota-Wyoming State line; to points in that part of North Dakota on and northwest of a line beginning at the Minnesota-North Dakota State line extending along U.S. Highway 75 to junction U.S. Highway 10 thence along U.S. Highway 10 to junction U.S. Highway 281, thence along U.S. Highway 281 to the North Dakota-South Dakota State line; and to points in that part of Minnesota on and west of a line beginning at Warroad, Minn., extending along Minnesota Highway 11 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 10, thence along U.S. Highway 10 to the Minnesota-North Dakota State line. The purpose of this filing is to eliminate the gateway of Fargo, N. Dak., and that part of the Fargo, N. Dak., commercial zone located in Moorhead, Minn.

No. MC 114211 (Sub-No. E1098), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories, and attachments, between Deerfield*, Ill., on the one hand, and, on the other, points in Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Utah, Arizona, South Dakota, and points in that part of New Mexico on and west of a line beginning at the New Mexico-Colorado State line extending along Interstate Highway 25 to junction Interstate Highway 10, thence along Interstate Highway 10 to the New Mexico-Texas State line; points in that part of Colorado on and northwest of a line beginning at the Colorado-Nebraska State line extending along Interstate Highway 80S to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line; points in that part of Nebraska on and north of a line beginning at the Nebraska-Iowa State line extending along Nebraska Highway 35 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Nebraska Highway 22, thence along Nebraska Highway 22 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Nebraska-Colorado State line; and points in that part of North Dakota on and southwest of a line beginning at the North Dakota-Minnesota State line extending along North Dakota Highway 13 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 85, thence along U.S. Highway 85 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E1099), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories, and attachments*, between Deerfield, Ill., on the one hand, and, on the other, points in Wyoming, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling, and restricted against the transportation of those commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E1100), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, with or without attachments, *tractor attachments*, and *parts* of tractors and tractor attachments when moving in mixed loads with commodities specified above, between Streator, Ill., on the one hand, and, on the other, points in Washington, Idaho, Oregon, California, Nevada, Utah, Colorado, Arizona, New Mexico, Alaska, and points in that part of Texas on and west of a line beginning at Beaumont, Tex., extending along U.S. Highway 69 to junction U.S. Highway 96, thence along U.S. Highway 96 to junction Texas Highway 63, thence along Texas Highway 63 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 259, thence along U.S. Highway 259 to junction Texas Highway 49, thence along Texas Highway 49 to junction U.S. Highway 271, thence along U.S. Highway 271 to the Texas-Oklahoma State line; points in that part of Oklahoma on and west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 271 to junction Indian Nation Turnpike, thence along Indian Nation Turnpike to junction U.S. Highway 75, thence along U.S. Highway 75 to the Oklahoma-Kansas State line; points in the part of Kansas on and southwest of a line beginning at the Oklahoma-Kansas State line extending along U.S. Highway 75 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Kansas-Nebraska State line; points in that part of Nebraska on and southwest of a line beginning at the Wyoming-Nebraska State line extending along U.S. Highway 26 to junction Nebraska Highway 61, thence along Nebraska Highway 61 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Kansas-Nebraska State line; points in that part of Wyoming on and southwest of a line beginning at the Nebraska-Wyoming State line extending along U.S. Highway 26 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Wyoming-Montana State line; and points in that part of Montana on and west of a line beginning at the Wyoming-Montana State line extending along U.S. Highway 87 to junction U.S. Highway 91, thence along U.S. Highway 91 to the United States-Canada International Boundary line, restricted to the transportation of commodities in foreign commerce. The purpose of this filing is to eliminate the gateway of Topeka, Kans.

No. MC 114211 (Sub-No. E1101), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors*, from Madison, S. Dak., to points in Illinois, Indiana, and to points in that part of Missouri on and east of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 169 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Kansas State line, and to points in that part of Wisconsin on and southeast of a line beginning at Green Bay, Wis., extending along Wisconsin Highway 57 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction U.S. Highway 18, thence along U.S. Highway 181 to the Wisconsin-Iowa State line. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E1102), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 402, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, with or without attachments, *tractors attachments*, and *parts* of tractors and tractor attachments when moving in mixed loads with commodities specified above, on the one hand, and on the other, points in Washington, Oregon, California, Idaho, Nevada, Arizona, Utah, New Mexico, Colorado, Wyoming, Montana, and points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 271 to junction Texas Highway 19, thence along Texas Highway 19 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Texas Highway 155, thence along Texas Highway 155 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Texas Highway 19, thence along Texas Highway 19 to junction Interstate Highway 45, thence along Interstate Highway 45 to Galveston, Tex.; points in that part of Oklahoma on and west of a line beginning at the Kansas-

Oklahoma State line extending along U.S. Highway 75 to junction Indian Nation Turnpike, thence along Indian Nation Turnpike to junction U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Texas State line; points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 77 to junction Kansas Highway 177, thence along Kansas Highway 177 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Kansas Highway 96.

Thence along Kansas Highway 96 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Kansas-Oklahoma State line; points in that part of Nebraska on and west of a line beginning at the South Dakota-Nebraska State line extending along Nebraska Highway 47 to junction Nebraska Highway 12, thence along Nebraska Highway 12 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Nebraska Highway 22, thence along Nebraska Highway 22 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line; points in that part of South Dakota on and west of a line beginning at the North Dakota-South Dakota State line extending along South Dakota Highway 63 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to the South Dakota-Nebraska State line; and points in that part of North Dakota on and west of a line beginning at the United States-Canada International Boundary line extending along U.S. Highway 83 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction North Dakota Highway 6, thence along North Dakota Highway 6 to the North Dakota-South Dakota State line, restricted to the transportation of commodities in foreign commerce. The purpose of this filing is to eliminate the gateway of Topeka, Kans.

No. MC 114211 (Sub-No. E1103), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof* (except commodities the transportation of which because of size or weight, requires the use of special equipment), from Perry, Okla., to points in California, Nevada, Idaho, Oregon, Washington, Montana, North Dakota, Minnesota, Wisconsin, Arkansas, Louisiana, Kentucky, Tennessee, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, New Jersey, and to points in that part of Arizona on and west of a line beginning at the Utah-Arizona State line extending along U.S. Highway 89 to junction U.S. Highway 66/180, thence along U.S. Highway 66/180 to junction Arizona Highway 87, thence along Arizona Highway 87 to junction Arizona Highway 188, thence along Arizona Highway 188 to junction Arizona Highway 88, thence along Arizona Highway 88 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Arizona-New Mexico State line; to points in that part of Utah on and west of a line beginning at the Utah-Wyoming State line extending along Utah Highway 44 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Utah Highway 33, thence along Utah Highway 33 to junction U.S. Highway 6/50, thence along U.S. Highway 6/50 to junction Utah Highway 10, thence along Utah Highway 10 to junction Utah Highway 4, thence along Utah Highway 4 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Utah Highway 20, thence along Utah Highway 20 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction Utah Highway 14, thence along Utah Highway 14 to junction U.S. Highway 89.

Thence along U.S. Highway 89 to the Utah-Arizona State line; to points in that part of Wyoming on and north of a line beginning at the Wyoming-South Dakota State line extending along U.S. Highway 18 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Wyoming Highway 59, thence along Wyoming Highway 59 to junction Wyoming Highway 387, thence along Wyoming Highway 387 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 20/26, thence along U.S. Highway 20/26 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction Wyoming Highway 28, thence along Wyoming Highway 28 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Wyoming Highway 530, thence along Wyoming Highway 530 to the Wyoming-Utah State line; to points in that part of South Dakota on and north of a line beginning at the South Dakota-Minnesota State line extending along U.S. Highway 16 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction South Dakota Highway 79, thence along South Dakota Highway 79 to junction U.S. Highway 18, thence along U.S. Highway 18 to the South Dakota-Wyoming State line; to points in that part of Iowa on and north of a line beginning at the Iowa-Nebraska State line extending along U.S. Highway 275 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Iowa-Missouri State line; and to points in that part of Oklahoma on and east of a line beginning at the Oklahoma-Missouri State line extending along U.S. Highway 66 to junction Oklahoma Highway 88, thence along Oklahoma Highway 88 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Oklahoma-Arkansas State line. The purpose of this filing is to eliminate the gateway of Claremore, Okla.

No. MC 114211 (Sub-No. E1104), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 402, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories, and attachments*, between Perry, Okla., on the one hand, and, on the other, points in Washington, North Dakota, Minnesota, Maine, and points in that part of Oregon on and north of a line beginning at the Idaho-Oregon State line extending along Oregon Highway 86 to junction Oregon Highway 7, thence along Oregon Highway 7 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction Oregon Highway 138, thence along Oregon Highway 138 to junction Oregon Highway 230, thence along Oregon Highway 230 to junction Oregon Highway 62, thence along Oregon Highway 62 to junction Oregon Highway 234, thence along Oregon Highway 234 to junction Oregon Highway 99, thence along Oregon Highway 99 to junction U.S. Highway 199, thence along U.S. Highway 199 to the Oregon-California State line; points in that part of Idaho on and north of a line beginning at the Montana-Idaho State line extending along U.S. Highway 12 to the Idaho-Washington State line; points in that part of Montana on and north of a line beginning at the Wyoming-Montana State line extending along U.S. Highway 87 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction Montana Highway 43, thence along Montana Highway 43 to the Montana-Idaho State line; points in that part of Wyoming on and northeast of a line beginning at the South Dakota-Wyoming State line extending along U.S. Highway 16 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Wyoming-Montana State line; points in that part of South Dakota on and north of a line beginning at the Iowa-South Dakota State line extending along Interstate Highway 90 to junction U.S. Highway 16, thence along U.S. Highway 16 to the South Dakota-Wyoming State line; and points in that part of Wisconsin on and north of a line beginning at the Iowa-Wisconsin State line extending

along Wisconsin Highway 82 to junction Wisconsin Highway 33, thence along Wisconsin Highway 33 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Sheboygan, Wis. The purpose of this filing is to eliminate the gateways of points in Kansas, and Canton, S. Dak.

No. MC 114211 (Sub-No. E1105), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories, and attachments*, between Deerfield, Ill., on the one hand, and, on the other, points in South Dakota, and points in that part of Colorado on and northwest of a line beginning at the Colorado-Nebraska State line extending along Interstate Highway 80S to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line; and points in that part of Nebraska on and north of a line beginning at the Nebraska-Iowa State line extending along Nebraska Highway 35 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Nebraska Highway 22, thence along Nebraska Highway 22 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Nebraska-Colorado State line. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E1106), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories, and attachments*, between Streator, Ill., on the one hand, and, on the other, points in Alaska, Washington, Oregon, California, Wyoming, Arizona, Nevada, Utah, Idaho, Montana, North Dakota, and points in that part of South Dakota on and west of a line beginning at the Minnesota-South Dakota State line extending along U.S. Highway 12 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 81, thence along U.S. Highway 81 to the South Dakota-Nebraska State line; points in that part of Nebraska on and northwest of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 81 to junction Nebraska Highway 12, thence along Nebraska Highway 12 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction Nebraska Highway 19, thence along Nebraska Highway 19 to the Nebraska-South Dakota State line; and points in that part of Colorado on and northwest of a line beginning at the Nebraska-Colorado State line extending along Colorado Highway 113 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 550, thence along U.S. Highway 550 to the Colorado-New Mexico State line. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 117344 (Sub-No. E48), filed May 21, 1974. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid glue and liquid synthetic resins*, in bulk, in tank vehicles, from Delaware County, Ohio, to points in Alabama, Arkansas, Georgia, Mississippi, South Carolina, Tennessee, and Texas. The purpose of this filing is to eliminate the gateway of Taylorport, Ky.

By the Commission.

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

[FR Doc.75-5976 Filed 3-5-75;8:45 am]

[Notice No. 18]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 28, 1975.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] 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 Commission'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. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

APPLICATIONS SET FOR HEARING

No. MC 119741 (Sub-No. 51), filed February 5, 1975. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 3225 5th Ave. South, P.O. Box 1235, Fort Dodge, Iowa 50501. Applicant's representative: R. D. McMahon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by packinghouses* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between Wichita, Kans., on the one hand, and, on the other, points in North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Ohio, New York, and Pennsylvania, restricted to traffic either originating at or destined to Wichita, Kans.

NOTE.—*HEARING:* On a consolidated record with MC 118142 (Sub-No. 77) on the 7th day of April, 1975 (3 days), at 9:30 a.m. Local Time, at Kansas City, Mo., in a room to be later designated.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 127042 (Sub-No. 153), filed February 18, 1975. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98—Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Edward A. O'Donnell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packing houses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between Wichita, Kans., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, Wisconsin, and Wyoming, restricted to traffic either originating at Wichita, Kans. or destined to Wichita, Kans.

NOTE.—*HEARING:* On a consolidated record with MC-118142 (Sub-No. 77) on the 7th day of April, 1975 (3 days), at 9:30 a.m. Local Time, at Kansas City, Mo., in a room to be later designated.

No. MC 263 (Sub-No. 220), filed February 5, 1975. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, Idaho 83201. Applicant's representative: Wayne S. Green (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, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite and warehouse facilities of Green Giant Company, located at Glencoe, Le Sueur, and Savage, Minn., as off-route points in connection with carrier's authorized regular-route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis-St. Paul, Minn., or Salt Lake City, Utah.

No. MC 531 (Sub-No. 305), filed January 20, 1975. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from Mobile, Ala.; New Orleans, La.; and Houston, Tex., to points in California.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or San Francisco, Calif.

No. MC 921 (Sub-No. 28), filed December 23, 1974. Applicant: DEAN TRUCK LINE, INC., P.O. Box 631, Corinth, Miss. 38834. Applicant's representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. 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 in 17 M.C.C. 467, livestock, commodities in bulk, and articles which because of size or weight require special equipment), (1) Between Tupelo, Miss. and the Alabama-Mississippi State Boundary line, near Tremont, Miss.: From Tupelo over U.S. Highway 78 to the Alabama-Mississippi State Boundary line, and return over the same route, serving all intermediate points and their commercial zones, and the off-route of Mantachie and Marietta, Miss. and their commercial zones; (2) serving Mantachie and Marietta, Miss. and their commercial zones, as off-route points in connection with carrier's authorized regular route operations between Corinth and Tupelo, Miss. over U.S. Highway 45; (3) between Belmont, Miss., and the junction of Mississippi Highway 25 and U.S. Highway 78 at or near Fulton, Miss.: From Belmont over Mississippi Highway 25 to the junction of Mississippi Highway 25 and U.S. Highway 78 as an alternate route for operating convenience only, and (4) Between Red Bay, Ala. and Tremont, Miss.: From Red Bay, Ala. over Mississippi Highway 23 to Tremont, Miss., and return over the same route, as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Tupelo, Miss.

No. MC 2202 (Sub-No. 475), filed February 4, 1975. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: James W. Conner (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, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the W. R. Grace and Company, located at or near Iowa Park, Tex., as an off-route point.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or Washington, D.C.

No. MC 2392 (Sub-No. 99), filed February 4, 1975. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 F Street, P.O. Box 14248, West Omaha Station, Omaha, Nebr. 68114. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and feed ingredients*, from Blair, Nebr., to points in California and Arizona.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 4687 (Sub-No. 16), filed February 10, 1975. Applicant: BURGESS & COOK, INC., P.O. Box 458, 21 N. 2nd Street, Fernandina Beach, Fla. 32034. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 W. Peachtree St., NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyethelene and polystyrene plastic products* (except in bulk), from the warehouse facilities utilized by Mobil Chemical Company, Plastics Division, at or near Conyers, Ga., to points in Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 6078 (Sub-No. 78), field February 3, 1975. Applicant: D. F. BAST, INC., P.O. Box 2288, Allentown, Pa. 18001. Applicant's representative: Bert Collins, Suite 6193–5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Structural and fabricated steel*, the transportation of which requires, because of size or weight, the use of special equipment; and (b) *structural and fabricated steel* and *related materials and supplies*, which do not require, because of size or weight, the use of special equipment, between Allentown, Pa., and points within 30 miles thereof, Union and Middlesex Counties, N.J., on the one hand, and, on the other, points in Ohio, Virginia, West Virginia, and the Lower Peninsula of Michigan; and (2) *structural equipment and supplies*, used in connection with the erection of the commodities in (1) above, between points in Ohio, Virginia, West Virginia, and the Lower Peninsula of Michigan.

NOTE.—Applicant states that part (2) of the requested authority will be tacked with the existing authority of part (2) of MC 6078 Sub 67, to permit non-radial transportation of construction equipment and supplies, used in connection with the erection of structural and fabricated steel as authorized in 11 States and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 9859 (Sub-No. 1), filed January 10, 1975. Applicant: KANE TRANSFER COMPANY, a Corporation, 5400 Tuxedo Road, Tuxedo, Md. 20781. Applicant's representative: James W. Lawson, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) Regular routes: *soap and soap products, glycerine, stearine, and coconut oil products, lard compounds and substitutes, cooking oil, coconut oil, toilet preparations, and advertising matter* used in connection with the sale of such commodities, Between Baltimore, Md., and Alexandria, Va., serving the intermediate points of Riverdale, Beltsville, College Park, Laurel, Greenbelt, Halethrope, Md. and District of Columbia: From Baltimore, Md. over U.S. Highway 1, to Alexandria, Va., and return over

the same route; and (B) irregular routes: *soap and soap products, lard compounds, and substitutes, cooking oil, coconut oil, toilet preparations, and advertising matter* used in connection with the sale of such commodities, between points in the Washington, D.C. Commercial Zone as defined by the Commission, and Baltimore, Md., on the one hand, and, on the other, points in Arlington, Fairfax, Prince William, Stafford, Fauquier, and Loudoun Counties, Va., Frederick, Montgomery, Howard, Anne Arundel, Prince Georges, Charles, Calvert and St. Marys Counties, Md., and points within 25 miles of Baltimore, Md., restricted in paragraphs (1) and (2) above (A) against service from the plant site of the Procter & Gamble Company, Baltimore, Md., and (B) against any transportation from and to any warehouses and stores of the Grand Union Company, of East Paterson, N.J., which are located within the scope of the service requested above.

NOTE.—Applicant presently holds authority to transport general commodities except, among other things, the above specified commodities, over the routes and between the points named above.

The purpose of this application is to eliminate such exceptions from the applicant's general commodities authority but at the same time retain the above-noted restriction so as to preclude objectionable dual operations. Applicant holds contract carrier authority in MC 67583 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or Baltimore, Md.

No. MC 10761 (Sub-No. 272), filed February 4, 1975. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 5650 Foremost Dr. SE., Grand Rapids, Mich. 49506. Applicant's representative: L. R. Knapp (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tire fabric* N.O.I.B.N., requiring temperature controlled vehicles, from the Goodyear Tire & Rubber Co. facilities located at or near Topeka, Kans., to the Goodyear Tire & Rubber Co. facilities located at or near Akron, Ohio and Jackson, Mich., and *the return* of necessary equipment required in the transportation of this material.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 20915 (Sub-No. 4), filed February 5, 1975. Applicant: SKYWAY, INC., 75 3rd Avenue, Kearny, N.J. 07032. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture and furniture parts*, in containers, and *empty containers*, between the facilities of Universal Furniture Industries, Inc. at North Brunswick, N.J., on the one hand, and, on the other, points in the New York, N.Y. Commercial Zone, restricted to traffic having a prior or subsequent movement by other common carriers.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 30844 (Sub-No. 528), filed December 12, 1974. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, when shipped in mixed truckloads with potatoes and potato products, from Caribou and Presque Isle, Maine, to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New York, (except New York City and points in Nassau, Rockland, Suffolk, and Westchester Counties), North Dakota, Ohio, Oklahoma, Pennsylvania (except points in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties), South Dakota, Texas, West Virginia, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 30844 (Sub-No. 530), filed February 3, 1975. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid stick* (in bulk, in tank vehicles), from Austin, Minn., to Waterloo, Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 31367 (Sub-No. 28), filed February 7, 1975. Applicant: H. F. CAMPBELL & SON, INC., R.D. #1, Millerstown, Pa. 17062. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third St., Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products* (except fresh and frozen fruits and vegetables, and canned goods), from Centre Hall, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Rhode Island, Virginia, and the District of Columbia.

NOTE.—If a hearing is deemd necessary, the applicant requests it be held at either Harrisburg, Pa., or Washington, D.C.

No. MC 35807 (Sub-No. 56), filed February 3, 1975. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Ga. 30302. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin*, between Atlanta, Ga.; Baltimore, Md.; Birmingham, Ala.; Boston, Mass.; Buffalo, N.Y.; Charlotte, N.C.; Chicago, Ill.; Cincinnati, Ohio; Cleveland, Ohio; Coral Gables, Fla.; Culpeper, Va.; Dallas, Tex.; Denver, Colo.; Detroit, Mich.; El Paso, Tex.; Fort Knox, Ky.; Helena, Mont.; Houston, Tex.; Jacksonville, Fla.; Kansas City, Mo.; Little Rock, Ark.; Los Angeles, Calif.; Louisville, Ky.; Memphis, Tenn.; Minneapolis, Minn.; Nashville, Tenn.; New Orleans, La.; New York, N.Y.; Oklahoma City, Okla.; Omaha, Nebr.; Philadelphia, Pa.; Pittsburgh, Pa.; Portland, Oreg.; Richmond, Va.; St. Louis, Mo.; Salt Lake City, Utah; San Antonio, Tex.; San Francisco, Calif.; Seattle, Wash.; West Point, N.Y.; and the District of Columbia, under a continuing contract or contracts with the General Services Administration.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52460 (Sub-No. 165), filed January 27, 1975. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th St., P.O. Box 9637, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers and *related advertising material*, (1) from Golden, Colo., to points in Oklahoma; (2) from Belleville, Ill., to Hannibal, Mo.; and (3) from Memphis, Tenn., to Hannibal, Mo., and *empty pallets and containers* on return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.; Kansas City, Mo.; or Dallas, Tex.

No. MC 52709 (Sub-No. 328), filed December 13, 1974. Applicant: RINGSBY TRUCK LINES, INC., 5773 South Prince Street, Littleton, Colo. 80120. Applicant's representative: Wayne E. Lucore (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, livestock, Classes A and B explosives, household goods as defined by the Commission and commodities requiring special equipment), between Cheyenne, Wyo. and junction Interstate Highways 80 and 30S near Big Springs, Nebr.; From Cheyenne, Wyo. over Interstate Highway 80 and 80S near Big Springs, Nebr., serving the junction for purposes of joinder only and serving Pine Bluffs, Wyo. as an intermediate point, and serving the off-route points within 5 miles of Pine Bluffs.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Denver, Colo. or Cheyenne, Wyo.

No. MC 64932 (Sub-No. 544), filed February 6, 1975. Applicant: ROGERS CARTAGE CO., a Corporation, 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pellets and dry chemicals*, in bulk, from Selkirk, N.Y., to points in the

United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 94201 (Sub-No. 129), filed February 3, 1975. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, Ga. 30316. Applicant's representative: Maurice F. Bishop, 603 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, pipe-fittings, valves, hydrants,* and *equipment, materials and supplies* used or useful in the installation thereof, from Albertville, Ala., and Chattanooga, Tenn., to points in the United States on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundary of Itasca and Koochiching Counties, Minn., to the International Boundary Line between the United States and Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Chattanooga, Tenn.

No. MC 95540 (Sub-No. 922), filed January 23, 1975. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive—P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and 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 hides and commodities in bulk, in tank vehicles), from Roswell, N. Mex., to points in Maine, Massachusetts, Ohio, Indiana, Illinois, Michigan, Kentucky, Maryland, Wisconsin, Minnesota, Rhode Island, New Hampshire, New York, New Jersey, Pennsylvania, Memphis, Tennessee, Connecticut, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 98438 (Sub-No. 3), filed January 13, 1975. Applicant: TOMPKINSVILLE TRANSFER CO., INC., 209 West Second Street, Tompkinsville, Ky. 42167. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. 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 special equipment), (1) Between Louisville, Ky. and the Kentucky-Tennessee State Boundary Line, serving all intermediate points south of Glasgow, Ky. and points in its Commercial Zone, restricted against service between Louisville and Glasgow, Ky. and points in their Commercial Zones: From Louisville, Ky. over U.S. Highway 31E to Glasgow, Ky., thence over Kentucky Highway 63 through Tompkinsville, Ky. to the Kentucky-Tennessee State Boundary Line and return over the same route; (2) Between Tompkinsville, Ky. and Glasgow, Ky. serving the intermediate points of Temple Hill, Mt. Harmon, and Mud Lick, Ky.: From Tompkinsville, Ky. over Kentucky Highway 63 to Glasgow, Ky. and return over the some route; (3) Between Tompkinsville, Ky. and Center Point, Ky. serving the intermediate point of Meshack, Ky.: From Tompkinsville, Ky. over Kentucky Highway 100 to Center Point, Ky. and return over the same route; (4) Between Tompkinsville, Ky. and Fountain Run, Ky., serving the intermediate points of Gamaliel and Flippin, Ky.: From Tompkinsville, Ky. over Kentucky Highways 63 and 100 to Fountain Run, Ky. and return over the same route; (5) Between Louisville, Ky. and the junction of Kentucky Highway 100 with Interstate Highway 65, serving no intermediate points, as an alternate route for operating convenience only, and serving the junction of Interstate Highway 65 with Kentucky Highway 100 for purposes of joinder only: From Louisville, Ky. over Interstate Highway 65 to its junction with Kentucky Highway 100 and return over the same route; (6) Between the junction of Kentucky Highway 100 with Interstate Highway 65 and Fountain Run, Ky., serving the intermediate point of Holland, Ky.: From the junction of Kentucky Highway 100 with Interstate Highway 65 over Kentucky Highway 100 to Fountain Run, Ky. and return over the same route; and (7) Between Gamaliel, Ky. and Red Boiling Springs, Tenn., restricted to traffic having a prior or subsequent movement by bus: From Gamaliel over Kentucky Highway 63 to the Kentucky-Tennessee State Boundary Line, thence over Tennessee Highway 56 to Red Boiling Springs and return over the same route.

NOTE.—By instant application, applicant seeks routes (1) through (4) to convert its Certificate of Registration in No. MC 98438, to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at either Bowling Green, Ky. or Nashville, Tenn.

No. MC 103926 (Sub-No. 45), filed January 27, 1975. Applicant: W. T. MAYFIELD SONS TRUCKING CO., a corporation, P.O. Box 947, Mableton, Ga. 30059. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor graders, roadmaking, construction and earthmoving machinery and equipment,* from Owensboro, Ky., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.; Detroit, Mich.; Washington, D.C., or Louisville, Ky.

No. MC 106497 (Sub-No. 110), filed February 3, 1975. Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912 (Bus. Rte. I–44 East), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles,* from the plantsite and storage facilities of Chaparral Steel Company, Inc., located in Ellis County, Tex., to points in Arkansas, Colorado, Louisiana, Mississippi, New Mexico, Oklahoma, and Tennessee; and (2) *scrap iron and steel including scrap automobile bodies,* from points in Arkansas, Colorado, Louisiana, Mississippi, New Mexico, Oklahoma, and Tennessee, to the plantsite and storage facilities of Chaparral Steel Company, Inc., located in Ellis County, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Houston, Tex.

No. MC 106644 (Sub-No. 202), filed February 5, 1975. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., P.O. Box 916, Atlanta, Ga. 30301. Applicant's representative: W. Randall Tye, 1500 Candler Bldg., Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a)(1) *Lead* viz: Pigs, buttons, slabs, sheet, ingots, bars, billets, blooms, rods, rings, shapes, solder, flashing, wool, brick, wool blankets, pipe; (2) *materials and supplies* used in the processing and manufacturing of commodities in (1); *and* (3) *scrap copper, aluminum, brass, batteries, zinc,* for recycling and reuse, and (b)(1) *commodities* named in (1) and (2) between Atlanta, Ga., and points in Louisiana, Arkansas, Missouri, Iowa, Minnesota, and points in States east thereof, and (2) between points in Louisiana, Arkansas, Missouri, Iowa, Minnesota, and points east thereof on commodities in (3) above.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Washington, D.C.

No. MC 106674 (Sub-No. 157), filed February 6, 1975. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, asphalt roofing, and siding,* from Hammond and Whiting, Ind., to points in Illinois and Wisconsin, restricted to the transportation of traffic originating at the plantsites and warehouse facilities of Globe Industries, Inc. at Hammond and Whiting, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 107012 (Sub-No. 215), filed Feb. 3, 1975. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Artificial Christmas trees*, from the plantsite and warehouse facilities of Marathon Carey McFall Company, at Montgomery, Pa., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107743 (Sub-No. 33), filed February 7, 1975. Applicant: SYSTEM TRANSPORT, INC., P.O. Box 3456 TA, Spokane, Washington 99220. Applicant's representative: S. J. Cully, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral mixtures, dry animal and poultry feed and ingredients thereof*, and *dry fertilizer and ingredients thereof*, from the plant sites of Micro Lite, Inc., at or near Buflalo and Chanute, Kans., to points in California, Oregon, Idaho, Montana, Nevada, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Portland, Oreg., or Seattle, Wash.

No. MC 107818 (Sub-No. 75), filed February 5, 1975. Applicant: GREENSTEIN TRUCKING COMPANY, Corporation, 280 Northwest 12th Avenue, P.O. Box 608, Pompano Beach, Fla. 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods*, from Livonia, Mich., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 107839 (Sub-No. 160), filed January 27, 1975. Applicant: DENVER ALBUQUERQUE MOTOR TRANSPORT, INC., 2121 East 67th Avenue, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons, Jr., Suite 1600, Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* from the plantsites and storage facilities of Pepperidge Farms, Incorporated, at or near Richmond and Clearfield, Utah, to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 107993 (Sub-No. 35), filed January 27, 1975. Applicant: J. J. WILLIS TRUCKING COMPANY, a corporation, P.O. Box 5328, Terminal Station, Dallas, Tex. 75222. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Drilling tools*, between Houston, Tex., on the one hand, and, on the other, points in Arkansas, Arizona, California, Colorado, Idaho, Kansas, Louisiana, Montana, New Mexico, Nevada, Oklahoma, Oregon, Utah, Washington, and Wyoming; (2) *drilling machines and drilling machine parts*, between Houston and Sherman, Tex., on the one hand, and, on the other, points in Arkansas, Arizona, California, Colorado, Idaho, Kansas, Louisiana, Montana, New Mexico, Nevada, Oklahoma, Oregon, Utah, Washington, and Wyoming; and (3) *materials and supplies* (except commodities in bulk) used in the manufacture of the commodities listed in (1) and (2) above, from points in the United States (except Alaska and Hawaii), to Houston and Sherman, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Houston or Dallas, Tex.

No. MC 108119 (Sub-No. 42), filed February 10, 1975. Applicant: E. L. MURPHY TRUCKING CO., a corporation, 3303 Sibley Memorial Highway, P.O. Box 3010, St. Paul, Minn. 55165. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road building, earthmoving, construction equipment, and cranes;* (2) *attachments, accessories, and parts*, of commodities in (1) above; and (3) *materials and supplies*, used in the manufacture and construction of commodities in (1) and (2) above, between the plantsites and warehouse facilities of Grove Manufacturing Company, in Horry County, S.C., on the one hand, and, on the other, points in California, Connecticut, Idaho, Illinois, Indiana, Iowa, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Vermont, Washington, Wisconsin, and points in the Commercial Zones of Cincinnati, Ohio, Kansas City, Mo., and Council Bluffs, Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108393 (Sub-No. 87), filed February 3, 1975. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of electrical and gas appliances and equipment, and materials and supplies*, used in the manufacture, distribution and repair of electrical and gas appliances, (1) from Milwaukee, Wis., to Clyde, Ohio; and (2) between St. Charles Ill., and Clyde, Ohio, under a continuing contract or contracts with Whirlpool Corporation.

NOTE.—Dual operations and common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 108937 (Sub-No. 41), filed January 31, 1975. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Rd., St. Paul, Minn. 55113. Applicant's representative: R. L. Stevens (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, and those requiring special equipment), between the plant site of the 3M Company located at Wahpeton, N. Dak. and the plant site of the 3M Company at Hutchinson, Minn., from Wahpeton over North Dakota Highway 13 to junction Minn. Highway 210, thence over Minn. Highway 210 to U.S. Highway 52 (also known as Interstate Highway 94), thence over U.S. Highway 52 to junction Minn. Highway 15, thence over Minn. Highway 15 to Hutchinson, serving no intermediate points and restricted against tacking or joinder with any authority presently held by applicant.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 110098 (Sub-No. 149), filed February 5, 1975. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. W. Cothren, P.O. Box 20380, San Antonio, Tex. 78220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, 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 hides and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, Inc., at or near Crete, Nebr., to points in Arkansas, Kansas, Louisiana, New Mexico, Oklahoma, and Texas, restricted to the transportation of traffic originating at the above origin and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Omaha, Nebr., or Kansas City, Mo.

No. MC 112014 (Sub-No. 25), filed January 13, 1975. Applicant: SKAGIT VALLEY TRUCKING CO., INC., 1417 McLean Road, P.O. Box 400, Mount Vernon, Wash. 98273. Applicant's representative: Don Kohler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used agricultural machinery*, between points in

Skagit and Whatcom Counties, Wash., on the one hand, and, on the other, Salem, Albany, Roseburg, Eugene and Springfield, Oreg. (except points between Skagit County, Wash., on the one hand, and, on the other, Salem, Oreg.).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 112304 (Sub-No. 93), filed Feb. 3, 1975. Applicant: ACE DORAN HAULING & RIGGING COMPANY, a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John D. Herbert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled draglines, shovels and drills, and accessories, attachments, and parts*, for self-propelled draglines, shovels and drills; and (2) *material, equipment and supplies*, used or useful in the manufacture, sale or distribution of the commodities in (1) above, between points in the United States (including Alaska, but excluding Hawaii), restricted to shipments originating at or destined to the plants, warehouses, storage and other facilities owned, operated or used by Marion Power Shovel Co., Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 112520 (Sub-No. 299), filed February 4, 1975. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glue*, in bulk, from Orlando, Fla., to points in North Carolina.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Orlando, Fla., or Atlanta, Ga., or Washington, D.C.

No. MC 113300 (Sub-No. 10), filed February 6, 1975. Applicant: WILLIAM T. HERRON, Route 3, Marietta, Ohio 45750. Applicant's representative: Michael Spurlock, Ninth Floor, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are usually transported in dump vehicles, between points in Carter, Boyd, and Elliott Counties, Ky., and points in Preston and Randolph Counties, West Va., on the one hand, and, on the other, points in Washington County, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 113651 (Sub-No. 180), filed February 7, 1975. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Daniel S. Sullivan, 327 South LaSalle St., Suite 1000, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and 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); and (2) *frozen foods, foodstuffs, food ingredients, advertising material and specialities, and related equipment and supplies* when moving with commodities described in (1) above (except commodities in bulk), from Madison, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113678 (Sub-No. 577), filed Dec. 31, 1974. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shortening; vegetable oil; shortening NOI; cooking and salad oils; and oleo margarine*, not frozen (except commodities in bulk), from the facilities of PVO International, at or near St. Louis, Mo., to points in Colorado, Iowa, Kansas, Minnesota, and Nebraska, restricted to traffic originating at the above-named origin, and destined to the above-named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.; Omaha, Nebr., or Denver, Colo.

No. MC 113855 (Sub-No. 311), filed February 5, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials and supplies* used in the manufacture, sale or distribution of tractors or equipment designed for use in conjunction with tractors, from points in the United States (except Alaska and Hawaii), to Fargo, N. Dak.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or Minneapolis, Minn.

No. MC 114457 (Sub-No. 222), filed February 6, 1975. Applicant: DART TRANSIT COMPANY, 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose insulation*, from the plant and warehouse facilities of Diversified Insulation, Inc., at or near Wellsville, Kans., to points in Kansas, Missouri, Arkansas, Oklahoma, Texas, Illinois, Iowa, Colorado, and Nebraska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis-St. Paul, Minn., or Kansas City, Kans.

No. MC 115311 (Sub-No. 173) (Correction), filed December 17, 1974, published in the FEDERAL REGISTER issue of February 6, 1975, and republished as corrected this issue. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, complete, knocked down, or in sections; (2) *building sections and building panels*; (3) *parts and accessories*, used in the installation thereof; (4) *pre-fabricated structural components and panels*; and (5) *materials and supplies*, used in the manufacture, production and distribution of the commodities named in (1) through (4) above, between the plantsites and storage facilities of Stran-Steel Corporation, at or near LaGrange, Ga. on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and Louisiana.

NOTE.—The purpose of this republication is to clarify the commodities in (1) above. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115594 (Sub-No. 20), filed January 24, 1975. Applicant: HOLLOWAY MOTOR EXPRESS, INC., a corporation, P.O. Box 2337, East Gadsden, Ala. 35903. Applicant's representative: W. Randall Tye, 1400 Canider Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain, grain products, grain by-products, animal and poultry feeds and ingredients* thereof (except in bulk, in tank vehicles), (1) from Memphis, Tenn., to points in Mississippi bounded on the west by a line beginning at Memphis, Tenn., and extending easterly along U.S. Highway 51 and also Interstate Highway 55 to Jackson, Miss., thence along U.S. Highway 80 and also Interstate Highway 20 to the Mississippi-Alabama State Boundary line; (2) from Memphis, Tenn., to points in Alabama on and north of a line beginning at the Mississippi state line along U.S. Highway 80 to Demopolis, Ala., thence along U.S. Highway 43 to Grove Hill, Ala., thence along U.S. Highway 84 to Opp, Ala., thence along U.S. Highway 331 to the junction U.S. Highway 80, thence along U.S. Highway 80 to the Alabama-Georgia State Boundary line, and (3) from Memphis, Tenn, to points in Georgia bounded by a line beginning at the Georgia-Alabama State Boundary line at Columbus, Ga., by U.S. Highway 80 to Macon, Ga., thence along U.S. Highway 129 to Cleveland, Ga., and return on U.S. Highway 129 to Gainesville, Ga., thence along Georgia State Highway 53 to U.S. Highway 41 at Calhoun, Ga., thence Highway 53 to Rome, Ga., thence State Highway

20 to the Georgia-Alabama State Boundary line.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Memphis, Tenn., or Birmingham Ala.

No. MC 115841 (Sub-No. 497), filed February 10, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Suite 200, 105 Vulcan Rd., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, shortening, animal fats, vegetable oils and blends thereof* (except in bulk), from Bradley, Ill., and Kankakee, Ill., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 116004 (Sub-No. 34), filed January 30, 1975. Applicant: TEXAS-OKLAHOMA EXPRESS, INC., P.O. Box 47112, Dallas, Tex. 75247. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Foodstuffs* (1) Between Denison, Tex. and Henryetta, Okla.: From Denison over U.S. Highway 75 to Atoka, Okla., thence over U.S. Highway 69 to junction Indian Nation Turnpike, and thence over Indian Nation Turnpike to Henryetta, Okla., and return over the same route, serving no intermediate points; (2) Between Denison, Tex. and Ardmore, Okla.: From Denison over U.S. Highway 75 to Durant, Okla., thence over U.S. Highway 70 to Ardmore, and return over the same route, serving no intermediate points; and (3) Between Denison, Tex. and Marietta, Okla.: From Denison over U.S. Highway 75 to Sherman, Tex., thence over U.S. Highway 82 to junction U.S. Highway 77 (Interstate Highway 35), thence over U.S. Highway 77 (Interstate Highway 35), to Marietta, and return over the same routes, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Wichita, Kans., or Kansas City, Mo.

No. MC 117068 (Sub-No. 40), filed February 7, 1975. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aerial lift buckets* (except those which because of size or weight require the use of special equipment), from Emmetsburg, Iowa, to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used in the manufacture of the commodities named in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to Emmetsburg, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 117119 (Sub-No. 524), filed February 10, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and berries*, from points in Maine and Massachusetts, to the plantsites and storage facilities of Pepperidge Farm, Inc. at Richmond and Clearfield, Utah, restricted to traffic destined to the above named destination points.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 117551 (Sub-No. 9), filed February 5, 1975. Applicant: NEWS & FILM SERVICE, INC., 745 Lipan Street, Denver, Colo. 80204. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Motion picture and television film* and *theatre supplies:* (1) between Denver, Colo. and the junction of Interstate Highway 70 and the Colorado-Kansas State Boundary line: From Denver over Interstate Highway 70 to junction U.S. Highway 24 at or near Limon, Colo., thence over U.S. Highway 24 (Interstate Highway 70) to junction Colorado-Kansas State Boundary line, and return over the same route, serving all intermediate points on U.S. Highway 24 (Interstate Highway 70) between Limon, Colo., and the Colorado-Kansas State Boundary line; and (2) Between Denver, Colo., and Kremmling, Colo.: From Denver over U.S. Highway 6 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction U.S. Highway 40, thence over U.S. Highway 40 to Kremmling, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's authorized regular route operations between Denver, Colo. and Craig, Colo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 117557 (Sub-No. 20), filed February 6, 1975. Applicant: MATSON, INC., P.O. Box 43, Cedar Rapids, Iowa 52406. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled dragliners, shovels and drills, and accessories, attachments* and parts for self-propelled dragliners, shovels and drills; and (2) *Materials, equipment and supplies* used or useful in the manufacture, sale and distribution of the commodities in (1) above, between points in the United States (including Alaska, but excluding Hawaii), restricted to shipments originating at or destined to the plants, warehouses, storage and other facilities owned, operated or used by Marion Power Shovel Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 117574 (Sub-No. 260), filed February 7, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, Pa. 10713. Applicant's representative: E. S. Moore, Jr., (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* NOI, from the plantsite of Diamond International Corp., located at Passadumkeag, Maine, to points in Delaware, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Illinois, Indiana, and Kentucky, restricted to traffic originating at Passadumkeag, Maine, destined to points in the named States.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 117574 (Sub-No. 262), filed February 7, 1975, Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, Pa. 17013. Applicant's representative: James W. Hagar, P.O. Box 1166, 100 Pine Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cranes, crane attachments, accessories and parts* of such commodities, and *materials and supplies* used in the construction thereof, between the plant and warehouse facilities of the Grove Manufacturing Co., Division of Walter Kidde, in Horry County, S.C., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, restricted to traffic originating or destined to the above named facilities.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117574 (Sub-No. 264), filed February 7, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, Pa. 17013. Applicant's representative: James W. Hagar, 100 Pine Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyvinyl chloride conduit and siding and attachments, fittings and materials* used in the installation of conduit and siding, between the plantsite, warehouse, or storage facility of Certain-Teed Products Corporation, at or near Williamsport, Md., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois,

Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at or destined to the plantsite or points mentioned above.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117686 (Sub-No. 153), filed February 7, 1975. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, 5000 South Lewis Blvd., Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, 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 hides and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, Inc. at or near Crete, Nebr., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 117815 (Sub-No. 239), filed February 7, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. 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 packinghouse* 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 (except hides and commodities in bulk), between Wichita, Kans., on the one hand, and, on the other, points in Nebraska, Iowa, Illinois, Missouri, Minnesota, Indiana, Ohio, Wisconsin, and Michigan, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., or Omaha, Nebr.

No. MC 118142 (Sub-No. 87), filed February 4, 1975. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: M. Bruenger (same address as applicant). 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 hides and commodities in bulk), from the plant site and storage facilities of or utilized by Farmland Foods, Inc., located at or near Crete, Nebr., to points in Arizona, California, Colorado, Idaho, Kansas, Louisiana, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming, restricted to the transportation of traffic originating at the above specified origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 118569 (Sub-No. 3), filed August 21, 1974. Applicant: HALBERG CONSTRUCTION & SUPPLY, INC., Box 529, Virginia, Minn. 55792. Applicant's representative: Robert F. Berger, 200 First National Bank Building, Virginia, Minn. 55792. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea fertilizer*, liquid and dry, in bag and bulk, from the docks of the Hallet Dock Company in Duluth, Minn., to points in Wisconsin, North Dakota, South Dakota, Minnesota, Iowa, and Montana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, St. Paul, or Duluth, Minn.

No. MC 118959 (Sub-No. 123), filed February 7, 1975. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from the facilities of Georgia-Pacific Corporation at or near Norwood, Ohio, to points in Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Nevada, Arizona, Washington, Oregon and California; and (2) *materials, equipment and supplies* used in the production or distribution of paper and paper products (except in bulk), from the destination states in (1) above, to the facilities of Georgia-Pacific Corporation at or near Norwood, Ohio, restricted to the transportation of shipments originating at or destined to the facilities of Georgia-Pacific Corporation.

NOTE.—Applicant holds contract carrier authority in MC 125664, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118989 (Sub-No. 120), filed February 6, 1975. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Suite 2108, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends* when moving in mixed loads with metal containers: (1) from the plant and warehouse sites of Continental Can Company at Omaha, Nebr., to Chicago, Ill.; (2) from the plant and warehouse sites of Continental Can Company at Mankato, Minn., to points in Wisconsin; and (3) from the plant and warehouse sites of American Can Company at St. Paul, Minn., to points in Iowa, Illinois, Indiana, Nebraska, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119388 (Sub-No. 18), filed January 24, 1975. Applicant: GLEN R. ELLIS, INC., 3911 Jerome Ave., Chattanooga, Tenn. 37407. Applicant's representative: Blaine Buchanan, 1024 James Bldg., Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt liquor and malt beverages*, with related advertising material when moving therewith, (1) from Detroit, Mich., to points in Tennessee (except Chattanooga), points in Kentucky on and west of U.S. Highway 31-E, and Birmingham, Ala., (2) from Baltimore, Md., to points in Kentucky on and west of U.S. Highway 31-E and to points in Tennessee west of the Tennessee River's west crossing of the State of Tennessee, (3) from Pittsburgh, Pa., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee, and (4) from Philadelphia, Pa., and Cleveland, Ohio, to points in Florida, Georgia, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chattanooga, Tenn., or Atlanta, Ga.

No. MC 119641 (Sub-No. 127), filed February 10, 1975. Applicant: RINGLE EXPRESS, INC., 450 East 9th Street, Fowler, Ind. 47944. Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, 425 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in, or used by, agricultural equipment, industrial equipment, and lawn and leisure product dealers (except commodities in bulk): (a) from the facilities of Deere and Company in Black Hawk, Dubuque, Polk, Scott, and Wapello Counties, Iowa, Rock Island County, Ill., and Dodge County, Wis., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; (b) from the facilities of Deere and Company in Polk, Scott, and Wapello Counties, Iowa, Rock Island County, Ill., and Dodge County, Wis., to points in Arkansas and Louisiana; (c) from the facilities of Deere and Company in Black Hawk, Dubuque, and Wapello Counties, Iowa, and Dodge County, Wis., to points in Michigan; and (d) from the facilities of Deere and Company in Polk and Scott Counties, Iowa, and Rock Island County,

Ill., to points in the lower peninsula of Michigan; and (2) *returned shipments* of the above-named commodities, from the destination states named in (1) above, to the facilities of Deere and Company named in (1) above, restricted in (1) above (a) to traffic originating at the named facilities of Deere & Company, and (b) to traffic destined to the points named (except that the restriction in (b) above shall not apply to traffic moving in foreign commerce), and restricted in (2) above to traffic destined to the named facilities of Deere & Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 119700 (Sub-No. 26), filed February 3, 1975. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, Mo. 64125. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flattened car bodies and solid waste*, from points in Arkansas, Iowa, Kansas, Missouri, Nebraska, Oklahoma, Tennessee, and Texas, to Fond Du Lac, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 119726 (Sub-No. 50), filed February 6, 1975. Applicant: N.A.B. TRUCKING CO., INC., 3220 Bluff Road, Indianapolis, Ind. 46217. Applicant's representative: H. Frederick Heller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures thereof*, including caps, covers, and tops, from Dunkirk, Ind., to points in North Dakota, South Dakota, Minnesota, Iowa, and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Tulsa, Okla.

No. MC 119726 (Sub-No. 51), filed February 6, 1975. Applicant: N.A.B. TRUCKING CO., INC., 3220 Bluff Road, Indianapolis, Ind. 46217. Applicant's representative: H. Frederick Heller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Common ground clay and ground soapstone* (except in bulk), from Gonzales, Palestine and Zavalla, Tex., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Tennessee, Oklahoma and New Jersey; and (2) *ground barites* (except in bulk), from Gonzales, Houston, and Zavalla, Tex., and Morgan City, La., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or San Antonio, Tex.

No. MC 119726 (Sub-No. 52), filed February 10, 1975. Applicant: N.A.B. TRUCKING CO., INC., 3220 Bluff Road, Indianapolis, Ind. 46217. Applicant's representative: H. Frederick Heller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, and clay products*, in bags and bales, from points in Sumter County, S.C., and points in Thomas County, Ga., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Michigan, Indiana, Ohio, Pennsylvania, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia, and Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa., or Indianapolis, Ind.

No. MC 119777 (Sub-No. 318), filed January 27, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: John B. Ratliff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper bags*, NOIBN, (1) from points in the United States (except Alaska and Hawaii), to Paris, Ill.; and (2) from points in the United States (except Alaska and Hawaii), to Danville, Ill.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 126970 Subs 1 and 3, therefore dual operations may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Terre Haute or Indianapolis, Ind.

No. MC 119789 (Sub-No. 236), filed February 3, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold (same address as applicant). 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 to Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities of MBPXL Corporation located at Wichita, Kans., to points in Ohio, Kentucky, North Carolina, South Carolina, New York, New Jersey, Massachusetts, Rhode Island, Connecticut, Delaware, Virginia, Maine, New Hampshire, Vermont, and Pennsylvania, restricted to transportation of traffic originating at the above named origins destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held either at Wichita, Kans., or Amarillo, Tex.

No. MC 119789 (Sub-No. 237), filed February 4, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grass seed*, in containers, *fertilizer compounds*, in containers, *fertilizer and seed distributors, grass catchers, weed killing compounds* in containers, *agricultural pesticides*, in containers, *mowers and mower parts, agricultural implements, turf aerators, rubber or plastic products, lawn sprinklers, electric metal signs and advertising displays and matter*, from the facilities of O. M. Scott & Son located at Marysville, Ohio, to points in Alabama, Georgia, Florida, and South Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 119934 (Sub-No. 201), filed February 7, 1975. Applicant: ECOFF TRUCKING, INC., 625 E. Broadway, Fortville, Ind. 46040. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corn products*, dry, in bulk, in tank or hopper-type vehicles, from Danville, Ill., to points in the United States (except Alaska, Hawaii, Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin); and (2) *soybean products*, dry, in bulk, in tank or hopper-type vehicles, from Danville, Ill., to points in the United States (except Alaska, Hawaii, Illinois, Indiana, Ohio, and Michigan).

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 119974 (Sub-No. 47), filed February 7, 1975. Applicant: L. C. L. TRANSIT COMPANY, 949 Advance St., Green Bay, Wis. 54304. Applicant's representative: L. F. Abel, P.O. Box 949, Green Bay, Wis. 54305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, 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 hides and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, Inc., located at or near Crete, Nebr., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota, and Wisconsin, restricted to the transportation of traffic originating at the above origin and destined to the above-named destinations.

NOTE.—If a hearing is deeemd necessary, the applicant requests it be held at either Kansas City, Mo., or Washington, D.C.

No. MC 120098 (Sub-No. 24), filed February 4, 1975. Applicant: UINTAH FREIGHTWAYS, 1030 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: William S. Richards, 1515 Walker Bank Bldg., P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from

Houck, Ariz., to points in Utah, Colorado, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary the applicant requests it be held at Vernal or Salt Lake City, Utah.

No. MC 120181 (Sub-No. 6), filed January 13, 1975. Applicant: MAIN LINE HAULING CO., INC., P.O. Box C, St. Clair, Mo. 63077. Applicant's representative: William H. Shawn, 1730 M Street NW., Suit 501, Washington, D.C. 20036. 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 special equipment) Between Memphis, Tenn., and St. Louis, Mo., and points in St. Louis County, Mo.: From Memphis, Tenn., over Interstate Highway 55 to St. Louis, Mo., and points in St. Louis County, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either St. Louis, Mo., or Memphis, Tenn.

No. MC 120761 (Sub-No. 3), filed February 6, 1975. Applicant: NEWMAN BROS. TRUCKING COMPANY, a corporation, 6559 Midway Road, Fort Worth, Tex. 76118. Applicant's representative: R. E. Newman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel* and *iron and steel articles*, from the plantsite of Texas Steel Company at Fort Worth, Tex., to points in New Mexico, Oklahoma, Kansas, Louisiana and Arkansas; and (2) *scrap metal*, from points in New Mexico, Oklahoma, Kansas, Louisiana, and Arkansas, to the plantsite of Texas Steel Company at Fort Worth, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Dallas, Tex.

No. MC 123387 (Sub-No. 3), filed February 7, 1975. Applicant: E. E. HENRY, 1923 Sparrow Road, Chesapeake, Va. 23320. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in the Norfolk, Va., Commercial Zone.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Norfolk, Va.

No. MC 123407 (Sub-No. 223), filed Feb. 3, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete roof tile*, from the plantsite of Century Roof Tile, located at or near Albuquerque, N.M., to points in Texas, Kansas, Oklahoma, and Utah.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex., or Chicago, Ill.

No. MC 124170 (Sub-No. 51), filed February 4, 1975. Applicant: FROSTWAYS, INC., 3900 Orleans Street, Detroit, Mich. 48207. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Trenton, N.J., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Kentucky, Tennessee, and Arkansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 124211 (Sub-No. 255), filed February 5, 1975. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular and regular routes, transporting: (1) Irregular routes: *Commodities* intended for use or sale by distributors of distillers of alcoholic beverages (except commodities in bulk, in tank or hopper type vehicles), (a) between Houston, Tex., and New Orleans, La., on the one hand, and, on the other, points in Colorado; (b) between points in Peoria and Tazewell Counties, Ill., on the one, hand, and, on the other, points in the United States on and west of U.S. Highway 61 (except Alaska and Hawaii), and (c) between points in Nebraska, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). (2) Regular routes: *Foodstuffs* (except frozen foodstuffs, meats and packinghouse products, and commodities in bulk, in tank or hopper type vehicles), and *ingredients* of foodstuffs, and *materials, equipment and supplies* used in their production and distribution, serving points in Clay County, Iowa, as intermediate and off-route points in connection with carrier's presently authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 124306 (Sub-No. 17), filed February 5, 1975. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, N.C. 27514. Applicant's representative: Francis W. McInerny, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum distillates*, in bulk, in tank vehicles, from Severn, N.C., to Charleston, S.C.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Charleston, S.C.

No. MC 125280 (Sub-No. 1), filed February 3, 1975. Applicant: FLOYD A. PINCKNEY, doing business as BUD'S WRECKER SERVICE, 959 Chicago Drive SW., Grand Rapids, Mich. 49509. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, repossessed, and replacement motor vehicles* (except trailers designed to be drawn by passenger automobiles), between points in that part of Michigan, on and west of a line beginning at Mackinaw City, Mich., and extending along U.S. Highway 23 to Cheboygan, Mich., thence along Michigan State Highway 27 to junction Interstate Highway 75; thence along Interstate Highway 75 to junction U.S. Highway 27; thence along Interstate Highway 75 to Mt. Pleasant, Mich.; thence along Michigan State Highway 20, to junction Michigan State Highway 66 at Remus, Mich.; thence along Michigan State Highway 66 to the Michigan-Indiana border, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lansing or Detroit, Mich.

No. MC 125518 (Sub-No. 8), filed February 10, 1975. Applicant: CLETUS RUHLMAN, doing business as C. RUHLMAN TRUCKING COMPANY, 265 South Riverside Drive, New Miami, Ohio 45012. Applicant's representative: Norbert B. Flick, 715 Executive Building, 35 East Seventh Street, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Slag*, in bulk, in dump vehicles, from Hamilton and Middletown, Ohio, to Indianapolis, Ind., under a continuing contract or contracts with The Calumite Company; and (2) *sand and gravel*, in bulk, in dump vehicles, from Harrison, Ohio, to points in Franklin County, Ind., under a continuing contract or contracts with American Materials Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cincinnati or Columbus, Ohio.

No. MC 125956 (Sub-No. 5), filed January 28, 1975. Applicant: JOHNSON BROTHERS TRUCKING COMPANY, a corporation, 501 East Spring Street, Herndon, Va. 22070. Applicant's representative: James Anton, 335 Maryland Avenue NE., Washington, D.C. 20002. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, cement cinder, and concrete block, sand and gravel, lintel, flue lining and fireplace dampers, clean out doors and ash*

dumps (except cement in bulk), (1) From Herndon, Va., to points in Maryland (except Prince Georges, Charles, and Montgomery Counties), and (2) from points in Maryland, to points in Virginia and the District of Columbia, under a continuing contract or contracts with Cherrydale Cement Block Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127264 (Sub-No. 5), filed February 6, 1975. Applicant: AMERICAN PARCEL SERVICE, INC., 1800 E. Bessemer Ave., Greensboro, N.C. 27405. Applicant's representative: Guy H. Postell, 3384 Peachtree Rd. NE., Suite 713, Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment and supplies*, sold, used or distributed by a manufacturer of cosmetics, (1) from Charlotte, N.C., to Richmond County, N.C., and Chesterfield, Darlington, Fairfield, Kershaw, Lancaster, and Marlboro Counties, S.C.; (2) from Columbia, S.C., to Abbeville, Aiken, Bamberg, Barnwell, Calhoun, Clarendon, Dillon, Dorchester, Edgefield, Florence, Greenwood, Horry, Lee, Lexington, Marion, McCormick, Newberry, Orangeburg, Richland, Saluda, Sumter, and Williamsburg Counties, S.C.; and (3) from Greenville, S.C., to Abbeville, Anderson, Greenville, Greenwood, Laurens, Newberry, Oconee, Pickens, and Spartanburg, S.C., under a continuing contract, or contracts with Avon Products, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 127539 (Sub-No. 41), filed February 7, 1975. Applicant: PARKER REFRIGERATED SERVICE, INC., 1108 54th Avenue East, Tacoma, Wash. 98424. Applicant's representative: George R. LaBissoniere, Suite 101, 130 Andover Park East, P.O. Box 88968, Tukwila Branch, Seattle, Wash. 98188. Authority sought to operate a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, from Nampa, Idaho, to points in California, restricted to traffic moving in mixed shipments with traffic originating at Wheeler and Othello, Wash.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 128007 (Sub-No. 74), filed February 5, 1975. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: Clyde N. Christey, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed and fertilizer ingredients*, from Portsmouth, Va., to points in Kansas, Oklahoma, Nebraska, Illinois, Minnesota, Iowa, Missouri and Arkansas, and (2) *trace minerals, and pigments*, from Sangamon County, Ill., to points in Alabama, Arkansas, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, New Mexico, Oklahoma, South Dakota, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 128117 (Sub-No. 21), filed February 7, 1975. Applicant: NORTON-RAMSEY MOTOR LINES, INC., P.O. Box 896, Hickory, N.C. 28601. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Interior packing forms* made of moulded pulp, for furniture, nested, in cartons, from Jacksonville, Tex., to points in North Carolina, South Carolina, Tennessee, Virginia, and Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 128270 (Sub-No. 12), filed February 5, 1975. Applicant: REDIEHS INTERSTATE, INC., 1477 Ripley Street, East Gary, Ind. 46405. Applicant's representative: Richard A. Kerwin, 127 North Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, (1) between the plant site of SSS Steel Corp., at Waukesha, Wis., on the one hand, and, on the other, points in Illinois and Iowa; and (2) between points in Milwaukee County, Wis., on the one hand, and, on the other, points in Iowa, Missouri, Illinois, Indiana, and Michigan.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 128383 (Sub-No. 57) (Amendment), filed July 24, 1974, published in the FEDERAL REGISTER issue of August 29, 1974, and republished, as amended, this issue. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General* commodities (except commodities in bulk, classes A and B explosives, and motor vehicles requiring the use of special equipment), between Logan International Airport at or near Boston, Mass., Bradley International Airport, Windsor Locks, Conn., Tweed-New Haven Airport, New Haven, Conn., Greater Buffalo International Airport, Erie County, N.Y., John F. Kennedy International Airport, New York, N.Y., LaGuardia Airport, New York, N.Y., Newark Airport, Newark, N.J., Greater Wilmington Airport, Wilmington, Del., Philadelphia International Airport, Philadelphia, Pa., Baltimore-Washington International Airport, Anne Arundel County, Md., Washington National Airport, Gravelly Point, Va., and Dulles International Airport in Fairfax and Loudon Counties, Va., on the one hand, and, on the other, the Akron-Canton Regional Airport at or near Akron, Ohio, Cleveland Hopkins International Airport at or near Cleveland, Ohio, Port Columbus International Airport at or near Columbus, Ohio, the James M. Cox-Dayton Municipal Airport at or near Vandalia, Ohio, the Toledo Express Airport at or near Toledo, Ohio and the Municipal Airport at or near Youngstown, Ohio.

NOTE.—The purpose of this republication is to amend the authority originally requested. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128709 (Sub-No. 4), filed February 10, 1975. Applicant: PARIS MOTOR FREIGHT, INC., 903 South Y Street, Fort Smith, Ark. 72901. Applicant's representative: Don A. Smith, Post Office Box 43, Fort Smith, Ark. 72901. 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 special equipment), Between Subiaco, Ark. and Morrison Bluff, Ark.: From Subiaco, Ark., over Arkansas Highway 109 to Morrison Bluff, Ark., and return over the same route, serving all intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Fort Smith, Ark.

No. MC 129205 (Sub-No. 4), filed February 5, 1975. Applicant: GEORGE D. ELLIS, Waterview, Va. 23108. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, in bulk, from Salisbury, Md., to Barnhardt Farms in or near Urbana, Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 129265 (Sub-No. 3), filed January 31, 1975. Applicant: RAPID TRANSFER SERVICE, INC., 1645 Central Avenue, Albany, N.Y. 12205. Applicant's representative: Neil D. Breslin, 99 Washington Avenue, Albany, N.Y. 12210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, commodities, household goods as defined by the Commission, Classes A and B explosives, and those requiring special equipment), restricted to shipments of 100 pounds or less, weighing in the aggregate 500 pounds or less on any movement from one consignor to one consignee and having prior or subsequent movement by air, between the Albany County Airport in Colonie (Albany County), N.Y., on the one hand, and, on the other, points in Rutland, Windsor, Bennington, Windham, Franklin, Chittenden, Addison, Orange, Washington, Lamoille, Sullivan, Cheshire Counties, Vt.; Berkshire, Franklin, Hampshire,

and Hampden Counties, Mass.; and Albany, Columbia, Greene, Hamilton, Herkimer, Montgomery, Orange, Otsego, Rensselaer, Saratoga, Schoharie, Schenectady, Sullivan, Ulster, Warren, Washington, Clinton, Franklin, Oneida, Madisos, Chenango, and Broome Counties, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Albany, N.Y.

No. MC 129788 (Sub-No. 2), filed February 4, 1975. Applicant: NASS TRUCK LINES, INC., Box H, Wenona, Ill. 61377. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, and related advertising materials*, from Detroit, Mich., St. Louis, Mo., and Fort Wayne, Ind., to Galesburg, Macomb, Rock Island, Rockford, and Bloomington, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 133655 (Sub-No. 82), filed February 6, 1975. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 4168, Amarillo, Tex. 79105. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. 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 hides and commodities in bulk), from the plantsites and storage facilities of MBPXL Corp., located at Wichita, Kans., to points in New York, Virginia, West Virginia, New Jersey, Pennsylvania, Connecticut, Massachusetts, Delaware, Rhode Island, Maryland, and the District of Columbia, restricted to transportation of traffic originating at the above-named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 133966 (Sub-No. 40), filed February 5, 1975. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, Pa. 18707. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyethylene film*, from the facilities of Deerfield Plastic Company, Inc., located at South Deerfield, Mass., to points in Ohio, Virginia, Georgia, North Carolina, South Carolina, and Tennessee.

NOTE.—Applicant holds contract carrier authority in MC 139962, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 134142 (Sub-No. 8), filed January 31, 1975. Applicant: BROWN REFRIGERATED EXPRESS, INC., P.O. Box 603, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 1403 S. Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are processed and/or dealt in by Kay-Gee Sales, Inc. (except commodities in bulk and commodities which, because of size or weight, require the use of special transportation equipment), between points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Kay-Gee Sales, Inc.

NOTE.—Applicant holds common carrier authority in MC 139587 and Sub-No. 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 134145 (Sub-No. 57), filed February 5, 1975. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1, Highway 1 and 59 West, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts*, computing machine, and *materials and supplies* used in the manufacture or operation thereof (except commodities in bulk), from New York, N.Y., to Minneapolis-St. Paul, Minn., under a continuing contract or contracts with Control Data Corporation.

NOTE.—Applicant holds pending motor common carrier authority in No. MC 135231 (Sub-No. 5), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC 134319 (Sub-No. 4), filed Feb. 3, 1975. Applicant: BRAAFLADT TRANSPORT COMPANY, a corporation, 501 North Broadway, P.O. Box 1065, Dimmitt, Tex. 79027. Applicant's representative: John C. Sims, 1607 Broadway, P.O. Box 2976, Lubbock, Tex. 79408. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in tank vehicles, from the plantsite and storage facilities of Beker Industries Corporation, at or near Carlsbad, N. Mex., to points in Texas, Arizona, Oklahoma, Colorado, California, and Louisiana, restricted to those movements originating at the plantsite of Beker Industries Corp., at or near Carlsbad, N. Mex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Carlsbad, or Albuquerque, N. Mex.

No. MC 134401 (Sub-No. 11), filed February 3, 1975. Applicant: SHERWOOD W. HUME, doing business as HUME EQUIPMENT COMPANY, 734 Main Street East, R.R. 1, Milton, Ontario, Canada L9T 2X5. Applicant's representative: Robert D. Gunderman, Suite 710 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lawn and garden tractors, tillers, mowers, snow throwers*, and *parts and attachments* therefor, and *such materials and equipment* as is normally handled by dealers in farm machinery or dealers in lawn and garden tractors, from points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, Virginia, West Virginia, and Wisconsin, to ports of entry on the International Boundary line between the United States and Canada located in Michigan, New York, Maine, and Vermont, restricted to traffic moving in foreign commerce.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 134755 (Sub-No. 50), filed February 5, 1975. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner Street, P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat packing houses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Cudahy Foods Co., at Wichita, Kans., to points in Alabama, Georgia, Mississippi, Louisiana, and Florida, restricted to traffic originating at the named origin and destined to points in the named destinations.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Wichita, Kans.

No. MC 134755 (Sub-No. 51), filed February 10, 1975. Applicant: CHARTER EXPRESS, INC., 1959 East Turner Street, P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and 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 hides and commodities in bulk), from the plantsites and storage facilities of MBPXL Corporation at Wichita, Kans., to points in Connecticut, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Delaware, Alabama, Georgia, North Carolina, South Carolina, Florida, and Tennessee, restricted to shipments originating at the named origins and destined to points in the named destination states.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Wichita, Kans., or Dallas, Tex.

No. MC 134983 (Sub-No. 2), filed February 5, 1975. Applicant: MID CONTINENT TRUCKING COMPANY, a corporation, 204 Morningside Drive, Denison, Iowa 51442. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products and articles distributed by meat packing houses* 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 and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, Inc., located at or near Crete, Nebr., to points in the United States (except Alaska and Hawaii); and (2) *return shipments* of the above commodities, and *materials supplies and equipment* utilized in the manufacture, sale and distribution of the above commodities, from points in the United States (except Alaska and Hawaii), to the plantsite and storage facilities of or utilized by Farmland Foods, Inc., located at or near Crete, Nebr., under a continuing contract or contracts with Farmland Foods, Inc., restricted to shipments originating at or destined to the plantsite and storage facilities of Farmland Foods, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Lincoln, Nebr.

No. MC 135437 (Sub-No. 3), filed February 6, 1975. Applicant: TRI-NORTHEASTERN TRANSPORT, INC., South Main Street, Lyndonville, N.Y. 14098. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen foodstuffs* (except in bulk), *and materials, supplies and equipment* used in the manufacture, sale or distribution of unfrozen foodstuffs (except in bulk), between Owensboro, Ky., on the one hand, and, on the other, points in Ohio, Indiana, Illinois, on and south of Interstate Highway 70, on and west of Interstate Highway 77, and on and east of Interstate Highway 55; and points in Tennessee and Kentucky, restricted to traffic originating at or destined to the traffic originating at or destined to the plantsite of Ragu Foods, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo or Syracuse, N.Y.

No. MC 135936 (Sub-No. 15), filed February 7, 1975. Applicant: C & K TRANSPORT, INC., P.O. Box 1073, Iowa Falls, Iowa 50126. Applicant's representative: E. Stephen Heisley, Suite 805, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, 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 hides and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, Inc., at or near Crete, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia, restricted to the transportation of traffic originating at the above origin and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or Kansas City, Mo.

No. MC 136008 (Sub-No. 49), filed February 3, 1975. Applicant: JOE BROWN COMPANY, INC., 20 Third Street, N.E., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23rd Street, Oklahoma City, Oklahoma 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Crushed limestone*, From points in Oklahoma to points in Texas (except (1) from the facilities of Sooner Rock Quarry at or near Davis, Okla. and the facilities of Delta Mining Corporation, Ryder Station, at or near Mill Creek, Okla. to points in Texas; (2) between points in Dallas, Tarrant and Parker Counties, Texas, on the one hand, and, on the other, points in Atoka, Bryan, Carter, Comanche, Cotton, Harmon, Jackson, Jefferson, Johnston, Kiowa, Love, Marshall, Stephens, Texas, Tillman, Cimarron, and Beaver Counties, Okla.; and (3) from points in Sequoyah, McCurtain, Choctaw and Pushmataha Counties, Okla. to points in Texas); (b) *aggregate, stone, rock, gravel and sand*, between points in Oklahoma, on the one hand, and, on the other, points in Arkansas (except points in Lafayette and Miller Counties, Ark.), Colorado, Kansas, Missouri (except Springfield, St. Louis Commercial Zone, Hannibal and Verona, Mo.), New Mexico, and Texas, restricted against the transportation of traffic originating at the plant site of Superock, Inc., at Streetman, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla., or Dallas, Tex.

No. MC 136166 (Sub-No. 16), filed February 5, 1975. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, P.O. Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Palm oil* and *coconut oil*, and *liquid derivatives* thereof, in bulk, in tank vehicles, from the processing plant of Palmco, Inc. at Portland, Oreg., to points in the United States, including Alaska but excluding Hawaii; and (2) *rejected shipments* of the commodities in (1) above, on return.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg., or San Francisco, Calif.

No. MC 136212 (Sub-No. 13), filed February 6, 1975. Applicant: JENSEN TRUCKING COMPANY, INC., P.O. Box 349, Gothenburg, Nebr. 69138. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. 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 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 and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, Inc., located at or near Crete, Nebr., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota, and Wisconsin, restricted to the transportation of traffic originating at the above origin and destined to the above-named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 138438 (Sub-No. 12), filed February 3, 1975. Applicant: D. M. BOWMAN, INC., 15 East Oak Ridge Drive, Route 9, Box 26, Hagerstown, Md. 21740. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Richlands, Glasgow, Marion, Richmond, Somerset, and Salem, Va., to points in Pennsylvania.

NOTE.—Applicant holds contract carrier authority in MC 117613, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 138469 (Sub-No. 11), filed January 30, 1975. Applicant: DONCO CARRIERS, INC., 1001 South Rockwell, P.O. Box 75354, Oklahoma City, Okla. 73107. Applicant's representative: Wm. L. Peterson, Jr., 401 N. Hudson, P.O. Box 917, Suite 200, Oklahoma City, Okla. 73101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bicycles, bicycle parts, bicycle accessories and materials and supplies* used in the manufacture and for assembly of bicycles, bicycle parts and bicycle accessories, between Enid, Okla., on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, and Oklahoma).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla., or Enid, Okla.

No. MC 138809 (Sub-No. 2), filed February 3, 1975. Applicant: CROSS COUNTRY EXPRESS, INC., Jessup Road and Route 295, Thorofare, N.J. 08086. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St.

Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat poducts, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk), from the plantsite and storage facilities of Royal Packing Co., located at or near National City, Ill., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Tennessee, Kentucky, Ohio, Illinois, Indiana, Michigan, Wisconsin, and the District of Columbia, under a continuing contract with Royal Packing Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or St. Louis, Mo.

No. MC 139495 (Sub-No. 33), filed January 31, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations and related personal care products*, from St. Paul, Minn., to Los Angeles, Calif.; Seattle, Wash.; Dallas, Tex.; Atlanta, Ga.; Kansas City and St. Louis, Mo.; Richmond, Va.; Baltimore, Md.; Denver, Colo.; Salt Lake City, Utah; Omaha, Nebr.; Indianapolis, Ind.; and points in Ohio, Pennsylvania and New Jersey.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 34), filed February 5, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 18th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, toilet preparations, medical instruments, and chemicals*, in vehicles equipped with mechanical refrigeration, from the facilities of Miles Laboratories, Inc. located at or near Elkhart, Ind. and West Haven, Conn., to points in Indiana, Tennessee, Missouri, Texas, and Colorado.

NOTE.—Applicant holds motor contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 35), filed February 7, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sauerkraut and kraut juice*, in containers, from Union Grove, Wis., to Oklahoma City and Tulsa, Okla., and points in Colorado, Kansas, Missouri, Texas, California, Arizona, New Mexico, Tennessee, and Kentucky.

NOTE.—Applicant holds contract carrier authority in MC 133106 and other Subs, therefore dual operations may be involved. If hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140012 (Sub-No. 1), filed January 30, 1975. Applicant: JAMES O. JENKINS, 223 South First West, Preston, Idaho 83263. Applicant's representative: Mr. J. Dennis Williams, P.O. Box 191, Preston, Idaho 83263. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers*, in containers, from Clearfield, Utah, to Burley, Franklin, and Pocatello, Idaho, and Smithfield, Utah, under a continuing contract with Del Monte Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Utah, or Idaho.

No. MC 140042 (Sub-No. 2) (Amendment), filed November 1, 1974, published in the FEDERAL REGISTER issue of December 12, 1974, and republished, in part, as amended this issue. Applicant: ROBERT H. DITTRICH, doing business as BOB DITTRICH TRUCKING, 1100 North Front Street, New Ulm, Minn. 56073. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty drums*, in shipper owned trailers, (2) from the plantsite of Minnesota Steel Drum Co., New Ulm, Minn., to the plantsite of Land O' Lakes, Inc. at Spencer, Wis.

NOTE.—The purpose of this republication is to indicate the correct origin plantsite in (2) above. The rest of the notice remains as previously published. Applicant holds common carrier authority in MC 128951 Sub-4 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 140276 (Sub-No. 2), filed February 10, 1975. Applicant: C & D LEASING, INC., Morton, Minn. 56270. Applicant's representative: F. H. Kroeger, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut, pre-fab buildings and accessories*, from Morton and Redwood Falls, Minn., to points in Illinois, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 140310 (Sub-No. 1), filed February 10, 1975. Applicant: WALTER J. GRIFFIN, JR., P.O. Box 327, Monroe, N.C. 28110. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Office or business machine stands, and office or business machine stand parts*, from Monroe, N.C., to Plymouth, Mich., under contract with Oro Manufacturing Company, Inc., at Monroe, N.C.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Charlotte or Raleigh, N.C.

No. MC 140369, filed December 18, 1974. Applicant GEORGE L. MERRILL, Jr., doing business as DYER'S EXPRESS, Airport Road, East Clarendon, Vt. 05759. Applicant's representative: David W. Curtis, 192 College Street, P.O. Box 567, Burlington, Vt. 05401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Vermont.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Rutland or Montpelier, Vt.

No. MC 140436 (Sub-No. 2), filed November 22, 1974. Applicant: JACK P. CONLEY, doing business as JACK CONLEY TRUCKING COMPANY, P.O. Box 271, Crab Orchard, W. Va. 25801. Applicant's representative: James Douglas Crane, P.O. Box 1024, Beckley, W. Va. 25801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from the facilities of Lugar Lumber Company, Inc., at or near Pineville and Layland, W. Va., to Covington, Va., under a continuing contract or contracts with Lugar Lumber Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 140448 (Sub-No. 1) (Correction), filed January 21, 1975, published in the FEDERAL REGISTER issue of February 13, 1975, and republished as corrected this issue. Applicant: KENDALL R. STEWART AND KENNETH W. STEWART, a partnership, doing business as K & K STEWART TRUCKING COMPANY, Ky. Hy. 15, P.O. Box 126, Clay City, Ky. 40312. Applicant's representative: R. H. Kinker, 711 McClure Bldg., P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk from points in Breathitt, Clay, Floyd, Jackson, Johnson, Knox, Laurel, Lee, Magoffin, Owsley, Perry, Rockcastle, Wolfe, and Whitley Counties, Ky., to Cincinnati, Columbus, Dayton, Fairborn, Hamilton, Middletown and Springfield, Ohio.

NOTE.—The purpose of this republication is to indicate applicant's correct name. If a hearing is deemed necessary, the applicant requests it be held at Lexington or Louisville, Ky.

No. MC 140464 (Sub-No. 1), filed January 15, 1975. Applicant: D-X TRUCKING, INC., 2432 Sylvania Avenue, Toledo, Ohio 43613. Applicant's representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Glass and glassware,* as described in Appendix IX, to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, between Upper Sandusky, Ohio, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Columbus, Ohio, or Washington, D.C.

No. MC 140541 (Sub-No. 1), filed January 6, 1975. Applicant: AVANT TRUCKING COMPANY, INC., P.O. Box 216, Gray, Ga. 31032. Applicant's representative: T. Baldwin Martin, P.O. Box 4987, 700 Home Federal Building, Macon, Ga. 31208. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Agricultural lime,* in dump trucks, from the plantsite of United States Steel Corporation in Jefferson City, Tenn., to points in Georgia, under a continuing contract or contracts with Georgia Wholesale Lime Dealers, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Atlanta or Macon, Ga.

No. MC 140547 (Sub-No. 1), filed February 7, 1975. Applicant: EVERGREEN TRUCK BROKER, INC., doing business as NOR-CAL TRUCK LINES, 1805 Industrial Street, Los Angeles, Calif. 90021. Applicant's representative: George R. LaBissoniere, P.O. Box 88968, Tukwila Branch, Suite 101, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Plastic material,* other than foam, cellular expanded or sponge, NOI, (1) from Long Beach, Calif., to Kent, Wash.; and (2) from Kent, Wash., to points in California, Utah, and Colorado, under a continuing contract with Mikron Industries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 140563 (Sub-No. 2), filed February 10, 1975. Applicant: W. T. MYLES TRANSPORTATION COMPANY, a corporation, P.O. Box 321, Conley, Ga. 30027. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street, NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Newspaper supplements,* and *advertising matter,* when moving in the same vehicle with newspaper supplements, from the plant sites and warehouse facilities of Treasure Chest Advertising Company, Inc., located at or near Dallas, Tex.; Hartford, Conn.; Itasca, Ill.; Morrow, Ga.; and Windsor Locks, Conn., to points in the United States in and east of Minnesota, Iowa, Nebraska, Kansas, Oklahoma, and Texas; and (2) *newsprint paper,* between the plant sites and warehouse facilities of Treasure Chest Advertising Company, Inc., located at or near Dallas, Tex.; Hartford, Conn.; Itasca, Ill.; Morrow, Ga.; and Windsor Locks, Conn., when moving in the same vehicle with newspaper supplements moving under (1) above.

NOTE.—Applicant holds motor contract carrier authority in No. MC 138869 (Sub-Nos. 2 and 4), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 140566, filed January 16, 1975. Applicant: BAR-LO TRUCKING, INC., P.O. Box EE, Moorefield, W. Va. 26836. Applicant's representative: Gordon B. Hefner, P.O. Box 667, Moorefield, W. Va. 26836. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles, and replacement motor vehicles,* between points in Hardy, Hampshire, and Grant Counties, W. Va., on the one hand, and, on the other, points in West Virginia, Virginia, Maryland, and Pennsylvania (except points in the Philadelphia, Pa., Commercial Zone).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Keyser or Martinsburg, W. Va., or Washington, D.C.

No. MC 140583, filed January 23, 1975. Applicant: CHARLES J. WARR AND GEORGE P. ANGLIN, a partnership, doing business as C & M TRANSFER, 109 Rec Street, Alexandria, Va. 22306. Applicant's representative: Gant Redmon, 6911 Richmond Hwy., Alexandria, Va. 22306. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Appliances, lawnmowers,* all lines of furniture, *carpeting, steel storage sheds, and other related and general commodities* of a non-flammable and non-explosive nature (except commodities in bulk or in tank vehicles), from points in Maryland and Virginia, to points in Maryland, Virginia, and the District of Columbia, under a continuing contract or contracts with F. W. Woolworth Co., located at Philadelphia, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., Alexandria, Va., Baltimore, Md., or any other mid Atlantic location.

No. MC 140599, filed January 29, 1975. Applicant: HI-CUBE TRANSPORT, INC., Holland Road, Wales, Mass. 01081. Applicant's representative: David M. Marshall, 135 State Street, Springfield, Mass. 01103. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail, wholesale and chain department stores and mail order houses, and *materials, supplies and equipment* used in the manufacture, sale and distribution of such commodities (except in bulk), between West Warren and Springfield, Mass., and Williamsport, Pa., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Springfield or Boston, Mass., Hartford, Conn., or Washington, D.C.

No. MC 140611, filed February 3, 1975. Applicant: HARKEMA EXPRESS LINES LTD., 265 Rutherford Road South, Brampton, Ontario, Canada L6W 1V9. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), (1) Between port of entry on the International Boundary line between the United States and Canada at Port Huron, Mich.-Sarnia, Ontario, Canada, and Port Huron, Mich., (2) Between port of entry on the International Boundary line between the United States and Canada at Detroit, Mich.-Windsor, Ontario, Canada, and Detroit, Mich.; and (3) Between ports of entry on the International Boundary line at Buffalo, N.Y.-Fort Erie, Ontario, Canada, Niagara Falls, New York-Niagara Falls, Ontario, Canada, and Lewiston, N.Y.-Lewiston, Ontario, Canada, on the one hand, and, on the other, Buffalo and Niagara Falls, N.Y., restricted in (1) through (3) above to a transportation service between points in the United States solely for the purpose of interchanging traffic with connecting carriers, and further restricted to a transportation service in foreign commerce only.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 140612, filed January 30, 1975. Applicant: ROBERT F. KAZIMOUR, 1200 Norwood Drive, S.E., P.O. Box 2011, Cedar Rapids, Iowa 52403. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Motorcycles, recreational vehicles and recreational machines, accessories and parts, equipment, materials and supplies,* between Lincoln, Nebr., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming; and (2) *bicycles, accessories and parts,* from Long Beach and El Segundo, Calif., to points in the United States in and west of Minnesota, Iowa, Missouri, Arkansas, and Louisiana.

NOTE.—Applicant holds contract carrier authority in MC 138003 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Lincoln or Omaha, Nebr.

No. MC 140619, filed February 5, 1975. Applicant: AMAC TRUCKING INCORPORATED, 5050 First Avenue, S., Seattle, Wash. 98134. Applicant's representa-

tive: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise, articles and commodities* as are dealt in by mail order houses and retail stores, and in connection therewith, *equipment, materials and supplies* used in the conduct of such business, between Seattle, Wash., on the one hand, and, on the other, Arlington, Bellingham, Bremerton, Chehalis, Cle Elum, Ellensburg, Enumclaw, Ephrata, Everett, Grandview, Lakewood, Longview, Marysville, Monroe, Moses Lake, Mount Vernon, Olympia, Pasco, Prosser, Puyallup, Richland, Snohomish, Spokane, Sumner, Sunnyside, Tacoma, Union Gap, and Walla Walla, Wash.; Albany, Baker, Corvallis, Eugene, Hermiston, La Grande, Ontario, Pendleton, Portland, Salem, and Woodburn, Oreg.; and American Falls, Blackfoot, Boise, Burley, Caldwell, Coeur d'Alene, Idaho Falls, Mountain Home, Nampa, Pocatello, and Twin Falls, Idaho, under a continuing contract or contracts with Sears, Roebuck and Co.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 140632, filed February 7, 1975. Applicant: CHARCOAL TRANSPORTS, INC., P.O. Box 166, Paris, Ark. 72855. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal and charcoal briquettes*, from Paris, Ark. and Jacksonville, Tex., to points in the United States (except Alaska and Hawaii); and (2) *materials* used in the manufacture of charcoal and charcoal briquettes, on return, under a continuing contract or contracts with Arkansas Charcoal Company, Inc. and Campfire Charcoal Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 140633, filed February 7, 1975. Applicant: CAPITAL PARCEL DELIVERY COMPANY, a corporation, 301 Richards Boulevard, Sacramento, Calif. 95814. Applicant's representative: Thomas M. Loughran, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Sacramento, Calif., on the one hand, and, on the other, Marysville, Stockton, Modesto, Chico, Oroville, Red Bluff, Redding, and Napa, Calif., under a continuing contract or contracts with Montgomery Ward.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 140637, filed January 27, 1975. Applicant: BOB & RAY'S EXPRESS, INC., 3673 Hillside Ave., Cincinnati, Ohio 45204. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Bldg., Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *New uncrated furniture and household furnishings and appliances*, from points in the Cincinnati, Ohio commercial zone to points in Indiana and Kentucky; and (2) *returned shipments on return*.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cincinnati, Ohio.

No. MC 140638, filed January 29, 1975. Applicant: WELLS TRANSPORT COMPANY, INC., 121 Second Ave. S.E., LeMars, Iowa 51031. Applicant's representative: Patrick E. Quinn, 605 South 14th St., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, as described in Appendix I (B) of *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, commodities which are customarily dealt in by dairies, and materials used in display, sale, and distribution of dairy products and commodities which are customarily dealt in by dairies, between points in Minnesota, Wisconsin, Illinois, Missouri, Kansas, Colorado, Nebraska, Wyoming, South Dakota, and Iowa; and (2) *materials equipment and supplies* used in the manufacturing, production, sale and distribution of the commodities named in (1) above, from the States named in (1) above, to Lemars, Iowa, under a continuing contract or contracts with Wells Dairy Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or Sioux City, Iowa.

No. MC 140644, filed February 7, 1975. Applicant: SURE WAY TRUCK SERVICE, INC., R.R. No. 2, Auburn, Ind. 46706. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from the plant site of County Line Cheese Co., Inc., located in Auburn, Ind., to points in Florida and Georgia, under a continuing contract with County Line Cheese Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

APPLICATION OF PASSENGERS

No. MC 72806 (Sub-No. 8), filed February 6, 1975. Applicant: RED-YELLOW CAB CO., doing business as BUCKEYE STAGES, 501 Phillips Avenue, Toledo, Ohio 43612. Applicant's representative: David H. Beaver, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle, in round trip operations, in special and charter bus service, beginning and ending at points in Allen, Erie, Hancock, Lucas, Ottawa, Putnam, Sandusky, Seneca, and Wood Counties, Ohio; extending to points in the United States and Canada.

NOTE.—It is applicant's position that it holds the authority requested herein in MC 72806 (Sub-No. 4), applicant has therefore concurrently filed a motion to dismiss the instant application. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 83791 (Sub-No. 5), filed January 31, 1975. Applicant: PERKIOMEN VALLEY BUS COMPANY, a corporation, 9th and Main Street, Pennsburg, Pa. 18073. Applicant's representative: S. Berne Smith, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at points in the boroughs of Bally, Bechtelsville, and Boyertown, and the townships of Hereford, Colebrookdale, and Washington (Berks County), Pa.; the boroughs of Perkasie, Quakertown, Sellersville, and Trumbauersville, and the townships of East Rockhill, Milford, and Richland (Bucks County), Pa.; the boroughs of Emmaus and Macungie and the townships of Lower Milford and Upper Milford (Lehigh County), Pa.; and the boroughs of East Greenville, Green Lane, Pennsburg, Red Hill, and Schwenksville, and the townships of Douglas, Lower Frederick, Marlborough, New Hanover, Salford, Upper Frederick, Upper Hanover, and Upper Salford (Montgomery County), Pa.; and extending to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 111749 (Sub-No. 1), filed February 5, 1975. Applicant: H. E. ROHRER, INC., doing business as ROHRER BUS SERVICE, R.D. No. 3, Duncannon, Pa. 17020. Applicant's representative: John M. Schrantz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Perry County, Pa., and extending to points in the United States, including Alaska but excluding Hawaii and Pennsylvania.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Bloomfield or Harrisburg, Pa.

No. MC 111749 (Sub-No. 1), filed February 5, 1975. Applicant: H. E. ROHRER, INC., doing business as ROHRER BUS SERVICE, R.D. No. 3, Duncannon, Pa. 17020. Applicant's representative: John M. Schrantz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Perry County, Pa., and extending to points in the United States, including Alaska but excluding Hawaii and Pennsylvania.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Bloomfield or Harrisburg, Pa.

No. MC 138494 (Sub-No. 1), filed February 3, 1975. Applicant: NORTHERN BUS LINES LIMITED, 1415 3rd Avenue South, Lethbridge, Alberta, Canada T1J OK7. Applicant's representative: James D. Paterson, 407 Mayor Magrath Drive, Lethbridge, Alberta, Canada T1J 3Y5. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, beginning and ending at ports of entry on the International Boundary line between the United States and Canada, and extending to points in the United States (excluding Hawaii but including Alaska).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Billings, Mont., or San Francisco, Calif.

No. MC 140524, filed December 23, 1974. Applicant: MITCHELL MOSS, doing business as, RIDGLEY COACH, 4600 Minnesota Avenue, Washington, D.C. 20010. Applicant's representative: Walter T. Evans, 7401 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points in the Washington, D.C., Commercial Zone, and extending to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140533, filed January 2, 1975. Applicant: G & G TOURIST ENTERPRISES LIMITED, a corporation, 5591 Victoria Avenue, Niagara Falls, Ontario, Canada L2G 3KG. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in tours (1) between points on the International Boundary line, between the United States and Canada on the Niagara River, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (2) from Youngstown, N.Y., to Niagara Falls, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

BROKER APPLICATIONS

No. MC 130290, filed December 31, 1974. Applicant: MAC MURPHY AND MARILYN MURPHY, doing business as ABINGDON TOURS, Westwood, Abingdon, Va. 24210. Applicant's representative: Mac Murphy (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Westwood, Abingdon, Va., to sell or offer to sell the transportation of *passengers* as individuals and in groups, *and their baggage*, in the same vehicle with passengers, by motor contract carrier in all expense tours, in special and charter operations, between points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Abingdon or Roanoke, Va., or any place within one days drive of Abingdon, Va.

No. MC 130291, filed January 10, 1975. Applicant: ROTHRAUFF WORLD TRAVEL SERVICE, Logan Valley Mall, Altoona, Pa. 16602. Applicant's representative: Richard M. Rothrauff, 3507 Fort Roberdeau Ave., Altoona, Pa. 16602. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Altoona, Pa., to sell or offer to sell the transportation of *passengers* as individuals and in groups, *and their baggage*, in tour operations and charter operations, by motor, rail, water and air carriers, from points in Blair, Cambria, Huntingdon, Centre, Clearfield, and Bedford Counties, Pa., to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Pittsburgh, Pa. or Washington, D.C.

No. MC 130292, filed February 3, 1975. Applicant: TRAVEL & PROMOTIONAL MART, INC., P.O. BOX 13466, Orlando, Fla. 32809. Applicant's representative: Alexander Caputo, 307 Colby Court, Altamonte Springs, Fla. 32701. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Orlando, Fla., to sell or offer to sell the transportation of *individual passengers and groups of passengers and their baggage*, in all expense tours, by motor coach carriers, between points in Orange, Seminole, Osceola, and Lake Counties, Fla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami or Tallahassee, Fla.

No. MC 130293, filed January 31, 1975. Applicant: GOODMAN TOURS, 7277 Big Creek Pkwy., Middleburg Hts., Ohio 44130. Applicant's representative: Elvira E. Goodman (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Middleburg Hts., and Millersburg, Ohio, to sell or offer to sell the transportation of *Passengers and their baggage*, in special and charter operations, in round trip tours, by motor carriers, beginning and ending at points in Cuyahoga, Lake, Medina, Wayne, and Holmes Counties, Ohio, and extending to points in the United States (including Alaska but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cleveland or Columbus, Ohio.

No. MC 130294, filed February 3, 1975. Applicant: RICHLAND COUNTY AUTOMOBILE CLUB CO., a corporation, 34 Sturges Ave., P.O. Box 273, Mansfield, Ohio 44901. Applicant's representative: Gerald P. Wadkowski, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Mansfield and Shelby, Ohio, to sell or offer to sell the transportation of *Passengers and their baggage*, in special and charter operations, in all expense round-trip tours, by motor, air and rail carriers, beginning and ending at points in Richland County, Ohio, and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus or Mansfield, Ohio.

No. MC 130296, filed February 6, 1975. Applicant: CENTURY INTERNATIONAL TRAVEL, INC., doing business as CENTOURS, 3911 Hessmer Ave., No. 109, Metairie, La. 70002. Applicant's representative: Robert J. Fineran, 710 Carondelet, New Orleans, La. 70130. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Metairie and Covington, La., to sell or offer to sell the transportation of *Passengers and their baggage*, in the same vehicle with passengers, via motorcoach and rail and combinations thereof, from points in St. Tammany, Jefferson, and Orleans Parishes, La., to points in the United States, including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Covington, Metairie, New Orleans, or Baton Rouge, La., or Washington, D.C.

No. MC 130297, filed January 31, 1975. Applicant: TOURAMERICA, INC., 1180 Avenue of the Americas, New York, N.Y. 10036. Applicant's representative: Edward K. Wheeler, 704 Southern Building, Washington, D.C. 20005. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at New York, N.Y., to sell or offer to sell the transportation of *groups of passengers and their baggage*, by motor vehicle, in charter and special operations, between points in the United States, including Alaska and Hawaii, restricted to persons having a prior movement in foreign commerce by air or water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

WATER CARRIER APPLICATION

W-16 (Sub-No. 10), filed January 17, 1975. Applicant: S. C. LOVELAND CO., INC., 320 Walnut Street, Philadelphia, Pa. 19106. Applicant's representative: Harold E. Mesirow, 1225 Nineteenth Street, NW., Washington, D.C. 20036. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier* by water in the transportation *by self propelled vessels* and non-self propelled vessels with the use of separate towing vessels of *commodities generally*, and by towing vessels in

the performance of general towage, (1) between ports and points along the Gulf of Mexico, between Key West, Fla. and Brownsville, Tex., inclusive, and ports and points along the Gulf Intracoastal Waterway between St. Marks, Fla., and Brownsville, Tex., including all tributaries and connecting waterways and ship channels (except for the Mississippi River above Baton Rouge, La., and the Warrior, Tombigbee and Alabama River systems above Chickasaw, Ala.); (2) between ports and points as specified in (1) above, on the one hand, and, on the other, ports and points that applicant is presently authorized to serve as a common carrier by water in the transportation of general commodities; and (3) Transportation by towing vessels in the performance of general towage between Tampa, Fla., on the one hand, and, on the other, points and ports along the Atlantic coast and tributary waterways (except ports and points in the Hudson River above the area defined in the Order of the Commission of March 26, 1941, in Ex Parte No. 140, *Determination of the Limits of New York Harbor and Harbors Contiguous Thereto*, or on the New York State Canal System.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5837 Filed 3-5-75;8:45 am]

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PART II

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

■

SECURITIES ACT DISCLOSURE RULES

Notice of Proposed Rulemaking

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 11]

SECURITIES ACT DISCLOSURE RULES

Notice of Proposed Rulemaking

Notice is hereby given that the Comptroller of the Currency pursuant to section 12(i) of the Securities Exchange Act of 1934, as amended (15 USC 78*l*(i)), proposes to revise Part 11 of Title 12 of the Code of Federal Regulations.

On October 28, 1974, the President signed into law the Depository Institutions Amendments of 1974 (Pub. L. 93–495). Subsection 105(b) of that law amends Section 12(i) of the Securities Exchange Act of 1934 ("the Act").

As amended, section 12(i) of the Act requires that the Comptroller of the Currency

> * * * shall issue substantially similar regulations to regulations and rules issued by the [Securities and Exchange] Commission under Sections 12, 13, 14(a), 14(c), 14(d), 14(f), and 16, unless they [he] find[s] that implementation of substantially similar regulations with respect to insured banks and insured institutions are not necessary or appropriate in the public interest or for protection of investors, and publish such findings, and the detailed reasons therefor, in the FEDERAL REGISTER.
>
> Such regulations of the above-named agencies [Comptroller of the Currency], or the reasons for failure to publish such substantially similar regulations to those of the [Securities and Exchange] Commission, shall be published in the FEDERAL REGISTER within 120 days of the date of enactment of this subsection, and, thereafter, within 60 days of any changes made by the [Securities and Exchange] Commission in its relevant regulations and rules." (Bracketed language added).

Accordingly, the Comptroller of the Currency hereby publishes for comment proposed revised Securities Act Disclosure Rules, 12 CFR Part 11.

DESCRIPTION OF PROPOSED REVISED PART 11

The proposed revised Part 11, renamed Securities Exchange Act Disclosure Rules, contains several amendments to the current Part 11 which will make it, with two major exceptions, substantially similar to the comparable SEC regulations. The more significant changes include additional information in annual reports to the Comptroller and to shareholders, inclusion of price and stock option information on ownership reports required to be filed by directors, officers and shareholders owning in excess of 10 percent of the outstanding stock, expansion of the quarterly financial report, inclusion of additional circumstances which would require that a current report be filed, and revision of the regulation governing proposals of security holders in proxy soliciting material.

The proposed revised Part 11 has been prepared by viewing the particular facts and circumstances surrounding national banks as a class, the regulations promulgated by the Commission, and the provisions of the Act (sections 12 (a), (c), (d), (f), (h) and (i), 13 (a), (b), (c) and (d), and 14 (a), (c) and (d)) which state clearly that the responsible agency shall have considerable flexibility in making rules and regulations. The Comptroller believes that the proposed amendments to existing regulations are appropriate in the public interest and for the protection of investors.

DIFFERENCES BETWEEN PROPOSED REVISED PART 11 AND RELEVANT COMMISSION REGULATIONS

The proposed revised Part 11 has been carefully amended to be substantially similar to relevant regulations promulgated by the Commission with certain exceptions. The exceptions are discussed below, together with the reasons for such exceptions.

1. CERTIFICATION OF FINANCIAL STATEMENTS

The Commission generally requires that the year-end financial statements contained in reports to the Commission and shareholders be certified by independent certified public accountants. The Comptroller's regulations in their present form do not have a substantially similar general requirement, and the proposed revised Part 11 contains no amendment in this respect. The factors contributing to the determination not to propose a general certification requirement included the examination and supervision of national banks by the Comptroller, the number and size of the national banks subject to Part 11, the nature of the trading market for their securities, the costs involved, current practices of the subject banks, and the flexibility of the present regulations.

National banks are subject to extensive supervision by the Comptroller. Under the national bank regulatory framework, the Comptroller's approval is required prior to numerous bank activities and corporate practices, and the Comptroller's highly trained and experienced representatives examine each national bank at least three times each two years. These examinations, which are conducted on a surprise basis by on-site visitation, involve an in-depth analysis and review of all aspects of each national bank, including loan portfolios, investments, directors' and officers' abilities and activities, the soundness of investment and credit policies, the adequacy of internal record-keeping, financial statements and accounting policies, truth in lending, liquidity, transactions with affiliates, security measures, trust activity and compliance with other applicable statutes and regulations. The examiners, and often their supervisory personnel in the Comptroller's office, discuss each report of examination with bank management upon the conclusion of an examination.

Of the approximately 4,600 national banks, slightly less than 350 are subject to Part 11. The number has been decreasing as the number and size of bank holding companies has expanded. Generally, those banks subject to Part 11 are not the larger national banks. Very few of them have total resources in excess of $500 million, and the vast majority have total resources below $250 million. The national banks subject to Part 11, for the most part, have relatively few shareholders, are very often controlled by insiders, and have limited trading in their shares. Not one of these 350 national banks has equity securities registered on a national securities exchange and only a handful are included in the NASDAQ indices. Individuals or directors and officers as a group own in excess of 10 percent of the outstanding stock in a significant majority of these banks, and a large majority of the banks have less than 1,500 shareholders. Viewed as a class, the securities of national banks subject to Part 11 have limited public interest.

In this context, the costs to be incurred in obtaining certification become more significant. It is expected that certification costs would represent approximately 1 percent of net income for a national bank with $200 million in assets and good earnings, and a larger percentage for smaller national banks.

Currently, approximately one-third of the national banks subject to Part 11 have voluntarily presented certified financial statements, and this percentage is somewhat higher for the larger of these banks. The Comptroller's existing regulations concerning certification are contained in 12 CFR 11.2(dd) and 11.7 (b). These regulations provide that the Comptroller may require any national bank subject to Part 11 to present certified financial statements.

In light of the above factors, it does not appear necessary or appropriate in the public interest and for the protection of investors to amend the existing regulations with respect to certification. Comments are specifically solicited from interested persons, however, as to whether the Comptroller should establish a policy under the existing regulations requiring certification of financial statements for all national banks subject to Part 11 or for sub-groups of such banks, grouped by size, number of shareholders, amount of trading in securities, or otherwise.

2. "LINES OF BUSINESS" DISCLOSURE

The Commission requires that disclosure be made in registration statements and annual reports of the contributions to revenues and income of material lines of business and contributions to revenues of material classes of similar products or services in which a company has engaged in the last five years. The Comptroller's regulations in their present form do not have a substantially similar requirement, and the proposed revised Part 11 contains no amendment in this respect.

National banks are primarily involved in a single line of business, commercial banking. In fact, under the national banking laws, national banks may engage only in the business of banking and activities incidental thereto. In addition, the breakdown of items of operating income in income statements required in the current and proposed Comptroller's regulations enables investors to obtain information

with respect to the sources of revenues by each bank activity.

Thus, it does not appear necessary or appropriate in the public interest and for the protection of investors to amend the existing regulations with respect to "lines of business."

3. MISCELLANEOUS MATTERS

In some respects the proposed revised Part 11 does not contain provisions which appear in Commission regulations under the same sections of the Act because of obvious inapplicability. For example, the Comptroller's proposed regulation does not include rules with respect to transactions by brokers and dealers on national securities exchanges, specific classes of issuers of securities other than national banks, activities in which a national bank may not engage, fees to be paid upon the filing of documents, "grandfather" exemptions, effective dates of certain regulations, unnecessary forms, and other items, forms, disclosures, and regulations which are inapplicable to national banks or their securities.

COMMENTS

All interested parties are invited to submit comments in writing to Robert Bloom, Chief Counsel, Office of the Comptroller of the Currency, Washington, D.C. 20219, to be received not later than April 28, 1975. Such comment material will be made available to the public for inspection and copying upon request except as provided in § 4.16(a) of the Comptroller's rules concerning availability of information.

PROPOSED REVISED PART 11

The proposed revised Part 11 reads as follows:

PART 11—SECURITIES EXCHANGE ACT DISCLOSURE RULES

REGULATIONS

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11.2 Definitions.
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11.4 Registration statements and reports.
11.5 Proxies, proxy statements, and statements where management does not solicit proxies.
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 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(*l*) of Part 11 (Form F-11).
11.51 Form for proxy statement or 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."
11.103 Interpretation of definitions of "affiliate," "majority-owned subsidiary," "parent" and "subsidiary".

AUTHORITY: The provisions of this Part 11 issued under 15 U.S.C. 781, 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"). The effective date of this part shall be September 30, 1975.

§ 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) mean a person that directly, or indirectly through one or more intermediaries, 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 co-owners 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 rep-

resent the same person, may be included as held of record by one person.

(2) Notwithstanding paragraph (j)(1) of this section:

(i) Securities held subject to a voting trust, deposit agreement, or similar arrangement shall be included as held of 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 nonaffiliated issuer or the certificates of 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 fifty 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 the 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; or

(3) The parent's proportion of income of the subsidiary before income taxes exceeds 5 percent or more of the income before taxes of the parent; or

(4) The subsidiary is the parent of one or more subsidiaries and, together with such subsidiaries, when considered in the aggregate, constitutes a significant subsidiary.

(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.

(b) 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 "principal 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 his office in Washington, D.C. In addition, copies of the registration statement and reports required by § 11.5(a), and the annual reports to security holders required by § 11.5(e), 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 the Comptroller of the Currency, Washington, D.C. 20219.

(3) Pending the determination by the Comptroller as to the objection filed in accordance with paragraph (c)(2) of this section, 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 paragraph (c)(5) of this section, 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 paragraph (c)(6)(i) of this section 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 statement.* (1) After January 1, 1972, and no later than April 30, 1972, securities heretofore registered pursuant to section 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).

(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.

(4) As to successor banks, (i) where in connection with a succession by merger, consolidation, exchange of securities or acquisition of assets, equity securities of a bank, not previously registered pursuant to section 12 of the Act, are issued to the holders of any class of equity securities of another bank which is registered pursuant to section 12(g), the class of securities so issued shall be deemed to be registered pursuant to section 12(g) of the Act unless upon consummation of the succession such class is exempt from such registration or all securities of such class are held of record by less than 300 persons.

(ii) Where in connection with a succession by merger, consolidation, exchange of securities or acquisition of assets, equity securities of a bank, which are not registered pursuant to section 12 of the Act, are issued to the holders of any class of equity securities of another bank which is required to file a registration statement or report pursuant to § 11.4 but has not yet done so, the duty to file such statement or report shall be deemed to have been assumed by the bank whose class of securities is so issued and such bank shall file a registration statement or report within the period of time the predecessor bank would have been required to file such a statement or report, or within such extended period of time as the Comptroller may authorize upon application pursuant to paragraph (p) of this section unless upon consummation of the succession, such class is exempt from registration or all securities of the class are held of record by less than 300 persons.

(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 a national securities 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.

(7) An exchange may suspend from trading a security listed and registered thereon in accordance with its rules. Suspension of trading shall not terminate the registration of any security.

(e) *Requirement of annual reports.* (1) 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.

(2) Every bank which changes its fiscal closing date after the last fiscal year for which financial statements were filed in a Form F-1 or Form F-2 shall file a report on Form F-2 covering the resulting interim period not more than 120 days after the close of the interim period or after the date of the determination to change the fiscal closing date, whichever is later. A separate report, however, need not be filed for any period of less than 3 months if the Form F-2 filed for the succeeding full fiscal year covers the interim period as well as the fiscal year. In such case, balance sheets need be furnished only as of the close of the entire period but all other financial statements and schedules shall be filed separately for both periods.

(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 section 11.4(a) 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. Four copies of the statement shall be filed with the Comptroller, one of which shall be manually signed.

(ii) 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 paragraph (g) (2) (i) of this section if the following conditions are met: (A) the acquisition is made pursuant to pre-emptive subscription rights in an offer made to all holders of securities of the class to which the pre-emptive subscription rights pertain; (B) the purchaser does not, through the exercise of such pre-emptive 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 section 11.6.

(iii) In determining for the purposes of section 13(d) or section 14(d) of the Act whether a person is directly or indirectly the beneficial owner of securities of any class, such person shall be deemed to be the beneficial owner of securities of such class which such person has the right to acquire through the exercise of presently exercisable options, warrants or rights or through the conversion of presently convertible securities, or otherwise. The securities subject to such options, warrants, rights or conversion privileges held by a person shall be deemed to be outstanding for the purpose of computing the percentage of outstanding securities of the class owned by such person but shall not be deemed to be outstanding for the purpose of computing the percentage of the class owned by any other person.

(3) If any material change occurs in the facts set forth in the statement required by paragraph (g) (2) of this section, 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.

(4) Each bank having securities registered pursuant to section 12(g) of the Act, upon being notified by a national securities association registered pursuant to section 15A of the Act, that a class of the bank's securities is to be quoted on an interdealer quotation system which is sponsored and governed by the rules of such association, shall thereafter notify such association promptly of (i) any increase or decrease in the amount of securities of such class outstanding which exceeds 5 percent of the amount of such class last reported to the association and (ii) any change in the name of the bank. The obligation to report pursuant to this paragraph (g) (4) shall continue until notification is received from the association that all classes of securities are no longer quoted on such interdealer quotation system.

(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 report 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 in-

sofar 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 filed pursuant to section 11, other than exhibits, may be incorporated by reference in answer or partial answer to any item of a statement or report filed pursuant to section 11. Matter contained in an exhibit may be so incorporated to the extent permitted in paragraph (m) of this section.

(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.

(3) Copies of material incorporated by reference shall be submitted with such copies of the statement or report, and shall be deemed to be filed with the Comptroller for all purposes of the Act.

(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 file 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, statement, 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, statement, 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, statement, 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 15 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 refer-

ring 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 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 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 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 noticed 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 record 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." All Statements shall disclose on the first page thereof the complete mailing address, including zip code, of the principal executive offices of the bank and the approximate date on which the Statement and form of proxy are first sent to security holders.

(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.

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) Comparative statements of changes in financial position for each fiscal year for which a statement of income is furnished.

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

(f) Supplemental notes to financial statements to the extent necessary to furnish a fair financial presentation. Such notes should include the aggregate market value as at the balance sheet date for each category of investment securities reported on the balance sheet, and other information required to be furnished in notes to financial statements included in the bank's Form F-2 Annual Report.

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 proposed 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.

(2) The report shall include a summary of the bank's operations containing the information required by Item 4 of Form F-2.

(3) The report shall contain information as comprehensive as that required by Schedule III of Form F-9D.

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

(5) The report shall identify the principal market in which securities of any class entitled to vote at the meeting are traded, and shall state the high and low sales prices for such securities (or, in the absence of such information, the range of bid and asked quotation) and the dividends paid on such securities for each quarterly period during the bank's two most recent fiscal years. If the securities are inactively traded, the report shall so state and shall indicate the range of sales prices known to management for the periods specified above and the source of such information.

(6) Management's proxy or information statement, or this report, shall contain an undertaking in bold-faced or otherwise reasonably prominent type to provide without charge to each shareholder, on the written request of such person, a copy of the bank's annual report on Form F-2, including the financial statements and the schedules thereto, required to be filed with the Comptroller for the bank's most recent fiscal year, and shall indicate the name and address of the person to whom such a written request is to be directed. In the discretion of management, a bank need not undertake to furnish without charge copies of all exhibits to its Form F-2, provided that the copy of the annual report on Form F-2 furnished without charge to requesting security holders is accompanied by a list briefly describing all the exhibits not contained therein and indicating that the bank will furnish any exhibit upon the payment of a specified reasonable fee which fee shall be limited to the bank's reasonable expenses in furnishing such exhibit.

NOTE.—Pursuant to the undertaking required by the above subparagraph, a bank shall furnish a copy of its annual report on Form F-2 to a beneficial owner of its securities upon receipt of a written request from such person. Each request must set forth a good-faith representation that, as of the record date for the annual meeting of the bank's security holders, the person making the request was a beneficial owner of securities entitled to vote at such meeting.

(7) 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 boldfaced type to furnish such annual report to all persons being solicited at least 20 days before the date of the meeting.

(8) (i) If the bank knows that securities of any class, entitled to vote at a meeting and with respect to which the bank intends to solicit proxies, consents or authorization are held of record by a broker, dealer, bank or voting trustee, or their nominees, the bank shall inquire of such record holder whether other persons are the beneficial owners of such securities and, if so, the number of copies of the proxy and other soliciting material and, in the case of an annual meeting at which directors are to be elected, the number of copies of the annual report to security holders, necessary to supply such material to such beneficial owners. The bank shall supply such record holder with additional copies in such quantities, assembled in such form and at such a place, as the record holder may reasonably request in order to address and send one copy of each to each beneficial owner of securities so held and shall, upon the request of such record holder, pay its reasonable expenses for completing the mailing of such material to security holders to whom the material is sent.

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

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

(9) 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), 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 boldface 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 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 paragraph (d) (4) of this section.

(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 (d) (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 paragraph (d)(2) of this section, 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 thereo, 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 (f)(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 paragraph (f)(1) and (2) of this section 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 United States 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 paragraph (f)(1), (2), or (3) of this section 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 paragraph (f)(4) of this section 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 paragraphs (f)(1), (f)(2), and (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 paragraph (f)(3) of this section not later than the date such material is used or published. The provisions of paragraphs (f)(1), (f)(2), and (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 paragraph (f)(3) of this section 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 underscoring or in some other appropriate manner.

(9) The date that proxy material is "filed" with the Comptroller for purposes of paragraph (f)(1), (2), and (4) of this section 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 ex-

piration 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 paragraph (f) 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 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 paragraph (g)(1)(ii) of this section.

(2)(i) Copies of any proxy statement, form of proxy, or other communication furnished by the security holder shall be mailed by the bank up to such of the holders of record specified in paragraph (g)(1)(i) of this section as the security holder shall designate. The bank shall also mail to each banker, broker, or other persons specified in paragraph (g)(1)(ii) of this section, 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 paragraph (g)(1)(i) of this section as the security holder shall designate, and a list of the names and addresses of the bankers, brokers, or other persons specified in paragraph (g)(1)(ii) of this section 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 reasonable 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 the 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 which 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 whose activities are limited to the performance of his duties in the course of such employment, 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, ac-

countant, 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 quadruplicate 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 of 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 quadruplicate 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 paragraph (i) (3) (i), (ii), and (iii) of this section, additional persons become partcipants 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 paragraph (i) (3) of this section 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 statements are 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 by or on behalf of the person making the solicitation; (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 to 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 paragraph (f) (3), (4), (5), (6), and (7) of this section shall apply, to the extent pertinent, to soliciting material subject to paragraphs (i) (5) and (6) of this section.

(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 publisher 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 Statement. If management issues a proxy statement, it shall identify the proposal in its form of proxy and provide means by which security holders can make the specification provided for by paragraph (d) (2) of this section. If management issues an information statement, it shall identify the proposal and indicate the disposition proposed to be made of the proposal by the management at the meeting. The management of the bank shall not be required by this paragraph (k) to include the proposal in its Statement or form of proxy for an annual meeting unless the proposal is received by the management at the bank's principal executive offices not less than 70 days in advance of a date corresponding to the date set forth on the management's Statement released to security holders in connection with the last annual meeting of security holders, except that if the date of the annual meeting has been changed as a result of a change in the fiscal year, a proposal shall be received by the management a reasonable time before the solicitation is made. A proposal to be presented at any other meeting shall be received by the management of the bank a reasonable time before the solicitation is made. This paragraph (k) does not apply, however, to elections to office or to counter-proposals to matters to be submitted by the management.

NOTE.—In order to curtail controversy as to the date that a security holder's proposal was received by the management, it is suggested that security holders submit their proposals by Certified Mail-Return Receipt Requested.

(2) If the management opposes any proposal received from a security holder, it shall also, at the request of the security holder, include in its Statement a statement of the security holder, in not more than 200 words, in support of the proposal, which statement shall not include the name and address of the security holder. Any statements in the text of a proposal, such as a preamble or "whereas" clauses, which are in effect arguments in support of the proposal, shall be deemed part of the supporting statement and subject to the 200-word limitation thereon. The Statement shall also include either the name and address of the security holder or a statement that such information will be furnished by the bank or by the Comptroller to any person, orally or in writing as requested, promptly upon the receipt of any oral or written request therefor. If the name and address of the security holder is omitted from the Statement, it shall be furnished to the Comptroller at the time of filing the management's preliminary material pursuant to paragraph (f) of this section. The statement and request of the security holder shall be furnished to the management at the time that the proposal is furnished. Neither the management nor the bank shall be responsible for such statement.

(3) Notwithstanding the foregoing, the management may omit a proposal and any statement in support thereof from its Statement and form of proxy under any of the following circumstances:

(i) If the proposal as submitted is, under applicable law, not a proper subject for action by security holders;

(ii) If the proposal:

(A) relates to the enforcement of a personal claim or the redress of a personal grievance against the bank, its management, or any other person; or

(B) consists of a recommendation, request or mandate that action be taken with respect to any matter, including a general economic, political, racial, religious, social or similar cause, that is not significantly related to the business of the bank or is not within the control of the bank;

NOTE.—Proposals not within a bank's control are those which are beyond its power to effectuate.

(iii) If the management has at the security holder's request included a proposal in its Statement relating to either of the last two 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;

(iv) If substantially the same proposal has previously been submitted to security holders in the management's Statement relating to any annual or special meeting of security holders held within the preceding 5 calendar years, it may be omitted from the management's 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 3 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 6 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 preceding period, it received at the time of its latest submission less than 10 percent of the total number of votes cast in regard thereto;

(v) 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.

(4) Whenever the management asserts that a proposal and any statement in support thereof received from a security holder may properly be omitted from its Statement, it shall file with the Comptroller, not later than 30 days prior to the date the preliminary copies of the Statement are filed pursuant to paragraph (f) 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 Statement and shall forward to him a copy of the statement of reasons why the management deems the omission of the proposal to be proper and a copy of such supporting opinion of counsel.

(l) *Invitations for tenders.* (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 paragraph (l)(1) of this section, the person who filed such statement shall promptly file with the Comptroller an amendment disclosing such change.

(3) All tender offers for, or requests or invitations for tenders of, securities published or sent or given to the holders of such securities shall include the following information, which shall be filed with the Comptroller as part of the statement required by paragraph (l)(1) of this section:

(i) The name of the person making the tender offer, request or invitation;

(ii) The exact dates prior to which, and after which, security holders who deposit their securities will have the right to withdraw their securities pursuant to section 14(d)(5) of the Act, or otherwise;

(iii) If the tender offer or request or invitation for tenders is for less than all of the outstanding securities of the class and the person making the offer, request or invitation is not obligated to purchase all of the securities tendered, the date of expiration of the period during which the securities will be taken up pro rata pursuant to section 14(d)(6) of the Act, or otherwise; and

(iv) 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.

(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 Act of 1933, a copy of the prospectus is required to be filed pursuant to paragraph (l)(1) of this section, 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 paragraph (l)(1) of this section, every amendment to such statement, and all other material required by this paragraph shall be filed with the Comptroller.

(7) When a person makes a tender offer for, or a request or invitation for tenders of, any class of equity securities of a bank registered pursuant to section 12 of the Act, and such person has filed a statement with the Comptroller pursuant to this paragraph, any other person controlling, or controlled by or under common control with ("control person")

the issuing bank shall not thereafter, during the period such tender offer, request or invitation continues, purchase any class of equity securities of the issuing bank unless:

(i) The control person has filed with the Comptroller a statement containing the information specified below with respect to proposed purchases:

(A) The title and amount of equity securities to be purchased, the names of the persons or classes of persons from whom, and the market in which, the securities are to be purchased, including the name of any exchange on which the purchase is to be made;

(B) The purpose for which the purchase is to be made and any plan or proposal for the disposition of such securities; and

(C) 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 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.

(ii) The control person has at any time within the past 6 months sent or given to the equity security holders of the issuing bank the substance of the information contained in the statement required by paragraph (l) (7) (i) of this section, and a copy has been filed with the Comptroller.

(8) Certain communications. The following communications shall not be deemed to be requests or invitations for tenders:

(i) Offers to purchase securities made in connection with a distribution of securities permitted by Rules 10b–6, 10b–7 or 10b–8 under the Act as promulgated by the Securities and Exchange Commission;

(ii) The call or redemption of any security in accordance with the terms and conditions of the governing instruments;

(iii) Offers to purchase securities evidenced by a script certificate, order form or similar document which represents a fractional interest in a share of stock or similar security;

(iv) Offers to purchase securities pursuant to a statutory procedure for the purchase of dissenting shareholders' securities;

(v) The furnishing of information and advice regarding a tender offer to customers or clients by attorneys, banks, brokers, fiduciaries or investment advisers, who are not otherwise participating in the tender offer or solicitation, on the unsolicited request of a person or pursuant to a general contract for advice to the person to whom the information or advice is given;

(vi) A communication from a bank to its security holders which does no more than (A) identify a tender offer or request or invitation for tenders made by another person, (B) state that the management of the bank is studying the matter and will, on or before a specified date (which shall be not later than 10 days prior to the date specified in the offer, request or invitation, as the last date on which tenders will be accepted, or such shorter period as the Comptroller may authorize) advise security holders as to the management's recommendation to accept or reject the offer, request or invitation, and (C) request security holders to defer making a determination as to whether or not they should accept or reject the offer, request or invitation until they have received the management's recommendation with respect thereto.

(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 (*l*) of this section to file a statement, or (2) a person, other than the bank or 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 paragraph (m) (1) of this section, 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) and 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 my 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 (i) 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 paragraph (o) (1) (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 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 stockholders.* (1) 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 the requirements of Form F–7 and Form F–8, respectively.

(2) A person who is already filing statements with the Comptroller pursuant to section 16(a) of the Act 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.

(4) Any director or officer who is required to file a statement on Form F–8 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 bank issuing such securities, or within 6 months after equity securities of such bank first became registered pursuant to Section 12 of the Act, shall include in the first such statement the information called for by Form F–8 with respect to all changes in his beneficial ownership of equity securities of such bank which occurred within 6 months prior to the date of the changes which require the filing of such statement.

(5) Any person who has ceased to be a director or officer of a bank which has equity securities registered pursuant to section 12 of the Act, or who is a director or officer of a bank 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 bank which shall occur on or after the date on which he ceased to be such director or officer, or the date on which the bank 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.

(b) *Ownership of more than 10 per cent of an equity security.* (1) In determining for the purpose of section 16(a) of the Act whether a person is the beneficial owner, directly or indirectly, of more than 10 percent of any class of equity securities, such person shall be deemed to be the beneficial owner of securities of such class which such person has the right to acquire through the exercise of presently exercisable options, warrants or rights or through the conversion of presenly convertible securities. The securities subject to such options, warrants, rights or conversion privileges held by a person shall be deemed to be outstanding for the purpose of computing the percentage of outstanding securities of the class owned by such person but shall not be deemed outstanding for the purpose of computing the percentage of the class owned by any other person. This subparagraph shall not be construed to relieve any person of any duty to comply with section 16(a) of the Act with respect to any equity securities consisting of options, warrants, rights or convertible securities which are otherwise subject as a class to section 16(a) of the Act.

(2) For the purpose of this paragraph a person acting in good faith may rely on the information contained in the latest Form F–1 or Form F–2 filed with the Comptroller with respect to the amount of securities of the class outstanding or in the case of voting trust certificates or certificates of deposit in the amount thereof issuable.

(3) For the purpose of determining percentage ownership of voting trust certificates or certificates of deposit for equity securities, the class of voting trust certificates or certificates of deposit shall be deemed to consist of the amount of voting trust certificates or certificates of deposit issuable with respect to the total amount of outstanding equity securities of the class which may be deposited under the voting trust agreement or deposit agreement in question, whether or not all of such outstanding securities have been so deposited.

(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 paragraph (d)(3) of this section, 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) of the Act 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) of the Act.

(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 beneficiaries of a trust, if the report filed discloses the names of all trustees, settlors, or 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 (b) 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) of the Act, 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).* (1) The granting, acquisition or disposition of any presently exercisable put, call, option, or other right or obligation to buy securities from, or to sell securities to, another person, or any expiration or cancellation thereof, shall be deemed to effect such a change in the beneficial ownership of the bank's security to which the right or obligation relates as to require the filing of a statement pursuant to section 16(a) of the Act reflecting such change in beneficial ownership. Nothing in this paragraph (e), however, shall exempt any person from the duty to file the statements required upon the exercise of such put, call, option or other right or obligation to buy or sell securities.

(i) If any such right or obligation is not initially exercisable, the granting and acquisition thereof shall be reported in

a statement filed for the month in which it became exercisable, unless the filing of such statement is otherwise not required;

(ii) The right of a pledgee or borrower of securities to sell the pledged or borrowed securities is not an option or right to sell securities within the meaning of this paragraph. However, the sale of the pledged or borrowed securities by the pledgee or borrower shall be reported by the pledgor or lender;

(iii) The right to acquire or the obligation to dispose of securities, in connection with a merger or consolidation involving the bank issuing the securities, is not a right or obligation to buy or sell securities within the meaning of this paragraph.

(2) For the purpose of section 16(a) of the Act both the grantor and the holder of any presently exercisable put, call, option or other right or obligation to buy or sell securities shall be deemed to be beneficial owners of the securities subject to such right or obligation until it is exercised or cancelled or expires.

(3) Notwithstanding the foregoing, a statement need not be filed pursuant to section 16(a) of the Act (i) by any person with respect to the acquisition, expiration or cancellation of any non-transferable qualified, restricted or other stock option granted by the bank with respect to securities to which the option relates pursuant to a plan provided for the benefit of its employees or the employees of the bank's affiliates if such plan meets the condition specified in § 11.6(b), or (ii) by any bank with respect to any put, call, option or other right or obligation to buy or sell securities of which it is the issuer.

NOTE.—An option, otherwise non-transferrable, is deemed to be non-transferrable even though it may be disposed of by will or by descent and distribution upon the death of the holder.

(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 six 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 six-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 six-month period, shall be exempt from section 16(a) and may be excluded from the computations prescribed in paragraph (g)(1)(ii) of this section.

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

(h) *Temporary exemption of certain persons from sections 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 sections 16 (a) and 16(b) of the Act:

(1) Executors or administrators of the estate of a decendent;

(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 the 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) of the Act shall, insofar as it is otherwise subject to the provisions of section 16(b), be likewise exempted from section 16(b) of the Act.

(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) of the Act 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) of the Act, 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) of the Act 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 (k). 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 (k) 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) of the Act 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 there-

under were assumed by the bank in connection with the succession: *Provided, however,* That if such vote or written consent was not solicited substantially in accordance with the requirements, if any, in effect under § 11.5 at the time of such vote or written consent, the bank shall furnish in writing to the holders of record of the securities entitled to vote for the plan substantially the same information concerning the plan which would be required by the provisions in effect under § 11.5 at the time such information is furnished, if proxies to be voted with respect to the approval or disapproval of the plan were then being solicited, on or prior to the date of the first annual meeting of security holders held subsequent to the later of (A) the first registration of an equity security under section 12 of the Act, or (B) the acquisition of an equity security for which exemption is claimed. Such written information may be furnished by mail to the last known address of the security holders of record within 30 days prior to the date of mailing. Four copies of such written information shall be filed with, or mailed for filing to, the Comptroller not later than the date on which it is first sent or given to security holders of the bank.

(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 if the plan 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 of 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 paragraph (l)(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 one 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) The plan effectively limits, as to each participant or as to all participants, 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.

(4) The term "exercise of an option, warrant or right" contained in the parenthetical clause of the first paragraph of this § 11.6(*l*) shall not include (i) the making of any election to receive under any plan compensation in the form of stock or credits therefor: *Provided,* That such election is made either prior to the making of the award or prior to the fulfillment of all conditions to the receipt of the compensation and, *Provided further,* That such election is irrevocable until at least 6 months after termination of employment; (ii) the subsequent crediting of such stock; (iii) the making of any election as to the time for delivery of such stock after termination of employment: *Provided,* That such election is made at least 6 months prior to any such delivery; (iv) the fulfillment of any condition to the absolute right to receive such stock, or (v) the acceptance of certificates for shares of such stock.

(m) *Exemption from section 16(b) of long-term profits incident to sales within six months of the exercise of an option.* (1) To the extent specified in paragraph (m)(2) of this section, 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) of the Act, 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 six months before its exercise, or (ii) acquired pursuant to the terms of an employment contract entered into more than six months before its exercise.

(2) With respect to transactions specified in paragraph (m)(1) of this section, the profits inuring to the bank pursuant to section 16(b) of the Act shall not exceed the difference between the proceeds of sale and the lowest market price of any security of the same class within six months before or after the date of sale. Nothing in this paragraph (m) 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) of the Act, as not comprehended within the the purpose of that section, if purchased in a transaction specified in paragraph (m)(1) of this section 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) of the Act or by any regulations thereunder.

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

(n) *Exemption from section 16(b) of dispositions of equity securities purusant to certain mergers or consolidations incident to formation of a bank holding company.* (1) There shall be exempt from the provisions of section 16(b) of the Act, as not comprehended within the purpose of that section, the disposition of any equity security, pursuant to a merger or consolidation, of a bank which, prior to said merger or consolidation, held over 85 percent of the combined assets of all the companies undergoing merger or consolidation, computed according to their book values, as determined by reference to their most recent available financial statements for a 12-month period prior to the merger or consolidation, if, in such merger or consolidation, there are issued, in ex-

change for such equity securities of such bank, equity securities of a bank holding company as defined in the Bank Holding Company Act of 1956, as amended, 12 U.S.C. 1841.

(2) Notwithstanding the foregoing, if an officer, director, or stockholder shall make any purchase (other than a purchase exempted by this paragraph or any other paragraph under section 16(b) of the Act) of an equity security of any company involved in the merger or consolidation and any sale (other than a sale exempted by this paragraph or any other paragraph under section 16(b) of the Act) of an equity security in any other company involved in the merger or consolidation within any period of less than 6 months during which the merger or consolidation took place, the exemption provided by this paragraph shall be unavailable to such officer, director, or stockholder to the extent of such purchase and sale.

(o) *Exemption from section 16(b) of transactions involving the deposit or withdrawal of equity securities under a voting trust or deposit agreement.* Any acquisition or disposition of an equity security involved in the deposit of such security under, or the withdrawal of such security from, a voting trust or deposit agreement, and the acquisition or disposition in connection therewith of the certificate representing such security, shall be exempt from the operation of section 16(b) of the Act if substantially all of the assets held under the voting trust or deposit agreement immediately after the deposit or immediately prior to the withdrawal, as the case may be, consisted of equity securities of the same class as the security deposited or withdrawn: *Provided, however,* That this paragraph shall not apply to the extent that there shall have been either (1) a purchase of an equity security of the class deposited and a sale of any certificate representing an equity security of such class, or (2) a sale of an equity security of the class deposited and a purchase of any certificate representing an equity security of such class (otherwise than in a transaction involved in such deposit or withdrawal or in a transaction exempted by any other paragraph under section 16(b) of the Act) within a period of less than 6 months which includes the date of the deposit or withdrawal.

(p) *Exemption from section 16(b) of transactions involving the conversion of equity securities.* (1) Any acquisition or disposition of an equity security involved in the conversion of an equity security which, by its terms or pursuant to the terms of the bank's corporate charter or other governing instruments, is convertible immediately or after a stated period of time into another equity security of the same bank, shall be exempt from the operation of section 16(b) of the Act: *Provided, however,* That this paragraph shall not apply to the extent that there shall have been either (i) a purchase of any equity security of the class convertible (including any acquisition of or change in a conversion privilege) and a sale of any equity security of the class issuable upon conversion, or (ii) a sale of any equity security issuable upon conversion (otherwise than in a transaction involved in such conversion or in a transaction exempted by any other paragraph under section 16(b) of the Act) within a period of less than 6 months which includes the date of conversion.

(2) For the purpose of this paragraph, an equity security shall not be deemed to be acquired or disposed of upon conversion of an equity security if the terms of the equity security converted require the payment or entail the receipt, in connection with such conversion, of cash or other property (other than equity securities involved in the conversion) equal in value at the time of conversion to more than 15 percent of the value of the equity security issued upon conversion.

(3) For the purpose of this paragraph, an equity security shall be deemed convertible if it is convertible at the option of the holder or of some other person or by operation of the terms of the security or of the governing instruments.

(q) *Exemption from section 16(b) of certain transactions involving the sale of subscription rights.* (1) Any sale of a subscription right to acquire any subject security of the same bank shall be exempt from the provisions of section 16(b) of the Act, to the extent prescribed in this paragraph, as not comprehended within the purpose of said section, if:

(i) Such subscription right is acquired, directly or indirectly, from the bank without the payment of consideration;

(ii) Such subscription right by its terms expires within 45 days after the issuance thereof; and

(iii) Such subscription right by its terms is issued on a pro rata basis to all holders of the beneficiary security of the bank.

(2) When used within this paragraph the following terms shall have the meaning indicated:

(i) The term "subscription right" means any warrant or certificate evidencing a right to subscribe to or otherwise acquire an equity security of the bank;

(ii) The term "beneficiary security" means a security registered pursuant to section 12 of the Act, to the holders of which a subscription right is granted;

(iii) The term "subject security" means a security which is the subject of a subscription right.

(3) Notwithstanding anything contained herein to the contrary, if a person purchases subscription rights for cash or other consideration, then a sale by such person of subscription rights otherwise exempted by this rule will not be so exempted to the extent of such purchases within the 6-month period preceding or following such sale.

(r) *Exemption of certain securities from section 16(c).* Any equity security of a bank shall be exempt from the operation of section 16(c) of the Act 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.

(s) *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) of the Act 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 overallotment 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) of the Act 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) of the Act by this paragraph(s). 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.

(t) *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) of the Act 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) of the Act.

(2) This paragraph (t) 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.

(u) *Arbitrage transactions under section 16.* It shall be unlawful for any director or officer of a bank to effect any foreign or domestic arbitrage transaction 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) of the Act. The provisions of section 16(c) of the Act shall not apply to such arbitrage transactions. The provisions of paragraph (a) of this section and of section 16 of the Act 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 office 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*—(i) *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 the 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 himself 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 paragraph (b)(3)(iii) of this section 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, of 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 the following shall be set forth in a note to the appropriate financial statement:

(i) Total rental expense (reduced by rentals from subleases, with disclosure of such amounts) entering into the determination of results of operations for each period for which an income statement is presented shall be disclosed. Rental payments under short-term leases for a month or less which are not expected to be renewed need not be included.

(ii) The minimum rental commitments under all noncancellable leases shall be disclosed, as of the date of the latest balance sheet presented, in the aggregate, for (A) each of the five succeeding fiscal years; (B) each of the next three five-year periods; and (C) the remainder as a single amount. The amounts so determined should be reduced by rentals to be received from existing noncancellable subleases (with disclosure of the amounts of such rentals). For purposes of this subparagraph, a noncancellable lease is defined as one that has an initial or remaining term of more than one year and is noncancellable, or is cancellable only upon the occurrence of some remote contingency or upon the payment of a substantial penalty.

(iii) Additional disclosures shall be made to report in general terms: (A) the basis for calculating rental payments if dependent upon factors other than the lapse of time; (B) existence and terms of renewal or purchase options, escalation clauses, etc.; (C) the nature and amount of related guarantees made or obligations assumed; (D) restrictions on paying dividends, incurring additional debt, further leasing, etc.; and (E) any other information necessary to assess the effect of lease commitments upon the financial positions, results of operations, and changes in financial position of the lessee.

(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 lossess 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 convertible the terms of the conversion shall be described briefly; (B) If callable, the date or dates and the amount per share at which such shares are callable shall be stated; (C) Arrears in cumulative dividens per share and in total for each class of shares shall be stated; (D) Aggregate preferences on involuntary liquidation, if other than the par or stated value, shall be shown parenthetically in the equity section of the balance sheet. 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 for each period for which an income statement is presented 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; (D) The excess, if any, of the actuarially computed value of vested benefits over the total of the pension fund and any balance sheet pension accruals, less any pension prepayments or deferred charges, shall be given as of the most recent practicable date; (E) A statement shall be given of the nature and effect of significant matters affecting comparability of pension cost for any periods for which income statements are presented.

(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 become, 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 paragraph (c) (9) (iii) (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 paragraph (c) (9) (iii) of this section shall be described, indicating briefly its source, its pertinent provisions, and, where appropriate and determinable, the amount of the suplus 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.

(viii) *Standby letters of credit.* State the amount of outstanding "standby letters of credit." For the purpose of this subdivision (viii) "standby letters of credit" include every letter of credit (or similar arrangement however named or designated) which represents an obligation to the beneficiary on the part of the issuer (A) to repay money borrowed by or advanced to or for the account of the account party or (B) to make payment on account of any evidence of indebtedness undertaken by the account party, or (C) to make payment on account of any default by the account party in the performance of an obligation,[1] except that, if prior to or at the time of issuance of a standby letter of credit, the issuing bank (A) is paid an amount equal to the bank's maximum liability under the standby letter of credit, or (B) has set aside sufficient funds in a segregated, clearly earmarked deposit account to cover the bank's maximum liability under the standby letter of credit, then the amount of that standby letter of credit need not be stated.

(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 provisions for depreciation of physi-

[1] As defined, "standby letter of credit" would not include (a) commercial letters of credit and similar instruments where the issuing bank expects the beneficiary to draw upon the issuer and which do not "guaranty" payment of a money obligation or (b) a guaranty or similar obligation issued by a foreign branch in accordance with and subject to the limitations of Regulation M promulgated by the Board of Governors of the Federal Reserve System (12 CFR 213).

cal 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.

(iii) *Bonus, profit sharing, and other similar plans.* Describe the essential provisions of any such plans in which only directors, officers or key employees may participate, and state, for each of the fiscal periods for which income statements are required to be filed, the aggregate amount provided for all plans by charges to expense.

(iv) *Income tax expense.* (A) Disclosure shall be made, in the income statement or a note thereto, of the components of income tax expense, including: (*1*) taxes currently payable; (*2*) the net tax effects, as applicable, of (*i*) timing differences (indicate separately the amount of the estimated tax effect of each of the various types of timing differences. Types of timing differences that are individually less than 15 percent of the deferred tax amount in the income statement may be combined. However, if no individual type of difference is more than five percent of the amount computed by multiplying the income before tax by the applicable statutory Federal income tax rate and the aggregate amount of timing differences is less than five percent of such computed amount, disclosure of each of the separate types of timing differences may be omitted.) and (*ii*) operating losses; and (*3*) the net deferred investment tax credits. Amounts applicable to United States Federal income taxes, to foreign income taxes and to other income taxes shall be stated separately for each major component, unless the amounts applicable to foreign and other income taxes do not exceed five percent of the total for the component. (B) Provide a reconciliation between the amount of reported total income tax expense and the amount computed by multiplying the income before tax by the applicable statutory Federal income tax rate, showing the estimated dollar amount of each of the underlying causes for the difference. If no individual reconciling item amounts to more than five percent of the amount computed by multiplying the income before tax by the applicable statutory Federal income tax rate, and the total difference to be reconciled is less than five percent of such computed amount, no reconciliation need be provided unless it would be significant in appraising the trend of earnings. Reconciling items that are individually less than five percent of the computed amount may be aggregated in the reconciliation. The reconciliation may be presented in percentages rather than in dollar amounts.

(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 reasons 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) *Statement of changes in financial position.* A statement of changes in financial position shall be filed with each statement of income.

(g) *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[1]

Title of class:	Name of each exchange on which class is being registered:
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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

[1] If none, so state.

(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; (iii) subsidiaries included in group financial statements filed for unconsolidated subsidiaries; and (iv) 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, or if the bank takes up the equity in undistributed earnings of any other unconsolidated person, such person shall be deemed to be a subsidiary for the purpose of this item. If any person is controlled by means of the direct ownership of its securities by two or more persons listed in response to this item, so indicate by appropriate cross reference.

(c) Describe any contractual arrangement, known to the bank, including any pledge of securities of the bank or any of its parents the operation of the terms of which may at a subsequent date result in a change of control of the bank.

Instruction. This paragraph 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 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 five 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. The description shall also include without limitation, information as to matters such as the following:

(a) competitive conditions and the competitive position of the bank in its service area;

(b) by appropriate categories, the amount of loan and similar commitments (excluding check credit, overdraft, and credit card lines) as of the end of each of the last two fiscal years, and, with respect to the amount as of the end of the most recent fiscal year, the portion considered to be "firm" and the portion not reasonably expected to be exercised within the current year;

NOTES.—1. The categorization may include such items as commercial letters of credit, commitments to grant loans, and commitments to purchase loans, or such other classifications deemed appropriate by the bank. Any specific category representing more than 25 percent of the total commitments shown shall, however, be identified and specific categories representing individually less than 25 percent of the total commitments shown may be aggregated as Other Commitments.

2. If more than 25 percent of the total commitments shown are on terms whereby the prices or interest rates are not to be determined by the market conditions to be prevailing at the time of exercise of the commitments, the amount and a description of such commitments should also be disclosed.

(c) if a material portion of the bank's deposits has been obtained from a single person or a few persons (including Federal, State, and local governments and agencies thereunder), the loss of any of one or more of whom would have a materially adverse effect on the business of the bank, or if a material portion of the bank's loans is concentrated within a single industry or group of related industries, a description of such customers, their other relationships, if any, to the bank, and material facts regarding their importance to the business of the bank.

(d) the extent to which the business is or may be seasonal;

(e) appropriate disclosure shall be made with respect to the importance of and risks attendant to foreign sources and applications of funds;

(f) appropriate disclosure shall also be made as to the material effects that compliance with Federal, State and local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the bank and its subsidiaries; and

(g) the approximate number of persons employed.

ITEM 4—SUMMARY OF OPERATIONS

Furnish in comparative columnar form a summary of operations for each of the last five fiscal years. Where necessary, include information or explanation, by footnote or otherwise, of material significance to investors in appraising the results shown.

Instructions. 1. At a minimum, Items 1(h), 2(k), 3, 4, 5, 6, 7, and 10 of Form F-9B and cash dividends per share shall be shown.

2. Describe any change in accounting principles or practices, or any change in the method of applying such principles or practices, which materially affected the financial statements for the fiscal year or which is reasonably certain to affect the financial statements of future fiscal years. State the date of the change and the reasons therefor.

ITEM 5—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, and the expiration dates of any material leases.

ITEM 6—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, options, 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 principal 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 7—PENDING LEGAL PROCEEDINGS

Briefly describe any material pending legal proceedings, other than ordinary routine litigation 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 are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceeding and the relief sought. Include similar information as to any such proceedings known to be contemplated by governmental authorities.

Instructions. 1. No information need be given with respect to proceedings which involve principally claims for damages if the aggregate amount involved does not exceed ten percent of the equity capital accounts of the bank and its subsidiaries on a consolidated basis. However, if any proceedings present 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 person holding beneficially in excess of ten percent of the bank's outstanding stock, or any associate of any such director, officer or security holder, is a party, or has a material interest adverse to the bank or any of its subsidiaries, shall also be described.

3. Notwithstanding the foregoing, administrative or judicial proceedings arising under any Federal, State or local provisions regulating the discharge of materials into the environment or otherwise relating to the protection of the environment, shall not be deemed "ordinary routine litigation incidental to the business" and shall be described if such proceeding is material to the business or financial condition of the bank or if it involves primarily a claim for damages and the amount involved, exclusive of interest and costs, exceeds 10 percent of the equity capital of the bank and its subsidiaries on a consolidated basis. Any such proceedings by governmental authorities shall be deemed material and shall be described whether or not the amount of any claim for damages involved exceeds 10 percent of equity capital on a consolidated basis and whether or not such proceedings are considered "ordinary routine litigation incidental to the business"; *Provided however*, That such proceedings which are similar in nature may be grouped and described generically stating: the number of such proceedings in each group; a generic description of such proceedings; the issues generally involved; and, if such proceedings in the aggregate are material to the business or financial condition of the bank, the effect of such proceedings on the business or financial condition of the bank.

ITEM 8—DIRECTORS AND OFFICERS

(a) 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. State the age of the persons named,

their terms of office, and the periods during which each such person has served. Briefly describe any arrangement or understanding between each director or officer and any other person pursuant to which such director or officer was selected to serve in that capacity. The term "officer" is defined in § 11.2(o).

Instruction. Do not include arrangements or understandings with directors or officers of the bank acting solely in their capacities as such.

(b) State the nature of any family relationship between any director or officer and any other director or officer.

Instruction. The term "family relationship" means any relationship by blood, marriage or adoption, not more remote than first cousin.

(c) Give a brief account of the business experience during the past five years of each director and each officer, including his principal occupations and employment during that period and the name and principal business of any corporation or other organization in which such occupations and employment were carried on. Where an officer has been employed by the bank or a subsidiary of the bank for less than five years, a brief explanation should be included as to the nature of the responsibilities undertaken by the individual in prior positions to provide adequate disclosure of his prior business experience.

(d) Describe any of the following events which occurred during the past ten years and which are material to an evaluation of ability and integrity of any director or officer of the bank:

(1) A petition under the Bankruptcy Act or any state insolvency law was filed by or against, or a receiver, fiscal agent or similar officer was appointed by a court for the business or property of, such person, or any partnership in which he was a general partner at or within 2 years before the time of such filing, or any corporation or business association of which he was an executive officer at or within 2 years before the time of such filing;

(2) Such person was convicted in a criminal proceeding (excluding traffic violations and other minor offenses) or is the subject of a criminal proceeding which is presently pending; or

(3) Such person was the subject of any order, judgment or decree of any court of competent jurisdiction permanently or temporarily enjoining him from acting as an investment advisor, underwriter, broker or dealer in securities, or as an affiliated person, director or employee of any investment company, bank, savings and loan association or insurance company, or from engaging in or continuing any conduct or practice in connection with any such activity or in connection with the purchase or sale of any security, or was the subject of any order of a Federal or State authority barring or suspending, for more than 60 days, the right of such person to be engaged in any such activity or to be associated with persons engaged in any such activity, which order has not been reversed or suspended.

Instruction. If any event specified in paragraph (d) has occurred but information in regard thereto is omitted on the ground that it is not material, the bank shall furnish, as supplemental information and not as a part of the registration statement, a description of the event and a statement of the reasons for the omission of information in regard thereto.

ITEM 9—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 10—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 three highest paid officers of the bank whose annual total direct remuneration exceeded $40,000, 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.

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

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 13, 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), and to all directors and officers as a group, without naming them, but stating the number of persons included:

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

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 after a specified number of years of service. In such case Columns (A) and (C) need not be answered with respect to directors and officers as a group.

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.

(c) Describe briefly all remuneration payments (other than accrued 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 (2) 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 11—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 bank 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: (1) A statement to that effect, (2) a brief description of the terms and conditions of the options or of the plan pursuant to which they were issued, and (3) 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 (1) the title and amount of the securities called for by such options; (2) the purchase prices of the securities called for and the expiration dates of such options; and (3) 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 (1) each director or officer named in answer to paragraph (a) (1) of Item 10, naming each such person, and (2) all directors and officers as a group without naming them.

Instructions. 1. The extension, regranting or material amendment 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 dates referred to in this item does not exceed $10,000 for any officer or director named in answer to paragraph (a) (1) of Item 10, or $40,000 for all officers and directors as a group, this item need not be answered with respect to options held by such person or group.

ITEM 12—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:

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

(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:

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

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 bank, any person, 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.

4. The provisions of § 11.4(g) (2) (iii) shall also apply to this Item with respect to the determination of beneficial ownership.

ITEM 13—INTEREST OF MANAGEMENT AND OTHERS IN CERTAIN TRANSACTIONS

(a) 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 three years, 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 security holder named in answer to Item 12(a); or

(3) Any associate of any of the foregoing persons.

Instructions. 1. See Instruction 1 to Item 10(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 as well as the nature of his interest in the transaction. 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 13(a) 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 10 or 11.

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:

(a) The rates or charges involved in the transaction are fixed by law, governmental authority, or are determined by competitive bids;

(b) 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;

(c) The specified person is subject to this Item 13 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 and/or owner of less than a ten percent interest of another person which is a party to the transaction;

(d) The transaction does not involve remuneration for services, directly or indirectly, and (1) 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, (2) the transaction is in the ordinary course of business of the bank or its subsidiaries, and (3) the amount of such transaction or series of transactions is less than 10 percent of the equity capital accounts of the bank;

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

(f) 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 $40,000;

(g) the transaction consists of extensions of credit by the bank in the ordinary course of its business that (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 the specified persons, (2) at no time exceed 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. 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 13(a) may be excluded.

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.

(b) Describe briefly any transaction during the last three years of any presently proposed transactions, to which any pension, retirement, savings or similar plan provided by the bank, or any of its parents or subsidiaries, was or is to be a party, in which any of the following persons had or is to have a direct or indirect material interest, naming such person and stating his relationship to the bank, the nature of his interest in the transaction and, where practicable, the amount of such interest:

(1) any director or officer of the bank;

(2) any security holder named in answer to Item 12(a);

(3) any relative or spouse of any of the foregoing persons, or any relative of such spouse, who has the same home as such person or who is a director or officer of any parent or subsidiary of the bank; or

(4) the bank or any of its subsidiaries.

Instructions. 1. Instructions 1, 3, 4 and 6 to Item 13(a) shall apply to this Item 13(b).

2. Without limiting the general meaning of the term "transaction" there shall be included in answer to this item any remuneration received or any loans received or outstanding during the period, or proposed to be received.

3. No information need be given in answer to this Item 13(b) with respect to—

(a) payments to the plan, or payments to beneficiaries pursuant to the terms of the plan;

(b) payment of remuneration for services not in excess of 5 percent of the aggregate remuneration received by the specified persons during the bank's last fiscal year from the bank and its subsidiaries; or

(c) any interest of the bank or any of its subsidiaries which arises solely from its general interest in the success of the plan.

ITEM 14—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 or by the provisions of any contract or other document, include such information regarding such other securities as will enable investors to understand the rights evidenced by the 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 15—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 requiring the maintenance of any ratio of assets or the creation or maintenance of reserves or the maintenance of properties.

(c) 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.

(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.

(e) 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 each lien.

Instructions. 1. The instructions to Item 14 shall apply to this item.

2. 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 in answer to paragraph (c).

ITEM 16—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 amounts of securities called for, the period during which and the price at which the warrants or right are exercisable.

Instruction. The instructions to Item 14 shall also apply to this item.

ITEM 17—RECENT SALES OF SECURITIES

Furnish the following information as to all securities of the bank sold by the bank within the past three 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 privately, 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.

(d) Give 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 amount to be used for each purpose.

Instructions. (1) Information need not be set forth as to notes, drafts, bills of exchange, or bank acceptances that mature not later than 12 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 18—NATURE OF TRADING MARKET

As to each class of securities to be registered pursuant to Section 12(g) of the Act, state briefly the nature of the trading market, if any, in such securities, including the names of the principal market makers and the reported high and low bid prices for each quarterly period during the past three years.

Instruction. In furnishing high and low bid prices the bank may rely on quotations published in publications of national circulation, provided the source of the information is identified. If the principal market makers are not known, it will suffice to name three market makers which are believed to be actively engaged in making a market in the securities.

ITEM 19—APPLICABILITY OF STATE LAWS

Describe briefly the manner in which the laws of the State where the bank is located may materially affect such matters as the following:

(a) *de novo* branching, banking facilities, and mergers;

(b) interest rate ceilings; and

(c) bank holding companies.

ITEM 20—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: ---

FORM F-1—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, statement of changes in financial position 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 the 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 (1) bank premises subsidiaries, (2) subsidiaries operating under the provisions of section 25 or section 25(a) of the Federal Reserve Act ("Agreement Corporations" and "Edge Act Corporations"), and (3) 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 (1) bank premises subsidiaries, (2) subsidiaries operating under the provisions of section 25 or section 25(a) of the Federal Reserve Act ("Agreement Corporations" and "Edge Act Corporations"), and (3) 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 sheets.

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. For purposes of this item, "other persons" includes 50 percent owned persons and unconsolidated persons in which the bank takes up equity in undistributed earnings.

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 quired if such business were a registrant. 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 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: (a) title of the securities, (b) date of the write-off, (c) amount written off, and (d) 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 (a) title of the securities retired, (b) date of retirement, (c) amount of premium paid and of unamortized discount and expense, (d) to what account charged, and (e) 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 (a) the year or years in which such increases or decreases were made; (b) the nature and amounts thereof; and (c) 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 required, 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 such exhibits are incorporated by reference the reference shall be made in the list of exhibits in Item 20.

1. Copies of the charter (or a composite or restatement thereof) and the bylaws (or in-

struments corresponding thereto) as presently in effect.

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

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 thereunder 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 12.

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 ordinarily 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 12(a) are parties thereto except where the contract merely involves purchase or sale of current assets havings a determinable market price, at such price.

(2) It calls for the acquisition or sale of fixed assets for a consideration exceeding 10 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 5 is held by the bank.

(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(a) of this part. Particular attention should be given to the definitions in § 11.2 and the general requirements in § 11.4 of this part. 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. *Annual reports to security holders.* Every bank that files an annual report on this Form F-2 shall also furnish to the Comptroller for his information four copies of the annual report to security holders pursuant to § 11.5(c). The annual report to security holders 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 Form F-2 or incorporates it therein by reference. Information contained in an annual report to security holders furnished to the Comptroller pursuant to this paragraph may be incorporated by reference in answer or partial answer to any item of this form.

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. 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.

2. Designate (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.

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

4. 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.

5. 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.—BUSINESS

Describe the business done or intended to be done by the bank and its subsidiaries, including any material changes during the fiscal year. 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. The description shall also include, without limitation, information as to matters such as the following:

(a) competitive conditions and the competitive position of the bank in its service area;

(b) by appropriate categories, the amount of loan and similar commitments (excluding check credit, over-draft, and credit card lines) as of the end of each of the last two fiscal years, and, with respect to the amount as of the end of the most recent fiscal year, the portion considered to be "firm" and the portion not reasonably expected to be exercised within the current year;

NOTE.—1. The categorization may include such items as commercial letters of credit, commitments to grant loans, and commitments to purchase loans, or such other classifications deemed appropriate by the bank. Any specific category representing more than 25 percent of the total commitments shown shall, however, be identified and specific categories representing individually less than 25 percent of the total commitments shown may be aggregated as Other Commitments.

2. If more than 25 percent of the total commitments shown are on terms whereby the prices or interest rates are not to be determined by the market conditions to be prevailing at the time of exercise of the commitments, the amount and a description of such commitments should also be disclosed.

(c) if a material portion of the bank's deposits has been obtained from a single person or a few persons (including Federal, State, and local governments and agencies thereunder), the loss of any of one or more of whom would have a materially adverse effect on the business of the bank, or if a material portion of the bank's loans is concentrated within a single industry or group of related industries, a description of such customers, their other relationships, if any, to the bank, and material facts regarding their importance to the business of the bank;

(d) the extent to which the business is or may be seasonal;

(e) appropriate disclosure shall be made with respect to the importance of and risks attendant to foreign sources and applications of funds;

(f) Appropriate disclosure shall also be made as to the material effects that compliance with Federal, State and local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the bank and its subsidiaries; and

(g) the approximate number of persons employed.

ITEM 4—SUMMARY OF OPERATIONS

Furnish in comparative columnar form a summary of operations for each of the last five fiscal years. Where necessary, include information or explanation, by footnote or otherwise, of material significance to investors in appraising the results shown.

Instructions. 1. At a minimum, Items 1(h), 2(k), 3, 4, 5, 6, 7 and 10 of Form F-9B and cash dividends per share shall be shown.

2. Describe any change in accounting principles or practices, or any change in the method of applying such principles or practices, which materially affected the financial statements for the fiscal year or which is reasonably certain to affect the financial statements of future fiscal years. State the date of the change and the reasons therefor.

ITEM 5—PENDING LEGAL PROCEEDINGS

Briefly describe any material pending legal proceedings, other than ordinary routine litigation 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 are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceeding and the relief sought. Include similar information as to any such proceedings known to be contemplated by governmental authorities.

Instructions. 1. No information need be given with respect to proceedings which involve principally claims for damages if the aggregate amount involved does not exceed 10 percent of the equity capital accounts of the bank and its subsidiaries on a consolidated basis. However, if any proceedings present 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 person holding beneficially in excess of 10% of the bank's outstanding stock, or any associate of any such director, officer or security holder, is a party, or has a material interest, adverse to the bank or any of its subsidiaries, shall also be described.

3. Notwithstanding the foregoing, administrative or judicial proceedings arising under any Federal, State or local provisions regulating the discharge of materials into the the environment or otherwise relating to the protection of the environment shall not be deemed "ordinary routine litigation incidental to the business" and shall be described if such proceeding is material to the business or financial condition of the bank or if it involves primarily a claim for damages and the amount involved, exclusive of interest and costs, exceeds 10 percent of the equity capital of the bank and its subsidiaries on a consolidated basis. Any such proceedings by governmental authorities shall be deemed material and shall be described whether or not the amount of any claim for damages involved exceeds 10 percent of equity capital on a consolidated basis and whether or not such proceedings are considered "ordinary routine litigation incidental to the business"; *Provided, however,* That such proceedings which are similar in nature may be grouped and described generically stating: the number of such proceedings in each group; a generic description of such proceedings; the issues generally involved; and, if such proceedings in the aggregate are material to the business or financial condition of the bank, the effect of such proceedings on the business or financial condition of the bank.

ITEM 6—INCREASES AND DECREASES IN OUTSTANDING SECURITIES

Give the following information as to all increases and decreases during the fiscal year in the amount of securities of the bank outstanding:

(a) the title of the class of securities involved;

(b) the date of the transaction;

(c) the amount of securities involved and whether an increase or a decrease;

(d) a brief description of the transaction in which the increase or decrease occurred;

(e) the market price on the date of sale, if applicable;

(f) the names of the brokers, underwriters or finders, if any. As to any securities sold but which were not the subject of a public offering, name the persons or identify the class of persons to whom the securities were sold;

(g) as to securities sold for cash, state the aggregate offering price and the aggregate underwriting discounts, brokerage commissions, or finder's fees. As to any securities sold otherwise than for cash, state the nature and aggregate amount of consideration received by the bank; and

(h) in connection with any increase in outstanding securities, state whether an offering circular was used. If no offering circular was used, explain briefly the reason therefor and state whether the securities have been legended and stop-transfer instructions were given in connection therewith, and if not, state the reasons why not.

Instruction. The information shall be prepared in the form of a reconciliation between the amounts shown to be outstanding on the balance sheet to be filed with this report and the amounts shown on the bank's balance sheet for the previous year. The exercise of oustanding options or warrants (separately by class or type of option or warrant), conversions previously issued convertible securities (separately by class of security) and the issuance of options may be grouped together showing the dates between which all such transactions occurred.

ITEM 7—OFFICERS OF THE BANK

(a) List the names and ages of all officers of the bank and all persons chosen to become officers; state the nature of any family relationship between them; indicate all positions and offices with the bank held by each such person; state his term of office as officer and the period during which he has served as such and briefly describe any arrangement or understanding between him and any other person pursuant to which he was selected as an officer.

Instructions. 1. Do not include arrangements or understandings with directors or officers of the registrant acting solely in their capacities as such.

2. The term "family relationship" means any relationship by blood, marriage or adoption, not more remote than first cousin.

(b) Give a brief account of the business experience during the past five years of each officer, including his principal occupations and employment during that period and the name and principal business of any corporation or other organization in which such occupations and employment were carried on. Where an officer has been employed by the bank or a subsidiary of the bank for less than five years, a brief explanation should be included as to the nature of the responsibilities undertaken by the individual in prior positions to provide adequate disclosure of his prior business experience.

ITEM 8—INDEMNIFICATION OF DIRECTORS AND OFFICERS

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

ITEM 9—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: ---

FORM F-2—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, statement of changes in financial position, 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 two fiscal years and verified statements of income for such fiscal years.

(b) Notwithstanding subparagraph (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 (a) bank premises subsidiaries, (b) subsidiaries operating under the provisions of section 25 or section 25(a) of the Federal Reserve Act ("Agreement Corporations" and "Edge Act Corporations"), and (c) significant subsidiaries, in comparative columnar form, verified consolidated balance sheets as of the close of the last two 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. For purposes of this instruction "other persons" includes 50 percent owned persons and unconsolidated persons in which the bank takes up equity in undistributed earnings.

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 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.

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 of 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 relationships 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 (a) 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; (b) any transaction between two or more wholly owned subsidiaries of any person; or (c) the redemption or other acquisition of securities from the public, or the sale or other disposition of securities to the public, by the bank.

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 (a) in collecting a debt previously contracted in good faith or (b) 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 disposition, but does not include disposition of assets acquired (a) in collecting a debt previously contracted in good faith or (b) 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 (a) if the net book value of such assets or the amount paid or received therefor upon such acquisition or disposition exceeded 10 percent of the total assets of the bank, or (b) if it involved the acquisition or disposition of a business whose gross operating revenues for its last fiscal year exceeded 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 pending legal proceedings, other than ordinary routine litigation 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 are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceeding and the relief sought. Include similar information as to any such proceedings known to be contemplated by governmental authorities.

(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 proceedings which involve principally claims for damages if the aggregate amount involved does not exceed 10 percent of the equity capital accounts of the bank and its subsidiaries on a consolidated basis. However, if any proceedings present 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 person holding beneficially in excess of 10% of the bank's outstanding stock, or any associate of any such director, officer or security holder, is a party, or has a material interest, adverse to the bank or any of its subsidiaries, shall also be described.

3. Notwithstanding the foregoing, administrative or judicial proceedings arising under any Federal, State or local provisions regulating the discharge of materials into the environment or otherwise relating to the protection of the environment, shall not be deemed "ordinary routine litigation incidental to the business" and shall be described if such proceeding is material to the business or financial condition of the bank or if it involves primarily a claim for damages and the amount involved, exclusive of interest and costs, exceeds 10 percent of the equity capital of the bank and its subsidiaries on a consolidated basis. Any such proceedings by governmental authorities shall be deemed material and shall be described whether or not the amount of any claim for damages involved exceeds 10 percent of equity capital on a consolidated basis and whether or not such proceedings are considered "ordinary routine litigation incidental to the business"; *Provided, however,* that such proceedings which are similar in nature may be grouped and described generically stating: the number of such proceedings in each group; a generic description of such proceedings; the issues generally involved; and, if such proceedings in the aggregate are material to the business or financial condition of the bank, the effect of such proceedings on

the business or financial condition of the bank.

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—DEFAULT 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 AMOUNTS 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 oustanding securities of the class, furnish the following information:

(a) Title of 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 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 proceds have been or are to be used and the approximate amount used or to be used for each such purpose.

(e) If the securities were capital shares, a statement of the amount of the proceeds credited or to be credited to any account other than the appropriate capital share account.

Instructions. 1. This item does not apply to notes, drafts, bills of exchange, or bank acceptances which mature not later than 12 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 or other units.

2. 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 from 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 date 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—EXTRAORDINARY ITEM CHARGES AND CREDITS, OTHER MATERIAL CHARGES AND CREDITS TO INCOME OF AN UNUSUAL NATURE, MATERIAL PROVISIONS FOR LOSS, AND RESTATEMENTS OF CAPITAL SHARE ACCOUNT

(a) If there have been any extraordinary item charges or credits, any other material charges or credits to income of an unusual nature, or any material provisions for loss, the following shall be furnished for each such charge, credit, or provision:

(1) The date of the bank's determination to make the charge, credit, or provision;

(2) A statement of the reasons for making the charge, credit, or provision;

(3) An analysis of the components (in dollar amounts) of the charge, credit, or provision, which includes:

(i) A description of the various types of items written down or off;

(ii) A description of any provision for losses on liquidation of assets or for other losses including a detailed schedule showing the components of any losses provided for, which schedule shows the amount of administrative and fixed costs, if any, allocated to the loss; and

(iii) A description of any estimated recoveries or costs netted against the charge or credit;

(4) A statement setting forth the years in which costs being reflected in the charge (or net credit) being described were or are expected to be incurred and the amount of cost for each year by major category;

(5) A statement setting forth the estimated amount of net cash outlays (or inflows) associated with the charge (or credit) in the year the charge (or credit) is made and in each subsequent year in which such estimate of the cash amount differs from the amount of total costs stated in subparagraph (4) for that year;

(6) A description of the accounting principles or practices followed and any changes therein or in the methods of applying such principles or practices which were made in connection with the transaction; and

(7) A report from the bank's independent accountants if any, in which they state that they have read the description in the Form F-3 of the facts set forth therein and of the accounting principles applied and whether they believe that on the basis of the facts so set forth that such accounting principles are fairly applied in conformity with generally accepted accounting principles or, if not, the respects in which they believe the principles do not conform to generally accepted accounting principles. If the financial statements of the bank included in its most recent Form F-2 were not certified by independent accountants, the report shall be submitted by the bank's principal accounting officer and auditor.

(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—CHANGES IN BANK'S CERTIFYING ACCOUNTANT

If an independent accountant has been engaged as the principal accountant to audit the bank's financial statements who was not the principal accountant for the bank's most recently filed certified financial statements, state the date when such independent accountant was engaged. The bank shall also furnish the Comptroller with a separate letter stating whether in the eighteen months preceding such engagement there were any disagreements with the former principal accountant on any matter of accounting principles or practices, financial statement disclosure, or auditing procedure, which disagreements if not resolved to the satisfaction of the former accountant would have caused him to make reference in connection with his opinion to the subject matter of the disagreement. The bank shall also request the former principal accountant to furnish the bank with a letter addressed to the Comptroller stating whether he agrees with the statements contained in the letter of the bank and, if not, stating the respects in which he does not agree; and the bank shall furnish such letter to the Comptroller together with its own.

ITEM 12—OTHER MATERIALLY IMPORTANT EVENTS

The bank should 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 13—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.

(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.

(e) Except as otherwise provided in this instruction, the principles applicable to a bank and its subsidiaries with respect to the filing of individual, consolidated and group statements in an original application or annual report shall be applicable to the statements required by this instruction.

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 or 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 6.

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.

7. Copies of any letters or reports required by Items 9 or 11.

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

FORM F–4

PART A—*Summarized financial information*

(Name of bank)

(City and State)

	3 months ending ----------		Fiscal year to date (------ months ending ----------)	
	19-- (current year)	19-- (prior year)	19-- (current year)	19-- (prior year)
1. Operating income:				
(a) Interest fees on loans				
(b) Interest and dividends on securities:				
U.S. Treasury securities				
Securities of other U.S. Government agencies and corporations				
Obligations of States and political subdivisions				
Other securities				
(c) Other operating income				
(d) Total operating income				
2. Operating expenses:				
(a) Salaries and other compensation				
(b) Interest expenses				
(c) Provision for loan losses				
(d) Other operating expenses				
(e) Total operating expenses				
3. Income before income taxes and securities gains (losses)				
4. Applicable income taxes				
5. Income before securities gains (losses)				
6. Net securities gains (losses), less related tax effect				
7. Net income:				
Earnings per common share:				
Income before securities gains (losses)				
Net income				
Cash dividends declared per common share				

PART B—BORROWINGS AND EQUITY CAPITAL

Furnish, insofar as practicable in the manner presented below, data as at the end of the latest fiscal quarter. State the date of the latest fiscal quarter_____

1. Federal funds purchased and securities sold under agreement to repurchase	$____
2. Mortgages payable	____
3. Other liabilities for borrowed money	____
4. Subordinated notes and debentures (if more than 1 issue, list separately)	____
Equity Capital	
5. Preferred stock:	
Convertible (____ shares outstanding)	____
Nonconvertible (____ shares outstanding)	____
6. Common stock (____ shares outstanding)	____
7. Surplus	____
8. Undivided profits:	
(a) Balance at beginning of current fiscal year	____
(b) Net income to date	____
(c) Dividends declared	____
Common stock:	
Cash	____
Stock (%)	____
Preferred stock:	
Cash ($____ per share)	____
(d) Prior period adjustments (list credits and (charges) separately)	____
(e) Other credits and (charges)	____
(f) Balance at end of interim period	____
9. Reserves for contingencies	____
10. Total equity capital (items 5 through 9)	____

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.

(Name of bank)

By: ---

(Name and title of signing officer)

Date:_____

FORM F–4—GENERAL INSTRUCTIONS

(a) *Use of Form F–4.* (1) Form F–4 is a guide for use in preparation of quarterly reports to be filed with the Comptroller.

(2) The interim report shall be filed not later than 30 days after the end of each of the first three fiscal quarters of each fiscal year. No report need be filed for the fourth quarter of any fiscal year.

(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.)

(f) *Acquisitions.* (1) If the bank has entered into a business combination with another bank or other related business treated for accounting purposes as a pooling of interests, the results of operations reported in this report—for both the current year and the preceding year—should reflect the combined results of the pooled entities. Disclosure of the separate results of the combined entities for periods prior to the combination should be given in a footnote with appropriate explanation.

(2) In case the bank has acquired a significant amount of assets in a transaction treated for accounting purposes as a purchase, during any of the periods covered by the report, the effect thereof on revenue and net income, in total and per share, should be disclosed in a footnote.

(g) The financial information to be included in this report should be prepared in conformity with the accounting principles and practices reflected in the financial statements included in the annual report filed with the Comptroller for the preceding fiscal year, except for any changes required to be reported by § 11.7(c)(5) of this part.

§ 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. 20219

Amendment Number _____

to

_____[1]

on

Form F–_____[2]

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.

(Name of bank)

By: ---

(Print name and title of signing officer under signature)

Date:_____

§ 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:

Title of class	*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(s).

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 pro-

[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."

visions, 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 resume 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. 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. The instructions 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 (*l*) of Part 11 (Form F–11).

COMPTROLLER OF THE CURRENCY
FORM F–11

STATEMENT TO BE FILED PURSUANT TO § 11.4(g)2 OR § 11.5(*l*) 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, 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

State the purpose of the purchase or proposed purchase of the securities. 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 (a) such person, and (b) each associate of such person, giving the name and address of each such associate. Furnish information as to all transactions in the class of securities to which this statement relates which were effected during the past 60 days by the person filing this statement and by its subsidiaries and their officers, directors and associates.

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, guaranties of loans, guaranties against loss or guaranties 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 or statement where management does not solicit proxies (Form F–5).

FORM F–5

PROXY STATEMENT OR 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(1):

(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(1):

(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(1), 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(1): 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(1) as defined in subparagraph 2(1) (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 paragraph (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(1):

(1) Describe briefly any substantial interest, direct or indirect, by security holdings or otherwise, of each participant as defined in § 11.5(1)(2)(1) (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), describe 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 has 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(ff)) 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 describe 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 (1) the election of directors, (2) 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, (3) any pension or retirement plan in which any such person will participate, or (4) 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 $40,000, and each of the three 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:

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

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) and all directors and officers as a group, without naming them, but stating the number of persons included:

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

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. In such case, Columns (A) and (C) need not be answered with respect to directors and officers as a group.

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.

(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 (1) each director or officer named in answer to paragraph (a)(1), naming such person, and (2) 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 (2) 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 (a) on the granting date of the securities called for by all options granted during the period specified, (b) on the dates of purchase of all securities purchased through the exercise of options during the period specified, or (c) 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 $40,000 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 the persons on whose behalf the solicitation is made 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 as well as the nature of his interest. 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:

(a) The rates or charges involved in the transaction are fixed by law, governmental authority, or are determined by competitive bids;

(b) 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;

(c) 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 of, officer of, and/or owner of less than a 10 percent interest in, another person that is a party to the transaction;

(d) The transaction consists of extensions of credit by the bank in the ordinary course of its business that (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 the specified persons, (2) at no time exceed 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. 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;

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

(f) 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 $40,000.

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.

(g) Describe briefly any transactions since the beginning of the bank's last fiscal year or any presently proposed transactions to which any pension, retirement, savings, or similar plan provided by the bank or any of its parents or subsidiaries was or is to be a party, in which any of the following persons had or is to have a direct or indirect material interest, naming such person and stating his relationship to the bank, the nature of his interest in the transaction and, where practicable, the amount of such interest:

(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);

(4) Any relative or spouse of any of the foregoing persons, or any relative of such spouse, who has the same home as such person or who is a director or officer of any parent or subsidiary of the bank; or

(5) The bank or any of its subsidiaries.

Instructions. 1. Instructions 1, 2, 5 and 6 to Item 7(f) shall apply to this Item 7(g).

2. Without limiting the general meaning of the term "transaction" there shall be included in answer to this Item 7(g) any remuneration received or any loans received or outstanding during the period, or proposed to be received.

3. No information need be given in answer to this Item 7(g) with respect to—

(a) payments to the plan or payments to beneficiaries pursuant to the terms of the plan;

(b) payment of remuneration for services not in excess of 5 percent of the aggregate remuneration received by the specified person during the bank's last fiscal year from the bank and its subsidiaries; or

(c) any interest of the bank or any of its subsidiaries which arises solely from its general interest in the success of the plan.

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. If the auditors to be selected are other than those which were engaged as the principal auditors for the bank's most recently filed certified financial statements, briefly summarize the circumstances and conditions surrounding the proposed change of such auditors.

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 (1) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (2) all directors and officers of the bank as a group, if any director or officer may participate in the plan, and (3) 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 Comptroller at the time preliminary copies of the Statement are filed pursuant to section 11.5(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 (1) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (2) all directors and officers of the bank as a group, if any director or officer may participate in the plan, and (3) 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 (1) the title and amount of securities called for or to be called for by such options, warrants, or rights; (2) the prices, expiration dates, and other material conditions upon which the options, warrants, or rights may be exercised; (3) the consideration received or to be received by the bank or subsidiary for the granting or extension of the options, warrants or rights; (4) the market value of the securities called for or to be called for by the options, warrants, or rights as of the latest practicable date; and (5) 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: (1) Each director or officer named in answer to Item 7(a); (2) each nominee for election as a director of the bank; (3) each associate of such directors, officers, or nominees; and (4) 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 (1) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (2) all directors and officers of the bank as a group, if any director or officer may participate in the plan; and (3) all employees, if employees may participate in the plan.

Instructions. 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 (1) the amount of securities acquired during the past 2 years through the exercise of options granted during the period or prior thereto, (2) the amount of securities sold during such period of the same class as those acquired through the exercise of such options, and (3) 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 (1) whether further authorization for the issuance of the securities by a vote of security holders will be solicited prior to such issuance and (2) 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 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 9 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, (2) the acquisition by the bank or any of its subsidiaries of securities of another bank, (3) the acquisition by the bank of any other going business or of the assets thereof, (4) the sale or other transfer of all or any substantial part of the assets of the bank, or (5) the voluntary liquidation or dissolution of the bank:

(a) Outline briefly the material features of the plan. State the reasons therefor 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 § 77.5(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 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:

(1) (i) Income before securities gains (losses), (ii) net income, and (iii) dividends declared, for each of the last three fiscal years; and

(2) 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 subparagraph (5). If summary earnings information is presented, show, at 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 (a) the net book value of assets to be acquired or the amount paid therefor exceed 5 percent of the equity capital accounts of the acquiring bank, or (b) in an exchange transaction, the number of shares to be issued exceeds 5 percent of the outstanding shares of the acquiring bank, or (c) 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 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 or 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 section 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—RESTATEMENT OF ACCOUNTS

If action is to be taken with respect to the restatement of any asset, capital, or surplus account of the bank, furnish the following information:

(a) State the nature of the restatement and the date as of which it is to be effective;

(b) Outline briefly the reasons for the restatement and for the selection of the particular effective date;

(c) State the nature and amount of each account (including any reserve accounts) affected by the restatement and the effect of the restatement thereon. Tabular presentation of the amounts shall be made when appropriate, particularly in the case of recapitalizations;

(d) To the extent practicable, state whether and the extent, if any, to which, the restatement will, as of the date thereof, alter the amount available for distribution to the holders of equity securities.

ITEM 20—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 19, inclusive, above.

ITEM 21—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 employments 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 paragraph need not be included in the statement 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, guaranties against loss or guaranties 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).

COMPTROLLER OF THE CURRENCY
FORM F–12

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 (1) the bank or the management of the bank or (2) 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—Additional information to be furnished. Furnish information as to all transactions in the class of securities to which this statement relates which were effected during the past 60 days by the person filing this statement and by its subsidiaries and their officers, directors and associates.

Item 5—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

(1) Name of bank: ---

(2) Name and business address of reporting person:

---

(3) Relationship of reporting person to bank: (see instructions 1 and 5)

---

(4) Nature of event requiring the filing of this statement:
- ☐ Assumption of directorship.
- ☐ Appointed policy making officer (see instruction 1).
- ☐ Became 10% owner.
- ☐ Newly registered bank.

(5) If an amendment give date of statement which is being amended: ---

(6) Date of event requiring filing of this statement: (see instruction 6) ---

TABLE I.—*Securities beneficially owned*

Furnish the information required by the following table as to securities of the bank beneficially owned directly or indirectly by the reporting person, including transferrable warrants but excluding puts, calls, options and other rights or obligations required to be reported in table II (see instruction 7)

(1) Title of securities owned (see instruction 10)	(2) Amount owned directly or indirectly (see instruction 12)	(3) Nature of beneficial ownership (see instruction 11)

TABLE II.—*Puts, calls, options and other rights or obligations*

Furnish the information required by the following table as to all puts, calls, options and other rights or obligations (al hereinafter referred to as "options") pursuant to which the reporting person may buy or sell, or be required to buy or sell, securities of the bank. However, transferrable warrants issued by the bank which give the right to buy other securities of the bank are to be reported in table I (see instruction 7)

(1) Title of securities subject to option (see instruction 10)	(2) Nature of option held (see instruction 13)	(3) Amount of securities subject to option (see instruction 13)	(4) Purchase or sale price of securities subject to option (see instruction 14)	(5) Date of Expiration of option

Remarks (see instruction 15).

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, or (iii) is or becomes such beneficial owner, director or officer, and who has any right or obligation, such as puts, calls or options, pursuant to which such person may buy or sell, or be required to buy or sell, securities of the 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 policy-making 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 policy-making functions, and such persons are not officers for the purpose of this statement.

2. WHEN STATEMENTS ARE TO BE FILED

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.

3. WHERE AND HOW STATEMENTS ARE TO BE FILED

One signed copy and three reproduced copies of each statement shall be filed with the Comptroller of the Currency, Washington, D.C. 20219. 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 which has such securities registered in the manner specified in Instruction 1, and as to which any of the relationships specified in that Instruction are held by any of the persons therein specified.

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, including those subject to puts, calls, options, warrants, and so forth, 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. STATEMENT REQUIRED ALTHOUGH NO SECURITIES ARE OWNED

If any person required to file a statement on this form does not own any securities required to be reported, a statement on this form shall be filed to report that fact.

9. REPORTING OF OWNERSHIP IN CERTAIN CASES

(a) When two or more securities are owned as a unit, such as debentures and transferrable warrants to purchase common stock, report each security separately and describe the unit relationship in the space provided for remarks following Table II of the Form. If one or more of the securities comprising the unit is not required to be reported, the other security or securities shall be reported separately and the unit relationship described as indicated above.

(b) In reporting the ownership of a convertible security or a transferrable warrant, the number of shares or units subject to the conversion privilege and the conversion or exercise price per share or unit shall be set forth in the "Remarks" space following Table II. Transferrable warrants issued by the bank with respect to any class of the bank's equity securities shall be reported in Table I (in which case the exercise price and date of expiration of the warrant shall be reported on the "Remarks" space following Table II.)

(c) 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. 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.

11. NATURE OF OWNERSHIP—TABLE I

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. See also the provisions of § 11.6(d) of the Comptroller's Regulations relating to the reporting of ownership of securities held in trust.

12. 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.

13. PUTS, CALLS, OPTIONS AND OTHER RIGHTS—TABLE II

The terms "puts" and "calls" in Table II include, in addition to separate puts and calls, any combination of the two, such as spreads, straddles, strips and straps. In reporting the nature of the option in Column 2 of Table II, state whether it represents a right to buy, a right to sell, an obligation to buy or an obligation to sell the securities subject to the option.

14. PRICE AT WHICH OPTIONS MAY BE EXERCISED

If a warrant is not presently exercisable, state the price at which it will first become exercisable. If a warrant, put, call or option is exercisable at various increasing prices, state the price at which it is presently exercisable.

15. INCLUSION OF ADDITIONAL INFORMATION

A statement may include any additional information or explanation deemed relevant by the person filing the statement.

16. 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

(1) Name of bank: _____

(2) Name and business address of reporting person:

_____

_____

_____

(3) Relationship of reporting person to bank: (see instructions 1 and 5)

_____

(4) Statement for calendar month of:

_____ _____

(month) (year)

(5) If an amendment, give date of statement which is being amended: _____

TABLE I.—*Securities bought, sold, or otherwise acquired or disposed of.*

Furnish the information required by this table for all changes in ownership during the month and for month-end ownership (see instruction 6). Transactions involving the acquisition or disposition of puts, calls, options or other rights or obligations to buy or sell securities of the bank shall be reported in Table II.

(1) Title of securities (see instruction 7)	(2) Date of transaction (see instruction 8)	(3) Amount acquired or disposed of (see instruction 9)	(4) Nature of ownership of securities acquired or disposed of (see instruction 10)	(5) Character of transaction (see instruction 11)	(6) Purchase or sale price per share or other unit (see instruction 12)	(7) Amount owned at month-end (see instruction 13)	(8) Nature of ownership at month-end (see instruction 10)

TABLE II.—*Puts, calls, options, and other rights or obligations*

Furnish the information required by the following table for all changes in ownership, and for month-end ownership, of any put, call, option or other right or obligation (all hereinafter referred to as "options") to buy or sell securities of the bank. (See instructions 6 and 14.) However, the acquisition or disposition of transferrable warrants issued by the bank which give the right to buy securities of the bank are to be reported in Table I. Options exempted by §11.6(c) of the Comptroller's Regulations need not be reported.

(1) Title of securities subject to option (see instruction 7)	(2) Date of transaction (see instruction 8)	(3) Nature of option (see instruction 14)	(4) Amount of securities subject to option (see instruction 9)	(5) Character of transaction, if any, reported (see instruction 11)	(6) Purchase or sale price of securities subject to option (see instruction 12)	(7) Date of expiration of option	(8) Amount owned at month-end (see instruction 13)

Remarks (see instructions 11 and 15):

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 (i) 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 (ii) 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, or any puts, calls, options or other rights or obligations relating to such 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 policy-making 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 policy-making 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 and three reproduced copies of each statement shall be filed with the Comptroller of the Currency, Washington, D.C. 20219. 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

(a) 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 such classes may not be registered pursuant to section 12 of the Act.

(b) Any director or officer who is required to file a statement on Form F-8 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 a bank or within 6 months after equity securities of such bank first become registered pursuant to section 12 of the Act, shall include in the first such statement the information called for by Form F-8 with respect to all changes in his beneficial ownership of equity securities of such bank 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 a bank which has equity securities registered pursuant to section 12 of the Act, or who is a director or officer of a bank 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 bank which shall occur on or after the date on which he ceased to be such director or officer, or the date on which the bank 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.

(d) 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.

(e) When a transaction relates to the acquisition or disposition of two or more securities as a unit, such as debentures and transferrable warrants to purchase common stock of the bank, each security shall be treated separately for the purpose of reporting the transaction. Thus, in reporting the purchase of debentures and transferrable warrants for common stock as units, report the debentures purchase and the warrant purchase separately and use the "Remarks" space on page 2 to describe the unit relationship.

(f) In reporting the acquisition or disposition of a convertible security or a transferrable warrant, the number of shares or units subject to the conversion privilege or warrant and the conversion or exercise price per share or unit shall be set forth in the "Remarks" space on page 2. When a convertible security is converted or a warrant is exercised, the amount of securities acquired as a result of such conversion or exercise shall be reported and, in addition, the disposition of the convertible security or warrant shall be reported as a separate transaction.

(g) 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.

(h) The acquisition, disposition, exercise or expiration of a put, call, option or other right or obligation to buy or sell securities (all hereinafter referred to as "options") involves a change in beneficial ownership of the security subject to the option and shall be reported in Table II. If such option is

exercised, the exercise transaction shall be reported in Table II and the acquisition or disposition of the security subject to the option shall be reported in Table I. Transferable warrants issued by the bank with respect to any class of the bank's equity securities shall be reported in Table I (in which case the exercise price and date of expiration of the warrant shall be reported in the "Remarks" space on page 2). Options exempted by the provisions of § 11.6(e) of the Comptroller's Regulations need not be reported.

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. See instruction 6 with respect to the separate reporting of two or more securities acquired as a unit.

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. See also the provisions of § 11.6(d) of the Comptroller's Regulations relating to the reporting of ownership of securities held in trust.

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. In such case, the appropriate entries shall be made in Table II as well as Table I. 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, if more space is needed, under "Remarks" below Table II.

12—PURCHASE OR SALE PRICE OF SECURITIES

(a) If any transaction reported in Table I involved a purchase or sale of securities for cash, including the exercise of an option, state in Column 6 the purchase price per share or other unit, exclusive of brokerage commissions or other costs of execution. If the transaction was only partly for cash and partly for other consideration, state the amount of cash per share or other unit and the nature of the additional consideration. Column 6 need not be answered for transactions not involving cash.

(b) When two or more securities are purchased or sold as a unit (see instruction 6(a) above), the purchase or sale price of the unit shall be stated opposite one of the securities and cross-referred to opposite the other security or securities.

(c) If an option reported in Table II is exercisable at varying increasing prices, state in Column 6 of that table the price at which it is presently exercisable.

13—BENEFICIAL OWNERSHIP AT END OF MONTH

Beneficial ownership at the end of the month covered by the statement (Columns 7 and 8 of Table I) of all accounts required to be reported shall be shown even though there has been no change during the month in the ownership of securities of one or more classes or accounts. For example, a person reporting a transaction relating to common stock shall in addition to providing all the information on Table I relating to such transaction, report the amount of preferred stock, convertible debentures, etc., owned at the end of the month. In addition, any options owned at the end of the month should be reported in Table II.

14—PUTS, CALLS, OPTIONS AND OTHER RIGHTS—TABLE II

The terms "put" and "call" in Table II include, in addition to separate puts and calls, any combination of the two, such as spreads, straddles, strips and straps. In reporting the nature of the option in Column 3 of Table II, state whether it represents a right to buy, a right to sell, an obligation to buy or an obligation to sell the securities subject to the option.

15—INCLUSION OF ADDITIONAL INFORMATION

A statement may include any additional information or explanation deemed relevant by the person filing the statement.

16—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
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 (i) owned and held in the bank's vaults and (ii) 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 (a) cost, (b) lower of cost or market, or (c) 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 commerical 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) lease-hold 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 customers' 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, (a) income earned but not collected; (b) prepaid expenses; (c) property acquired for the purpose of direct lease financing; and (d) 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 so 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 information 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 provisions taken under such formula that (i) represents management's judgment, as to possible loss or value depreciation and (ii) 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 [1]

21. *Capital notes and debentures.* State separately here, on or 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 indeterminable 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 nad 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] Federal law (12 USC 51c) expressly provides that the term "capital" as used in provisions of law relating to the capital of national banks, shall mean "the amount of unimpaired common stock plus the amount of preferred stock outstanding and unimpaired". However, capital notes and debentures are considered by the Comptroller in his determination as to the capital adequacy of national banks and in various other determinations expressed in the national banking laws as percentages of "capital and surplus" or "capital stock and surplus".

[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 (i) U.S. Treasury securities, (ii) securities of other U.S. Government agencies and corporations, (iii) obligations of States and political subdivisions, and (iv) 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 (i) 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; (ii) income from lease financing; (iii) gross rentals from "other real estate" and safe deposit boxes; (iv) 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); (v) interest on time balances with other banks; and (vi) 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 parentheses in Item 2(g).

(4) Itemize (i) net trading account income, (ii) net remittable profits (or losses) of foreign branches and consolidated subsidiaries (if included in this subitem), and (iii) 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 expense 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 (i) 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; (ii) depreciation of bank premises and amortization of leasehold improvements; (iii) rent expense of bank premises; (iv) real estate taxes; (v) interest on mortgages on bank premises owned; and (vi) 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 parentheses.

(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 parentheses.

(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 subparagraph (2) below.

(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:

(i) 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.

(ii) 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 (i).

NOTE.—For purposes of subparagraphs 2 (i) and (ii), 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.

(iii) 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 subparagraph (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 (i) the method followed, and (ii) 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(i).

(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 counterfeits, forgeries, payments over stops, and other recurring expenses in 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.

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	Book value [1]	Market value [2]
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: [3]		
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] If market value is determined on any basis other than market quotations at balance sheet date, explain.

SCHEDULE II.—*Other securities*

Type	Book value [1]	Market value [2]
Bonds, notes, and debentures [3]		
Stocks of the Federal Reserve Bank		
Other stocks [3]		
Total		

[1] State briefly in a footnote the basis for determining the amounts shown in this column.

[2] If market value is determined on any basis other than market quotations at balance sheet date, explain.

[3] State in a footnote the aggregate amount and book value of foreign securities included.

SCHEDULE III.—OTHER LOANS [1]

Type:	*Book value*
Real estate loans:	
Insured or guaranteed by the U.S. Government or its agencies	
Other	
Loans to financial institutions	
Loans for purchasing or carrying securities (secured or unsecured)	
Commercial and industrial loans	

[1] If impractical to classify foreign branch and foreign subsidiary loans in accordance with this schedule, a separate caption stating the total amount of such loans may be inserted. Such action should be explained in a footnote.

SCHEDULE III.—OTHER LOANS—Continued

Type—Continued	Book value
Loans to individuals for household, family, and other consumer expenditures	
All other loans (including overdrafts)	
Total other loans reported in balance sheet	

SCHEDULE IV—*Bank premises and equipment*

Classification [1]	Gross book value [2]	Accumulated depreciation and amortization [3] [4]	Amount at which carried on balance sheet
Bank premises (including land $)....			
Equipment			
Leasehold improvements			
Totals [5]			

[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	
Total	

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 established 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 parentheses 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. 78*l*).

(b) Item 7(f) of Form F–5 and Item 13 of Form F–1 in effect require a description of any material [1] interest of any insider or any of his "associates" [2] 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

[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 (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 decendant 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).)

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 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 extension 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 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).

§ 11.103 Interpretation of definitions of "affiliate", "majority-owned subsidiary," "parent" and "subsidiary".

In determining whether a person is an "affiliate" or "parent" of a bank or whether a bank is a "subsidiary" or "majority-owned subsidiary" of a person within the meaning of those terms as defined in § 11.2, voting securities of the bank held by a corporation all of the stock of which is directly owned by the United States Government shall not be taken into consideration.

Dated: February 25, 1975.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.75-9395 Filed 3-5-75;8:45 am]

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THURSDAY, MARCH 6, 1975

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PART III

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

BOATS AND ASSOCIATED EQUIPMENT

Safe Loading and Powering Standards

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 183]

[CGD 73-250]

BOATS AND ASSOCIATED EQUIPMENT

Safe Loading and Safe Powering Standards

The Coast Guard is considering issuing miscellaneous amendments to the definition section of Subpart A, the Safe Loading Standard (Subpart C), and to the Safe Powering Standard (Subpart D) in Part 183, of Title 33, Code of Federal Regulations. The proposed amendments will clarify certain undefined or vague terms used in the standards and will allow a more flexible application of the standards.

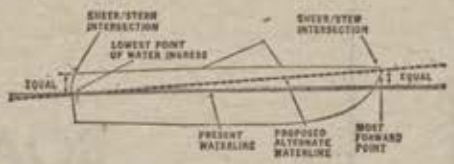
In the establishment of any new program, there are details which are originally overlooked and are not discovered until the program is active. While working with the compliance test program, certain terms pertaining to the safe powering standard and safe loading standard were discovered to be either not defined or not practical for application. Adding or modifying the following definitions to reflect the practical experience gained under the Coast Guard's compliance test procedures will eliminate these difficulties.

Alternative Definition of Level for Safe Loading Standards

The maximum weight capacity of a boat is dependent upon the maximum displacement of that boat. Maximum displacement is the weight of the volume of the water displaced by the boat when it is loaded down to its maximum level immersion; that is, to the point of water ingress while the boat is in a specified trim condition (level). Under the present regulations (§§ 183.33(b)(1), 183.35 (b)(1), and 183.37(b)(1)), a boat is "level" when it is transversely level and the points where the sheer intersects the stem and the stern (or transom) are equidistant above the water surface.

The definition of level on the fore-aft axis has proven to be inequitable when applied to certain types of boats. A small open boat with sides equal to transom height (where the transom is the point of water ingress) will be allowed a greater maximum weight capacity than a similar boat with the same transom height and higher sides near the stern (more freeboard). Likewise, on self bailing boats, raising the sides at the stern above the point of water ingress may result in a reduction of rated maximum weight capacity. The reason for this reduction of rated maximum weight capacity is that the present definition of level requires that the point of intersection of the stem and the sheer be above the surface of the water the same distance as the point of intersection of the stern (transom) and the sheer. By lowering the stern point of the intersection to the transom height (point of water ingress), the boat can be loaded down deeper in the bow, displacing more water and increasing the rated maximum weight capacity. In order to ensure equitable capacity ratings, the Coast Guard is proposing to establish an additional method for defining the proper trim (level) to determine displacement. The alternate method will be satisfied when the most forward point of the boat is level with or above the lowest point of water ingress. This alternate definition of level will increase the maximum weight capacities of some boats (including those previously mentioned) to an amount that could have been achieved by styling changes which reduced the distance between the point of intersection of the sheer and stern and the point of water ingress. In some cases these styling changes would have a detrimental effect because of reduced freeboard.

Since the calculated capacity may be smaller for some other boats using this alternate definition of "level", it is proposed to retain the existing definition. However, the reference points under the present method would be made equidistant "from" the surface of the water instead of "above" it because these points may, on some boats, be below the surface of the water. Thus, by choosing the definition most suitable to his boat, a manufacturer is assured that the maximum weight capacity will in no case be lower than the capacity determined under the present standard. Diagram I shows the waterlines of a boat which is "level" under the existing and proposed methods.



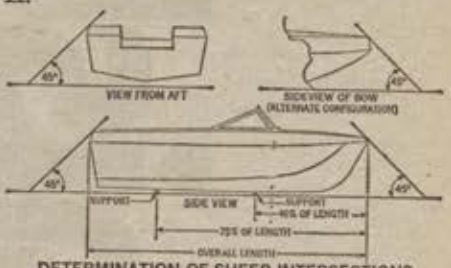
DETERMINATION OF MAXIMUM DISPLACEMENT

DIAGRAM I

Redefinition of Sheer for Safe Loading Standard

"Sheer" is used in the present method of determining displacement and thus maximum weight capacity. The definition in § 183.3(f) was derived from its application to ships, which are generally conventional in design. Recreational boats have, with the introduction of fiberglass as a building material, evolved in many different forms and shapes. In some cases, the determination of where side becomes deck is primarily dependent upon the judgment of the particular individual who is making the determination. In order to make this judgment more uniform, the Coast Guard has been calling a surface a "deck" if it makes an angle of less than 45 degrees with the horizontal and a "side" if it makes an angle 45 degrees or greater.

This rule of thumb is proposed to be formally included in the definition of sheer. To determine the sheer line under this definition, the boat is supported at two points—the first is at 40 percent of the overall length back from the most forward point of the boat and the second is 75 percent of the way back. The boat is chocked so that it is transversely level. A line 45 degrees to the horizontal contained in a vertical plane, normal to the outside edge of the boat as seen from above, is brought in contact with the boat. The point of contact defines the intersection of deck and side, which is the topmost line in a boat's side. The sheer, then, is the fore-aft curve of the topmost line in a boat's side. See Diagram II.



DETERMINATION OF SHEER INTERSECTIONS

DIAGRAM II

Added Definition of Transom for Safe Loading Standard

"Transom" is used in locating the boundaries of the boat volume for the determination of maximum weight capacity. It was not originally defined because the Coast Guard believed the term to be universally known and not subject to misinterpretation. However, on today's highly stylized boats, the transom may not be an exact portion of the boat. An important reference point for determining maximum weight capacity is located where the sheer intersects the transom. It is proposed that the upper boundary of the transom be determined in the same manner as the sheer.

Redefinition of Beam for Safe Powering Standard

Beam is used in horsepower capacity determination. The present definition (§ 183.3(a)) is not practical because it is defined as the maximum transverse width and it excludes the "joiner strips" from the measurement. The proposed definition deletes the word "maximum" because beam can be measured at any point along the length of the boat. Fenders, joiner strips, and other extensions, currently excluded from the beam measurement, are proposed to be allowed to a maximum of one inch on each side. Joiner strips are commonly used to cover the hull-deck joint in fiberglass boats. Removal for measurement is cumbersome and destructive. This addition will add about 1½ horsepower for an average size boat, which is not significant because horsepower capacity is rounded to the next five horsepower increment.

It is also proposed to revise "transom width" in §183.53(a) to conform to the proposed definition of beam by allowing, to a maximum of one inch on each side, the inclusion of extensions in the measurement of "transom width" and by deleting the reference to spray rails in that measurement.

It is further proposed to revise the definition of "length" in § 183.3(d) to con-

form to the method proposed to measure beam; that is, fenders, joiner strips and extensions, if any, will be allowed to a maximum of one inch at each end.

ADDED DEFINITION OF FULL TRANSOM FOR SAFE POWERING STANDARD

The term "full transom," used in § 183.53(a), is proposed to be defined for the first time. In the determination of horsepower capacity, the regulations provide that, "If the boat does not have a full transom, the transom width is the broadest beam in the aftermost quarter length of the boat." This provision was intended to preclude penalizing double ended boats, such as dories, in their transom width measurement. While its application to boats such as double ended dories was clear, the term "full transom" was also interpreted by some to mean a transom whose maximum width equals the maximum beam of the boat. Under this interpretation, any boat that narrowed slightly toward the stern did not have a full transom, which was not intended. The proposed definition compares the transom width to the maximum beam, where a full transom is one which is wider than half of the maximum beam.

ADDED DEFINITION OF REMOTE STEERING FOR SAFE POWERING STANDARD

"Remote steering," used in Table 183.53, is proposed to be defined for the first time. Since Table 183.53 was promulgated, at least one organization has limited remote steering to systems located in the forward half of the boat. The Coast Guard feels that remote steering retains its effectiveness in controlling the direction of the boat regardless of its location in the boat.

Direct steering systems (motor attached tillers) have a very quick reaction time: the operator can put the motor "hard over" to change direction in a fraction of a second. Also, if the operator lets go of the tiller, the motor tends to pivot and the boat can go into a sudden hard turn. Both maneuvers can be "violent", causing the boat to capsize or a person to be thrown overboard. The friction and mechanical advantage in remote steering systems lengthens the reaction time of the motor and lessens the likelihood of a violent maneuver.

The proposed definition therefore does not specify location but only requires that there be a mechanical assist device which is rigidly attached to the boat. This definition includes all manner of mechanical, hydraulic, or electrical control systems but excludes motor attached tillers.

ADDED CAPACITY PLATE FOR BOATS WITH OPTIONAL REMOTE STEERING

Due to the difference in horsepower capacities for boats with and without remote steering, there have arisen problems as to what rating should be placed on boats shipped by a manufacturer which may or may not have remote steering installed by a dealer or customer at a later date. This problem was originally brought up by a manufacturer and since then at least one other manufacturer has approached us with the same problem. To alleviate this uncertainty, the Coast Guard is proposing that § 183.25(b)(1) be amended to include an alternate capacity plate format which would display horsepower capacities for both steering configurations. A manufacturer of outboard boats will be able to use either plate format provided that the information stamped on the plate reflects the horsepower capacity of the boat as it is shipped. A boat fitted for remote steering at the factory need not use the with/without remote steering format.

In consideration of the foregoing, the Coast Guard proposes to amend Part 183 of Title 33 of the Code of Federal Regulations as follows:

1. By revising § 183.3 to read as follows:

§ 183.3 Definitions.

(a) "Beam" means the transverse distance between the outer sides of the hull including fenders, joiner strips, and extensions, if any, to a maximum of one inch on each side.

(b) "Boat" means any vessel manufactured or used primarily for noncommercial use; leased, rented, or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers.

(c) "Full transom" means a transom with a maximum width which exceeds one-half the maximum beam of the boat.

(d) "Length" means the horizontal distance between the extreme points of the stem and the stern including fenders, joiner strips, and extensions, if any, to a maximum of one inch on each end.

(e) "Monohull boat" means a boat on which the line of intersection of the water surface and the boat at any operating draft forms a single closed curve. For example, a catamaran, trimaran, or a pontoon boat is not a monohull boat.

(f) "Remote steering" means any mechanical assist device which is rigidly attached to the boat and used in steering the vessel, including but not limited to mechanical, hydraulic, or electrical control systems.

(g) "Sailboat" means a boat designed or intended to use sails as the primary means of propulsion.

(h) "Sheer" means the topmost line in a boat's side. The sheer intersects the vertical centerline plane of the boat at the forward end and intersects the transom (stern) at the aft end. For the purposes of this definition, the topmost line in a boat's side is the line defined by a series of points of contact, with the boat structure, by straight lines at 45 degree angles to the horizontal and contained in a vertical plane normal to the outside edge of the boat as seen from above and which are brought into contact with the outside of the horizontal boat.

(i) "Transom" means the surface at the stern of a boat projecting or facing aft. The upper boundary of the transom is the line defined by a series of points of contact, with the boat structure, by straight lines at 45 degree angles to the horizontal and contained in a vertical longitudinal plane and which are brought into contact with the stern of the horizontal boat. The boat is defined to be horizontal when it is transversely level and when the lowest points at 40% and 75% of the boat's length behind the most forward point of the boat are level.

(j) "Vessel" includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

2. By revising § 183.25(b)(1) to read as follows:

§ 183.25 Display of markings.

* * * * *

(b) * * *

(1) For outboard boats:

U.S. COAST GUARD CAPACITY INFORMATION

Maximum horsepower	XXX
Maximum persons capacity (pounds)	XXX
Maximum weight capacity (persons, motor, and gear) (pounds)	XXX

OR

U.S. COAST GUARD CAPACITY INFORMATION

Maximum horsepower:	
With remote steering	XXX
Without remote steering	XXX
Maximum persons capacity (pounds)	XXX
Maximum weight capacity (persons, motor, and gear) (pounds)	XXX

* * * * *

3. By revising § 183.33(b)(1) to read as follows:

§ 183.33 Maximum weight capacity: Inboard and inboard-outdrive boats.

* * * * *

(b) * * *

(1) "Maximum displacement" is the weight of the volume of water displaced by the boat at its maximum level immersion in calm water without water coming aboard. For the purpose of this paragraph, a boat is level when it is transversely level and when either of the two following conditions are met:

(i) The forward point where the sheer intersects the vertical centerline plane and the aft point where the sheer intersects the upper boundary of the transom (stern) are equidistant above the water surface or are equidistant below the water surface; or

(ii) The most forward point of the boat is level with or above the lowest point of water ingress.

* * * * *

4. By revising § 183.35(b)(1) to read as follows:

§ 183.35 Maximum weight capacity: Outboard boats.

* * * * *

(b) * * *

(1) "Maximum displacement" is the weight of the volume of water displayed by the boat at its maximum level immersion in calm water without water coming aboard except for water coming through one opening in the motor well with its greatest dimension not over 3 inches for outboard motor controls or fuel lines. For the purpose of this paragraph, a boat is level when it is trans-

versely level and when either or the two following conditions are met:

(i) The forward point where the sheer intersects the vertical centerline plane and the aft point where the sheer intersects the upper boundary of the transom (stern) are equidistant above the water surface or are equidistant below the water surface; or

(ii) The most forward point of the boat is level with or above the lowest point of water ingress.

* * * * *

5. By revising § 183.37(b)(1) to read as follows:

§ 183.37 Maximum weight capacity: Boats without mechanical propulsion.

* * * * *

(b) * * *

(1) "Maximum displacement" is the weight of the volume of water displaced by the boat at its maximum level immersion in calm water without water coming aboard. For the purpose of this paragraph, a boat is level when it is transversely level and when either of the two following conditions are met:

(i) The forward point where the sheer intersects the vertical centerline plane and the aft point where the sheer intersects the upper boundary of the transom (stern) are equidistant above the water surface or are equidistant below the water surface; or

(ii) The most forward point of the boat is level with or above the lowest point of water ingress.

* * * * *

6. By revising § 183.53(a) to read as follows:

§ 183.53 Horsepower capacity.

* * * * *

(a) Compute a factor by multiplying the boat length in feet by the maximum transom width in feet including fenders, joiner strips, and other extensions, if any, to a maximum of one inch on each side. If the boat does not have a full transom, the transom width is the broadest beam in the aftermost quarter length of the boat.

* * * * *

If the proposed amendment is adopted, its effective date will be six months (180 days) after publication of the final rule in the FEDERAL REGISTER. This will allow manufacturers of boats sufficient time to recalculate the capacity under the alternate method of determining the maximum displacement and to adjust the rating displayed on the U.S. Coast Guard Capacity Information label accordingly. However, if the proposed amendment is adopted, the Coast Guard will want to make the alternate methods of determining maximum displacement and displaying horsepower capacity available as soon as possible to those manufacturers who will benefit from revised ratings. Thus, the Coast Guard will allow manufacturers, at their option, to use these alternate methods after publication of this proposed amendment in the FEDERAL REGISTER as a final rule but before its effective date. During this interval, manufacturers who calculate and display maximum weight or horsepower capacity according to the alternate method will be considered by the Coast Guard to be in compliance with the requirements of § 183.23.

The Boating Safety Advisory Council has been consulted and its opinions and advice considered in the formulation of this proposed amendment. The transcript of the proceedings of the meetings of the Boating Safety Advisory Council at which this amendment was discussed is available for examination in Room 4308, U.S. Coast Guard Headquarters, Trans Point Building, 2100 Second Street, S.W., Washington, D.C. The minutes of the meeting are available from the Executive Director, Boating Safety Advisory Council, c/o Commandant (G-BR/62), U.S. Coast Guard, Washington, D.C. 20590.

Any interested person may submit written data, views, or arguments on these proposed regulations to U.S. Coast Guard (G-CMC/82), room 8234, 400 Seventh Street SW., Washington, D.C. 20590. All communications received before April 21, 1975 will be considered before action is taken on the proposed regulations. Each person submitting comments should include his name and address, identify this notice (CGD 73-250), and give reasons and supporting data for any recommendations. All comments will be available for examination in room 8234.

No public hearing will be held on this proposed amendment. However, any person who wishes to present his views and arguments orally and informally, in person, before an appropriate Coast Guard official at Coast Guard Headquarters, may arrange to do so by writing to the same address to which written comments are sent. The request should include the persons name, address, telephone number, a reference to this notice (CGD 73-250), and the time and date at which he wishes to present his views.

These regulations are proposed under the authority of the Federal Boat Safety Act of 1971 (Secs. 5, 7, and 39, 85 Stat. 213, 215, 216, 228; 46 U.S.C. 1451, 1454, 1456, 1488). The authority and responsibilities vested in the Secretary of the Department of Transportation by this Act were delegated to the Commandant of the Coast Guard on October 5, 1971 (49 C.F.R. 1.46(o)(1)).

Dated: February 21, 1975.

J. F. THOMPSON,
Rear Admiral, U.S. Coast Guard, Chief, Office of Boating Safety.

[FR Doc.75-5625 Filed 3-5-75;8:45 am]

[33 CFR Part 183]

[CGD 74-83]

BOATS AND ASSOCIATED EQUIPMENT

Inboard Safe Loading Standard

The Coast Guard is considering an amendment to the safe loading standard in § 183.33 which will establish a new formula for the calculation of the maximum weight capacity on inboard and inboard-outdrive boats.

Since the time that the inboard safe loading standard in § 183.33 became effective, the Coast Guard has become aware that the safe loading formula in the standard yields unreasonably low maximum weight capacities for certain types of inboard boats. The formula for computing the maximum weight capacity (W) appears in § 183.33 as follows:

$$W = \frac{\text{(maximum displacement)}}{5} - \frac{\text{(boat weight}}{5} - \frac{4\text{(machinery weight)}}{5}$$

where boat weight is the combined weight of the boat hull and *its permanent appurtenances, including machinery weight*, and machinery weight is the combined weight of installed engines or motors, full fuel systems and tanks, control equipment, drive units, and batteries.

The formula prescribed in the standard was derived from a voluntary standard frequently used by the boating industry (American Boat and Yacht Council Project H-5A: Recommended Practices for Boat Load Capacity). The basic premise of the standard is that the buoyancy or weight carrying ability of a boat is generally determined by the hull volume, or more precisely, by the volume of water displaced by the hull up to the point of loading where water would begin to flow over the sides of the hull and into the interior of the boat. This volume, or value of buoyancy, is expressed in terms of pounds and is referred to in the formula as maximum displacement. Basically, the formula then subtracts the weight of the boat (weight of the hull itself, all permanent appurtenances, machinery weight) to arrive at a load carrying value (the more or less portable load that can be brought aboard in terms of persons and gear). This value is reduced by a factor (divisor of five) and is the maximum weight capacity of the boat. The factor of five is to allow for sufficient freeboard and reserve buoyancy for practical use. Otherwise, this formula would indicate that the boat is safe when loaded down to a point where water is lapping at the gunwales. The formula was intended to be simple and capable of application to both inboard and inboard-outdrive boats.

The restrictive nature of the formula, when applied to certain inboard boats, becomes apparent when the term boat weight in the formula is broken down into its two principal constituents: hull weight and machinery weight. The formula then appears in the following form:

$$\frac{\text{Maximum displacement}}{5} - \frac{\text{hull weight} + \text{machinery weight}}{5} - \frac{4 \times \text{machinery weight}}{5}$$

Then combining terms we have:

$$\frac{\text{Maximum displacement} - \text{hull weight} - (5 \times \text{machinery weight})}{5}$$

With the formula in this form we can see that the machinery weight has a five times greater effect on the maximum weight capacity than the hull weight. Those inboard boats which have a high machinery weight to displacement ratio and have added stability created by the low center of gravity of the machinery weight are not adequately considered in this formula. In spite of this emphasis on machinery weight, the formula has provided what the Coast Guard considers to be reasonable weight capacities on conventional inboard boats. For the purpose of this discussion, the most pertinent characteristics of a conventional boat are its maximum displacement and machinery weight. Thus, for example, a conventional inboard in the 16–18′ range would have a maximum displacement of approximately 12,000 lbs. and a machinery weight of 1000 lbs. or less. The actual values of displacement and machinery weight are not as important as the relative proportion of the two. In other words, when the ratio of machinery weight to maximum displacement is as exemplified above, the present safe loading formula provides realistic and reasonable maximum weight capacities. However, when the formula is applied to what might be termed high performance boats, in which the ratio or proportion of machinery weight to maximum displacement is relatively large, the formula yields maximum weight capacities that are unreasonably low. The SK or Ski boat (a high performance inboard) is a good example of a boat which, under the current formula, has a computed maximum weight capacity that is unreasonably low. The typical SK boat is approximately 16 to 18 feet in length and can accommodate 3 to 4 persons. The boats are characterized by a low profile hull design of relatively high machinery weight to maximum displacement ratio. They are normally powered by a large V–8 engine frequently coupled to a stern drive unit. Thus, a typical SK boat in the 16–18′ range may have an engine weight of 1000 pounds or more and a maximum displacement of approximately 7000 pounds. Under the present safe loading formula, these boats are frequently rated for a maximum weight capacity of approximately 200 pounds or less. In some cases, SK boats have been rated by the formula at a minus or negative capacity, e.g.—350 lbs.

In addition to the SK boats, there is a wide variety of other inboard boats which, as the recreational pastimes of pleasure cruising and water skiing have increased in popularity, have naturally evolved design characteristics that emphasize high performance power plants and sleek hull designs of relatively high machinery weight to maximum displacement ratio. These boats, which now represent a significant portion of the total inboard boat population, have likewise been required to comply with a safe loading formula that places strong emphasis on machinery weight.

The Coast Guard is, therefore, proposing a new maximum weight capacity formula for inboard boats:

$$W = \frac{\text{(Maximum displacement} - \text{Boat weight)}}{7}$$

In the proposed formula, the effect of hull and machinery weight is equalized by combining them into one term, boat weight. Machinery weight, as a separate term in the formula, is not used. However, since it is a major element of boat weight, the definition of machinery weight in § 183.33(b)(3) is to be retained in § 183.33 for the sake of clarity. The boat weight is subtracted from the maximum displacement and divided by a factor of seven. If the factor remained at five, unreasonably large increases for all inboard boat maximum weight capacities would be realized. Changing the factor from 5 to 7 provides a maximum weight capacity increase for inboards with a high machinery weight to displacement ratio without significant change for conventional inboards. In testing the validity of the new factor, the Coast Guard applied the proposed formula to several conventional inboard boats, (length of 16 to 19 feet, maximum displacements of 10,000 to 17,000 lbs., and machinery weights of 700–1200 pounds) and found the resulting maximum weight capacities to be substantially the same as those determined under the present formula. In some instances, conventional boats may have their capacities reduced very slightly under the proposed formula. However, the overall reduction, if any, should be so small as to have no practical effect. Specifically, for example, the Coast Guard found that, under the proposed formula, one conventional 16.5′ inboard had its capacity rating reduced from 1776 pounds to 1716 pounds. Such a small reduction should neither inhibit the sale of the boat nor restrict its use and enjoyment by the public.

The Coast Guard also applied the proposed formula to a variety of sports and high performance inboards and found the formula to yield increased weight capacities that are more representative of the safe load carrying abilities of the boats. The Coast Guard considers, therefore, that the proposed formula will provide a method of computing maximum weight capacity that is both reasonable for the sports and high performance inboards and substantially equivalent to the present measure of maximum weight capacity allowed for conventional inboards under § 183.33, and that the increase allowed for high performance boats will have no adverse affect on safety considering their high machinery weight to displacement ratio and additional stability provided by the low center of gravity of the machinery weight. If the proposed amendment is adopted, its effective date will be six months (180 days) after publication of the final rule in the FEDERAL REGISTER. This will allow manufacturers of boats having capacity reduced by the amendment sufficient time to recalculate the capacity under the new formula and adjust the rating displayed on the U.S. Coast Guard Capacity Information label accordingly. At the same time, however, if the proposed amendment is adopted, the Coast Guard will want to make the new formula available as soon as possible to those manufacturers who will benefit from increased ratings. Following the comment period and after publication of the adopted formula in the Federal Register as a final rule for inboard safe loading, the Coast Guard will allow manufacturers, at their option, to use the adopted formula before its effective date. During this interval, manufacturers who calculate and display maximum weight capacity according to the new formula will be considered by the Coast Guard to be in compliance with the requirements of §§ 183.23 and 183.33.

The Boating Safety Advisory Council has been consulted and its opinions and advice considered in the formulation of this proposed amendment. The transcript of the proceedings of the meetings of the Boating Safety Advisory Council at which this amendment was discussed is available for examination in Room 4308, U.S. Coast Guard Headquarters, Trans Point Building, 2100 Second Street, S.W., Washington, D.C. 20590. The minutes of the meeting are available from the Executive Director, Boating Safety Advisory Council at this address.

Any interested person may submit written data, views, or arguments concerning this proposed amendment to the U.S. Coast Guard (GCMC/82), Room 8234, 400 Seventh Street, S.W., Washington, D.C. 20590. Each person submitting comments should include their name and address, identify this notice (CGD 74–83), and give reasons and supporting data for their recommendations. All written comments will be available for public inspection in Room 8234.

No public hearing will be held on this proposed amendment. However, any person who wishes to present his views and arguments orally and informally, in person, before an appropriate Coast Guard official at Coast Guard Headquarters, may arrange to do so by writing to the same address to which written comments are sent. The request should include the persons name, address, telephone number, a reference to this notice (CGD 74–83), and the time and date at which he wishes to present his views.

All comments received by April 21, 1975, will be considered before final action is taken on the proposed amendment.

This amendment is proposed under the authority of the Federal Boat Safety Act of 1971 (sec. 5, Public Law 92–75, 85 Stat 215 (46 U.S.C. 1456). The authority and responsibilities vested in the Secretary of the Department of Transportation by this Act were delegated to the Commandant of the Coast Guard on 5 October 1971 (49 CFR 1.46(o)(1).

In consideration of the foregoing, it is proposed to amend § 183.33 of Title 33, Code of Federal Regulations to read as follows:

§ 183.33 Maximum weight capacity: Inboard and inboard-outdrive boats.

(a) The maximum weight capacity marked on a boat that has one or more inboard engines or inboard-outdrive units for propulsion must not exceed W in the formula:

$$W = \frac{(\text{maximum displacement} - \text{boat weight})}{7}$$

* * * * *

Dated: February 21, 1975.

J. F. THOMPSON,
Rear Admiral, U.S Coast Guard, Chief, Office of Boating Safety.

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