

# federal register

May 14, 1975—Pages 20941-21021

WEDNESDAY, MAY 14, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 94

Pages 20941-21021



## PART I

### HIGHLIGHTS OF THIS ISSUE

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

<b>SAVINGS AND LOAN ASSOCIATIONS</b> —FHLBB rules on retention of Federal charters by institutions converting from mutual to stock form; effective 6-16-75.....	20943
<b>REBATES FOR THE RETIRED</b> —Treasury/FS issues notice of special payments to Social Security and Railroad Retirement Beneficiaries.....	20959
<b>MEDICAID</b> —HEW proposes to advance payments to service providers; comments by 6-13-75.....	20954
<b>VETERANS BENEFITS</b> —VA proposes to increase allowance for and entitlement to automobiles and adaptive equipment; comments by 6-13-75.....	20957
<b>CONSENT ORDERS</b> —FEA publishes proposal on procedures; comments by 5-28-75.....	20956
<b>MEETINGS—</b>	
Commerce NOAA: Ad Hoc Group on Commercial Fishing Vessel Insurance, 5-29 and 5-30-75.....	20972
Commission on Revision of The Federal Court Appellate System: 5-19 and 5-20-75.....	20985
Interior/BLM: Idaho Falls District Advisory Committee, 5-20-75.....	20963
GS: Earthquake Studies Advisory Panel, 6-4 and 6-5-75.....	20967
HEW/NIH: National Cancer Institute Advisory Committees, 6-13 thru 6-26-75.....	20973
Cancer Control and Rehabilitation Advisory Committee, 6-10-75.....	20973
Dental Research Institutes and Special Program Advisory Committee, 6-26 and 6-27-75.....	20974
Pulmonary Diseases Advisory Committee, 6-28-75.....	20974
NCUA: National Credit Board, 6-12 and 6-13-75.....	20989
NSF: Advisory Panel for Development Biology, 5-30- and 5-31-75.....	20990

### PART II:

<b>GUN CONTROL</b> —Treasury/BATF issues supplement to published ordinances of political subdivisions and States.....	21003
---	-------

HIGHLIGHTS—Continued

Ad Hoc Advisory Group on Science Programs, 5-30  
and 5-31-75 ..... 20990  
SBA: Baltimore District Advisory Council, 6-13-75..... 20995  
Treasury/BATF: Advisory Committee on Explosives  
Tagging, 5-28 and 5-29-75..... 20959

RESCHEDULED MEETINGS—

Commerce/DIBA: National Industrial Energy Conserva-  
tion Council, 6-18-75 ..... 20972  
DOD/Army: Winter Navigation Board on Great Lakes-  
St. Lawrence Seaway, 6-9-75 ..... 20960

**ATTENTION:** Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202-523-5284. For information on obtaining extra copies, please call 202-523-5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202-523-5022.

**federal register**

Phone 523-5240

Area Code 202



Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20403, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$5.00 per month or \$45 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

# contents

## AGRICULTURAL MARKETING SERVICE

Rules  
Federal grading and inspection; miscellaneous amendments; correction ..... 20941

## AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Forest Service; Rural Electrification Administration; Soil Conservation Service.

### Notices

Organization and functions: Office of Communication..... 20971

## ALCOHOL, TOBACCO AND FIREARMS BUREAU

### Notices

Gun control; supplement to ordinances of political subdivisions and States..... 21003

### Meetings:

Explosives Tagging Advisory Committee ..... 20959

## ANIMAL AND PLANT HEALTH INSPECTION SERVICE

### Rules

Exportation and importation of animals; additions to list of ports of export..... 20941  
Viruses, serums, toxins and analogous products; correction..... 20941

## ANTITRUST DIVISION

### Notices

Competitive impact statements and proposed consent judgments: U.S. v. Orange County Travel Agents Association..... 20960

## ARMY DEPARTMENT

See Engineers Corps.

## BONNEVILLE POWER ADMINISTRATION

### Notices

Authority delegations: Real property; disposal..... 20964

## CIVIL AERONAUTICS BOARD

### Notices

Chairman, CAB; availability of information on professional relationships ..... 20984

## CIVIL SERVICE COMMISSION

### Notices

Noncareer executive assignments: Commerce Department (3 documents) ..... 20984  
Consumer Product Safety Commission ..... 20984  
Environmental Protection Agency ..... 20984  
Executive Office of President ..... 20985  
Federal Energy Administration (2 documents) ..... 20984

Interior Department (2 documents) ..... 20985

Rates and rate changes: Licensed practical nurse, Allen Park, Mich..... 20984

## COMMERCE DEPARTMENT

See Domestic and International Business Administration; National Oceanic and Atmospheric Administration.

## COMMISSION ON REVISION OF FEDERAL COURT APPELLATE SYSTEM

### Notices

Meeting ..... 20985

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Notices

Wool and man-made fiber textiles: Korea ..... 20985

## DEFENSE DEPARTMENT

See Engineers Corps.

## DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

### Notices

Meetings: National Industrial Energy Conservation Council..... 20972

## DRUG ENFORCEMENT ADMINISTRATION

### Notices

Registrations; actions affecting: Boehringer Ingelheim, Ltd.; hearing, denial of request.... 20962

## EDUCATION OFFICE

### Notices

Meetings: National Advisory Council on Education Professions Development ..... 20972

## ENGINEERS CORPS

### Notices

Meetings: Winter Navigation Board on Great Lakes—St. Lawrence Seaway ..... 20960

## ENVIRONMENTAL PROTECTION AGENCY

### Rules

Grant programs; correction..... 20952

### Notices

Pesticide registration: Applications ..... 20986  
Notification to foreign governments of registration actions. 20987

## FEDERAL AVIATION ADMINISTRATION

### Rules

Airworthiness directives: Cessna ..... 20951  
Control zone; correction..... 20952

### Proposed Rules

Transition areas (2 documents) .. 20955  
Federal airway floors; alteration... 20956

## FEDERAL ENERGY ADMINISTRATION

### Rules

Mandatory petroleum allocation regulations; revocation of small refiners exemption..... 20941

### Proposed Rules

Procedures for consent orders.... 20956

## FEDERAL HOME LOAN BANK BOARD

### Rules

Federal Savings and Loan System: Escrow funds..... 20942  
Federal charters; retention by associations converting from mutual to stock form..... 20943

## FEDERAL MARITIME COMMISSION

### Proposed Rules

Environmental protection; policy and procedure; extension of time ..... 20957

### Notices

Agreements filed: City of Anchorage and Sea-Land Service, Inc..... 20987  
South Carolina State Ports Authority and Seatrains Lines, Inc ..... 20988  
States Steamship Co. and American President Lines, Ltd..... 20988  
Rate agreements; trade from Hong Kong and Taiwan to certain ports in U.S..... 20988

## FISCAL SERVICE

### Notices

Special payments to social security and railroad retirement beneficiaries; deceased payees; procedures for indorsement of Treasury checks..... 20959

## FISH AND WILDLIFE SERVICE

### Notices

Endangered species permits; applications (2 documents)..... 20964

## FOOD AND DRUG ADMINISTRATION

### Notices

Food additives; petitions filed or withdrawn: Emser Werke AG..... 20972  
General Mills Chemicals, Inc.... 20973

## FOREIGN ASSETS CONTROL OFFICE

### Rules

Schedule of blocked countries: South Viet-Nam; correction.... 20952

## FOREST SERVICE

### Notices

Environmental statements; availability: Garden Valley Planning Unit.. 20971

## GENERAL ACCOUNTING OFFICE

### Notices

Regulatory reports review; proposals, approvals, etc..... 20989

CONTENTS

**GEOLOGICAL SURVEY**

**Notices**  
 Meetings:  
 Earthquake Studies Advisory Panel ..... 20967

**HEALTH, EDUCATION, AND WELFARE DEPARTMENT**

*See also Education Office; Food and Drug Administration; National Institutes of Health, Public Health Service; Social and Rehabilitation Service.*  
**Notices**  
 Professional standards review organizations; designation agreements:  
 Connecticut (4 documents)..... 20974  
 Florida ..... 20976  
 Illinois ..... 20976  
 Iowa ..... 20977  
 Massachusetts (2 documents)..... 20977  
 Michigan ..... 20978  
 Missouri ..... 20979  
 New York (2 documents)..... 20979  
 Ohio (2 documents)..... 20980  
 Rhode Island..... 20981  
 Wisconsin ..... 20981

**HEARINGS AND APPEALS OFFICE**

**Notices**  
 Applications etc.:  
 Carson Coal Co..... 20967  
 Imperial Coal Co..... 20967  
 Island Creek Coal Co. (4 documents) ..... 20968  
 Zeigler Coal Co..... 20969

**INDIAN AFFAIRS BUREAU**

**Rules**  
 Loan guaranty, insurance, and interest subsidy; correction..... 20952  
**Notices**  
 Alcoholic beverages, introduction, sale and possession; legalizing:  
 Fort Belknap Reservation, Mont ..... 20963

**INTERIOR DEPARTMENT**

*See also Bonneville Power Administration; Fish and Wildlife Service; Geological Survey; Hearings and Appeals Office; Indian Affairs Bureau; Land Management Bureau; Reclamation Bureau.*  
**Notices**  
 Financial interests statements:  
 Ambrose, Lewis K..... 20970  
 Beck, Howard A..... 20970  
 Cowles, Edward R..... 20970  
 Hoey, Frederick W..... 20970  
 Kay, J. Scott..... 20970  
 McMahan, John A..... 20970  
 Salo, John V..... 20970  
 Timme, E. F..... 20971

**INTERSTATE COMMERCE COMMISSION**

**Notices**  
 Fourth section applications for relief ..... 20997  
 Hearing assignments..... 20996  
 Increased freight rates and charges; labor costs, 1975..... 20995  
 Motor carriers:  
 Alternate route deviation notices ..... 20997

Applications and certain other proceedings ..... 20997  
 Intrastate applications..... 21001  
 Transfer proceedings..... 21000

**JUSTICE DEPARTMENT**

*See Antitrust Division; Drug Enforcement Administration.*  
**LAND MANAGEMENT BUREAU**  
**Notices**  
 Applications, etc.:  
 New Mexico (2 documents)..... 20964  
**Meetings:**  
 Idaho Falls District Advisory Committee ..... 20963

**MANAGEMENT AND BUDGET OFFICE**

**Notices**  
 Clearance of reports; list of requests (3 documents)..... 20990

**NATIONAL CREDIT UNION ADMINISTRATION**

**Notices**  
**Meetings:**  
 National Credit Union Board... 20989

**NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION**

**Notices**  
 Motor vehicle safety standards;  
 Firestone 500 steel belt tires.... 20982

**NATIONAL INSTITUTES OF HEALTH**

**Notices**  
 Committees, establishment:  
 Clinical Trials Committee et al. 20973  
**Meetings:**  
 Breast Cancer Epidemiology Committee et al..... 20973  
 Cancer Control and Rehabilitation Advisory Committee..... 20973  
 Dental Research Institutes and Special Program Advisory Committee ..... 20974  
 Pulmonary Diseases Advisory Committee ..... 20974  
 Temporary Committee for Review of Data on Carcinogenicity of Cyclamate..... 20974

**NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**

**Notices**  
**Meetings:**  
 Ad Hoc Group on Commercial Fishing Vessel Insurance and Safety ..... 20972

**NATIONAL SCIENCE FOUNDATION**

**Notices**  
**Meetings:**  
 Ad Hoc Advisory Group on Science Programs..... 20990  
 Advisory Panel for Developmental Biology..... 20990

**NUCLEAR REGULATORY COMMISSION**

**Notices**  
 Applications, etc.:  
 Natural Resources Defense Council, Inc..... 20983  
 New England Coalition on Nuclear Pollution..... 20983  
 Portland General Electric Co... 20982  
 Virginia Electric and Power Co. 20983

Regulatory guides; issuance and availability ..... 20982

**PUBLIC HEALTH SERVICE**

**Rules**  
 National research service awards; correction ..... 20953

**RECLAMATION BUREAU**

**Notices**  
 Environmental statements; availability:  
 Central Valley Project, Calif.... 20970

**RURAL ELECTRIFICATION ADMINISTRATION**

**Notices**  
 Loan guarantees, proposed:  
 Florida Central Telephone Co... 20971

**SECURITIES AND EXCHANGE COMMISSION**

**Notices**  
*Hearings, etc.:*  
 American Natural Gas Co. and Michigan Wisconsin Pipe Line Co ..... 20991  
 Canadian Javelin, Ltd..... 20992  
 Connecticut Mutual Life Insurance Co ..... 20992  
 Financial Dynamics Fund, Inc. and Financial Venture Fund, Inc ..... 20993  
 Jersey Central Power and Light Co ..... 20994  
 Stallion Fund, Inc..... 20995  
 Valley Airlines, Inc..... 20995

**SMALL BUSINESS ADMINISTRATION**

**Rules**  
 Small custom livestock feedyard; financial assistance; definition. 20951  
**Notices**  
**Meetings:**  
 Baltimore District Advisory Council ..... 20995

**SOCIAL AND REHABILITATION SERVICE**

**Proposed Rules**  
 Medical assistance program; advance payments for services.... 20954

**SOIL CONSERVATION SERVICE**

**Rules**  
 Water resources program; policy and requirements; correction... 20941

**TRANSPORTATION DEPARTMENT**

*See Federal Aviation Administration; National Highway Traffic Safety Administration.*

**TREASURY DEPARTMENT**

*See also Alcohol, Tobacco and Firearms Bureau; Fiscal Service; Foreign Assets Control Office.*  
**Notices**  
 Authority delegations:  
 Director, Office of Administrative Programs, Office of the Secretary of the Treasury... 20959  
 Bonds, Treasury:  
 2000-05 ..... 20960

**VETERANS ADMINISTRATION**

**Proposed Rules**  
 Veterans benefits; automobiles and adaptive equipment..... 20957

# list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month. A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

<b>7 CFR</b>		545 (2 documents) -----	20942	<b>38 CFR</b>	
59 -----	20941	552 -----	20945	PROPOSED RULES:	
621 -----	20941			3 -----	20957
622 -----	20941	<b>13 CFR</b>		<b>40 CFR</b>	
<b>9 CFR</b>		121 -----	20951	30 -----	20952
91 -----	20941	<b>14 CFR</b>		<b>42 CFR</b>	
112 -----	20941	39 -----	20951	66 -----	20953
113 -----	20941	71 -----	20952	<b>45 CFR</b>	
<b>10 CFR</b>		PROPOSED RULES:		PROPOSED RULES:	
211 -----	20941	71 (3 documents) -----	20955	249 -----	20954
PROPOSED RULES:		<b>25 CFR</b>		<b>46 CFR</b>	
205 -----	20956	93 -----	20952	PROPOSED RULES:	
<b>12 CFR</b>		<b>31 CFR</b>		547 -----	20957
541 -----	20944	500 -----	20952		
544 -----	20944				

CUMULATIVE LIST OF PARTS AFFECTED—MAY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during May.

<b>3 CFR</b>		<b>7 CFR—Continued</b>		<b>13 CFR</b>	
<b>PROCLAMATIONS:</b>		1040	19829	121	20951
3279 (Amended by Proc. 4370)	19421	1488	19439	306	19443
4370	19421	<b>PROPOSED RULES:</b>		<b>PROPOSED RULES:</b>	
4371	19419	52	19830	121	20110
4372	20255	271	20284	122	19021
4373	20257	726	20095	123	19022
4374	20791	911	19479		
<b>EXECUTIVE ORDERS:</b>		953	19479	<b>14 CFR</b>	
7522 (See PLO 5497)	18997	1011	20095	37	19636
11803 (Amended by EO 11857)	20261	1033	20095	39	19193,
11814 (Amended by EO 11855)	19423	1090	20095		19194, 19443, 19808, 20068, 20268,
11837 (See EO 11857)	20261	1101	20095		20816, 20817, 20951
11842 (See EO 11857)	20261	1121	20004	71	18977,
11855	19423	1126	20004		18978, 19444, 19809, 20068, 20069,
11856	20259	1127	20004		20289, 20612, 20952
11857	20261	1128	20004	73	18978
11858	20263	1129	20004	97	18978, 20069
11859	20265	1130	20004	121	19638
<b>PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS</b>		1408	19830	223	18979
Memorandum of April 24, 1975 (2 documents)	20605, 20607	1823	20284	287	19639
Memorandum of April 25, 1975	20609			288	19639, 20612
				389	19809, 20613
<b>4 CFR</b>		<b>8 CFR</b>		<b>PROPOSED RULES:</b>	
400	19429	242	20816	Ch. I	20289
411	19425	<b>9 CFR</b>		39	20289
<b>PROPOSED RULES:</b>		73	20612	71	19019-
412	19486	91	20941		19020, 19484, 19485, 19834, 20107,
<b>5 CFR</b>		97	20065		20290-20293, 20640, 20825, 20955
9	20259	112	20066, 20941	73	20825
213	19429, 19799	113	20066, 20941	75	19834
<b>7 CFR</b>		<b>PROPOSED RULES:</b>		93	20826
52	19429	92	19480	<b>15 CFR</b>	
55	20055	<b>10 CFR</b>		60	19810
56	20055	0	20268	925	19194
59	20057, 20941	211	20941	1160	20070
70	20060	213	19799	<b>PROPOSED RULES:</b>	
102	19011	50	19439	7	20092
225	20611	303	20465	<b>16 CFR</b>	
301	19430	305	20486	13	18979-
354	19633, 19828	307	20489		18989, 19444-19466, 19640, 20613
621	20941	<b>RULINGS:</b>		<b>PROPOSED RULES:</b>	
622	20941	1975-4	19635	1	20109
730	20060	1975-5	19800	3	20110
900	20267	<b>PROPOSED RULES:</b>		4	20110
905	20061	2	20110	1500	20293
907	19009, 20062	21	20110	1509	20293
908	19010, 19438, 20063, 20611	31	20110	<b>17 CFR</b>	
909	20611	35	20110	1	20614
910	19200, 20267	40	20110	240	20073
916	20063	205	20956	249	20073
917	19633, 20064	211	19660	275	19468
918	19828	212	19219, 19659, 20654	<b>PROPOSED RULES:</b>	
944	20065	<b>12 CFR</b>		1	20110
1001	19829	9	20612	210	20308
1002	19829	207	19636	230	20316
1004	19829	220	19636	239	20308, 20316
1011	19634	221	19636	240	20316
1015	19829	523	19193	249	20308, 20316
1036	19829	541	20944	270	20315
		544	20944	271	19020, 20110
		545	20942	<b>18 CFR</b>	
		552	20945	3	20270
		563b	19801	260	20270
		<b>PROPOSED RULES:</b>			
		202	20827		
		226	19489		
		228	19495		

FEDERAL REGISTER

18 CFR—Continued

PROPOSED RULES:

1	20827
3	20108, 20270
141	20108
154	19661
161	20827

19 CFR

1	19194
123	19813
143	19813
153	20617

PROPOSED RULES:

4	19830
---	-------

20 CFR

614	20270
616	20270

PROPOSED RULES:

416	19831
650	19481
901	20326
902	20326

21 CFR

123	20793
312	18993
448	19194
510	18993, 20270, 20271
520	18994
522	18993, 18994
558	20270, 20271, 20617
561	20793
1308	19813, 20076

PROPOSED RULES:

1401	20542
------	-------

23 CFR

655	20077
-----	-------

24 CFR

100	20079
105	20079
106	20079
110	20079
115	20079
200	20080
221	20080
403	20081
880	19469
882	19612
1914	18994, 20617-20624, 20793, 20795
1915	19641-19642, 20271-20273, 20798, 20803, 20808

PROPOSED RULES:

1917	19832, 19833, 20106
------	---------------------

25 CFR

1	20625
2	20625
43k	19011
93	20952
300	19194

26 CFR

PROPOSED RULES:

1	20633
---	-------

27 CFR

178	19201
240	20627

28 CFR

PROPOSED RULES:

2	19204
---	-------

29 CFR

201	19980
202	19981
203	19988
204	19992
205	19998
206	19999
1952	18995, 20627
1960	19642
2520	19469, 20628
2550	20629
2555	20629

PROPOSED RULES:

5	20284
1910	20202
2510	20653
2520	20653
2521	20653
2522	20653
2525	20653
2550	20653
2552	20653
2555	20653
2560	20653

30 CFR

11	19470
----	-------

PROPOSED RULES:

55	19498
56	19498
57	19498

31 CFR

500	19202, 20952
-----	--------------

32 CFR

PROPOSED RULES:

1460	20827
------	-------

33 CFR

26	19470
117	19470, 20817
207	20818
220	20081

PROPOSED RULES:

117	19470, 20824
148	19956
149	19956
150	19956
209	19766
401	19661

36 CFR

7	19197
---	-------

PROPOSED RULES:

7	20284, 20640
601	19835

38 CFR

36	19643
----	-------

PROPOSED RULES:

3	20957
21	19841

39 CFR

601	20082
777	19471

PROPOSED RULES:

111	19221
-----	-------

40 CFR

6	20629
30	20082, 20232, 20952
35	20082
40	20083
45	20083
46	20083
52	20083
180	19476, 20629

PROPOSED RULES:

33	20296
35	20296
52	19210, 19211, 19656, 20642, 20643
180	20106, 20308, 20650, 20651
230	19794

41 CFR

1-7	18996, 20818
1-9	19814
1-15	18996
8-1	20819
9-54	19197
15-3	20630
60-6	19827
114-26	19477, 20818
114-38	20818
114-43	20818
114-51	20818

42 CFR

66	19314, 20953
----	--------------

PROPOSED RULES:

Ch. I	20522
52e	19014
57	19017, 19482
66	
101	19762

43 CFR

4	20819
10	20822

PUBLIC LAND ORDERS:

5498	18996
5497	18997
5499	20084

SECRETARIAL ORDERS:

Sept. 10, 1937 (revoked in part by PLO 5499)	20084
Nov. 9, 1937 (revoked in part by PLO 5499)	20084
Dec. 29, 1938 (revoked in part by PLO 5499)	20084
Mar. 27, 1941 (revoked in part by PLO 5499)	20084
Apr. 21, 1942 (revoked in part by PLO 5499)	20084

PROPOSED RULES:

3300	20090
------	-------

45 CFR

5	18997
121	18998
121a	18998
151	20084
182	20273
249	20516

PROPOSED RULES:

100d	20285
100b	19204
102	19204
115	19114

FEDERAL REGISTER

45 CFR—Continued  
PROPOSED RULES—Continued

117	19204
121	19204
130	19204
141	19204
166	19204
173	19204
177	20824
205	19207
232	19207
234	19207
235	19207
249	20954
301	20096
302	20096, 20101
303	20101
304	20286
702	19656

46 CFR

294	20086
310	19643

PROPOSED RULES:

32	19651
50	19651

46 CFR—Continued  
PROPOSED RULES—Continued

52	19651
53	19651
54	19651
56	19651
58	19651
63	19651
547	20957

47 CFR

1	19198, 20924
2	20822, 20924
73	19199, 19644
81	20924
83	19644-19646
87	19649, 20924
89	20822, 20924
91	20925
93	20927
94	20928

PROPOSED RULES:

73	19218, 20107, 20651
76	20108, 20653

47 CFR—Continued  
PROPOSED RULES—Continued

81	19838
83	19838

49 CFR

1	20088
7	20276
192	20279
571	20823
1033	19200, 19477, 19478, 19827

PROPOSED RULES:

Ch. II	19209
571	19210, 19485, 20641
577	19651
1307	19020

50 CFR

28	20283
32	19827
33	19009, 20822

PROPOSED RULES:

20	20090
32	19651
91	19013

FEDERAL REGISTER PAGES AND DATES—MAY

Pages	Date
18977-19192	May 1
19193-19417	2
19419-19631	5
19633-19798	6
19799-20052	7
20053-20253	8
20255-20604	9
20605-20790	12
20791-20940	13
20941-21021	14



# reminders

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

## Rules Going Into Effect Today

CPSC—Flammable fabrics; children's sleepwear; labeling, display, and record-keeping requirements. 16654; 4-14-75

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

### AGRICULTURE DEPARTMENT

#### Agriculture Marketing Service—

Irish potatoes; proposed termination of marketing order; comments by 5-21-75..... 17151; 4-17-75

Irish potatoes grown in Southeastern United States; expenses and rate of assessment; comments by 5-22-75..... 19479; 5-5-75

Irish potatoes grown in Southern United States; handling limitation; comments by 5-22-75..... 19479; 5-5-75

#### Rural Electrification Administration—

Construction of electric distribution and transmission facilities; REA standard construction contract forms; comments by 5-21-75. 17591; 4-21-75

Inspection and approval of work order and line extension contract construction; comments by 5-19-75. 17264; 4-18-75

### CIVIL RIGHTS COMMISSION

Freedom of information; availability of materials; comments by 5-19-75. 17267; 4-18-75

### ENVIRONMENTAL PROTECTION AGENCY

Washington; approval and disapproval of compliance schedules; comments by 5-21-75..... 17597; 4-21-75

### FEDERAL COMMUNICATIONS COMMISSION

Domestic radio service; further notice of inquiry and proposed rule making; comments by 5-23-75..... 12816; 3-21-75

FM broadcast stations; Columbia, South Carolina; table of assignments; comments by 5-23-75..... 19508; 4-8-75

FM broadcast stations, New Jersey and Delaware; table of assignments; reply comments by 5-20-75..... 11610; 3-12-75

Prohibited cross-ownership; comments by 5-19-75..... 16684; 4-14-75

Station transmissions; automatic identification system; comments by 5-19-75..... 7678; 2-21-75

Television broadcast stations, Georgia; table of assignments; comments by 4-30-75; reply comments by 5-20-75..... 11611; 3-12-75

### FEDERAL ENERGY ADMINISTRATION

Crude oil supplier/purchaser relationship rule; comments by 5-19-75. 18182; 4-25-75

Gas wells; applicability of stripper well lease exemption; inclusion of condensate in the definition of "crude oil"; to be held in Washington, D.C., 5-20-75..... 18004; 4-24-75

#### Mandatory petroleum regulation—

Propane; markup on sales to reflect increased non-product cost; comments by 5-22-75..... 19659; 5-6-75

### FEDERAL HOME LOAN BANK BOARD

Federal savings and loan system; proposed amendment relating to guarantees of borrowing; comments by 5-23-75..... 18005; 4-24-75

Savings and loan holding companies; indebtedness..... 17044; 4-16-75

### HEALTH, EDUCATION, AND WELFARE DEPARTMENT

#### Education Office—

Disclosure of official records and information; policies on protecting confidentiality of records and availability of information to public; comments by 5-23-75..... 17849; 4-23-75

#### Food and Drug Administration—

Statements of general policy of interpretation; use of impact-resistant lenses in eyeglasses and sunglasses; comments by 5-20-75. 12809; 3-21-75

#### Office of Human Development—

Runaway youth; program and activities; comments by 5-22-75. 17824; 4-22-75

#### Social Security Administration—

Supplemental medical insurance benefits; state coverage; comments by 5-19-75..... 17151; 4-17-75

### INTERIOR DEPARTMENT

#### Fish and Wildlife Service—

Atlantic Bluefin tuna, proposed "threatened" status; comments by 5-19-75..... 14767; 4-2-75

#### Office of the Secretary—

Contract clauses; listing of subcontractors; comments by 5-23-75. 17848; 4-23-75

### INTERSTATE COMMERCE COMMISSION

Accounts, uniform system for railroad companies; comments by 5-19-75. 17272; 4-18-75

Exceptions ratings higher than classification ratings; proposed rules governing publication; comments by 5-20-75..... 19020; 5-1-75

Publication of exceptions ratings higher than classification ratings; comments by 5-20-75..... 18797; 4-30-75

### TRANSPORTATION DEPARTMENT

#### Coast Guard—

Non-approved lifesaving devices on white water canoes and kayaks; proposed revocation of exception; comments by 5-31-75..... 17762; 4-22-75

#### Federal Aviation Administration—

McDonnell Douglas Model DC-10 series, Lockheed model L-1011 series, and Boeing model B-747 series airplanes; comments by 5-22-75..... 12809; 3-21-75

Transition areas; comments by 5-19-75..... 17264; 4-18-75

Transition area; comments by 5-21-75..... 17596; 4-21-75

#### Federal Railroad Administration—

"Stop and proceed" procedures; comments by 5-20-75..... 14338; 3-31-75

#### National Highway Traffic Safety Administration—

Bus window retention and release; marking requirements for emergency exits; comments by 5-19-75..... 17267; 4-18-75

Manufacturer identification code, certification, motor vehicle safety standards; comments by 5-19-75. 12519; 3-19-75

### TREASURY DEPARTMENT

#### Internal Revenue Service—

Contributions to pension, profit-sharing, etc. plans covering self-employed individuals and shareholder employees; comments by 5-22-75..... 17576; 4-21-75

Employment tax; payments of moving expenses..... 17028; 4-16-75

Passive investment income of electing small business corporations; comments by 5-22-75..... 17588; 4-21-75

## Next Week's Public Hearings

### AGRICULTURE DEPARTMENT

#### Agricultural Marketing Service—

Egg research and promotion; to be held in Dallas, Tex., 5-19-75. 13513; 3-27-75

## Next Week's Meetings

### ACTION

National Voluntary Service Advisory Council to be held in Washington, D.C. (open with restrictions), 5-22-75..... 18583; 4-29-75

### AGRICULTURE DEPARTMENT

#### Forest Service—

Manti Division Grazing Board, to be held in Ephraim, UT (open), 5-20-75..... 19511; 5-5-75

**REMINDERS—Continued**

Rock Creek Advisory Committee, to be held in Drummond, Mont., (open), 5-20-75..... 17049; 4-16-75  
 Routt National Forest Grazing Advisory Board; to be held at Steamboat Springs, Colorado (open with restrictions), 5-22-75..... 18823; 4-30-75

**CIVIL RIGHTS COMMISSION**

Connecticut State Advisory Committee; to be held in Meriden, Connecticut (open), 5-20-75..... 17778; 4-22-75  
 Delaware State Advisory Committee; to be held in Wilmington, Del. (open), 5-23-75..... 18486; 4-28-75  
 New York State Advisory Committee; to be held at New York, N.Y. (open with restrictions), 5-20-75..... 18031; 4-24-75

**CIVIL SERVICE COMMISSION**

Federal Employees Pay Council, to be held in Washington, D.C. (open), 5-21-75..... 18219; 4-25-75

**COMMERCE DEPARTMENT**

Domestic and International Business Administration—  
 Telecommunications Equipment Technical Advisory Committee; to be held at Washington, D.C. (partially closed), 5-28-75..... 17865; 4-23-75

National Oceanic and Atmospheric Administration—  
 Marine Petroleum and Minerals Advisory Committee; to be held in Washington, D.C. (open), 5-22-75. 17190; 4-17-75

Office of the Secretary—  
 Commerce Technical Advisory Board; to be held at Washington, D.C. (open with restrictions), 5-21-75 17620; 4-21-75

Social and Economics Statistics Administration—  
 Census Advisory Committee on Small Areas to be held in Suitland, Md. (open), 5-22-75. 16354; 4-11-75

**CONSUMER PRODUCT SAFETY COMMISSION**

Product Safety Advisory Council; to be held at Washington, D.C. (open with restrictions), 5-19-75..... 17631; 4-21-75

**DEFENSE DEPARTMENT**

Army Department—  
 Military History Research Collection Advisory Committee, to be held at Carlisle Barracks, Penn. (open with restrictions), 5-22-75. 18189; 4-25-75

Scientific Advisory Panel, to be held in Washington, D.C. (open with restrictions), 5-20 and 5-21-75. 19501; 5-5-75

Corps of Engineers—  
 Environmental Advisory Board; to be held at Delroy, Ohio (open), 5-20 and 5-21-75..... 15915; 4-8-75

Office of the Secretary—  
 Acquisition Advisory Group; to be held in Arlington, Va. (closed), 5-19-75. 19023; 5-1-75

Defense Intelligence Agency Scientific Advisory Committee; to be held at Rosslyn, Va. (closed), 5-19 and 5-29-75..... 18009; 4-24-75  
 Defense Wage Committee; to be held at the Pentagon, Washington, D.C. (closed), 5-20-75..... 19222; 5-2-75

Defense Science Board (closed), 5-20 and 5-21-75..... 17174, 4-17-75; 19501, 5-5-75

**ENVIRONMENTAL PROTECTION AGENCY**

Hazardous Materials Advisory Committee; to be held in Arlington, Va. (open), 5-19 and 5-20-75 19236; 5-2-75

**FEDERAL COMMUNICATIONS COMMISSION**

Radio Technical Commission for Aeronautics; to be held in Washington, D.C. (open with restrictions), 5-22 and 5-23-75 14806; 4-2-75

**FEDERAL ENERGY ADMINISTRATION**

Energy Forecasting Advisory Committee; to be held at Washington, D.C. (open), 5-23-75..... 19685; 5-6-75

Environmental Advisory Committee; to be held in Washington, D.C. (open), 5-21-75 18488; 4-28-75

**GENERAL SERVICES ADMINISTRATION**

Regional Public Advisory Panel on Architectural and Engineering Services, to be held in Auburn, Wash. (closed), 5-20 and 5-21-75. 19544; 5-5-75

**HEALTH, EDUCATION, AND WELFARE DEPARTMENT**

Alcohol, Drug Abuse, and Mental Health Administration—  
 National Advisory Council on Alcohol Abuse and Alcoholism; to be held in Rockville, Md. (open and closed), 5-19 and 5-20-75 18015; 4-24-75

Education Office—  
 Federal Hospital Council, to be held in Rockville, Md. (open), 5-22-75. 18206; 4-25-75

Food and Drug Administration—  
 Biometric and Epidemiological Methodology Advisory Committee, to be held in Rockville, Md.; 5-21-75. 19513; 5-5-75

Cardiovascular and Renal Advisory Committee; to be held at Rockville, Md. (open and closed), 5-20-75. 18828; 4-30-75

Production of iodine-123 for application in nuclear medicine; to be held in Rockville, Md. (open), 5-19 and 5-20-75 18482; 4-28-75

Health Resources Department—  
 Cooperative Health Statistics Advisory Committee; to be held in Kansas City, Mo. (open), 5-22 and 5-23-75..... 17306; 4-18-75  
 National Advisory Committee on the Handicapped, to be held in Washington, D.C. (open), 5-19 thru 5-21-75..... 18207; 4-25-75

National Institutes of Health—  
 Blood Diseases and Resources Advisory Committee; to be held at Bethesda, Md. (open with restrictions), 5-19 and 5-20-75. 8982; 3-4-75

Board of Scientific Counselors to be held in Bethesda, Md. (open with restrictions), 5-19 and 5-20-75. 14964; 4-3-75

Board of Scientific Counselors; to be held at Bethesda, Md. (open with restrictions), 5-23 and 5-24-75. 8982; 3-4-75

Cancer Clinical Investigation Review Committee; to be held at Bethesda, Md. (open with restrictions); 5-21 through 5-23-75..... 11924; 3-14-75

Epidermiology and Disease Control Section; to be held in Washington, D.C. (open and closed) 5-23-75. 18831; 4-30-75

Epilepsy Advisory Committee; to be held at Bethesda, Md. (open), 5-20-75..... 11926; 3-14-75

Office of the Secretary—  
 National Advisory Council on Extension and Continuing Education; to be held at Denver, Colorado (open), 5-20 thru 5-22-75 17622; 4-21-75

National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research; to be held in Bethesda, Md. (open with restrictions), 5-23 and 5-24-75..... 19673; 5-6-75

**INTERIOR DEPARTMENT**

National Park Service—  
 Fire Island National Seashore; to be held in Patchogue, N.Y. (open), 5-21 and 5-29-75..... 19026; 5-1-75

Western Regional Advisory Committee; to be held at Yosemite National Park (open with restrictions), 5-17-75..... 18013; 4-24-75

**LABOR DEPARTMENT**

Labor Statistics Bureau—  
 Labor Research Advisory Council Committees to be held in Washington, D.C. (open), 5-20, 5-21, and 5-22-75..... 18623; 4-29-75

Occupational Safety and Health Administration—  
 Standards Advisory Committee on Coke Oven Emissions; to be held at Washington, D.C. (open), 5-20 through 5-22-75..... 16735, 4-14-75; 18623, 4-29-75

**MANAGEMENT AND BUDGET OFFICE**

Labor Advisory Committee on Statistics; to be held in Washington, D.C. (open), 5-20-75..... 18514; 4-28-75

**NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE**

To be held in Washington, D.C. (open), 5-19 and 5-20-75. 17201; 4-17-75

REMINDERS—Continued

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

NASA Research and Technology Advisory Council; to be held in Washington, D.C. (open), 5-8 and 5-9-75.

17083; 4-16-75

**NATIONAL COMMISSION FOR THE REVIEW OF FEDERAL AND STATE LAWS RELATING TO WIRETAPPING AND ELECTRONIC SURVEILLANCE**

National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance; to be held at Washington, D.C. (open), 5-19 through 5-21-75.

19710; 5-6-75

**NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**

Advisory Committee Education Panel to be held in Washington, D.C. (closed); 5-19 and 5-22-75. 17082; 4-16-75

**NATIONAL SCIENCE FOUNDATION**

Advisory Panel on Science Education Projects; Subpanel on Materials and Instruction Development Program; to be held in Washington, D.C. (closed), 5-19-75. 19238; 5-2-75

Advisory Panel for Social Psychology, to be held in Washington, D.C. (closed), 5-22 and 5-23-75. 19546; 5-5-75

**NUCLEAR REGULATORY COMMISSION**

Nuclear Energy Center Site Survey (NECSS), workshops; to be held in Portsmouth, N.H., 5-21, 5-22, and 5-23-75; and in Santa Monica, Calif., 5-28, 5-29, and 5-30-75 (open). 19228; 5-2-75

**SMALL BUSINESS ADMINISTRATION**

Augusta District Advisory Council; to be held at Augusta, Maine (closed) 5-20-75. 18850; 4-30-75

Casper District Advisory Council, to be held in Casper, Wyo. (open) 5-24-75. 16893; 4-15-75

Los Angeles District Advisory Council; to be held in Los Angeles, Calif. (open) 5-20-75. 19243; 5-2-75

**STATE DEPARTMENT**

Agency for International Development—Fine Arts Committee; to be held in Washington, D.C. (open), 5-19-75. 17172; 4-17-75

Shipping Coordinating Committee to be held in Washington, D.C. (open) 5-22-75. 18565; 4-29-75

Study Group 1 for the ITT Consultative Committee to be held in Washington, D.C. (open) 5-15-75. 18565; 4-29-75

**TRANSPORTATION DEPARTMENT**

Federal Aviation Administration—Aviation Review Conference; to be held in Arlington, Va. (open with restrictions) 5-19 through 5-21-75. 16710; 4-14-75

National Highway Traffic Safety Administration—

National Highway Safety Advisory Committee, to be held in Arlington, Va. (open) 5-20-75. 19520; 5-5-75

Occupant Crash Protection; to be held in Washington, D.C. (open) 5-19-75. 13330; 3-26-75

**VETERANS ADMINISTRATION**

Special Medical Advisory Group; to be held in Washington, D.C. (open with restrictions) 5-19 and 5-20-75. 19243; 5-2-75

Veterans Administration Wage Committee; to be held at Washington, D.C. (closed) 5-22-75. 12554; 3-19-75

Daily List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

The first part of the report deals with the general situation of the country. It is noted that the weather has been very dry and hot, and that the crops are suffering. The government has taken steps to provide relief to the people, and it is hoped that these measures will be successful.

The second part of the report deals with the financial situation. It is noted that the government has a large deficit, and that the public debt is increasing. It is suggested that the government should take steps to reduce its expenditure, and to increase its revenue.

The third part of the report deals with the social situation. It is noted that there is a large amount of poverty and suffering in the country. It is suggested that the government should take steps to provide relief to the poor, and to improve the conditions of life.

The fourth part of the report deals with the political situation. It is noted that there is a large amount of corruption and mismanagement in the government. It is suggested that the government should take steps to reform itself, and to improve its efficiency.

The fifth part of the report deals with the military situation. It is noted that the army is in a state of disrepair, and that the government should take steps to reform it.

The sixth part of the report deals with the foreign situation. It is noted that the country is in a state of isolation, and that the government should take steps to improve its relations with other countries.

# rules and regulations

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

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

## Title 7—Agriculture

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

#### EGGS AND POULTRY

##### Federal Grading and Inspection; Miscellaneous Amendments

###### Correction

In FR Doc. 75-12066 appearing at page 20053 in the issue for Thursday, May 8, 1975, on page 20059, the third column, § 59.522(o), the parenthetical material should read: "(See § 59.515(a)(9) and § 59.552.)"

### CHAPTER VI—SOIL CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

#### SUBCHAPTER C—WATER RESOURCES

##### WATER RESOURCES PROGRAM

###### Policy and Requirements

###### Correction

In FR Doc. 75-7163, appearing at page 12469, in the issue for Wednesday, March 19, 1975, make the following corrections:

On page 12475 in the first column, the tenth line, the word "publiv" should read "public".

On page 12475 in the second column, the fifth line of § 621.44, the word "carriers" should read "carries".

On page 12477 in the second column, the second line of § 622.15(f)(1)(i), insert a hyphen between the words "in" and "reservoir".

On page 12478 in the first column, the third line of § 622.31, the word "Director" should read "Directory".

## 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

###### Brownsville, Tex., and Helena, Mont.; Addition to List of Ports of Export

This amendment adds Brownsville, Texas and Helena, Montana, to the list of ports of export for certain animals.

*Statement of considerations.* The purpose of this amendment is to add Helena, Montana, and Brownsville, Texas, to the list of designated airports in § 91.3(a)(1)(i) and to add Brownsville, Texas, to the list of designated ocean ports in § 91.3

(a)(2)(i) of Part 91, 9 CFR. The airport export facilities at Helena, Montana, and the airport and ocean port export facilities at Brownsville, Texas, have been inspected by the Animal and Plant Health Inspection Service and are found to be suitable for the exportation of animals under 9 CFR, Part 91.

Accordingly, in § 91.3, paragraph (a)(1)(i) and (2)(i) are revised to read:

#### § 91.3 Ports of export.

(a) \* \* \*

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

(2) *Ocean ports.* (i) Richmond, Virginia; Miami and Tampa, Florida; Brownsville and Houston, Texas; San Francisco, California; Portland, Oregon; 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 May 14, 1975.

The amendment relieves certain restrictions by permitting the exportation of livestock through additional ports 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 8th day of May, 1975.

PIERRE A. CHALOUX,  
Acting Deputy Administrator,  
Veterinary Services, Animal  
and Plant Health Inspection  
Service.

[FR Doc. 75-12710 Filed 5-13-75; 8:45 am]

#### SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

##### PART 112—PACKAGING AND LABELING

##### PART 113—STANDARD REQUIREMENTS

###### Miscellaneous Amendments

###### Correction

In FR Doc. 75-12150 appearing at page 20066 in the issue for Thursday, May 8, 1975, make the following changes:

1. On page 20067, the middle column, five stars were inadvertently omitted following the introductory portion of paragraph (d)(4) of § 113.104. Paragraph (d)(4) introductory portion should read as follows:

(4) *Test for valid assay.* The same consecutive dilutions of the Standard and the Unknown need not be used in the test for valid assay, but the following requirements shall be met:

2. On page 20067, the third column, the heading for § 113.252 should appear as follows:

§ 113.252 Erysipelothrix Rhusiopathiae Antiserum.

## Title 10—Energy

### CHAPTER II—FEDERAL ENERGY ADMINISTRATION

#### PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

##### Emergency Amendment Revoking Special Rule No. 4

Special Rule No. 4 for Subpart C of 10 CFR Part 211 was adopted on February 28, 1975 (40 FR 10444; March 6, 1975) for the stated purpose of exempting specified portions of small refiners' entitlement purchase obligations for the months of March and April 1975 under FEA's old oil allocation program. The exempted amounts were the portions of the entitlement purchase obligations for these months attributable to the estimated increase in the price of entitlements due to the staged increases in supplemental import fees for crude oil initially provided for these months. Under subsequent amendments to the relevant Presidential Proclamation, however, these import fee increases were not made effective, after initially having been delayed so as to take effect in May and June 1975. The final decision not to implement these supplemental import fee

increases was made in the latter part of April 1975. Accordingly, FEA is hereby revoking Special Rule No. 4 effective immediately, since the stated justification for the rule no longer exists.

Section 7(i) (1) (B) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, ("FEAA") provides for waiver of the requirements of that section as to time of notice and opportunity to comment prior to promulgation of regulations where strict compliance with such requirements is found to cause serious harm injury to the public health, safety, or welfare. The FEA has determined that strict compliance with the requirements of section 7(i) (1) (B) of the FEAA would not enable Special rule No. 4 to be revoked prior to issuance of entitlements for March 1975. This is a result of the delay in arriving at the recent decision discussed above not to implement the import fee increases originally scheduled for March and April 1975, and of FEA's uncertainty as to whether Special Rule No. 4 would perhaps have to be modified to apply to entitlement purchase obligations for May and June 1975, or for some later months. By not waiving the requirements of the FEAA referred to above, FEA would cause serious harm and injury to the public safety and welfare by limitation of the benefits otherwise receivable by sellers of entitlements for March 1975, which benefits have been already limited to a certain extent for prior months by the operation of Special Rule No. 3. Accordingly, such requirements must be waived and this amendment is made effective immediately prior to opportunity to comment thereon.

As required by section 7(c) (2) of the FEAA, FEA has submitted its proposal to revoke Special Rule No. 4 to the Administrator of the Environmental Protection Agency for his review and is submitting a copy of this emergency amendment to the Administrator concurrently with its issuance. The Administrator had no comments on FEA's proposal to revoke the Special Rule.

Because this amendment is being issued on an emergency basis, an opportunity for oral presentation of views will not be possible prior to its promulgation. A public hearing on the amendment, however, will be held beginning at 9:30 a.m., e.s.t., June 3, 1975, in Room 2105, 2000 M Street, NW, Washington, D.C., to receive comments from interested persons. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.s.t., Friday, May 23, 1975. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue NW, Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe

the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through May 30, 1975. Each person selected to be heard will be so notified by FEA before 5:30 p.m., e.s.t., Wednesday, May 29, 1975 and must submit 100 copies of his or her statement to Executive Communications, FEA, Room 2214, 2000 M Street, NW, Washington, D.C. 20461, before 4:30 p.m., e.s.t., Monday, June 2, 1975.

FEA reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to the time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearing, to Executive Communications, FEA, before 4:30 p.m., Friday, May 30, 1975. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by FEA and made available for inspection at the Administrator's Reception Area of the FEA, Room 3400, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Interested persons are invited to submit data, views, or arguments with respect to the emergency amendment to Executive Communications, Federal Energy Administration, Box DB, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to Executive Communications, FEA, with the designation "Revocation of Special Rule No. 4". Fifteen copies

should be submitted. All comments received by May 28, 1975 will be considered by FEA.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 93-511; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185).

In consideration of the foregoing, Special Rule No. 4 in the appendix to Subpart C of Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, is revoked, effective immediately.

Issued in Washington, D.C., May 9, 1975.

DAVID G. WILSON,  
Acting General Counsel.

[FR Doc. 75-12725 Filed 5-9-75; 4:43 pm]

## Title 12—Banks and Banking

### CHAPTER V—FEDERAL HOME LOAN BANK BOARD

#### SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 75-415]

### PART 545—OPERATIONS

#### Amendment Relating To Escrow Funds

The Federal Home Loan Bank Board on January 24, 1975, proposed an amendment to § 545.6-11 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-11) for the purposes of conforming § 545.6-11 with section 10 of the Real Estate Settlement Procedures Act of 1974 (Pub. L. 93-533; December 22, 1974) and requiring Federal associations, solely as a matter of Federal law, under certain circumstances and subject to certain limitations to pay interest on funds held by them in escrow accounts. Notice of such proposed rule-making was published in the FEDERAL REGISTER on January 31, 1975 (40 FR 4646), with an invitation for interested persons to submit written comments by March 4, 1975.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board hereby amends said Part 545 as proposed, except for editorial changes and certain changes to clarify that the obligation to pay interest under certain circumstances is being imposed as a matter of Federal law, by revising § 545.6-11 thereof to read as set forth below, effective June 16, 1975.

#### § 545.6-11 Loan contract.

(a) *Required and authorized provisions.* Each loan shall be evidenced by note, bond, or other instrument and shall be secured by such security instrument as is in keeping with sound lending practices. The loan contract shall provide for full protection to the Federal association in accordance with applicable provisions of law, applicable governmental rules and

regulations, and the Federal association's charter and bylaws. It shall be recorded and, among other protections, it shall provide specifically for full protection with respect to insurance, taxes, assessments, other governmental levies, maintenance, and repairs. It may provide for an assignment of rents. Such Federal association may pay taxes, assessments, insurance premiums, and other similar charges for the protection of its interest in the property on which it has loans; all such payments may, when consistent with the provisions of this part, be added to the unpaid balance of the loan. A Federal association may require life insurance to be assigned to it by its borrowers as additional collateral for loans on the security of real estate; such association may advance premiums on any such life insurance and, when consistent with the provisions of this part, may add the premium so advanced to the unpaid balance of the loan. A Federal association shall keep a record of the status of taxes, assessments, insurance premiums, and other charges on all real estate on which such association has loans or which is owned by it. All loan instruments shall comply with applicable provisions of law, applicable governmental rules and regulations, and the Federal association's charter and bylaws.

(b) *Escrow accounts.* A Federal association may require that all or any portion of the estimated annual taxes, assessments, insurance premiums, and other charges on any loan be paid in advance to such association in addition to interest and principal payments on such loan, to enable the association to pay such charges as they become due from the funds so received. With regard to any loan on the security of a home made in whole or in part by the association, the association shall not require that the borrower—

(1) Deposit in any escrow account which may be established in connection with such loan for the purpose of assuring payment of taxes, assessments, insurance premiums, and other charges with respect to the property, prior to or upon the date of settlement, an aggregate sum for such purpose in excess of—

(i) In any jurisdiction where such charges are postpaid, the total amount of such charges which will actually be due and payable on the date of settlement and the pro rata portion thereof which has accrued, plus one-twelfth of the estimated total amount of such charges which will become due and payable during the twelve-month period beginning on the date of settlement, or

(ii) In any jurisdiction where such charges are prepaid, a pro rata portion of the estimated charges corresponding to the number of months from the last date of payment to the date of settlement, plus one-twelfth of the estimated total amount of such charges which will become due and payable during the twelve-month period beginning on the date of settlement; or

(2) Deposit in any such escrow account in any month beginning after the date of settlement a sum (for the purpose of assuring payment of such charges) in excess of one-twelfth of the total amount of the estimated charges which will become due and payable during the twelve-month period beginning on the first day of such month, except that in the event the association determines there will be a deficiency on the due date it may require additional monthly deposits in such escrow account of pro rata portions of the deficiency corresponding to the number of months from the date of the association's determination of such deficiency to the date upon which such charges become due and payable.

(c) *Payment of interest on escrow accounts.* A Federal association which makes a loan on or after June 16, 1975 on the security of a single-family dwelling occupied or to be occupied by the borrower (except such a loan for which a bona fide commitment was made before that date) shall pay interest on any escrow account maintained in connection with such a loan (1) if there is in effect a specific statutory provision or provisions of the State in which such dwelling is located by or under which State-chartered savings and loan associations, mutual savings banks and similar institutions are generally required to pay interest on such escrow accounts, and (2) at not less than the rate required to be paid by such State-chartered institutions but not to exceed the rate being paid by the Federal association in its regular accounts (as defined in § 526.1 of this chapter). Except as provided by contract, a Federal association shall have no obligation to pay interest on escrow accounts apart from the duties imposed by this paragraph.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071.)

Dated: May 9, 1975.

By the Federal Home Loan Bank Board.

GRENVILLE L. MILLARD, JR.,  
Assistant Secretary.

[FR Doc. 75-12677 Filed 5-13-75; 8:45 am]

[No. 75-44]

**FEDERAL CHARTERS**

**Retention by Associations Converting From Mutual to Stock Form**

MAY 9, 1975.

*Summary.* The following summary of the amendments adopted by this resolution is provided for the reader's convenience and is subject to the full discussion in the following preamble and to the specific provisions of the regulations.

I. *Principal provisions reflecting proposed changes.* A. *Changes in existing Federal regulations.* 1. *Definitions.*

2. *Changes necessary to exclude stock associations from certain regulations*

and include such associations in other regulations.

II. *New Part 552 of Federal regulations.* A. *New Charter S for Federal stock associations.*

B. *New bylaws for Federal stock associations.*

C. *Regulations necessary for the operation of Federal stock associations.*

By Resolution No. 75-226, dated March 7, 1975, the Federal Home Loan Bank Board proposed to amend the rules and regulations for the Federal Savings and Loan System in order to permit Federal associations to convert to the stock form by amending their charters and bylaws to read in the appropriate form and to permit such associations to operate. Notice of such proposed rule making contained in said Resolution No. 75-226 was duly published in the FEDERAL REGISTER on March 17, 1975 (40 FR 12113), with an invitation for interested persons to submit written comments by April 18, 1975.

On the basis of the Board's consideration of all relevant material presented by interested persons and otherwise available, the Board hereby amends said Federal regulations as set forth below, effective June 16, 1975.

This amendment amends § 541.2 of the Federal regulations to make it clear that the term "Federal association" as used in the regulations applies to Federal stock associations and Parts 544 and 545 of the Federal regulations to make those parts appropriately applicable to Federal stock associations. A new part, Part 552, has been added to provide for the operation of Federal stock associations. Section 552.3 of Part 552 contains a form of Charter S to be adopted by Federal stock associations and § 552.5 contains the form of bylaws to be adopted by such associations.

Except for minor editorial changes, §§ 541.2, 541.3, 541.4, 541.8-1, 544.6, 545.1, 545.2, 545.23, 545.25-1, 552.1, 552.2, 552.6, 552.7, 552.8, 552.9 and 552.10 are adopted as proposed.

The final regulations set forth below differ from the proposed regulations as follows:

(1) Section 552.3 has been revised to enable the Board upon request to issue a Charter S to a Federal stock association in a form which includes the optional provisions set forth in § 552.4 without the requirement of a formal amendment procedure.

(2) Section 5 of Charter S has been revised: (a) to make it clear that promissory notes or future services may not be used as payment for capital stock; (b) to enable a Charter S association to issue stock dividends; (c) to make it clear that the stockholder approval requirement does not apply to shares issued in connection with the conversion of the association from the mutual to the stock form; (d) to delete the phrase "(including any shares previously issued or issuable without such stockholder approval)" from (ii) of Section 5; and (e) to make it clear that upon liquidation the holders of common stock shall receive all the assets of the association

only after all debts and liabilities of the association have been satisfied. Identical changes have been made in optional section 5.

(3) The following sections of article II of the bylaws have been revised:

(a) Section 1 has been revised to permit annual and special meetings of the stockholders to be held in the State in which the home office of the association is located;

(b) Section 4 has been revised to permit the board of directors to designate either the chairman of the board or the president to preside at their meetings;

(c) Section 5 has been revised to eliminate the provision respecting waiver of notice by stockholders to make clear that prospective waivers are not permitted;

(d) Section 7 has been revised to provide an alternative to making the stockholder list available to stockholders with less than the qualifying amounts required by § 552.11; and

(e) Section 9 has been revised to eliminate the requirement that proxies must be filed at least two days prior to a stockholder's meeting, and to except proxies coupled with an interest from the rule that no proxy shall be valid after eleven months from the date of its execution.

(4) The following sections of article III of the bylaws have been revised:

(a) Sections 4 and 5 have been revised to permit meetings of the board of directors to be held anywhere within the association's regular lending area which is defined in § 545.6-6 of the Federal Regulations and to permit special meetings to be held by conference telephone or similar communication equipment;

(b) Section 6 has been revised to provide that notice of a special meeting shall be given at least two days before such meeting if delivered personally or by telegram and at least five days if delivered by mail;

(c) Section 10 has been changed to provide that written notice of resignation by a director be addressed and delivered to the chairman of the board or president rather than the secretary;

(d) Section 12 has been revised to permit the payment of salaries to directors. The restriction on the payment of fees to directors who are salaried-employees has been removed;

(e) Section 13 has been revised to allow a dissenting director five days after he receives a copy of the minutes of the meeting at which he dissented from a board action to file his written dissent with the secretary; and

(f) Section 14 has been deleted. The chairman of the board may be an officer or an employee of the association, and either the chairman of the board or the president may serve as chief executive officer.

(5) Article V has been revised to permit the board of directors to authorize the appointment of such officers as it shall determine necessary and to determine and authorize the duties of such officers. The sections detailing the duties of each officer have been deleted.

(6) Section 552.11 which provides that a stockholder must show a proper purpose before being allowed to inspect the books and records of the association has been made applicable to the list of stockholders prescribed by the association's bylaws. In addition, § 552.11 has been revised to provide a minimum stock ownership requirement which must be satisfied in order for a stockholder to be entitled to inspection.

(7) A new section, § 552.12 has been added, containing the procedures to be followed in lieu of making the stockholder list available pursuant to article II, section 7 of the bylaws.

#### PART 541—DEFINITIONS

1. Part 541 is amended by revising §§ 541.2, 541.3, 541.4 and 541.8-1 to read as follows:

##### § 541.2 Federal association.

The term "Federal association" means a Federal mutual savings and loan association or Federal stock savings and loan association chartered by the Board as provided in Section 5 of the Home Owners' Loan Act of 1933, as amended. As used in §§ 546.1, 546.2, 546.3 and 546.4 of Part 546, and in Parts 547, 548, 549 and 550 of this subchapter, the term "Federal association" also includes any incorporated or unincorporated building, building or loan, building and loan, savings and loan, or homestead association, which has been organized or incorporated under or pursuant to the laws of the District of Columbia.

##### § 541.3 Capital.

The term "capital" means in a Federal mutual association the aggregate of the payments on savings accounts plus earnings credited thereto less lawful deductions therefrom.

##### § 541.4 Savings account.

The term "savings account" means the monetary interest of the holder thereof in the capital of a Federal mutual association and consists of the withdrawal value of such interest.

##### § 541.8-1 Net worth.

The term "net worth" means the sum of all general reserves, surplus, capital stock and any other accounts of a Federal association which may be designated as part of net worth pursuant to the provisions of this subchapter.

#### PART 544—CHARTER AND BYLAWS

2. Part 544 is amended by revising the first sentence of the introductory text of § 544.6 as follows:

##### § 544.6 Amendment to bylaws.

This section constitutes approval by the Board of any one or more of the following amendments to the bylaws of any Federal mutual association, or of an amendment repealing any provision of such association's bylaws providing for a bonus other than a bonus under the provisions of § 545.3 of this chapter, upon the valid adoption of any such amend-

ment by such association's directors or members as provided in its bylaws, effective when so adopted: \* \* \*

#### PART 545—OPERATIONS

3. Part 545 is amended by revising §§ 545.1 (a) and (d), 545.2(b), 545.23, and 545.25-1(a) as follows:

##### § 545.1 Savings accounts.

(a) *General.* The capital of a Federal mutual association may be raised through payments on its savings accounts in the form of cash, or of property in which such Federal association is authorized to invest, and, in the absence of actual fraud in the transaction, the value of such property, as determined by the board of directors of such Federal association, shall be conclusive. The savings accounts of a Federal association that has a Charter E or a Charter K and which amends such charter to read in the form of Charter N or Charter K (rev.) shall continue to have the same rights and privileges and to be subject to the same duties and liabilities as were provided in the charter in effect at the time such savings accounts were created, until exchanged for a savings account issued under the provisions of Charter N or Charter K (rev.).

(d) *Service charge.* A Federal association which has a charter in the form of Charter S, Charter N or Charter K (rev.) may make a service charge of not more than one dollar (\$1.00) in any calendar year against any savings account if at the time of any such charge is made:

##### § 545.2 Evidence of ownership.

(b) *Account books and certificates.* A Federal association that has Charter S, Charter N or Charter K (rev.) shall issue to each holder of its savings accounts an account book, or a separate certificate, evidencing the ownership of the account and the interest of the holder thereof in such Federal association; except as hereinafter provided, each such certificate shall be in form prescribed by the Board. (The Board has prescribed for use by all Federal associations that have Charter K, forms of certificates evidencing the ownership of savings share accounts, short-term savings share accounts and investment share accounts; and has prescribed for use by all Federal associations that have Charter N or Charter K (rev.) forms of certificates evidencing ownership of savings accounts. Illustrative copies of these forms may be obtained from the Federal Home Loan Bank Board, Washington, D.C., or from any Federal Home Loan Bank. See § 552.8(f) (2) with respect to forms of certificates for Charter S associations.)

##### § 545.23 Statement of condition.

Within the month immediately after the annual closing of a Federal association's books, such Federal association shall either mail to each of its members,



or in the case of a Charter S association each of its depositors and borrowers, at his last address appearing on the association's books, or publish in a newspaper printed in the English language and of general circulation in the county in which the association's home office is located, a statement of condition of the association as of such closing of its books, in form prescribed by the Board. (The Board has prescribed a form of "Statement of Conditions," an illustrative copy of which may be obtained from any Federal Home Loan Bank or from the Federal Home Loan Bank Board, Washington, D.C.) Within five days after each such statement of condition has been so mailed or published, a certification to such effect, signed by an executive officer of such Federal association, together with a copy of the statement of condition, shall be transmitted by the association to the Federal Home Loan Bank of which the association is a member.

§ 545.25-1 Employment contracts.

(a) *General.* A Federal association which has bylaws that include the provisions contained in paragraph (k) of § 544.6 of this subchapter or a Charter S association may, upon specific approval of its board of directors, enter into employment contracts with officers of the association, in accordance with the provisions of this section.

PART 552—STOCK ASSOCIATIONS

4. New Part 552 is added as follows:

- Sec. 552.1 Definitions.
- 552.2 Amendment of charter.
- 552.3 Issuance of charter.
- 552.4 Optional charter provisions.
- 552.5 Bylaws.
- 552.6 Optional bylaw provisions.
- 552.7 Description of Charter S associations.
- 552.8 Savings deposits.
- 552.9 Investments, services and borrowings.
- 552.10 Annual reports to stockholders.
- 552.11 Books and records.

**AUTHORITY:** §§ 552.1 to 552.12 are issued under sec. 105, Pub. L. 93-495, October 28, 1974; secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730; sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071.

§ 552.1 Definitions.

All references in this subchapter to the following terms shall, with respect to an association with a charter in the form of a Charter S, have the meaning defined herein.

(a) *Charter S association.* The term "Charter S association" means a Federal savings and loan association which has its charter in the form of a Charter S.

(b) *Capital.* The term "capital" means the aggregate of the consideration received upon the issuance of capital stock and the payments on savings deposits plus earnings credited thereto less lawful deductions therefrom.

§ 552.2 Amendment of charter.

A Federal mutual association may amend its charter in its entirety to read in the form of Charter S by a vote of a majority of the total votes of the association members eligible to be cast at any legal meeting. Upon receipt of the following certification, the Board will issue a Charter S to such Federal association on the condition subsequent that all stock proposed to be issued in its application filed pursuant to Part 563b of the rules and regulations for Insurance of Accounts is sold:

The undersigned, by its secretary, hereby certifies that the members at a meeting duly called and held adopted the following resolution:

Be it resolved, that the present charter of this association be amended to read in the form of a Charter S as attached hereto.

In witness whereof, the secretary of the undersigned has hereunto affixed his hand and the seal of the undersigned this \_\_\_\_ day of \_\_\_\_\_, 19\_\_

Federal Savings and Loan Association,

By \_\_\_\_\_

[CORPORATE SEAL]

§ 552.3 Issuance of charter.

Unless otherwise determined by the Board by advice in writing a Federal association which has amended its charter pursuant to § 552.2 of this part shall be issued a Charter S in the following form, or a form including one or more additional provisions as set forth in § 552.4 if such provisions are specifically requested.

CHARTER S

\_\_\_\_\_ Federal Savings and Loan Association

Section 1. *Corporate title.* The full corporate title of the association is "\_\_\_\_\_ Federal Savings and Loan Association \_\_\_\_\_".

Section 2. *Office.* The home office of the association shall be located in the County of \_\_\_\_\_, State (Territory, Possession or District) of \_\_\_\_\_.

Section 3. *Powers.* The association is a capital stock association chartered under Section 5 of the Home Owners' Loan Act and has and may exercise all the express, implied and incidental powers conferred thereby and by all acts amendatory thereof and supplemental thereto, subject to the Constitution and laws of the United States as they are now in effect, or as they may hereafter be amended, and subject to all lawful and applicable rules, regulations, and orders of the Federal Home Loan Bank Board.

Section 4. *Duration.* The duration of the association is perpetual.

Section 5. *Capital stock.* The total number of shares of capital stock which the association has authority to issue is \_\_\_\_\_, all of which are to be shares of common stock, \_\_\_\_\_ dollar(s) par value per share (or if no par value, a stated value of \_\_\_\_\_ dollar(s) per share). The shares may be issued by the association from time to time as approved by its board of directors without the approval of its stockholders except as otherwise provided in this Section 5. The consideration for the issuance of the shares shall be paid in full before their issuance and shall not be less than the par value

[stated value] per share. Neither promissory notes nor future services shall constitute payment or part payment for the issuance of shares of the association. The consideration for the shares shall be cash, tangible or intangible property, labor or services actually performed for the association or any combination of the foregoing. In the absence of actual fraud in the transaction, the value of such property, labor or services, as determined by the board of directors of the association, shall be conclusive. Upon payment of such consideration such shares shall be deemed to be fully paid and nonassessable. In the case of a stock dividend, that part of the surplus of the association which is transferred to stated capital upon the issuance of shares as a share dividend shall be deemed to be the consideration for their issuance.

Except for shares issuable in connection with the conversion of the association from the mutual to the stock form of capitalization, no shares of common stock (including shares issuable upon conversion, exchange or exercise of other securities) shall be issued in the following cases unless their issuance or the plan under which they would be issued has been approved by a majority of the total votes eligible to be cast at a legal meeting: (i) shares of common stock to be issued, directly or indirectly, to officers, directors or controlling persons of the association other than as part of a general public offering or as qualifying shares to a director; or (ii) shares of common stock exceeding 15 percent of the total number of shares of common stock then outstanding.

The holders of the common stock shall exclusively possess all voting power. Each holder of shares of common stock shall be entitled to one vote for each share held by such holder, except as to the cumulation of votes for the election of directors. Subject to Section 7 of this charter, in the event of any liquidation, dissolution or winding up of the association, the holders of the common stock shall be entitled, after payment or provision for payment of all debts and liabilities of the association, to receive all assets of the association available for distribution, in cash or in kind. Each share of common stock shall have the same relative rights as and be identical in all respects with all the other shares of common stock.

Section 6. *Preemptive rights.* Holders of the capital stock of the association shall not be entitled to preemptive rights with respect to any shares of the association which may be issued.

Section 7. *Liquidation account.* Pursuant to the requirements of the rules and regulations for Insurance of Accounts of the Federal Savings and Loan Insurance Corporation, the association shall establish and maintain a liquidation account for the benefit of its savings account holders as of \_\_\_\_\_ ("eligible savers"). In the event of a complete liquidation of the association, it shall comply with such rules and regulations with respect to the amount and the priorities on liquidation of each of the association's eligible saver's inchoate interest in the liquidation account, to the extent it is still in existence. Provided, however, that an eligible saver's inchoate interest in the liquidation account shall not entitle such eligible saver to any voting rights at meetings of the association's stockholders.

Section 8. *Directors.* The association shall be under the direction of a board of directors. The number of directors, as stated in the association's bylaws, shall not be less than seven.

Section 9. *Amendment of charter.* No amendment, addition, alteration, change, or

repeal of this charter shall be made, unless such is first proposed by the board of directors of the association, then preliminarily approved by the Federal Home Loan Bank Board, and thereafter approved by the stockholders by a majority of the total votes eligible to be cast at a legal meeting. Any amendment, addition, alteration, change, or repeal so acted upon shall be effective on the date it receives the final approval of the Federal Home Loan Bank Board or on such other date as such Board may specify in its approval.

#### § 552.4 Optional charter provisions.

Except as provided herein the provisions of this section shall constitute the approval by the Board of the proposal by the board of directors of any Charter S association of the following amendments to said Federal association's charter: *Provided*, such Federal association follows the requirements of its charter in adopting the amendments:

(a) Amend Charter S by revising Section 5 to read as follows:

Section 5. *Capital Stock.* The total number of shares of all classes of the capital stock which the association has authority to issue is \_\_\_\_\_, of which [list number of shares of each class and the par or stated value per share of each class]. The shares may be issued by the association from time to time as approved by its board of directors without the approval of its stockholders except as otherwise provided in this Section 5. The consideration for the issuance of the shares shall be paid in full before their issuance and shall not be less than the par value [stated value] per share. Neither promissory notes for future services shall constitute payment or part payment for the issuance of shares of the association. The consideration for the shares shall be cash, tangible or intangible property labor or services actually performed for the association or any combination of the foregoing. In the absence of actual fraud in the transaction, the value of such property, labor or services, as determined by the board of directors of the association, shall be conclusive. Upon payment of such consideration such shares shall be deemed to be fully paid and nonassessable. In the case of a stock dividend, that part of the surplus of the association which is transferred to stated capital upon the issuance of shares as a share dividend shall be deemed to be the consideration for their issuance.

Nothing contained in this section 5 (or in any supplementary sections hereto) shall entitle the holders of any class or series of capital stock to vote as a separate class or series or to more than one vote per share, except as to the cumulation of votes for the election of directors; provided, however, that this restriction on voting separately by class or series shall not apply to any amendment which would adversely change the specific terms of any class or series of capital stock as set forth in this section 5 (or in any supplementary sections hereto). An amendment which increases the number of authorized shares of any class or series of capital stock, or substitutes the surviving association in a merger or consolidation for the association, shall not be considered to be such an adverse change.

Except for shares issued in connection with the conversion of the association from mutual to the stock form of capitalization, no shares of capital stock (including shares issuable upon conversion, exchange or exercise of other securities) shall be issued in the following cases unless their issuance or the plan under which they would be issued has been approved by a majority of the total

votes eligible to be cast at a legal meeting: (i) shares of capital stock to be issued, directly or indirectly, to officers, directors or controlling persons of the association other than as part of a general public offering or as qualifying shares to a director; or (ii) shares of capital stock exceeding 15 percent of the total number of shares of capital stock then outstanding.

A description of the different classes and series (if any) of the association's capital stock and a statement of the designations, and the relative rights, preferences and limitations of the shares of each class and series (if any) of capital stock are as follows:

A. *Common stock.* Except as provided in this section 5 (or in any supplementary sections hereto) the holders of the common stock shall exclusively possess all voting power. Each holder of shares of common stock shall be entitled to one vote for each share held by such holder, except as to the cumulation of votes for the election of directors.

Whenever there shall have been paid, or declared and set aside for payment, to the holders of the outstanding shares of any class of stock having preference over the common stock as to the payment of dividends, the full amount of dividends and of sinking fund or retirement fund or other retirement payments, if any, to which such holders are respectively entitled in preference to the common stock, then dividends may be paid on the common stock and on any class or series of stock entitled to participate therewith as to dividends, out of any assets legally available for the payment of dividends; but only when and as declared by the board of directors.

Subject to section 7 of this charter in the event of any liquidation, dissolution or winding up of the association, after there shall have been paid to or set aside for the holders of any class having preferences over the common stock in the event of liquidation, dissolution or winding up the full preferential amounts of which they are respectively entitled, the holders of the common stock, and of any class or series of stock entitled to participate therewith, in whole or in part, as to distribution of assets, shall be entitled, after payment or provision for payment of all debts and liabilities of the association, to receive the remaining assets of the association available for distribution, in cash or in kind.

Each share of common stock shall have the same relative rights as and be identical in all respects with all the other shares of common stock.

B. *Serial preferred stock.* Subject to the approval of the provisions of any supplementary sections by the Federal Home Loan Bank Board, and except as provided in this Section 5, the board of directors of the association is authorized by resolution or resolutions from time to time adopted, to provide in supplementary sections hereto for the issuance of serial preferred stock in series and to fix and state the voting powers, designations, preferences and relative, participating, optional or other special rights of the shares of each such series and the qualifications, limitations and restrictions thereof, including, but not limited to, determination of any of the following:

(a) the distinctive serial designation and the number of shares constituting such series;

(b) the dividend rates or the amount of dividends to be paid on the shares of such series, whether dividends shall be cumulative and, if so, from which date or dates, the payment date or dates for dividends, and the participating or other special rights, if any, with respect to dividends;

(c) the voting powers, full or limited, if any, of shares of such series;

(d) whether the shares of such series shall be redeemable and, if so, the price or prices at which, and the terms and conditions on which, such shares may be redeemed;

(e) the amount or amounts payable upon the shares of such series in the event of voluntary or involuntary liquidation, dissolution or winding up of the association;

(f) whether the shares of such series shall be entitled to the benefit of a sinking or retirement fund to be applied to the purchase or redemption of such shares, and if so entitled, the amount of such fund and the manner of its application, including the price or prices at which such shares may be redeemed or purchased through the application of such fund;

(g) whether the shares of such series shall be convertible into, or exchangeable for, shares of any other class or classes or of any other series of the same or any other class or classes of stock of the association and, if so convertible or exchangeable, the conversion price or prices, or the rate or rates of exchange, and the adjustments thereof, if any, at which such conversion or exchange may be made, and any other terms and conditions of such conversion or exchange;

(h) the price or other consideration for which the shares of such series shall be issued; and

(i) whether the shares of such series which are redeemed or converted shall have the status of authorized but unissued shares of serial preferred stock and whether such shares may be reissued as shares of the same or any other series of serial preferred stock.

Each share of each series of serial preferred stock shall have the same relative rights as and be identical in all respects with all the other shares of the same series.

C. *Preferred stock.* With the approval of the charter provisions for a class or classes of preferred stock by the Federal Home Loan Bank Board, an association may provide in section 5 for an authorized class or classes of preferred stock in lieu of or in addition to serial preferred stock."

(b) Amend Charter S by redesignating sections 8 and 9 as sections 9 and 10 and add a new section as follows:

Section 8. *Acquisition of Control.* No company which is significantly engaged in an unrelated business activity shall be permitted, either directly or through an affiliate, to acquire 'control' of the association. The terms 'affiliate', 'control', 'significantly engaged' and 'unrelated business activity' shall have the meaning defined in § 563b.3(i)(4) of the rules and regulations for Insurance of Accounts (12 CFR 563b.3(i)(4)) as now or hereafter in effect.

#### § 552.5 Bylaws.

Unless otherwise determined by the Board, a Charter S association shall operate under the following prescribed bylaws or, if specifically requested, one or more additional provisions set forth in § 552.6, until such bylaws are amended in accordance with procedures therein set forth:

BYLAWS OF "\_\_\_\_\_ FEDERAL SAVINGS AND LOAN ASSOCIATION \_\_\_\_\_"

##### ARTICLE I HOME OFFICE

The home office of the association shall be at \_\_\_\_\_ in the County of \_\_\_\_\_, in the State of \_\_\_\_\_

##### ARTICLE II STOCKHOLDERS

Section 1. *Place of Meetings.* All annual and special meetings of stockholders shall

be held at the home office of the association or at such other place in the State in which the home office of the association is located as the board of directors may determine.

Section 2. *Annual Meeting.* A meeting of the stockholders of the association for the election of directors and for the transaction of any other business of the association shall be held annually within 120 days after the end of the association's fiscal year on the

----- of ----- if not a legal holiday, and if a legal holiday, then on the next day following which is not a legal holiday, at -----, or at such other date and time within such 120 day period as the board of directors may determine.

Section 3. *Special meetings.* Special meetings of the stockholders for any purpose or purposes, unless otherwise prescribed by the regulations of the Federal Home Loan Bank Board (as hereinafter used includes the Federal Savings and Loan Insurance Corporation), may be called at any time by the chairman of the board, the president, or a majority of the board of directors and shall be called by the chairman of the board, the president, or the secretary upon the written request of the holders of not less than one-tenth of all the outstanding capital stock of the association entitled to vote at the meeting. Such written request shall state the purpose or purposes of the meeting and shall be delivered at the home office of the association addressed to the chairman of the board, the president or the secretary.

Section 4. *Conduct of meetings.* Annual and special meetings shall be conducted in accordance with the most current edition of Robert's Rules of Order unless otherwise prescribed by regulations of the Federal Home Loan Bank Board, or these bylaws. The board of directors shall designate, when present, either the chairman of the board or president to preside at such meetings.

Section 5. *Notice of meeting.* Written notice stating the place, day and hour of the meeting and the purpose or purposes for which the meeting is called shall be delivered not less than twenty nor more than fifty days before the date of the meeting, either personally or by mail, by or at the direction of the chairman of the board, the president, or the secretary, or the directors calling the meeting, to each stockholder of record entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the U.S. mail, addressed to the stockholder at his address as it appears on the stock transfer books or records of the association as of the record date prescribed in Section 6 of this Article II, with postage thereon prepaid. A similar notice shall also be posted in a conspicuous place in each of the offices of the association during the twenty days immediately preceding the date on which such annual or special meeting shall convene. When any stockholders' meeting, either annual or special, is adjourned for thirty days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. It shall not be necessary to give any notice of the time and place of any meeting adjourned for less than thirty days or of the business to be transacted thereat, other than an announcement at the meeting at which such adjournment is taken.

Section 6. *Fixing of record date.* For the purpose of determining stockholders entitled to notice of or to vote at any meeting of stockholders or any adjournment thereof, or stockholders entitled to receive payment of any dividend, or in order to make a determination of stockholders for any other proper purpose, the board of directors shall fix in advance a date as the record date for any such determination of stockholders. Such date in any case shall be not more than sixty

days and, in case of a meeting of stockholders, not less than twenty days prior to the date on which the particular action, requiring such determination of stockholders, is to be taken. When a determination of stockholders entitled to vote at any meeting of stockholders has been made as provided in this section, such determination shall apply to any adjournment thereof.

Section 7. *Voting lists.* The officer or agent having charge of the stock transfer books for shares of the association shall make at least twenty days before each meeting of the stockholders a complete list of the stockholders entitled to vote at such meeting, or any adjournment thereof, arranged in alphabetical order, with the address of and the number of shares held by each, which list shall be kept on file at the home office of the association and shall be subject to inspection by any stockholder at any time during usual business hours, for a period of twenty days prior to such meeting. Such list shall also be produced and kept open at the time and place of the meeting and shall be subject to the inspection of any stockholder during the whole time of the meeting. The original stock transfer book shall be prima facie evidence as to who are the stockholders entitled to examine such list or transfer books or to vote at any meeting of stockholders.

In lieu of making the stockholders list available for inspection by any stockholder as provided in the preceding paragraph, the board of directors may elect to follow the procedures prescribed in § 552.12 of the Rules and Regulations for the Federal Savings and Loan System, as now or hereafter in effect.

Section 8. *Quorum.* A majority of the outstanding shares of the association entitled to vote, represented in person or by proxy, shall constitute a quorum at a meeting of stockholders. If less than a majority of the outstanding shares are represented at a meeting, a majority of the shares so represented may adjourn the meeting from time to time without further notice. At such adjourned meeting at which a quorum shall be present or represented, any business may be transacted which might have been transacted at the meeting as originally notified. The stockholders present at a duly organized meeting may continue to transact business until adjournment, notwithstanding the withdrawal of enough stockholders to leave less than a quorum.

Section 9. *Proxies.* At all meetings of stockholders, a stockholder may vote by proxy executed in writing by the stockholder or by his duly authorized attorney in fact. Proxies solicited on behalf of the management shall be voted as directed by the stockholder or, in the absence of such direction, as determined by a majority of the board of directors. No proxy shall be valid after eleven months from the date of its execution except for a proxy coupled with an interest.

Section 10. *Voting of shares in the name of two or more persons.* When ownership stands in the name of two or more persons, in the absence of written directions to the association to the contrary, at any meeting of the stockholders of the association any one or more of such stockholders may cast, in person or by proxy, all votes to which such ownership is entitled. In event an attempt is made to cast conflicting votes, in person or by proxy, by the several persons in whose names shares of stocks stand, the vote or votes to which those persons are entitled shall be cast as directed by a majority of those holding such stock and present in person or by proxy at such meeting, but no votes shall be cast for such stock if a majority cannot agree.

Section 11. *Voting of shares by certain holders.* Shares standing in the name of another corporation may be voted by any

officer, agent or proxy as the bylaws of such corporation may prescribe, or, in the absence of such provision, as the board of directors of such corporation may determine. Shares held by an administrator, executor, guardian or conservator may be voted by him, either in person or by proxy, without a transfer of such shares into his name. Shares standing in the name of a trustee may be voted by him, either in person or by proxy, but no trustee shall be entitled to vote shares held by him without a transfer of such shares into his name. Shares standing in the name of a receiver may be voted by such receiver, and shares held by or under the control of a receiver may be voted by such receiver without the transfer thereof into his name if authority so to do is contained in an appropriate order of the court or other public authority by which such receiver was appointed.

A stockholder whose shares are pledged shall be entitled to vote such shares until the shares have been transferred into the name of the pledgee, and thereafter the pledgee shall be entitled to vote the shares so transferred.

Neither treasury shares of its own stock held by the association, nor shares held by another corporation, if a majority of the shares entitled to vote for the election of directors of such other corporation are held by the association, shall be voted at any meeting or counted in determining the total number of outstanding shares at any given time for purposes of any meeting.

Section 12. *Cumulative voting.* At each election for directors every stockholder entitled to vote at such election shall have the right to vote, in person or by proxy, the number of shares owned by him for as many persons as there are directors to be elected and for whose election he has a right to vote or to cumulate his votes by giving one candidate as many votes as the number of such directors to be elected multiplied by the number of his shares shall equal, or by distributing such votes on the same principle among any number of candidates.

Section 13. *Informal action by stockholders.* Any action required to be taken at a meeting of the stockholders, or any other action which may be taken at a meeting of the stockholders, may be taken without a meeting if consent in writing, setting forth the action so taken, shall be given by all of the stockholders entitled to vote with respect to the subject matter thereof.

Section 14. *Inspectors of election.* In advance of any meeting of stockholders, the board of directors may appoint any persons other than nominees for office as inspectors of election to act at such meeting or any adjournment thereof. The number of inspectors shall be either one or three. If the board of directors so appoints either one or three such inspectors that appointment shall not be altered at the meeting. If inspectors of election are not so appointed, the chairman of the board or the president may, and on the request of not less than ten percent of the votes represented at the meeting shall, make such appointment at the meeting. If appointed at the meeting, the majority of the votes present shall determine whether one or three inspectors are to be appointed. In case any person appointed as inspector falls to appear or fails or refuses to act, the vacancy may be filled by appointment by the board of directors in advance of the meeting or at the meeting by the chairman of the board or the president.

Unless otherwise prescribed by regulations of the Federal Home Loan Bank Board, the duties of such inspectors shall include: determining the number of shares of stock and the voting power of each share, the shares of stock represented at the meeting,

the existence of a quorum, the authenticity, validity and effect of proxies; receiving votes, ballots or consents; hearing and determining all challenges and questions in any way arising in connection with the right to vote; counting and tabulating all votes or consents; determining the result; and such acts as may be proper to conduct the election or vote with fairness to all stockholders.

Section 15. *Nominating committee.* The board of directors shall act as a nominating committee for selecting the management nominees for election as directors. Except in the case of a nominee substituted as a result of the death or other incapacity of a management nominee, the nominating committee shall deliver written nominations to the secretary at least twenty days prior to the date of the annual meeting. Upon delivery such nominations shall forthwith be posted in a conspicuous place in each office of the association. Provided such committee makes such nominations, no nominations for directors except those made by the nominating committee shall be voted upon at the annual meeting unless other nominations by stockholders are made in writing and delivered to the secretary of the association at least five days prior to the date of the annual meeting. Upon delivery such nominations shall forthwith be posted in a conspicuous place in each office of the association. Ballots bearing the names of all the persons nominated by the nominating committee and by stockholders shall be provided for use at the annual meeting. If the nominating committee shall fail or refuse to act at least twenty days prior to the annual meeting, nominations for directors may be made at the annual meeting by any stockholder entitled to vote and shall be voted upon.

Section 16. *New business.* Any new business to be taken up at the annual meeting shall be stated in writing and filed with the secretary of the association at least five days before the date of the annual meeting, and all business so stated, proposed and filed shall be considered at the annual meeting, but no other proposal shall be acted upon at the annual meeting. Any stockholder may make any other proposal at the annual meeting and the same may be discussed and considered, but unless stated in writing and filed with the secretary at least five days before the meeting such proposal shall be laid over for action at an adjourned, special or annual meeting of the stockholders taking place thirty days or more thereafter. This provision shall not prevent the consideration and approval or disapproval at the annual meeting of reports of officers, directors and committees, but in connection with such reports no new business shall be acted upon at such annual meeting unless stated and filed as herein provided.

#### ARTICLE III. BOARD OF DIRECTORS

Section 1. *General powers.* The business and affairs of the association shall be under the direction of its board of directors. The board of directors shall annually elect a chairman of the board and a president from among its members and shall designate, when present, either the chairman of the board or the president to preside at its meetings.

Section 2. *Number and term.* The board of directors shall consist of ----- members and shall be divided into three classes as nearly equal in number as possible. The members of each class shall be elected for a term of three years and until their successors are elected and qualified. One class shall be elected by ballot annually.

Section 3. *Qualification.* Each director shall at all times be the beneficial owner of not less than 100 shares of capital stock

of the association unless the association is a wholly-owned subsidiary of a holding company.

Section 4. *Regular meetings.* A regular meeting of the board of directors shall be held without other notice than this bylaw immediately after, and at the same place as, the annual meeting of stockholders. The board of directors may provide, by resolution, the time and place, within the association's regular lending area, for the holding of additional regular meetings without other notice than such resolution.

Section 5. *Special meetings.* Special meetings of the board of directors may be called by or at the request of the chairman of the board, the president or one-third of the directors. The persons authorized to call special meetings of the board of directors may fix any place, within the association's regular lending area, as the place for holding any special meeting of the board of directors called by such persons.

Members of the board of directors may participate in special meetings by means of conference telephone or similar communications equipment by which all persons participating in the meeting can hear each other. Such participation shall constitute presence in person but shall not constitute attendance for the purpose of compensation pursuant to section 12 of this Article.

Section 6. *Notice.* Written notice of any special meeting shall be given to each director at least two days previously thereto delivered personally or by telegram or at least five days previously thereto delivered by mail at the address at which the director is most likely to be reached. Such notice shall be deemed to be delivered when deposited in the U.S. mail so addressed, with postage thereon prepaid if mailed or when delivered to the telegraph company if sent by telegram. Any director may waive notice of any meeting by a writing filed with the secretary. The attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any meeting of the board of directors need be specified in the notice or waiver of notice of such meeting.

Section 7. *Quorum.* A majority of the number of directors fixed by Section 2 of this Article III shall constitute a quorum for the transaction of business at any meeting of the board of directors, but if less than such majority is present at a meeting, a majority of the directors present may adjourn the meeting from time to time. Notice of any adjourned meeting shall be given in the same manner as prescribed by Section 6 of this Article III.

Section 8. *Manner of acting.* The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors, unless a greater number is prescribed by regulation of the Federal Home Loan Bank Board or by these bylaws.

Section 9. *Action without a meeting.* Any action required or permitted to be taken by the board of directors at a meeting may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the directors.

Section 10. *Resignation.* Any director may resign at any time by sending a written notice of such resignation to the home office of the association addressed to the chairman of the board or the president. Unless

otherwise specified therein such resignation shall take effect upon receipt thereof by the chairman of the board or the president. More than three consecutive absences from regular meetings of the board of directors, unless excused by resolution of the board of directors, shall automatically constitute a resignation, effective when such resignation is accepted by the board of directors.

Section 11. *Vacancies.* Any vacancy occurring in the board of directors may be filled by the affirmative vote of a majority of the remaining directors although less than a quorum of the board of directors. A director elected to fill a vacancy shall be elected to serve until the next election of directors by the stockholders. Any directorship to be filled by reason of an increase in the number of directors may be filled by election by the board of directors for a term of office continue only until the next election of directors by the stockholders.

Section 12. *Compensation.* Directors, as such, may receive a stated salary for their services. By resolution of the board of directors, a reasonable fixed sum, and reasonable expenses of attendance, if any, may be allowed for actual attendance at each regular or special meeting of the board of directors. Members of either standing or special committees may be allowed such compensation for actual attendance at committee meetings as the board of directors may determine.

Section 13. *Presumption of assent.* A director of the association who is present at a meeting of the board of directors at which action on any association matter is taken shall be presumed to have assented to the action taken unless his dissent or abstention shall be entered in the minutes of the meeting or unless he shall file his written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof or shall forward such dissent by registered mail to the secretary of the association within five days after the date he receives a copy of the minutes of the meeting. Such right to dissent shall not apply to a director who voted in favor of such action.

#### ARTICLE IV. EXECUTIVE AND OTHER COMMITTEES

Section 1. *Appointment.* The board of directors, by resolution adopted by a majority of the full board, may designate the chief executive officer and two or more of the other directors to constitute an executive committee. The designation of any committee pursuant to this Article IV and the delegation of authority thereto shall not operate to relieve the board of directors, or any director, of any responsibility imposed by law or regulation.

Section 2. *Authority.* The executive committee, when the board of directors is not in session, shall have and may exercise all of the authority of the board of directors except to the extent, if any, that such authority shall be limited by the resolution appointing the executive committee; and except also that the executive committee shall not have the authority of the board of directors with reference to the amendment of the charter or bylaws of the association, or recommending to the stockholders a plan of merger, consolidation, or conversion; the sale, lease or other disposition of all or substantially all of the property and assets of the association otherwise than in the usual and regular course of its business; a voluntary dissolution of the association; a revocation of any of the foregoing; or the approval of a transaction in which any member of the

executive committee, directly or indirectly, has any material beneficial interest.

Section 3. *Tenure.* Subject to the provisions of Section 8 of this Article IV, each member of the executive committee shall hold office until the next regular annual meeting of the board of directors following his designation and until his successor is designated as a member of the executive committee.

Section 4. *Meetings.* Regular meetings of the executive committee may be held without notice at such times and places as the executive committee may fix from time to time by resolution. Special meetings of the executive committee may be called by any member thereof upon not less than one day's notice stating the place, date and hour of the meeting, which notice may be written or oral. Any member of the executive committee may waive notice of any meeting and no notice of any meeting need be given to any member thereof who attends in person. The notice of a meeting of the executive committee need not state the business proposed to be transacted at the meeting.

Section 5. *Quorum.* A majority of the members of the executive committee shall constitute a quorum for the transaction of business at any meeting thereof, and action of the executive committee must be authorized by the affirmative vote of a majority of the members present at a meeting at which a quorum is present.

Section 6. *Action without a meeting.* Any action required or permitted to be taken by the executive committee at a meeting may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the members of the executive committee.

Section 7. *Vacancies.* Any vacancy in the executive committee may be filled by a resolution adopted by a majority of the full board of directors.

Section 8. *Resignations and removal.* Any member of the executive committee may be removed at any time with or without cause by resolution adopted by a majority of the full board of directors. Any member of the executive committee may resign from the executive committee at any time by giving written notice to the president or secretary of the association. Unless otherwise specified thereon, such resignation shall take effect upon receipt. The acceptance of such resignation shall not be necessary to make it effective.

Section 9. *Procedure.* The executive committee shall elect a presiding officer from its members and may fix its own rules of procedure which shall not be inconsistent with these bylaws. It shall keep regular minutes of its proceedings and report the same to the board of directors for its information at the meeting thereof held next after the proceedings shall have been taken.

Section 10. *Other committees.* The board of directors may by resolution establish an audit committee, a loan committee or other committees composed of directors as they may determine to be necessary or appropriate for the conduct of the business of the association and may prescribe the duties, constitution and procedures thereof.

ARTICLE V. OFFICERS

Section 1. *Positions.* The officers of the association shall be a president, one or more vice presidents, a secretary and a treasurer, each of whom shall be elected by the board of directors. The board of directors may also designate the chairman of the board as an officer. The president shall be the chief executive officer, unless the board of directors designates the chairman of the board as chief executive officer. The president shall be

a director of the association. The offices of the secretary and treasurer may be held by the same person and a vice president may also be either the secretary or the treasurer. The board of directors may designate one or more vice presidents as executive vice president or senior vice president. The board of directors may also elect or authorize the appointment of such other officers as the business of the association may require. The officers shall have such authority and perform such duties as the board of directors may from time to time authority or determine. In the absence of action by the board of directors, the officers shall have such powers and duties as generally pertain to their respective offices.

Section 2. *Election and term of office.* The officers of the association shall be elected annually at the first meeting of the board of directors held after each annual meeting of the stockholders. If the election of officers is not held at such meeting, such election shall be held as soon thereafter as possible. Each officer shall hold office until his successor shall have been duly elected and qualified or until his death or until he shall resign or shall have been removed in the manner hereinafter provided. Election or appointment of an officer, employee or agent shall not of itself create contract rights. The board of directors may authorize the association to enter into an employment contract with any officer in accordance with regulations of the Federal Home Loan Bank Board; but no such contract shall impair the right of the board of directors to remove any officer at any time in accordance with Section 3 of this Article V.

Section 3. *Removal.* Any officer may be removed by the board of directors whenever in its judgment the best interests of the association will be served thereby, but such removal, other than for cause, shall be without prejudice to the contract rights, if any, of the person so removed.

Section 4. *Vacancies.* A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by the board of directors for the unexpired portion of the term.

Section 5. *Remuneration.* The remuneration of the officers shall be fixed from time to time by the board of directors.

ARTICLE VI. CONTRACTS, LOANS, CHECKS AND DEPOSITS

Section 1. *Contracts.* To the extent permitted by regulations of the Federal Home Loan Bank Board, and except as otherwise prescribed by these bylaws with respect to certificates for shares, the board of directors may authorize any officer, employee, or agent of the association to enter into any contract or execute and deliver any instrument in the name of and on behalf of the association. Such authority may be general or confined to specific instances.

Section 2. *Loans.* No loans shall be contracted on behalf of the association and no evidence of indebtedness shall be issued in its name unless authorized by the board of directors. Such authority may be general or confined to specific instances.

Section 3. *Checks, drafts, etc.* All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the association shall be signed by one or more officers, employees or agents of the association in such manner as shall from time to time be determined by the board of directors.

Section 4. *Deposits.* All funds of the association not otherwise employed shall be deposited from time to time to the credit of the association in any of its duly authorized depositories as the board of directors may select.

ARTICLE VII. CERTIFICATES FOR SHARES AND THEIR TRANSFER

Section 1. *Certificates for Shares.* Certificates representing shares of capital stock of the association shall be in such form as shall be determined by the board of directors and approved by the Federal Home Loan Bank Board. Such certificates shall be signed by the chief executive officer or by any other officer of the association authorized by the board of directors, attested by the secretary or an assistant secretary, and sealed with the corporate seal or a facsimile thereof. The signatures of such officers upon a certificate may be facsimiles if the certificate is manually signed on behalf of a transfer agent or a registrar, other than the association itself or one of its employees. Each certificate for shares of capital stock shall be consecutively numbered or otherwise identified. The name and address of the person to whom the shares are issued, with the number of shares and date of issue, shall be entered on the stock transfer books of the association. All certificates surrendered to the association for transfer shall be cancelled and no new certificate shall be issued until the former certificate for a like number of shares shall have been surrendered and cancelled, except that in case of a lost or destroyed certificate, a new certificate may be issued therefor upon such terms and indemnity to the association as the board of directors may prescribe.

Section 2. *Transfer of shares.* Transfer of shares of capital stock of the association shall be made only on its stock transfer books. Authority for such transfer shall be given only by the holder of record thereof or by his legal representative, who shall furnish proper evidence of such authority, or by his attorney thereunto authorized by power of attorney duly executed and filed with the association. Such transfer shall be made only on surrender for cancellation of the certificate for such shares. The person in whose name shares of capital stock stand on the books of the association shall be deemed by the association to be the owner thereof for all purposes.

ARTICLE VIII. FISCAL YEAR; ANNUAL AUDIT

The fiscal year of the association shall end on the \_\_\_\_\_ of \_\_\_\_\_ of each year. The association shall be subject to an annual audit as of the end of its fiscal year by independent public accountants appointed by and responsible to the board of directors. The appointment of such accountants shall be subject to annual ratification by the stockholders.

ARTICLE IX. DIVIDENDS

Subject to the terms of the association's charter and the regulations and orders of the Federal Home Loan Bank Board, the board of directors may, from time to time, declare, and the association may pay, dividends on its outstanding shares of capital stock.

ARTICLE X. CORPORATE SEAL

The board of directors shall provide an association seal which shall be two concentric circles between which shall be the name of the association. The year of incorporation or an emblem may appear in the center.

ARTICLE XI. AMENDMENTS

These bylaws may be amended at any time by a two-thirds vote of the full board of directors, or by a majority vote of the votes cast by the stockholders of the association at any legal meeting. Except as may be otherwise provided by the Federal Home Loan Bank Board by regulation or otherwise, each amendment shall be subject to the approval

of the Federal Home Loan Bank Board, and shall not be effective until such approval is given.

#### § 552.6 Optional bylaw provisions.

This section constitutes approval by the Board of any one or more of the following amendments of the bylaws of any Charter S association.

(a) Amend Article III of the bylaws prescribed in § 552.5 by adding section 14, as follows: Section 14. *Age Limitation—Directors.* No person shall be eligible for election, reelection, appointment, or reappointment to the board of directors if such person is then more than (fill in any age from 65 to 70) years of age. No director shall serve beyond the annual meeting of the association immediately following his attainment of (fill in the same age from 65 to 70 as used above) years of age; except that any such director serving on (fill in date of adoption of bylaw) may complete the unexpired portion of his term being served on such date. This limitation shall not apply to a person serving as an advisory director of the association."

(b) Amend Article V of the bylaws prescribed in § 552.5 by adding section 6, as follows: "Section 6. *Age Limitation—Officers.* No person shall be eligible for election, reelection, appointment, or reappointment as an officer of the association if such person is then more than (fill in any age from 65 to 70) years of age. No officer shall serve beyond the annual meeting of the association immediately following this attainment of (fill in the same age from 65 to 70 as used above) years of age; except that any such officer serving on (fill in date of adoption of bylaw) may complete the unexpired portion of his term being served on such date."

#### § 552.7 Description of Charter S associations.

In the case of a Charter S association, the words "a capital stock association" or a similar description shall appear conspicuously on any evidence of a savings deposit issued by such association after it amends its charter.

#### § 552.8 Savings deposits.

(a) *General.* A Charter S association may accept such savings deposits only as are authorized by this section in the form of cash, or of property in which such association is authorized to invest, and, in the absence of actual fraud in the transaction, the value of such property, as determined by the board of directors of such association shall be conclusive. Savings accounts or deposits existing in such association at the time when it amends its charter to read in the form of Charter S shall be deemed to be such savings deposits subject to the terms and conditions of this section. Any right outstanding at the time of such amendment to receive from the association a savings account or deposit shall thereafter be a right to receive a corresponding savings deposit authorized by this section.

(b) *Terms of savings deposits; membership and voting rights.* To the extent not inconsistent with this section, savings deposits authorized by this section shall be upon the same bases, terms and conditions and have the same characteristics as if they were savings deposits authorized by and subject to the provisions of §§ 545.1-2, 545.1-4, 545.1-5 or 545.3-1(b). For the purpose of § 545.3-1(b), a Charter S shall be deemed to include the provisions set forth in paragraph (e) of § 544.6 of this subchapter. Holders of such savings deposits shall not be members of the association or have voting rights.

(c) *Existing bonus rights.* To the extent not inconsistent with this section, a Charter S association which has outstanding bonus agreements shall continue to respect the provisions thereof and distribute bonus payments thereunder.

(d) *Status and priority.* In the event of voluntary or involuntary liquidation, dissolution, or winding up of the association or in the event of any other situation in which the priority of such savings deposits is in controversy, all such savings deposits shall be debts of the association having the same priority as the claims of general creditors of the association not having priority (other than any priority arising or resulting from consensual subordination) over other general creditors of the association. Such savings deposits shall have no additional right to share in the remaining assets of the association.

(e) *Prohibition on the acceptance of share accounts.* A Charter S association shall not accept savings accounts representing share interests in the association.

#### (f) Ancillary provisions.

(1) *References in regulations.* To the extent not inconsistent with the provisions of this section all references in this subchapter to savings accounts (except in this section) and to owners, holders, or holders of record of savings accounts and the language "savings accounts representing share interests in the association" in § 545.24 shall with respect to savings deposits authorized by this section be applicable in the same manner and to the same extent that they would be applicable if such savings deposits were savings deposits authorized by §§ 545.1-2, 545.1-4, 545.1-5, or 545.3-1(b).

(2) *Forms of certificate.* Except as the Board may otherwise provide, a Charter S association shall use for a savings deposit authorized by this section a form of certificate which is authorized for use for a corresponding savings deposit authorized under §§ 545.1-2, 545.1-4, 545.1-5, or 545.3-1(b), provided that in any such case the form is so modified (and only so modified) to eliminate any language referring to (i) dividends, (ii) membership or voting rights, and (iii) any right to share upon liquidation in the assets of the association, other than in the capacity of a general creditor.

(3) *Applicability of certain matters to savings deposits.* If there is outstanding

at the time an association becomes a Charter S association a determination, notice, or other action by the association or its board of directors which would be effective as to savings accounts or deposits thereafter opened if such association were not a Charter S association, such determination, notice, or other action shall be deemed to be applicable to savings deposits of such association in the same manner and to the same extent as if such savings deposits were savings accounts or deposits issued under its prior charter.

(4) *Reporting requirements.* In any report required by this subchapter or by any other requirement imposed by the Board or pursuant to authority delegated by the Board, a savings deposit authorized by this section in a Charter S association may be included in any category in which it could properly be included if it were a corresponding savings account or deposit issued under the prior charter of such association.

#### § 552.9 Investments, services and borrowings.

A Charter S association may: (1) make any loan or investment authorized by this subchapter for a Charter N association; (2) be surety and perform such services as are authorized by this subchapter for a Charter N association; and (3) borrow, issue obligations, and give security to the same extent authorized by this subchapter for a Charter N association which has amended its charter as provided in § 545.1-3 of this subchapter.

#### § 552.10 Annual reports to stockholders.

A Charter S association shall, within ninety days after the end of its fiscal year, mail to each of its stockholders entitled to vote at its annual meeting an annual report containing financial statements which satisfy the requirements of rule 14a-3 under the Securities Exchange Act of 1934. Concurrently with such mailing a certification of such mailing signed by the chairman of the board, the president or a vice president of the association, together with five copies of the report, shall be transmitted by the association to the Federal Home Loan Bank of which the association is a member.

#### § 552.11 Books and records.

(a) Each Charter S association shall keep correct and complete books and records of account; shall keep minutes of the proceedings of its stockholders, board of directors, and committees of directors; and shall keep at its home office or at the office of its transfer agent or registrar, a record of its stockholders, giving the names and addresses of all stockholders, and the number, class and series, if any, of the shares held by each.

(b) Any stockholder or group of stockholders of a Charter S association, holding of record the number of voting shares of such association specified below, upon making written demand stating a proper purpose, shall have the right to examine, in person or by agent or attorney, at any reasonable time or times, its books and

records of account, minutes and record of stockholders and to make extracts therefrom. Such right of examination is limited to a stockholder or group of stockholders holding of record (1) voting shares having a cost of not less than \$100,000 or constituting not less than one percent of the total outstanding voting shares, provided in either case such stockholder or group of stockholders have held of record such voting shares for a period of at least six months before making such written demand, or (2) not less than five percent of the total outstanding voting shares. No stockholder or group of stockholders of a Charter S association shall have any other right under this section or common law to examine its books and records of account, minutes and record of stockholders, except as provided in its bylaws with respect to inspection of a list of stockholders.

(c) The right to examination authorized by paragraph (b) and the right to inspect the list of stockholders provided by a Charter S association's bylaws may be denied to any stockholder or group of stockholders upon the refusal of any such stockholder or group of stockholders to furnish such association, its transfer agent or registrar an affidavit that such examination or inspection is not desired for any purpose which is in the interest of a business or object other than the business of the association, that such stockholder has not within the five years preceding the date of the affidavit sold or offered for sale, and does not now intend to sell or offer for sale, any list of stockholders of the association or of any other corporation, and that such stockholder has not within said five-year period aided or abetted any other person in procuring any list of stockholders for purposes of selling or offering for sale such list.

(d) Notwithstanding any provision of this section or common law, no stockholder or group of stockholders shall have the right to obtain, inspect or copy any portion of any books or records of a Charter S association containing: (1) A list of depositors in or borrowers from such association; (2) their addresses; (3) individual deposit or loan balances or records; or (4) any data from which such information could be reasonably constructed.

**§ 552.12 Mailing communications for stockholders.**

Upon the exercise of the election provided in section 7 of Article II of the bylaws of a Charter S association, the association shall perform such acts as required by paragraphs (a) and (b) of rule 14a-7 of the General rules and regulations under the Securities Exchange Act of 1934 as may be duly requested in writing, with respect to any matter which may be properly considered at a meeting of stockholders, by any stockholder who is entitled to vote on such matter and who shall defray the reasonable expenses to be incurred by the association in the performance of the act or acts required,

(Sec. 105, Pub. L. 93-495, October 28, 1974; Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

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

[FR Doc.75-12678 Filed 5-13-75;8:45 am]

**Title 13—Business Credit and Assistance**

**CHAPTER I—SMALL BUSINESS ADMINISTRATION**

[Revision 13, Amendment 3]

**PART 121—SMALL BUSINESS SIZE STANDARDS**

**Definition of Small Custom Livestock Feedyard for Purpose of Financial Assistance**

On March 17, 1975, there was published in the FEDERAL REGISTER (40 FR 12125) a notice that the Small Business Administration proposed to increase the definition of a small custom livestock feedyard for the purpose of obtaining an SBA loan from annual receipts of \$2 million or less to annual receipts not exceeding \$10 million.

Interested parties were given 30 days to submit arguments, opinions, comments, etc., on said proposal. No adverse comments were received. Accordingly, Part 121 of 13 CFR Chapter I is hereby amended by revising § 121.3-10(i) to read as follows:

**§ 121.3-10 Definition of small business for SBA loans.**

(i) Custom livestock feeding: Any concern primarily engaged in custom livestock feeding is classified as small if its annual receipts do not exceed \$10 million.

*Effective date.* This amendment shall become effective May 14, 1975.

(Catalog of Federal Domestic Assistance Program Nos. 59.001, Displaced Business Loans; 59.002, Economic Injury Disaster Loans; and 59.012, Small Business Loans)

Dated: May 7, 1975.

THOMAS S. KLEPPE,  
Administrator.

[FR Doc.75-12699 Filed 5-13-75;8:45 am]

**Title 14—Aeronautics and Space**

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

[Docket No. 75-CE-13-AD; Amdt. 39-2204]

**PART 39—AIRWORTHINESS DIRECTIVES**

**Cessna Model 320 Series Airplanes**

There have been reports of fuel leaks in the aluminum fuel lines routed just aft of the engine firewalls and forward of the wing front spar on Cessna Model 320 series airplanes. These leaks are attributed to the fuel lines chafing on

each other, tips of screws and fasteners protruding aft of the firewall and on vertical stiffener angles attached to the backside of the engine firewall. To detect and correct this condition the manufacturer has issued a service letter and kit applicable to these model airplanes which provide instructions for inspection of the fuel lines in the wing leading edge and behind the firewall and the installation of additional clamps to separate and support fuel lines. Since the condition described herein may exist or develop in other airplanes of the same type design, the agency believes that mandatory compliance with the service letter and incorporation of the service kit is necessary. Accordingly, an Airworthiness Directive (AD) to that effect is being issued applicable to Cessna Model 320 series airplanes.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (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 Parts 39 of the Federal Aviation regulations is amended by adding the following new AD.

**CESSNA.** Applies to all Cessna Model 320 Series airplanes.

**Compliance:** Required as indicated, unless already accomplished.

To detect and correct fuel line chafing or fuel leaks behind the engine firewalls, within 100 hours' time in service after the effective date of this AD, accomplish the following:

A) Visually inspect fuel lines routed in the area behind the engine firewalls and the front wing spars for leaks or chafing in accordance with Cessna Service Letter ME70-39, Revision I, dated April 4, 1975, or subsequent revisions.

B) If as a result of the inspection required by Paragraph A, fuel line leaks or damage is found, prior to further flight, replace the affected line with an airworthy part in accordance with Cessna Service Kit SK402-8C dated February 20, 1975, or subsequent revisions.

C) In addition to the inspection required in Paragraph A, add additional supporting clamps to the crossover fuel lines in accordance with Cessna Service Kit SK402-8C dated February 20, 1975, or subsequent revisions.

D) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective May 20, 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 Kansas City, Missouri, on May 5, 1975.

C. R. MELUGIN, JR.,  
Director, Central Region.

[FR Doc.75-12667 Filed 5-13-75;8:45 am]

[Airspace Docket No. 75-SO-41]

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

**Alteration of Control Zone**

*Correction*

In FR Doc. 75-12040, appearing at page 20068 in the issue for Thursday, May 3, 1975, longitude in the penultimate line of text should read, "longitude 79°00'50" W".

**Title 25—Indians**

**CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR**  
**SUBCHAPTER I—CREDIT ACTIVITIES**

**PART 93—LOAN GUARANTY, INSURANCE, AND INTEREST SUBSIDY**

**Establishment of New Part**

*Correction*

In FR Doc. 75-7045, appearing at page 12491 in the issue for March 19, 1975, make the following changes:

1. On page 12492, in the third column, the fourth line of the sixth full paragraph reading "1975." should be removed and reinserted at the end of the last line of the fifth full paragraph.

2. On page 12494, the twelfth line of § 93.7 should read "tions; corporations, and partnerships applying for a".

**Title 31—Money and Finance: Treasury**

**CHAPTER V—OFFICE OF FOREIGN ASSETS CONTROL, DEPARTMENT OF THE TREASURY**

**PART 500—FOREIGN ASSETS CONTROL REGULATIONS**

**Blocking Extended to South Viet-Nam**

*Correction*

In FR Doc. 75-11760, appearing at page 19202, in the issue for May 2, 1975, in the first column, the fifth line of the first paragraph should read "make corresponding changes in §§ 500.204".

**Title 40—Protection of Environment**

**CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY**

**SUBCHAPTER B—GRANTS**

[FRL 366-8]

**PART 30—GENERAL GRANT REGULATIONS AND PROCEDURES**

*Correction*

In FR Doc. 75-12094 appearing at page 20232 in the issue for Thursday, May 8, 1975, Appendix A was inadvertently omitted; it should appear as set forth below. EPA Form 5700-20, Grant Agreement/Amendment, was filed as part of the original document.

**APPENDIX A—GENERAL GRANT CONDITIONS**

a. *General Conditions.* The grantee covenants and agrees that it will expeditiously initiate and timely complete the project work for which assistance has been awarded under this grant, in accordance with the applicable grant provisions of 40 CFR Subchapter B.

The grantee warrants, represents, and agrees that it, and its contractors, subcontractors, employees and representatives, will comply with 40 CFR Subchapter B, the following General Conditions, the applicable supplemental conditions of 40 CFR Subchapter B, as amended, and any Special Conditions set forth in this grant agreement or any grant amendment.

1. *Access.* The grantee agrees that it will provide access to the facilities, premises and records related to the project as provided in §§ 30.605 and 30.808 of 40 CFR Subchapter B.

2. *Audit and records.* The grantee agrees that it will maintain an adequate system for financial management, property management and grantee audit in accordance with §§ 30.800 and 30.810-3, and that it will maintain, preserve and make available to the Government all project records for the purpose of inspection, interim and final audit, and copying as required by §§ 30.905, 30.805, and 30.820 or 40 CFR Subchapter B.

3. *Reports.* The grantee agrees to timely file with EPA such reports as are specifically required by the grant agreement or pursuant to 40 CFR Subchapter B, including progress reports (§ 30.635-1), financial reports (§ 30.635-3), invention reports (§ 30.635-4), property reports (§ 30.635-5), relocation and acquisition reports (§ 30.635-6) and a final report (§ 30.635-2), and that failure to timely file a report may cause EPA to invoke the remedies provided in 40 CFR 30.430.

4. *Project changes; Grant modifications.* The grantee agrees that notification of project changes will be given pursuant to 40 CFR 30.900(b) and that all grant modifications will be effected in accordance with 40 CFR 30.900 through 30.900-4.

5. *Requirements pertaining to federally assisted construction.* The grantee agrees that it will comply, and that its contractors, subcontractors, employees and representatives will comply, with the requirements pertaining to federally assisted construction identified in 40 CFR 30.415.

6. *Suspension.* (a) The grantee agrees that the grant award official may, at any time, require the grantee to stop all, or any part, of the work within the scope of the project for which EPA grant assistance was awarded, by a written stop-work order, for a period of not more than forty-five (45) days after the order is delivered to the grantee, and for any further period to which the parties may agree. Any such order shall be specifically identified as a stop-work order issued pursuant to this clause. Upon receipt of such an order, the grantee agrees to forthwith comply with its terms and take all reasonable steps to minimize the incurrence of costs allocable to the work covered by the order during the period of work stoppage. This suspension article shall not be applicable to educational institutions or nonprofit research organizations.

(b) The grantee agrees that, within any such suspension period, EPA may either (1) cancel the stop-work order, in full or in part; or (2) initiate action to terminate the grant, in part or in full, as provided in Article 7, below; or (3) authorize resumption of work.

(c) If a stop-work order is canceled or if the suspension period or any extension thereof expires, the grantee agrees to promptly resume the previously suspended project work.

(d) An equitable adjustment shall be made in the project period, budget period, or the grant amount, or all of these as appropriate, if:

(1) the stop-work order results in an increase in the time required for, or in the grantee's costs properly allocable to, the performance of any part of the project, and

(2) the grantee asserts a written claim for such adjustment within sixty (60) days after the end of the period of work stoppage, provided, That if the Project Officer determines that the circumstances justify such action (for example, if the impact of cost or time factors resulting from a stop-work order could not have been ascertained prior to written submission of the claim), he may receive and act upon any such claim asserted at any time prior to final payment under this grant.

(e) If a stop-work order is not canceled and grant-related project work covered by such order is within the scope of a subsequently-issued termination order, the reasonable costs resulting from the stop-work order shall be allowed in arriving at the termination settlement.

(f) The grantee agrees that costs incurred by the grantee or its contractors, subcontractors or representatives, after a stop-work order is delivered, or within any extension of the suspension period to which the parties may have agreed, with respect to the project work suspended by such order or agreement, which are not authorized by this article or specifically authorized in writing by the Project Officer shall not be allowable costs.

7. *Termination; Annulment—*(a) *Grant Termination by EPA.* The grantee agrees that the grant award official may, at any time, after written notice and after opportunity for consultation has been afforded to the grantee, terminate the grant, in whole or in part, through a written termination notice specifying the effective date of the termination action.

(1) A grant may be terminated by EPA for good cause, subject to negotiation and payment of termination settlement costs.

(2) The grantee agrees that, upon such termination, it will return or credit to the United States that portion of grant funds paid or owed to the grantee and allocable to the terminated project work, except such portion as may be required by the grantee to meet commitments which had become firm prior to the effective date of termination and are otherwise allowable.

(3) Whenever feasible, the grant award official and the grantee shall enter into a termination agreement as soon as possible after any such termination action to establish the basis for settlement of grant termination costs and the amount and date of payment of any sums due to either party.

(b) *Project termination by grantee.* The grantee agrees that it will not unilaterally terminate work on the project for which EPA grant assistance has been awarded, except for good cause. The grantee further agrees:

(1) that it will promptly give written notice to the Project Officer of any complete or partial termination of the project work by the grantee, and

(2) that, if the Project Officer determines that the grantee has terminated the project work without good cause, the grant award official may annul the grant and all EPA grant funds previously paid or owing to the grantee shall be promptly returned or credited to the United States.

Upon request of the grantee, and if the Project Officer determines that there is good cause for the termination of all or any portion of the project work for which EPA grant assistance has been awarded, the grant award official and the grantee may enter into a written termination agreement establishing the effective date of the grant and project termination, the basis for settlement of grant termination costs, and the amount and date of payment of any sums due to either party.



(c) *Annulment.* The grantee agrees that the grant may be annulled pursuant to 40 CFR 30.920-5.

8. *Disputes.* (a) Except as otherwise provided by law or regulations, any dispute arising under this grant agreement shall be decided by the grant approving official or the Project Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the grantee. Such a decision shall be final and conclusive unless, within thirty (30) days from the date of receipt, the grantee mails or otherwise delivers to EPA (generally to the Project Officer) a written appeal addressed to the Administrator.

(b) The decision of the Administrator or his duly authorized representative for the determination of such appeal shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent or capricious, or arbitrary, or so grossly erroneous as to imply bad faith, or not supported by substantial evidence.

(c) In connection with an appeal proceeding under this article, the grantee shall be afforded an opportunity to be heard, to be represented by legal counsel, to offer evidence and testimony in support of any appeal, and to cross-examine Government witnesses and to examine documentation or exhibits offered in evidence by the Government or admitted to the appeal record (subject to the Government's right to offer its own evidence and testimony, to cross-examine the appellant's witnesses, and to examine documentation or exhibits offered in evidence by the appellant or admitted to the appeal record). The appeal shall be determined solely upon the appeal record, in accordance with the applicable provisions of Subpart J of Part 30 of Title 40 CFR.

(d) This "Disputes" article shall not preclude consideration of any question of law in connection with decisions provided for by this article; provided, that nothing in this grant or related regulations shall be construed as making final the decision of any administrative official, representative, or board, on a question of law.

(9) *Patents; rights in data, copyright.* (a) Every EPA grant involving research, developmental, experimental, or demonstration work shall be subject to the patent provisions of Appendix B to 40 CFR Part 30.

(b) Every EPA grant shall be subject to the rights in data, and copyright provisions of Appendix C to 40 CFR Part 30.

10. *Notice and assistance regarding patent and copyright infringement.* (a) The grantee agrees to report to the Project Officer, promptly and in reasonable written detail, each notice or claim of patent or copyright infringement based on the performance of this grant of which the grantee has knowledge.

(b) In the event of any claim or suit against the Government, on account of any alleged patent or copyright infringement arising out of the performance of this grant or out of the use of any supplies furnished or work or services performed hereunder, the grantee agrees to furnish to the Government, when requested by the Project Officer, all evidence and information in possession of the grantee pertaining to such suit or claim. Such evidence and information shall be furnished at the expense of the Government except where the grantee has agreed to indemnify the Government.

Note: EPA Form 5700-20, Grant Agreement/Amendment was filed as part of the original document.

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 66—NATIONAL RESEARCH SERVICE AWARDS

*Correction*

In FR Doc. 75-11388 appearing at page 19314 in the issue for Friday, May 2, 1975, make the following changes on page 19317:

1. At the bottom of the first column, the two lines appearing in larger type below the footnote should appear immediately after the sixth line of § 66.116 (b)(2). As corrected § 66.116(b)(2) would read as follows:

§ 66.116 Inventions and discoveries.

(b) \* \* \*

(2) Where an Award is made to an individual for research or training at a non-Federal public or nonprofit private institution having a separate formal institutional patent agreement with the Department of Health, Education, and Welfare, by the institution in accordance with that agreement.

2. Footnote 1 itself on page 19317 at the bottom of the first column, is a footnote to § 66.113(b) appearing on page 19316 in the third column and should appear at the bottom of that column.

# 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 rulemaking prior to the adoption of the final rules.

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[ 45 CFR Part 249 ]

### MEDICAL ASSISTANCE PROGRAM

#### Advance Payments for Services, Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations set forth State plan requirements and conditions under which Federal financial participation will be available for a limited amount of advance payments made by States to certain types of providers of Medicaid services under title XIX of the Social Security Act.

These regulations allow a limited exception to the general policy of limiting payments of Federal funds for medical assistance to no more than three months in advance. The purpose is to encourage the use in State Medicaid programs of non-traditional forms of health care which have potential for reducing or containing program costs while maintaining or improving the quality of care available under a State Medicaid program; to furnish incentives for provider participation in resource-short areas by encouraging a State to implement payment systems which assure providers that they will be paid promptly for services rendered to eligible individuals; and to further important Department objectives such as the child health screening program. Examples of the new forms of health care for which support would be available are health maintenance organizations, ambulatory surgical centers, and services representing alternatives to long-term institutionalization.

The regulations provide that organizations which provide services to Medicaid recipients in a manner directed toward reducing or containing costs, while maintaining quality, may enter into a contract with the State agency for a limited advance payment. Such an advance payment will enable a facility to put a new medical program into operation without being hampered by temporary cash flow problems (as so often happens where State agency payments are delayed too long after services are rendered) since funds will be available for initial operating costs. Funds may not be used for such things as planning or feasibility studies. They will be advanced only to providers who have submitted data to the State agency substantiating their financial viability and their resources to

perform the services. The amount of any advance payment may not exceed the dollar value of the first year's cost of services, and will be liquidated by furnishing medical services to eligible individuals. The contracts must include an acceptable plan for liquidation of the advance within specified time limits. The State agency's payment for services must be in accord with the State plan provisions for payment, and may not exceed the applicable upper limit under State and Federal policy.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are received in writing by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013, on or before June 13, 1975. Comments received will be available for public inspection in Room 5326 of the Department's offices at 330 C Street SW., Washington, D.C. on Monday thru Friday of each week from 8:30 a.m. to 5 p.m. (area code 202-245-0950).

(Section 1102, 49 Stat. 647 (42 U.S.C. 1302). (Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program))

Dated: April 1, 1975.

JAMES S. DWIGHT, Jr.,  
Administrator, Social and  
Rehabilitation Service.

Approved: May 8, 1975.

STEPHEN KURZMAN,  
Acting Secretary.

A new § 249.84 is added to Part 249, Title 45, Code of Federal Regulations, to read as follows:

#### § 249.84 Advance payments for title XIX services.

(a) *State plan requirements.* A State plan which provides for contracts with eligible providers under which advance payments will be made for medical and remedial care and services must provide:

(1) That such advance payments will be made only to institutions or organizations which provide medical or remedial care and services included under such plan to eligible individuals in a manner which has significant potential for reducing or containing program costs, and which maintains or improves access to, and the quality of, care. Such institutions and organizations include, but are not limited to:

- (i) Health maintenance organizations;
- (ii) Providers of early screening, diagnosis and treatment services for children;

(iii) Ambulatory surgical centers; and  
(iv) Providers of services representing alternatives to long-term institutionalization;

(2) That the single State agency, before entering into a contract for advance payments, will obtain from the contracting provider, in addition to any other information, and in such form, as the director of the medical assistance unit may deem necessary, certified historical and current financial and operating statements, the most recent balance sheet, if available, and statements of projected operating costs;

(3) That the single State agency, before entering into a contract for advance payments, will be assured on the basis of documented evidence that the contracting provider shall:

(i) Have appropriate resources which, when added to any sums advanced by the State agency under this section, will be sufficient to enable the provider to accomplish the purpose(s) for which the advance payment is requested; and

(ii) Meet the "Standards for Grantee and Subgrantee Financial Management Systems" as set forth in subpart H of Part 74 of this title;

(4) That the single State agency will not make any advance payments to a provider under this section unless those payments are first authorized pursuant to a written agreement meeting the requirements of paragraph (a) (7) of this section;

(5) That a contract for advance payments will not be effective prior to the date that it is entered into by the State and the provider. The effective date of the contract will not be earlier than, nor more than 6 months after, the Regional Commissioner's approval pursuant to paragraph (a) (7) (i) of this section;

(6) That additional advance payments to a provider will not be made if any previously authorized advance to that provider under this section has not been fully liquidated;

(7) That the terms and conditions under which advance payments authorized under this section will be made be set forth in a written contract between the single State agency and each provider receiving such payments. Such a contract must:

(i) Specify that it will not provide any basis for a claim against the United States government for purposes of receiving Federal financial participation in State agency expenditures arising thereunder unless such contract, or any extension thereof granted pursuant to paragraph (a) (7) (v) of this section, is first approved by the Regional Commissioner, Social and Rehabilitation Service, prior to its effective date.

(ii) Specify that any payments under such contract will be used only for operating expenditures of the provider relating to the delivery of health care, including allowable indirect costs, and not for such items as initial feasibility studies, initial planning studies, or construction;

(iii) Set forth the proposed medical and remedial care and services to be provided by the contractor during the period for which the advance is to be made, including the basis for estimating the quantity of services to be provided and numbers of recipients to be served during such period;

(iv) Provide that the provider will furnish to the single State agency such information, in such form, as it may require;

(v) Set forth the period of time covered by the contract, which period shall not exceed twelve consecutive months except that, with the consent of both parties, and prior approval of the Regional Commissioner (based upon his judgment that the objectives included under paragraph (a)(1) of this section can be achieved only through an extension of the contract), extensions of the contract may be executed in increments of 6 months but in no case to exceed a total period of 36 consecutive months from the effective date of the initial contract;

(vi) Provide that the liquidation of the advance payments authorized under the contract will be accomplished by providing medical and remedial care and services available under the State title XIX plan to individuals determined to be eligible for such benefits in accordance with the State title XIX plan eligibility criteria during the term of the contract or any extensions thereto authorized pursuant to paragraph (a)(7)(v) of this section;

(vii) Prescribe the basis for determining the amounts and timing of installments of the total advance payment authorized under the contract. An installment may not exceed one month's estimated cash requirements to accomplish the purposes for which the advance payment is authorized under the contract. The maximum amount of the total advance payment to a provider under a contract shall not exceed the dollar value of the estimated amount of medical and remedial care and services to be rendered to Medicaid eligible individuals by such provider within one calendar year following the date of the initial advance payment; and

(viii) Set forth the provisions relating to termination of the contract.

(b) *Federal financial participation.* (1) Federal financial participation is available as set forth below in advance payments which meet all of the requirements and contract terms and conditions set forth under paragraph (a) of this section.

(2) The maximum Federal financial participation available to a State for any fiscal year in advance payments to all providers shall not exceed one per centum of the Federal share of that State's total

vendor payments for inpatient hospital care on behalf of individuals eligible under the State title XIX plan during the most recent fiscal year for which data are available, except that the Regional Commissioner may approve such Federal financial participation in advance payments by a State of more than one per centum up to a maximum of five hundred thousand dollars in any one fiscal year. In no event shall such Federal financial participation in advance payments by a State in any one fiscal year exceed five million dollars.

(3) Federal financial participation is not available for any advance payment made under this section to the extent that the provider fails to liquidate such advance payment under the terms agreed upon and in accordance with the provisions of this section. Such unliquidated amount shall be regarded as an overpayment subject to adjustment under the provisions of section 1903(d)(3) of the Social Security Act.

[FR Doc.75-12713 Filed 5-13-75;8:45 am]

**DEPARTMENT OF TRANSPORTATION**

Federal Aviation Administration

[ 14 CFR Part 71 ]

[Airspace Docket No. 75-AL-9]

**TRANSITION AREA**

**Proposed Designation**

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Wrangell, Alaska, transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received on or before June 13, 1975 will be considered before action is taken on the proposed amendment.

No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch, Alaskan Region. Any data, views, or arguments presented during such conference must also be submitted in writing in accordance with this Notice in order to become part of the record for consideration. The proposal contained in this Notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Alaskan Region, Room 700, 632 Sixth Avenue, Anchorage, Alaska.

The Wrangell, Alaska, transition area would be designated as follows:

That airspace extending upward from 700 feet above the surface within 2 miles south and 4 miles north of the 087° radial of the Level Island VOR extending from 6 miles east to 30 miles east of the VOR; and within 5

miles southwest and 5 miles northeast of the Wrangell localizer southeast and northwest courses extending from 3 miles southeast to 30 miles northwest of the Wrangell localizer (latitude 56°29'03" N, longitude 132°21'35" W).

The proposed designation is required to provide controlled airspace protection for IFR operations at Wrangell airport. A prescribed instrument approach procedure to this airport, utilizing the Wrangell LDA/DME facility, is proposed in conjunction with the designation of this transition area.

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

Issued in Anchorage, Alaska, on May 1, 1975.

LYLE K. BROWN,  
Director, Alaskan Region.

[FR Doc.75-12968 Filed 5-13-75;8:45 am]

**[ 14 CFR Part 71 ]**

[Airspace Docket No. 75-CE-6]

**TRANSITION AREAS**

**Proposed Designation, Alteration and Revocation**

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to extend 1200 foot floor controlled airspace to cover the entire States of Kansas and Nebraska, and to that end and with reference to the State of Nebraska, to alter the Douglas, Wyoming, transition area to delete reference to airspace within Nebraska, to alter the Sidney, Nebraska, transition area to eliminate 8500 MSL airspace within the State of Nebraska and to alter the floors of Airways V524, V6 and V148 so that they will conform to the standard 1200 foot floor transition area base in Nebraska.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before June 13, 1975, will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Re Airspace Dockets 74-CE-27 (Kansas) and 74-CE-14 (Nebraska), 1200 foot floor controlled airspace was extended to cover large portions of Kansas and Nebraska. There remain three separate 1200 foot floor transition areas presently designated within the State of Kansas and fifteen separate 1200 foot floor transition areas presently designated within the State of Nebraska. In addition, the Douglas, Wyoming, transition area references airspace within the State of Nebraska. Also, a portion of the Sidney, Nebraska, transition area designates 8500 MSL airspace within the State of Nebraska. Finally, certain airways transversing the State of Nebraska have floors higher than 1200 feet. To simplify airspace descriptions, provide continuity in the floor of controlled airspace, to improve aeronautical chart legibility, to make it easier for both the pilot and air traffic control to provide more control services, it is proposed to extend controlled airspace extending upward from 1200 foot above the surface to cover the entire States of Kansas and Nebraska.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (40 FR 441), the following transition areas are amended by deleting references to that airspace extending upward from 1200 feet above the surface.

Ainsworth, Nebraska  
Alliance, Nebraska  
Broken Bow, Nebraska  
Burwell, Nebraska  
Chadron, Nebraska  
Colby, Kansas  
Goodland, Kansas  
Kearney, Nebraska  
Lexington, Nebraska  
McCook, Nebraska  
North Platte, Nebraska  
Ogallala, Nebraska  
Oshkosh, Nebraska  
Phillipsburg, Kansas  
Scottsbluff, Nebraska  
Sidney, Nebraska  
Theftford, Nebraska  
Valentine, Nebraska

In § 71.181 (40 FR 441), the following transition areas would be amended as indicated:

Douglas, Wyo.—In the second line after the words "east by"  
Douglas, Wyo.—In the second line after the words "east by" insert "the Wyoming-Nebraska state boundary and"  
Sidney, Nebraska.—In the sixth line after the words "bounded on the N" insert "by the 41st Parallel" to replace "by the south edge of V-138"

Section 71.123 (40 FR 307, 39 FR 41518) is amended as follows:

In V524—All after "Scottsbluff;" is deleted and "North Platte, Nebr." is substituted therefor.  
In V6—"Sidney 13 miles, 26 miles 57 MSL, North Platte, Nebr.;" is deleted and "Sidney, North Platte, Nebr.;" is substituted therefor.  
V148—"North Platte, Nebr. 21 miles, 84 miles 49 MSL, O'Neill, Nebr.; 10 miles, 62 miles, 35 MSL, Sioux Falls, S. Dak.;" is deleted and "North Platte, Nebr.; O'Neill, Nebr., Sioux Falls, S. Dak.;" is substituted therefor.

In § 71.181 (40 FR 441), the following transition areas are amended to read:

#### KANSAS

That airspace extending upward from 1200' above the surface within the State of Kansas.

#### NEBRASKA

That airspace extending upward from 1200' above the surface within the State of Nebraska.

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

Issued in Kansas City, Missouri, on April 29, 1975.

GEORGE R. LACAILLE,  
Acting Director, Central Region.

[FR Doc.75-12669 Filed 5-13-75;8:45 am]

### [ 14 CFR Part 71 ]

[Airspace Docket No. 75-AL-10]

## FEDERAL AIRWAY FLOORS

### Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the floors of airways in the vicinity of Level Island, Alaska.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received on or before June 3, 1975, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW, Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

#### § 71.105 [Amended]

Section 71.105 would be amended as follows: In A-15, all before "Coghlan Island, Alaska, RBN;" would be deleted and "From Ethelda, British Columbia, Canada, NDB via Nichols, Alaska, NDB; 41 miles 12 AGL, 42 miles 52 MSL, 32 miles 12 AGL Petersburg, Alaska, NDB;" would be substituted therefor.

#### § 71.109 [Amended]

Section 71.109 would be amended as follows: In B-38, "Nichols, Alaska, RBN; 42 miles 52 MSL, Petersburg, Alaska RBN;" would be deleted and "Nichols, Alaska, NDB; 41 miles 12 AGL, 42 miles 52 MSL, 32 miles 12 AGL, Petersburg,

Alaska, NDB;" would be substituted therefor. (Until amended by 75-AL-5, effective October 9, 1975.)

#### § 71.125 [Amended]

Section 71.125 would be amended as follows: In V-317, all before "Sisters Island, Alaska;" would be deleted and "From Ethelda, British Columbia, Canada, NDB via Annette Island, Alaska, including a W alternate via INT Sandspit, British Columbia, Canada, 039° and Annette Island 167° radials; 42 miles 12 AGL, 42 miles 52 MSL, 15 miles 12 AGL, Level Island, Alaska, including a W alternate via INT Annette Island 311° and Level Island 164° radials;" would be substituted therefor.

The proposed amendment would lower the floor of airway segments in the vicinity of Level Island to provide controlled airspace adjacent to the Wrangell, Alaska, transition area proposed in Airspace Docket 75-AL-9.

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

Issued in Washington, D.C., on May 9, 1975.

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

[FR Doc.75-12655 Filed 5-13-75;8:45 am]

## FEDERAL ENERGY ADMINISTRATION

### [ 10 CFR Part 205 ]

## PROCEDURES FOR CONSENT ORDERS

### Notice of Proposed Rulemaking

The Federal Energy Administration hereby gives notice of a proposal to amend Part 205 of Title 10 of the Code of Federal Regulations by expanding the scope of Subpart O to provide for consent orders.

The FEA procedural regulations are presently contained in Part 205. These regulations were adopted on September 5, 1974 (39 FR 32262) after a notice of proposed rulemaking issued on July 11, 1974 (39 FR 25602). Subpart O of the procedural regulations contained in Part 205 provides authority for the issuance of Notices of Probable Violation and Remedial Orders (10 CFR 205.190, et seq.). These notices and orders are the formal means by which the FEA takes administrative action against violations of FEA regulations that have occurred, are continuing or are about to occur.

As the procedural regulations are generally applied, a Notice of Probable Violation ("NOPV") is utilized to notify a firm that the FEA believes that a violation has occurred, is occurring or is about to occur, and a Remedial Order is issued when the FEA makes an affirmative finding that a violation has in fact occurred. In certain unusual instances, as outlined in the regulations (10 CFR 205.193), a Remedial Order for Immediate Compliance may be issued when there is a "strong possibility" that a violation has

occurred, is continuing or is about to occur, and where irreparable harm contrary to the public interest will occur unless the violation is remedied immediately.

The current regulations prescribing procedures for FEA compliance actions do not, however, provide an explicit means for finalizing those compliance actions in which a firm may be willing to undertake certain remedial action satisfactory to the FEA with or without conceding that it has in fact violated the regulations. In the past, many firms which have been under investigation by the FEA have offered for various reasons to undertake that remedial action which would have been ordered by the FEA if the proceeding had progressed to the issuance of a remedial order, and the FEA has in many cases accepted such offers of settlement as being in the public interest.

Those settlements have ordinarily been formalized in written agreements which the FEA believes are binding on the parties and have the same force and effect as a final order of the agency. However, such written agreements have never been expressly provided for in the procedural regulations. The absence of a consent order procedure in the FEA regulations has created some uncertainty as to the status of outstanding compliance agreements and has resulted in certain undesirable inconsistency in the use of voluntary settlements of compliance cases.

The FEA proposes, therefore, to amend Subpart O of 10 CFR Part 205 to add a new § 205.196 which will provide for consent orders. The proposed section would permit FEA to enter into a consent order with a firm at any stage of an outstanding compliance investigation. A consent order would contain those facts that form the basis for the consent order and would be signed by the person to whom it is issued (or a duly authorized representative), but would not necessarily constitute an admission by any person that FEA regulations have been violated. Although a consent order will be a final order of the FEA and may contain any of the remedies which can be included in a Remedial Order pursuant to § 205.194, it will not be appealable pursuant to the provisions of Subpart H of Part 205. The FEA proposes to retain discretion to modify or rescind a consent order, upon petition by the person to whom it was issued. The FEA may also rescind a consent order sua sponte upon the discovery of new evidence inconsistent with that upon which FEA based its acceptance of the consent order. Modifications and rescissions of consent orders will be in accordance with the procedures encompassed in Subpart J of Part 205. Judicial enforcement of consent orders will be available to the FEA in accordance with Subpart P of Part 205. Additionally, the issuance of a consent order will not preclude the FEA from seeking civil or criminal penalties, or compromising civil penalties pursuant to 10 CFR § 205.202 (c) (2), where appropriate.

The regulation changes proposed today will, if adopted, be effective on the date of adoption.

Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the proposed regulations set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box CY, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation "Consent Orders." Fifteen copies should be submitted. All comments received by Tuesday, May 28, 1975 before 4:30 p.m., e.d.t. and all relevant information, will be considered by the Federal Energy Administration before the final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Because the rule change proposed herein is procedural only and will not have a substantial impact on the nation's economy or large numbers of individuals or businesses, the FEA has determined that the opportunity for oral presentation of views is neither necessary nor required by section 7(i) (1) (C) of the Federal Energy Administration Act or by 5 U.S.C. 553.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 93-511; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185).

In consideration of the foregoing, it is proposed to amend Part 205, Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., May 9, 1975.

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

1. Section 205.196 is added to Subpart O to read as follows:

**§ 205.196 Consent orders.**

(a) Notwithstanding any other provision of this Subpart, the FEA may at any time resolve an outstanding compliance investigation or proceeding with a consent order. A consent order must be signed by the person to whom it is issued, or a duly authorized representative, and must indicate agreement to the terms contained therein. A consent order need not constitute an admission by any person that FEA regulations have been violated, nor need it constitute a finding by the FEA that such person has violated FEA regulations. A consent order shall, however, contain a written statement setting forth the relevant facts forming the basis for the order.

(b) A consent order is a final order of the FEA having the same force and effect as a remedial order issued pursuant to § 205.192, and may require one or more of the remedies authorized by § 205.194. A consent order shall not be subject to the administrative appeal provisions of § 205.195 and Subpart H.

(c) At any time and in accordance with the procedures of Subpart J, a consent order may be modified or rescinded, at the FEA's discretion, upon petition by the person to whom the consent order was issued and may be rescinded by the FEA upon discovery of new evidence which is materially inconsistent with evidence upon which the FEA's acceptance of the consent order was based.

(d) Notwithstanding the issuance of a consent order, FEA may seek civil or criminal penalties or compromise civil penalties pursuant to Subpart P concerning matters encompassed by the consent order unless the consent order, by its terms, specifically precludes FEA from seeking such penalties.

(e) If any time after a consent order becomes effective, it appears to the FEA that the terms of the consent order have been violated, the FEA may refer violations of such order to the Department of Justice for appropriate action in accordance with Subpart P.

[FR Doc.75-12671 Filed 5-9-75;3:27 pm]

## FEDERAL MARITIME COMMISSION

[ 46 CFR Part 547 ]

[Docket No. 75-6]

### POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION

#### Extension of Time To File Comments

Upon request of interested parties, and good cause appearing, time within which comments may be filed in response to the notice of proposed rulemaking in this proceeding (40 FR 13005-13008; March 24, 1975) is enlarged to and including May 19, 1975. Hearing Counsel's reply shall be filed on or before June 19, 1975. Answers to Hearing Counsel shall be filed on or before July 7, 1975.

By the Commission.

[SEAL] FRANCIS C. HURNEY,  
Secretary.

[FR Doc.75-12675 Filed 5-13-75;8:45 am]

## VETERANS ADMINISTRATION

[ 38 CFR Part 3 ]

### VETERANS BENEFITS

#### Automobiles and Adaptive Equipment; Proposed Regulatory Changes

The Administrator of Veterans' Affairs proposes regulatory changes to implement provisions of Pub. L. 93-538 (88 Stat. 1736). This act amended section 1901 of title 38, United States Code, to eliminate the requirement that in determining entitlement of a veteran to monetary assistance in purchasing an automobile and/or adaptive equipment based

on service after January 31, 1955, or entitlement of a serviceman or servicewoman based on service after January 31, 1955, other than the Vietnam era, the qualifying service-connected disability must have been the direct result of performance of military duty. The amendment extends to all veterans of service in World War II and thereafter uniform eligibility requirements, that is, the disability was incurred during such service and is compensable under chapter 11 of title 38, United States Code. Section 1901 was further amended to provide statutory authority for furnishing specified items of adaptive equipment. The act amended section 1902 of title 38, United States Code, to increase the basic automobile allowance from \$2,800 to \$3,300 and incorporate statutory authority for including State, local and other taxes in the purchase price. Minor editorial changes, unrelated to the substantive changes to § 3.808 introduction, (a) and (e) (1), have been made in § 3.808(c), (d) (1), (2), (3), (e), (e) (3) and § 3.810 (a) (2). To implement these provisions of Pub. L. 93-538, it is proposed to amend Part 3 of Title 38, Code of Federal Regulations, as set forth below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before June 13, 1975 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that the amendments would be effective February 1, 1975, the effective date of the enabling provisions of Pub. L. 93-538.

1. In § 3.808, the introductory portion preceding paragraph (a) and paragraphs (a), (b) (1) introduction, (c), (d), (e) introduction and (e) (1) and (3) are revised and paragraph (b) (3) is revoked. The revised material reads as follows:

§ 3.808 Automobiles or other conveyances; certification.

A certification of eligibility for financial assistance in the purchase of one

automobile or other conveyance in an amount not exceeding \$3,300 (including all State, local, and other taxes where such are applicable and included in the purchase price) and of basic entitlement to necessary adaptive equipment will be made where the claimant meets the requirements of paragraphs (a), (b) and (c) of this section.

(a) *Service.* The claimant must have had active military, naval or air service during World War II or thereafter.

(b) *Disability.* (1) One of the following must exist and be the result of injury or disease incurred or aggravated during the period specified in paragraph (a) of this section:

(3) [Revoked]

(c) *Claim for a conveyance.* A specific application for financial assistance in purchasing a conveyance is required which must contain a certification by the claimant that the conveyance will be operated only by persons properly licensed. The application will also be considered as an application for the adaptive equipment specified in paragraph (d) (1) of this section or deemed necessary by the Chief Medical Director or designee to insure that the claimant will be able to operate the conveyance in a manner consistent with safety to him or herself and to satisfy the applicable standards of licensure of the proper licensing authorities. There is no time limitation in which to apply. An application by a claimant on active duty will be deemed to have been filed with the Veterans Administration on the date it is shown to have been placed in the hands of military authority for transmittal.

(d) *Certifications for adaptive equipment and for services thereto.* (1) Simultaneously with the certification provided pursuant to the preamble of this section, a claimant for financial assistance in the purchase of an automobile will be furnished a certificate of eligibility for financial assistance in the purchase of such adaptive equipment specified in paragraph (e) (1) and (2) of this section as may be appropriate to his or her losses unless the need for such equipment is contraindicated by his or her physical or legal inability to operate the vehicle.

(2) Upon application further equipment needed and desired by the claimant may be authorized upon certification by the Chief Medical Director or designee that such equipment is necessary for the operation of the conveyance in a manner consistent with safety and in accordance with the standards of licensure of the proper licensing authority.

(3) Payment of amounts for the reasonable costs of providing necessary

adaptive equipment and the reasonable costs of necessary repair, replacement and feasible reinstallation of any adaptive equipment deemed necessary under this section, shall be made upon application by the claimant and certification by the Chief Medical Director or designee.

(4) Adaptive equipment, and services thereto, shall not be provided a claimant for more than one conveyance at a time.

(e) *Definition.* The term "adaptive equipment," means generally, that equipment which must be part of or added to a conveyance manufactured for sale to the general public to make it safe for use by the claimant and to assist him or her in meeting the applicable standards of licensure of the proper licensing authority.

(1) With regard to automobiles and similar vehicles the term includes a basic automatic transmission as to a claimant who has lost or lost the use of a limb. In addition, the term includes, but is not limited to, power steering, power brakes, power window lifts and power seats. The term also includes air-conditioning equipment when such equipment is necessary to the health and safety of the veteran and to the safety of others, and special equipment necessary to assist the eligible person into or out of the automobile or other conveyance, regardless of whether the automobile or other conveyance is to be operated by the eligible person or is to be operated for such person by another person; and any modification of the interior space of the automobile or other conveyance if needed because of the physical condition of such person in order for such person to enter or operate the vehicle.

(3) The term also includes other equipment which the Chief Medical Director or designee may deem necessary in an individual case.

2. In § 3.810, paragraph (a) (2) is revised to read as follows:

§ 3.810 Clothing allowance.

(a) \* \* \*

(2) Where the Chief Medical Director or designee certifies that because of such disability a prosthetic or orthopedic appliance is worn or used which tends to wear or tear the veteran's clothing. For the purposes of this paragraph "appliance" includes a wheelchair.

Approved: May 8, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,  
Deputy Administrator.

[FR. Doc. 75-12664 Filed 5-13-75; 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 THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 75-276]

### ADVISORY COMMITTEE ON EXPLOSIVES TAGGING

#### Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Advisory Committee on Explosives Tagging will be held on May 28 and 29, 1975, at the Federal Building, 12th and Pennsylvania Avenue, NW, Washington, D.C., Room 5041 beginning at 9:00 a.m. (e.d.t.).

The Advisory Committee will discuss detailed proprietary scientific and technical data concerning various candidate explosive tagging systems that can be used in the detection and identification of explosives. The information which will be presented and discussed during the meeting will constitute trade secrets and commercial or financial information from a person privileged or confidential within the ambit of Title 5, United States Code, section 552(b)(4). Accordingly, the meeting of the Advisory Committee will, under authority of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463), not be open to the public.

All communications regarding this Advisory Committee meeting should be addressed to the Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, Attention: Mr. Robert F. Dexter, Committees Manager, Technical Services Division, Explosives Technology Branch, Room 8233.

Dated: May 12, 1975.

WILLIAM R. THOMPSON,  
Acting Director, Bureau of  
Alcohol, Tobacco and Firearms.

[FR Doc. 75-12773 Filed 5-12-75; 10:51 am]

#### Fiscal Service

### SPECIAL PAYMENTS TO SOCIAL SECURITY AND RAILROAD RETIREMENT BENEFICIARIES

#### Deceased Payees; Procedures To Be Observed on Indorsement of Treasury Checks

1. *Background.* Section 702 of the Tax Reduction Act of 1975, Public Law 94-12, approved March 29, 1975, provides for special one-time \$50 payments by the Treasury Department to persons entitled to social security, supplemental security income, and railroad retirement benefits for the month of March 1975. The intent of the Congress was to provide to the persons entitled to the benefits described

above, a payment comparable in nature to the tax rebates authorized under title I of the Act.

2. *Purpose and scope.* Under the Act, entitlement accrues to all individuals who were entitled to a regular payment under any of the above programs for the month of March 1975, so long as the payment check for that month is issued no later than August 31, 1975. These checks will contain a legend "Pub. L. 94-12 Payment" and will be payable in the amount of \$50 or multiples thereof.

3. *Limitation.* The provisions of this notice are limited to the negotiation of Treasury checks issued for the special one-time \$50 payment referred to above, where the payee dies after March 31, 1975 and before the receipt or negotiation of the check.

4. *Manner of indorsement.* Treasury checks hereinbefore described may be negotiated and will be paid by the Treasury when indorsed in the manner indicated:

(a) *Executors and administrators.* Executors and administrators may negotiate the checks in accordance with provisions of § 240.10(a) of Treasury Department Circular No. 21, as amended, 31 CFR 240.10(a).

(b) *Surviving spouse and next of kin.* If no executor or administrator is to be appointed, the Treasury Department will pay a check bearing (1) an indorsement, on behalf of the estate of the payee, by the surviving spouse residing with the deceased payee at the time of death, or (2) if no such spouse survives, an indorsement in a similar representative capacity by the next of kin. The next of kin shall be one of the following relatives of the deceased payee in the order named: (1) children, (2) parents, (3) brothers or sisters. In either event the indorsement shall be substantially as follows:

For the Estate of the within named payee

By \_\_\_\_\_  
(Surviving Spouse Residing with Deceased Payee at Time of Death)

or

For the Estate of the within named payee

By \_\_\_\_\_  
(Next of kin)

(c) *Checks drawn payable jointly to two persons of the same family.* A check drawn to two persons of the same family, where one of the payees dies before receipt or negotiation of the check, may be indorsed and negotiated by the survivor for self and for the deceased payee. Any appropriate form of indorsement will suffice, such as:

John Doe, and  
John Doe, for the deceased Mary Doe

(d) *Checks drawn to the order of representative payees.* A check drawn to a representative payee for another, which has not been negotiated before the death of the representative payee, shall be returned to the issuing disbursing center for cancellation and reissuance to another representative payee.

5. *Caution.* Cashing indorsers are cautioned that they are protected only if the facts of each case support the indorsement on the checks. If such a cashing indorser is doubtful about the validity of the indorsement, he should require documentation in support of the death of the payee and in support of the status of the person signing in a representative capacity for the estate of the decedent. Except as specifically provided herein, 31 CFR Part 240 (Treasury Department Circular 21) shall govern the negotiation and payment of these checks.

5 U.S.C. 301; Sec. 702; Pub. L. 94-12, 89 Stat. 66.

Dated: May 9, 1975.

JOHN K. CARLOCK,  
Fiscal Assistant Secretary.

[FR Doc. 75-12701 Filed 5-13-75; 8:45 am]

#### Office of the Secretary

[Treasury Department Order No. 208; Rev. 3]

### DIRECTOR OF THE OFFICE OF ADMINISTRATIVE PROGRAMS, ET AL.

#### Procurement Authority Delegation

Pursuant to the authority vested in the Secretary of the Treasury by Title III of the Federal Property and Administrative Service Act of 1949 (63 Stat. 377, 393), as amended (41 U.S.C.; Chap. 4), particularly 41 U.S.C. 252, and by Reorganization Plan No. 26 of 1950, and pursuant to the authority vested in me as Assistant Secretary for Administration by Treasury Department Order No. 190, Revised, it is hereby ordered as follows:

1. The authority to prescribe and publish Treasury Procurement Regulations and Procedures is hereby redelegated to the Director, Office of Administrative Programs, Office of the Secretary of the Treasury, without the power of further redelegation.

2. (a) The following officials of the Department of the Treasury are hereby redelegated the authority to use the provisions of Title III of the Federal Property and Administrative Services Act of 1949, as amended, when procuring property and services, except as precluded by section 307 (41 U.S.C. 257) of the Act: Director, Office of Administrative Programs  
Office of the Secretary of the Treasury

Director, Bureau of Alcohol, Tobacco and Firearms  
 Comptroller of the Currency  
 Director, Consolidated Federal Law Enforcement Training Center  
 Commissioner of Customs  
 Director, Bureau of Engraving and Printing  
 Commissioner, Bureau of Government Financial Operations  
 Commissioner of Internal Revenue  
 Director of the Mint  
 Commissioner of the Public Debt  
 National Director, U.S. Savings Bonds Division  
 Director, U.S. Secret Service

(b) Each of the officials named in (a) are deemed "chief officers responsible for procurement" within the meaning of 41 U.S.C. 257(b).

3. The authority redelegated includes but is not limited to taking the following actions: (1) to enter into and take all necessary actions with respect to purchases, contracts, leases, and other contractual procurement transactions; (2) to designate contracting officers and representatives thereof by execution of Treasury Form 4014; and (3) to make determinations and decisions with respect to procurement matters, except those determinations and decisions required by law or regulation to be made by other authority.

4. The authority redelegated herein shall be exercised in accordance with the applicable limitations and requirements of the Act, particularly 41 U.S.C. 254 and 257; the Federal Procurement Regulations, 41 CFR, Ch. 1; the applicable portions of the Federal Property Management Regulations, 41 CFR, Ch. 101; as well as regulations issued by the Department of the Treasury which implement and supplement the Federal Procurement Regulations and the Federal Property Management Regulations, including but not limited to 41 CFR, Ch. 10 and Administrative Circular No. 153, Revised.

5. To the extent permitted by the Act and this redelegation, the authority herein redelegated to the above-named officials may be further redelegated by them by letter or bureau delegation order to any subordinate officer or employee who has been duly designated to act as a contracting officer for the United States.

6. Treasury Department Order No. 208 (Revision 2), dated August 2, 1973, is rescinded.

Dated: May 7, 1975.

[SEAL] WARREN F. BRECHT,  
*Assistant Secretary,  
 Administration.*  
 [FR Doc. 75-12624 Filed 5-13-75; 8:45 am]

[Dept. Circ. Supp., Public Debt Series—  
 No. 15-75]

### 8 1/4% TREASURY BONDS OF 2000-05 MAY 9, 1975.

The Secretary of the Treasury announced on May 9, 1975, that the interest rate on the bonds described in Depart-

ment Circular—Public Debt Series—No. 15-75, dated May 2, 1975, will be 8 1/4 percent per annum. Accordingly, the bonds are hereby redesignated 8 1/4 percent Treasury Bonds of 2000-05. Interest on the bonds will be payable at the rate of 8 1/4 percent per annum.

JOHN K. CARLOCK,  
*Fiscal Assistant Secretary.*

[FR Doc. 75-12670 Filed 5-13-75; 8:45 am]

## DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

### WINTER NAVIGATION BOARD ON GREAT LAKES-ST. LAWRENCE SEAWAY

#### Rescheduled Meeting

The Winter Navigation Board meeting originally scheduled for May 8, 1975, and later rescheduled for June 5, 1975, has been rescheduled for June 9, 1975. The first notice of the May 8, 1975, meeting was published in the FEDERAL REGISTER, FR Doc. 75-7613, page 13224, March 25, 1975. The notice of the June 5, 1975, meeting was published in the FEDERAL REGISTER, FR Doc. 75-11713, page 19662, May 6, 1975.

The meeting will still be held at the Sheraton Motor Inn in Romulus, Michigan. The primary purpose of the meeting is still to discuss and obtain final Board approval of the Fiscal Year 1976 Program.

Inquiries may be addressed to Mr. David Westheuser, U.S. Army Engineers District, Detroit, Corps of Engineers, P.O. Box 1027, Detroit, Michigan 48231, telephone (313) 226-6770.

Dated: May 7, 1975.

By authority of the Secretary of the Army.

FRED R. ZIMMERMAN,  
*Lt. Colonel, U.S. Army,  
 Chief, Plans Office, TAGO.*

[FR Doc. 75-12627 Filed 5-13-75; 8:45 am]

## DEPARTMENT OF JUSTICE

Antitrust Division

### UNITED STATES vs. ORANGE COUNTY TRAVEL AGENTS ASSOCIATION

#### Proposed Consent Judgment and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. section 16 (b) through (h), that a proposed consent judgment and a competitive impact statement as set out below have been filed with the United States District Court for the Central District of California in *United States v. Orange County Travel Agents Association*. The complaint in this case alleges that the Association conspired with its members to fix, raise and stabilize fees for providing services to their customers by the adoption of a fee schedule for these services. The complaint also alleges that the Association sought to induce non-member travel agents to ad-

here to the fee schedule, both directly, and indirectly by inducing suppliers of transportation and accommodations to give favorable treatment to members of the Association as compared to nonmembers. The proposed judgment enjoins defendant from establishing a schedule of services for which charges should be made and the amount of the charges, and from inducing, directly or indirectly, non-members to adhere to schedules of fees. Also, the proposed judgment requires defendant within 90 days to amend its by-laws and rules to conform with the provisions of the judgment. Public comment is invited on or before July 10, 1975. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to Raymond P. Hernacki, Assistant Chief, Antitrust Division, Department of Justice, 1444 U.S. Court House, 312 North Spring Street, Los Angeles, California 90012.

Dated: May 6, 1975.

THOMAS E. KAUPER,  
*Assistant Attorney General,  
 Antitrust Division.*

Raymond P. Hernacki, Stanley E. Disney, Jonathan C. Gordon, Antitrust Division, Department of Justice, 1444 United States Court House, 312 North Spring Street, Los Angeles, California 90012. Telephone: (213) 688-2519. Attorneys for the United States.

UNITED STATES DISTRICT COURT: CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, PLAINTIFF, v. ORANGE COUNTY TRAVEL AGENTS ASSOCIATION, DEFENDANTS.

#### STIPULATION

It is stipulated by and between the undersigned parties, plaintiff United States of America, and defendant Orange County Travel Agents Association, by their respective attorneys, that:

1. The parties consent that a final judgment in the form hereto attached may be filed and entered by the Court, upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, P.L. 93-528, and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent which it may do at any time before the entry of the proposed final judgment by serving notice thereof on defendant and filing that notice with the Court.

2. In the event plaintiff withdraws its consent hereto, this Stipulation shall have no effect whatever in this or any other proceeding and the making of this Stipulation shall not in any manner prejudice any consenting party in any subsequent proceeding.

Dated: May 5, 1975.

For the plaintiff: Thomas E. Kauper, Assistant Attorney General; Baddia J. Rashid, Charles F. B. McAleer, Raymond P. Hernacki, Stanley E. Disney, Jonathan C. Gordon, William F. Costigan, Attorneys, Department of Justice.

For the defendant: Carden and Gray.

By: Arthur W. Gray, Jr., Attorney for Defendant, Orange County Travel Agents Association.

Stanley E. Disney, Jonathan C. Gordon, Antitrust Division, Department of Justice, 1444 United States Court House, 312 North Spring Street, Los Angeles, California 90012. (213) 688-2519. Attorneys for the Plaintiff.



UNITED STATES DISTRICT COURT, CENTRAL  
DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, PLAINTIFF, V.  
ORANGE COUNTY TRAVEL AGENTS ASSOCIATION,  
DEFENDANT.

Filed: May 5, 1975.

FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint herein on May 5, 1975, and the plaintiff and defendant, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting evidence or admission by any party with respect to any such issue of fact or law herein;

Now, therefore, before the taking of any testimony, without trial or adjudication of any issue of fact or law herein, and upon the consent of the parties hereto, it is hereby

Ordered, Adjudged and Decreed as follows:

I. This Court has jurisdiction of the subject matter herein and of the parties consenting hereto. The complaint states claims upon which relief may be granted against the defendant under section 1 of the Act of Congress of July 2, 1890, entitled "An Act to protect trade and commerce against restraints and monopolies," commonly known as the Sherman Act, as amended. Entry of this judgment is in the public interest.

II. For the purposes of this Final Judgment:

(a) "Carrier" refers to public passenger carriers, such as railroads, air lines, steamship lines, bus companies, and the like;

(b) "Accommodations" refers to accommodations for lodging, entertainment, rental cars and other services desired by travelers, but does not include transportation by carriers;

(c) "Tour" refers to a combination of carrier tickets and accommodations; and

(d) "Person" shall mean any individual, partnership, firm, association, corporation, member of Defendant, or other business or legal entity.

III. The provisions of this Final Judgment shall apply to defendant and its officers, directors, agents, members, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV. Defendant, whether acting unilaterally, or in concert or agreement with any other person, is enjoined and restrained from:

(a) Establishing, adhering to, publishing or circulating schedules of services for which charges should be made, and the amount of said charges.

(b) Inducing or attempting to induce competitors of members of defendant to adopt and adhere to any charge;

(c) Inducing or attempting to induce any supplier of transportation, accommodations or tours to discontinue doing business with any person;

(d) Adopting, adhering to, maintaining or enforcing any bylaw, rule, regulation, plan, program or concert of action for the purpose of or with the effect of forcing or inducing any supplier of transportation, accommodations or tours to give discriminatory treatment to members of defendant as compared to any nonmember.

V. Defendant is ordered and directed:

(a) Within 90 days from the date of entry of this Final Judgment to amend its bylaws, rules, regulations and contracts by eliminating therefrom any provision which is contrary to or inconsistent with any provision of

this Final Judgment and to send amended copies of each such bylaw, rule, regulation, and form to each of its members;

(b) Within 95 days from the date of entry of this Final Judgment to file with the plaintiff a true copy of its bylaws, rules, regulations, and forms, as aforesaid, amended and distributed; and

(c) Upon amendment of its respective bylaws, rules, regulations and forms, as aforesaid, defendant is thereafter enjoined and restrained from adopting, adhering to, and forcing or claiming any rights under any bylaw, rule, regulation, plan or program which is contrary to or inconsistent with any provision of this Final Judgment.

VI. Defendant is ordered and directed to mail within 60 days after the date of entry of this Final Judgment, a copy to each of its members and shall furnish a copy of said Judgment to all new members upon joining said defendant, and within 120 days from the aforesaid date of entry to file with the Clerk of the Court and to serve upon the plaintiff an affidavit setting forth the fact and manner of compliance with this section and section V(a) above.

VII. For the purpose of determining or securing compliance with this Final Judgment, and for no other purpose, and subject to any legally recognized privilege, duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendant, made to its principal office, be permitted:

(a) Access during its office hours and in the presence of counsel, if defendant chooses, to all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession of or under the control of said defendant relating to any matters contained in this Final Judgment;

(b) Subject to the reasonable convenience of said defendant and without restraint or interference from it, to interview officers or employees of defendant, who may have counsel present, regarding any such matters; and

(c) Upon such request defendant shall submit such reports in writing, under oath if so requested, to the Department of Justice with respect to any of the matters contained in this Final Judgment as may from time to time be requested.

No information obtained by the means provided for in this section VII shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of Plaintiff, except in the course of legal proceedings to which the United States of America is a party for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

VIII. Jurisdiction is retained by this court for the purpose of enabling either of the parties to this Final Judgment to apply to this court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.

Raymond P. Hernacki, Stanley Disney, Jonathan C. Gordon, Antitrust Division, Department of Justice, 1444 United States Court House, 312 North Spring Street, Los Angeles, California 90012. Telephone (213) 688-2510.

William F. Costigan, Antitrust Division, Department of Justice, Washington, D.C. 20530. Telephone (202) 739-2469. Attorneys for the Plaintiff.

UNITED STATES DISTRICT COURT,  
CENTRAL DISTRICT OF CALIFORNIA

[Civil Action No. 75-1513-WMB]

UNITED STATES OF AMERICA, PLAINTIFF, V. ORANGE  
COUNTY TRAVEL AGENTS ASSOCIATION, DE-  
FENDANT

Proposed Consent Decree: *Competitive Im-*  
*Impact Statement.*

I. INTRODUCTION

Pursuant to section 2(b) of the *Antitrust Procedures and Penalties Act* (15 U.S.C. 16 (b)-(h)), the United States of America hereby files this Competitive Impact Statement relating to the proposed consent judgment submitted for entry in this civil antitrust proceeding.

On May 5, 1975, the Department of Justice filed a civil antitrust suit alleging that Orange County Travel Agents Association ("OCTAA") violated section 1 of the Sherman Act.

II. DESCRIPTION OF INDUSTRY AND DEFENDANT  
AND NATURE OF THE PROCEEDINGS

Travel agents engage principally in the business of providing tickets for transportation and orders for accommodations such as hotel rooms and other lodging, entertainment, rental cars and other services customarily desired by persons wishing to travel. They also provide "tours" which are combinations of transportation tickets and orders for accommodations to their customers. Travel agents usually act as agents of the carrier or supplier of accommodations; sell at rates established by the carrier or supplier; and are reimbursed by commissions paid by the carrier or supplier. Over eighty percent of the income of most travel agents is derived from these commissions.

Travel agents also provide a substantial number of other "services" for their customers, such as counseling on carriers, accommodations and tours, assisting with visas, delivering tickets, making and changing reservations, providing for transportation between the traveler's home and points of departure and otherwise assisting in making travel arrangements. For these services the travel agents customarily decide whether or not to charge and the amount of the charge, if any.

The Orange County Travel Agents Association, the defendant herein, is an unincorporated trade association of travel agents whose principal offices are located in Orange County, California. In 1973, the Association had approximately 25 members, with about 35 offices in that county. It is estimated that the membership did business in excess of \$25 million during that year.

Beginning in 1970, the members of the Association commenced discussing the possibility of deciding which of the services they performed should be charged for, and the amount that should be charged. A committee was appointed to consider the question, and by January 23, 1973 the committee had agreed upon a schedule listing the services which the members believed should be charged for as well as the recommended charges. On January 23rd, the members of the Association adopted the schedule and copies were published and furnished to all members. Thereafter, the Association also attempted to induce other travel agents in Orange County to adopt the fee schedule.

There are well over 5,000 travel agents in the United States, most of whom are members of national or local trade associations, or of both. The action of the defendant Association in adopting a schedule of service charges was widely publicized, and during the spring and summer of 1973 many local

trade associations of travel agents communicated with the Association asking for copies of the schedule, and otherwise indicated they planned to consider the adoption of the same or a similar schedule for their own associations.

The adoption by the Association of the fee schedule for services was the principal event giving rise to the alleged violation. After the schedule was adopted, representatives of the Association called on various members of the Association to discuss implementation of the schedule; and they also attempted to induce non-member travel agents, who competed with the members of the Association, to adopt the schedule.

When the agreement by the Association to adopt the fee schedule came to the attention of the Antitrust Division of the United States Department of Justice, a preliminary inquiry was conducted, followed by the filing and serving of a Civil Investigative Demand ("CID") upon the Association. After reviewing the information obtained, it was determined to file a complaint charging the Association with conspiring to stabilize service charges in violation of section 1 of the Sherman Act (15 U.S.C. § 1). The purpose of the complaint is to enjoin the Association from fixing or stabilizing service charges and inducing other parties to adhere to the schedule. The complaint also is intended to reflect that the Antitrust Division believes that it is illegal for an association of competitors to agree on charges to be imposed or suggested for performing services.

After the complaint had been approved by the Attorney General, but before it was filed, counsel for both parties met and agreed upon the Proposed Consent Judgment which is filed herewith. Before undertaking such negotiations, however, counsel for plaintiff made it clear that the allegations of the complaint were not subject to discussion or negotiation, and no negotiation or discussion was held concerning the terms of the complaint.

### III. EFFECT OF THE JUDGMENT

The Proposed Consent Judgment, if approved by the Court and entered, will enjoin the Association, whether acting unilaterally or in agreement with any other person, from establishing, adhering to, publishing or circulating schedules of services for which charges should be made and which fix the amount of said charges; inducing competitors of Association members to adopt such charges; inducing or attempting to induce any supplier of transportation, accommodations or tours to discontinue doing business with any person, and from giving discriminatory treatment to members of defendant as compared to any non-member.

The proposed Judgment, by enjoining efforts to stabilize service charges, will remove a barrier to competition among the various members of defendant Association. Over 80 percent of the gross income of a travel agent is derived from sales of transportation, accommodations and tours. Here, however, the travel agent is acting for a principal who establishes the sale prices or charges. Thus, travel agents cannot engage in price competition among themselves on the major part of their business. However, travel agents can compete in determining whether to charge for "services" and on the amount of the charges to make. Thus, an agreement establishing service charges has an impact on competition, because the area of price competition among travel agents is narrowly restricted. By eliminating the agreement on a fee schedule for services, the decree preserves this narrow field for competition.

Further, the publicity to be given to the judgment in the trade press will serve notice on the numerous other local associations of

travel agents from entering into similar agreements to stabilize service charges. Thus, the impact of the judgment will have an indirect effect upon competition among all travel agents throughout the country.

The plaintiff does not seek dissolution of the Association, preferring to leave it subject to the Court's jurisdiction and the injunctive provisions of the Judgment. The Division does not normally request the dissolution of an association unless there is no legitimate reason for its existence or unless the dissolution is necessary to effective relief.

No alternative forms of relief were considered by the Department of Justice. By the proposed final judgment, consented to by the defendants, the government obtains all the relief prayed for in the complaint from all the anti-competitive practices alleged in the complaint.

The principal remedy available to potential private plaintiffs in this instance would be to file their own private actions charging a violation of the antitrust laws. This Judgment, if entered, will neither expand nor diminish these rights, since a consent judgment, entered before the taking of testimony, may not be used as evidence in such cases.

The proposed Final Judgment is subject to a stipulation by and between the United States and the defendant, which provides that the United States may withdraw its consent to the proposed Final Judgment until the Court has found that entry of the proposed judgment is in the public interest. By its terms, the proposed Judgment provides for retention of jurisdiction of this action in order, among other things, to permit either of the parties thereto to apply to the Court for such orders as may be necessary or appropriate for its modification.

As provided by the *Antitrust Procedures and Penalties Act*, any persons believing that the proposed Judgment should be modified may for a 60-day period submit written comments to Raymond P. Hernacki, Assistant Chief, Los Angeles Field Office, 1444 United States Court House, Los Angeles, California, 90012, of the Antitrust Division which will file with the Court and publish in the *FEDERAL REGISTER* such comments and its response to such comments. The Department of Justice will evaluate any and all such comments and determine whether there is any reason for withdrawal of its consent to the proposed Final Judgment.

No materials and documents of the type described in section (b) of the *Antitrust Procedures and Penalties Act* (15 U.S.C. section 16(b)) were considered in formulating this Proposed Judgment.

Dated: May 5, 1975.

STANLEY E. DISNEY,  
JONATHAN GORDON,  
WILLIAM F. COSTIGAN.

[FR Doc.75-12728 Filed 5-13-75;8:45 am]

### Drug Enforcement Administration BOEHRINGER INGELHEIM, LTD.

#### Denial of Request for Hearing

On January 15, 1975, the Administrator of the Drug Enforcement Administration, pursuant to § 1303.12, Title 21, Code of Federal Regulations, caused to be issued a procurement quota for 1975 to Ciba-Geigy Corp. (Ciba), a registered manufacturer of controlled substances in Schedule II, authorizing Ciba to procure and use a certain quantity of phenmetrazine, a controlled substance in Schedule II, for the purpose of manu-

facturing such substance into dosage unit forms in 1975.

Note: this quantity of phenmetrazine which was issued as a 1975 procurement quota to Ciba was determined in part from data of a confidential nature supplied to the Drug Enforcement Administration by Ciba pursuant to 21 CFR 1303.12(b); this procurement quota represents a valuable and legitimate trade secret of Ciba, and is not disclosed for purposes of this notice.

By letter dated February 24, 1975, Ciba requested that the Administrator adjust the 1975 procurement quota for phenmetrazine, on the basis of data provided by Ciba in support of its request for an increase. This request complied with the procedures of § 1303.12(d), Title 21, Code of Federal Regulations.

After a thorough review of the data submitted by Ciba, the Administrator, pursuant to § 1303.12(d), Title 21, Code of Federal Regulations, caused to be issued on April 22, 1975, a revised 1975 procurement quota to Ciba.

Note: this amount of phenmetrazine, constituting the revised 1975 procurement quota issued to Ciba, was determined in part from data of a confidential nature supplied to the Drug Enforcement Administration by Ciba. This amount represents a valuable and legitimate trade secret of Ciba, and is not disclosed for purposes of this notice.

By letter dated April 25, 1975, Boehringer Ingelheim, Limited (Boehringer), through its counsel, Kleinfeld, Kaplan & Becker of Washington, D.C., requested a hearing on the "denial of Ciba-Geigy's petition to increase its (Ciba's) 1975 procurement quota and the establishment of a revised 1975 procurement quota" in the amount issued to Ciba by the Drug Enforcement Administration under cover of April 22, 1975. *Boehringer* contended that it "is an interested party in this proceeding in that the finished dosage forms of phenmetrazine covered by Ciba-Geigy's procurement quota are manufactured under *Boehringer's* new drug application for phenmetrazine. In addition, all of the finished dosage forms of phenmetrazine manufactured by Ciba-Geigy are distributed to *Boehringer* which in turn distributes the finished dosage forms under its own trade name."

Title 21, Code of Federal Regulations, § 1303.32(b), provides in pertinent part that "If requested by a person applying for or holding a procurement quota \* \* \* the Administrator shall hold a hearing for the purpose of receiving factual evidence regarding the issues involved in the issuance, adjustment, suspension, or denial of such quota to such person . . .".

Title 21, Code of Federal Regulations, § 1303.34(a), provides in pertinent part that "Any applicant or registrant who desires a hearing on the issuance, adjustment, suspension, or denial of his procurement \* \* \* quota shall, within 30 days after the date of receipt of the issuance, adjustment, suspension, or denial of such quota, file with the Administrator a written request for a hearing in the form prescribed in § 1316.47 of this chapter".

In reviewing all of the foregoing, it is clear that the subject matter of the instant request is the procurement quota which was issued to Ciba. Ciba applied for and presently holds this 1975 procurement quota for phenmetrazine. Therefore, if Ciba were to request a hearing on the issue of the adjustment of its (Ciba's) 1975 procurement quota pursuant to 21 CFR 1303.34(a), the Administrator would be obliged by the express terms of 21 CFR 1303.32(b) to hold a hearing to receive evidence regarding that issue. In the foregoing hypothetical set of facts, Boehringer could then file a notice of appearance, pursuant to 21 CFR 1316.48, as a person entitled to a hearing by virtue of its (Boehringer's) status as an interested person in the proceeding initiated by Ciba.

The facts reveal, however, that Boehringer does not hold, nor has it applied for, a 1975 procurement quota for phenmetrazine. Boehringer is merely a registered distributor of phenmetrazine. As a consequence, the express provisions of §§ 1303.32(b) and 1303.34(a), Title 21, Code of Federal Regulations, do not apply to Boehringer, and Boehringer is not the proper party to request a hearing on the issue of Ciba's procurement quota. Ciba is the only party who could claim to have been legally aggrieved in these circumstances. Hence, it is the opinion of the Administrator that a public hearing in this matter should not be scheduled on the basis of the request by Boehringer on the grounds that the party expressly entitled by regulation to request a hearing in this matter (Ciba) has not done so.

If the party entitled to request a hearing in this matter does so in accordance with the provisions of § 1303.34(a), Title 21, Code of Federal Regulations, the Administrator will promptly consider its request.

Dated: May 9, 1975.

JOHN R. BARTELS, JR.,  
Administrator,

Drug Enforcement Administration.

[FR Doc. 75-12709 Filed 5-13-75; 8:45 am]

## DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

FORT BELKNAP RESERVATION, MONTANA

Ordinance Legalizing the Introduction,  
Sale, or Possession of Intoxicants

MAY 7, 1975.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938), and in accordance with the Act of August 15, 1953, PL 277, 83rd Congress, 1st Session (67 Stat. 586).

I certify that the following ordinance governing the sale, introduction, or possession of intoxicants on the Fort Belknap Reservation was adopted on July 1, 1974 by the Fort Belknap Indian Community which has jurisdiction over the area of Indian country included in the ordinance reading as follows:

Whereas, it is desirable that an Ordinance be passed permitting the introduction, sale and possession of alcoholic beverages within the Indian Country under the jurisdiction of the Fort Belknap Indian Community,

Now, therefore, be it ordained, that the introduction, sale or possession of alcoholic beverages shall be lawful with the Indian Country under the jurisdiction of the Fort Belknap Indian Community, provided that such introduction, sale or possession is in conformity with the laws of the State of Montana.

Be it further ordained, that alcoholic beverages including but not limited to beer, wine and whiskey may be sold on the Fort Belknap Reservation in accordance with the following provisions and restrictions:

1. Under this Ordinance only three (3) on premise consumption and an unlimited number package (beer only) outlets for the sale of alcoholic beverages including but not limited to beer, wine and whiskey shall be authorized for consumption on-premises and/or off-premises subject to the laws of the State of Montana where applicable, the Federal Government, where applicable; and the Fort Belknap Indian Community. Said outlets shall be operated only under permits provided by the Fort Belknap Indian Community which may be assigned to any enrolled member (hereafter referred to as Vendor) or managed by the Tribe, such rules and regulations as follows shall apply to any party dispensing such alcoholic beverages.

2. Under this Ordinance the above-described permits for sale of alcoholic beverages may be operated at any location within the confines of the Fort Belknap Reservation upon application and approval of the Tribal Council. The location of these liquor establishments shall be controlled by the Tribal Council.

3. Any operator of any establishment selling alcoholic beverages pursuant to a permit issued by the Tribal Council shall abide by and be responsible for the following provisions of this Ordinance:

a. All Vendors of alcoholic beverages shall be prohibited on the Fort Belknap Reservation from selling alcoholic beverages on credit and shall not engage in pawnbroking, taking in items in hock, lending money or in any other activity which is designed to permit an indigent person, or any customer from such products in his establishment. All sales of alcoholic beverages on a cash basis.

b. Vendors of alcoholic beverages shall be responsible for maintaining order on their premises; to prohibit intoxicated persons from purchasing alcoholic beverages; to assure that no sale of alcoholic beverages is made to a minor person; to prohibit consumption of alcoholic beverages on his premises purchased for off-premises consumption; and to prohibit loud, boisterous and profane language; to prohibit begging or soliciting for drinks; to prohibit fighting or threatening to fight on the premises; and to prohibit any violation of the Tribal Law and Order Code by any person on his premises to the best of his ability.

c. The Vendor shall be solely responsible that any person purchasing alcoholic beverages on the Fort Belknap Reservation is of legal age.

4. The Law and Order Subcommittee of the Fort Belknap Indian Community shall meet quarterly during the year, and at any other time necessary to review the effects of liquor sales on the Reservation and the conduct of vendor, and to recommend action by the Business Committee to further or amend existing laws regarding such activity. Any violation of the above Ordinance by a Vendor shall be reviewed by the Law and Order Subcommittee and may be grounds for revocation of the permit. If upon investigation the

Law and Order Subcommittee finds sufficient grounds for revocation of a permit, it shall make its recommendations to the Tribal Council. The Tribal Council may either accept or reject the findings of the Law and Order Subcommittee.

Be it further ordained, that this Ordinance shall become effective upon certification of the Secretary of the Interior of the United States and publication in the FEDERAL REGISTER and that any ordinances, laws or resolutions previously enacted which differ or are not consistent with the intent of this Ordinance, are hereby repealed.

Be it further ordained, that the Chairman and the Secretary of the Tribal Council are authorized to execute any instrument or application pursuant to this Ordinance for the Tribe.

Passed by the Tribal Council of the Fort Belknap Indian Community this 1st day of July, 1974 and approved by the Chairman of the Tribal Council the 1st day of July, 1974.

MORRIS THOMPSON,

Commissioner of Indian Affairs.

[FR Doc. 75-12660 Filed 5-13-75; 8:45 am]

## Bureau of Land Management IDAHO FALLS DISTRICT ADVISORY COMMITTEE

### Notice of Meeting

Notice is hereby given in accordance with Pub. L. 92-462 that a meeting of the Idaho Falls District Advisory Committee will be held May 29, 1975 at 9 a.m. in the conference room of the Bureau of Land Management building, Idaho Falls District, 940 Lincoln Road, in the city of Idaho Falls, State of Idaho.

The Committee was established to provide the Idaho Falls District of the Bureau of Land Management with advice and recommendations as to the proper management of the National Resource Lands to produce goods and services for the American people.

The purpose of the meeting is to organize the Advisory Committee including election of officers, summarize District activities, establish and identify five-year goals and discuss different District problems with Advisory Committee recommendations.

The meeting is open to the public. It is expected that 10 persons will be able to attend the session in addition to the Committee members. Interested persons may make oral presentations to the Committee or file written statements. Such requests should be made to the official listed below at least five days prior to the meeting.

Further information concerning this meeting may be obtained from O'dell A. Frandsen, District Manager, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho, Phone (208) 522-7460. Minutes of this meeting will be available for public inspection and copying three weeks after the meeting at the Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho.

O'DELL A. FRANDSEN,  
District Manager.

MAY 6, 1975.

[FR Doc. 75-12625 Filed 5-13-75; 8:45 am]

[NM 25406]

## NEW MEXICO

## Notice of Application

MAY 7, 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 booster site and one 4½ inch and 6½ inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

- T. 19 S., R. 27 E.,  
 Sec. 15, NE¼SE¼.  
 T. 20 S., R. 27 E.,  
 Sec. 13, S½, S½NE¼;  
 Sec. 14, S½SW¼, N½SE¼, SW¼SE¼;  
 Sec. 15, SE¼SE¼;  
 Sec. 17, SE¼;  
 Sec. 21, W½NE¼ and NE¼NW¼.  
 T. 20 S., R. 28 E.,  
 Sec. 18, S½NW¼.

The booster site will occupy one acre and the pipeline will convey natural gas across 5.08 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,  
 Chief, Branch of Lands and  
 Minerals Operations.

[FR Doc.75-12681 Filed 5-13-75;8:45 am]

[NM 25392]

## NEW MEXICO

## Notice of Application

MAY 6, 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), Transwestern Pipeline Company has applied for one 4-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,  
NEW MEXICO

- T. 23 S., R. 24 E.,  
 Sec. 13, E½NE¼, SW¼NE¼.  
 T. 23 S., R. 25 E.,  
 Sec. 18, Lots 6 and 7.

This pipeline will convey natural gas across 0.531 mile of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their

name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,  
 Chief, Branch of Lands and  
 Minerals Operations.

[FR Doc.75-12682 Filed 5-13-75;8:45 am]

Bonneville Power Administration  
 DISPOSAL OF REAL PROPERTY  
 Delegations of Authority

Delegations of authority published in the FEDERAL REGISTER on July 6, 1968 (33 FR 9784), and last amended on March 3, 1975 (40 FR 8836), are further amended by the following revisions:

1. Subsection 10.12a(4)  
 10.12 MATERIALS, EQUIPMENT,  
 AND OTHER CONTRACTS.

(4) Execute contracts and amendments to contracts for the disposal of surplus personal property for which the Administration is the authorized disposal agency under delegations heretofore or hereafter made pursuant to the provisions of the Federal Property and Administration Services Act of 1949, 63 Stat. 378, as amended, 40 U.S.C. 484 to 486 (1970).

2. Subsection 10.15a(4)  
 10.15 LAND ACTIVITIES.

(4) Negotiate and execute agreements for the disposal of land and real property rights, except electric utility system real properties, for which the Administration is the authorized disposal agency under delegations heretofore or hereafter made pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 378, as amended, 40 U.S.C. 471 to 492 (1964);

Dated: May 6, 1975.

RAY FOLEN,  
 Deputy Administrator.

[FR Doc.75-12661 Filed 5-13-75;8:45 am]

## Fish and Wildlife Service

## ENDANGERED SPECIES PERMIT

## Notice of 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

Oklahoma City Zoo, Route 1, Post Office Box 478, Oklahoma City, Oklahoma 73111.  
 Lawrence Curtis, Director.

JANUARY 22, 1975.

Director of the U.S. Fish  
 and Wildlife Service,  
 Washington, D.C.

DEAR SIR: Within the context of the Endangered Species Act of 1973—Prohibitions

and Permits, please consider this our application to export a specimen of endangered species within the requirements of Article 12.12 Importation of Endangered Species-Exceptions, Section B—Zoological, Education+1, Biological, Scientific or Preservation Permit. We understand that in the export situation, you will accept application from the party with U.S. jurisdiction. In this case the Oklahoma City Zoo is the exporter and the only party within the U.S. Fish and Wildlife Service jurisdiction. We have attempted to obtain meaningful information from the foreign party so that judgment on the issuance of the permit can hopefully be accomplished promptly (see attached copy of data provided by receiving institution).

Please advise if you need clarification on the details of this export or need any further information.

(i) Exporter—Oklahoma City Zoo, Route 1, Box 478, Oklahoma City, Oklahoma, 73111.

(ii) 1 (one) male Lowland tapir (*Tapirus terrestris*) born in OKC Zoo, 6 August '74.

(iii) Copy of data provided by overseas consignee stating the purpose of import (the Gelsenkirchen, West Germany Zoo) is attached. Both the Oklahoma City Zoo Director and Assistant Zoo Director have personally visited the Gelsenkirchen, West Germany Zoo in the past year and have seen results of their efforts to propagate and exhibit rare animals. The zoo is located in a population center, is extensively utilized in a variety of education programs—the zoo cooperates with the area educational institutions, elementary, secondary, and university levels. As Dr. Ruhmekorf has stated, the Gelsenkirchen Zoo over the past 25 years has had many noteworthy breeding results. The enclosure in which the tapir will be used is a conventional pachyderm structure with a large water pool. The zoo currently has a female and desires to breed this rare and endangered species.

(iv) This animal will be packed in a crate according to current IATA regulations and shipped by the most appropriate airline from Oklahoma City to Gelsenkirchen, West Germany.

(v) See #3 above. The rhino and tapir house located in the Gelsenkirchen, West Germany Zoo. The zoo is located in the city of Gelsenkirchen, West Germany, Bleckstrabe 64, D4650 Gelsenkirchen, West Germany.

(vi) See No. 3 above. The Gelsenkirchen West Germany Zoo is one of West Germany's more active zoos and has propagated other rare and endangered species. Among the animals they currently exhibit are black rhinos, white rhinos, guar, banteng, Malayan tapir, orangutan, Lowland gorilla among others.

(vii) A copy of the Animal Transaction Confirmation is attached to this Permit Application. Details of the transaction are given. The male tapir being transacted for was born at the Oklahoma City Zoo on 6 August 74 of captive bred and reared parents. The animal is surplus to our needs; lack of additional facilities at the Oklahoma City Zoo will not permit the continued maintenance of this male.

(viii) 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 permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Sincerely,

LAWRENCE CURTIS,  
 Zoo Director.

SEPTEMBER 13, 1974.

LAWRENCE CURTIS  
Director, Zoological Gardens, Oklahoma City,  
Oklahoma.

DEAR SIR: We are in urgent need for a young Brazilian male Tapir. We wonder if you could possibly assist us in getting such animal provided you have a surplus male tapir in your collection. Looking forward to a favourable reply, we remain with kind regards.

Sincerely yours,

Dr. E. RÜHMEKORF,  
Ruhr-Zoo Gelsenkirchen.

OKLAHOMA CITY ZOO

RARE AND ENDANGERED SPECIES EXPORT

1/0 TAPIRUS TERRESTRIS

Date Provided by Overseas Consignee

Subject: Information required from overseas consignee prior to consignor applying for United States Department of Interior permit to export an endangered species from the United States. Use additional sheets if necessary.

1. Detailed purpose of importation (exportation by consignee): The male tapir is requested for breeding purposes and exhibition in our "Ruhr-Zoo", Gelsenkirchen, W.-Germany.

2. The consignee's address and complete description of the facilities where such fish or wildlife will be maintained: "Ruhr-Zoo" of the City of Gelsenkirchen, Bleckstraße 64, D 4650 Gelsenkirchen, W.-Germany. Exhibit in the Rhino & Tapir-house of the Zoo.

3. A statement of the consignee's qualifications and previous experience in caring for and handling captive live wildlife with special attention to the species in question: The "Ruhr-Zoo" in Gelsenkirchen is over 25 years in operation. There were many noteworthy breeding results in the past 25 years.

Dated: December 11, 1974.

Information provided by:

Dr. ERNEST RÜHMEKORF,  
Director (Official).

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), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 13, 1975.

Dated: May 8, 1975.

C. R. BAVIN,  
Chief, Division of Law Enforcement,  
U.S. Fish and Wildlife Service.

[FR Doc. 75-12640 Filed 5-13-75; 8:45 am]

### ENDANGERED SPECIES PERMIT Notice of 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

Columbia Zoological Park, Riverbanks Park Commission, Post Office Box 1143, Columbia, South Carolina 29202. John M. Mehrtens, Director.

DIRECTOR,

Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C.

MARCH 25, 1975.

DEAR SIR: Enclosed are documents required by Public Law No. 93-205 requesting a permit to import one female (0/1) Amur Leopard, *Panthera pardus orientalis* (Schlegel, 1857), born at and currently housed in Frankfurt Zoological Park, Frankfurt, West Germany. This permit is also to include the interstate transportation of said animal from the Port of Entry, Miami, Florida to Columbia Zoological Park, Columbia, South Carolina. We respectfully request that this application be given every consideration by the Director. Should there be any further questions, we will be happy to provide same promptly. Your consideration of the enclosed will be very much appreciated.

Sincerely,

JOHN M. MEHRTENS,  
Director.

MARCH 25, 1975.

DIRECTOR, Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C.

DEAR SIR: The information immediately following and attached hereto represents an application to the Department of the Interior for the importation of an endangered species for the Columbia Zoological Park, P.O. Box 1143, Columbia, South Carolina 29202, U.S.A., as required by Public Law No. 93-205, as specifically indicated in Paragraph 17.23, Subpart C, CFR Title 50, Part 17, for the authorization to import one female (0/1) Amur Leopard, *Panthera pardus orientalis* (Schlegel, 1857), born in and currently housed at Frankfurt Zoological Park, Frankfurt, West Germany. This application is also to include the interstate transportation of said female from the port of entry, Miami, Florida to Columbia Zoological Park, Columbia, South Carolina.

## (a) Application Procedures.

(1) Common and scientific names of the species or subspecies, number, age, and sex of the wildlife to be covered in the permit. One female (0/1) Amur Leopard, *Panthera pardus orientalis* (Schlegel, 1857), born on 6 March, 1974, in Frankfurt, West Germany.

(2) A full statement of justification for the permit, including details of the project or other plans for utilization of the wildlife in relation to zoological, educational, scientific, or propagational purposes as appropriate and the planned disposition of the wildlife upon termination of the project.

We wish to import this female Amur leopard as part of a long-term breeding program for certain endangered subspecies of leopard *Panthera pardus* (Linnaeus, 1758). The Amur leopard is one of the rarest subspecies of leopard in captivity and the latest International Zoo Yearbook census (Duplaix-Hall, 1974) lists only thirty-eight individuals in twenty-one collections, of which only three institutions in the United States hold captive specimens. Furthermore, some of these individuals are now known to be misidentified or of probable hybrid status, many of the captive individuals are also in the Soviet Union and not as yet available to the gene pool of western collections. In order to insure long-term survival of a subspecies currently threatened by unrelenting hunting for fur and trophy purposes and whose habitat is being destroyed by deforestation, agriculture, and military activities, continued efforts must be made to upgrade the genetic viability within captive collections. To this end, this zoological park has already initiated

and received official IUCN approval for international studbooks for Amur leopards and other rare leopard subspecies, *Panthera pardus japonensis* and *Panthera pardus saxicolor*. Columbia Zoological Park currently houses one male (1/0) Amur leopard (endangered species permit #ES-439), imported on 11 October, 1973, and this female is being imported then for reproductive purposes. Since the female in question is a sibling of the male already in Columbia Zoological Park, said female will be bred by a male owned by Henry Doorly Zoo, Omaha, Nebraska which is of totally unrelated ancestry. One of their female Amur leopards will similarly be bred by the male in Columbia Zoological Park, thereby strengthening the gene pool of both collections. It should be noted that of the total number of Amur leopards in captivity, 27/11, listed by Duplaix-Hall (1974), 10/7 were captive born. They reproduce for nearly their entire life span and the parent female Amur leopard in Frankfurt which arrived there as an adult in February, 1964, has produced six litters totaling eight viable offspring. Although now considered to be aged, this female is still producing offspring, the individual to be imported being her most recent young.

(3) A description and the address of the institution or other facility where the wildlife will be used or maintained.

Columbia Zoological Park, Riverbanks Park Commission, Post Office Box 1143, Columbia, South Carolina 29202, United States of America.

(4) A statement that at the time of application the wildlife to be imported is still in the wild, was born in captivity, or has been removed from the wild.

The animal in question was born on 6 March, 1974, in Frankfurt Zoological Park, Frankfurt, West Germany. This individual is the only surviving member of a litter of three and the sixth of their pair of Amur Leopards.

(5) A résumé of the applicant's attempts to obtain the wildlife to be imported from sources which would not cause the death or removal of additional animals from the wild.

Not applicable as this animal is a captive born individual.

(6) If wildlife is to be imported, include:

(1) A complete description, including photographs or diagrams, of the area in which the wildlife will be housed.

The Amur Leopard in question, one of a pair, will be housed in a newly constructed exhibit. The sides and back are precast concrete to which a realistic coating of pneumatically-applied concrete (gunite) has been added, shaped, and colored to resemble natural stone. The top of the exhibit contains acrylic panels which allow only those light rays to enter which are necessary for plant growth while reflecting approximately 90% of the sun's heat energy. The front of the exhibit is laminated glass for easy viewing and public safety. By being totally enclosed, this exhibit, with its environmental control system, maintains an appropriate year-round climate for palaearctic mammals like these. The interior of the exhibit is planted with small conifers and large limbs, and snags are strategically placed for scratching and sunning. The exhibit measures 24 x 18 feet and is 13 feet high. The usable surface area is further increased by the addition of simulated rock ledges. The bottom substrate is hard packed sand for easy maintenance and proper hair and foot conditioning. Two stainless steel doors give entrance to off-exhibit housing for denning, temporary quarantine, and daily safety during exhibit cleaning and feeding. Two rear enclosures measure 9 x 8 feet and are 4 feet high, while a third is 4 x 5 feet and 4 feet high. The sides are of 2 x 2

inch stainless wire mesh for ease of cleaning and overall sanitation, and the floor is smooth-troweled concrete. In the center of the floor are recessed drains which lead to a sanitary sewer system which meet all State, Federal, and local requirements. Water is fed through PVC piping to simulated rock pot-holes in the exhibit or weighted stainless steel water containers in the rear quarters. They are supplied by the City of Columbia water system, and the water is certified for human consumption. It is fed to the zoological park through a backflow preventer which meets all State, Federal, and local requirements and then secondarily passes through an additional backflow preventer into this exhibit.

(ii) A brief resume of the technical expertise available, including any experience the applicant or his personnel have had in propagating this species or closely related species to be imported.

The animal collection at the Columbia Zoological Park is under the supervision of the director, John M. Mehlertens the curator of mammals, Palmer E. Krantz, III; and the head keeper, Mark D. Pyritz. (Statistics on director are attached, enclosure 1). Medical care is provided by the Columbia Zoological Park veterinarian, E. R. Van De Grift, III, D.V.M., and routine fecal examinations and medical care are under the direct supervision of Preston M. Sandifer, Jr., who in turn is responsible to the veterinarian.

(Statistics of veterinarian are attached, enclosure 1).

(iii) A statement of willingness to participate in a cooperative breeding program and maintain or contribute data to a studbook.

The purpose of importing this female leopard is especially for the establishment of a new breeding program. Arrangements are in process for a cooperative breeding loan with Henry Doorly Zoo, Omaha, Nebraska. Several female Amur Leopards there are of appropriate age already for breeding with the male in this zoological park. In addition, the international studbook for the Amur Leopard is centered at the Columbia Zoological Park, being formulated by Alan H. Shoemaker, zoologist for the Columbia Zoological Park.

(iv) A detail description of the type, size, and construction of the container; arrangements for feeding, watering, and otherwise caring for the wildlife in transit; and the arrangements for caring for the wildlife on importation in to the United States.

The animal will be shipped in a sturdy wooden crate of approximately 3 x 4 x 5 feet which meets all Federal and airline standards for cats of this size and species. The bottom of the crate sits in a metal liner to eliminate fluid leakage in transit; and the front of the crate is sturdy wire mesh, allowing safe observation of the animal in transit. The leopard will be flown from Frankfurt, West Germany to Miami, Florida to broker/agent, Charles P. Chase, Inc., and immediately met and carried to South Carolina by Columbia Zoological Park personnel. While enroute from Germany to the United States and from Miami to Columbia, the animal will only be watered as carnivores travel best if not fed in transit.

All cats at this zoological park are routinely inoculated for feline panleucopenia and pneumonitis. Amur leopards at Columbia Zoological Park are fed a diet of six pounds of chunk horse meat and ribs six days a week, with vitamin-mineral supplements added to the meat via superficial scouring. One fast day is included in the week for proper weight control. In the case of injury or disease, the Columbia Zoological Park has a well-equipped hospital for X-ray, major surgery, laboratory preparation, and quarantine; and facilities for testing blood serum

are present at local laboratories and hospitals. In the event that offspring are not accepted for nursing by the mother, nursery facilities are also present for artificial bottle raising.

(b) Additional permit requirements.

(1) In addition to any reporting requirements set forth in the permit, a report of the importation made under authority of any such permit shall be submitted in writing to the Director. Such report must be post-marked or actually delivered no later than 10 days following each such importation.

Will comply.

(2) The death or escape of any living wildlife imported under the authority of such permit shall be reported to the Bureau's Office of Endangered Species and International Activities immediately. The carcass of any such wildlife which dies or are killed should be retained in such a manner as not to impair its use as a scientific specimen.

Will comply.

(c) Issuance criteria.

(1) The direct or indirect effect which issuing such a permit would be likely to have upon the wild populations of the wildlife.

Not applicable as said female was born in captivity. It will have a great deal of effect toward captive collections in this country as it is being specifically imported to establish another captive breeding program.

(2) Whether the purpose for which the permit is being requested would likely reduce the severity of the threat of extinction facing the subject species or subspecies.

The importation of this individual will increase the long-term fecundity of breeding programs in this country. By adding new genetic material to the only two zoological parks in this country with Amur Leopards in their collections, the chances of extinction, at least in captivity, will be reduced, although it will have no effect on wild populations. It will represent one more step toward overall protection of this unusual subspecies.

(3) Opinions or views of scientists or other persons or organizations knowledgeable of the wildlife to be imported or of other matters germane to the application.

This breeding program has been discussed by telephone or letter with numerous scientific experts and zoological parks throughout the world—Helmut Hemmer; the British Museum; Henry Doorly Zoo; Frankfurt Zoological Park; Randall Eaton; George Schaller; Marvin Jones; Amsterdam Zoological Park; Chester Zoo, England; Nicole Duplax-Hall; among others. These people and organizations all agree that the expansion of known breeding programs and studbook registration is extremely necessary for this subspecies and are extremely willing, in the case of zoological parks, to participate in organized studbook registration or assist in scientific and taxonomic inquiries. It is well documented (Goodwin and Holloway, 1972; Dathé, 1970) that the Amur Leopard is diminishing in total numbers within its original range and wild populations are primarily centered today in Northern Korea, the Sikhote-Alin Mountains, and the area around Lake Khanka, along the Siberia-Manchuria border. Preservation in the Soviet Far East is limited to two preserves, Sikhote-Alin and Sudzukhin (Field and Field, 1965; Nasimovich, 1970). In the Democratic People's Republic of Korea, preserves in areas of the leopard's known occurrence have been proposed but not carried out (Dathé, 1970; Goodwin and Holloway, 1972), and full legal protection has yet to be achieved in either country. Korean populations have rapidly diminished after the ravages and deforestation of World War II and the Korean conflict. Additional agricultural practices, military activities, and human predation have further reduced the overall wild population throughout their

range to approximately 75±15 individuals (Goodwin and Holloway, 1972). Due to the fact that this solitary species has an extremely large territory, especially the males, and wanders constantly. It is difficult to maintain satisfactory numbers within preserve boundaries, as a result, the number of wild Amur Leopards has continued to decrease.

(4) Whether the expertise, facilities, or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application.

The exhibit facilities are recently constructed (1974) and designed especially for this subspecies of leopard, both structurally, and in the case temperature requirements, climatically. The back-up facilities have temporary denning, quarantine, or isolation potential and are designed for long-term maintenance of the race. Recent studbook initiation, centered at this zoological park, will insure long-range reproductive programs, plus the potential for addition of unrelated individuals in the future from other European collections. Recent reproductive successes with other pantherids (*p. tigris altaica*) under similar but enlarged conditions would indicate probable success when breeding of these leopards is initiated.

(5) Whether the purpose for which the permit is being requested is adequate to justify the removal of the wildlife from the wild or otherwise change its status.

Not applicable as this individual will not be removed from the wild or otherwise effect wild populations.

I hereby certify that I have read and am familiar with the regulation contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter 1 of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

JOHN M. MEHLERTENS,  
Director.

PALMER E. KRANTZ III,  
Curator, Mammals.

E. R. VANDEGRIFT III, D.V.M.

ALAN H. SHOEMAKER,  
Zoologist, Studbook Keeper, Amur Leopard.

#### BIBLIOGRAPHY

Dathé, Heinrich 1970—*Einige Bemerkungen über den Korea-Leoparden, Panthera pardus orientalis* (Schlegel). *Der Zoologische Garten*, Vol. 38, No. 6: 328-333.

Duplax-Hall, Nicole 1974—*International Zoo Yearbook*, Zoological Society of London, London. 456 pp.

Field, Henry and Julia 1965—*Game and Wildlife Preserves in the U.S.S.R.* Translated by Joan Keenan, Field Research Projects No. 1, Miami, Fla. 47 pp.

Goodwin, Harry A. and Colin W. Holloway 1972—*IUCN Red Data Book*, Morges, Switzerland.

Nasimovich, A.A. 1970—*Rare and Endangered Species of Mammals and Their Protection in the U.S.S.R.* English Translation edited by Henry Field, Field Research Projects No. 1, Miami, Fla. 47 pp.

#### STATISTICS—PERSONNEL

(1) Director—John M. Mehlertens: Has been associated with various zoological parks for the past twenty years. He has been employed in a supervisory capacity at the Columbus, Ohio Zoological Park; the Cleveland, Ohio Zoological Park; the Port Worth, Texas Zoological Park; and at Victoria, Texas (specifically for the development for the master

plan). He has served as consultant for various zoological parks, and has contributed to such facilities as the large mammal building at Topeka, Kansas Zoological Park; the reptile building at the Los Angeles, California Zoological Park; etc. He is a published author, having written a number of technical papers, popular articles, and a book dealing with turtles. He is a Fellow of the American Association of Zoological Parks and Aquariums, and first joined this organization in 1954. He is professionally registered with the above organization, and serves on its scientific advisory board. He is also a member of the American Society of Mammalogists, as well as numerous other zoological societies. He has been personally responsible for or worked directly with reproduction programs for a number of leopard groups, other pantherids, and other genera of *Felis*, having had success in all three groups.

(2) *Veterinarian*—E. R. Van De Grift, III, D.V.M.: A graduate of the University of Georgia, U.S.A., having received his degree in 1965, Dr. Van De Grift is a third generation veterinarian, currently sharing a private practice with his father, E. R. Van De Grift, II. During his private practice experience of the past eight years, he has handled a considerable number of exotic animals, ranging in type from circus elephants to small primates. For the past three years, since his association with the Columbia Zoological Park, he has concentrated on an in-depth study of "exotic" animal medicine. In addition to serving as an officer of the local veterinarian's association, he is also active in the state and national associations. He is a member of the American Association of Zoological Park Veterinarians. Dr. Van De Grift has essentially supervised the design and construction of the on-site animal hospital, clinical laboratory, and surgery. He has medical experience with *Panthera pardus orientalis* and other species of *Panthera* and *Felis*.

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), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 13, 1975.

Dated: May 8, 1975.

C. R. BAVIN,  
Chief, Division of Law Enforcement,  
U.S. Fish and Wildlife Service.

[FR Doc.75-12650 Filed 5-13-75;8:45 am]

Geological Survey  
EARTHQUAKE STUDIES ADVISORY  
PANEL

Notice of Public Meeting

Pursuant to Public Law 92-463, effective January 5, 1973, notice is hereby given that an open meeting of the Earthquake Studies Advisory Panel will be held beginning at 8:30 a.m. (local time) on Wednesday, June 4, 1975, and continuing through Thursday, June 5, 1975. The Advisory Panel will meet in Metals Hall, Green Center, Colorado School of Mines, Golden, Colorado 80401.

(1) *Purpose*. The Advisory Panel was appointed to advise the Geological Survey on earthquake plans and programs which are conducted in cooperation with universities, industry, and other Federal and State government agencies in a coordinated national program for earthquake research.

(2) *Membership*. The Advisory Panel is chaired by Professor Frank Press and is composed of persons drawn from the fields of geology, geophysics, engineering, rock mechanics, and socio-economics, primarily from the academic community.

(3) *Agenda*. Review of the seismic risk assessment program.

For more detailed information about the meeting, please call Dr. Robert M. Hamilton, Chief, Office of Earthquake Studies, Reston, Virginia 22092 (703) 860-6472.

V. E. McKELVEY,  
Director,  
U.S. Geological Survey.

[FR Doc.75-12683 Filed 5-13-75;8:45 am]

Office of Hearings and Appeals

[Docket No. M 75-104]

CARSON 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. § 861(c) (1970), Carson Coal Company has filed a petition to modify the application of 30 CFR 77.1605(k) to its Emerald Mine No. 45, Oneida, 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 to secure a waiver of § 77.1605(k) Petitioner states:

(1) The installation of berms on Petitioner's haulage roads would create a drainage hazard by rendering maintenance impossible and creating washouts and other dangerous conditions.

(2) Berms would hamper snow removal and would cause the road to ice over.

(3) The grader presently used to maintain the roads could no longer be utilized if berms are installed.

(4) In order to install berms, the road would have to be widened by blasting solid rock. The resulting highwall would present an additional hazard.

(5) All haulage equipment is inspected and necessary repairs are made prior to each shift. In addition, every haulage vehicle is equipped with an additional engine brake.

(6) Loaded vehicles have the right-of-way when approaching empty trucks.

(7) There has not been a single accident on Petitioner's haulage road.

(8) Petitioner's belief is that its haulage road is as safe as it would be if the mandatory safety standard were applied.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 13,

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.

JAMES R. RICHARDS,  
Director,

Office of Hearings and Appeals.

MAY 2, 1975.

[FR Doc.75-12684 Filed 5-13-75;8:45 am]

[Docket No. M75-102]

IMPERIAL 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. § 861(c) (1970), The Imperial Coal Company has filed a petition to modify the application of 30 CFR 75.1404 to its Eagle Mine, Erle, Colorado.

30 CFR 75.1404 provides:

Each locomotive and haulage car used in an underground coal mine shall be equipped with automatic brakes, where space permits. Where space does not permit automatic brakes, locomotives and haulage cars shall be subject to speed reduction gear, or other similar devices approved by the Secretary, which are designed to stop the locomotives and haulage cars with the proper margin of safety.

Petitioner requests that it be allowed to use an alternate system at the Eagle Mine which will guarantee as great as or greater safety than the regulation. In support of its petition, Petitioner states:

(1) It is not practical, and it is impossible to install automatic brakes on each locomotive and haulage car used in the Eagle Mine. Space does not permit the installation of pneumatic or hydraulic brakes. The Eagle Mine had been fully developed to the extreme boundaries and a relatively small amount of coal remains to be extracted from this mine and, therefore, there is a limited amount of space.

(2) The coal bed in this mine is almost flat, and there are no steep grades in this mine. All the mine trips are pulled from the mining area to the shaft by a locomotive. In any area where there is an excessive steep grade over which the locomotive must pull the trips, it is proposed that a trailing locomotive, which will be the equivalent to automatic brakes or speed reduction gears, be used on the ascending grades.

(3) The locomotives used in the Eagle Mine are equipped with manual brakes which are always maintained in good operating condition in order to stop the trips within a reasonable distance.

(4) The above described method has been in existence since 1948 without any loss of time due to accidents.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 13, 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.

JAMES R. RICHARDS,  
Director,

Office of Hearings and Appeals.

MAY 7, 1975.

[FR Doc.75-12685 Filed 5-13-75;8:45 am]

[Docket No. M 75-34]

**ISLAND CREEK COAL CO.**

**Amendment to 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. § 861(c) (1970), Island Creek Coal Company has filed an amended petition to modify the application of 30 CFR 75.521 to its Virginia Pocahontas No. 1 Mine, Buchanan, Virginia.<sup>1</sup>

30 CFR 75.521 provides in pertinent part:

Each ungrounded, exposed power conductor \* \* \* that leads underground shall be equipped with suitable lightning arresters of approved type within 100 feet of the point where the circuit enters the mine. Lightning arresters shall be connected to a low resistance grounding medium on the surface which shall be separated from neutral grounds by a distance of not less than 25 feet.

Petitioner amends its original petition as follows:

1. All references to "section 308(b)" of the Act contained in Petitioner's original petition for modification filed August 27, 1974, are hereby amended to read "section 305(p)." Paragraph two of Petitioner's original petition for modification is hereby deleted. All other statements made in Petitioner's original petition for modification are hereby reaffirmed and restated, as if recited verbatim herein.

2. Petitioner states that the present grounding system will be altered so that the grounded side of the grounding resistor and associated conductors will be insulated "above ground" for a voltage equal to phase-to-phase of the system (7,200 VAC) in the area of the substation. These grounding conductors will be extended, above ground to a remote grounding field away from the influence of the "station ground" to insure proper grounding of the grounding resistor. The grounding conductors will be extended above ground into the mine and will be utilized as a "frame ground" in the conventional manner inside the mine.

3. Petitioner states that the alterations to its present grounding system contained in paragraph two above are those alterations recommended in

MESA's amended answer to Petitioner's original petition for modification.

4. Petitioner states that this grounding system will at all times guarantee no less than the same measure of protection afforded the miners at the subject mine by application of the mandatory standard or section 305(p) of the Act.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 13, 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.

JAMES R. RICHARDS,  
Director,

Office of Hearings and Appeals.

MAY 7, 1975.

[FR Doc.75-12686 Filed 5-13-75;8:45 am]

[Docket No. M 75-48]

**ISLAND CREEK COAL CO.**

**Amendment to 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. § 861(c) (1970), Island Creek Coal Company has filed an amended petition to modify the application of 30 CFR 75.521 to its Virginia Pocahontas No. 3 Mine, Buchanan, Virginia.<sup>1</sup>

30 CFR 75.521 provides in pertinent part:

Each ungrounded, exposed power conductor \* \* \* that leads underground shall be equipped with suitable lightning arresters of approved type within 100 feet of the point where the circuit enters the mine. Lightning arresters shall be connected to a low resistance grounding medium on the surface which shall be separated from neutral grounds by a distance of not less than 25 feet.

Petitioner amends its original petition as follows:

1. All references to "section 308(b)" of the Act contained in Petitioner's original petition for modification filed August 27, 1974, are hereby amended to read "section 305(p)". Paragraph two of Petitioner's original petition for modification is hereby deleted. All other statements made in Petitioner's original petition for modification are hereby reaffirmed and restated, as if recited verbatim herein.

2. Petitioner states that the present grounding system will be altered so that the grounded side of the grounding resistor and associated conductors will be insulated "above ground" for a voltage equal to phase-to-phase of the system (7,200 VAC) in the area of the substation. These grounding conductors will be

extended aboveground to a remote grounding field away from the influence of the "station ground" to insure proper grounding of the grounding resistor. The grounding conductors will be extended aboveground into the mine and will be utilized as a "frame ground" in the conventional manner inside the mine.

3. Petitioner states that the alterations to its present grounding system contained in paragraph two above are those alterations recommended in MESA's amended answer to Petitioner's original petition for modification.

4. Petitioner states that this grounding system will at all times guarantee no less than the same measure of protection afforded the miners at the subject mine by application of the mandatory standard or section 305(p) of the Act.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 13, 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.

JAMES R. RICHARDS,  
Director,

Office of Hearings and Appeals.

MAY 7, 1975.

[FR Doc.75-12687 Filed 5-13-75;8:45 am]

[Docket No. M 75-49]

**ISLAND CREEK COAL CO.**

**Amendment to 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. § 861(c) (1970), Island Creek Coal Company has filed an amended petition to modify the application of 30 CFR 75.521 to its Virginia Pocahontas No. 2 Mine, Buchanan, Virginia.<sup>1</sup>

30 CFR 75.521 provides in pertinent part:

Each ungrounded, exposed power conductor \* \* \* that leads underground shall be equipped with suitable lightning arresters of approved type within 100 feet of the point where the circuit enters the mine. Lightning arresters shall be connected to a low resistance grounding medium on the surface which shall be separated from neutral grounds by a distance of not less than 25 feet.

Petitioner amends its original petition as follows:

1. All references to "section 308(b)" of the Act contained in Petitioner's original petition for modification filed August 27, 1974, are hereby amended to read "section 305(p)". Paragraph two of

<sup>1</sup>The original petition was published in 39 FR 42700 on Friday, December 6, 1974.

<sup>2</sup>The original petition was published in 39 FR 38688 on Friday, November 1, 1974.

<sup>3</sup>The original petition was published in 39 FR 38691 on Friday, November 1, 1974.



Petitioner's original petition for modification is hereby deleted. All other statements made in Petitioner's original petition for modification are hereby reaffirmed and restated, as if recited verbatim herein.

2. Petitioner states that the present grounding system will be altered so that the grounded side of the grounding resistor and associated conductors will be insulated "above ground" for a voltage equal to phase-to-phase of the system (7,200 VAC) in the area of the substation. These grounding conductors will be extended aboveground to a remote grounding field away from the influence of the "station ground" to insure proper grounding of the grounding resistor. The grounding conductors will be extended aboveground into the mine and will be utilized as a "frame ground" in the conventional manner inside the mine.

3. Petitioner states that the alterations to its present grounding system contained in paragraph two above are those alterations recommended in MESA's amended answer to Petitioner's original petition for modification.

4. Petitioner states that this grounding system will at all times guarantee no less than the same measure of protection afforded the miners at the subject mine by application of the mandatory standard or section 305(p) of the Act.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 13, 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.

JAMES R. RICHARDS,  
Director,

Office of Hearings and Appeals.

MAY 7, 1975.

[FR Doc. 75-12688 Filed 5-13-75; 8:45 am]

[Docket No. M 75-50]

#### ISLAND CREEK COAL CO.

##### Amendment to 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. § 861(c) (1970), Island Creek Coal Company has filed an amended petition to modify the application of 30 CFR 75.521 to its Virginia Pocahontas No. 4 Mine, Buchanan, Virginia.<sup>1</sup>

30 CFR 75.521 provides in pertinent part:

Each ungrounded, exposed power conductor . . . that leads underground shall be equipped with suitable lightning arresters

<sup>1</sup> The original petition was published in 39 FR 38689 on Friday, November 1, 1974.

of approved type within 100 feet of the point where the circuit enters the mine. Lightning arresters shall be connected to a low resistance grounding medium on the surface which shall be separated from neutral grounds by a distance of not less than 25 feet.

Petitioner amends its original petition as follows:

1. All references to "section 308(b)" of the Act contained in Petitioner's original petition for modification filed August 27, 1974, are hereby amended to read "section 305(p)". Paragraph two of Petitioner's original petition for modification is hereby deleted. All other statements made in Petitioner's original petition for modification are hereby reaffirmed and restated, as if recited verbatim herein.

2. Petitioner states that the present grounding system will be altered so that the grounded side of the grounding resistor and associated conductors will be insulated "above ground" for a voltage equal to phase-to-phase of the system (7,200 VAC) in the area of the substation. These grounding conductors will be extended above ground to a remote grounding field away from the influence of the "station ground" to insure proper grounding of the grounding resistor. The grounding conductors will be extended above ground into the mine and will be utilized as a "frame ground" in the conventional manner inside the mine.

3. Petitioner states that the alterations to its present grounding system contained in paragraph two above are those alterations recommended in MESA's amended answer to Petitioner's original petition for modification.

4. Petitioner states that this grounding system will at all times guarantee no less than the same measure of protection afforded the miners at the subject mine by application of the mandatory standard or section 305(p) of the Act.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 13, 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.

JAMES R. RICHARDS,  
Director,

Office of Hearings and Appeals.

MAY 7, 1975.

[FR Doc. 75-12689 Filed 5-13-75; 8:45 am]

[Docket No. M 75-103]

#### ZEIGLER 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. § 861(c) (1970), Zeigler Coal Company has filed a petition to modify the application of 30

CFR 75.1405 to its Zeigler No. 4 Mine, Johnson City, Illinois.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine 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 on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

In support of its petition, Petitioner states:

(1) The petition applies to supply wagons which are lowered down a slope into the mine on a low-boy car. Once the car is at the bottom of the slope it is pulled with a rubber-tired tractor on the track to a location about 300 ft. to a permanent hoist structure. At the hoist the rubber-tired material wagons are unloaded from the low-boy car and pulled into the mine working sections with a rubber-tired tractor. This procedure is reversed when handling the empty material wagons.

(2) The above-described procedure of handling material cars was adopted to eliminate the use of an electric locomotive and trolley wire.

(3) For the convenience and safety purposes the car is pulled the 300 ft. for loading and unloading. There is a curve at the immediate bottom of the slope and the area at this location would not allow the loading and unloading of wagons on and off the lowboy cars. All coupling and uncoupling is accomplished while both pieces of equipment are stationary.

Petitioner feels that its present system of handling material cars provides for a safer operation than would be provided by the use of automatic couplers for the following reasons:

(a) All coupling and uncoupling is done while equipment is stationary.

(b) With the material car suspended in the slope with the hoist rope, it would be difficult to couple with an automatic coupler.

(c) Since rubber-tired tractors are used in the coupling operation, coupler alignment would become a problem. The curve on the immediate bottom would add to this problem.

(d) Petitioner has eliminated the use of an electric locomotive and trolley wire.

(e) Section 75.1405-1 states "the requirements of § 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled."

1. Although Petitioner's material cars will be pulled on track for a distance of approximately 300 ft., the tractor which pulls the cars are rubber-tired vehicles.

2. The coupling and uncoupling of these material cars is limited in a course of a shift. Approximately five (5) cars will be handled per shift.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June

13, 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.

**JAMES R. RICHARDS,**  
*Director,*  
*Office of Hearings and Appeals.*

MAY 7, 1975.

[FR Doc.75-12690 Filed 5-13-75;8:45 am]

**Bureau of Reclamation**

[Int Pes 75-46]

**CENTRAL VALLEY PROJECT, CALIF.**

**Availability of Final Environmental Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Reclamation, Department of the Interior, has prepared a final environmental statement on the proposed delivery of about 128,000 acre-feet of water to 10 water user organizations in Kern, Kings, Tulare, and Fresno Counties, California. About 4,000 acre-feet of this supply would be used for municipal purposes and the remainder would be used as supplemental irrigation water.

The proposed action would involve use of existing California Water Project and Central Valley Project facilities and the Kern County Water Agency's Cross Valley Canal.

Copies of the final environmental statement are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.  
Division of Engineering Support, Technical Services and Publications Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234-3006.  
Office of the Regional Director, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825, Telephone (916) 484-4792.

Single copies of the final environmental statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: May 9, 1975.

**STANLEY D. DOREMUS,**  
*Deputy Assistant Secretary*  
*of the Interior.*

[FR Doc.75-12714 Filed 5-13-75;8:45 am]

**Office of the Secretary**

**LEWIS K. AMBROSE**

**Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken

place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of March 22, 1975.

**LEWIS K. AMBROSE.**

[FR Doc.75-12691 Filed 5-13-75;8:45 am]

**HOWARD A. BECK**

**Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of March 27, 1975.

Dated: March 27, 1975.

**HOWARD A. BECK.**

[FR Doc.75-12692 Filed 5-13-75;8:45 am]

**EDWARD R. COWLES**

**Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) None.
- (2) Coastal States Gas Producing Corp. Central Maine Power Co.
- (3) Past Buck Associates (Investment Club).
- (4) None.

This statement is made as of March 26, 1975.

Dated: March 26, 1975.

**EDWARD R. COWLES.**

[FR Doc.75-12693 Filed 5-13-75;8:45 am]

**FREDERICK W. HOEY**

**Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of March 27, 1975.

Dated: March 27, 1975.

**FREDERICK W. HOEY.**

[FR Doc.75-12694 Filed 5-13-75;8:45 am]

**J. SCOTT KAY**

**Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of March 27, 1975.

Dated: March 27, 1975.

**J. SCOTT KAY.**

[FR Doc.75-12695 Filed 5-13-75;8:45 am]

**JOHN A. McMAHON**

**Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of March 27, 1975.

Dated: March 27, 1975.

**JOHN A. McMAHON.**

[FR Doc.75-12696 Filed 5-13-75;8:45 am]

**JOHN V. SALO**

**Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) Increase of 129 shares of Public Service Company of New Hampshire Common Stock.
- (3) No change.
- (4) No change.

This statement is made as of March 31, 1975.

Dated: April 4, 1975.

**JOHN V. SALO.**

[FR Doc.75-12697 Filed 5-13-75;8:45 am]

## E. F. TIMME

## Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of April 3, 1975.

Dated: April 3, 1975.

E. F. TIMME.

[FR Doc.75-12698 Filed 5-13-75;8:45 am]

## DEPARTMENT OF AGRICULTURE

## Forest Service

## GARDEN VALLEY PLANNING UNIT

## Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Garden Valley Planning Unit, Boise National Forest, Idaho. The Forest Service report number is USDA-FS-DES (Adm) R4-75-19.

The environmental statement identifies and evaluates the probable effects of the land use plan for the Garden Valley Planning Unit on the Boise National Forest, Idaho. The purpose of the plan is to allocate National Forest lands within the unit to specific resource uses and activities; establish management objectives; document management direction, management decisions, and necessary coordination between resource uses and activities; and provide for the protection, use, and development of the various resources within the planning unit. The plan provides for minimization of adverse effects and maximization of desirable effects. Significant areas will remain undeveloped with options for future management remaining open. The plan coordinates activities on National Forest lands with adjacent private lands in the area.

This draft environmental statement was transmitted to CEQ on May 7, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service  
South Agriculture Bldg., Room 3230  
12th St. and Independence Ave., SW  
Washington, D.C. 20250

Regional Planning Office  
USDA, Forest Service  
Federal Building, Room 4403  
324-25th Street  
Ogden, Utah 84401

Forest Supervisor  
Boise National Forest  
1075 Park Boulevard  
Boise, Idaho 83706

District Forest Ranger  
Emmett Ranger District  
Route 3, Box 198  
Emmett, Idaho 83617

A limited number of single copies are available upon request from Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706. Comments must be received by July 6, 1975, in order to be considered in the preparation of the final environmental statement.

Dated: May 7, 1975.

P. M. REES,  
Director,

Regional Planning and Budget.

[FR Doc.75-12679 Filed 5-13-75;8:45 am]

Rural Electrification Administration  
FLORIDA CENTRAL TELEPHONE CO.  
Proposed Loan Guarantee

Under the authority of Public Law 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the FEDERAL REGISTER, September 16, 1974, (Vol. 39 No. 180, pages 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of \$2,600,000 to Florida Central Telephone Company, Tallahassee, Florida. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. Charles P. Lamm, President, Florida Central Telephone Company, P. O. Box 2214, Tallahassee, Florida 32304.

To assure consideration, proposals must be submitted on or before June 13, 1975, to Mr. Charles P. Lamm. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as the Florida Telephone Company and REA

deem appropriate. Prospective lenders are advised that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 8th day of May, 1975.

DAVID A. HAMIL,  
Administrator,  
Rural Electrification Administration.

[FR Doc.75-12711 Filed 5-13-75;8:45 am]

Office of the Secretary  
OFFICE OF COMMUNICATION

Organization, Functions and Availability of Records

Pursuant to 5 U.S.C. 552, as amended, notice is hereby given for the guidance of the general public as to organization, functions, and availability of records of the Office of Communication. This notice is issued in accordance with the regulations of the Secretary of Agriculture in Part 1, Subpart A, of Subtitle A of Title 7 (7 CFR 1.1-1.6 and Appendix A thereto), implementing the Freedom of Information Act. The Secretary's regulations, as supplemented by the information in this notice, govern the availability of records of the Office of Communication to the public. This notice supersedes previous notice given in 32 FR 9722.

ORGANIZATION AND FUNCTIONS

**Organization.** The Office of Communication is a staff agency of the Secretary of Agriculture located in Washington, D.C. It is organized into seven divisions which together carry out the functions described below. The Office has no field organization.

**Functions.** The Director of Communication exercises all authority delegated to him by the Secretary in 7 CFR 2.32. Pursuant to this authority, the Office provides policy direction, review, and coordination of all information programs of the Department. This includes the final review, illustrating, printing, and distribution of publications; clearance and release of press, radio, television, and magazine materials, filmstrips, and slide sets; maintenance of central files of news and general illustration-type photographs; the preparation and distribution of exhibits and motion pictures. The Office also produces visual information materials, such as motion pictures, exhibits, art and graphics materials, and still photographic work for the Department and other Government agencies.

AVAILABILITY OF INFORMATION

**Public inspection and copying.** 5 U.S.C. 552(a)(2) requires that certain materials be made available for public inspection and copying, and that each agency publish or otherwise make available a current

index of these materials. The Office of Communication (COMM) does not maintain any materials to which these requirements are applicable. Members of the public may gain access to records which COMM does maintain by requesting such access at Room 402A, Administration Building, U.S. Department of Agriculture, 14th Street and Independence Avenue, Washington, D.C. COMM will make all records available for public inspection and copying except those which it determines to withhold under one or more provisions of 5 U.S.C. 552(b).

**Delegation of authority.** Requests for the Office's records under 5 U.S.C. 552(a)(3) shall be made in accordance with 7 CFR 1.3(a) and addressed to the Deputy Director of Communication, Room 402A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250. The Deputy Director is hereby authorized to make determinations regarding such requests in accordance with 7 CFR 1.4(c).

**Appeals.** A denial by the Deputy Director of Communication to any request for a record or records may be appealed by the person who made the request to the Director of Communication at the same address. Appeals should be submitted in accordance with 7 CFR 1.3(e).

The provisions of this notice are effective May 14, 1975.

CLAUDE W. GIFFORD,  
Director,  
Office of Communication.

[FR Doc.75-12648 Filed 5-13-75;8:45 am]

## DEPARTMENT OF COMMERCE

Domestic and International Business  
Administration

### NATIONAL INDUSTRIAL ENERGY CONSERVATION COUNCIL

#### Public Meeting

A meeting of the National Industrial Energy Conservation Council, originally scheduled to be held May 7, 1975, will be held on Wednesday, June 18, 1975, from 10:30 a.m. to 12:30 p.m. in Room 4830, Main Commerce Building, 14th and Constitution Avenue, NW, Washington, D.C. 20230.

The Council will meet to receive and comment upon a report from the Sub-Council on Public Awareness with particular reference to programs and plans for raising the level of public awareness as to the nature and extent of the energy problem. The Sub-Council on Product Efficiency will present a report to the Council. The Council will also transact other business which shall come before it.

The public will be permitted to attend and a limited number of seats will be made available for that purpose. To the extent that time permits, members of the public may present oral statements to the Council. Interested persons are also invited to file written statements with the Council before or after the meeting.

Persons who wish to attend the meeting should contact Robert M. Jackson, Office of Energy Programs, Room 2011,

U.S. Department of Commerce, 14th and Constitution Avenue, NW, Washington, D.C. 20230—(202) 967-3535.

HERBERT K. SCHMITZ,  
Executive Director, National Industrial Energy Conservation Council.

[FR Doc.75-12651 Filed 5-13-75;8:45 am]

## National Oceanic and Atmospheric Administration

### COMMERCIAL FISHING VESSEL INSURANCE AND SAFETY

#### Meeting

MAY 9, 1975.

A public meeting of the Ad Hoc Group on Commercial Fishing Vessel Insurance will be held on May 29-30, 1975, at 9 a.m., in the Ramada Inn, Rosslyn, Virginia. The Ad Hoc Group on Commercial Fishing Vessel Insurance was formed in January 1973 to study commercial fishing vessel insurance and to make recommendations to the fishing industry on ways to solve their insurance problems. The Group is composed of fishing vessel owners; fishermen's union representatives; attorneys; insurance carriers and brokers; Government personnel and others.

The purpose of the meeting will be to consider the draft bill titled "Fishermen's Benefits and Vessel Safety Act of 1975" and other matters. The bill was drafted at the request of this Ad Hoc Group for the fishing industry and deals with an indemnity system for commercial fishermen and a voluntary commercial fishing vessel safety program.

In terms of indemnity, it would provide a predetermined set of benefits for injured and ill fishermen and for dependents in the event of death of a fisherman. It would apply to all vessel owners with one or more hired fishermen.

The voluntary safety program would provide for commercial fishing vessel safety standards, vessel certification, vessel loan guarantees for modification for safety purposes, safety training for crews, and safety advisory committees. Participation in the program would commence upon voluntary application by vessel owners.

For meeting details contact G. H. Lyon, Industry Economist, Economic and Marketing Research Division, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, or telephone (202) 634-7518.

JACK W. GEHRINGER,  
Acting Director.

[FR Doc.75-12795 Filed 5-13-75;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Office of Education

### NATIONAL ADVISORY COUNCIL ON EDU- CATION PROFESSIONS DEVELOPMENT

#### Public Meeting

Notice is hereby given, pursuant to section 10(a)(2), Public Law 92-463,

that the next meeting of the National Advisory Council on Education Professions Development will be held on Wednesday, June 11, 1975, 9 a.m. to 5 p.m., Thursday, June 12, 1975, 9 a.m. to 5 p.m., and Friday, June 13, 1975, 9 a.m. to 12 noon, local time, at the Statler Hilton Hotel, Washington, D.C.

The National Advisory Council on Education Professions Development is established under section 502 of the Education Professions Development Act (Public Law 90-35). The Council is charged with the review of the Education Professions Development Act and of all other Federal programs for the training and development of educational personnel.

The meeting of the Council shall be open to the public. The proposed agenda includes discussion of Council recommendations dealing with the Teacher Corps, Teaching Centers, Competency-Based Teacher Education and Educational Technology, as well as follow-up activities relating to its recommendations for Federal legislation concerning education professions development and the licensing of postsecondary schools contained in two reports of the Council published this Spring.

Since the meeting on Thursday, June 12, 1975, involves a site visit, members of the public planning to attend must provide their own transportation and must give advance notice by calling the Council (202-382-8712) or by mail no later than Monday, June 9, 1975.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Council offices, located at 1111 20th Street, NW, Suite 306, Washington, D.C. 20036.

Signed at Washington, D.C., on May 7, 1975.

GEORGE E. ARNSTEIN,  
Executive Director.

[FR Doc.75-12680 Filed 5-13-75;8:45 am]

## Food and Drug Administration

[FAP 5B3077]

### EMSER WERKE AG

#### Filing Petitions for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 5B3077) has been filed by Emser Werke AG, CH-7013, Domat/EMS, Switzerland, proposing that § 121.2502 *Nylon resins* (21 CFR 121.2502) be amended to provide for the safe use of nylon 12 resin produced by the condensation of *omega*-lauro lactam as a film intended to contact all foods except those containing alcohol.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42

or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: May 6, 1975.

HOWARD R. ROBERTS,  
Acting Director, Bureau of Foods.

[FR Doc.75-12612 Filed 5-13-75; 8:45 am]

[FAP 5B3093]

#### GENERAL MILLS CHEMICALS, INC.

##### Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 5B3093) has been filed by General Mills Chemicals, Inc., 2010 East Hennepin Ave., Minneapolis, MN 55413 proposing that § 121.2506 *Industrial Starch Modified* (21 CFR 121.2506) be amended in paragraph (a) (2) to provide for the use of "starch irradiated to produce free radicals for subsequent graft polymerization with acrylamide and [2-(methacryloyloxy) ethyl] trimethylammonium methyl sulfate" in the manufacture of paper and paperboard intended to contact aqueous and fatty foods, when used at a level not to exceed 0.25 percent by weight of the finished dry paper and paperboard fibers. The additive is currently restricted to use in paper and paperboard intended to contact only dry food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: May 6, 1975.

HOWARD R. ROBERTS,  
Acting Director, Bureau of Foods.

[FR Doc.75-12613 Filed 5-13-75; 8:45 am]

#### National Institutes of Health

##### BREAST CANCER EPIDEMIOLOGY COMMITTEE, ET AL.

##### Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Some of these meetings will be closed as indicated below in accordance with the provisions set forth in sections 552(b) (4) and 552(b) (6) of Title 5, U.S.

Code and section 10(d) of Pub. L. 92-463 for the review, discussion and evaluation of individual research contract proposals as indicated. The proposals 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 proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings are at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014 unless otherwise stated.

*Name of committee.* Breast Cancer Epidemiology Committee.

*Dates.* June 13, 1975, 9:00 a.m.

*Place.* Building 31C, Room, Conference Room 9, National Institutes of Health.

*Times.* Open for the entire meeting.

*Agenda.* Project plans for fiscal year 1976.

*Executive secretary.* Dr. Bernice T. Radovich.

*Address.* Landow Building, Room B404, National Institutes of Health.

*Phone.* 301/496-8773.

*Name of committee.* Cancer Control Supportive Services Review Committee.

*Dates.* June 16, 1975, 8:30 a.m.

*Place.* Building 31C, Room, Conference Room 8, National Institutes of Health.

*Times.*

*Open.* June 16, 8:30 a.m.—9:00 a.m.

*Closed.* June 16, 9:00 a.m.—adjournment.

*Closure reason.* To review research contract proposals.

*Executive secretary.* Dr. Veronica L. Conley.

*Address.* Blair Building, Room 7A07, National Institutes of Health.

*Phone.* 301/427-7943.

(Catalog of Federal Domestic Assistance number 13.825)

*Name of committee.* Committee on Cancer Immunodiagnosis.

*Dates.* June 15-17, 1975, 7:00 p.m.

*Place.* Landow Building, Room, Conference Room C-418, National Institutes of Health.

*Times.* Open, June 16, 7:00 p.m.—7:30 p.m.

*Closed.* June 16, 7:30 p.m.—11:00 p.m. *Open.* June 17, 8:30 a.m.—adjournment.

*Agenda for open portion.* Open for generation of new RFP's and review of Immunodiagnosis Program.

*Executive secretary.* Ms. Judith M. Magnotta.

*Address.* Building 10, Room 4B17, National Institutes of Health.

*Phone.* 301/496-1791.

(Catalog of Federal Domestic Assistance number 13.825)

*Name of committee.* Cancer Control Intervention Programs Review Committee.

*Dates.* June 17, 1975, 8:30 a.m.

*Place.* Blair Building, Room, Conference Room 8, National Institutes of Health.

*Times.* Open, June 17, 8:30 a.m.—9:00 a.m.

*Closed.* June 17, 9:00—adjournment.

*Closure reason.* To review research contract proposals.

*Executive secretary.* Dr. Veronica L. Conley.

*Address.* Blair Building, Room 7A07, National Institutes of Health.

*Phone.* 301/427-7943.  
(Catalog of Federal Domestic Assistance number 13.825)

*Name of committee.* Committee on Cancer Immunobiology.

*Dates.* June 26, 1975, 2:00 p.m.

*Place.* Building 10, Room, Conference Room 4B14, National Institutes of Health.

*Times.* Open, June 26, 2:00 p.m.—2:30 p.m.

*Closed.* June 26, 2:30 p.m.—adjournment.

*Closure reason.* To review research contract proposals.

*Executive secretary.* Ms. Donna Storms.

*Address.* Building 10, Room, 4B17, National Institutes of Health.

*Phone.* 301/496-1791.

(Catalog of Federal Domestic Assistance number 13.825)

Dated: May 5, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.75-12621 Filed 5-13-75; 8:45 am]

#### CANCER CONTROL AND REHABILITATION ADVISORY COMMITTEE

##### Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control and Rehabilitation Advisory Committee, National Cancer Institute, June 10, 1975, National Institutes of Health, Building 31, Conference Room 4.

This meeting will be open to the public on June 10, 1975, from 9:00 a.m. to 1:00 p.m., to discuss current and projected programs of the Division of Cancer Control and Rehabilitation. Attendance by the public will be limited to space available. In accordance with the provisions set forth in section 552(b) (5) of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 10, 1975, from 1:00 p.m. until adjournment for the review and discussion of the projected 1977 budget.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of meetings and rosters of committee members.

Dr. Veronica L. Conley, Executive Secretary, Blair Building, Room 7A07, National Institutes of Health, Bethesda, Maryland 20014 (301/427-7943) will furnish substantive program information.

Dated: May 8, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.75-12622 Filed 5-13-75; 8:45 am]

#### CLINICAL TRIALS COMMITTEE, ET AL.

##### Notice of Establishment

The Director, National Institutes of Health, announces the establishment on April 15, 1975 of the advisory committees indicated below by the Director, National Cancer Program, National Cancer Institute under the authority of section 410(a) (3) of the Public Health Service

Act (42 U.S.C. 286d). Such advisory committees shall be governed by the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) setting forth standards governing the establishment and use of advisory committees.

*Name.* Clinical Trials Committee, Combined Modality Committee, Developmental Therapeutics Committee, Drug Development Committee.

*Purpose.* These committees provide to the Director, NCI, and the Director, Division of Cancer Treatment, NCI, advice on the technical competence of contract proposals submitted to the National Cancer Institute in the areas of clinical trials, developmental therapeutics, combined modality, and drug development, for the program of the Division of Cancer Treatment. Authority for these committees will expire April 15, 1977.

Dated: May 2, 1975.

R. W. LAMONT-HAVERS,  
*Acting Director,*  
*National Institutes of Health.*

[FR Doc.75-12618 Filed 5-13-75; 8:45 am]

#### DENTAL RESEARCH INSTITUTES AND SPECIAL PROGRAM ADVISORY COMMITTEE

##### Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given to the meeting of the Dental Research Institutes and Special Program Advisory Committee, National Institute of Dental Research, National Institutes of Health, on June 26-27, 1975, Conference Room 8, Building 31-C, Bethesda, Maryland.

The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on June 26, and from 9:00 a.m. to adjournment on June 27, for general discussion of reports, guidelines and research balance with regard to dental research institutes and centers. Attendance by the public will be limited to space available.

Dr. Emil L. Rigg, Special Assistant for Institutes and Centers, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 507, Bethesda, Maryland 20014 (telephone 301-496-7748) will provide summaries of meetings, rosters of committee members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.325 National Institutes of Health.)

Dated: May 5, 1975.

SUZANNE L. FREMEAUX,  
*Committee Management Officer,*  
*National Institutes of Health.*

[FR Doc.75-12620 Filed 5-13-75; 8:45 am]

#### PULMONARY DISEASES ADVISORY COMMITTEE

##### Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Pulmonary Diseases Advisory Committee, National Heart and Lung Institute, June 28, 1975, in a conference room (to be assigned) at the University of Vermont Medical Center, Burlington, Vermont.

The entire meeting will be open to the public on June 28, 1975, from 8:30 a.m. until 4:00 p.m., to discuss (1) the program of the Vermont Research and Demonstration Center; (2) plans for restructuring Committee responsibilities along disease lines; (3) plans for assessing the Young Investigator Pulmonary Research Grant Program; and (4) preliminary plans for Epidemiology and Prevention, Control and Education Programs. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart and Lung Institute, Building 31, Room 5A21, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Malvina Schweizer, Executive Secretary of the Committee, Westwood Building, Room 6A18, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496-7208, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.838, National Institutes of Health.)

Dated: May 8, 1975.

SUZANNE L. FREMEAUX,  
*Committee Management Officer,*  
*National Institutes of Health.*

[FR Doc.75-12623 Filed 5-13-75; 8:45 am]

#### TEMPORARY COMMITTEE FOR REVIEW OF DATA ON CARCINOGENICITY OF CYCLAMATE

##### Notice of Establishment

The Director, National Institutes of Health, announces the establishment on April 24, 1975, of the advisory committee indicated below by the Director, National Cancer Institute, under the authority of section 410(a)(3) of the Public Health Service Act (42 U.S.C. 286d). Such advisory committee shall be governed by the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) setting forth standards governing the establishment and use of advisory committees.

*Name.* Temporary Committee for the Review of Data on Carcinogenicity of Cyclamate.

*Purpose.* The Committee provides to the Director, NCI, and the Director, Division of Cancer Cause and Prevention, advice concerning the scientific review on all available data on the carcinogenicity of cyclamate and its metabolites. The Committee will terminate on January 24, 1978.

Dated: May 7, 1975.

R. W. LAMONT-HAVERS,  
*Acting Director,*  
*National Institutes of Health.*

[FR Doc.75-12619 Filed 5-13-75; 8:45 am]

#### Assistant Secretary for Health CONNECTICUT

##### Intention To Designate Professional Standards Review Organization

Notice to physicians regarding intention to enter into agreement designating

Professional Standards Review Organization for PSRO Area I of the State of Connecticut.

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the PSRO of Fairfield County, Inc. for PSRO Area I, which area is designated a Professional Standards Review Organization area in 42 CFR 101.9.

The Secretary has determined that the PSRO of Fairfield County, Inc. is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated according to the laws of the State of Connecticut, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area I of the State of Connecticut.

As stipulated in its Articles of Incorporation, the principal officers of the PSRO of Fairfield County, Inc. are:

##### NAME AND OFFICE HELD

1. Stewart A. King, M.D., President.
2. Andrew P. Owens, M.D., Vice President.
3. Marvin Garrell, M.D., Secretary.
4. Mr. Arnold P. Olson, Assistant Secretary.
5. Rector T. Davol, M.D., Treasurer.

The official address of the corporation is 60 Katona Drive, Fairfield, Connecticut 06430.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area I of the State of Connecticut who objects to the Secretary entering into an agreement with the PSRO of Fairfield County, Inc., on the grounds that this organization is not representative of the doctors in such area may, on or before June 13, 1975, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties and medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 1,637 doctors of medicine and osteopathy are engaged in active practice in PSRO Area I of the State of Connecticut. In the event that more than 10 per centum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the PSRO of Fairfield

County, Inc. is representative of such doctors in such area.

Dated: May 6, 1975.

HENRY E. SIMMONS,  
*Acting Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.*

[FR Doc. 75-12632 Filed 5-13-75; 8:45 am]

#### CONNECTICUT

##### Intention To Designate Professional Standards Review Organization

Notice to physicians regarding intention to enter into agreement designating Professional Standards Review Organization for PSRO Area II of the State of Connecticut.

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Connecticut Area II Professional Standards Review Organization, Inc. for PSRO Area II, which area is designated a Professional Standards Review Organization as specified in 101.9.

The Secretary has determined that the Connecticut Area II Professional Standards Review Organization, Inc., is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated according to the laws of the State of Connecticut, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area II of the State of Connecticut.

As stipulated in its Articles of Incorporation, the principal officers of the Connecticut Area II Professional Standards Review Organization, Inc. are:

#### NAME AND OFFICE HELD

1. G. S. Parrella, M.D., President.
2. David A. Grendon, M.D., Vice President.
3. Robert Harkins, M.D., Secretary.
4. George A. Bonner, M.D., Treasurer.

The official address of the corporation is 8 Lunar Drive, P.O. Box 3907, Woodbridge, Connecticut 06525.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area II of the State of Connecticut who objects to the Secretary entering into an agreement with the Connecticut Area II Professional Standards Review Organization, Inc. on the grounds that this organization is not representative of the doctors in such area may, on or before June 13, 1975, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Educa-

tion, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 2,355 doctors of medicine and osteopathy are engaged in active practice in PSRO Area II of the State of Connecticut. In the event that more than 10 percentum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Connecticut Area II Professional Standards Review Organization, Inc. is representative of such doctors in such area.

Dated: May 6, 1975.

HENRY E. SIMMONS,  
*Acting Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.*

[FR Doc. 75-12631 Filed 5-13-75; 8:45 am]

#### CONNECTICUT

##### Intention To Designate Professional Standards Review Organization

Notice to physicians regarding intention to enter into agreement designating Professional Standards Review Organization for PSRO Area III of the State of Connecticut.

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Hartford County PSRO, Inc. for PSRO Area III, which area is designated a Professional Standards Review Organization area in 42 CFR 101.9.

The Secretary has determined that the Hartford County PSRO, Inc. is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated according to the laws of the State of Connecticut, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area III of the State of Connecticut.

As stipulated in its Articles of Incorporation, the principal officers of the Hartford County PSRO, Inc. are:

#### NAME AND OFFICE HELD

1. Andrew J. Canzonetti, M.D., President.
2. Isadore H. Friedberg, M.D., Vice President.
3. Steven Wolson, M.D., Secretary.
4. David L. Warren, M.D., Treasurer.

The official address of the corporation is 230 Scarborough Street, Hartford, Connecticut 06105.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area III of the State of Connecticut who objects to the Secretary entering into an agreement with the Hartford County PSRO, Inc. on the grounds that this organization is not representative of the doctors in such area may, on or before June 13, 1975, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 1,807 doctors of medicine and osteopathy are engaged in active practice in PSRO Area III of the State of Connecticut. In the event that more than 10 percentum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Hartford County PSRO, Inc. is representative of such doctors in such area.

Dated: May 6, 1975.

HENRY E. SIMMONS,  
*Acting Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.*

[FR Doc. 75-12634 Filed 5-13-75; 8:45 am]

#### CONNECTICUT

##### Intention to Designate Professional Standards Review Organization

Notice to physicians regarding intention to enter into agreement designating Professional Standards Review Organization for PSRO Area IV of the State of Connecticut.

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Eastern Connecticut Professional Review Organization, Inc., for PSRO Area IV, which area is designated

a Professional Standards Review Organization area in 42 CFR 101.9.

The Secretary has determined that the Eastern Connecticut Professional Review Organization, Inc. is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated according to the laws of the State of Connecticut, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 per centum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area IV of the State of Connecticut.

As stipulated in its Articles of Incorporation, the principal officers of the Eastern Connecticut Professional Review Organization, Inc. are:

**NAME AND OFFICE HELD**

1. Herbert A. Kaufmann, M.D., President.
2. Edward A. Palomba, M.D., Vice President.
3. Robert S. Gilcash, M.D., Secretary-Medical Director.
4. David Rousseau, M.D., Treasurer.

The official address of the corporation is 15 Mansfield Avenue, Willimantic, Connecticut 06226.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area IV of the State of Connecticut who objects to the Secretary entering into an agreement with the Eastern Connecticut Professional Review Organization, Inc. on the grounds that this organization is not representative of the doctors in such area may, on or before June 13, 1975, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 664 doctors of medicine and osteopathy are engaged in active practice in PSRO Area IV of the State of Connecticut. In the event that more than 10 per centum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Eastern Connecticut Professional Review Organization, Inc. is

representative of such doctors in such area.

Dated: May 6, 1975.

**HENRY E. SIMMONS,**  
*Acting Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.*

[FR Doc. 75-12633 Filed 5-13-75; 8:45 am]

**FLORIDA**

**Intention To Designate Professional Standards Review Organization**

Notice to physicians regarding intention to enter into agreement designating Professional Standards Review Organization for PSRO Area XII of the State of Florida.

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Dade-Monroe Professional Standards Review Organization, Inc. for PSRO Area XII, which area is designated a Professional Standards Review Organization area in 42 CFR 101.12.

The Secretary has determined that the Dade-Monroe Professional Standards Review Organization, Inc. is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated according to the laws of the State of Florida, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 per centum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area XII of the State of Florida.

As stipulated in its Articles of Incorporation, the principal officers of the Dade-Monroe Professional Standards Review Organization, Inc. are:

**NAME AND OFFICE HELD**

1. James B. Byrne, M.D., President.
2. Jay M. Cohen, D.O., Vice President.
3. Joseph Harris, M.D., Secretary.
4. Martin Kaiser, M.D., Treasurer.

The official address of the corporation is 444 Brickell Avenue, Miami, Florida 33131.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area XII of the State of Florida who objects to the Secretary entering into an agreement with the Dade-Monroe Professional Standards Review Organization, Inc. on the grounds that this

organization is not representative of the doctors in such area may, on or before June 13, 1975, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 4,051 doctors of medicine and osteopathy are engaged in active practice in PSRO Area XII of the State of Florida. In the event that more than 10 per centum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Dade-Monroe Professional Standards Review Organization, Inc. is representative of such doctors in such area.

Dated: May 6, 1975.

**HENRY E. SIMMONS,**  
*Acting Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.*

[FR Doc. 75-12635 Filed 5-13-75; 8:45 am]

**ILLINOIS**

**Intention To Designate Professional Standards Review Organization**

Notice to physicians regarding intention to enter into agreement designating Professional Standards Review Organization for PSRO Area IV of the State of Illinois.

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Quad River Foundation for Medical Care for PSRO Area IV, which area is designated a Professional Standards Review Organization area in 42 CFR 101.17.

The Secretary has determined that the Quad River Foundation for Medical Care is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security



Act. The aforementioned organization is incorporated according to the laws of the State of Illinois, as a non-profit professional organization whose membership is voluntary and comprises at least 25 per centum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area IV of the State of Illinois.

As stipulated in its Articles of Incorporation, the principal officers of the Quad River Foundation for Medical Care are:

**NAME AND OFFICE HELD**

1. Robert J. Becker, M.D., President.
2. Ernest F. Kreutzer, M.D., Vice President.
3. James H. Geist, M.D., Secretary Treasurer.

The official address of the corporation is 58 North Chicago Street, Joliet, Illinois 60431.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area IV of the State of Illinois who objects to the Secretary entering into an agreement with the Quad River Foundation for Medical Care on the grounds that this organization is not representative of the doctors in such area may, on or before June 13, 1975, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties, in medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 410 doctors of medicine and osteopathy are engaged in active practice in PSRO Area IV of the State of Illinois. In the event that more than 10 per centum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Quad River Foundation for Medical Care is representative of such doctors in such area.

Dated: May 6, 1975.

**HENRY E. SIMMONS,**  
*Acting Deputy Assistant Secretary for Health, Director, Office of Professional Standards, Review.*

[FR Doc.75-12636 Filed 5-13-75;8:45 am]

**IOWA**

**Intention to Designate Professional Standards Review Organization**

Notice to physicians regarding intention to enter into agreement designating Professional Standards Review Organization for the State of Iowa.

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Iowa Foundation for Medical Care, Inc. for the State of Iowa, which area is designated a Professional Standards Review Organization area in 42 CFR 101.19.

The Secretary has determined that the Iowa Foundation for Medical Care, Inc., is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated according to the laws of the State of Iowa, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in the State of Iowa.

As stipulated in its Articles of Incorporation, the principal officers of the Iowa Foundation for Medical Care, Inc. are:

**NAME AND OFFICE HELD**

1. K. E. Lister, M.D., President.
2. R. J. Dawson, M.D., First Vice President.
3. J. H. Sunderbruch, M.D., Second Vice President.
4. J. H. Brinkman, M.D., Secretary.
5. M. H. Dubansky, M.D., Treasurer.

The official address of the corporation is 1005 Grand Avenue, West Des Moines, Iowa 50265.

Any licensed doctor of medicine or osteopathy engaged in active practice in the State of Iowa who objects to the Secretary entering into an agreement with the Iowa Foundation for Medical Care, Inc. on the grounds that this organization is not representative of the doctors in such area may, on or before June 13, 1975, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 3,399 doctors of medicine and osteopathy are engaged in active practice in the State of Iowa. In the event that more than 10 per centum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteop-

athy in such area to determine whether the Iowa Foundation for Medical Care, Inc. is representative of such doctors in such area.

Dated: May 6, 1975.

**HENRY E. SIMMONS,**  
*Acting Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.*

[FR Doc.75-12637 Filed 5-13-75;9:45 am]

**MASSACHUSETTS**

**Intention To Designate Professional Standards Review Organization**

Notice to physicians regarding intention to enter into agreement designating Professional Standards Review Organization for PSRO Area I of the State of Massachusetts.

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Western Massachusetts Professional Standards Review Organization, Inc. for PSRO Area I, which area is designated a Professional Standards Review Organization area in 42 CFR 101.25.

The Secretary has determined that the Western Massachusetts Professional Standards Review Organization, Inc. is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated according to the laws of the State of Massachusetts, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area I of the State of Massachusetts.

As stipulated in its Articles of Incorporation, the principal officers of the Western Massachusetts Professional Standards Review Organization, Inc. are:

**NAME AND OFFICE HELD**

1. Robert N. La Marche, M.D., President.
2. Robert K. Davis, M.D., Vice President.
3. Bernard St. John, D.O., Secretary.
4. Lorne C. Smith, M.D., Treasurer.

The official address of the corporation is 103 Van Deene Avenue, West Springfield, Massachusetts 01089.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area I of the State of Massachusetts who objects to the Secretary entering into an agreement with the Western Massachusetts Professional Standards Review Organization, Inc. on the grounds that this organization is not representative of the doctors in such area may, on

or before June 13, 1975, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 1,181 doctors of medicine and osteopathy are engaged in active practice in PSRO Area I of the State of Massachusetts. In the event that more than 10 percentum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Western Massachusetts Professional Standards Review Organization, Inc. is representative of such doctors in such area.

Dated: May 6, 1975.

HENRY E. SIMMONS,  
*Acting Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.*

[FR Doc. 75-12638 Filed 5-13-75; 8:45 am]

#### MASSACHUSETTS

##### Intention To Designate Professional Standards Review Organization

Notice to physicians regarding intention to enter into agreement designating Professional Standards Review Organization for PSRO Area V of the State of Massachusetts.

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Southeastern Massachusetts Professional Standards Review Organization, Inc. for PSRO Area V, which area is designated a Professional Standards Review Organization area in 42 CFR 101.25.

The Secretary has determined that the Southeastern Massachusetts Professional Standards Review Organization, Inc. is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated according to the laws of the State of Massachusetts, as a nonprofit professional organization whose membership is voluntary and comprises at

least 25 per centum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area V of the State of Massachusetts.

As stipulated in its Articles of Incorporation, the principal officers of the Southeastern Massachusetts Professional Standards Review Organization, Inc. are:

##### NAME AND OFFICE HELD

1. Samuel K. Stewart, M.D., President.
2. David E. Marcello, Jr., M.D., Vice President.
3. Edward A. Pollard, M.D., Secretary.
4. James H. Eldredge, M.D., Treasurer.

The official address of the corporation is Box 676, Middleboro, Massachusetts 02346.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area V of the State of Massachusetts who objects to the Secretary entering into an agreement with the Southeastern Massachusetts Professional Standards Review Organization, Inc. on the grounds that this organization is not representative of the doctors in such area may, on or before June 13, 1975, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 1,276 doctors of medicine and osteopathy are engaged in active practice in PSRO Area V of the State of Massachusetts. In the event that more than 10 percentum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Southeastern Massachusetts Professional Standards Review Organization, Inc. is representative of such doctors in such area.

Dated: May 6, 1975.

HENRY E. SIMMONS,  
*Acting Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.*

[FR Doc. 75-12639 Filed 5-13-75; 8:45 am]

#### MICHIGAN

##### Intention to Designate Professional Standards Review Organization

Notice to physicians regarding intention to enter into agreement designating Professional Standards Review Organization for PSRO Area I of the State of Michigan.

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Upper Peninsula Quality Assurance Association for PSRO Area I, which area is designated a Professional Standards Review Organization area in 42 CFR 101.26.

The Secretary has determined that the Upper Peninsula Quality Assurance Association is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated according to the laws of the State of Michigan, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 per centum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area I of the State of Michigan.

As stipulated in its Articles of Incorporation, the principal officers of the Upper Peninsula Quality Assurance Association are:

##### NAME AND OFFICE HELD

1. Henry J. Barsch, M.D., President.
2. John Pillote, M.D., Secretary.

The official address of the corporation is 420 West Magnetic Street, Marquette, Michigan 49855.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area I of the State of Michigan who objects to the Secretary entering into an agreement with the Upper Peninsula Quality Assurance Association on the grounds that this organization is not representative of the doctors in such area may, on or before June 13, 1975, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 269 doctors of medicine and osteopathy are engaged in active practice in PSRO Area I of the State of Michigan. In the event that more than 10 percentum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Upper Peninsula Quality As-

Insurance Association is representative of such doctors in such area.

Dated: May 6, 1975.

HENRY E. SIMMONS,  
*Acting Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.*

[FR Doc.75-12840 Filed 5-13-75;8:45 am]

#### MISSOURI

##### Intention To Designate Professional Standards Review Organization

Notice to physicians regarding intention to enter into agreement designating Professional Standards Review Organization for PSRO Area III of the State of Missouri.

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Central Eastern Missouri Professional Review Organization Committee for PSRO Area III, which area is designated a Professional Standards Review Organization area in 42 CFR 101.29.

The Secretary has determined that the Central Eastern Missouri Professional Review Organization Committee is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated according to the laws of the State of Missouri, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 per centum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area III of the State of Missouri.

As stipulated in its Articles of Incorporation, the principal officers of the Central Eastern Missouri Professional Review Organization Committee are:

##### NAME AND OFFICE HELD

1. Vencel W. Hollo, M.D., President.
2. John L. Burroughs, D.O., Vice President.
3. Nalls B. Herahay, M.D., Vice President.
4. Herbert Rosenbaum, M.D., Vice President.
5. Arthur A. Porpous, M.D., Secretary-Treasurer.

The official address of the corporation is 4625 Lindell Boulevard, Suite 212, St. Louis, Missouri 63108.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area III of the State of Missouri who objects to the Secretary entering into an agreement with the Central Eastern Missouri Professional Review Organization Committee on the grounds that this organization is not representative of the doctors in such area may, on or before June 13, 1975, mail such objection in writing to the Director, Office of Professional Standards Review, Department

of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 3,895 doctors of medicine and osteopathy are engaged in active practice in PSRO Area III of the State of Missouri. In the event that more than 10 per centum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Central Eastern Missouri Professional Review Organization Committee is representative of such doctors in such area.

Dated: May 6, 1975.

HENRY E. SIMMONS,  
*Acting Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.*

[FR Doc.75-12841 Filed 5-13-75;8:45 am]

#### NEW YORK

##### Intention To Designate Professional Standards Review Organization

Notice to physicians regarding intention to enter into agreement designating Professional Standards Review Organization for PSRO Area V of the State of New York.

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Adirondack P.S.R.O. (N.Y.S. Area V), Inc. for PSRO Area V, which area is designated a Professional Standards Review Organization area in 42 CFR 101.36.

The Secretary has determined that the Adirondack P.S.R.O. (N.Y.S. Area V), Inc. is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated according to the laws of the State of New York, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 per centum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area V of the State of New York.

As stipulated in its Articles of Incorporation, the principal officers of the

Adirondack P.S.R.O. (N.Y.S. Area V), Inc. are:

##### NAME AND OFFICE HELD

1. George Starr, M.D., President.
2. Richard A. Hughes, M.D., Vice President.
3. Mary Jane Kinostan, M.D., Treasurer.
4. Daniel F. O'Keefe, M.D.

The official address of the corporation is 66 Park Street, Glens Falls, New York 12801.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area V of the State of New York who objects to the Secretary entering into an agreement with the Adirondack P.S.R.O. (N.Y.S. Area V), Inc. on the grounds that this organization is not representative of the doctors in such area may, on or before June 13, 1975, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 533 doctors of medicine and osteopathy are engaged in active practice in PSRO Area V of the State of New York. In the event that more than 10 per centum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Adirondack P.S.R.O. (N.Y.S. Area V), Inc. is representative of such doctors in such area.

Dated: May 6, 1975.

HENRY E. SIMMONS,  
*Acting Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.*

[FR Doc.75-12842 Filed 5-13-75;8:45 am]

#### NEW YORK

##### Intention to Designate Professional Standards Review Organization

Notice to physicians regarding intention to enter into agreement designating Professional Standards Review Organization for PSRO Area XI of the State of New York.

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure

and formal plan, to enter into an agreement with the New York County Health Services Review Organization for PSRO Area XI, which area is designated a Professional Standards Review Organization area in 42 CFR 101.36.

The Secretary has determined that the New York County Health Services Review Organization is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated according to the laws of the State of New York, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 per centum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area XI of the State of New York.

As stipulated in its Articles of Incorporation, the principal officers of the New York County Health Services Review Organization are:

**NAME AND OFFICE HELD**

1. Ivan L. Bennett, Jr., M.D., Chairman.
2. Irwin J. Cohen, M.D., Director.
3. John A. Finkbeiner, M.D., Director.
4. Phillip F. Fleisher, D.O., Director.
5. Lowell E. Bellin, M.D., Director.

The official address of the corporation is 40 West 57 Street, New York, New York 10019.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area XI of the State of New York who objects to the Secretary entering into an agreement with the New York County Health Services Review Organization on the grounds that this organization is not representative of the doctors in such area may, on or before June 13, 1975, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 14,009 doctors of medicine and osteopathy are engaged in active practice in PSRO Area XI of the State of New York. In the event that more than 10 per centum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the New York County Health

Services Review Organization is representative of such doctors in such area.

Dated: May 6, 1975.

**HENRY E. SIMMONS,**  
*Acting Deputy Assistant Secretary of Health, Director, Office of Professional Standards Review.*

[FR Doc.75-12643 Filed 5-13-75;8:45 am]

**OHIO**

**Intention to Designate Professional Standards Review Organization**

Notice to physicians regarding intention to enter into agreement designating Professional Standards Review Organization for PSRO Area I of the State of Ohio.

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with Medco Peer Review, Inc. for PSRO Area I, which area is designated a Professional Standards Review Organization area in 42 CFR 101.39.

The Secretary has determined that Medco Peer Review, Inc. is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated according to the laws of the State of Ohio, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 per centum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area I of the State of Ohio.

As stipulated in its Articles of Incorporation, the principal officers of Medco Peer Review, Inc. are:

**NAME AND OFFICE HELD**

1. Milton W. Gwinner, M.D., President.
2. William T. Scott, M.D., Vice President.
3. William B. Seintick, D.O., Secretary.
4. John R. Donohoo, M.D., Treasurer.

The official address of the corporation is Suite 206 Lytle Towers, 405 Broadway, Cincinnati, Ohio 45202.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area I of the State of Ohio who objects to the Secretary entering into an agreement with Medco Peer Review, Inc. on the grounds that this organization is not representative of the doctors in such area may, on or before June 13, 1975, mail such objection in writing to the Director, Office of Professional Standards Review, Department of

Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 24 CFR 101.103, the Secretary has determined that 2,426 doctors of medicine and osteopathy are engaged in active practice in PSRO Area I of the State of Ohio. In the event that more than 10 per centum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether Medco Peer Review, Inc. is representative of such doctors in such area.

Dated: May 6, 1975.

**HENRY E. SIMMONS,**  
*Acting Deputy Assistant Secretary, for Health, Director, Office of Professional Standards Review.*

[FR Doc.75-12644 Filed 5-13-75;8:45 am]

**OHIO**

**Intention To Designate Professional Standards Review Organization**

Notice to physicians regarding intention to enter into agreement designating Professional Standards Review Organization for PSRO Area IV of the State of Ohio.

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Fourth Ohio Area Professional Standards Review Council for PSRO Area IV, which area is designated a Professional Standards Review Organization area in 42 CFR 101.39.

The Secretary has determined that the Fourth Ohio Area Professional Standards Review Council is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated according to the laws of the State of Ohio, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 per centum of

the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area IV of the State of Ohio.

As stipulated in its Articles of Incorporation, the principal officers of the Fourth Ohio Area Professional Standards Review Council are:

**NAME AND OFFICE HELD**

1. Robert L. Hauman, M.D., President.
2. Harry Mack, M.D., Vice President.
3. Stacey Lloyd, D.O., Secretary.

The official address of the corporation is 3101 Collingwood Avenue, Toledo, Ohio 43610.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area IV of the State of Ohio who objects to the Secretary entering into an agreement with the Fourth Ohio Area Professional Standards Review Council on the grounds that this organization is not representative of the doctors in such area may, on or before June 13, 1975, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 1,161 doctors of medicine and osteopathy are engaged in active practice in PSRO Area IV of the State of Ohio. In the event that more than 10 per centum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Fourth Ohio Area Professional Standards Review Council is representative of such doctors in such area.

Dated: May 6, 1975.

**HENRY E. SIMMONS,**  
*Acting Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.*

[FR Doc.75-12645 Filed 5-13-75;8:45 am]

**RHODE ISLAND**

**Intention To Designate Professional Standards Review Organization**

Notice to physicians regarding intention to enter into agreement designating Professional Standards Review Organization for the State of Rhode Island.

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and

Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Rhode Island Professional Standards Review Organization, Inc. for the State of Rhode Island, which area is designated a Professional Standards Review Organization area in 42 CFR 101.44.

The Secretary has determined that the Rhode Island Professional Standards Review Organization, Inc. is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated according to the laws of the State of Rhode Island, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 per centum of the licensed doctors of medicine or osteopathy engaged in active practice in the State of Rhode Island.

As stipulated in its Articles of Incorporation, the principal officers of the Rhode Island Professional Standards Review Organization, Inc. are:

**NAME AND OFFICE HELD**

1. Alton M. Paull, M.D., President.
2. Joseph E. Caruolo, M.D., Vice President.
3. J. Brenda Wynne, D.O., Secretary.
4. Donald K. Hanlan, M.D., Treasurer.

The official address of the corporation is 106 Francis Street, Providence, Rhode Island 02903.

Any licensed doctor of medicine or osteopathy engaged in active practice in the State of Rhode Island who objects to the Secretary entering into an agreement with the Rhode Island Professional Standards Review Organization, Inc. on the grounds that this organization is not representative of the doctors in such area may, on or before June 13, 1975, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 1,691 doctors of medicine and osteopathy are engaged in active practice in the State of Rhode Island. In the event that more than 10 per centum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Rhode Island Professional Standards

Review Organization, Inc. is representative of such doctors in such area.

Dated: May 6, 1975.

**HENRY E. SIMMONS,**  
*Acting Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.*

[FR Doc.75-12646 Filed 5-13-75;8:45 am]

**WISCONSIN**

**Intention To Designate Professional Standards Review Organization**

Notice to physicians regarding intention to enter into agreement designating Professional Standards Review Organization for PSRO Area II of the State of Wisconsin.

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Foundation for Medical Care of Southeastern Wisconsin, Inc. for PSRO Area II, which area is designated a Professional Standards Review Organization area in 42 CFR 101.55.

The Secretary has determined that the Foundation for Medical Care of Southeastern Wisconsin, Inc. is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated according to the laws of the State of Wisconsin, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 per centum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area II of the State of Wisconsin.

As stipulated in its Articles of Incorporation, the principal officers of the Foundation for Medical Care of Southeastern Wisconsin, Inc. are:

**NAME AND OFFICE HELD**

1. Addis C. Costello, M.D., President.
2. Wayne J. Boulanger, M.D., Vice President.
3. Robert F. Purtell, Jr., M.D., Secretary.
4. Thomas F. Jennings, M.D., Treasurer.

The official address of the corporation is 756 North Milwaukee Street, Milwaukee, Wisconsin 53202.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area II of the State of Wisconsin who objects to the Secretary entering into an agreement with the Foundation for Medical Care of Southeastern Wisconsin, Inc. on the grounds that this organization is not representative of the doctors in such area may, on or before June 13, 1975, mail such objection in

writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 2,594 doctors of medicine and osteopathy are engaged in active practice in PSRO Area II of the State of Wisconsin. In the event that more than 10 per centum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Foundation for Medical Care of Southeastern Wisconsin, Inc. is representative of such doctors in such area.

Dated: May 6, 1975.

HENRY E. SIMMONS,  
Acting Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.

[FR Doc.75-12647 Filed 5-13-75; 8:45 am]

## DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

### FIRESTONE 500 STEEL BELT TIRES Public Proceeding Scheduled

Pursuant to section 152 of the National Traffic and Motor Vehicle Safety Act of 1966 as amended (Pub. L. 93-492, 88 Stat. 1470; October 27, 1974), 15 U.S.C. § 1412, the Associate Administrator, Motor Vehicle Programs, has made an initial determination that a noncompliance with an applicable Federal motor vehicle safety standard exists with respect to the Firestone 500 Steel Belt Tires.

A public proceeding will be held at 10 a.m., June 12, 1975, in Room 4234, Department of Transportation Building, 400 Seventh Street SW., Washington, D.C. 20590, at which Firestone Tire and Rubber Co. will be afforded an opportunity to present data, views and arguments to establish that there is no failure to comply in the Steel Belt 500 tires.

Interested persons are invited to participate through written or oral presentations. Persons wishing to make oral presentations are requested to notify Mrs. Gail Willis, Office of Standards Enforcement, National Highway Traffic Safety Administration, Room 3222, Transpoint Building, 2100 Second Street SW., Washington, D.C. 20590 (telephone 202-426-2832) before close of business on June 10, 1975.

The agency's investigative file in this matter is available for public inspection during working hours (7:45 a.m. to 4:15 p.m.) in the Technical Reference Library, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590.

(Sec. 152, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1412); delegation of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on May 8, 1975.

ROBERT L. CARTER,  
Associate Administrator,  
Motor Vehicle Programs.

[FR Doc.75-12659 Filed 5-13-75; 8:45 am]

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-514, 50-515]

### PORTLAND GENERAL ELECTRIC CO. (PEBLE SPRINGS NUCLEAR PLANT, UNITS 1 & 2)

#### Schedule for Prehearing Conference

In accordance with the rules of practice of the Commission, a prehearing conference in the above proceeding will be held on June 5, 1975, at 10:00 a.m., local time, at the U.S. Interstate Commerce Commission Hearing Room, Room 103, Pioneer Courthouse, 555 Southwest Yamhill St., Portland, Oregon 97204.

Matters to be taken up at the Conference include simplification, clarification, and specification of the issues; the obtaining of stipulations and admissions of fact and of the contents and authenticity of documents to avoid unnecessary proof; the identification of witnesses and the limitation of the number of expert witnesses, and other steps to expedite the presentation of evidence; and such other matters as may aid in the orderly disposition of the proceeding.

Members of the public are welcome to attend this prehearing conference. However, there will be no evidence presented nor will there be opportunity for individuals to make oral or written statements by way of limited appearance. Such statements will be received at the evidentiary hearing to be scheduled at a later date.

*It is so ordered.*

Dated at: Bethesda, Maryland, this 8th day of May 1975.

For the Atomic Safety and Licensing Board.

JAMES R. YORE,  
Chairman.

[FR Doc.75-12616 Filed 5-13-75; 8:45 am]

### REGULATORY GUIDE Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory

<sup>1</sup>Pursuant to the Energy Reorganization Act, Pub. L. 93-438, all the regulatory and licensing functions of the Atomic Energy Commission were transferred to the Nuclear Regulatory Commission.

Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 5.26, Revision 1, "Selection of Material Balance Areas and Item Control Areas," describes bases acceptable to the NRC staff for the selection of material balance areas and item control areas.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 5 Regulatory Guides currently being developed include the following:

- Mass Calibration Techniques for Nuclear Material Control.
- Calibration and Error Estimation Methods for Nondestructive Assay.
- Management Review of Materials and Plant Protection Programs and Activities.
- Protection of Nuclear Power Plants Against Industrial Sabotage.
- Measurement Control Program for Special Nuclear Material Control and Accounting.
- Monitoring Transfers of Special Nuclear Material.
- Considerations for Determining the Systematic Error of Special Nuclear Material Accounting Measurement.
- Interior Intrusion Alarm Systems.
- Preparation of Uranyl Nitrate Solution as a Working Standard.
- Shipping and Receiving Control of Special Nuclear Materials.
- Barrier Design and Placement.
- Nondestructive Assay of U-235 Content of Unpoisoned Low-Enrichment Uranium Fuel Rods.
- Methods for the Accountability of Uranium Dioxide.
- Internal Security Audit Procedures.
- Standard Format and Content for the Physical Protection Section of a License Application (For Facilities Other Than Nuclear Power Plants).
- Nondestructive Assay of Plutonium Bearing Fuel Rods.

Training and Qualifying Personnel for Performing Measurement Associated with the Control and Accounting of Special Nuclear Material.

Auditing of Measurement Control Program, Reconciliation of Statistically Significant Shipper-Receiver Differences, Prior Measurement Verification.

Verification of Prior Measurements by NDA, Nondestructive Assay of High-Enrichment Uranium Scrap by Active Neutron Interrogation.

Control and Accounting for Highly Enriched Uranium in Waste.

Considerations for Determining the Random Error of Special Nuclear Material Accounting Measurement.

Use of Closed Circuit TV for Area Surveillance.

Preparation of Working Calibration and Test Materials for Analytical Laboratory Measurement Control Programs—Part I: Plutonium Nitrate Solutions.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 7th day of May 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,  
Acting Director, Office of  
Standards Development.

[FR Doc. 75-12617 Filed 5-13-75; 8:45 am]

[Docket No. PRM-40-21]

**NATURAL RESOURCES DEFENSE  
COUNCIL, INC.**

**Filing of Petition for Rulemaking**

Notice is hereby given that the Natural Resources Defense Council, Inc., 664 Hamilton Avenue, Palo Alto, California, by letter dated March 28, 1975, has filed with the Nuclear Regulatory Commission a petition for rulemaking.

The petitioners request the Commission to issue regulations that would (a) require uranium mill operators licensed by the Commission to post a performance bond that would cover the cost of stabilization and ultimate disposal of uranium mill tailings, and (b) require each Agreement State to require uranium mill operators licensed by the Agreement State to post a similar performance bond.

The petitioners state that the amount of the bond to be posted should be the sum of two cost components. The first is the estimated cost to the government to stabilize and maintain tailings piles in the event the operator abandons operations without doing so. The second component is the estimated cost to the government of ultimate disposition of the tailings by the most expensive presently feasible method.

The text of a proposed regulation requiring uranium mill operators to post a performance bond to cover the estimated costs of disposing of the uranium mill tailings produced is set out as Appendix II to the petition.

The petitioners also request the Commission to proceed immediately with the preparation of a draft programmatic environmental impact statement on the Commission's uranium milling regula-

tory program, including that part of the mill licensing program administered by Agreement States. An outline of a proposed generic environmental impact statement on the uranium mill licensing program is set out as Appendix I to the petition.

The petitioners also request the Commission to issue or renew no licenses during the time the environmental impact statement is being prepared that would permit a licensee to escape any new regulations promulgated as a result of the requested environmental impact statements.

A copy of the petition for rulemaking is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the petition may be obtained by writing the Division of Rules and Records at the below address.

All interested persons who desire to submit written comments or suggestions concerning the petition for rulemaking should send their comments to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, on or before July 14, 1975.

Dated at Washington, D.C. this 9th day of May 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,  
Secretary of the Commission.

[FR Doc. 75-12656 Filed 5-13-75; 8:45 am]

[Docket No. PRM-100-1]

**NEW ENGLAND COALITION ON  
NUCLEAR POLLUTION**

**Filing of Petition for Rulemaking**

Notice is hereby given that Berlin, Roisman, Kessler, and Cashdan, 1712 N Street, NW., Washington, D.C., by letter dated February 11, 1975, has filed with the Nuclear Regulatory Commission a petition for rulemaking on behalf of the New England Coalition on Nuclear Pollution.

The petitioners request that the Commission issue a clarification or appropriate amendment of Appendix A of 10 CFR Part 100, "Reactor Site Criteria," with respect to the determination of the Safe Shutdown Earthquake.

The question of interpretation raised by the petitioners is whether or not the maximum vibratory ground motion design basis for a nuclear power plant is limited to that associated with the maximum intensity earthquake of historical record, i.e. whether or not the Safe Shutdown Earthquake is necessarily the maximum intensity earthquake of historical record.

The petitioners contend that Appendix A requires looking beyond the historical data base to establish the Safe Shutdown Earthquake and that, as a result, the Safe Shutdown Earthquake may be of greater intensity than the maximum intensity earthquake of historical record. It is the petitioners' view that an interpretation that the Safe Shutdown

Earthquake is necessarily the maximum intensity earthquake of historical record would result in incorporating an unacceptable level of risk in establishing the seismic design basis of nuclear power plants and would exclude consideration by the Atomic Safety and Licensing Board of better methods of earthquake prediction when they are available.

In the event that the Commission decides not to issue a clarification order the petitioners request that the Commission institute a rulemaking proceeding pursuant to 10 CFR 2.802 to amend Appendix A of 10 CFR Part 100.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. A copy of the petition may be obtained by writing the Division of Rules and Records at the below address.

All interested persons who desire to submit written comments or suggestions concerning the petition for rulemaking should send their comments to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, on or before July 14, 1975.

Dated at Washington, D.C. this 9th day of May 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,  
Secretary of the Commission.

[FR Doc. 75-12657 Filed 5-13-75; 8:45 am]

[Construction Permit Nos. CPPER-77;  
CPPER-78]

**VIRGINIA ELECTRIC AND POWER CO.  
(NORTH ANNA POWER STATION,  
UNITS 1 AND 2)**

**Notice and Order for Evidentiary Hearing  
MAY 28, 1974.**

By Memorandum and Order dated April 4, 1975, this Board ruled as to certain material false statements made by Virginia Electric and Power Co. (VEPCO) in required submissions to the Commission. Inter alia, the Order stated that a second phase to consider remedies and sanctions would be required.

Pursuant to agreement among all parties and the Board, a schedule of events for the second phase was issued on April 22, 1975. In said April 22 notice, an evidentiary hearing was scheduled for May 28, 1975 without further identification of location or time. Accordingly, the Board advises that the evidentiary session now set for May 28, 1975, will commence at 10 a.m. at the U.S. District Court (Courtroom #23), 3rd & Constitution Avenue, NW., Washington, D.C. 20001.

It is so ordered.

Dated at Bethesda, Maryland, this 9th day of May 1975.

ATOMIC SAFETY AND LICENSING BOARD,

JOHN B. FARMAKIDES,  
Chairman.

[FR Doc. 75-12658 Filed 5-13-75; 8:45 am]

**CIVIL AERONAUTICS BOARD**  
**CHAIRMAN, CIVIL AERONAUTICS BOARD**  
 Availability of Information on Professional Relationships

Notice is hereby given that materials relating to the prior professional relationships of John E. Robson, Chairman, Civil Aeronautics Board, have been placed in Docket 27827. These materials, consisting of copies of Mr. Robson's letter to the Chairman, Senate Commerce

Committee, dated March 13, 1975, and enclosures thereto, are available for public inspection in the Board's Docket Section, Room 710, 1825 Connecticut Avenue, NW, Washington, D.C. 20428.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,  
*Secretary.*

May 9, 1975.

[FR Doc.75-12712 Filed 5-13-75;8:45 am]

**CIVIL SERVICE COMMISSION**  
**LICENSED PRACTICAL NURSE**

Notice of Establishment of Minimum Rate and Rate Ranges; Allen Park, Mich.

Under authority of 5 U.S.C. 5303 and Executive Order 11721, the Civil Service Commission has established special minimum salary rates and rate ranges as follows:

TABLE NO. 356

Occupational coverage: GS-621-343, licensed practical nurse.  
 Geographic coverage: Allen Park, Mich.  
 Effective date: 1st day of the 1st pay period beginning on or after May 11, 1975.

FER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-3.....	\$8,114	\$8,339	\$8,564	\$8,789	\$9,014	\$9,239	\$9,464	\$9,689	\$9,914	\$10,139
GS-4.....	8,608	8,861	9,114	9,367	9,620	9,873	10,126	10,379	10,632	10,885
GS-5.....	9,060	9,349	9,632	9,915	10,198	10,481	10,764	11,047	11,330	11,613

Under provisions of section 3-2b, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty, 5 U.S.C. 5723, of new appointees to positions cited.

[SEAL]

UNITED STATES CIVIL SERVICE COMMISSION,  
 JAMES C. SPRY,

*Executive Assistant to the Commissioners.*

[FR Doc.75-12600 Filed 5-13-75;8:45 am]

**DEPARTMENT OF COMMERCE**  
**Title Change In Noncareer Executive Assignment**

By notice of December 7, 1972, FR Doc. 72-21018, the Civil Service Commission authorized the Department of Commerce to fill by noncareer executive assignment the position of Assistant to the Secretary, Office of the Secretary. This is notice that the title of this position is now being changed to Executive Assistant to the Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.75-12599 Filed 5-13-75;8:45 am]

**DEPARTMENT OF COMMERCE**  
**Grant of Authority Making Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Associate Direc-

tor (Planning and Coordination), Office of the Secretary, Office of Policy Development.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.75-12601 Filed 5-13-75;8:45 am]

**DEPARTMENT OF COMMERCE**  
**Revocation of Authority Making Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Director, Domestic Business Policy Analysis Staff, Domestic and International Business Administration.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.75-12606 Filed 5-13-75;8:45 am]

**CONSUMER PRODUCT SAFETY COMMISSION**

**Grant of Authority Making Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Consumer Product Safety Commission to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Chairman, Office of the Chairman.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.75-12602 Filed 5-13-75;8:45 am]

**ENVIRONMENTAL PROTECTION AGENCY**

**Revocation of Authority Making Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Environmental Protection Agency to fill by noncareer executive assignment in the excepted service the position of Director, Office of Operations Coordination, Office of Operation, Office of the Deputy Administrator, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.75-12607 Filed 5-13-75;8:45 am]

**FEDERAL ENERGY ADMINISTRATION**

**Grant of Authority Making Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Energy Administration to fill by noncareer executive assignment in the excepted service the position of Deputy Director of Intergovernmental, Regional, and Special Programs and Director of Intergovernmental Relations, Office of Intergovernmental, Regional, and Special Programs.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.75-12603 Filed 5-13-75;8:45 am]

**FEDERAL ENERGY ADMINISTRATION**

**Revocation of Authority Making Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Federal Energy Administration to fill



by noncareer executive assignment in the excepted service the position of Director of Intergovernmental Relations, Office of Intergovernmental, Regional, and Special Programs.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.75-12608 Filed 5-13-75;8:45 am]

DEPARTMENT OF THE INTERIOR  
Grant of Authority Making Noncareer  
Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary-Energy and Minerals (Energy), Office of the Assistant Secretary-Energy and Minerals, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.75-12604 Filed 5-13-75;8:45 am]

DEPARTMENT OF THE INTERIOR  
Revocation of Authority Making  
Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary, Secretary's Immediate Office, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.75-12609 Filed 5-13-75;8:45 am]

EXECUTIVE OFFICE OF THE PRESIDENT  
Grant of Authority To Make Noncareer  
Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Executive Office of the President to fill by noncareer executive assignment in the excepted service the position of Assistant to the Special Representative, Office of the Special Representative for Trade Negotiations.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.75-12605 Filed 5-13-75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

MAY 9, 1975.

On October 4, 1974, there was published in the FEDERAL REGISTER (39 FR 35840) a letter dated September 26, 1974 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, implementing those provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of January 4, 1972, as amended, between the Governments of the United States and the Republic of Korea, which establish specific export limitations, among other categories, on wool textile Categories 104 and 120 and on man-made fiber textile Categories 211, 216, 219, 222 (excluding knit trousers, slacks and shorts), 228, 229, 234, 235 and 238, produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period beginning on October 1, 1974 and extending through September 30, 1975. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 4(a) of the Bilateral Wool and Man-Made Fiber Textile Agreement of January 4, 1972, as amended, which provides for the limited carryover of shortfalls in certain categories to the next agreement year.

Accordingly, at the request of the Government of the Republic of Korea and pursuant to the provision of the bilateral agreement referred to above, there is published below a letter of May 9, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the levels of restraint applicable to wool textile Categories 104 and 120 and to man-made fiber textile Categories 211, 216, 219, 222 (excluding knit trousers, slacks and shorts), 228, 229, 234, and 238 for the twelve-month period which began on October 1, 1974.

ALAN POLANSKY,  
Chairman, Committee for the  
Implementation of Textile  
Agreements, and Deputy Assistant  
Secretary for Resources and Trade Assistance,  
U.S. Department of Commerce.

Commissioner of Customs,  
Department of the Treasury,  
Washington, D.C.

MAY 9, 1975.

DEAR MR. COMMISSIONER: On September 26, 1974, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning October 1, 1974 and extending through September 30, 1975 of wool and man-made fiber textile products in cer-

tain specified categories, produced or manufactured in the Republic of Korea, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.<sup>1</sup> The directive of September 26, 1974 was previously amended on April 3, 1975.

Pursuant to paragraph 4(a) of the Bilateral Wool and Man-Made Fiber Textile Agreement of January 4, 1972, as amended, between the Governments of the United States and the Republic of Korea, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to amend, effective on May 14, 1975, the levels of restraint for Categories 104, 120, 211, 216, 219, pt. 222, 228, 229, 234, 235 and 238 established in the aforesaid directive of September 26, 1974, as amended, to the following:

Category	Amended 12-month level of restraint <sup>1</sup>
104 -----square yards----	1,612,977
120 -----numbers-----	336,469
211 -----pounds-----	2,104,868
216 -----doz-----	143,260
219 -----doz-----	3,573,897
Part 222 (excluding TSUSA Nos. 380.0428 and 380.8165)	
-----doz-----	769,434
228 -----doz-----	737,102
229 -----doz-----	740,120
234 -----doz-----	3,697,507
235 -----doz-----	1,807,845
238 -----doz-----	183,478

<sup>1</sup> These amended levels of restraint have not been adjusted to reflect any entries made on or after October 1, 1974.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the implementation of such actions fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,  
Chairman, Committee for the Im-  
plementation of Textile Agree-  
ments, and Deputy Assistant  
Secretary for Resources and  
Trade Assistance U.S. Department  
of Commerce.

[FR Doc.75-12662 Filed 5-13-75;8:45 am]

COMMISSION ON REVISION OF THE  
FEDERAL COURT APPELLATE  
SYSTEM

Meeting

MAY 9, 1975.

Notice is hereby given that the Commission on Revision of the Federal Court

<sup>1</sup> The term "adjustment" refers to those provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of January 4, 1972, as amended, between the Governments of the United States and the Republic of Korea which provide, in part, that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; for limited interfiber flexibility between cotton and man-made fiber textile products of the comparable category; and for administrative arrangements.

Appellate System will meet on Monday, May 19, commencing at 9:30 a.m. and Tuesday, May 20, at 11:30 a.m., in Room S-146 of the Capitol.

The purpose of the meeting is to discuss recommendations which will be included in the Commission's Final Report on structure and internal operating procedures of the Federal courts of appeal system. The agenda includes consideration of comment and criticism following publication of the Commission's Preliminary Report on these subjects.

The meeting is open to all interested persons.

A. LEO LEVIN,  
Executive Director.

[FR Doc.75-12652 Filed 5-13-75;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[FRL 372-8; OPP-32000/249]

### NOTICE OF 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 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 June 13, 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 re-

ceived 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 June 13, 1975.

Dated: May 7, 1975.

JOHN B. RITCH, Jr.  
Director, Registration Division.

#### APPLICATIONS RECEIVED (OPP-32000/249)

EPA File Symbol 7043-RT. American Oil & Supply Co., 238 Wilson Ave., Newark NJ 07105. PQ SWIMMING POOL ALGAEICIDE. Active Ingredients: Alkyl (C14 60%; C12 25%; C16 15%) Dimethyl Benzyl Ammonium Chloride 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA File Symbol 8612-IL. B & G Co., PO Box 20372, Dallas, TX 75220. VAPONA 2 EC. Active Ingredients: 2,2-Dichlorovinyl Dimethyl Phosphate 23.0%; Related Compounds 1.7%; Petroleum Hydrocarbons 67.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM13

EPA Reg. No. 8612-59. B & G Co., PO Box 20372, Dallas TX 75220. B & G SYN-PY-3 EMULSIFIABLE CONCENTRATE. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-Dimethyl-3-(2-methylpropenyl)cyclopropanecarboxylate 3.000%; Related Compounds 0.409%; Aromatic Petroleum Hydrocarbons 91.471%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 5667-OT. Barrett Chem. Co., Inc., H & Luzerne Sts., Philadelphia PA 19124. BARRETT'S DISINFECTANT CLEANER NO. 12. Active Ingredients: Didecyl dimethyl ammonium chloride 4.25%; Tetrasodium ethylenediamine tetraacetate 1.60%; Sodium carbonate 2.00%; Sodium metasilicate, anhydrous 0.50%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 1459-UL. Bullen Chem. Co., Hook Rd., Folcroft PA 19032. WATER BASE INDUSTRIAL AND INSTITUTIONAL STRENGTH INSECTICIDE. Active Ingredients: Pyrethrins 0.5%; Piperonyl Butoxide, technical (Equivalent to 4.0% butylcarbityl) (6-propylpiperonyl) ether and to 1.0% related compounds) 5.0%; Petroleum distillate 2.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 3128-GNL. Chemagro Agricultural Div., Mobay Chem. Corp., PO Box 4913, Kansas City MO 64120. 50% WETTABLE POWDER HERBICIDE FOR REPACKAGING OF A HERBICIDE. Active Ingredients: 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4H)-one 50%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 11598-EO. Connecticut Aerosols, Inc., 85 Furniture Row, Milford CT 06460. CONNECTICUT AFRICAN VIOLET AND HOUSE PLANT SPRAY. Active Ingredients: Pyrethrins 0.056%; Rotenone 0.008%; Other cube resins 0.016%; Pine oil 0.900%; Petroleum distillate 0.406%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 2342-OAU. Kerr-McGee Corp., Kerr-McGee Center, Oklahoma City OK 73125. (K-M) GRAIN SORGHUM HARVEST AID. Active Ingredients: Sodium chlorate 56.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA Reg. No. 2342-899. Kerr-McGee Chem. Corp., Kerr-McGee Center, Oklahoma City OK 73125. TRONA METHYL BROMIDE. Active Ingredients: Methyl Bromide (CH3 Br) 100%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Additional uses. PM11

EPA File Symbol 5412-L. Paper-Pak Corp., PO Box 13914, Orlando FL 32809. PAPER-PAK BIPHENYL TREATED CITRUS PADS. Active Ingredients: Biphenyl 22.99%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 5412-U. Paper-Pak Corp., PO Box 13914, Orlando FL 32809. BIPHENYL TREATED CITRUS PADS. Active Ingredients: Biphenyl 18.7%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA Reg. No. 359-620. Rhodia Inc., Agricultural Div., 120 Jersey Ave., New Brunswick, NJ 08903. ZOLONE EC. Active Ingredients: Phosalone [0,0-diethyl S-(6-chloro-2-oxo-benzoxazol-3-yl)methyl] phosphorodithioate] 34.4%. Method of Support: Application proceeds under 2(a) of interim policy. PM12

EPA File Symbol 1989-RG. Sanco Prod. Co., Div. of Sanitary Supply & Chem. Co., Inc., 1810 7th St., Macon GA 31206. SANCO EMULSION BOWL CLEANER. Active Ingredients: Hydrogen Chloride 24.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM32

EPA File Symbol 1989-RA. Sanco Prod. Co., Div. of Sanitary Supply & Chem. Co., Inc., 1810 7th St., Macon GA 31206. SANCO SANTI-POL ALGAEICIDE. Active Ingredients: n-alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 10.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 11715-UO. Speer Prod., Inc., 105 S. Parkway W., Memphis TN 38109. SPI SCREW WORM & WOUND PROTECTANT SPRAY. Active Ingredients: Ronnel [0,0-Dimethyl 0-(2,4,5-trichlorophenyl) phosphorothioate] 2.50%; Dipropyl Isocinchomeronate 0.40%; Odorless Kerosene 42.72%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 2724-ETE. Thuron Industries, Inc., 12200 Denton Dr., Dallas TX 75234. FLEA COLLAR FOR CATS. Active Ingredients: Carbaryl (1-Naphthyl N-Methylcarbamate) 8.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 10775-L. Todco Chem. Co., Inc., 120 E. Rawls Rd., Des Plaines IL 60018. TODCO SUPER KLEEN 469-A. Active Ingredients: Didecyl dimethyl ammonium chloride 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate, anhydrous 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA Reg. No. 11246-1. Wilson & Geo. Meyer & Co., 270 Lawrence Ave., S. San Francisco CA 94080. CALCIUM CYANAMIDE FERTILIZER (FERTILIZER, HERBICIDE, FUNGICIDE). Active Ingredients: Calcium Cyanamide 44.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: New use. PM21

EPA File Symbol 1270-RIA. Zep Mfg. Co., PO Box 2015, Atlanta GA 30301. ZEP X-15872 WEED KILLER. Active Ingredients: Diquat dibromide (6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazinediium dibromide) 4.35%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

## CORRECTED ITEM

The following is a correction to the list of Applications Received published in the FEDERAL REGISTER on March 27, 1975 (40 FR 13549).

EPA File Symbol 707-REA. Rohm and Haas, Independence Mall W., Philadelphia PA 19105. KATHON 896 POLYMER LATEX PRESERVATIVE (originally published without product name). Active Ingredients: 5-chloro-2-methyl-4-isothiazolin-3-one calcium chloride 55.0%; 2-methyl-4-isothiazolin-3-one calcium chloride 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

[FR Doc.75-12594 Filed 5-13-75;8:45 am]

[OPP-170001; FRL 366-6]

## PESTICIDE PROGRAMS

## Notification to Foreign Governments of Certain Pesticide Actions

Section 17(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973), requires the Administrator, Environmental Protection Agency (EPA), to notify the governments of other countries and appropriate international agencies "whenever a registration, or a cancellation or suspension of the registration of a pesticide becomes effective, or ceases to be effective." Such notification is to be transmitted through U.S. Department of State. This notice sets forth the criteria for determining which of such actions are subject to the Act and the procedures to be followed in transmitting notices to the governments of other countries and appropriate international agencies.

The Agency does not interpret section 17(b) as requiring notice to foreign governments and international agencies of every registration, cancellation or suspension action, without regard to the reasons for the action and significance of the action. The legislative history of the 1972 amendments suggests that this belief is in keeping with the intent of the section:

It should be noted that this provision provides for notification to "the governments of other countries". This would not necessarily mean all other countries, but it is expected that notification would be provided to all countries which desired such notification, or where some useful purpose would be served thereby. (H.R. Report No. 92-1540, p. 33)

There appears to be no useful purpose served by sending to foreign governments notices of registration of individual products, particularly duplicative registrations (e.g., registrations of formulations or basic chemicals which are the same and which have been previously registered). Nor would it appear to serve any useful purpose to provide notices of routine cancellation actions which are not in violation of FIFRA (e.g., automatic

cancellation at the end of a five-year registration period or cancellations at the request of the registrant). In fact, the transmittal of hundreds of such notices could detract from or lessen the impact of information having international significance.

Therefore, the Agency has developed certain criteria for determining which registration, suspension, and cancellation actions will be transmitted to the governments of other countries and appropriate international agencies in accordance with the intent of section 17(b).

**Registration.** Section 3 of the amended FIFRA and the regulations thereunder require the Agency to publish in the FEDERAL REGISTER certain notices concerning applications to register a pesticide and the registration of a pesticide. Section 3(c)(4) specifically requires the Agency to publish in the FEDERAL REGISTER "a notice of each application for registration of any pesticide if it contains any new active ingredient or if it would entail a changed use pattern." The Agency will make available for transmittal to foreign governments notices of all registrations resulting from such applications.

**Cancellation or suspension.** The Agency believes that foreign governments should be notified of any cancellation or suspension action which has become effective and which is determined to have national or international significance. Determinations will be made on a case-by-case basis. Cancellation or suspension actions are considered to have national or international significance when:

1. The action is the result of a review of the basic pesticide.
2. The action is the result of findings of others (and adopted by the Agency) which indicate a risk applicable to a basic pesticide or class of pesticides.
3. The action is the result of safety determinations which require the tolerances for a particular pesticide to be reduced, revoked, or set at zero.
4. The action involves issuance of new policy applicable to the entire pesticide industry.
5. The action may have, in the opinion of the Administrator, widespread environmental, economic, or political implications.

**Transmittal of notices.** Notification of such registration, cancellation or suspension actions will be transmitted to foreign governments and appropriate international agencies from the Office of International Activities, EPA, through the U.S. Department of State. The Agency will begin such notification immediately by transmitting information pertaining to such actions which have taken place over the past five years, since the creation of the EPA in 1970. In the future, notification will be given at the time such actions take place.

Dated: April 22, 1975.

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

[FR Doc.75-12597 Filed 5-13-75;8:45 am]

## FEDERAL MARITIME COMMISSION

## CITY OF ANCHORAGE AND SEA-LAND SERVICE, INC.

## Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 48 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 3, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Gerald A. Malla, Esq.  
Ragan & Mason  
The Farragut Building  
900 Seventeenth Street NW.  
Washington, D.C. 20006

Agreement No. T-1685-6, between the City of Anchorage (City) and Sea-Land Service, Inc., (Sea-Land), modifies the basic agreement between the parties which provides for the lease and preferential use of berth space and a transit shed at Anchorage, Alaska. The purpose of the modification is to increase the number of allowable vessel berthings at the facilities, increase the amount of compensation paid City, and exclude City as an insured under Sea-Land's public liability and property damage insurance policy or policies.

By Order of the Federal Maritime Commission.

Dated: May 9, 1975.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.75-12673 Filed 5-13-75;8:45 am]

**SOUTH CAROLINA STATE PORTS AUTHORITY AND SEATRAN LINES, INC.**

**Agreement Filed**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 3, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

**Notice of agreement filed by:**

Mr. Marlon S. Moore, Jr.  
Traffic Manager  
South Carolina State Ports Authority  
P.O. Box 817  
Charleston, South Carolina 29402

Agreement No. T-2689-1, between the South Carolina State Ports Authority (Authority) and Seatrain Lines, Inc. (Seatrain), modifies the basic agreement between the parties which provides for the 10-year lease (with renewal options) of certain marine terminal facilities and preferential berth and crane use at the Authority's North Charleston Terminal for use as a container facility. The purpose of the modification is to update the provisions for facility improvement construction and to delete from the agreement the provision granting Seatrain credit for the use by others of said container cranes.

By order of the Federal Maritime Commission.

Dated: May 9, 1975.

**FRANCIS C. HURNEY,**  
*Secretary.*

[FR Doc. 75-12672 Filed 5-13-75; 8:45 am]

**STATES STEAMSHIP CO. AND AMERICAN PRESIDENT LINES, LTD.**

**Agreement Filed**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 27, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

**Notice of agreement filed by:**

Edward D. Ransom, Esq.  
Lillick, McHose and Charles  
Two Embarcadero Center  
San Francisco, California 94111

Agreement No. T-3091, between States Steamship Co. (States) and American President Lines, Ltd. (APL) is an arrangement whereby States agrees to furnish APL terminal services at Port of Seattle's (Port) Terminal 20, Transit Shed 5, which is assigned to States by the Port under Agreement No. T-2981. As compensation, States will receive the terminal service charges as set forth in section 8 of Port's Terminal Tariff No. 2-F. APL will pay directly to Port charges for dockage and all other charges assessed by Port against vessels and cargo handled by States at the assigned area.

By Order of the Federal Maritime Commission.

Dated: May 9, 1975.

**FRANCIS C. HURNEY,**  
*Secretary.*

[FR Doc. 75-12674 Filed 5-13-75; 8:45 am]

[Docket No. 75-16]

[Agreements Nos. 10107, as amended and 10108, as amended]

**TRADE FROM HONG KONG AND TAIWAN TO PORTS ON THE WEST COAST, GULF OF MEXICO, AND EAST COAST OF U.S.**

**Rate Agreements; Order To Show Cause**

Agreement No. 10107, initially approved by the Commission on February 19, 1974, established a ratemaking arrangement entered into by the member lines of the Trans-Pacific Freight Conference (Hong Kong) (Agreement No. 14, as amended) (TPFC (HK)) as a single party only, and Orient Overseas Line, Orient Overseas Container Line, Pacific Far East Line, Inc., and Zim Container Lines, Inc., four independent carriers, to apply in the trade from Hong Kong and Taiwan to ports on the West Coast of the United States.

Similarly, Agreement No. 10108, also initially approved by the Commission on February 19, 1974, established a ratemaking arrangement entered into by the member lines of the New York Freight Bureau (Hong Kong) (Agreement No. 5700, as amended) (NYFB (HK)), as a single party only, and American Export Lines, Inc., Orient Overseas Line, Orient Overseas Container Line and Zim Container Lines, Inc., four independent carriers, to apply in the trade from Hong Kong and Taiwan to ports on the Gulf of Mexico and East Coast of the United States.

These agreements cover identical arrangements whereby the parties, within the authority of the respective agreements, may confer, discuss and agree upon the matters of rates, charges, classifications, practices and related tariff matters, to be charged or observed by them in said trades, but with the reservation of the right by each to alter for itself any rate, charge, classification, practice, or related tariff matter thus agreed upon or theretofore in force upon first giving the other parties at least forty-eight (48) hours advance notice thereof. The arrangements also authorize the joint study for the introduction of fair and reasonable charges and regulations for positioning, use and inland carriage of containers and related equipment, terminal handling, storage and other accessorial services for containerized and unitized cargo, under terms and conditions set forth in the agreements. The carriers under Agreements Nos. 10107 and 10108 agreed to utilize the same self-policing systems as were to be used by the TPFC (HK) and the NYFB (HK) with respect to the activities of the carriers under corresponding Agreements Nos. 10107 and 10108.

For several months prior to the submission and approval of Agreements Nos. 10107 and 10108, the trade from Hong Kong to the United States within the

scope of the subject conferences had apparently been beset with malpractices, overtonnaging and severe competition from the nonconference carriers. The competition, for the most part, related to three major moving and high-rated commodities, i.e., toys, textiles and electronic equipment, which were alleged to comprise 60 to 80 percent of the trade from Hong Kong to the United States. The primary purpose of Agreements Nos. 10107 and 10108 was to create arrangements between the conferences and the major independents in the Hong Kong/Taiwan-U.S. trades, in order to provide authority for the establishment and maintenance of stable and uniform rates, and eliminate the possibility of destructive competition and unrest which had prevailed in these trades for some time.

Information recently received by the staff indicates that malpractices, severe competition, and the offering of more attractive rates to shippers by outsiders are again persistent in the trades. A copy of a document signed by five U.S. flag carriers operating in the Hong Kong/Taiwan to U.S. trades as members of the TPFC (HK) and the NYFB (HK), addressed to the other members of those conferences, reveals that the above factors are the main reasons for the declining share of the trade by the conference lines, and that while the conferences are attempting to rectify the situation, there are limits on their ability to do so. The staff has been advised by TPFC (HK) and NYFB (HK) of the decision of each to terminate its participation in Agreements Nos. 10107 and 10108 as of May 11, 1975, and by Pacific Far East Line and American Export Line of their resignations from Agreements Nos. 10107 and 10108, respectively, effective May 11 and 16, 1975.

The justification furnished by the parties for approval of the agreements at the time they were originally filed centered on the need for the conferences and the major independents to discuss, confer, and where possible, reach agreement on rates and practices. Withdrawal of the conferences from these agreements leaves no apparent justification for their continued approval. In view of the foregoing, and the fact that withdrawal of the conferences on May 11, 1975 as scheduled would apparently leave the rate agreements without adequate self-policing as required by statute and the Commission's General Order 7, such agreements appear vitiated and contrary to Commission requirements.

Now therefore it is ordered, That pursuant to sections 22 and 15 of the Shipping Act, 1916 (46 U.S.C. 821 and 814), the carriers named in the Appendix,<sup>1</sup> attached hereto, be named respondents in this proceeding and that they be ordered to show cause why Agreement Nos. 10107 and 10108 should not be found to: (1) have been terminated by the withdrawal therefrom of the Trans-Pacific

Freight Conferences (Hong Kong) and the New York Freight Bureau (Hong Kong), respectively; and (2) be contrary to the public interest by their failure to provide a system for adequately policing the obligations under them and because withdrawal of the conferences from these agreements leaves no apparent justification for their continued approval.

It is further ordered, That this proceeding shall be limited to the submission of affidavits and memoranda of law, replies, and oral argument. Should any party feel that an evidentiary hearing be required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit. Request for hearing shall be filed on or before June 9, 1975.

Affidavits of fact and memoranda of law shall be filed by respondents and served upon all parties no later than the close of business June 9, 1975. Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel and intervenors, if any, no later than close of business June 30, 1975.

Time and date of oral argument if requested and/or deemed necessary by the Commission will be announced at a later date.

It is further ordered, That a notice of this order be published in the FEDERAL REGISTER and that a copy thereof be served upon respondents.

It is further ordered, That persons other than those already party to this proceeding who desire to become parties to this proceeding and to participate therein shall file a petition to intervene pursuant to Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) no later than close of business May 23, 1975.

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 in an original and 15 copies as well as being mailed directly to all parties of record.

By the Commission.\*

[SEAL] FRANCIS C. HURNEY,  
Secretary.

[FR Doc.75-12715 Filed 5-13-75;8:45 am]

#### GENERAL ACCOUNTING OFFICE CONSUMER PRODUCTS SAFETY COMMISSION

##### Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on May 7, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CPSC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before May 28, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street NW., Washington, D.C. 20548.

Further information may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

#### CONSUMER PRODUCT SAFETY COMMISSION

Request for clearance of a revision to a single-time report entitled Product and Chemical Names Questionnaire. This form is designed to collect product ingredient information from selected manufacturers of household consumer products. The report form approved by GAO in 1974, has been changed requiring mandatory compliance instead of voluntary compliance.

Potential respondents are 1,750 manufacturers of household consumer products reporting on 21,000 products. The respondent burden is estimated at 30 minutes per response, per product.

NORMAN F. HEYL,  
Regulatory Reports  
Review Officer.

[FR Doc.75-12665 Filed 5-13-75;8:45 am]

#### 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 June 12-13, 1975, at the offices of the National Credit Union Administration, 2025 M Street, NW., 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 share insurance activities, and other aspects of the Administration.

Matters for discussion will include 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

<sup>1</sup> Appendix filed as part of the original document.

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.

HERMAN NICKERSON, Jr.,  
Administrator.

MAY 7, 1975.

[FR Doc.75-12626 Filed 5-13-75;8:45 am]

## NATIONAL SCIENCE FOUNDATION ADVISORY PANEL FOR DEVELOPMENTAL BIOLOGY

### Notice of Meeting

The Advisory Panel for Developmental Biology will hold a meeting on May 30 and 31, 1975, beginning at 9 a.m. at Massachusetts Institute of Technology, Cambridge, Mass.

The purpose of this Panel is to provide advice and recommendations concerning support of research proposals in the area of Developmental Biology. This Panel functions in accordance with the Federal Advisory Committee Act, Pub. L. 92-463.

This meeting will be closed to the public since the Panel will be reviewing and evaluating individual research proposals. Also, these proposals contain information of a proprietary 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 Panel, please contact Anne Holiday Schauer, Asst. Program Director, Division of Biological and Medical Sciences, Room 326, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-4314.

FRED K. MURAKAMI,  
Committee Management Officer.

[FR Doc.75-12518 Filed 5-13-75;8:45 am]

## AD HOC ADVISORY GROUP ON SCIENCE PROGRAMS (AGOSP)

### Meeting

The Ad Hoc Advisory Group on Science Programs is holding a two-day meeting on May 30 and 31, 1975, beginning at 9 a.m. in Rm. 540 at 1800 G Street, NW, Washington, D.C.

The purpose of this Group is to provide to the President's Science Adviser (Director, National Science Foundation) an independent source of advice concerning selected basic and applied science programs. The AGOSP was established on April 9, 1975, and operates

in accordance with the Federal Advisory Committee Act, Pub. L. 92-463.

The agenda for this meeting includes:

May 30. Review of National Aeronautics and Space Administration (NASA) draft report on Outlook for Space study.

May 31. Discussion of elements that would go into long-range strategy for space science. Discussion of Selected Issues Related to Space Science.

The May 30 portion of the meeting will not be open to the public when the Group will be considering and discussing the preliminary draft of the NASA internal planning study (inter-agency or intra-agency memorandums), Outlook for Space. The determination to close this portion of the meeting was made by the Director of the National Science Foundation dated April 30, 1975, on the basis that the discussion is concerned with matters listed in Section 552(b), (5) of Title 5 of the United States Code.

The May 31 portion of the meeting will be open to the public. Anyone who plans to attend or would like more information about the AGOSP, should contact Mr. William Bartley, Executive Director, AGOSP, Science and Technology Policy Office, telephone 202-632-6871, Rm. 602, National Science Foundation, Washington, D.C. 20550 by May 27.

Summary minutes of this meeting may be obtained from the Committee Management Coordination Staff, Management Analysis Office, Rm. 248, National Science Foundation, Washington, D.C. 20550.

FRED K. MURAKAMI,  
Committee Management Officer.

MAY 9, 1975.

[FR Doc.75-12676 Filed 5-13-75;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 May 9, 1975 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(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.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru 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

#### U.S. CIVIL SERVICE COMMISSION

Survey Readership: Pay Structure of the Federal Civil Service, S-164, single-time, agency personnel officers, Caywood, D. P., 395-3443.

#### DEPARTMENT OF AGRICULTURE

Farmers Home Administration, Certification on Non-Relocation and Market and Capacity Information Report—Rural Business/Industrial Guaranteed Loan Program, FMHA 449-22, on occasion, applicants for PMHA assistance for rural development, Lowry, R. L., 395-3772.

#### DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration, National Survey of Automobile Purchasing Behavior, single-time, households, Strasser, A., 395-3880.

#### REVISIONS

#### EXECUTIVE OFFICE . . . OTHER

The White House Fellows Application, annually, U.S. Citizens 23-35 years old, Caywood, D. P., 395-3443.

#### DEPARTMENT OF AGRICULTURE

Forest Service, Application for Grazing Permit, FS2200-16, on occasion, applicants for grazing permits on FS land, Lowry, R. L., 395-3772.

Statistical Reporting Service, Mushroom Grower Survey, annually, mushroom growers, Lowry, R. L., 395-3772.

#### DEPARTMENT OF THE INTERIOR

Bureau of Sport Fisheries and Wildlife, Woodcock Singing Ground Survey, 3-166, annually, Federal, State, and private organizations, Planchon, P., 395-3898.

#### EXTENSIONS

#### VETERANS ADMINISTRATION

Pension Claims Questionnaire for Veteran Engaged in Farming, 21-4165, on occasion, veteran or dependents, Marsha Traynham, 395-4529.

#### DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Civil Rights Compliance Review Institutions and Non-Profit Private Schools, PNS-86, on occasion, institutions, Marsha Traynham, 395-4529.

#### DEPARTMENT OF TRANSPORTATION

Departmental and other, Questionnaire for Urban Corridor Travel Data in Minneapolis, Minnesota, annually, individuals, Strasser, A., 395-3880.

PHILLIP D. LARSEN,  
Budget and Management  
Officer.

[FR Doc.75-12789 Filed 5-13-75;8:45 am]

## 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 May 8, 1975 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(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.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru 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

## VETERANS ADMINISTRATION

Normative Aging Study, 10-14HH(750) 10-1411(750), single-time, veterans, Reese, B. F., 395-5630.

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Study of Student Financing in Health Professions, (MODVOPP-PH) schools, HRD 0428, single-time, Students in MODVOPP-PH schools, Human Resources Division, Dick Eisinger, 395-3532.

## REVISIONS

## VETERANS ADMINISTRATION

Evaluation of Treatment of Drug and Alcohol, dependent patients, 10-7984, single-time, patients and former patients of VA drug and alcohol treatment, Human Resources Division, Reese, B. F., 395-3532.

## DEPARTMENT OF AGRICULTURE

Foreign Agriculture Service, Sales of Agriculture Commodities for Export, CE 06-0097 CE 06-0980, Other (SEE SF-83), exporters of agricultural commodities, Lowry, R. L., 395-3772.

Forest Service, YOC Environmental Awareness Questionnaire, single-time, enrollees in youth conservation corps program, Planchon, P., 395-3898.

Food and Nutrition Service, Termination Information - WIC Program, single-time, WIC program participants, Human Resources Division, 395-3532.

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary, Questionnaire for Evaluation of Nutrition Program, for elderly outreach activities, OS-25-75, single-time, elderly nutrition program participants and nonparticipants, Reese, B. F., 395-5630.

## EXTENSIONS

## VETERANS ADMINISTRATION

Patient Survey (applicants for admission), Patient Survey, and Relative Survey, 10-20590, on occasion, Marsha Traynham, 395-4529.

## ACTION

Decline/Defacto Questionnaire, quarterly, Marsha Traynham, 395-4529.

Interest Card, on occasion, Marsha Traynham, 395-4529.

Vista Lawyer Recommendation, on occasion, Marsha Traynham, 395-4529.

## DEPARTMENT OF LABOR

Occupational Safety and Health Administration, Material Safety Data Sheet, OSHA-20, on occasion, Marsha Traynham, 395-4529.

Course Evaluation, OSHA-49, on occasion, Marsha Traynham, 395-4529.  
Application for Accreditation to Perform Gear Certification, OSHA-70, on occasion, Marsha Traynham, 395-4529.  
Employer/Employee Application for training, OSHA-66, on occasion, Marsha Traynham, 395-4529.  
Occupational Safety and Health Complaint Form, OSHA-7, on occasion, Marsha Traynham, 395-4529.

## DEPARTMENT OF THE INTERIOR

Bureau of Sport Fisheries and Wildlife, Wildlands Public Use Survey, 3-222, on occasion, general public visitors, Planchon, P., 395-3898.

PHILLIP D. LARSEN,  
*Budget and Management  
Officer.*

[FR Doc.75-12790 Filed 5-13-75;8:45 am]

## 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 May 7, 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.

Requests for extension which appear to raise no significant issues 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

## U.S. CIVIL SERVICE COMMISSION

Supplemental Application for Licensed Practical Nurse, Form CHCH 27, occasional, applicants for practical nurse, Caywood, 395-3443.

## ENVIRONMENTAL PROTECTION AGENCY

Interview Guide for Economic Impact Study of Controls on the Use of Selected Chemicals, Form ----, single time, selected firms producing and using chlorine-containing compounds, Lowry, 395-3772.

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Attitudinal Acceptance of a Children's Incremental Dental Care Plan, Form HRABHRD 0428, single time, parents, teachers, school administrators, Human Resources Division, 395-3532.

Center for Disease Control, Sterilization Field-Check, Forms CDC 4.473, 4.474, 4.475, 4.476, single time, title X grantees, Human Resources Division, 395-3532.

Health Resources Administration, Interview Instrument for Evaluation of States Health Manpower and Health Facility Information Systems, Form HRANCHS 0303, single time, State government officials, Hall, 395-4697.  
National Institutes of Health:  
Pilot Phase: National Survey of the Incidence, Prevalence and Costs of Multiple Sclerosis, Form OS NIH-ND-8, single time, physicians, hospital records, nursing homes, patients with multiple sclerosis, Lowry, 395-3772.

## DEPARTMENT OF THE INTERIOR

National Park Service, Floater and Fisherman Survey, Form ----, single time, fishermen and canoe floaters, Planchon, 395-3898.  
National Institutes of Health, Carcinomas of the Testicle in Young Adult Males, Form OS NIH-CA-26, single time, patients, their mothers, Lowry, 395-3773.

## DEPARTMENT OF LABOR

Bureau of Labor Statistics, Study of UI Data Base, Form BLS-3066, single time, employment security agencies in all States, Strasser, 395-3880.

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, Followup Questionnaire for Air Traffic Control Specialist Second Career Program Training, Form FAA 3120-8, occasional, former FAA ATCS specialists, medically disqualified, Lowry, 395-3772.

Federal Highway Administration, Measuring the Effects of System Operating Policies on the Travel Behavior & Desires of Individuals, Form ----, single time, sample of households in Los Angeles, Calif., Strasser, 395-3880.

## REVISIONS

## DEPARTMENT OF COMMERCE

Economic Development Administration, Employment Schedule & Assurances of Job Opportunities, Form ED-223, occasional, business entities, Planchon, 395-3898.

## DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration, Motor Vehicle Diagnostic Inspection Demonstration Projects, Form ----, semi-annual, motor vehicle operators, vehicle repair facilities, Strasser, 395-3880.

## EXTENSIONS

## CIVIL SERVICE COMMISSION

Change Form—Recognitions & Agreements, Form CSC 913-B, occasional, Traynham, 395-4529.

## NATIONAL SCIENCE FOUNDATION

Cash Outlay Report, Form NSF 612, quarterly, grantees, Traynham, 395-4529.

PHILLIP D. LARSEN,  
*Budget and Management Officer.*

[FR Doc.75-12791 Filed 5-13-75;8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 18975; (70-5675)]

AMERICAN NATURAL GAS CO. AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Proposal To Transfer Stock of Subsidiary Production Company in Exchange for Additional Stock of Subsidiary Pipeline Company

MAY 8, 1975.

Notice is hereby given that American Natural Gas Company ("American Natural"), 30 Rockefeller Plaza, Suite 4545,

New York, New York 10020, a registered holding company, and Michigan Wisconsin Pipe Line Company ("Michigan Wisconsin"), One Woodward Avenue, Detroit, Michigan 48226, a pipeline subsidiary of American Natural, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9(a) (1), 10 and 12 of the Act and rules 43 and 50(a) (3) promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

American Natural Gas Production Company ("Production Company") is currently a wholly-owned subsidiary of American Natural, and engages in the exploration and development of gas reserves as the production company for the American Natural system. It supplies the system through Michigan Wisconsin. Production Company was organized under Delaware law in 1957, but until recently has not participated on a significant scale in lease acquisitions and development of reserves (HCAR No. 17984, June 5, 1973; HCAR No. 18324, March 15, 1974). Since 1973, Production Company has actively participated in lease acquisitions and has received advance production payments from Michigan Wisconsin which, as of December 31, 1974, totalled \$16,032,058. Apart from notes owed to banks, Production Company has no publicly outstanding securities. All of its outstanding common stock is owned by American Natural.

It is now proposed that Production Company become a wholly-owned subsidiary of Michigan Wisconsin. To accomplish this, American Natural proposes to transfer all of Production Company's 395,480 outstanding shares of common stock, par value \$100 per share, to Michigan Wisconsin in exchange for 370,250 shares of Michigan Wisconsin's common stock, par value \$100 per share. It is stated that the aggregate par value of the Michigan Wisconsin stock to be issued will be equal to the book net worth of Production Company as of December 31, 1974, which was \$37,024,909, plus a balancing \$91.00 in cash to be paid by American Natural. If Production Company should issue additional shares to American Natural prior to consummation of the proposed transactions, an appropriate number of additional shares will be issued by Michigan Wisconsin in exchange therefor.

The proposed transactions are stated to be integral steps in the reorganization of the American Natural system pending before this Commission (HCAR No. 18832), which provides for the stock of Wisconsin Gas Company, a gas utility subsidiary of American Natural, to be distributed to the holders of American Natural's common stock.

The fees, commissions and expenses paid or incurred in connection with the

proposed transactions will be \$1,500. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 3, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.75-12702 Filed 5-13-75; 8:45 am]

#### CANADIAN JAVELIN, LTD.

[File No. 500-1]

#### Notice of Suspension of Trading

MAY 8, 1975.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securi-

ties exchange is suspended, for the period from May 9, 1975 through May 18, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.75-12703 Filed 5-13-75; 8:45 am]

[File No. 802-10, Ref. No. 459]

#### CONNECTICUT MUTUAL LIFE INSURANCE CO.

#### Notice of Filing of Application

MAY 7, 1975.

Notice is hereby given that Connecticut Mutual Life Insurance Company ("Applicant"), 140 Garden Street, Hartford, Connecticut 10020, registered as an investment adviser under the Investment Advisers Act of 1940 ("Act"), filed an application on February 3, 1975, and an amendment thereto on April 28, 1975, for an exemption pursuant to section 206A of the Act with respect to the creation of a real estate investment limited partnership to be named CM Properties. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a mutual insurer with its principal office in Hartford, Connecticut, proposes to create a real estate limited partnership to be named CM Properties which will invest in real estate and real estate interests which may be deemed to be securities. Applicant will be the general partner of CM Properties and proposes to contribute approximately 50 percent of the capital of CM Properties, in the form of real estate. Applicant will retain its proportional interest in CM Properties until the latter's dissolution. Applicant will offer limited partnership interests to institutional investors, such as pension funds and foundations. The minimum investment of each limited partner will be \$1,000,000, in cash.

Applicant intends to serve as manager of CM Properties and will receive an annual management fee of 1 1/2 percent of the net asset value of the partnership. To the extent profits are available, they will be allocated so as to provide, on a cumulative basis:

First, an 8 percent annual return to the limited partners on their capital;

Second, an 8 percent annual return to Applicant on its capital;

Third, a further 2 percent annual return to all partners on their capital; and

Fourth, 62.5 percent of any additional profits to Applicant and 37.5 percent to the limited partners.

Section 205(1) of the Act, in pertinent part, prohibits an investment adviser from making use of the mails or any means or instrumentality of interstate commerce to enter into or perform any investment advisory contract which provides for compensation to the investment adviser on the basis of a share of capital gains upon or capital appreciation of the funds or any portion of the funds of the client.



However, that section excepts from the above prohibition an investment advisory contract with an investment company registered under the Investment Company Act of 1940, or any other person (except a trust, collective trust fund or separate account referred to in section 3(c) (11) of the Investment Company Act of 1940), provided that the contract relates to the investment of assets in excess of \$1 million and provides for compensation based on the asset value of the company or fund under management averaged over a specified period and increasing and decreasing proportionately with the investment performance of the company or fund over a specified period in relation to the investment record of an appropriate index of securities prices or such other measure of investment performance as the Commission by rule, regulation, or order may specify. For purposes of the preceding sentence, the point from which increases and decreases in compensation are measured shall be the fee which is paid or earned when the investment performance of such company or fund is equivalent to that of the index or other measure of performance, and an index of securities prices shall be deemed appropriate unless the Commission by order shall determine otherwise.

If Applicant's proposed contract is subject to Section 205, the above exception is unavailable to it because of the potential inclusion of pension funds as limited partners and because of the terms of the proposed compensation. Thus, Applicant is prohibited from entering into or performing the proposed advisory contract without an exemption.

Section 206A of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction, or any class or classes of persons, or transactions, from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant alleges initially that the proposed arrangement represents only an agreement among the partners as to the allocation of the return on their capital. Thus, Applicant states, it will subordinate its right to receive a return of capital to the right of the limited partners to receive an 8 percent annual return of their capital, in return for the right to receive disproportionately higher return above the level of a 10 percent annual profit.

Applicant also represents that if the agreement is deemed subject to the Act, the alleged compensation is not of the character that section 205(1) of the Act is intended to prohibit. Additionally, Applicant states that its 50 percent interest in CM Properties will minimize any possibility that Applicant will engage in speculative investing. It is also alleged that the investors in CM Properties will be highly sophisticated institutions. Finally, Applicant states that, since this

investment vehicle is concerned primarily with real estate rather than securities, allowances may be made for the arrangements for compensation therein.

Applicant further asserts that the exemption requested is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 2, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. An order disposing of the application herein will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.75-12704 Filed 5-13-75; 8:46 am]

**FINANCIAL DYNAMICS FUND, INC.,  
FINANCIAL VENTURE FUND, INC.**

[ (812-3794); Rel. No. 8783 ]

**Notice of Filing of Application**

MAY 8, 1975.

Notice is hereby given that Financial Dynamics Fund, Inc. ("Dynamics Fund"), 1050 South Broadway, Denver, Colorado 80201, and Financial Venture Fund, Inc. ("Venture Fund"), collectively referred to as the Funds, both registered under the Investment Company Act of 1940 ("Act") as open-end investment companies, filed an application on April 11, 1975, pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) thereof the proposed exchange of the assets of Venture Fund for shares of Dynamics Fund. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

The application states that the Funds have entered into an agreement and plan of reorganization ("Plan") under

which substantially all the assets of Venture Fund are to be purchased by Dynamics Fund in exchange for shares of Dynamics Fund at net asset value as of the valuation date as defined in the Plan. The Dynamics Fund shares will be distributed to holders of shares of Venture Fund in liquidation.

Dynamics Fund and Venture Fund both have as their primary objective capital appreciation through investment in speculative securities, principally common stocks, with current income an incidental objective. In implementation of their speculative investment policies, both Funds may engage in short term trading and thus may have a relatively high rate of portfolio turnover. Both Funds have a limited power to borrow money for investment purposes which power has never been used by either Fund. The investment restrictions of each Fund are substantially the same. Venture Fund is permitted to invest up to 10% of its assets in unregistered "restricted" securities while Dynamics Fund is not. Venture Fund is limited in amounts that may be invested in companies with less than a three-year record of continuous operation while Dynamics Fund has no such restriction. The directors and officers of the Funds are identical. The investment advisory agreements which each Fund has with Financial Programs, Inc., are the same in all respects. Both Funds offer their shares at net asset value without sales or redemption charges. Both Funds have identical custody agreements with the United Bank of Denver.

On March 31, 1975, net assets of Dynamics Fund and Venture Fund amounted to \$29,178,789 and \$11,067,571, respectively. Under the Plan, all securities and cash of Venture Fund (subject to the retention of it of cash estimated to be sufficient to pay its liabilities and expenses of liquidation and dissolution but not to exceed \$5,000) will be delivered to Dynamics Fund in exchange for shares of Dynamics Fund. The exchange will be based upon the net asset value of Venture Fund and the net asset value per share of Dynamics Fund as of the close of business on the valuation date. If the transaction had taken place (on the basis of unaudited financial statements) at March 31, 1975, the shareholders of Venture Fund would have received 1,023 shares of Dynamics Fund having a value of \$3.42 per share for each share of Venture Fund held by them.

There is no adjustment contemplated to give credit for the tax consequences which might inhere, in different proportions, in the respective portfolios of Dynamics Fund and Venture Fund for realized and unrealized capital gains and losses. As of January 31, 1975, Venture Fund had unrealized capital depreciation of \$2,456,916. The application states that the long-term benefit to the shareholders of Dynamics Fund, however, would be highly theoretical, because Dynamics Fund itself had as of that date realized losses (including carry-forward losses) of \$45,542,641 and unrealized capital depreciation of \$1,314,654, more

than sufficient to offset its realizable gains. It is further stated that one theoretical purpose of such tax adjustment is to limit the benefit which an acquiring fund derives from realized losses of the acquired fund, but this benefit inures only to a fund with a portfolio market value in excess of its tax cost basis. The portfolios of both Venture Fund and Dynamics Fund have market values substantially less than their respective tax cost bases.

The Plan is contingent upon (1) approval by the shareholders of Venture Fund; and (2) registration under the Securities Act of 1933 of Dynamics Fund shares to be distributed to shareholders of Venture Fund. The application states that the Plan is for the benefit of both of the Funds. It is alleged that both Funds will benefit from increased diversification of investments and anticipated savings of expenses as a percent of assets; e.g., various fixed expenses such as legal, auditing, stockholder reports, Commission filings, and other administrative costs can be reduced. Dynamics Fund will benefit by the acquisition of portfolio securities without incurring the usual transaction costs or brokerage fees. In the opinion of management of Dynamics Fund, substantially all of the securities in Venture Fund's portfolio are consistent with the investment policies of Dynamics Fund.

The Funds are parties to certain litigation identified in the Plan. The Plan provides for the assignment to Dynamics Fund of all claims asserted by Venture Fund in the lawsuits in which Venture Fund is a plaintiff and for the assumption by Dynamics Fund of all liability of Venture Fund as may finally be determined in the lawsuits in which Venture Fund is a defendant.

Except for expenses which Financial Programs, Inc., the Funds' investment adviser, is obligated to bear under its contracts with the Funds, each Fund will pay its own expenses in connection with the Plan whether or not it is consummated, provided, that any expenses which are unbilled (and hence not reflected in the relative net asset values of the Funds) as of the exchange date shall, upon consummation of the Plan, be paid by Dynamics Fund.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered company any security or other property, subject to certain exceptions, unless the Commission upon application, pursuant to section 17(b) of the Act, grants an exemption from the provisions of section 17(a) of the Act upon a finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is

consistent with the general purposes of the Act.

Funds submit that the proposed transaction meets all of the standards of section 17(b) of the Act, because among other things the exchange is to take place solely on the basis of relative net asset values; nothing in the recited policy of either of the Funds forbids the proposed transaction; shareholders of Venture Fund are being fully advised of the investment policies of Dynamics Fund; the transaction will serve to reduce the per share amount of certain fixed expenses which presently duplicate one another; and the transaction is consistent with the general purposes of the Act because as part of the Plan the shareholders of Venture Fund will become shareholders of Dynamics Fund which is itself a registered investment company.

Notice is further given that any interested person may, not later than June 2, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Funds at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.75-12705 Filed 5-13-75;8:45 am]

**JERSEY CENTRAL POWER & LIGHT CO.**  
[70-5676; Rel. No. 18972]

**Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding**

MAY 8, 1975.

Notice is hereby given that Jersey Central Power & Light Company ("Jersey Central"), Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960, an electric utility subsidiary company of General Public Utilities Corpo-

ration, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Jersey Central proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to \$35,000,000 principal amount of First Mortgage Bonds, \_\_\_\_\_ percent Series due 2005. The interest rate (which will be a multiple of  $\frac{1}{8}$  of 1 percent and the price (which will be not less than 100 percent nor more than 102.75 percent of the principal amount thereof plus accrued interest from June 1, 1975, to the date of delivery) will be determined by competitive bidding. The bonds will be issued under Indenture, dated as of March 1, 1946, of Jersey Central to First National City Bank, Trustee, as heretofore supplemented and amended by a Supplemental Indenture to be dated as of June 1, 1975, and which includes, with certain exceptions, a prohibition until June 1, 1980, against refunding the issue with proceeds of funds borrowed at a lower effective interest cost.

The entire proceeds, excluding premium and accrued interest, realized from the sale of the new bonds (\$35,000,000) will be applied to the payment of a portion of Jersey Central's short-term bank loans, of which approximately \$51,300,000 is outstanding, for construction purposes or to reimburse Jersey Central's treasury for expenditures therefrom for construction purposes. Premium relating from the sale of the First Mortgage Bonds will be used for financing the business of Jersey Central, including the payment of expenses in effecting the sale of the bonds. The estimated cost of Jersey Central's 1975 construction program is approximately \$135,000,000.

The fees and expenses to be paid by Jersey Central in connection with the issue and sale of bonds will be supplied by amendment. The fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment. It is stated that the Board of Public Utility Commissioners of New Jersey has jurisdiction over the proposed issue and sale of bonds by Jersey Central and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than June 2, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request

should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 75-12706 Filed 5-13-75; 8:45 am]

(811-2073); Rel. No. 8782]

#### STALLION FUND, INC.

##### Proposal To Terminate Registration

MAY 8, 1975.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that The Stallion Fund, Inc. ("Fund"), 133 East 35th Street, New York, New York 10016, registered under the Act as a diversified open-end investment company, has ceased to be an investment company as defined in the Act.

Fund registered under the Act on June 19, 1970. A registration statement on Form S-5 (File No. 2-37939), filed by Fund under the Securities Act of 1933, became effective on June 2, 1972. Information in the Commission's files shows that the public offering was unsuccessful; that never more than 20 persons owned Fund shares and such persons were friends and members of the families of the Fund's officers and directors. The files further show that no shares were offered after 1972 and that the Fund does not anticipate offering its securities to the public in the future.

Section 3(c) (1) of the Act provides, in pertinent part, that an issuer is not an investment company within the meaning of the Act if its outstanding securities are owned beneficially by not more than 100 persons and it is not making and does presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, as here relevant, that when the Commission on its own motion or upon application, finds that a registered investment com-

pany has ceased to be an investment company, it shall so declare by order and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given, that any interested person may, not later than June 2, 1975, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Fund at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 75-12707 Filed 5-13-75; 8:45 am]

[File No. 500-1]

#### VALLEY AIRLINES, INC.

##### Suspension of Trading

MAY 7, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Valley Airlines, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 4:30 p.m. (e.d.t.) on May 7, 1975 through midnight (e.d.t.) on May 16, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 75-12708 Filed 5-13-75; 8:45 am]

#### SMALL BUSINESS ADMINISTRATION

##### BALTIMORE DISTRICT ADVISORY COUNCIL

###### Public Meeting

The Small Business Administration Baltimore District Advisory Council will meet at 9:30 a.m. (e.d.t.), Friday, June 13, 1975, at the Annapolis Hilton Hotel, Annapolis, Maryland, 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 Gerard J. Lang, 7800 York Road, Towson, Maryland 21204, (301) 962-2150.

Dated: May 8, 1975.

ANTHONY S. STASIO,  
Chief Counsel for Advocacy,  
Small Business Administration.

[FR Doc. 75-12700 Filed 5-13-75; 8:45 am]

#### INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 313]

##### INCREASED FREIGHT RATES AND CHARGES—LABOR COSTS, 1975

At a session of the INTERSTATE COMMERCE COMMISSION, Division 2, held at its office in Washington, D.C., on the 8th day of May, 1975.

Upon consideration of the record in the above-entitled proceeding, including the railroads' petition for authority to supplement the X-313 Master Tariff to reflect application of the proposed 5-percent increase on certain traffic from, to and within Southern Territory;

*It appearing*, That by order dated May 2, 1975, the Commission authorized the filing of a general increase proposal, effective upon not less than 30 days' notice to the Commission and general public, subject to protest and possible suspension;

*It further appearing*, That Special Permission No. 75-3900, concurrently issued, provided that the master tariff filed thereunder shall not be amended except to correct errors and to comply with findings and orders of the Commission, except upon specific authorization;

*It further appearing*, That on May 7, 1975, the railroads filed "Tariff of Increased Rates and Charges X-313" which as filed, did not reflect the application of the proposed 5-percent increase on certain traffic from, to and within Southern Territory;

*It further appearing*, That petitioners request authorization to file a tariff supplement, bearing the same effective date as the master tariff, which would reflect the application of the 5-percent increase, from, to and within Southern Territory on the commodities identified in the appendix to this order;

*And it further appearing*, That the relief sought is warranted insofar as authorization to file is requested but that said filing should be upon no less than 30 days' notice and that additional time

for protests is necessary to accord the public an opportunity to evaluate the Southern proposal;

It is ordered, That authority to file the proposed supplement be, and it is hereby, granted, effective upon not less than 30 days' notice, and that protests and verified statements with regard to the 5-percent increase from, to and within Southern Territory shall be filed in the manner set forth in the order dated May 2, 1975, on or before May 30, 1975.

By the Commission, Division 2.

[SEAL] JOSEPH M. HARRINGTON,  
Acting Secretary.

APPLICATIONS OF X-313 INCREASES (5%) TO,  
FROM AND WITHIN SFA TERRITORY

Line-Haul Commodity Rates on:  
Auto Parts as described in Item 676 of Tariff X-310 (Supp. 5, X-310-A)  
Lumber and Related Articles as described in Item 558 of Tariff X-310  
Feed as described in Items 715 and 725 of Tariff X-313  
Grain as described in Item 700 of Tariff X-313  
Grain Products as described in Items 705 and 710 of Tariff X-313  
Cake or Meal, nec STCC 20 999 72  
Soybean Meal as described in Item 720 of Tariff X-313  
Oyster Shells (X) STCC 09 131  
Bakery Refuse or Sweepings STCC 20 511 18  
Roofing & Building Materials as described in Item 585 of Tariff X-310-A  
Insulating Material as described in Item 955-B of X-281-B  
Iron Ores (X) STCC 10 1  
Scrap Paper (X) STCC 40 24  
Bauxite Ore (X) STCC 10 5  
Diatomaceous or Infusorial Earth, Crude (X) STCC 14 918  
Marl, etc., as described in Item 730-A of Tariff X-281-B  
Potash as described in Item 74-B of Tariff X-281-B  
Phosphate Rock, Crude (X) STCC 14 714  
Phosphate Rock, Ground or Pulverized STCC 32 959 61  
Phosphatic Clay or Sand, Ground STCC 32 959 62  
Sulphur, Crude, Liquid, Molten or Solid (X) STCC 14 716  
Perlite Rock, Crude, Crushed, Broken or Ground STCC 14 919 70  
Perlite, other than Crude STCC 32 952 75  
Feldspar, Crude (X) STCC 14 515  
Feldspar, Ground or otherwise treated (X) STCC 32 955  
Vermiculite (Vermiculite Ore, Crude) STCC 14 919 50  
Vermiculite (X) STCC 32 951  
Saw Logs (X) STCC 24 111  
Resinous Waste Wood STCC 24 119 85  
Short Logs or Wood Bolts (X) STCC 24 113  
Pulpwood Logs (X) STCC 24 114  
Pulpwood or Other Wood Chips (X) STCC 24 115  
Shavings or Sawdust (X) STCC 24 293  
Blackstrap Molasses (X) STCC 20 617  
Sugar Molasses (X) STCC 20 616  
Brick or Tile Raw Materials STCC 14 519 35  
Shale, Crude STCC 14 919 40  
Iron or Steel Scrap Wastes or Tailings (X) STCC 40 211  
Salt, Common (Sodium Chloride) in packages STCC 28 991 11  
Butane Gas, Liquefied STCC 29 121 10  
Propane Gas, Liquefied STCC 29 121 11  
Isobutane Gas, Liquefied STCC 29 121 12  
Liquefied Petroleum Gas, nec, compressed STCC 29 121 90  
Butene (Butylene) Gas, Liquefied STCC 29 121 22

Butane, Impure STCC 29 119 31  
Vegetable oils as described in the following tariffs:

Item 72490, Tariff S-2011-N  
Item 10350, Tariff SW/S 2007-H  
Item 765, Tariff E/S 2008-K  
Item 2340, Tariff I/S 2003-R  
Item 4810, Tariff W/S 2001-J

Fruits and Vegetables:

Potatoes, Sweet (X) STCC 01 194  
Potatoes, other than Sweet (X) STCC 01 195  
Field Crops, nec (X) STCC 01 199  
Citrus Fruits (X) STCC 01 21  
Deciduous Fruits (X) STCC 01 22  
Tropical Fruits (X) STCC 01 23  
Bush or Cane Berries (X) STCC 01 291  
Cranberries (X) STCC 01 292  
Strawberries (X) STCC 01 293  
Nuts, Edible, in the Shell (X) STCC 029  
Fresh Fruits or Tree Nuts, nec (X) STCC 01 299  
Fresh Vegetables (X) STCC 01 3  
Cotton Linters as described in Item 860 of Tariff X-281-B  
Containers, Shipping, Returned Empty (X) STCC 42 1  
Ethylene Oxide STCC 28 182 39  
Coal and Coke as described in Items 635-C, 645-C, 650-C, 660-C and 1410-C, Supplement 10 of Tariff X-295

Aggregates:

Fluxing Stone (X) STCC 14 212  
Dolomite, Broken or Crushed (X) STCC 14 213  
Broken or Crushed Stone, nec (X) STCC 14 219  
Gravel or Sand (X) STCC 14 4  
Cinders, Clay, Slate or Volcanic STCC 32 952 15  
Slag, Furnace STCC 32 952 78  
Shale, Ground, Burnt or Retorted STCC 32 952 80  
Slag, nec, Granulated, etc. STCC 32 952 91  
Furnace Slag (X) STCC 33 112  
Blast Furnace or Coke Oven Products, nec STCC 33 119 15 thru 33 119 45  
Class Rates and Exceptions Rated Traffic  
Export-Import Rates  
Accessorial Services

[FR Doc. 75-12723 Filed 5-13-75; 8:45 am]

[Notice No. 765]

ASSIGNMENT OF HEARINGS

MAY 9, 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 111401 Sub 429, Groendyke Transport, Inc., now assigned May 12, 1975, at Dallas, Texas is canceled and application is dismissed.  
MC 117940 Sub 143, Nationwide Carriers, Inc., now assigned May 14, 1975, at Washington, D.C. is canceled and the application is dismissed.  
MC 117940 Sub 141, Nationwide Carriers, Inc., now assigned June 4, 1975, at Chicago, Illinois is canceled and the application is dismissed.

MC 136527 Sub 1, J. O. Battles, Inc., now assigned May 15, 1975, at Boston, Massachusetts is postponed indefinitely.

MC 29910 Sub 153, Arkansas-Best Freight System, Inc., application dismissed.

MC-F-12368, Harry Schreiber, Schreiber Freight Carriers, Inc., Schreiber Freight Lines, Inc., W-P Truck Lines, Inc., and Gerald D. Leshar—Investigation of Control—Dorothy H. Loughman, DBA Waynesburg-Pittsburgh Local Express and MC-C8507, Harry Schreiber, Schreiber Freight Carriers, Inc., Schreiber Freight Lines, Inc., W-P Truck Lines, Inc., Gerald S. Leshar, and Dorothy H. Loughman, DBA Waynesburg-Pittsburgh Local Express—Investigation of Operations and Revocations of Certificates, now assigned May 13, 1975, at Washington, D.C. is postponed to May 20, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35114, Potomac Electric Power Company v. Penn Central Transportation Company, John H. McArthur, Robert W. Blanchette, and Richard C. Bond, Trustess, ET AL., now assigned May 13, 1975, at Washington, D.C., is postponed to July 15, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 67866 Sub 30, Film Transit, Inc., now assigned June 10, 1975, at Memphis, Tenn., will be held at the Travel Lodge Motel, 3222 Airways Boulevard; instead of at the Tax Court, Room 1005 Federal Building, 167 North Main Street.

No. 35794, Northville Dock Pipe Line Corp. and Consolidated Petroleum Terminal, Inc.—Petition for Declaratory Order or Investigation No. 35852 Northville Dock Pipe Line Corp., Northville Industries Corp., Consolidated Petroleum Terminal Inc. and Total Resources, Inc., now being assigned June 9, 1975 (1 week) at New York, N.Y., in Room D-2206 Federal Plaza, I&S 9037 Sub 1, Advancement of Charges, Universal Carloading & Dist., Co., and I&S 9037 Sub 2, Advancement of Charges By Freight Forwarder, now being assigned June 10, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 139986, Frank C. Scheer, dba Allstate Coach Service now assigned June 16, 1975, at Miami, Fla., will be held in Room 228, Federal Building, 51 S.W. 1st Street.

MC 103926 Sub 36, W. T. Mayfield Sons Trucking Co., now assigned June 17, 1975, at Miami, Fla., will be held in Room 228 Federal Building, 51 S.W. 1st Street.

MC 140396 Sub 1, Avtec Service, Inc., now assigned June 18, 1975, at Miami, Fla., will be held in Room 208 Federal Building, 51 S.W. 1st Street.

MC 140094, Latin Express Service, Inc., now assigned June 23, 1975, at Miami, Fla., will be held in Room 228 Federal Building, 51 S.W. 1st Street.

MC-F-12190, National Freight, Inc.—Purchase—Northeastern Trucking Company; MC-F-11332, Boston & Taunton Transportation—Purchase (Portion)—Cross Transportation, Inc.; MC-F-11327, National Freight, Inc.—Control-Cross Transportation, Inc.;

MC-F-11336, Garton's Express, Inc.—Purchase (Portion)—Cross Transportation, Inc.; MC 1385 (Sub-No. 4) Garton's Express, Inc.—Extension of Operations; MC-F-11337, Burgmeyer Bros.—Purchase (Portion)—Cross Transportation, Inc.; MC-F-11338, Kenmore Transportation Co.—Purchase (Portion)—Cross Transportation, Inc.; MC-F-11343, Towers Transportation, Inc.—Purchase (Portion)—Cross Transportation, Inc. and MC 2860 (Sub-No. 144) National Freight, Inc., now assigned May 20, 1975 at Washington, D.C. has been postponed to June 3, 1975 at the Offices of the Interstate Commerce Commission, Washington, D.C.

I&S 9002, Increased Grain Rates, To Louisiana Gulf Ports, now assigned June 3, 1975, at Kansas City, Mo., is postponed to June 4, 1975 (3 days) in Room 609, Federal Office Building, 911 Walnut Street, Kansas City, Mo.

I&S 9023, Transit Charges on Soybeans at Points in the South, now assigned May 6, 1975 at Washington, D.C., has been continued to June 3, 1975, at the Offices of the Interstate Commerce Commission.

No. 36098, Sterling Colorado Beef Company, Inc., now being assigned May 20, 1975, for Pre-hearing Conference at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 82492 Sub 108, Michigan and Nebraska Transit Co., Inc., now assigned June 3, 1975, at St. Louis, Missouri; will be held in Courtroom No. 2, 5th Floor, 1114 Market Street.

MC 106920 Sub 56, Riggs Food Express, Inc.; MC 110563 Sub 142, Coldway Food Express, Inc. and MC 113843 Sub 216, Refrigerated Food Express, Inc., now assigned June 9, 1975, at St. Louis, Missouri; will be held in Courtroom No. 2, 5th Floor, 1114 Market Street.

MC 83835 Sub 118, Wales Transportation, Inc., now assigned June 10, 1975 at St. Louis, Missouri; will be held in Courtroom No. 2, 5th Floor, 1114 Market Street.

MC 107295 Sub 720, Pre-Fab Transit Co., now assigned June 12, 1975, at St. Louis, Missouri; will be held in Courtroom No. 2, 5th Floor, 1114 Market Street.

[SEAL] JOSEPH M. HARRINGTON,  
Acting Secretary.

[FR Doc. 75-12720 Filed 5-13-75; 8:45 am]

#### FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 9, 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 May 29, 1975.

FSA No. 42988—*Joint Water-Rail Container Rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 84), for itself and interested rail carriers. Rates on general commodities, from Hong Kong and Taiwan, to rail carriers' terminals at U.S. Atlantic and Gulf Sea-port cities.

Grounds for relief—Water competition.

Tariff—Sea-Land Service, Inc., tariff No. 216, I.C.C. No. 82, F.M.C. No. 87. Rates are published to become effective on June 12, 1975.

#### AGGREGATE-OF-INTERMEDIATES

FSA No. 42989—*Sulphuric Acid from El Paso, Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-530), for interested rail carriers. Rates on sulphuric acid, in tank-car loads, as described in the application, from El Paso, Tex., to Dallas, Tex.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 68 to Southwestern Freight Bureau, Agent, tariff 87-J (TLFB Series), I.C.C. No. 1159. Rates are published to become effective on June 13, 1975.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,  
Acting Secretary.

[FR Doc. 75-12719 Filed 5-13-75; 8:45 am]

[Notice No. 17]

#### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 9, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

#### MOTOR CARRIERS OF PROPERTY

No. MC-1074 (Deviation No. 6), ALLEGHENY FREIGHT LINES, INCORPORATED, P.O. Box 601, Winchester, Va. 22601, filed April 30, 1975. Carrier's representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Charleston, W. Va., over U.S. Highway 119 to junction West Virginia Highway 4, thence over West Virginia Highway 4 to junction West Virginia Highway 36, thence over West Virginia Highway 36 to junction Interstate Highway 79 near Wallback, W. Va., thence over Interstate Highway 79 to junction U.S. Highway 50 near Clarksburg, W. Va., and return over the same route for operating convenience only. The notice indicates that the carrier is pres-

ently authorized to transport the same commodities, over a pertinent service route as follows: From Charleston, W. Va., over U.S. Highway 21 to Parkersburg, W. Va., thence over U.S. Highway 50 to Winchester, Va., and return over the same route.

No. MC-1074 (Deviation No. 8), ALLEGHENY FREIGHT LINES, INCORPORATED, P.O. Box 601, Winchester, Va. 22601, filed April 30, 1975. Carrier's representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Winchester, Va., over Interstate Highway 81 to junction U.S. Highway 60 near Lexington, Va., thence west over U.S. Highway 60 to junction Interstate Highway 64 near Iron Gate, Va., thence over Interstate Highway 64 to junction U.S. Highway 60 near Alta, Va., thence over U.S. Highway 60 to Charleston, W. Va., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Winchester, Va., over U.S. Highway 50 to Parkersburg, W. Va., thence over U.S. Highway 21 to Charleston, W. Va., and return over the same route.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,  
Acting Secretary.

[FR Doc. 75-12717 Filed 5-13-75; 8:45 am]

[Notice No. 37]

#### MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 9, 1975.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed as follows: (1) grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating rights applications directly related to and processed on a consolidated record with finance applications filed under sections 5(2) and 212(b); (4) notices of filing of sections 5(2) and 210a(b) finance applications; and (5) notices of filing of section 212(b) transfer applications.

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 in compliance with the requirements of 49 CFR 1100.250.

Protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this Federal Register notice (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section

240(c) as appropriate of the Commission's general rules of practice which require 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 a detailed description of 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 (except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner 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) or section 240(c) (4) of the special rules, and shall include the certification required therein.

No. MC 54200 (Notice of filing of petition to modify territorial description) filed April 18, 1975. Petitioner: SEIGLE'S EXPRESS, INC., 73 Forete Ave., North Arlington, N.J. 07032. Petitioner's representative: Robert B. Pepper, 168 Woodbridge Avenue, Woodbridge, N.J. 08904. Petitioner holds a motor common carrier certificate in No. MC-54200 issued November 23, 1973, authorizing transportation, over irregular routes, of *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), Between New York, N.Y., and points in Nassau County, N.Y., on the one hand, and, on the other, points in Passaic, Bergen, Hudson, Essex, Union, Morris, and Somerset Counties, N.J.

By the instant petition, petitioner seeks to modify the above territorial description so as to read: Between points in the New York, N.Y., Commercial Zone, as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b) (8) of the Interstate Commerce Act (the exempt zone), and those points in New Jersey any part of which is within five (5) miles of New York, N.Y., and points in Nassau County, N.Y., on the one hand, and, on the other, points in Passaic, Bergen, Hudson, Essex, Union, Morris, and Somerset Counties, N.J.; or, in the alternative, that the Commission issue an appropriate order permitting Petitioner to designate as its terminal area, all points within which local operations may be conducted in the New York, N.Y. Commercial Zone, as defined

by the Commission. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before June 13, 1975.

No. MC 94201 (Notice of filing of petition to remove restriction) filed April 17, 1975. Petitioner: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, Ga. 30316. Petitioner's representative: Maurice F. Bishop, 601-09 Frank Nelson Building, Birmingham, Ala. 35203. Petitioner holds a motor common carrier certificate in No. MC 94201 last issued July 13, 1971, authorizing transportation, as pertinent, over regular routes, of *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): Between Gadsden, Ala., and Anniston, Ala., serving all intermediate points; and the off-route points of Fort McClellan, Ala., and those within two miles of Gadsden and Anniston, and all intermediate and off-route points, restricted to shipments of 5,000 pounds or more: From Gadsden over U.S. Highway 431 to Anniston, and return over the same route.

By the instant petition, petitioner seeks to remove the weight restriction on the above authority, so as to read: *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): Between Gadsden, Ala., and Anniston, Ala., serving all intermediate points, and the off-route points of Fort McClellan, Ala., and those within two miles of Gadsden and Anniston: From Gadsden over U.S. Highway 431 to Anniston, and return over the same route. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before June 13, 1975.

No. MC 124004 (Sub-Nos. 15 and 20) (Notice of filing of petition to eliminate restrictions), filed April 29, 1975. Petitioner: RICHARD DAHN, INC., 620 W. Mountain Rd., Sparta, N.J. 07871. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds motor common carrier certificates in No. MC 124004 (Sub-Nos. 15 and 20), issued January 31, 1972, and April 19, 1973, respectively, authorizing transportation, as pertinent, over irregular routes, in Sub-No. 15, of *Dry animal and poultry feed and dry animal and poultry feed ingredients*, in bulk, and in bags when moving in mixed loads with bulk shipments, From Long Island City, N.Y., and Jersey City, Bayonne, and Secaucus, N.J., to points in New York, Pennsylvania, North Carolina, Virginia, Maryland, Delaware, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, Burlington, Ocean, and Monmouth

Counties), and the District of Columbia; and in Sub-No. 20, of *Dry animal and poultry feed and dry animal and poultry feed ingredients* (a) in bulk, in dump vehicle, and (b) in bags when moving in mixed loads with shipments in bulk, From Secaucus, Kearny, and Jersey City, N.J., New York, N.Y., and points in Nassau County, N.Y., to points in Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire and Maine.

By the instant petition, petitioner seeks to remove the restrictions in the above commodity descriptions pertaining to shipment in bags, so as to read, in Sub-No. 15, *Dry animal and poultry feed and dry animal and poultry feed ingredients*, in bulk, and in bags; and in Sub-No. 20, *Dry animal and poultry feed and dry animal and poultry feed ingredients*, in bulk, in dump vehicles, and in bags. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before June 13, 1975.

No. MC 138313 (Sub-No. 6) (Notice of filing of petition to modify territorial description), filed April 23, 1975. Petitioner: BUILDERS TRANSPORT, INC., 409 14th Street, SW., Great Falls, Mont. 59404. Petitioner's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Petitioner holds a motor common carrier certificate in No. MC-138313 (Sub-No. 6), issued April 8, 1975, authorizing transportation, over irregular routes, of *Lumber, millwork, and wood products*, from points in Montana, to ports of entry on the United States-Canada Boundary line at Alberta and Saskatchewan.

By the instant petition, petitioner seeks to add the port of entry on the United States-Canada Boundary line at Roosville, Mont., as an additional destination point in the above territorial description. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before June 13, 1975.

No. MC 138776 (Notice of filing of petition to add a contracting shipper), filed May 2, 1975. Petitioner: SCOTT DANIEL, INC., c/o Irving Lowe, 270 E. Kilbourn Ave., Milwaukee, Wis. 53202. Petitioner's representative: Leo C. Franey, 702 World Center Building, 918 16th Street NW., Washington, D.C. 20006. Petitioner holds a motor contract carrier permit in No. MC 138776, issued October 31, 1974, authorizing transportation, over irregular routes, of *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, and hides and skins, or pieces thereof), From Gibbon and Hastings, Nebr., Menominee, Mich., and Milwaukee, Wis., to points in

Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, South Dakota, Missouri, New Hampshire, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia, under a continuing contract, or contracts, with Peck Meat Packing Corporation, of Milwaukee, Wis., modified by an Order of the Commission, Operating Rights Board, dated March 25, 1975, and served April 8, 1975, authorizing modification of the above authority so as to substitute Gibbon Packing, Inc. in place of Peck Meat Packing Corporation as the contracting shipper for shipments originating at Gibbon, Nebr.

By the instant petition, petitioner seeks to add Nemetz Packing Co. of Menominee, Mich., as a contracting shipper authorized to be served from Menominee, Mich. to the destination states named above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before June 13, 1975.

#### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

#### MOTOR CARRIERS OF PROPERTY

No. MC-F-12462. (Correction) (DUFF TRUCK LINE, INC. — MERGER — SCHRODER'S EXPRESS, INC.), published in the March 26, 1975, issue of the Federal Register on pages 13368-13369. Prior notice should be modified to include: *General commodities*, with exceptions, over regular routes, serving the site of the Warrick Works of the Aluminum Company of America plant located near Newburg, Warrick County, Ind., as an off-route point in connection with carrier's authorized regular route operations between Louisville, Ky., and Evansville, Ind.; serving all intermediate points; serving the plant site of the Ford Motor Company, at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with carrier's authorized regular-route operations to and from Louisville, Ky.; serving the plant site of the Ford Motor Company, at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with carrier's authorized regular-route operations to and from Louisville, Ky.; *metal cans*, serving Farina, Ill., as an off-route point for delivery only in connection with carrier's authorized regular-route operations between Jasper, Ind., and St. Louis, Mo., with restriction.

No. MC-F-12511. Authority sought for purchase by MOON FREIGHT LINES, INC., 120 W. Grimes Lane, Bloomington, IN 47401, of a portion of the operating rights of NORMAN F. GEORGE, INC., 39 Barre St., Montpelier, VT 05602, and for acquisition by WILLIAM E. BENCK-ART, also of Bloomington, IN 47401, of control of such rights through the purchase. Applicants' attorney: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, IN 46204. Operating rights sought to be transferred: *Granite*, as a *common carrier* over regular routes, from Montpelier, Vt., to Newark, N.J., serving all intermediate points; and off-route points in Washington County, Vt., and those in that part of New York and New Jersey within 15 miles of New York, N.Y. Vendee is authorized to operate as a *common carrier* in Indiana, Missouri, Kentucky, Ohio, Illinois, Michigan, Delaware, Iowa, Kansas, Maryland, New Jersey, New York, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, Connecticut, Rhode Island, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Massachusetts, Arkansas, Louisiana, Oklahoma, Nebraska, North Dakota, South Dakota, Minnesota, Texas, Vermont, Maine, New Hampshire, Colorado, New Mexico, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12512. Authority sought for purchase by FRUITBELT TRUCKING INC., 12 Smith St., St. Catharines, Ontario, Canada L20 3H9, of a portion of the operating rights of GENE ADAMS REFRIGERATED TRUCKING SERVICE, INC. (Donald Sunshine, Trustee in Bankruptcy), 1230 Sixth Ave., New York, N.Y. 10020, and for acquisition by LOUIS FABELLO AND ALBERT LINGCOLN, both of St. Catharines, Ontario, Canada L20 3H9, of control of such rights through the purchase. Applicants' attorney: Robert D. Gunderman, Suite 710, Statler Hilton, Buffalo, N.Y. 14202. Operating rights sought to be transferred: *Meats, meat products, and meat by-products*, as a *common carrier* over irregular routes, between Buffalo, N.Y., on the one hand, and, on the other, Newark, N.J., Stamford, Conn., and points in the New York, N.Y., commercial zone as defined by the Commission, from Buffalo, N.Y., to the sites of the military installations in Connecticut, Delaware, Maryland, Rhode Island, Virginia, West Virginia, and the District of Columbia; *fresh carcass meats*, on hangers, and incidental thereto and in the same vehicle therewith, the *commodities described as meats, meat products and meat by-products*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Rochester, N.Y., to the sites of military installations in Connecticut, Delaware, Florida, Georgia, Maryland, North Carolina, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia, with restriction; *meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in

*Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (other than those in bulk moved in tank vehicles), from Buffalo and Rochester, N.Y., to points in Massachusetts, Pennsylvania, and New Jersey; and return with *damaged or returned shipments; meats, meat products, and meat by-products, and dairy products*, as described in Sections A and B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *frozen foods*, except those included in the above-specified commodities, between Albany, N.Y., on the one hand, and, on the other, points in New York, except points in Kings, Queens, Nassau, and Suffolk Counties, from Rochester, Movers Corners, Syracuse, and Binghamton, N.Y., to points in New York, except points in Kings, Queens, Nassau, and Suffolk Counties; and return with *returned shipments; frozen fruits, frozen berries, and frozen vegetables*, from New York, N.Y., to Syracuse, N.Y., from Jersey City, N.J., to Dunkirk, Cortland, Buffalo, Rochester, and Syracuse, N.Y.; *refrigerated products*, between New York and Buffalo, N.Y., on the one hand, and, on the other, points in New York. Vendee is authorized to operate as a *common carrier*, in Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Maryland, Massachusetts, Michigan, Missouri, New Jersey, North Carolina, New York, Ohio, Pennsylvania, South Carolina, Virginia, West Virginia, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12513. Authority sought for purchase by LEONARD BROTHERS TRANSPORT COMPANY, INC., 1701 St. Louis Ave., Kansas City, MO 64101, of the operating rights of AMERICAN FREIGHT LINE, INC., 950 Liberty St., Kansas City, MO 64101, and for acquisition by JOE M. LOCK, also of Kansas City, MO 64101, of control of such rights through the purchase. Applicant's attorney: Clyde N. Christey, 641 Harrison St., Topeka, KS 66603. Operating rights sought to be transferred: *General commodities*, with the usual exceptions, as a *common carrier* over regular routes, between Kansas City, Kans., and Rich Hill, Mo., serving the intermediate points of Kansas City, Passaic, and Butler, Mo., between Kansas City, Kans., and Walker, Mo., serving various intermediate and off-route points; between Ludlow, Mo., and Kansas City, Kans., between Kingstons, Mo., and Kansas City, Kans., between Polo, Mo., and Kansas City, Kans., between Ludlow and St. Joseph, Mo., serving various intermediate and off-route points, with restrictions to livestock only, from Kansas City, Mo., to Bucyrus, Kans., with service from the intermediate point of Kansas City, Kans., restricted to pick up only; to the off-route point of Stillwell, Kans., restricted to delivery only; and to and from the off-route point of North Kansas City, Mo., unrestricted; *lumber, cement, sheet metal, brick, meat scraps, and tankage*, from Kansas City, Kans., to Schell City, Mo., serving no intermediate

points; *livestock, oil in drums and packages, tires, batteries, packinghouse products* as defined by the Commission, *feed, tankage, and cheese boxes*, from Kansas City, Kans., to Rockville, Mo., serving the intermediate and off-route points within 8 miles of Rockville for delivery only; and return with *livestock, cheese, and empty oil drums*;

*Feed, agricultural implements, fertilizer, fencing and building material roofing, and lumber*, from Kansas City, Mo., to Bucyrus, Kans., serving various intermediate and off-route points; *livestock*, from Bucyrus, Kans., to Kansas City, Mo., from Louisburg, Kans., to Kansas City, Mo., serving various intermediate and off-route points; *livestock, lumber, building materials, feeds, fertilizer, fencing materials, agricultural implements and parts, salt, furniture, and petroleum products* in containers, from Kansas City, Mo., to Bucyrus, Kans., serving various intermediate and off-route points; *livestock, feed, seeds, fertilizer, and twine*, from Kansas City, Mo., to Louisburg, Kans., serving various intermediate and off-route points; and from the intermediate point of Kansas City, Kans., restricted to pick-up only; *building materials, paint, tile, and sewer pipe*, over irregular routes, from Harrisonville, and Knobtown, Mo., to Louisburg, Kans., from Kansas City, Mo., and Kansas City, Kans., to a point known as Lovett's Station, 4 miles north of Louisburg, Kans., and points in Kansas and Missouri within 10 miles of Lovett's Station; *feed, fencing material, corrugated iron, iron and steel tanks, rope, harness, and hardware*, from Kansas City, Mo., and Kansas City, Kans., to a point known as Lovett's Station, 4 miles north of Louisburg, Kans., and points in Kansas and Missouri within 10 miles of Lovett's Station; *grain, seed, hay, agricultural implements and parts*, between a point known as Lovett's Station 4 miles north of Louisburg, Kans., and points in Kansas and Missouri within 10 miles of Lovett's Station, on the one hand, and, on the other, Kansas City, Mo., and Kansas City, Kans.;

*Livestock*, between a point known as Lovett's Station 4 miles north of Louisburg, Kans., and points in Kansas and Missouri within 10 miles of Lovett's Station, on the one hand, and, on the other, points in Kansas and Missouri within 15 miles of Kansas City, Mo., Kansas City, Fort Scott, Pleasanton, and La Cygne, Kans., including the points named, and Ottawa, Overland Park, and Paola, Kans., between Kansas City, Mo., and Kansas City, Kans., and points within 15 miles of Kansas City, Mo., and Kansas City, Kans., on the one hand, and, on the other, points in Kansas and Missouri within 15 miles of Fort Scott, Pleasanton, and La Cygne, Kans., including the points named, and Ottawa, Overland Park, and Paola, Kans., between Bucyrus, Kans., and points within 20 miles thereof on the one hand, and, on the other, Kansas City, Kans., and Kansas City, Mo.; *grain*, from Bucyrus, Kans., and points within 20 miles thereof, to points in Missouri within 10 miles of the Kan-

sas-Missouri State line; *wrecked automobiles*, from Bucyrus, Kans., to Kansas City, Mo.; *road construction machinery*, from Kansas City, Mo., to points in Kansas; *logs*, from points in Kansas, to Kansas City, Mo., from points in Missouri within 50 miles of Kansas City, Kans., to Kansas City, Kans.; *logs and wood*, between points in Kansas and Missouri within 50 miles of a point known as Lovett's Station 4 miles north of Louisburg, Kans., including Lovett's Station; *household goods* as defined by the Commission, and *emigrant movables*, between Bucyrus, Kans., and points within 20 miles thereof, on the one hand, and, on the other, points in Missouri; *household goods* as defined by the Commission, between Bucyrus, Kans., and points within 15 miles thereof, on the one hand, and, on the other, Kansas City, Kans.; *general commodities*, with the usual exceptions, between Amsterdam, Mo., and points within 25 miles of Amsterdam, on the one hand, and, on the other, Kansas City, Mo., and Kansas City, Kans., between points within 25 miles of Amsterdam, Mo., including Amsterdam;

*Household goods, emigrant movables, and farm and road machinery*, between Amsterdam, Mo., and points within 25 miles of Amsterdam, on the one hand, and, on the other, points in Kansas and Missouri; *tobacco*, from Amsterdam, Mo., and points within 25 miles of Amsterdam, to Weston, Mo. Vendee is authorized to operate as a *common carrier* in Kansas and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12515. Authority sought for purchase by CHIEF TRUCK LINES, INC., 1479 Ripley St., East Gary, IN 46405, of a portion of the operating rights of MARVIN CASSELLIUS, Glenwood City, WI 54013, and for acquisition by GEORGE A. REDIEHS COMPANY, INC., Joliet Road & 79th St., Hinsdale, IL 60521, of control of such rights through the purchase. Applicants' attorney: James C. Hardman, 33 North LaSalle St., Chicago, IL 60602. Operating rights sought to be transferred: *General commodities*, excepting among others, high explosives, and commodities in bulk, as a *common carrier* over irregular routes, between Erin Township (St. Croix County) Wis., on the one hand, and, on the other, Minneapolis, St. Paul, South St. Paul and Stillwater, Minn. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Missouri, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12516. Authority sought for control by GRAVES TRUCK LINE, INC., 2130 South Ohio, Salina, KS 67401, of THE LUPER TRANSPORTATION COMPANY, 350 E. 21st St., Wichita, KS 67214, and for acquisition by WILLIAM H. GRAVES, also of Salina, KS 67401, of control of THE LUPER TRANSPORTATION COMPANY, through the acquisition by GRAVES TRUCK LINE, INC. Applicants' attorney: John E. Jandera, 641 Harrison St., Topeka, KS 66603. Operating rights sought to be controlled:

*Tea and coffee beans*, as a *common carrier* over irregular routes, from Houston, Tex., to Oklahoma City, Okla.; *coffee beans*, from New Orleans, La., to Wichita, Kans.; *bananas*, from Galveston, Tex., and New Orleans, La., to Wichita, Kans., with restriction; (1) *meats, meat products and meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B 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 hides and skins), between Wichita, Kans., on the one hand, and, on the other, Memphis, Tenn., points in that part of Missouri on and south of a line beginning at the Mississippi River on and east and extending westerly along U.S. Highway 60 to certain specified points in Missouri and New Mexico, and points in Arkansas, Louisiana, Oklahoma, and Texas, between Arkansas City, Kans., on the one hand, and, on the other, Memphis, Tenn., and points in Arizona, Arkansas, New Mexico, Oklahoma, and Texas; (2) *such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in section D 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), *butter, cheese, and oleomargarine*, from Memphis, Tenn., points in that part of Missouri on and south of a line beginning at the Missouri-Kansas State line and extending easterly along U.S. Highway 54 to certain specified points in Missouri, and points in Arkansas, Louisiana, Oklahoma, and Texas to Wichita, Kans., with restriction. GRAVES TRUCK LINE, INC., is authorized to operate as a *common carrier* in Kansas, Missouri, Minnesota, Colorado, Nebraska, Iowa, Oklahoma, Texas, New Mexico, Arkansas, Louisiana, North Dakota, South Dakota, Wyoming, Kentucky, Mississippi, Tennessee, Georgia, Wisconsin, Illinois, and Montana. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,  
Acting Secretary.

[PR Doc.75-12721 Filed 5-13-75;8:45 am]

[Notice No. 286]

#### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

MAY 14, 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 June 3, 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-75717. By order of May 5, 1975, the Motor Carrier Board approved the transfer to Interstate Highway Express, Inc., Bedford, Ind., of the operating rights in Permits No. MC 126158 and MC 126158 (Sub-No. 3) issued February 24, 1965 and May 3, 1966 respectively to Otho Smith, doing business as Smithway, Bedford, Ind., authorizing the transportation of various commodities from and to specified points and areas in Illinois, Indiana, Kentucky, Michigan, Ohio, West Virginia, Wisconsin and Missouri. Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Attorney for applicants.

No. MC-FC-75773. By order of May 1, 1975, the Motor Carrier Board approved the transfer to Old Harbor Express Co., Inc., Chatham, Mass., of the operating rights in certificate No. MC-11714 issued February 17, 1972, to Cape Cod Moving & Storage, Inc., and acquired by Cape Cod Moving & Storage Co., Inc., Hyannis, Mass., pursuant to approval in No. MC-FC-75182, authorizing the transportation of household goods as defined by the Commission, between Chatham, Mass., and points within 25 miles thereof, on the one hand, and, on the other, points in Connecticut, Rhode Island, and New York, and lumber and forest products, from Portsmouth, R.I., to Chatham, Orleans, and Wellfleet, Mass. Francis P. Barrett, 60 Adams Street, P.O. Box 238, Milton, Mass. 02187. Attorney for applicants.

No. MC-FC-75779. By order of May 2, 1975, the Motor Carrier Board approved the transfer to Glenn E. Wilson, doing business as Air-Go Messenger Service, 10314 N.E. Marx Street, Portland, Oreg. 97220, of the operating rights in Permit No. MC 133991 (Sub-No. 1) issued December 2, 1970, to John J. Landstrom, doing business as Air-Go Messenger Service, 7540 N.E. Sandy Boulevard, Portland, Oreg., authorizing the transportation of exposed and processed film, and prints, complimentary replacement film, and incidental handling supplies and advertising literature moving therewith (excluding motion picture film used primarily for commercial theater distribution), having a prior or subsequent movement by air, between the Portland, Oreg., International Airport, on the one hand, and, on the other, Corvallis, Albany, McMinnville, Forest Grove, Hillsboro, Beaverton, Oregon City, and Portland, Oreg., and Vancouver, Wash., under continuing contract with Eastman Kodak Company.

No. MC-FC-75783. By order of May 6, 1975, the Motor Carrier Board approved the transfer to Pacific Coast Transportation Service, a corporation, Downey, Calif., of the operating rights in Certificate No. MC-32066 issued January 30, 1974 to George J. Desatoff, doing business as GJD Enterprises, Los Angeles, Calif., authorizing the transportation of auto parts and accessories, garage equipment, materials and supplies, and office fixtures and supplies between points in Los Angeles, Calif. Milton W. Flack, 4311 Wilshire Blvd., Los Angeles, Calif. 90010. Attorney for applicants.

No. MC-FC-75788. By order of May 6, 1975, the Motor Carrier Board approved the transfer to A.J.N. Express Service, Inc., West Islip, N.Y., of the operating rights in Certificate No. MC 103327 issued October 23, 1967 to Pepdot Corp., West Sayville, N.Y., authorizing the transportation of household goods between New York, N.Y. and points in Suffolk County, N.Y., on the one hand, and, on the other, Washington, D.C., Alexandria, Va., points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, and a described area of Pennsylvania. Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Attorney for transferee. John Remis, Jr., 20 Erita Lane, Smithtown, N.Y., 11787. Attorney for transferee.

No. MC-FC-75794. By order entered May 5, 1975, the Motor Carrier Board approved the transfer to Anthra-Trans, Inc., Moscow, Pa., of the operating rights set forth in Certificate No. MC-52776, issued September 16, 1969, to Fitch Motor Lines, Inc., Scranton, Pa., authorizing the transportation of coal, from specified points in Pennsylvania, to points and places in New Hampshire, Massachusetts, Vermont, and New York; cullet, in bulk, from Jersey City, N.J., and points in Pennsylvania to Elmira, N.Y.; and scrap iron, steel iron, steel and copper, in bulk, from Dickson City, Pa., to specified points in New Jersey. Kenneth R. Davis, 121 S. Main St., Taylor, Pa. 18517, representative for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.75-12718 Filed 5-13-75; 8:45 am]

#### NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MAY 9, 1975.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a) (6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among

other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 55624 filed April 14, 1975. Applicant: TEMPCO TRANSPORTATION INC., P.O. Box 879, San Jose, Calif. 95113. Applicant's representative: Norman D. Sullivan (same address as applicant). Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Foodstuffs and related items, soap products and cleaning and scouring compounds, and products requiring temperature control, hauled in vans with mechanical refrigeration, between points and places in and within 5 miles of points in the San Francisco territory embraced by the following boundary:

All the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said County Line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company rights-of-way at Aratradero Road; southeasterly along the Southern Pacific Company rights-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Permanent; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street, easterly along Division Street to the Southern Pacific Company rights-of-way; southerly along the Southern Pacific rights-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); north-easterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road;

Southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; north-westerly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Niles to Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd.; northerly along Mountain Blvd. to Warren

Blvd. (State Highway 13); northerly along Warren Blvd. to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary Line; northerly along said boundary line to the campus boundary of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning.

To conduct operations as a highway common carrier as defined in Section 213 of the Public Utilities Code for the transportation of foodstuffs and related items, soap products and cleaning and scouring compounds, and products requiring temperature control, hauled in vans with mechanical refrigeration.

A. Between all points and places in or within 25 miles of: 1. The San Francisco Territory as described in Item 99.9. 2. The Los Angeles Basin Territory as described in Item 99.8.

B. Between all points, on or within, 25 miles laterally of the following routes: 1. Interstate Highway 5 and CSH 99 between Redding and the Los Angeles Basin Territory inclusive; 2. USH 101 between San Francisco Territory and Los Angeles Basin Territory inclusive; 3. Interstate 80, between San Francisco and Sacramento inclusive; 4. Interstate Highways 580, 205, and 5 between Oakland and Stockton, thence via CSH 99 to Sacramento inclusive; 5. CSH 17, between San Jose and Santa Clara inclusive. In performing the service herein authorized, carrier may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of said service.

**RESTRICTION:** (1) Between points in the Los Angeles Basin Territory as described in Item 99.8 and all intermediate and off-route points on one hand, and on the other hand, (a) Points of CSH 99 between the Los Angeles Basin Territory and Bakersfield, inclusive; and (b) Points on USH 101 between the Los Angeles Basin Territory and Paso Robles, inclusive; (c) Except that this restriction will not apply to split delivery shipments, the origin or final destination of which is north of Bakersfield or Paso Robles. Except that pursuant to the authority herein, sought carrier shall not transport any shipments of: 1. Containers-ocean

type. 2. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment crated or uncrated. 3. Automobiles, trucks, busses, viz: new and used finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis, freight, automobiles, automobile chassis, trucks, truck chassis, buses and bus chassis. 4. Livestock, viz: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or wethers.

5. Liquids, compressed gasses, commodities in semi plastic form and commodities in suspension in liquids in bulk, in tank trailers, tank semi trailers, or a combination of such highway vehicles. 6. Commodities when transported in bulk in dump trucks or in hopper-type trucks. 7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit. 8. Cement. 9. Logs. 10. Articles of extraordinary value. 11. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper. 12. Dangerous articles. Intrastate, interstate and foreign commerce authority sought.

**HEARING:** Date, time and place not yet fixed. Requests for procedural information should be addressed to Public Utilities Commission, State of California, State Bldg., Civic Center, 350 McAllister Street, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

California Docket No. 55657 filed April 28, 1975. Applicant: VICTORVILLE-BARSTOW TRUCK LINE, 4366 East 26th Street, Los Angeles, Calif. 90023. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of General commodities, between Harvard Siding (approximately 10 miles east of Yermo) and Baker, California, via Interstate Highway 15, serving all intermediate points and places laterally within 9 miles of said route. Applicant shall not transport any shipments of: 1. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4-B. 2. Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers. 3. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highways vehicles. 4. Com-

modities when transported in bulk in dump trucks or in hopper-type trucks. 5. Commodities when transported in motor vehicles equipped for mechanical mixing in transit. 6. Logs. 7. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment. Intrastate, interstate and foreign commerce authority sought.

**HEARING:** Date, time and place not yet fixed. Requests for procedural information should be addressed to Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. 6354 (CORRECTION), filed March 18, 1975, published in the FR issue of April 23, 1975, and republished as corrected this issue. Applicant: LAWRENCEBURG EXPRESS, INC., 23rd Floor, Life & Casualty Tower, Nashville, Tenn. 37219. Applicant's representative: Val Sanford (same address as applicant). Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of general commodities, except those of unusual value, Class A & B explosives, commodities in bulk, commodities requiring special equipment and commodities injurious or contaminating to other lading between Nashville, Tenn. and Lawrenceburg, Tenn., and all points and places within 5 miles of Lawrenceburg, over the following routes: From Nashville over Interstate Highway 65 to its interception with U.S. Highway 65, thence over U.S. Highway 64 to Lawrenceburg; and return over the same route; serving no intermediate points, except serving Pulaski, Tenn., and all points and places within 5 miles of Pulaski; and as alternate routes for operating convenience only (1) from Nashville over U.S. Highway 31 to Columbia; thence over U.S. Highway 43 to Lawrenceburg; and return over the same route; and (2) from Nashville over U.S. Highway 31 to Pulaski; and return over the same route, with all routes to be used in conjunction with one another. The application covers both intrastate and interstate service.

**NOTE.**—The purpose of this correction is to indicate the correct territory sought.

**HEARING:** Hearing set for May 27, 1975, at the Commission's Court Room, C1-110 Cordell Hull Building, Nashville, Tenn. at 9:30 a.m. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219 and should not be directed to the Interstate Commerce Commission.

By the Commission.

(SEAL) JOSEPH M. HARRINGTON,  
Acting Secretary.

[FR Doc.75-12722 Filed 5-13-75;8:46 am]

# federal register

WEDNESDAY, MAY 14, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 94

PART II



---

## DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco  
and Firearms



### GUN CONTROL

Published Ordinances of  
Political Subdivisions;  
Supplement

## DEPARTMENT OF THE TREASURY

[Notice-No. 75-21]

Bureau of Alcohol, Tobacco and Firearms

## GUN CONTROL

## Published Ordinances of Political Subdivisions and States; Supplement

Pursuant to the provisions of section 921(a)(19), Title 18, United States Code, and § 178.24, Title 27, Code of Federal Regulations (27 CFR Part 178), the following is a supplement to the annual revised compiled list of published laws of States and political subdivisions which are determined to be relevant to the enforcement of Chapter 44, Title 18, United States Code relating to firearms.

The "Supplement" revises the list published on May 9, 1974 (39 FR 16635) and consists of additions, changes and deletions to State laws and ordinances of political subdivisions, pertaining to the possession and purchase of firearms.

The "Supplement," together with the 1974 list (39 FR 16635), comprises the 1975 list of published ordinances and implements Title I of the Gun Control Act of 1968 (82 Stat. 1213 (18 U.S.C. Chapter 44)).

REX D. DAVIS,

Director, Bureau of Alcohol, Tobacco and Firearms.

## IMPORTANT NOTICE

A number of paragraphs within State laws and local ordinances dealing with the general topic of sale or delivery of firearms and ammunition to minors are followed by a single asterisk (\*). This designation is intended to remind readers that:

- Licensees under the Gun Control Act of 1968 are prohibited from selling or delivering firearms or ammunition to persons under eighteen (18) years of age.
- Licensees under the Gun Control Act of 1968 are prohibited from selling or delivering handguns or handgun ammunition to persons under twenty-one (21) years of age.

## Page References to 1974 Edition, Publication 603

The following alphabetical listing of additions, deletions and changes to State laws and local ordinances dealing with firearms is cross-referenced to the Bureau of Alcohol, Tobacco and Firearms Publication 603, 1974 edition, entitled "Published Ordinances Firearms." The listing of firearms laws and ordinances contained in the 1974 edition was printed in the Federal Register on May 9, 1974, Part IV, Page 16635.

## ALABAMA State Law

Add to 1974 ed., Page 56

185-125). *Commanding officer may order certain places closed.*—When any part of the national guard of Alabama is in active service by order of the governor or other civil authority to act in the enforcement of the laws, in cases of insurrection, invasion, riot, or imminent threat thereof, or disaster, the commanding officers of such troops may order the closing of any places where intoxicating liquors, arms, ammunition, dynamite, or other explosives are sold, and forbid the selling, bartering, lending or giving away of any of said commodities in the city, town or village where the troops are on duty, or in the vicinity of such place, or for so long as any of the troops remain on duty in said vicinity. Such orders shall take effect whether any civil officer has issued a similar order or not; and the commanding officer of such troops may continue said prohibition in force until the departure of the troops, although the sheriff, mayor or intendant of the county, city or town, or villages may have prescribed an earlier or different date after which such selling, bartering, lending, or giving away shall be carried on.

### Anniston

Change in 1974 ed., Page 56

3. No seller of a pistol shall deliver the pistol to a purchaser thereof until 48 hours shall have elapsed from the time of the application for the purchase thereof.

### Bessemer

(New)

15-167. *Definitions.* (a) As used in this Division:

(1) Crime of violence shall mean any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping and larceny.

(2) Pistol shall mean any firearm with a barrel less than twelve (12) inches in length. \* \* \*

15-169. *Possession of pistol prohibited.* (a) No person who has been convicted in this City or elsewhere of committing or attempting to commit a crime of violence shall own a pistol or have one in his possession or under his control.

(b) No person who is a drug addict or a habitual drunkard shall own a pistol or have a pistol in his possession or under his control. \* \* \*

15-172. *Delivery of pistol restricted.* No person shall deliver a pistol to any person under the age of eighteen (18) years or to any person who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, habitual drunkard or of unsound mind.\*

15-173. *Regulation of sales.* (a) No seller shall deliver a pistol to the purchaser until forty-eight hours shall have elapsed from the time of the application for the purchase of the pistol. When delivered, the pistol shall be securely wrapped and shall be unloaded.

(b) At the time of applying for the purchase of a pistol, the purchaser shall sign in duplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model and manufacturers' number of the pistol to be purchased and a statement that he has never been convicted in this State or elsewhere of a crime of violence.

(c) The seller shall, within six hours after the application, sign and attach his address and forward by registered mail or personally deliver one (1) copy of the statement to the Chief of Police.

(d) This Section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers.

15-174. *License to carry; dealer.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as provided in Section 15-171. (sic.)

15-175. *Dealer's license required; record; fee.* (a) The Clerk and Treasurer, in connection with the Chief of Police, may license persons to sell pistols at retail within the City limits, subject to the following conditions in addition to those specified in Section 15-173, for breach of any of which the license shall be forfeited:

(1) The business shall be carried on only in the building designated in the license;

(2) The license, or a copy thereof, certified by the Chief of Police and the Clerk and Treasurer, shall be displayed on the premises where it can easily be read;

(3) No pistol shall be sold in violation of any provision of this Division;

(4) No pistol shall be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity;

(5) A true record in duplicate shall be made of every pistol sold as prescribed in Subsection (b); and

(6) No pistol or imitation thereof or placard advertising the sale of a pistol shall be displayed in any part of any premises where it can readily be seen from the outside.

(b) The record of any pistol sale shall be made in a book kept for such purpose. The form of the record may be prescribed by the Chief of Police, and shall be personally signed by the purchaser, and by the person effecting the sale, each in the presence of the other. The record shall contain the date of sale, the caliber, make, model and manufacturers' number of the weapon, the name, address, occupation, color and place of birth of purchaser and a statement signed by the purchaser that he has never been convicted in this State or elsewhere of a crime of violence. One copy shall within six hours be sent by registered mail or personally delivered to the Chief of Police. The other copy shall be retained by the dealer for six years.

(c) The fee for issuing a license to persons to sell pistols at retail, shall be Fifty Cents. The fee shall be paid into the City Treasury.

### Daleville

(New)

1. As used in this ordinance, unless the context requires a different meaning: "pistol" means any firearm with a barrel less than twelve inches in length.

4. Any person who sells, gives, or lends to any minor any pistol or bowie knife, or other knife of like kind or description, shall, on conviction, be fined not less than one nor more than one hundred dollars.

### Gardendale

Change in 1974 ed., Page 58, Sec. 11

2. *Delivery of pistol or bowie knife to minor.* No person shall sell, give or lend to any minor any pistol or bowie knife or other knife of like kind or description.

### Hueytown

(New)

3. *Delivery of Pistol or Bowie Knife to Minor.* No person shall sell, give, lend or deliver any pistol or Bowie knife or other knife of like kind or description to any minor or to any one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict and an habitual drunkard, or of unsound mind.

## Oxford

(Recorded) 1974 ed., Page 58

1. becomes 10-140.
2. becomes 10-141.
3. becomes 10-142.
4. becomes 10-143.
5. becomes 10-144.

## Prichard

(New)

1. For the purposes of this Ordinance a shotgun shall be defined as a weapon firing either single or multiple shots through a smooth bore barrel or barrels, and shall be powered by an individual cartridge or shell (whether re-fillable or not), and the firing of such shall be activated by a trigger or other mechanism, the exercise of which shall propel or fire one cartridge or shell, and not be ready for firing until another shell or cartridge shall have been placed in the breech or other firing partition, whether by hand or mechanically.

2. It shall be unlawful and an offense against the City of Prichard for any person to have in his or her possession, either actively or constructively or to allow to be or remain in any dwelling or place of business under the control of such person a shotgun as defined in SECTION ONE hereof which shall have an overall length, including barrel or barrels, breech or similar firing apparatus and stock, of less than 30 inches.

## Sylacauga

Add to 1974 ed., Page 58

16-20. *Definitions.* For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them: *Crime or crime of violence.* The crime of murder, manslaughter, rape, mayhem, assault with intent to murder, robbery, burglary, kidnaping, larceny, or the crime of attempting to commit any of the aforesaid crimes. *Exempt person.* A marshal, deputy marshal, sheriff, deputy sheriff, prison or jail warden, policeman or other authorized law enforcement officer, or a person regularly engaged in the business of manufacturing, repairing or dealing in firearms. *Nonexempt person.* Any person other than an exempt person. *Pistol.* Any firearm with a barrel less than twelve (12) inches in length.

16-33. *Application.* Any person desiring to buy, borrow or accept delivery of a pistol from another may apply to the chief of police, in writing, for a permit to receive a pistol. Such application shall state the name, address, age, sex, color, height and weight of applicant, whether the applicant has been convicted of a crime of violence, or any other crime, or misdemeanor, and if so, when, where and of what crime or misdemeanor, whether the applicant is a drug addict or habitual drunkard, or of unsound mind, and the purpose for which the applicant desires to use a pistol. Said application shall be signed by the applicant in the presence of the chief of police both by affixation of the applicant's signature, and by impressment of the applicant's fingerprints.

16-34. *False information.* It shall be unlawful for the applicant for a permit required by this division to set forth in such application any false information as to his identity, or any false information whatsoever.

## ALASKA

### Ketchikan

(New)

9-32-050. *Sale of Firearms to Certain Minors.* It is unlawful for any person to sell firearms to minors under the age of 19 without written consent of parent or guardian of the minor, or for any dealer to fail to keep a record of any sale of firearms to a minor under said age and to make records available to inspection by any policeman upon request.\*

## Metlakatla Indian Reservation

(New)

1. *Definitions.* As used in this Ordinance, the following terms shall have the following respective meanings: (a) *Prohibited Firearm.* The term "Prohibited Firearm" means (1) a shotgun having a barrel or barrels of less than 18 inches in length; (2) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (3) a rifle having a barrel or barrels of less than 16 inches in length; (4) a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length; (5) any other weapon, as defined in subsection (e); (6) a machinegun; (7) a muffler or a silencer for any firearm whether or not such firearm is included within this definition; and (8) a destructive device.

(b) *Machinegun.* The term "machinegun" means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapons, any combination of parts designed and intended for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

(c) *Rifle.* The term "rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifle bore for each single pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed cartridge.

(d) *Shotgun.* The term "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed shotgun shell.

(e) *Any Other Weapon.* The term "any other weapon" means any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.

(f) *Destructive Device.* The term "destructive device" means (1) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellant charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than one-quarter ounce, (E) mine, or (F) similar device; (2) any type of weapon by whatever name known which will, or which may be readily converted to expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which is generally recognized as particularly suit-

able for sporting purposes; and (3) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subparagraphs (1) and (2) and from which a destructive device may be readily assembled.

2. *Possession of Certain Firearms Prohibited.* No person shall, within the Annette Islands Reserve, own, possess or transport any Prohibited Firearm or destructive device, other than the United States of America or members of the Armed Forces thereof duly authorized to carry such a Prohibited Firearm when on duty on the Annette Islands Reserve, or the State of Alaska, or any duly appointed law enforcement officer of the United States, the Metlakatla Indian Community or the State of Alaska, when such officers are on duty; and enforcing Law and Order on Annette Islands Reserve.

4. *Exclusion.* Any person who is not subject to the jurisdiction of the Metlakatla Indian Community who violates Section 2 hereof, shall be subject to removal from the Annette Islands Reserve upon issuance of a written order of exclusion by the court, after a hearing upon reasonable notice; subject to the approval of such exclusion order by the Council. Upon the approval of such an order by the Council, the Mayor shall transmit a copy of such order to the Chief Constable or the State Enforcement Officers who shall carry out the order by removing such person as a trespasser from the Annette Islands Reserve.

5. *Interpretation.* The terms used in this ordinance are intended to prohibit the possession, ownership or transportation within the Annette Islands Reserve of any firearm which is subject to registration with the National Firearms Registration and Transfer Board pursuant to the provisions of the Act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. § 5841, or any successor provision of Federal law. In applying the definitions set forth herein, reference shall be made to the regulations and interpretations of the Secretary of the Treasury pursuant to that Act.

## CALIFORNIA

## State Law

Change in 1974 ed., Page 61

12021. (a) Any person who has been convicted of a felony under the laws of the United States, of the State of California, or any other state, government, or country, or who is addicted to the use of any narcotic drug, who owns or has in his possession or under his custody or control any pistol, revolver, or other firearm capable of being concealed upon the person is guilty of a public offense, and shall be punishable by imprisonment in the state prison not exceeding 15 years, or in a county jail not exceeding one year or by a fine not exceeding five hundred dollars (\$500), or by both.

## Fontana

Change in 1974 ed., Page 66

9. No person shall sell, exchange, give or lend to any person under 18 years of age any \* \* \* gun, revolver, pistol or firearm of any description \* \* \* designed or intended to discharge any \* \* \* ammunition, cartridge, shell or other device, whether containing an explosive substance or not, designed or intended for use in any weapons enumerated herein. No portion of this section shall prohibit the giving, lending or possession of \* \* \* any gun, rifle, shotgun or pistol, or any ammunition for such firearm \* \* \* for the purpose as set forth in herein, reference shall be made to the regulations 6 and 8 \* \* \*.

12. The Mayor and City Council hereby declare that their purpose in passing this Ordinance is to supplement the State law regulating and controlling deadly weapons, Penal Code, Section 12000, et seq. \* \* \*.

## Monta Vista

Delete Monta Vista ordinances  
(1974 ed., Page 69)

## Pacifica

(New)

5-14.01. *Firearms: Defined.* For the purposes of this chapter, "firearms" shall mean and include cannons, guns, pistols, revolvers, automatic pistols, rifles, shotguns, "BB" guns, air guns, pellet guns, or any other weapons of similar nature designed to discharge a projectile propelled by the expansion of a gas.

5-14.04. *Firearms: Possession by minors.* (a) *Unlawful.* It shall be unlawful for any person under the age of eighteen (18) years to have in his possession in a public place any firearm except as provided in subsection (b) of this section.

(b) *Exceptions.* The provisions of subsection (a) of this section shall not apply to such persons under the age of eighteen (18) years: (1) When the person under the age of eighteen (18) years is in the immediate charge of a parent, guardian, or adult person having the responsibility for the conduct of such minor person; and (2) When the firearm is unloaded and is either in a dismantled or "take-down" condition or completely wrapped or in a carrying case made for the purpose of carrying such firearm. A gun shall be deemed to be unloaded only when no ammunition or propellant is in any part of the gun or magazine or clip thereof.

## Sacramento

Delete Sacramento ordinances  
(1974 ed., Page 70)

## San Dimas

(Recodified) 1974 ed., Page 71

Section 22-1 becomes 9.52.010.

Section 22-2 becomes 9.52.020.

Section 22-4 becomes 9.52.040.

## San Jacinto

(New)

14-51. *Definitions.* For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them herein, unless the text clearly indicates otherwise: \* \* \*

(f) Any rifle, bow and arrow, cross-bow, gun, pistol, revolver, B-B gun, air gun, slingshot, elastic or rubber sling or other similar instrument or device designed or intended to discharge or which is capable of discharging a bullet, shot, arrow or missile of any kind.

14-54. *Same—Minors—Use, possession, discharge and sale.* Except as otherwise provided in section 14-55, it shall be unlawful for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, loaned or in any way furnished to a minor, or to allow any minor to use, possess or discharge, or for any minor to use, possess or discharge a dangerous weapon. For purposes of this article only, a minor is a person who is under the age of eighteen years.\*

14-55. *Same—Same—Consent of parent or guardian; supervision of use, etc.* Nothing in this article shall be deemed or construed to prohibit the selling, giving, loaning or furnishing to any minor upon written consent of the parent or guardian of such minor, any dangerous weapon as defined in subsection (f) of section 14-51, nor to prohibit such minor from using or having in his possession, care, custody or control any such dangerous weapon as so defined, in the event that such possession, care, custody, control or use is had with the consent of the parent or guardian of such minor and is under the direct supervision and control

of some person over the age of twenty-one years.\*

14-57. *Applicability of state law.* The provisions of this article shall not apply to the commission of any act which is made a public offense by any law of this state. This article is adopted to supplement the state law regulating and controlling deadly weapons as stated beginning with section 12,000 of the state Penal Code.

## COLORADO

### Denver, City and County of

Add to 1974 ed., Page 74

6-2(3). *Antique Firearm.* Any firearm, including any handgun, with a matchlock, flintlock, percussion cap, or similar type of ignition system manufactured in or before 1898; and any replica of any such firearm if such replica (a) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or (b) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

6-3. It shall be unlawful for any second-hand dealer or pawnbroker or any other person engaged in the business of the wholesale or retail sale, rental, or exchange of handguns, to sell, rent, exchange or deliver any handgun (except an antique firearm) knowing or having reasonable cause to believe the basic structural components thereof are made (1) of any material having a melting point (liquidus) of less than 1,000 degrees Fahrenheit, or (2) of any material having an ultimate tensile strength of less than 55,000 pounds per square inch, or (3) of any powdered metal having a density of less than 7.5 grams per cubic centimeter.

### Edgewater

Change in 1974 ed., Page 74

9.92.020. *Identification required.* Every person who sells, rents, or exchanges at retail any weapon described in Sections 9.88.010, 9.88.020 or 9.92.010 shall require the vendee, lessee, or person from whom such exchange is made, to furnish more than one type of identification before such sale, rental or exchange is consummated.

9.92.050. *Sale to certain persons prohibited.* It is unlawful for any person, firm or corporation to sell, loan, or furnish any instrument or weapon designated in Sections 9.88.010, 9.88.020 or 9.92.010 to any person under the influence of alcohol, or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor.

Further, such unlawful sale, loan, or furnishing shall be grounds for revocation of any license issued by the city to such person, firm, or corporation.

### Limon

(New)

2. *Unlawful to Sell Weapons to Intoxicated Persons.* 2-1. It shall be unlawful for any person, firm or corporation to sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor.\*

### Littleton

(Recodified) 1974 ed., Page 75 26.8 becomes 23.6

### Pueblo

Add to 1974 ed., Page 75

9-7-11. *Firearms—Dealing in, License Required; Fee, Terms* (a) Firearms shall mean

a pistol or revolver or other weapon of any description, loaded or unloaded, from which any shot, bullet or other missile can be discharged, and the length of the barrel of which, not including any revolving detachable or magazine breech, does not exceed twelve inches.

### San Luis

(New)

*Selling Weapons to Intoxicated Persons:* (a) It shall be unlawful for any person, firm or corporation to purchase, sell, loan, or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.\*

### Sheridan

(New)

16-65. *Furnishing to Certain Persons Prohibited.* It shall be unlawful for any person to purchase, sell, loan, or furnish any gun, pistol, rifle, shotgun or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.\*

### Thornton

(New)

7-903. *Unlawful to Sell Weapons to Intoxicated Persons.* It shall be unlawful for any person, firm or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of 18 years. Further, such unlawful purchase, sale, loan, or furnishing shall be grounds for revocation of any license issued by Thornton to such person, firm, or corporation.\*

## FLORIDA

### Dade County

Change to 1974 ed., Page 84

21-16. *Sale, loan, etc., weapons to intoxicated persons, etc.* It shall be unlawful for any person to sell, loan or furnish any firearm as defined in section 21-20.1(a) to any person whom he knows or has reasonable cause to believe is under the influence of alcohol or any narcotic drug, stimulant, or depressant, or who is of unsound mind, or who is a member of any subversive organization. In addition to all other penalties, such unlawful sale, loan or furnishing shall be grounds for revocation of any license issued by the county to such person.

21-20. *Registration of sales and transfers required; penalty.* (c) *Waiting period required for handgun.* The person to whom such handgun is sold, leased or otherwise transferred shall wait, and the dealer shall require him to wait, a period of seventy-two (72) hours prior to such person acquiring possession of such handgun.

21-20.1. *Definitions.* (a) The word "firearm," as used in this chapter, shall be construed to mean any firearm, weapon, revolver, pistol, autoloading pistol, modified rifle or shotgun, or any similar mechanism by whatever name known, which is designed to expel a projectile through a gun barrel by the action of any explosive, but the word firearm shall not be construed to mean guns that do not use self-contained cartridges.

(b) The word "handgun" shall mean any firearm as defined above, having the size, length or dimensions which make it capable

of being concealed upon the person, and originally designed or altered to be used by one hand and having a barrel length of less than sixteen (16) inches and an overall length of less than twenty-six and one-half (26½) inches.

(c) The word "sale" includes transfer, assignment, pledge, lease, loan, barter, or gift.

21-20.2. *License—Required to sell.* (a) It shall be unlawful for any person who, without being licensed as provided in this act [chapter], to engage in the business of selling or otherwise transferring any handgun or to advertise for sale, or offer or expose for sale or transfer any handgun defined in section 21-20.1(b) or to engage in the business of repairing handguns. This section applies to persons in the firearms business or in the business of gunsmithing, and does not apply to:

(1) Sales or trades by an unlicensed person to a person licensed hereunder, nor to

(2) Isolated sales, transfers or trades between unlicensed persons who are not engaged in the firearms business or in the business of gunsmithing.

(b) The provisions of this section shall not apply to gun shows, conferences or conventions which are staged under the auspices of a duly recognized nonprofit, state or national organization.

### Fort Pierce

Add to 1974 ed., Page 84

1. *Definition.* (c) "Molotov Cocktail," shall mean a gasoline or other inflammable liquid filled bottle or container with a fuse or wick for ignition inserted in the neck (commonly used in World War II).

2. *Incendiary missiles.* No person shall make, carry, possess or use any type of Molotov Cocktail, gasoline or petroleum base fire bomb or other incendiary missile.

### Gainesville

Add to 1974 ed., Page 84

18A. *Sale or Transfer of Handguns Prohibited.* It shall be unlawful for any person to sell or transfer, or offer or expose for sale or transfer, any "handgun" which does not meet the minimum standards provided by this Ordinance.

B. *Definitions.* 1. "Handgun" means any pistol, revolver, or other firearms, having a barrel not exceeding twelve inches in length, measured by the insertion thereof of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

2. "Firearm" means any weapon, including a handgun, by whatever name known, or the barrel, receiver, or any part of the firing mechanism of such weapon which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

3. "Saturday Night Specials" means any handgun which shall not meet the minimum criteria so set forth in Section B-7 herein.

4. "Sale or Transfer" means any sale, transfer, assignment, pledge, lease, loan, barter, or gift.

5. "Firearms Dealer" means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City of Gainesville whether as the principal business of such person, firm or corporation, or in addition thereto.

6. "Antique Firearms" means any firearm manufactured in or before the year 1898; and any replica of any such firearm if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

7. "Minimum Standards" means any handgun with a barrel, cylinder, slide or breech block that is manufactured of a material that has a minimum melting temperature of 800 degrees Fahrenheit and a minimum ultimate tensile strength of 55,000 pounds per square inch.

8. "Licensed Firearms Collectors" means any person who acquires, holds, or disposes of firearms or ammunition as curios or relics and who is licensed as a collector under the provisions of United States Code, Title 18, Section 923.

C. *Proof of Meeting Minimum Standards.* It shall be required of firearms dealers to furnish the City Manager with proof that the minimum criteria are met by the handgun to be sold prior to sale by said dealer. Proof that a handgun meets the minimum standards as defined in Section B-7 herein may be established by presenting to the City Manager one or more of the following certified writings:

1. From the manufacturer listing the handgun by model number and certifying that it meets or exceeds the minimum standards, or

2. From the manufacturer listing the handgun by model number and stating the metal code numbers from the Metals Code Handbook published by the American Society for the Testing of Materials for the metals used in the manufacture of a frame, barrel, cylinder, slide, or breech block. These code numbers may then be checked in the Metals Code Handbook to determine if the handgun complies with the minimum standards.

3. By certification by a reputable, independent metals testing laboratory.

D. *Exceptions.* 1. This ordinance shall not apply to sales or transfers to law enforcement agencies, or sales or transfers for authorized military use.

2. This ordinance shall not apply to wholesale dealers in their business intercourse with retail dealers nor to retail dealers in their business intercourse with other retail dealers nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the country, nor to sales or transfer of firearms that do not use a self-containing cartridge.

3. This ordinance shall not apply to sales or transfer of "antique firearms".

4. This ordinance shall not apply to sales or transfer between "licensed firearms collectors".

### Hollywood

Add to 1974 ed., Page 85

45. *Firearms and ammunition—Dealer's license.* (1) All firearms and ammunition dealers shall obtain a firearms and ammunition dealer's license; the license tax shall be one hundred (\$100.00) dollars per year. \* \* \*

### North Palm Beach

(Recodified) 1974 ed., Page 87

3 becomes 24-74 (3).

### Pasco County

Change in 1974 ed., Page 87

8½-1. "Pistol" means any small firearm, loaded or unloaded, made after 1920, with a barrel of three (3) inches or less, fired by hand. The term shall include all firearms having one or more barrels, such as revolvers, automatics, derringers and the like, capable of discharging loaded ammunition, and having a frame or receiver with a melting point of 850 degrees F. or less.

### Pinellas County

Change in 1974 ed., Page 87

1. *DEFINITIONS.* (a) The word *firearm* as used in this Ordinance shall be construed to mean any firearm, weapon, revolver, pistol,

auto-loading pistol, rifle, modified rifle, shotgun, or any similar mechanism by whatever name known which is designed to expel a projectile through a gun barrel by the action of any explosive. The word *firearm* shall not be construed to mean guns that do not use self-contained cartridges.

(b) The word *sale* includes transfer, assignment, pledge, lease, loan, barter, or gift.

2. *PROHIBITION.* It shall be unlawful for any person to transfer any firearm within a 72-hour period following the sale of the firearm.

3. *EXCEPTIONS.* (a) This Ordinance shall not apply to wholesale dealers in their business dealings with retail dealers nor to retail dealers in their business dealings with other retail dealers, nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express, or other mode of shipment to points outside the County, nor to sales or transfer of firearms that do not use a self-contained cartridge.

(b) This Ordinance shall not apply to duly employed federal, state, county, or municipal law enforcement officers.

### St. Petersburg

(Recodified) 1974 ed., Page 88

25.75 becomes 20.76.

25.77 becomes 20.77.

### GEORGIA

#### Columbus

Change in 1974 ed., Page 90

14-65(c) *It shall be unlawful for any person to:* (1) Sell any hand gun that does not have a full case hardened barrel, and in the case of automatics, full case hardened working parts able to withstand 2,700 degrees fahrenheit as certified by the manufacturer.

(2) To sell or transfer a hand gun to any person without a certificate from the Chief of Police or his designee that such purchaser or transferee has not been convicted of a felony within five years, and the Chief of Police or his designee shall furnish such certificate within three days from the date of the application for such certificate.

14-66. *Exclusion from chapter.* 14-65(c) shall be applicable to all persons including pawn brokers and pawn brokers sales stores; the other provisions of the preceding sections of this chapter shall not be applicable to pawn brokers and pawn broker sales stores, they being regulated by provisions of this Code specifically relating to them; but this Chapter is applicable to all other persons, and the words "persons" or "person" as used herein shall in addition to them, include their managers, agents, clerks and employees.

### HAWAII

#### State Law

Change in 1974 ed., Page 95

134-7. *Ownership or possession by fugitive from justice or by person convicted of certain crimes prohibited;* \* \* \* (a) No person who is a fugitive from justice shall own or have in his possession or under his control any firearm or ammunition therefor. As used in this section the term "fugitive from justice" means any person who has fled from any state, territory, the District of Columbia, or possession of the United States to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

(b) No person who has been convicted in this State or elsewhere, of having committed or attempted a crime of violence, or of the illegal use, possession, or sale of narcotics, shall own, or have in his possession, or under his control any firearms or ammunition therefor.

### ILLINOIS

#### Bensenville

(New)

42.08 *Firearms to minors.* No persons shall sell, loan or furnish to any minor any gun, pistol or other firearm \* \* \* within the village.

#### Blue Island

Change in 1974 ed., Page 99

1.01—*Definition.* "Deadly weapons", for the purposes of this ordinance are machine guns, shot-guns having a barrel or barrels of less than 18 inches in length, rifles having a barrel or barrels of less than 16 inches in length, \* \* \* derringers, pistols, revolvers or other small handguns or destructive exploding devices of such size or nature that they may be concealed on or about the person, and includes mufflers or silencers for any such weapons and also ammunition for any such weapons.

2.01—*Unlawful Sale or Transfer.* It shall be unlawful for any person, firm or corporation to sell, exchange, loan, give away or otherwise transfer the ownership or possession of any deadly weapon except as herein-after provided.

2.02—*Exceptions.* Section 2.01 shall not apply to any person, firm or corporation in possession of a valid license as hereinafter required in Section 3.01 but only with respect to sales, exchanges, loans, gifts or other transfers to the following individuals or authorized representatives of such individuals, and provided further that such individuals are otherwise qualified and permitted to purchase or receive such deadly weapons under Federal and State law:

A. Persons who are required or authorized to possess and use a deadly weapon incident to their membership, employment or association with any of the regular armed forces, military services or reserve organizations of the United States.

B. Persons who are required or authorized to possess and use a deadly weapon incident to their membership, employment or association with the organized militia of any State.

C. Persons who are required or authorized to possess and use a deadly weapon incident to their employment by any Federal, State or Local government or by any department, agency or commission thereof, specifically including by way of example but not limited to:

(1) Peace Officers;

(2) Wardens, Superintendents and Keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense; and

(3) Agents and Investigators of the Illinois Legislative Investigatory Commission authorized by the Commission to carry weapons.

D. Persons expressly authorized by law or reasonably required by the nature of their employment to possess and use a deadly weapon incident to their lawful private employment, including by way of example but not limited to:

(1) Detectives and employees of licensed detective agencies as defined in Illinois Revised Statutes, Chapter 38, Section 201-1, (1973) as now or hereafter amended;

(2) Special Agents employed by a railroad or public utility to perform police functions; and

(3) Persons who are employed as bank guards, armed truck guards or similar security personnel.

E. Dealers licensed under any Firearms Act or Gun Control Act of the United States.

3.01—*License Required.* It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell, exchange, loan, give away or otherwise transfer the ownership or possession of any deadly weapon without securing a license therefor.

3.02—*Application for License.* An application for the license required by Section 3.01 shall be made in writing to the City Clerk



on such suitable forms provided or approved by him setting forth the name of the applicant, residence or registered address, and address where the business is to be conducted. The application for license shall also state that the applicant (including in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership or association) is twenty-one years of age or over, that he is not under indictment for or has been convicted in any court of a felony, is not a fugitive from justice, is not addicted to the use of narcotics, has not been a patient in a mental institution within the past five years, and is not mentally retarded.

3.03—*License Fee.* The license fee shall be \$25.00 per year or such other sum as may be established by ordinance. The license shall expire on April 30th following the date of issuance. The fee for a license issued for less than one year shall be prorated.

3.04—It shall be the duty of the City Clerk to refuse the license required by Section 3.01 to any person, firm or corporation which fails, refuses or is unable to comply with all of the requirements specified in Sections 3.02 and 3.03, otherwise, in case the City Clerk shall be satisfied that the applicant has fully complied with all of the aforesaid requirements, it shall be the duty of the City Clerk to issue such license.

3.05—In case the Mayor shall determine an applicant has violated any provision of this ordinance or is no longer able to fully comply with all of the requirements specified in Section 3.02, he shall revoke the license issued to such person, firm or corporation and the money paid for such license shall be forfeited to the city. When the license of any licensee shall be revoked no other license shall be issued to such licensee for a period of three years thereafter.

4.01—*Records to be kept.* Any seller of deadly weapons other than a manufacturer selling to a bona fide wholesaler or a retailer or a wholesaler selling to a bona fide retailer shall keep a record of all such deadly weapons acquired, sold, leased, loaned, given away or otherwise transferred. Such record shall contain information as to the manufacturer, importer, model, serial number, type of action, caliber or gauge, barrel length, gun finish, date received, from whom received, name and address, the date of sale, name of purchaser or donee, age, occupation, address or license number of purchaser, or such other relevant information as may be required by the City Clerk. Such records shall be open for inspection by any duly authorized law enforcement official or by the City Clerk of the City of Blue Island at all reasonable times.

5.01—*Report of Sale or Gift.* Any seller of deadly weapons shall, upon selling or giving away a deadly weapon, make a report of said sale or gift, which report shall contain the date of sale or gift, name, age, address, occupation, physical description of purchaser or donee, the purpose for which purchased, the kind, description, including serial number of the deadly weapon, and the consideration paid therefor, the Illinois State Firearms Identification Card Number, if any, and/or the driver's license number, if any. Such report of sale shall be open for inspection by any duly authorized law enforcement official or by the City Clerk of the City of Blue Island at all reasonable times. In addition, the information contained in this Section shall be provided by the seller to the City Clerk of Blue Island no later than the last business day of each calendar month representing all sales, lease, loans, gifts or other transfers of any deadly weapon by the seller.

### Bolingbrook

(New)

19-105. *Carrying of loaded weapons prohibited; permit required for possession of weapons.* No person shall carry any loaded

gun, pistol, rifle or other firearm over and upon the streets, alleys or sidewalks of the Village. Where a firearm is to be carried upon any street, alley or sidewalk, all bullets or projectiles shall be removed therefrom; and no firearm shall be possessed or carried except and unless the person carrying the firearm first obtains and has on his person a permit for the possession thereof.

*ARTICLE 3—Licensing of weapons dealers; permit for purchase of weapons.*

19-201. *License required.* It shall be unlawful for any person to engage in the business of selling, or to sell, offer to sell or give away to any person within the Village any pistol, rifle, shotgun, revolver, \* \* \* without first securing a license to do so. Except as otherwise provided in this article, the manner of application and the conditions of payment, issuance and duration of such license shall be as prescribed by Village ordinance.

19-203. *Sale to minors or aliens prohibited.* None of the weapons the sale of which is licensed by this article, or any weapon of like character, shall be sold or donated to any minor or alien.

19-204. *Permit required for purchase of concealable weapons—application; ineligible applicants.*

(A) No sale of any revolver, pistol, \* \* \* which can be concealed on a person shall be made by any licensee under this article to any person unless such person shall first exhibit to the licensee a permit for the purchase thereof, as issued by the Chief of Police of the Village.

(B) Before any permit required by this section can be granted, an application in writing must be made to the Chief of Police. Such application shall include the name, address, height, weight, complexion, nationality and fingerprints of the applicant. The applicant shall also present to the Chief of Police such further evidence of good character and reputation as a law-abiding citizen as the Chief of Police shall require. It shall be the duty of the Chief of Police to refuse a permit to all minors or persons having been convicted of any crime.

### Downers Grove

(New)

15-13. *Same—Sale to minors.* No person shall sell, loan or furnish to any minor any gun, pistol, fowling piece or other firearm, air gun or toy pistol on which percussion caps are used.

9-18. *Curfew; regulation of certain businesses.* Concurrently with the execution of a declaration of emergency under section 9-16, or at any time after such declaration but prior to the expiration thereof, the mayor may in his sole discretion and in the interest of public safety and welfare make any one or more or all of the following orders: \* \* \*

(d) Order the discontinuance of sale, distribution, dispensing or giving away in any manner of any firearms, or firearm ammunition, or both; \* \* \*

### Homewood

(New)

53.18 *Dealers in Weapons.* (a) *Definition.* The term "deadly weapon" as used in this section shall include any pistol, dagger, stiletto, billie, derringer, dirk or any other object of similar nature which can be concealed on the person.

(b) *License Required.* No person shall engage in the business of selling or sell or give away any deadly weapon without a license. Application for said license shall be made on such forms as are provided by the Village Manager. The Chief of Police shall verify all application data and shall approve or disapprove each application based upon the facts of such investigation of the applicant. The annual license fee for the sale of deadly weapons is \$200.

(c) *Sale Procedure.* 1. No deadly weapon shall within the Village be sold, traded or

given to any person who fails to present a permit to purchase issued by the Chief of Police.

(d) *Purchase Permit.* It shall be unlawful for any person to purchase or receive any deadly weapon which can be concealed on the person without first obtaining a permit so to do from the Chief of Police. Application for said permit shall be made on such forms as are provided by the Village Manager. The Chief of Police shall verify all application data and shall approve or disapprove each application based upon the facts of such investigation of the applicant. No permit shall be issued to any minor or to any person previously convicted of any crime.

The fee for a permit to purchase a deadly weapon shall be \$2. A permit to purchase shall cover but one weapon only.

(e) *Gunsmiths.* No person shall engage in the business of repairing any pistol, revolver, derringer or other firearm which can be concealed on the person without a license. Application for said license shall be made on such forms as are provided by the Village Manager. The Chief of Police shall verify all application data and shall approve or disapprove each application based upon the facts of such investigation of the applicant. The annual license fee for gunsmithing is \$50, provided, however, that a person licensed under the provisions of sub-section (a) shall not be required to pay the additional fee for engaging in the business of gunsmithing.

### Jerseyville

(New)

20-66. *Unlawful Use of Weapons.* A person commits the offense of unlawful use of weapons when he knowingly:

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails;

20-67. *Unlawful Sale of Firearms.*

A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under eighteen (18) years of age; \*

(b) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent;

(c) Sells or gives any firearm to any narcotic addict;

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of the state or any other jurisdiction;

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five (5) years;

(f) Sells or gives any firearm to any person who is mentally retarded; or

(g) Delivers any firearm, incidental to a sale, without withholding delivery of such firearm for at least seventy-two (72) hours after application for its purchase has been made; however, this subsection shall not apply to:

(1) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard or other similar employment;

(2) A mail-order sale of a firearm to a non-resident of the state under which the firearm is mailed to a point outside the boundaries of the state;

(3) The sale of a firearm to a nonresident of the state while at a showing or display re-

ognized by the state department of public safety;

(4) The sale of a firearm when another firearm is traded-in for the firearm purchased, in whole or in part; or

(5) The sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States.

### Peoria

*Change in 1974 ed., Page 104*

41-8. *Required Certificate and Thumb Print.* It shall be unlawful for any person to sell, barter, or give away to any person within the City, any deadly weapon mentioned in Section 41-4 of this Code, except to licensed dealers, without first obtaining from the person receiving such deadly weapon a signed statement in which he or she states that he or she is over twenty-one years of age, that he or she is not under indictment for, nor has been convicted of, a crime punishable by imprisonment for a term of one year or more, that he or she is not a fugitive from justice, nor an unlawful user or addicted to a depressant, stimulant or narcotic drug, nor that he or she has been adjudicated mentally defective or has been committed to a mental institution, and which shall contain a thumb print from the person receiving such weapon. Such thumb print shall be the right-hand thumb print unless circumstances prevent, in which case it shall be the left-hand thumb print. All such information required by this section shall be entered upon forms provided by the Superintendent of Police for that purpose.

### Riverdale

*(New)*

91I. In addition to all other applicable requirements in this Code, the intrastate transportation of small arms ammunition, small arms ammunition primers, smokeless propellants and black powder propellants shall be in accordance with current U.S. Department of Transportation regulations. \* \* \* *Article XXXIII*

15.3301—*Definitions.* The term "gunshop" is hereby defined to mean any building, room, enclosure, premises, place, establishment or part of establishment in the Village of Riverdale operated and maintained or conducted for the sale or offer for sale at retail any of the following articles: rifles, shotguns, pistols and loaded shot shells or cartridges.

15.3302—*License.* No person shall engage in the business of a gunshop or a shooting range without first having obtained a license therefor.

### Rockford

*Delete the following Sections, 1974 ed., Page 104:*

Section 7-261.

Section 7-262.

Section 7-263.

### INDIANA

#### State Law

*Add to 1974 ed., Pages 107, 108*

10-4740a. *Interstate firearms sales.*—Any resident of this state who is eighteen years of age or over and not otherwise prohibited by IC 1971, 35-23-4-6 [§ 10-4739], IC 1971, 35-1-79-3 [§ 10-4702], or IC 1971, 35-23-5-1 [§ 10-4736], or any applicable law of another state or the United States from obtaining, possessing, or using a firearm, may purchase or obtain a rifle, shotgun or ammunition for either a rifle or shotgun in Ohio, Kentucky, Michigan or Illinois.

10-4751c. *Foreign licenses.*—Retail dealers licenses issued by other states or foreign countries will not be recognized in this state except for sales at wholesale.

### Gary

*(New)*

10-2204. At the time of sale the seller shall complete a registration form, designed or approved by the City Controller, which shall contain the date of the sale or gift, the full name, address, age, physical description and occupation of the person to whom the handgun is sold or given, the price of the handgun, the kind, description and serial number or other identifying marks of the handgun, the purpose for which it is purchased and obtained, the permit number, and other relevant information deemed necessary by the City Controller.

10-2205. At such time of sale the seller shall witness to the best of his knowledge that the information submitted on the registration form by the purchaser is true and correct and that the transaction is not in violation of law.

10-2206. The completed registration form, signed by both the seller and purchaser, shall be mailed by the seller to the office of the City Controller with a registration fee of \$3.00 no later than forty-eight (48) hours after the sale.

10-2214. For the purposes of this Chapter the term "handgun" means any weapon, by whatever name known, which is less than twelve (12) inches long capable of being used with one hand and which is designed to expel a projectile or projectiles by the action of an explosive and a handgun muffler or handgun silencer, or any part or parts of such weapon.

10-2215. Any person under 18 years of age, any narcotic addict, any person who has been convicted of a felony under the laws of this State or any other jurisdiction within five (5) years from release from a penitentiary or within five (5) years of conviction if the penitentiary sentence has not been imposed, and any person who has been released from a mental institution or any youth correction facility within the last five (5) years, and any person who possesses any handgun, the possession of which is prohibited by any State or Federal law relating to weapons or handguns, shall be ineligible to register pursuant to this Chapter. Any purported registration by any of the above-described persons shall be null and void.

1. It shall be unlawful for any person to manufacture, possess, sell, distribute, or use any incendiary or explosive materials within the city limits of Gary unless such manufacture, possession, sale, distribution or use of said material is otherwise provided by law.

2. The term "incendiary" or "explosive materials" as used in this ordinance shall include, but shall not be limited to, bomb, molotov cocktails and grenades.

### KANSAS

#### Manhattan

*Change in 1974 ed., Page 112*

10-1201. *Dealer receives written commitment from buyer.* No person, partnership or corporation, regularly engaged in the sale of pistols, revolvers or other firearms with a barrel less than ten inches, may deliver possession of such firearms, until the expiration of forty-eight hours from the date the sale of said firearm is consummated. For the purpose of this article, a sale of firearms shall be deemed consummated when the dealer shall have received a written commitment from the buyer legally binding the latter to purchase said firearm.

### KENTUCKY

#### Louisville

*Add to 1974 ed., Page 114*

711.05. *Sale by dealer.* Every dealer who makes a sale, transfer or delivery of a concealable firearm to any person other than

another licensed dealer or licensed collector shall first require the purchaser to execute in full an affidavit on a form provided by the Louisville Division of Police which affidavit shall contain the following specific information:

(a) The name and any other names by which the proposed purchaser has been known.

(b) The present home address and any other addresses at which purchaser has resided within five (5) years immediately prior to the application;

(c) The present business or occupation, and any business or occupation in which purchaser has engaged for five (5) years immediately prior to the making of the affidavit;

(d) The height, weight, and color of hair of purchaser;

(e) The age, date and place of birth of purchaser;

(f) A statement by purchaser indicating the date, place, nature and disposition of any criminal proceedings brought against the purchaser for any offense other than traffic violations;

(g) The Social Security number of purchaser and/or the license number of a current driver's license issued to purchaser;

(h) The right thumbprint of the purchaser. In the event the right thumb is missing, use left thumb.

(i) The time and date of the completion of said affidavit form.

The aforesaid affidavit shall be signed and sworn to by the prospective purchaser before a person authorized to administer oaths.

711.06. *Completion of Sale and Report to the Louisville Division of Police.* After the prospective purchaser or transferee of a concealable firearm has executed the affidavit hereinabove provided for, the dealer shall allow a period of not less than 24 hours to expire before the completion of any sale or transfer of the concealable firearm to the purchaser or transferee.

Upon the completion of the sale or transfer, the dealer shall execute a certificate on a form provided by the Louisville Division of Police containing the following information:

(a) The dealer's name, address, license number and expiration date of the license.

(b) The date and time of completion of affidavit described in 711.05.

(c) The date and time of sale, transfer or delivery.

(d) The make, model, serial or factory number, caliber or size barrel length and finish of the concealable firearm.

(e) A print of the same finger of the purchaser as affixed on the affidavit in 711.05(h).

The purchaser or transferee shall sign the aforesaid certificate acknowledging receipt of the concealable firearm described therein. The dealer shall also sign the aforesaid certificate. The dealer and purchaser or transferee shall swear to the accuracy of the information contained therein before a person authorized to administer oaths.

### LOUISIANA

#### State Law

*Change to 1974 ed., Page 118*

91. *Unlawful sales to minors.* Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen of any \* \* \* firearm or other instrumentally customarily used as a dangerous weapon, to any person under the age of eighteen. Lack of knowledge of the minor's age shall not be a defense.\*

### MASSACHUSETTS

#### State Law

*Change in 1974 ed., Page 125, Chapter 140*

129C (third paragraph) A seller shall, within seven days, report all such transfers to the commissioner of public safety accord-

ing to the provisions set forth in section one hundred and twenty-eight A, and in the case of loss, theft or recovery of any firearm, rifle, shotgun or machine gun, similar report shall be made forthwith to both the commissioner and the licensing authority in the city or town where the owner resides.

*Change in 1974 ed., Page 127, Chapter 269*  
(Delete Section 10; insert the following)

10 \* \* \* (C) Whoever, except as provided by law, possesses a shotgun with a barrel less than eighteen inches in length, or possesses a machine gun, as defined in section one hundred and twenty-one of chapter one hundred and forty, without permission under section one hundred and thirty-one of said chapter one hundred and forty, shall be punished by imprisonment in the state prison for life or for any term of years provided that any sentence imposed under the provisions of this clause shall be subject to the minimum requirements of clause (a) of this section. \* \* \*

### Boston

*Change in 1974 ed., Page 128*

(122) *Firearms, License to Sell, Rent or Lease.* The fee for a license to sell, rent or lease firearms, rifles, shotguns or machine guns granted by the police commissioner under section 122 of chapter 140 of the General Laws shall be \$35.00.

(154) *Gunsmith's License.* The fee for a license to be in business as a gunsmith granted by the police commissioner under section 122 of chapter 140 of the General Laws shall be, in the case of a person licensed to sell, rent or lease firearms, rifles, shotguns or machine guns, \$15.00, and in the case of any other person, \$50.00.

### MICHIGAN

#### Inkster

(New)

1. Any person found guilty of the following offenses in the Village of Inkster shall be deemed disorderly persons (sic) \* \* \* (19) Any person who sells, gives, loans or furnishes another with a pistol or firearms less than 30 inches in length. \* \* \*

#### Madison Heights

(New)

398(7). the word "firearm", except as otherwise specifically defined in this ordinance, shall be construed to include any weapon from which a dangerous projectile may be propelled by using explosives, gas or air as a means of propulsion.

8-111 *Dangerous weapons; possession prohibited, exceptions.* (a) No person shall possess any machine gun, sawed off shotgun, or any instrument or weapon of the kind commonly known as a black-jack, slingshot, sand club, sandbag, switch-blade knife, or metal knuckles, nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

#### Mount Clemens

(New)

8-210. *Dangerous weapons; possession prohibited, exceptions.*—(1) No person shall possess any machine gun, sawed off shotgun, \* \* \* no any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

#### St. Clair Shores

(New)

20-17. *Dangerous weapons; possession prohibited, exceptions.*—No person shall possess

any machine gun, sawed off shotgun, \* \* \* or metal knuckles, nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

### Trenton

*(Recodified) 1974 ed., Page 131*

Change 9.171 to 19-34.

### MINNESOTA

#### Minnetrista

(New)

1. *Definitions.* (a) "Firearms" shall mean any device from which is propelled any projectile or bullet by means of explosions or gas.

(b) "Military type weapon" shall mean any firearm or other weapon such as bazookas, machine guns, mortars or grenades.

2. *Possession.* No person shall own, keep, carry or have possession of any military type weapon within the Village of Minnetrista except persons on active duty as a member of a United States military unit.

#### St. Peter

*Change in 1974 ed., Page 137*

1. *Acts Prohibited.* It is unlawful for any person to: \* \* \* F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

G. Permit, as a parent or guardian, any child under fourteen years of age to handle or use, outside of the parent's or guardian's presence, a firearm or air gun of any kind, or any ammunition or explosive; or

H. Furnish a minor under eighteen years of age with a firearm, air gun, ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.\*

2. *Exception.* Nothing in Subdivision 1 of this Section shall prohibit the possession of the articles therein mentioned if the purpose of such possession is for public exhibition by museums or collectors of art.

### MISSISSIPPI

#### State Law

*(Recodified) 1974 ed., Page 138*

Miss. Code Ann. 25 becomes Miss. Code Ann. Title 45.

7015-31 becomes 45-13-101.

7015-32 becomes 45-13-103.

*Change in 1974 ed., Page 138*

97-37-7. *Deadly weapons—persons permitted to carry weapons—bond.* It shall not be a violation of section 97-37-1 or any other statute for pistols, firearms or other suitable and appropriate weapons to be carried by duly constituted bank guards, company guards, watchmen, railroad special agents or duly authorized representatives, agents or employees of a patrol service, guard service, or a company engaged in the business of transporting money, securities or other valuables, or persons similarly employed and engaged, while actually engaged in the performance of their duties as such, provided that such persons are under bond in a sum of not less than one thousand dollars for the lawful and faithful performance of their duties, the cost of which bond shall be paid by the employer of such persons; and, further, provided that such persons have first made written application and obtained an annual permit so to do from the sheriff of the county in which they are employed. Provided, however, that where the duties of any person covered by the provisions of this paragraph may carry him into more than one county, such person may file a bond in the sum of

two thousand dollars with the commissioner of public safety, for the lawful and faithful performance of his duties, the cost of the bond shall be paid by the employer of such person, and, provided, further, that such person has first made written application with and obtained a permit so to do from the commissioner of public safety, and said permit shall be valid as a statewide permit, for which the commissioner of public safety shall collect a fee of twenty dollars. No such permit shall be issued to any person who has ever been convicted of a felony under the laws of this or any other state or of the United States.

It shall further not be a violation of this or any other statute for pistols, firearms, or other suitable and appropriate weapons to be carried by game and fish law enforcement officers or investigators employed by the attorney general while engaged in the performance of their duties as such.

### MISSOURI

#### Richmond

*Change in 1974 ed., Page 141*

13-66. *Dangerous and concealed weapons; prohibitions concerning.* If any person shall carry, concealed upon or about his person, any deadly or dangerous weapon, \* \* \* any kind of firearm, bowie knife, dirk, dagger, slingshot or other deadly weapon, \* \* \* or shall directly or indirectly loan or barter to any minor any such weapon without the consent of the parent or guardian of such minor, shall be guilty of a misdemeanor.\*

### NEVADA

#### Las Vegas

*Add to 1974 ed., Page 146*

202.260. *Infernal machines.* 1. Any person who unlawfully possesses, manufactures, or disposes of any explosive or incendiary device with intent to destroy life or property shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years.

2. For the purposes of this section: (a) "Dispose of" means give, give away, loan, offer, offer for sale, sell or transfer. (b) "Explosive or incendiary device" means any explosive or incendiary material or substance that has been constructed, altered, packaged or arranged in such a manner that its intended use would cause destruction or injury to life or property.

3. Subsection 1 does not prohibit the manufacture, use, possession or disposal of any material, substance or device by those persons engaged in mining or any other lawful activity or who are authorized by governmental agencies, which have lawful control over such matters, to use such items in the performance of their duties.

### NEW HAMPSHIRE

#### State Law

*Change in 1974 ed., Page 147*

159:3. *Possession; Felons.* No person who has been convicted of a felony against the person or property of another, shall own or have in his possession or under his control a pistol or revolver, unless said weapon is obtained in accordance with the provisions of RSA 159:7. Whoever violates the provisions of this section shall be guilty of a class B felony, and upon conviction the weapon shall be confiscated to the use of the state.

159:7. *Permit to Purchase.* No person shall sell, deliver or otherwise transfer a pistol or revolver to a person who has been convicted of a felony against the person or property of another, except upon delivery of a written permit to purchase, signed by the selectmen of the town or the mayor or chief of police of the city. Before a delivery is made the purchaser shall sign in duplicate and deliver to

the seller a statement containing his full name, address and nationality, the date of sale, the caliber, make, model and manufacturer's number of the weapon. The seller shall, within seven days, sign and forward to the chief of police of the city or selectmen of the town one copy thereof and shall retain the other copy for one year. This section shall not apply to sales at wholesale. Where neither party to the transaction holds a dealer's license no person shall sell or otherwise transfer a pistol or revolver to any person not personally known to him. Whoever violates the provisions of this section shall be guilty of a misdemeanor.

159:12. *Sale to Minors.* Any person who shall sell, barter, hire, lend or give to any minor any pistol or revolver shall be guilty of a misdemeanor. This section shall not apply to fathers, mothers, guardians, administrators or executors who give a revolver to their children or wards or to heirs to an estate.

159:13. *Changing Marks.* No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification on any pistol or revolver. Possession of any such firearms upon which the same shall have been changed, altered, removed or obliterated shall be presumptive evidence that such possessor has changed, altered, removed or obliterated the same. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

## NEW MEXICO

### Gallup

(New)

6-4-5. *Sale of firearms to minors prohibited:* The giving, selling, trading, bartering or exchanging for anything of value of any firearm as defined in Section 6-4-1, or of any ammunition for any firearm, to any person under the age of eighteen (18) years, within the corporate limits of the Municipality, is hereby prohibited and declared to be a misdemeanor; provided, however, that nothing herein contained shall be construed to prohibit any parent or legal guardian from purchasing such a weapon for his child or ward, or from giving such a weapon to his child or ward, subject to the provisions of Section 6-4-3 hereof.\*

## NEW YORK

### State Law

Change in 1974 ed., Page 152

265.00 3. "Firearm" means any pistol, revolver, sawed-off shotgun or other firearm of a size which may be concealed upon the person, except an antique firearm. \* \* \*

9. "Dealer in firearms" means any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of, any pistol or revolver. \* \* \*

14. "Antique firearm" means: Any unloaded muzzle loading pistol or revolver with a matchlock, flintlock, percussion cap, or similar type of ignition system, or a pistol or revolver which uses fixed cartridges which are no longer available in the ordinary channels of commercial trade. \* \* \*

16. "Certified not suitable to possess a rifle or shotgun" means that the director or physician in charge of any hospital or institution for mental illness, public or private, has certified to the superintendent of state police or to any organized police department of a county, city, town or village of this state, that a person who has been judicially adjudicated incompetent, or who has been confined to such institution for mental illness pursuant to judicial authority, is not suitable to possess a rifle or shotgun.

265.05 is repealed. Such is amended by adding new sections, as follows:

### 265.01. Criminal possession of a weapon \* \* \*

A person is guilty of criminal possession of a weapon \* \* \* when:

(1) He possesses any firearm, gravity knife, switchblade knife, cane sword, billy, black-jack, bludgeon, metal knuckles, chuka stick, sand bag, sandclub or slungshot; or

(2) He possesses any dagger, dangerous knife, dirk, razor, stiletto, imitation pistol or any other dangerous or deadly instrument or weapon with intent to use the same unlawfully against another; or \* \* \*

(4) He possesses a rifle or shotgun and has been convicted of a felony or serious offense; or

(5) He possesses any dangerous or deadly weapon and is not a citizen of the United States; or

(6) He is a person who has been certified not suitable to possess a rifle or shotgun, as defined in subdivision sixteen of section 265.00, and refuses to yield possession of such rifle or shotgun upon the demand of a police officer.

### 265.02. Criminal possession of a weapon \* \* \*

A person is guilty of criminal possession of a weapon \* \* \* when: \* \* \*

(2) He possesses any explosive or incendiary bomb, bombshell, firearm silencer, machine-gun or any other firearm or weapon simulating a machine-gun and which is adaptable for such use; or

(3) He knowingly has in his possession a machine-gun or firearm which has been defaced for the purpose of concealment or prevention of the detection of a crime or misrepresenting the identity of such machine-gun or firearm.

### 265.05. Unlawful possession of weapons by persons under sixteen

It shall be unlawful for any person under the age of sixteen to possess any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring or air, or any gun or any instrument or weapon in or upon which any loaded or blank cartridges may be used, or any loaded or blank cartridges or ammunition therefor, or any dangerous knife.

A person who violates the provisions of this section shall be adjudged a juvenile delinquent.\*

Change in 1974 ed., Page 153

### 265.20. Exemptions

a. Sections 265.01, 265.02, 265.03, 265.04, 265.05, 265.10, 265.15 and 270.05 shall not apply to:

1. Possession of any of the weapons, instruments, appliances or substances specified in sections 265.01, 265.02, 265.03, 265.04, 265.05 and 270.05 by the following:

(a) Persons in the military service of the state of New York when duly authorized by regulations issued by the chief of staff to the governor to possess the same, members of the division of state police, and peace officers as defined in subdivision thirty-three of section 1.20 of the criminal procedure law and persons appointed as railroad policemen pursuant to section eighty-eight of the railroad law. \* \* \*

3. Possession of a pistol or revolver by a person to whom a license therefor has been issued as provided under section 400.00; provided, \* \* \* that such a license shall not preclude a conviction for the offense defined in subdivision three of section 265.01.

4. Possession of a rifle, shotgun or longbow for use while hunting, trapping or fishing, by a person, not a citizen of the United States, carrying a valid license issued pursuant to section 11-0713 of the environmental conservation law.

5. Possession of a rifle or shotgun by a person who has been convicted as specified in subdivision four of section 265.01 to whom a certificate of good conduct has been issued pursuant to section two hundred forty-two, subdivision three of the executive law. \* \* \*

10. Engaging in the business of gunsmith or dealer in firearms by a person to whom a valid license therefor has been issued pursuant to section 400.00.

### 265.40. Purchase of rifles and/or shotguns in contiguous states

Definitions. As used in this act:

1. "Contiguous state" shall mean any state having any portion of its border in common with a portion of the border of the state of New York;

2. All other terms herein shall be given the meaning prescribed in Public Law 90-618 known as the "Gun Control Act of 1968" (18 U.S.C. 921).

### 400.00. Licenses to carry, possess, repair and dispose of firearms

1. *Eligibility.* No license shall be issued or renewed pursuant to this section except by the licensing officer, and then only after investigation and finding that all statements in a proper application for a license are true. No license shall be issued or renewed except for an applicant (a) of good moral character; (b) who has not been convicted anywhere of a felony or a serious offense; (c) who has stated whether he has ever suffered any mental illness or been confined to any hospital or institution, public or private, for mental illness; and (d) concerning whom no good cause exists for the denial of the license. No person shall engage in the business of gunsmith or dealer in firearms unless licensed pursuant to this section. An applicant to engage in such business shall also be a citizen of the United States, more than twenty-one years of age and maintain a place of business in the city or county where the license is issued. For such business, if the applicant is a firm or partnership, each member thereof shall comply with all of the requirements set forth in this subdivision and if the applicant is a corporation, each officer thereof shall so comply.

Add to 1974 ed., Page 154

### McKinney's Consolidated Laws of New York Annotated Book 66, Part 1, Code of Criminal Procedure

154. *Who are peace officers.* A peace officer is:

1. a sheriff of a county, or his under sheriff or deputy, or a county detective appointed pursuant to chapter sixty-two of the laws of eighteen hundred ninety-seven, as amended by chapter five hundred and thirty-two of the laws of nineteen hundred and by chapter five hundred ninety-eight of the laws of nineteen hundred and eleven, or

2. a constable, marshal, police constable or policemen of a county, city, town or village, or a county detective employed in the office of the district attorney in any county embraced wholly within the limits of a city, or

3. an attendant, uniformed court officer or an official of the supreme court in the first and second department, or the criminal investigators attached to the district attorney's office in the counties of Kings, Bronx, Erie and Suffolk, or an attendant, uniformed court officer or other official attached to the county courts of Nassau and Suffolk counties, or a clerk or attendant of a district court, or a criminal investigator employed in the office of the district attorney in the county of Queens, or a clerk, uniformed court officer or other official of the criminal court of the city of New York, or

4. an attendant, or an official, or guard of any state prison or of any penal correctional institution, or an officer of the staff of the board of parole in the executive department, or probation officer of any judicial district of the state or a police officer of the capital buildings police force of the office of general services in the executive department, or

5. a state park patrolman or an attendant, uniformed court officer or an official of the civil court of the city of New York, or an

attendant, clerk or uniformed court officer of the family court, or

6. a patrolman, officer, or other member of the police force appointed by the port of New York authority, or a harbor master appointed by a county, city, town or village, or a town of Hempstead Bay constable, or an investigator of the waterfront commission of New York harbor, or an investigator of the office of the state commission of investigation, or a patrolman, officer or other member of the police force appointed by the New York state bridge authority, or a member or officer of the police force appointed by the Buffalo and Port Erie public bridge authority, or a member of the uniformed force of the New York city transit police, or a member of the uniformed force of the New York city housing authority police, or Long Island railroad police, or

7. a detective investigator in the office of a district attorney, or a member of the Westchester county parkway police force, Onondaga county park rangers, or a member of the Suffolk county park rangers or the criminal investigator attached to the district attorney's office of Westchester county, or the criminal investigator attached to the district attorney's office of Rockland county, or the special investigator attached to the district attorney's office of Orange county, or

8. An officer or agent of a duly incorporated society for the prevention of cruelty to animals or children, or an inspector or investigator of the department of agriculture and markets, or an employee of the department of taxation and finance assigned to enforcement of the tax on cigarettes imposed by article twenty of the tax law by the commissioner of taxation and finance, or an employee of the New York city finance administration assigned to enforcement of the tax on cigarettes imposed by section D43-2.0 of the administrative code of the city of New York by the finance administrator, the chief and deputy chief fire marshals and the assistant fire marshals and special investigators of the bureau of fire investigation of the New York city fire department, or

9. the chief of the bureau of law enforcement and field services, assistant superintendent of law enforcement, regional conservation officers, assistant regional conservation officers and conservation officers in the conservation department. Nothing herein shall be construed as requiring the chief of the bureau of law enforcement and field services, assistant superintendent of law enforcement, regional conservation officers, assistant regional conservation officers and conservation officers in the conservation department to enforce the provisions of the penal law, or of any county, city, town or village ordinance or of any law other than the conservation law except to the extent necessary to enforce all the laws relating to fish and game.

## BUFFALO

*Change in 1974 ed., Page 154*

12.01. *Definition.* "Small arms ammunition" shall mean any shotgun, rifle, pistol or revolver cartridge and cartridges for propellant-actuated power devices and industrial guns. "Small arms ammunition primer" shall mean a small percussion-sensitive explosive charge, encased in a cap, used to ignite propellant powder.

12.02. *License Required for the Possession and Sale of Fixed Ammunition for Small Arms.* No person, firm or corporation shall store, keep for sale or offer for sale any fixed ammunition for small arms without a license from the director of licenses and permits of the city of Buffalo upon the approval of the bureau of fire prevention at wholesale or retail. The said license shall expire on December thirty-first of each year following the date of issuance. \* \* \*

12.03. *Manufacture of Small Arms Ammunition Within the City Is Prohibited.* No person shall manufacture within the limits

of the city, any fixed ammunition for small arms. *Exception:* Hand loading of small arms ammunition prepared for personal use when not for resale.

12.04. *Hand Loading of Small Arms Ammunition.* No person shall engage in the hand loading of small arms ammunition except for private personal use only and not for resale. A reloading of small arms ammunition shall be limited to the use of sporting or smokeless powder. An amount not in excess of five pounds and in the original container may be kept in a building without storing such powder in a magazine. An amount not in excess of ten pounds stored in a magazine and one thousand small arms primers packed in approved ICC containers may be kept in a building. Smoking while handling powder is prohibited. Storage of powder shall be inaccessible to children.

The hand loading of small arms ammunition is hereby prohibited in all buildings classified as multiple dwellings or multiple housing by the division of rehabilitation and conservation.

## NORTH DAKOTA

### Fargo

*Add to 1974 ed., Page 161*

25-2706. *Application for license.*—Any person, firm, or corporation desiring a license to sell pistols shall make and file a verified written application to the city auditor of the city of Fargo, stating his name, residence, citizenship, and if a naturalized United States citizen, the date he acquired citizenship, location and place of business, length of time in business in Fargo, whether operating as an individual, partnership, or corporation, and if a partnership, the names of all the partners, and if a corporation, the names and addresses of the officers of the corporation. The applicant shall also state in such application that he has read and understands all the provisions of this article and of chapter 62-01 of the North Dakota Century Code, and that he will follow all the provisions of this article and the state law relative to the possession and sale of pistols.

## OHIO

### State Law

*Add to 1974 ed., Page 161*

2901.01. *Definitions. As used in the Revised Code:* (1) "Offense of violence" means any of the following:

(1) A violation of sections 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.21, 2903.22, 2905.01, 2905.02, 2905.11, 2907.02, 2907.03, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2917.01, 2917.02, 2917.03, 2917.31, 2921.03, 2921.34, 2921.35, 2923.12, and 2923.13 of the Revised Code.

(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States, substantially equivalent to any section listed in division (1) (1) of this section;

(3) An offense, other than a traffic offense, under an existing or former municipal ordinance or law of this or any other state or the United States, committed purposely or knowingly, and involving physical harm to persons or a risk of serious physical harm to persons;

(4) A conspiracy or attempt to commit, or complicity in committing any offense under division (1) (1), (2), or (3) of this section.

### Ashland

*(New)*

587.01 same as Ohio State law 2923.11.

587.06(A)(2) same as Ohio State law 2923.20(A)(4).

587.06(A)(3) same as Ohio State law 2923.20(A)(5).

587.07 same as Ohio State law 2923.21.

## Athens

*(New)*

131.06. *Sale of firearms to minors.* No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.\*

## Avon

*(New)*

672.01 same as Ohio State law 2923.11.

672.05 same as Ohio State law 2923.17.

672.07 adopts Ohio State law 2923.18.

672.09(a)(2) same as Ohio State law 2923.20(A)(4).

672.09(a)(3) same as Ohio State law 2923.20(A)(5).

672.10 same as Ohio State law 2923.21.

## Avon Lake

*Change in 1974 ed., Page 165*

672.01 same as Ohio State law 2923.11.

672.05 same as Ohio State law 2923.17.

672.07 adopts Ohio State law 2923.18.

672.09(a)(2) same as Ohio State law 2923.20(A)(4).

672.09(a)(3) same as Ohio State law 2923.20(A)(5).

672.10 same as Ohio State law 2923.21.

## Bay Village

*Change in 1974 ed., Page 165*

549.01 same as Ohio State law 2923.11.

549.05 same as Ohio State law 2923.17.

549.07(a)(2) same as Ohio State law 2923.20(A)(4).

549.07(a)(3) same as Ohio State law 2923.20(A)(5).

549.08 same as Ohio State law 2923.21.

## Bedford

*Change in 1974 ed., Page 165*

547.08. *Weapon dealers; license required.* No person shall engage in the business of selling, or sell or give away to any person, within the City, any pistol, revolver, derringer, bowie knife, or other weapon of like character, which can be concealed on the person, without securing a license to do so. No person having secured such a license, shall sell or give away any such weapon to any person who has not secured a permit from the Chief of Police to purchase such weapon.

547.12. *Limitation on purchase and sale.* No person shall purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character which can be concealed on the person who:

(a) Has been convicted and sentenced for any felony or other crime other than traffic misdemeanors;

(b) Constitutes a suspicious person or is a vagabond, vagrant or transient;

(c) Is under twenty-one of age;

(d) Refuses or neglects to give information to the seller as required by law.

It shall be the duty of the seller of the aforesaid weapons as a condition of his permit, to obtain the information required by this chapter in affidavit form, and have such form signed and sworn to before a notary public by such applicant on three copies, one to be delivered to the purchaser at the time of sale, the second to be delivered to the Chief of Police as required by Section 547.10 and the third to be kept by the seller for a period of not less than six months.

It shall be the duty of the seller of the aforesaid weapons as a condition of his permit to display a copy of this section and the penalty, as provided in Section 501.99, in a conspicuous place.

No holder of a permit as required by Sections 547.08 and 547.09 shall sell one of the weapons named in Section 547.08 without first obtaining the information in proper affidavit form as required herein. Failure to comply with these regulations shall be grounds for revocation of the permit license.

### Berea

(New)

- 945.01 same as Ohio State law 2923.11.  
 945.05 same as Ohio State law 2923.17.  
 945.07(A) (2) same as Ohio State law 2923.20(A) (4).  
 945.07(A) (3) same as Ohio State law 2923.20(A) (5).  
 945.08 same as Ohio State law 2923.21.

### Bexley

Change in 1974 ed., Page 167

- 13-101 same as Ohio State law 2923.11.

### Brooklyn

(New)

- 672.01 same as Ohio State law 2923.11.  
 672.05 same as Ohio State law 2923.17.  
 672.07 adopts Ohio State law 2923.18.  
 672.09(a) (2) same as Ohio State law 2923.20(A) (4).  
 672.09(a) (3) same as Ohio State law 2923.20(A) (5).  
 672.10 same as Ohio State law 2923.21.

### Carlisle

Change in 1974 ed., Page 167

- 672.01 same as Ohio State law 2923.11.  
 672.05 same as Ohio State law 2923.17.  
 672.07 adopts Ohio State law 2923.18.  
 672.09(a) (3) same as Ohio State law 2923.20(A) (5).

### Cheviot

(New)

- 134.13 same as Ohio State law 2923.21.

### Cleveland Heights

(Recodification) 1974 ed., Page 171

- 541.01 becomes 925.01.  
 541.03 becomes 925.03.  
 541.05 becomes 925.05.  
 541.06 becomes 925.06.  
 541.07 becomes 925.07.  
 541.08 becomes 925.08.

### Dayton

Change in 1974 ed., Page 173

1055. Definitions. A. "Handgun" means any firearm designed or modified to be fired while being held in one hand and capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, except a handgun which is prohibited from possession under the provisions of Section 13-102.1 of the General Offense Code.

B. "Possess" means to knowingly carry or have a handgun on the person or ready at hand.

C. "Resident" means any person who has an actual place of residence in The City of Dayton.

D. "Nonresident" means any person who does not have an actual place of residence in The City of Dayton.

1055-3. Prohibitions. A. No person shall possess any handgun, unless such person has a Handgun Owner's Identification Card issued to him and in effect under Section 1055-4 of the Code of General Ordinances, is exempt from the requirement of an Identification Card under Section 1055-6 of the Code of General Ordinances, or is on a suitable firing range.

B. No person shall sell, deliver, transfer, or furnish any handgun to any person, unless the transferee exhibits a Handgun

Owner's Identification Card valid on its face and issued to the transferee under Section 1055-4 of the Code of General Ordinances, or unless the transferee exhibits evidence that he is exempt from the requirement of an Identification Card under Section 1055-6 of the Code of General Ordinances.

C. No person shall sell, deliver, transfer, or furnish any handgun to any person without first having notified the Director of Finance of his intention so to do not less than five days prior thereto. Such notification shall be in writing, and shall contain name, home address, social security number, and Handgun Owner's Identification Card number of the intended transferee. The Director of Finance shall prescribe the form for such notification, and shall make them available upon request therefor.

1055-5. Persons not eligible.

A. Handgun Owner's Identification Card shall not be issued to any person who is: \* \* \*

B. A person with more than one conviction within one year prior to his application for Handgun Owner's Identification Card, of any offense involving drunkenness or drug abuse.

C. A person with a conviction of any offense involving the use of force and violence, or the threat of the use of force and violence, against the person of another.

1055-6. Persons exempt. The requirements of a Handgun Owner's Identification Card contained in Sections 1055 through 1055-5 of the Code of General Ordinances, do not apply to the following: \* \* \*

C. Importers, manufacturers, and dealers licensed under Federal law, to the extent that the acquisition, possession, carriage, or use of any handgun is in the ordinary course of business. \* \* \*

H. Nonresidents of The City of Dayton who enter the City for a period not to exceed thirty days with a handgun or handguns for the purpose of exhibiting or trading a handgun or handguns at a public handgun display, show, or exhibition, provided that such handgun or handguns shall be unloaded and encased except when at such display, show, or exhibition and unloaded.

13-102.1 Certain handguns prohibited. A. No person shall at any time have possession of a handgun having a retail value of \$50.00 or less and having a barrel, slide, frame or receiver which is a die casting of zinc alloy or any other non-homogeneous metal which will melt or deform at a temperature of less than 300 degrees Fahrenheit, either assembled or disassembled.

B. The possession of a handgun as defined in Paragraph A above, is hereby deemed to be illegal and such a handgun is hereby declared to be contraband and may be confiscated and destroyed by the Department of Police.

### Eastlake

Change in 1974 ed., Page 175

- 549.01 same as Ohio State law 2923.11.  
 549.05 same as Ohio State law 2923.17.  
 549.07(a) (2) same as Ohio State law 2923.20(A) (4).  
 549.07(a) (3) same as Ohio State law 2923.20(A) (5).  
 549.08 same as Ohio State law 2923.21.

### Fairview Park

Change in 1974 ed., Page 175

- 539.01 same as Ohio State law 2923.11.  
 539.05 same as Ohio State law 2923.17.  
 539.07(A) (2) same as Ohio State law 2923.20(A) (4).  
 539.07(A) (3) same as Ohio State law 2923.20(A) (5).  
 539.08 same as Ohio State law 2923.21.

543.01 Definitions As used in this chapter:  
 (a) Firearm means any deadly weapon capable of expelling or propelling one or more

projectiles by the action of an explosive or combustible propellant. Firearm includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(b) Handgun means any firearm designed to be fired while being held in one hand. \* \* \*

(d) Firearms dealer means any person, firm or corporation, regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City of Fairview Park whether as the principal business of such person, firm or corporation, or in addition thereto.

(e) Fugitive from justice means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect.

(f) Resident means any person who has a factual place of residence within the limits of the City of Fairview Park, Ohio.

(g) Nonresident means any person who does not have a factual place of residence within the limits of the City of Fairview Park, Ohio.

(h) Minor means any person under the age of eighteen years.

543.03. Permit to dispose of concealable weapons. It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell or give away to any person, within the city, any pistol, handgun, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a permit to do so, \* \* \* and no person, firm or corporation having secured such a permit, shall sell or give away any such weapon to any person within this city who has not secured a permit from the Chief of Police to purchase such weapon \* \* \*

543.07. Sale of firearms or ammunition to minors. No person, firm or corporation shall sell, barter, furnish or give to a minor under the age of seventeen years of age an air gun, musket, rifle, shotgun, revolver, pistol, handgun or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age. \*

Nothing in this section shall be deemed to prohibit or render it unlawful to possess, use, or furnish for use any such firearm, together with such ammunition as is necessary, for the purpose of receiving and being given instructions and training in marksmanship and the proper handling, use and care of such firearms on any suitable range, which, at the time of such instruction and use, is under the supervision and control of a competent adult instructor provided that the giving of such instructions and the training is supervised by an organization or association which has been and continues to be approved for this purpose by the Adjutant General or provided that such instructor is the parent of the person receiving such instruction. \*

543.08. Sale of ammunition—record required. It shall be unlawful for any person, firm or corporation to sell, give, barter, or otherwise dispose of any ammunition which is capable of use in any pistol, handgun, revolver, or other weapon of like character which can be concealed on the person, unless every such transaction is entered into a book by the person making such sale, gift, exchange or other disposition, together with the address of the recipient, the date and the description of the ammunition sufficient to identify it; which entry shall be signed by the recipient and witnessed by the person required to make such record. A report shall be made to the Chief of Police within thirty

days of each such transaction on such forms as he may prescribe.

Satisfactory proof of identity shall be required of the recipient by the person making such sale, gift or exchange or other disposition of ammunition and the means or method of such identification shall be recorded in the book required to be kept hereunder.

### Forest Park

(New)

317.10. *Improperly Furnishing Firearms or Air Guns to a Minor.* (A) No person shall:

(1) Sell any firearm or air gun to a person under the age of eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm or air gun to a person under eighteen, except for purposes of a lawful hunting, or for purposes of instruction in firearm or air gun safety, care, handling, or marksmanship under the supervision or control of a responsible adult.\*

### Gahanna

(New)

545.01 same as Ohio State law 2923.11.  
545.06 same as Ohio State law 2923.20(A) (4) & (5).  
545.07 same as Ohio State law 2923.21.

### Garfield Heights

(New)

511.01 same as Ohio State law 2923.11.  
511.06 same as Ohio State law 2923.20(A) (4) & (5).  
511.07 same as Ohio State law 2923.21.

### Golf Manor

(New)

549.01 same as Ohio State law 2923.11.  
549.05 same as Ohio State law 2923.17.  
549.07(a) (2) same as Ohio State law 2923.20(A) (4).  
549.07(a) (3) same as Ohio State law 2923.20(A) (5).  
549.08 same as Ohio State law 2923.21.

### Greenfield

(New)

140.01 same as Ohio State law 2923.11.  
140.06 same as Ohio State law 2923.20(A) (4) & (5).  
140.07 same as Ohio State law 2923.21.

### Grove City

Change in 1974 ed., Page 177

92.01 same as Ohio State law 2923.11.  
92.04 same as Ohio State law 2923.17.

### Highland Heights

(New)

549.01 same as Ohio State law 2923.11.  
549.05 same as Ohio State law 2923.17.  
549.07(a) (2) same as Ohio State law 2923.20(A) (4).  
549.07(a) (3) same as Ohio State law 2923.20(A) (5).  
549.08 same as Ohio State law 2923.21.

### Independence

Change in 1974 ed., Page 179

781.01 *License to dispose of concealable weapons.* No person shall engage in the business of selling within the City any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character which can be concealed on the person without securing a license to do so as hereinafter provided, and no person having secured such a permit, shall sell or give away any such weapon except in strict accordance with all Municipal, State and Federal laws pertaining to firearms.

781.03 *Daily report of sales.* All persons who are licensed to deal in the weapons described in Section 781.01 shall make out and deliver to the Police Department of the City, not less than forty-eight hours prior to delivery of any such weapons to a purchaser or donee, a legible and correct report of sale or gift made under authority of such license on a form to be furnished by the Police Department. The report shall contain the date of such sale or gift, the name, age and address of the purchaser or donee, length of time at such address, kind and description of such weapon, and the purpose given by such person for the purchase of such weapon. The report shall be signed by the purchaser.

### Ironton

Change in 1974 ed., Page 179

137.1 same as Ohio State law 2923.11.  
137.6 same as Ohio State law 2923.20(A) (4) & (5).  
137.7 same as Ohio State law 2923.21.

### Loveland

(New)

74.8 *Sale of firearms to minors.* Whoever shall sell, barter, furnish or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age shall be fined not more than fifty dollars. This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with RC 1533.13.\*

### Lyndhurst

Change in 1974 ed., Page 184

672.01 same as Ohio State law 2923.11.  
672.05 same as Ohio State law 2923.17.  
672.07 adopts Ohio State law 2923.18.  
672.09(a) (2) same as Ohio State law 2923.20(A) (4).  
672.09(a) (3) same as Ohio State law 2923.20(A) (5).  
672.10 same as Ohio State law 2923.21.

### Marion

Change in 1974 ed., Page 184

546.01 same as Ohio State law 2923.11.

### North Olmsted

(New)

549.01 same as Ohio State law 2923.11.  
549.05 same as Ohio State law 2923.17.  
549.07(a) (2) same as Ohio State law 2923.20(A) (4).  
549.07(a) (3) same as Ohio State law 2923.20(A) (5).  
549.08 same as Ohio State law 2923.21.

### North Randall

(New)

672.01 same as Ohio State law 2923.11.  
672.05 same as Ohio State law 2923.17.  
672.07 adopts Ohio State law 2923.18.  
672.09(a) (2) same as Ohio State law 2923.20(A) (4).  
672.09(a) (3) same as Ohio State law 2923.20(A) (5).  
672.10 same as Ohio State law 2923.21.

### Norwood

(New)

549.01 same as Ohio State law 2923.11.  
549.05 same as Ohio State law 2923.17.  
549.07(a) (2) same as Ohio State law 2923.20(A) (4).  
549.07(a) (3) same as Ohio State law 2923.20(A) (5).  
549.08 same as Ohio State law 2923.21.

### Orange, Village of

(New)

549.01 same as Ohio State law 2923.11.  
549.05 same as Ohio State law 2923.17.  
549.07(a) (2) same as Ohio State law 2923.20(A) (4).  
549.07(a) (3) same as Ohio State law 2923.20(A) (5).  
549.08 same as Ohio State law 2923.21.

### Parma Heights

Change in 1974 ed., Page 188

672.01 same as Ohio State law 2923.11.  
672.05 same as Ohio State law 2923.17.  
672.07 adopts Ohio State law 2923.18.  
672.09(a) (2) same as Ohio State law 2923.20(A) (4).  
672.09(a) (3) same as Ohio State law 2923.20(A) (5).  
672.10 same as Ohio State law 2923.21.

### Pepper Pike

(New)

549.01 same as Ohio State law 2923.11.  
549.05 same as Ohio State law 2923.17.  
549.07(a) (2) same as Ohio State law 2923.20(A) (4).  
549.07(a) (3) same as Ohio State law 2923.20(A) (5).  
549.08 same as Ohio State law 2923.21.

### Pomeroy

(New)

929.06 same as Ohio State law 2923.21.

### Reading

Change in 1974 ed., Page 189

10-106 same as Ohio State law 2923.20(A) (4) & (5).  
10-107 same as Ohio State law 2923.21.

### Reynoldsburg

(New)

549.01 same as Ohio State law 2923.11.  
549.05 same as Ohio State law 2923.17.  
549.07(a) (2) same as Ohio State law 2923.20(A) (4).  
549.07(a) (3) same as Ohio State law 2923.20(A) (5).  
549.08 same as Ohio State law 2923.21.

### Rittman

(New)

549.01 same as Ohio State law 2923.11.  
549.05 same as Ohio State law 2923.17.  
549.07(a) (2) same as Ohio State law 2923.20(A) (4).  
549.07(a) (3) same as Ohio State law 2923.20(A) (5).  
549.08 same as Ohio State law 2923.21.

### Rocky River

(New)

549.01 same as Ohio State law 2923.11.  
549.05 same as Ohio State law 2923.17.  
549.07(a) (2) same as Ohio State law 2923.20(A) (4).  
549.07(a) (3) same as Ohio State law 2923.20(A) (5).  
549.08 same as Ohio State law 2923.21.

### St. Bernard

(New)

549.01 same as Ohio State law 2923.11.  
549.05 same as Ohio State law 2923.17.  
549.07(a) (2) same as Ohio State law 2923.20(A) (4).  
549.07(a) (3) same as Ohio State law 2923.20(A) (5).  
549.08 same as Ohio State law 2923.21.

## Stow

Change in 1974 ed., Page 193

- 672.01 same as Ohio State law 2923.11.  
 672.05 same as Ohio State law 2923.17.  
 672.07 same as Ohio State law 2923.18.  
 672.09(a)(2) same as Ohio State law 2923.20(A)(4).  
 672.09(a)(3) same as Ohio State law 2923.20(A)(5).  
 672.10 same as Ohio State law 2923.21.

## Strongsville

(New)

- 672.01 same as Ohio State law 2923.11.  
 672.05 same as Ohio State law 2923.17.  
 672.07 adopts Ohio State law 2923.18.  
 672.09(a)(2) same as Ohio State law 2923.20(A)(4).  
 672.09(a)(3) same as Ohio State law 2923.20(A)(5).  
 672.10 same as Ohio State law 2923.21.

## Toledo

Change in 1974 ed., Page 195

17-13-101. **Definitions.** A. "Deadly Weapon" means any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.

B. "Firearm" means any weapon, including a handgun, by whatever name known, or the barrel, receiver, or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

C. "Handgun" means any pistol, revolver, or other firearm, having a barrel not exceeding twelve inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

D. "Semi-Automatic Firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

E. "Automatic Firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. Automatic Firearm also means any semi-automatic firearm designed or specially adapted to fire more than eighteen cartridges without reloading, other than a firearm chambering only .22 caliber short, long, or long-rifle cartridges.

F. "Sawed-off Firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

G. "Zip-gun" means any of the following:

1. Any firearm of crude and extemporized manufacture;

2. Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

3. Any industrial tool, signaling device, or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried, or used as a firearm.

H. "Shotgun" means any weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

I. "Rifle" means any weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned, and made or remade to use the energy of the explosive in a fixed metallic

cartridge to fire a single projectile through a rifled bore for each single pull of the trigger.

J. "Fixed Place of Business" means an established location of a commercial or industrial enterprise owned, managed, or operated by a person, firm or corporation.

K. "Unencased" means not enclosed in a case, container, or receptacle designed and constructed specifically for the purpose of encasing a firearm, but shall not include a holster for a pistol or revolver.

L. "Loaded" means any pistol, revolver, rifle, shotgun, or any other weapon, by whatever name known, designed to expel a projectile or projectiles by the action of expanding gases, which contains a round or rounds of ammunition in the chamber, slide, receiver, barrel, or cylinder, or clip attached thereto.

M. "Unloaded" means any pistol, revolver, rifle, shotgun, or any other weapon, by whatever name known, designed to expel a projectile or projectiles by the action of expanding gases, which does not contain a round or rounds of ammunition in the chamber, receiver, slide, barrel, cylinder or clip attached thereto.

N. "Firearms dealer" means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City of Toledo, whether as the principal business of such person, firm or corporation, or in addition thereto.

O. "Fugitive from Justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect.

P. "Resident" means any person who has a factual place of residence within the limits of the City of Toledo.

Q. "Non-resident" means any person who does not have a factual place of residence within the limits of the City of Toledo.

R. "Minor" means any person under the age of twenty-one years.

S. "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

T. "Incendiary device" means any fire-bomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

U. "Dangerous Ordnance" means any of the following, except as provided in Division V. of this section:

1. Any automatic or sawed-off firearm, or zip-gun;

2. Any explosive device or incendiary device;

3. Nitroglycerin, nitrocellulose, nitro-starch, PETN, cyclonite, TNT, picric acid, and other high explosives; amatol, tritonal, tetrytol, pentolite, peccretol, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder, and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating, or demolitions;

4. Any firearm, rocket launcher, mortar,

artillery piece, grenade, mine, bomb, torpedo, or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

V. "Dangerous ordnance" does not include any of the following:

1. Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

2. Any pistol, rifle, or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor unless such firearm is an automatic or sawed-off firearm;

3. Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic, or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

4. Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in Division V.3 of this section during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers, and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

5. Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio, or museum piece.

6. Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(A)(4), and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder, (O.R.C. Sec. 2923.11)

17-13-103. **Prohibitions.** A. No person shall purchase, own, possess, receive, have on or about his person, or use any firearm or ammunition, if such person is a fugitive from justice or is under adjudication of mental incompetence.

B. No person shall purchase, receive, have on or about his person, or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen, or other dangerous drug, or drug of abuse.

C. No person shall purchase, own, possess, receive, have on or about his person, or use any handgun or handgun ammunition, if such person has been convicted of a felony involving the use or the threat of use of force or violence under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect, provided however, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after ten years have elapsed from the date of completion of any sentence, probationary period or parole imposed upon such person so convicted.

D. No person shall knowingly sell, transfer, give, deliver, or furnish any firearm or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person, or using such firearm or ammunition.

17-13-105. **Identification Card Required.** A. No person shall purchase, own, possess, receive, have on or about his person, or use any handgun except upon a suitable firing range, unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person is exempt from the requirement of an identification card pursuant to Section 17-13-106 of the Toledo Municipal Code.

D. A handgun owner's identification card shall not be issued to any person who is:



1. A person prohibited by Section 17-13-103 of the Toledo Municipal Code from purchasing, owning, possessing, receiving, having on or about his person, or using any firearm or ammunition;

2. A minor;

3. A person convicted of an illegal use or possession of narcotics, or drugs of abuse, or any drug dependent person.

4. A person with more than one (1) conviction of being drunk and disorderly within one (1) year prior to his application for such identification card.

5. Any person with more than one (1) conviction of a misdemeanor involving the use of force and violence, or the threat of the use of force and violence against the person of another within one (1) year prior to his application for such identification card.

17-13-106. *Exemptions.* A. The requirements of a handgun owner's identification card contained in Section 17-13-105 of the Toledo Municipal Code do not apply to the purchase, ownership, possession, receipt, having on or about the person, or use of any handgun or handgun ammunition by:

1. Any state of the United States, or any political subdivision, department, or agency of either;

2. Officers or agents of any state or the United States or any political subdivision, department, or agency of either, members of the organized militia of any state or the armed forces of the United States, or law enforcement officers of any political subdivision to the extent that the official duties of any such person require him to purchase, own, possess, receive, carry, or use handguns;

3. Licensed manufacturers and dealers, and their agents and servants, to the extent that the purchase, ownership, possession, receipt, or use of any handgun is in the ordinary course of business;

4. Non-residents of the City of Toledo who are residents of the State of Ohio; provided that such persons are not prohibited by the provisions of Section 17-13-103 or 17-13-105 of the Toledo Municipal Code, and possess and exhibit upon request such valid permit, authorization, or identification issued by the Chief of Police or the Sheriff of their place of residence to purchase, own, possess, receive, carry, or use any handgun and provided, further, that handguns in the possession of or under the control of non-residents shall at all times be unloaded and encased, except while on a suitable firing range, or while being used for lawful hunting, or while unloaded at a public firearms display, show or exhibition. The requirements of a valid permit, authorization or identification as required by this sub-section shall not apply to a non-resident who enters the city with firearms for the sole and only purpose of exhibiting or trading said firearms at a public firearms display, show or exhibition, or for the sole and only purpose of participating in an organized and sanctioned pistol match. The permit, authorization or identification provided for in this sub-section shall be valid for thirty days only from the date thereof.

5. Non-residents of the City of Toledo, Ohio, removing to this city for the purpose of establishing residence herein, during a period not exceeding thirty days from the

date of their entry into this city for such purpose; provided that such persons shall possess and exhibit upon request such valid permit, authorization, or identification as may be required by the laws of their former domicile to own, possess, receive, or have on or about the person any handgun.

6. Executors, administrators, guardians, receivers, trustees in bankruptcy, and other fiduciaries duly qualified and appointed by a court of competent jurisdiction, when acting in their fiduciary capacity, and their attorneys.

7. Heirs and legatees acquiring any handgun or handgun ammunition through distribution of an estate, and other persons other than fiduciaries acquiring any handgun through operation of law, during a period not exceeding sixty days from the date of their coming into possession of any handgun.

8. Carriers, warehousemen, and others engaged in the business of transporting or storing firearms, handguns and their agents, servants, to the extent that the ownership, possession, receipt, or having on or about the person of any handgun by such persons is in the ordinary course of business and in conformity with the laws of this state or the United States.

B. No person shall purchase or otherwise obtain, or attempt to purchase or otherwise obtain, any handgun by claiming an exemption pursuant to this section from the requirement of a handgun owner's identification card contained in Section 17-13-105 of the Toledo Municipal Code knowing such claim of exemption to be false.

17-13-107. *Further Prohibitions.* A. No person in this city shall purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 17-13-105 of the Toledo Municipal Code, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 17-13-106 of the Toledo Municipal Code.

B. No person in this City shall sell, deliver, transfer, or furnish any handgun to any person in this City, unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee pursuant to Section 17-13-105, or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 17-13-106 of the Toledo Municipal Code.

17-13-108. *Dealers License.* A. Every firearms dealer in this City shall procure a license to engage in such business. Any firearms dealer engaged in such business at more than one permanent location in this City shall procure a separate license for each such permanent location. Application for such license shall be made under oath to the Chief of Police.

B. Upon application and payment of the fee prescribed in section 17-13-109 of the Toledo Municipal Code, the Chief of Police shall issue a license to engage in business as a firearms dealer. No license shall be issued to any applicant whose license has been revoked

nor to any applicant who has been convicted of a violation of any section of this article, until the expiration of five (5) years from the effective date of such revocation or five (5) years from the date of conviction. No person, firm or corporation shall be issued a firearms dealer's license who does not meet the qualifications for a handgun owner's identification card. The license issued pursuant to this section shall be prominently displayed by every firearms dealer at his place of business.\*\*\*

17-19-9(3) code changed to 17-13-110(c).  
17-13-120(A) (2) same as Ohio State law 2923.20(A) (4).

17-13-120(A) (3) same as Ohio State law 2923.20(A) (5).

17-13-122 same as Ohio State law 2923.21.

17-13-127. *Explosive Devices.* A. No person shall make, use, or possess on his person or have under his control a Molotov cocktail, or any other explosive device containing a flammable, combustible or explosive material or substance which can be used as a firebomb either by igniting a fuse and/or breaking the device.

B. Persons engaged in a lawful activity, business, calling, employment or occupation are hereby exempt from the operation of this section.

### Wellston

(New)

131.06. *Sale of firearms to minors.* (A) No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.\*

### West Carrollton

Change in 1974 ed., Page 198

519.01 same as Ohio State law 2923.11.  
519.05 same as Ohio State law 2923.20(A) (4) & (5).  
519.07 same as Ohio State law 2923.21.

### Westerville

(New)

523.01 same as Ohio State law 2923.11.  
523.05 same as Ohio State law 2923.17.  
523.08 same as Ohio State law 2923.20(A) (4) & (5).  
523.09 same as Ohio State law 2923.21.

### Worthington

Change in 1974 ed., Page 200

549.01 same as Ohio State law 2923.11.

### Zanesville

(New)

549.01 same as Ohio State law 2923.11.  
549.05 same as Ohio State law 2923.17.  
549.07(a) (2) same as Ohio State law 2923.20(A) (4).  
549.07(a) (3) same as Ohio State law 2923.20(A) (5).  
549.08 same as Ohio State law 2923.21.

## OKLAHOMA

## Tulsa

Add to 1974 ed., Page 203

452. *Firearms—Furnishing to convicted felons, incompetents or persons under the influence of alcohol or drugs.* It shall be unlawful for any person to knowingly sell, trade, give, transmit, or otherwise cause the transfer of rifles, shotguns or pistols to any convicted felon, individual under the influence of alcohol or drugs or who is mentally or emotionally unbalanced or disturbed. All persons who engage in selling, trading or otherwise transferring firearms will display this Section prominently in full view at or near the point of normal firearm sale, trade or transfer.

453. *Firearms—Furnishing to incompetents or insane persons.* It shall be unlawful for any person to knowingly transmit, transfer, sell, lend or furnish any shotgun, rifle or pistol to any person who is under an adjudication of mental incompetency, or to any person who is a moron, idiot or is insane.

460. *Weapons—Sale procedure.* All persons trading, selling or offering for sale any pistol, revolver, shotgun or weapon, as defined in this Chapter, capable of being carried concealed upon the person shall, at the time same are sold or delivered require the person receiving or purchasing same to sign an application for such purchase upon blanks to be furnished by the City of Tulsa Police Department to dealers. The application to purchase shall contain the name, age, sex, occupation, description, place of residence, time such applicant has resided therein and a description of the pistol, revolver, shotgun or weapon, containing the make, caliber and factory number, if any thereon, for which such application was made. The dealer shall, at the time of sale or delivery, require purchaser to make and leave with such dealer, a record of such purchaser's fingerprints which shall be made on suitable blanks furnished to dealer by the City of Tulsa Police Department. It shall be the duty of all dealers described in this Section to deliver to the Tulsa Police Department, on or before the fifth day of each month, all such applications and fingerprinting records received by such dealer for all sales and deliveries made during the preceding month.

The provisions of this Section shall not apply to the sale or transfer of pistols, revolvers, shotguns or weapons between individuals who are not dealers in same; nor to their sale when used in hunting game and which are not capable of being carried concealed upon the body of the person carrying same.

## OREGON

## Springfield

Change in 1974 ed., Page 205

8-20-5 (c) The licensee shall not sell, deliver or otherwise transfer a weapon other than a shotgun or rifle to any person who is under the age of 21 years, nor a shotgun or rifle to any person who is under the age of 18 years, nor any weapon to any person who is intoxicated or under any obvious abnormal mental condition. \* \* \*

(f) No pistol or revolver or other firearms capable of being concealed on the person shall be delivered sooner than 120 hours after the application for the purchase and, when delivered, shall be unloaded and securely wrapped.

## PENNSYLVANIA

## State Law

Add to 1974 ed. Page 206

6120 *Limitations on Legislation, (A) General Rule.*—No county, municipality or township may in a manner regulate the

lawful ownership, possession or transportation of firearms when carried or transported for purposes not prohibited by the laws of this Commonwealth.

## Lower Moreland Township

Change in 1974 ed., Page 206

3. *Sale of Certain Weapons to Persons Under Age of 18 Prohibited.* It shall be unlawful for any person within the Township of Lower Moreland knowingly and wilfully to sell or cause to be sold, to any person under the age of eighteen (18) years, any rifle, air rifle or air gun, pistol or firearm of any description.\*

4. *Persons Under Age of 18 not to Purchase or Possess Certain Ammunition or Pellets; Exception.* It shall be unlawful for any person under the age of eighteen years, unless acting under the supervision of and in the presence of his or her parent or guardian, within the Township of Lower Moreland, to purchase or possess any pellets or shot for an air gun or ammunition for a rifle or other firearm.\*

5. *Restrictions on Sale or Furnishing of Ammunition or Pellets to Persons Under Age of 18.* It shall be unlawful for any person within the Township of Lower Moreland to sell, furnish or give any pellets or shot for an air gun or ammunition for a rifle or other firearm to any person under eighteen years of age, unless such minor receiving such shot, pellets or ammunition shall be accompanied by and shall act under the supervision of his or her parent or guardian.\*

6. *Penalty for Violation of Provisions on Weapons and Ammunition.* Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars and costs of prosecution and in default of payment of such fine and costs, to imprisonment for not more than thirty days.

## RHODE ISLAND

## State Law

Add to 1974 ed., Page 209

11-47-2. *Definition of terms.* When used in sections 11-47-1 to 11-47-56, inclusive, the following words and phrases shall be construed as follows:

\* \* \* "Sawed off shotgun" shall mean any shotgun with overall length of less than twenty-six inches and/or barrel length less than eighteen inches.

*Recodification and addition to 1974 ed., Page 210*

11-47-8 becomes 11-47-8(a)

11-47-8(b) No person shall have in his possession or under his control any sawed-off shotgun as defined in section 11-47-2. Any person convicted of violating this subsection shall be punished by imprisonment for ten years or by a fine up to five thousand dollars, or both, and for any subsequent conviction.

11-47-9. *Persons exempt from restrictions.*—The provisions of § 11-47-8 shall not apply to sheriffs, deputy sheriffs, the superintendent and members of the state police, prison or jail wardens or their deputies, members of the city or town police force, conservation officers, railroad police officers, or other duly appointed law enforcement officers, nor to members of the army, navy, air force, marine corps of the United States, the national guard, or organized reserves, when on duty, or to members of organizations by law authorized to purchase or receive firearms from the United States or this state, provided such members are at or are going to or from their places of assembly or target practice, nor to officers or employees of the United States authorized by law to carry a concealed firearm, nor to any civilian

guard or criminal investigator carrying sidearms or a concealed firearm in the performance of his official duties under the authority of the commanding officer of the military establishment in the state of Rhode Island where he is employed by the United States; provided, however, that the commanding officer of such military establishment shall have on file with the attorney general of this state a list of the names and addresses of all such civilian guards and criminal investigators so authorized; nor to duly authorized military organizations when on duty, nor to members thereof when at or going to or from their customary places of assembly, nor to the regular and ordinary transportation of pistols as merchandise, nor to any person while carrying a pistol unloaded and securely wrapped from the place of purchase to his home or place of business, or in moving goods from one place of abode or business to another. Persons exempted by the provisions of § 11-47-8 shall have the right to carry concealed firearms everywhere within this state; provided, however, that this shall not be construed as giving the right to carry concealed firearms to a person transporting concealable firearms as merchandise or as household or business goods.

11-47-19. *Machine gun manufacturers' permits.*—The attorney-general may issue to any person, firm or corporation engaged in manufacturing in this state, a permit to manufacture and sell machine guns and any or all machine gun parts under such regulations as the attorney-general may prescribe.

11-47-38. *Dealers to be licensed.*—No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol or revolver without being licensed as hereinafter provided.

11-47-39. *Dealers' licenses, by whom granted and conditions thereof.*—The duly constituted licensing authorities of any city, town, or political subdivision of this state may grant licenses in form prescribed by the attorney-general effective for not more than one (1) year from date of issue, permitting the licensee to sell pistols and revolvers at retail within this state subject to the following conditions in addition to those specified in § 11-47-35 and 11-47-36 hereof, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in this chapter.

1. The business shall be carried on only in the building designated in the license.

2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

3. No pistol or revolver shall be sold in violation of any provision of this chapter, nor shall a pistol or revolver be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity. The fee for issuing said license shall be five dollars. \* \* \*

## SOUTH CAROLINA

## State Law

Change in 1974 ed., Page 211

16-121. *Machine Gun Defined.*—For the purpose of this article the words "machine gun" apply to and include all firearms commonly known as machine rifles, machine guns and submachine guns of any calibre whatsoever capable of automatically discharging more than eight cartridges successively without reloading in which the ammunition is fed to such gun from or by means of a clip, disk, belt or other separable mechanical device.

16-122. *Transportation.*—It shall be unlawful for any person in any manner to transport from one place to another in this State or for any railroad company, express

company or other common carrier or any officer, agent or employee of any of them or other person acting in their behalf knowingly to ship or to transport from one place to another in this State in any manner or by any means whatsoever, except as provided in 16-125 and 16-126, any machine gun or firearm commonly known as a machine gun.

16-123. *Storing, Keeping or Possessing.*—It shall be unlawful for any person to store, keep, possess or have in possession or permit another to store, keep, possess or have in possession, except as hereinafter provided, any machine gun or firearm commonly known as a machine gun.

16-125. *Exceptions.*—The provisions of this article shall not apply to the Army, Navy or Air Force of the United States, the National Guard and organizations authorized by law to purchase or receive machine guns from the United States or from this State and members of such organizations. Any peace officer of the State or of any county or other political subdivision thereof, State constable, member of the highway patrol, railway policeman, warden, superintendent, head keeper or deputy of any State prison, Penitentiary, workhouse, county jail, city jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases or person on duty in the postal service of the United States or any common carrier while transporting direct to any police department, military or naval organization or person authorized by law to possess or use a machine gun may possess machine guns when required in the performance of their duties. Nor shall the provisions hereof be construed to apply to machine guns kept for display as relics and which are rendered harmless and not useable.

16-126. *Application for Permission to Keep; Registration and Permit.*—Every person permitted by 16-125 to possess a machine gun and any person elected to or appointed to any office or position which entitles such person to possess a machine gun, immediately after such election, shall file in the office of the Secretary of State on a blank to be supplied by the Secretary of State on request therefor an application to be properly sworn to, which shall be approved by the sheriff of the county in which the applicant resides or has his principal places of business and shall include the applicant's name, residence and business address, description, including sex, race, age, weight, height, color of eyes and color of hair, whether or not ever charged or convicted of any crime, municipal, state or otherwise, and where, if so charged, and when the same was disposed of. The applicant shall also give a description, including the serial number and make, of the machine gun which he possesses or desires to possess. Thereupon, the Secretary of State shall file such application in his office, registering such applicant together with the information required in the application in a book or index to be kept for that purpose, assign to him a number and issue to him a card which shall bear the signature of the applicant and which he shall keep with him while he has such machine gun in his possession. Such registration shall be made on the date application is received and filed with the Secretary of State and shall expire on December thirty-first of the year in which the license is issued.

### Greenville

(Recodified) 1974 ed., Page 213

38-4 becomes 37-4

Add to 1974 ed., Page 213

37-24. *Definitions.* For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them: \* \* \*

*Pistol:* Any firearm designed to expel a

projectile from a barrel less than twelve inches in length; but shall not include any firearm generally recognized or classified as an antique, curiosity or collector's item, or any that does not fire fixed cartridges or fixed shotgun shells.

37-26. *Sale, etc., to certain persons unlawful; possession or acquisition by such persons unlawful; stolen pistols.* (a) It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into this state any pistol to:

(1) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(2) Any person who is a member of a subversive organization.

(3) Any person under the age of twenty-one but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, state militia or ROTC, when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(4) Any person who, by order of a circuit judge or county court judge of this state, has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this state, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(b) It shall be unlawful for any person covered in subsection (a) to possess or acquire pistols within this state.

(c) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

37-27. *Retail dealers to be licensed.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed \* \* \*

### Myrtle Beach

(New)

31-3. *Carrying, manufacturing, selling, etc., of certain pistols prohibited; exceptions.* It shall be unlawful for any person to possess or carry about the person or about any vehicle owned or controlled by him, whether concealed or not, any pistol less than twenty inches long and three pounds in weight. It shall be unlawful for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport any such pistol in the city.

The provisions of this section shall not apply to legally appointed state, county or city police officers, nor shall this section prohibit the possession of any such pistol in the home or upon or within the private premises of a person within the city.

### TENNESSEE

#### State Law

Add to 1974 ed., Page 216

39-4919. *Exceptions to Firearms Restriction.*—The provisions of Section 39-4918 relating to sawed-off shotguns, sawed-off rifles, and machine guns shall not apply to or affect the following:

(a) The United States or any department, independent establishment or agency thereof; or the state of Tennessee, or any department or agency thereof, or any political subdivision thereof, or any official police or

organization or law enforcement agency of such government entity charged with enforcement of criminal laws or detention of persons convicted or accused of crime;

(b) The possession in the pursuit of official duty by a law enforcement, peace, police officer, or official or employee of a penitentiary, jail or other institution in the state of Tennessee for the detention of persons accused or convicted of crime, who is regularly employed and paid by the United States, this State or any political subdivision or governmental entity thereof as set forth in the preceding subsection (a);

(c) The possession by a member of the National Guard or the armed services or reserve forces of the United States who while serving therein possesses such weapon in the line of duty;

(d) Persons licensed by the state of Tennessee as manufacturers, importers, or dealers in such weapons provided that the manufacture, import, purchase, possession, sale or disposition of such weapons is authorized and incident to carrying on the business for which licensed and is for scientific or research purposes or sale or disposition to the classes designated in subsection (a) above;

(e) Any person who acquires or possesses a sawed-off shotgun, sawed-off rifle, or machine gun which is validly registered to such person under Federal law in the National Firearms Registration and Transfer Record. A person who acquires or possesses a firearm registered as required by this subsection shall retain proof of registration;

(f) Any person who possesses a sawed-off shotgun, sawed-off rifle, or machine gun which is an unserviceable firearm.

### Jackson

(New)

19-10.1(c). \* \* \* any person licensed by the state of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms to persons desiring them for protection of their home, business, or for target practice; however, sales to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, and persons who have been convicted of the illegal sale of alcoholic beverages, are excluded.

Any person desiring to purchase a pistol or sidearm as above provided shall certify to the seller that he is not one of the persons listed above as excluded from legal sale of such firearms, and the person having the gun for sale, whether it be a firearms dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the Chief of Police a copy of the certificate as notice of the pending sale. Such certificate must also show the purpose for which the gun is to be used. If, after fifteen days from the time of the receipt of such notice, the Chief of Police makes no objection tending to show that such proposed purchaser is in fact excluded by law from legal purchase, as set out above, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. The fifteen days' notice of pending sale provided for above must be made by registered mail and return receipt requested unless the officer or officers, as the case may be, personally acknowledge receipt of such notice. The said certificate to be filed with the law enforcement officer shall carry the right thumb print of the applicant along with the information as to race, height, weight, age, color of eyes, color of hair and sex of the applicant. Provided, however, the Chief of Police may issue a written approval of such certificate, after investigation, within the fifteen day period.

The fifteen day waiting period shall not apply to transactions between licensed importers, licensed manufacturers, licensed dealers, or licensed collectors who meet the

requirements of the first paragraph above and certify prior to the transaction the legal and licensed status of both parties. The burden shall fall upon the transferor to determine the legality of the transaction in progress. The fifteen day waiting period shall not apply to transactions or transfers between a licensed importer, licensed manufacturer, or licensed dealer and a bona fide law enforcement agency or said agency's personnel \* \* \*. However, all other provisions and requirements of the preceding paragraph above must be observed. The burden of proof of the legality of such transactions or transfers shall rest upon the transferor. \* \* \*

## UTAH

### Murray

Add to 1974 ed., Page 220

20-8-14 *Weapons—Definitions* For the purpose of this part: (6) "Bureau" means the Utah State Bureau of Criminal Identification.

20-8-20 *Hand Gun Sale Records Required* All dealers who sell hand guns in this city shall cause a record form, provided by the bureau, to be filled out in triplicate. The dealer shall retain one copy and forward the original and one copy to the local police chief within ten days from the date of sale. The police chief shall, within ten days of the receipt of the original and the copy, forward the original to the bureau. A violation of this section is an infraction.

## VIRGINIA

### Portsmouth

(Recodified) 1974 ed., Page 227

38-7 becomes 21-166

38-9 becomes 21-174

Change in 1974 ed., Page 227

21-176. *Action upon permit application.* (a) Whenever the applicant for a permit to purchase or otherwise acquire a pistol, \* \* \* produces a certified order of the judge of the circuit court authorizing the applicant to carry the subject weapon as a concealed weapon, the chief of police shall issue such permit.

(b) In cases where the subject weapon is not to be carried as a concealed weapon, the chief of police shall issue the permit to purchase or otherwise acquire subject to the following regulations:

(1) The applicant shall personally sign and complete a written application for the permit.

(2) The applicant shall be fingerprinted by the police department.

(3) A report of the police records of the applicant shall be obtained by the police department from the Central Criminal Records Exchange of Virginia.

(4) The applicant shall show a lawful use for the subject weapon.

(5) When such investigation discloses that the public welfare will be prejudiced by permitting a person of known mental instability or criminal activity involving breach of the peace, such a permit shall not be granted.

21-177. *Purchaser to furnish permit to dealer.* No dealer shall sell, rent, give or otherwise furnish to any person within the city any pistol, \* \* \* unless and until such person presents to the dealer a permit granted by the chief of police authorizing such person to acquire such weapon.

## Richmond

Add to 1974 ed., Page 227

40-1 *Definitions. Small arms ammunition.* Any shotgun, rifle, pistol or revolver cartridges.

## Smithfield

Change in 1974 ed., Page 228

12-14. *Same (Firearms)—Approval by chief of police of sales.* Any person in the town who offers for sale any pistol or revolver, when requested by a prospective purchaser to sell him such a firearm, shall first send the purchaser to the chief of police or his authorized representative who shall obtain from the prospective purchaser his full name and address, the number, make and calibre of the weapon to be sold. The chief of police shall keep a record of the reports so made.

As soon as possible after receiving the request, the chief of police shall make appropriate inquiries of state officials to ascertain whether the prospective purchaser is prohibited from purchasing such a weapon by reason of his having been convicted of a felony, having been subject to mental sickness or for any other lawful reason why the purchaser should not be allowed to buy the weapon. In no case shall the purchaser be required to wait longer than a period of seventy-two hours before either being allowed to buy the weapon or told the reason why he is not able to purchase one.

The chief of police shall fill out a report either authorizing or declining to authorize the purchase of the weapon and the purchaser shall return to the seller with this police report. Should the report authorize the sale, the seller may proceed to sell the weapon requested, but if the report does not authorize the sale, the seller shall not complete the sale.

## VIRGIN ISLANDS

V. I. CODE TITLE 14

Addition to 1974 ed., Page 230

2253. *Carrying of firearms; openly or concealed; \* \* \* definitions.* \* \* \* (b) Whoever, unless otherwise authorized by law, has, possesses, bears, transports or carries either openly or concealed on or about his person, or under his control in any vehicle of any description any machine gun or sawed-off shotgun, as defined in subsection (d) (2) and (3) hereof, loaded or unloaded, may be arrested without a warrant, and shall be fined not more than \$2,000 or imprisoned not more than 3 years, or both, except that if such person shall have been convicted of a felony, or if such machine gun or sawed-off shotgun or an imitation thereof was held, possessed, borne, transported by or under the proximate control of such person during the commission or attempted commission of a crime of violence, as herein defined, then such person shall be fined not more than \$5,000 or imprisoned not more than 10 years, or both. The foregoing applicable penalties provided for violation of this section shall be in addition to the penalty provided for the commission of, or attempt to commit, the crime of violence. \* \* \*

(d) As used in this chapter—  
(1) "Crime of violence" shall have the same definition as that contained in title 23, section 451(e) of this Code.

(2) "Machine gun" means any firearm, as defined in title 23, section 451(d) of this Code, which shoots automatically or semi-automatically more than 12 shots without reloading.

(3) "Sawed-off shotgun" means any firearm, as defined in Title 23, section 451(d) of this Code, designed to fire through a smooth bore either a number of ball shot or a single projectile, the barrel of which is less than 20 inches in length.

## WASHINGTON

### King County

(Recodified) 1974 ed., Page 234

1 becomes 12.48.010

2 becomes 12.48.020

3 becomes 12.48.030

4 becomes 12.48.040

## Seattle

Change in 1974 ed., Page 238

\* \* \* (d) "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

(e) "Gas pen," "gas pencil," "gas bomb," and "gas pistol" means any pen, pencil, bomb, pistol or other device which is capable of containing and emitting tear gas or any noxious liquid, gas or substance.

12A.17.080 *Unlawful sale of pistol.* It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer, to knowingly sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, or without completing a true record in triplicate of every pistol sold or disposed of. Such record, which shall be in the form of an application for purchase, shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date and hour of application, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, and place of birth of the purchaser, and a statement whether the purchaser:

(a) has ever been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, or is at the time of such application under indictment for or charged by information, with, and such crime,

(b) is a fugitive from justice,

(c) is an unlawful user of or addicted to marihuana or any depressant or stimulant or narcotic drug,

(d) has ever been adjudicated as a mental defective or committed to any mental institution,

(e) has ever been adjudicated as a common or habitual drunk.

One copy shall within six hours be sent by registered mail to the chief of police of the city of Seattle who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in the record and report his findings to the merchant or secondhand dealer.

Recodification and change to 1974 ed., Page 238

12.43.030 becomes 12A.17.100  
Within the 12.43.030 text in the 1974 ed. (line 18) 12.43.020 becomes 12A.17.080 and "law enforcement officers" (line 25) becomes "peace officers".

12.43.040 becomes 12A.17.120  
Within the 12.43.040 text in the 1974 ed. (line 5) "crime of violence" becomes "felony" and "fail to disclose" (line 9) becomes "to intentionally fail to disclose. . ."

## Whatcom County

(New)

5.12.010 *Unlawful Use or Possession of Firearms by Persons under the age of 16.* It shall be unlawful for any person under the age of sixteen years to carry, shoot, or have in his possession any gun, fire arm, or similar instrument for propelling any shot or slug by air or otherwise, unless accompanied by a person over the age of twenty-one years, and in addition having in his possession a permit for the possession and use of firearms issued by a law enforcement agency according to the provisions of Section .030 of this chapter; PROVIDED, that possession of any such firearm shall be lawful by a person under the age of sixteen while traveling by direct route to or from a regularly constituted rifle range or gun club.\*

## WISCONSIN

## Madison

Add to 1974 ed., Page 242

**Handgun.** The term "handgun" means any weapon designed or redesigned, made or remade, and intended to be fired while held in one hand, having a barrel of less than ten inches in length, designed or redesigned, made or remade, to use the energy of an explosive to expel a projectile or projectiles through a smooth or rifled bore, including weapons commonly referred to as pistols or revolvers, but not including a stud gun.

(10) **Sale of Handguns and Handgun Ammunition Unlawful.** (a) It shall be unlawful for any person, firm, association, or corporation to sell, give away, trade, or transfer any handgun to any other person, firm, association, or corporation within the corporate boundaries of the City of Madison.

(b) It shall be unlawful for any person,

firm, association, or corporation to sell, give away, trade, or transfer any ammunition made exclusively for use in any handgun to any other person, firm, association, or corporation within the corporate boundaries within the City of Madison.

(c) The United States Government, the State of Wisconsin and its municipal subdivisions, the State Crime Laboratory, the University of Wisconsin, the Historical Society of the State of Wisconsin, their employees and peace officers thereof, shall be exempt from the provisions of this subsection with respect to handguns or ammunition made exclusively for use in any handgun which is owned, possessed, sold, given away, traded or transferred by them in the ordinary course of their official business.

(d) Persons manufacturing or selling ammunition made exclusively for use in handguns shall be exempt from the provisions of this subsection with respect to ammunition made exclusively for use in handguns which are owned, possessed, sold, given away, traded

or transferred by them to any organization or person described in Subdivision (c) above.

## Milwaukee

Add to 1974 ed., Page 242

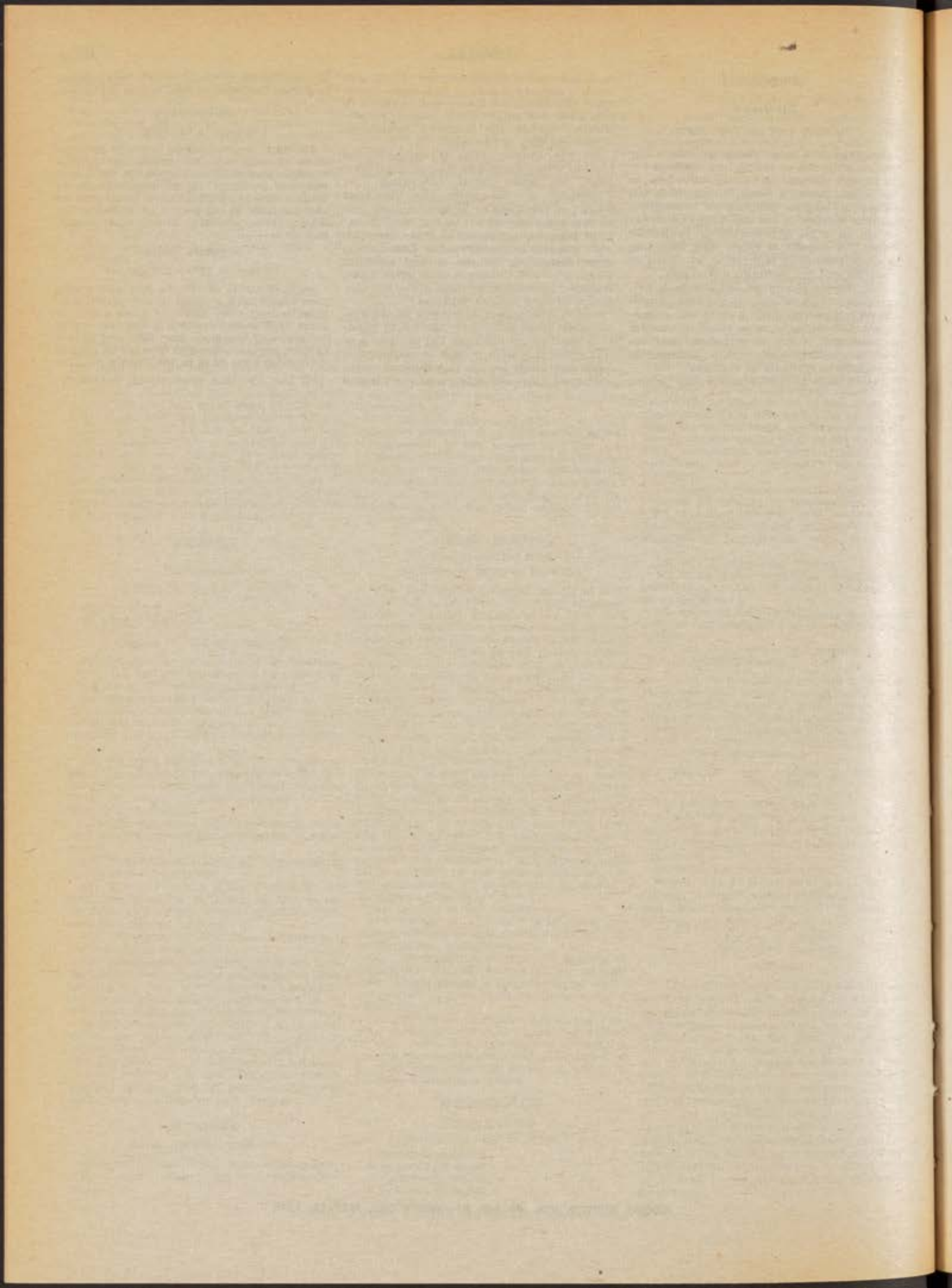
105-43.2. **Waiting period required for purchase of handguns.** No person, firm or corporation who is licensed to deal in the sale of weapons, pursuant to the requirements of Section 105-43, shall transfer possession of any handgun to any person for 48 hours following the application for purchase of such handgun.

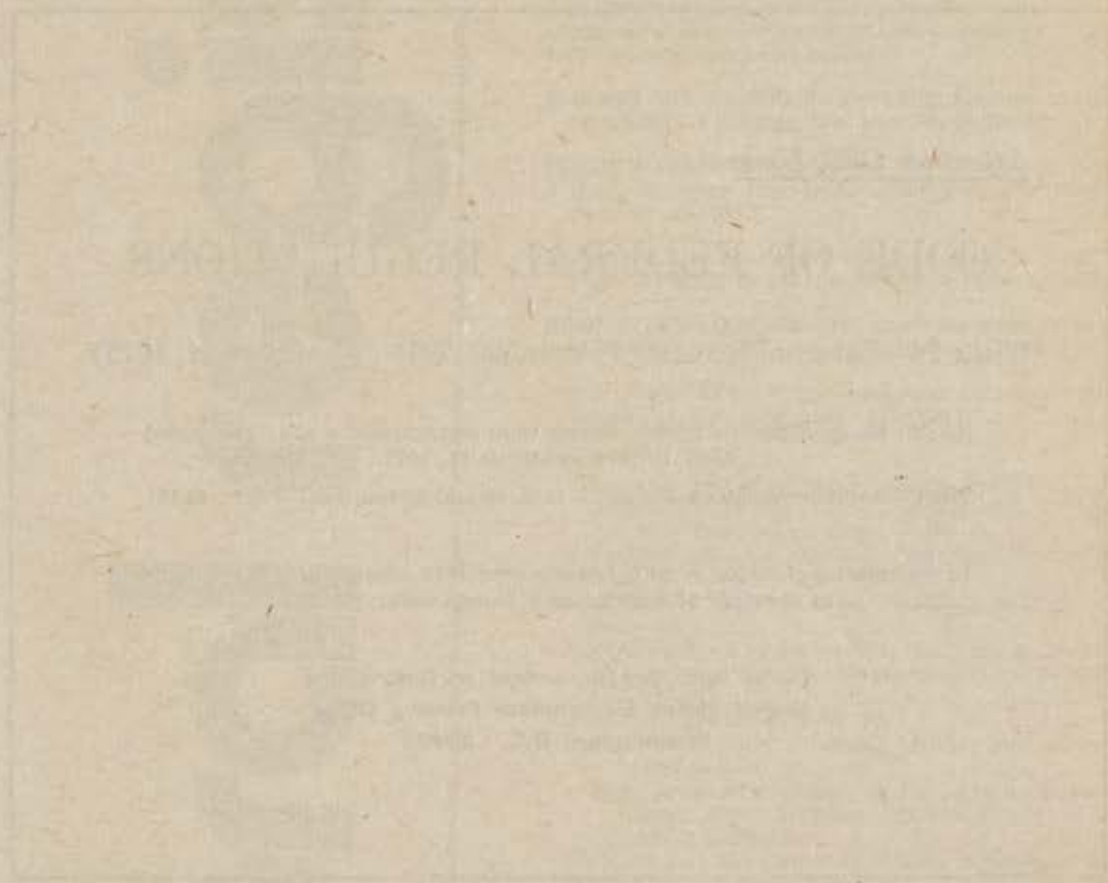
## Stevens Point

Change in 1974 ed., Page 243

24.05 **Firearms to minors.** Any minor who goes armed with a pistol or any person who intentionally sells, loans, or gives a gun or other type of firearm to a minor may suffer forfeiture of not more than \$200 and in lieu of such payment assessed imprisoned for not more than sixty days in the county jail.\*

[FR Doc. 75-11608 Filed 513-75; 8:45 am]





Attention CFR Users

## CODE OF FEDERAL REGULATIONS

Title 26—Internal Revenue (Parts 500–599) (As of April 1, 1975)

*NOTE:* No amendments to this volume were promulgated during the period  
April 1, 1974 to March 31, 1975.

The CFR volume issued as of April 1, 1974, should be retained. (Price: \$3.15)

[A Cumulative checklist of CFR issuances for 1975 appears in the first issue  
of the Federal Register each month under Title 11]

Order from Superintendent of Documents,  
United States Government Printing Office,  
Washington, D.C. 20402