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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 10—Energy

FEDERAL ENERGY ADMINISTRATION

[Ruling 1975–7]

EXPORT SALES

Rescission

(NOTE: This Ruling rescinds, pursuant to 10 CFR 205.152, that portion of Ruling 1974–27 ("Allocation of Refiner's Increased Product Costs to Sales Volumes") which dealt with export sales. Upon further consideration of this aspect of Ruling 1974–27, FEA has determined it to be inconsistent with principles incorporated in related provisions of the FEA regulations.)

FACTS: Firm A, a refiner subject to the Federal Energy Administration (FEA) Mandatory Petroleum Price Regulations, sells most of its covered products to domestic purchasers. Some of the covered products sold by Firm A are, however, sold for export to points outside the United States.

ISSUE: How should Firm A allocate its increased cost of crude oil under 10 CFR 212.83(c) with respect to export sale transactions?

RULING: Pursuant to 10 CFR 212.51 and 10 CFR 212.53, prices charged with regard to export sales of covered products are exempt from the price rules prescribed in 10 CFR, Part 212, except that revenues from such sales are taken into account for purposes of computing a firm's profit margin.

Since export sales are exempt from price controls, FEA has concluded that such sales should be accounted for by refiners in the same manner as sales of petroleum products which are not covered products, and which are therefore also sales which are exempt from price controls. This treatment affords the export sale exemption the same scope as the exemption for petroleum products which are not subject to the Emergency Petroleum Allocation Act of 1973, and is consistent with the objectives of the export sale exemption.

Pursuant to 10 CFR 212.83, refiners are required to allocate their total increased cost of crude oil, on the basis of the volume of products sold, between covered products (*i.e.*, products subject to FEA price controls) and other products which are refined from crude oil, but which are not covered products because they are not within the scope of the Emergency Petroleum Allocation Act of 1973.

Thus, for example, if 90 percent of the volume of products sold by a refiner consists of "covered products," 90 percent of that refiner's increased cost of crude oil may be allocated to covered products and passed through, on a dollar-for-dollar basis, in the prices charged for those products. The remaining 10 percent of that refiner's increased cost of crude oil is allocated to products which are not covered products, and cannot be passed through in prices charged for covered products.

Since there are no price regulations with respect to products refined from crude oil, but which are not covered products, the regulations do not require any calculations by refiners as to whether the increased cost of crude oil attributable to sales volumes of non-covered products are recovered in sales of those products. Similarly, the regulations afford no basis for any increased cost of crude oil attributable to non-covered products to be recovered in sales of covered products, even if those increased costs are not fully recovered in sales of non-covered products.

The purpose of the required allocation of the increased cost of crude oil between covered products and non-covered products was to insure that the amount of increased cost of crude oil permitted to be passed through, on a dollar-for-dollar basis, in prices charged in regulated sales would reflect only that portion of increased crude oil costs attributable to the volume of crude oil refined to produce the products sold in such regulated sales, and to exclude the amount of increased cost of crude oil attributable to the production of products sold in exempt sales.

Thus, although export sales may be sales of products which fall within the 10 CFR 212.31 definition of "covered product," they are nevertheless sales that are exempt from price regulations by virtue of §§ 212.51 and 212.53. Therefore, for purposes of allocating increased costs of crude oil pursuant to § 212.83, export sales volumes must be included among the sales volumes of "all products refined from crude oil other than covered products * * *" in the "V" factor of the refiner's price formulae. This insures that no more than a pro rata share of the increased cost of crude oil can be passed through in prices charged in sales which are subject to price regulations.

This result is consistent with the objectives of the export sale price exemption. Price controls were implemented to benefit United States consumers and the domestic economy. Export sales are exempt from such regulations, not only because there is no intention to benefit foreign buyers through price controls, but also to encourage that the best possible prices be obtained in such sales and thereby to assist in maintaining a favorable trade balance. Since the pro rata portion of increased crude oil costs attributable to such sales is excluded from the permissible passthrough on domestic sales, domestic consumers are not adversely affected by the export sale exemption.

It should be noted that, to the extent that Ruling 1974–27 required refiners to reduce the amount of increased cost of crude oil available for passthrough in sales of covered products when they recovered more than a pro rata volumetric share of increased cost of crude oil in export sales, the FEA has concluded that the Ruling imposed a requirement that was not consistent with the exemption afforded such export sales by §§ 212.51 and 212.53.

ROBERT E. MONTGOMERY, JR.,
General Counsel,
Federal Energy Administration.

JULY 11, 1975.

[FR Doc.75-18509 Filed 7-14-75;11:17 am]

[Ruling 1975–8]

QUALIFICATION OF CERTAIN CONSIGNEES AS WHOLESALE PURCHASER-RESELLERS

General Guidance

FACTS: Firm A is engaged in the business of marketing allocated products under a written consignment agreement with Supplier B. The agreement establishes a relationship whereby Firm A receives a commission for selling and delivering products, title to which remains with Supplier B until they are sold. Firm A transfers the products to customers at a price fixed by Supplier B. Firm A is fully responsible for Supplier B's products in his possession, and must account for any shortages that occur. Supplier B has a reasonable right to inspect Firm A's property and records pertaining to such products.

The agreement authorizes Firm A to make credit sales, approved in advance, for the account of Supplier B, but provides that any such sales for its own account, or such credit sales in excess of those approved in advance by Supplier B, are made at Firm A's sole risk.

Firm A is required to furnish all necessary facilities and equipment involved in the storage, handling, and sale of Supplier B's products, as well as to make provision for, and assume all responsibilities and expenses connected with, all necessary labor. All operating expenses, including assessments, taxes, fees, and licenses, arising out of his business or property are to be paid by Firm A.

Firm A is liable by the terms of the consignment agreement for payment of all appropriate employer's liability, workmen's compensation, and unemployment insurance, as well as any employment benefits required by state and

federal laws for his employees, and is required to indemnify and hold Supplier B harmless for any claims arising against it therefrom. Firm A withholds, as required by law, amounts for federal and state taxes from payments of salaries or commissions made to its employees. No such amounts are withheld by Supplier B from commission payments made to Firm A under the consignment agreement.

ISSUE: Does Firm A, operating as a consignee pursuant to the consignment relationship described above, qualify as a wholesale purchaser-reseller as defined in 10 CFR 211.51?

RULING: Firm A qualifies as a wholesale purchaser-reseller as that term is defined in § 211.51 of the Mandatory Petroleum Allocation Regulations.

Wholesale purchaser-reseller is defined in § 211.51 as "any firm which purchases, receives through transfer, or otherwise obtains (as by consignment) an allocated product and resells or otherwise transfers it to other purchasers without substantially changing its form". The phrase "as by consignment" is included in the definition of a wholesale purchaser-reseller to make clear that firms which obtain and resell or otherwise transfer allocated product are not automatically excluded from the definition solely on the ground that they fail to take legal title to the product. This phrase explicitly recognizes the fact that consignment relationships have long existed in the petroleum industry under which consignees performed essentially the same functions as jobbers and that such consignees should be treated under the allocation regulations in the same manner as jobbers. Therefore, those consignees which have a substantial degree of operational independence in the conduct of their business of transfer and sale of a supplier's products (rather than merely providing a distribution service between a supplier and the supplier's customers or functioning like an employee of the supplier) fully qualify as wholesale purchaser-resellers and are subject to the same benefits and obligations of the allocation program which apply to jobbers.

However, not all firms which deem themselves "consignees" qualify as wholesale purchaser-resellers. Whether a firm which operates pursuant to a consignment agreement qualifies as a wholesale purchaser-reseller within the meaning of § 211.51 depends on the relationships among the consignee, the purchasers to whom the consignee transfers allocated product, and the firm which provides allocated product to the consignee.

The term "consignee" is used in at least three different situations in the petroleum industry. In only one of those situations does a firm which calls itself a consignee qualify as a wholesale purchaser-reseller. First, where the "consignee" has all the characteristics of an employee of the supplier, but is merely designated a "consignee", he is not a wholesale purchaser-reseller. Second, where the "consignee" operates as an independent contractor but only provides transportation of a supplier's product to the supplier's customers, without any control over the disposition of the product, he is similarly not a wholesale purchaser-reseller, even though he, as an independent businessman, may have a substantial investment in his trucks and terminal facilities. Third, in those situations where a firm receives product through consignment and is engaged in marketing that product to the consignee's customers, acting generally like a jobber, he will qualify as a wholesale purchaser-reseller.

A consignee which operates in the same manner as an independent jobber, and thereby qualifies as a wholesale purchaser-reseller, will generally have most (but not necessarily all) of the following characteristics: (a) appropriate facilities and equipment for the conduct of the business of selling and distributing its supplier's products; (b) responsibility, independent of its supplier, for its internal financial management and physical and administrative operation, (c) responsibility to its supplier and others for expenses and liabilities arising from and connected with the business of transfer and sale of its supplier's products and (d) independent control over the disposition of the allocated product, including the right to enter into and terminate relationships with customers rather than solely being restricted to distributing product to customers designated by the supplier.

According to the terms of the consignment agreement described above, Firm A retains a substantial measure of functional autonomy in distributing and selling Supplier B's products. Although Firm A must account fully to Supplier B for all products received, and such products must be sold at a price fixed by Supplier B, he is fully responsible for all aspects of conducting the business. Firm A does not merely provide a delivery service for supplier B but solicits its own customers which purchase the products which it has on consignment from Supplier B. Supplier B provides no facilities, equipment, labor, organizational or employee benefits (such as social security contribution). Thus, Firm A fully qualifies as a wholesale purchaser-reseller.

FEA is aware that the terms of consignment agreements and practices can and do vary greatly. Accordingly, this ruling is intended to provide only general guidance for determining which consignees with factual situations different than Firm A qualify as wholesale purchaser-resellers. Firms which are still in doubt as to their particular status should file a request for interpretation with the General Counsel pursuant to § 205.80 *et seq.*

ROBERT E. MONTGOMERY,
General Counsel,
Federal Energy Administration.

JULY 11, 1975.

[FR Doc.75-18510 Filed 7-14-75;11:17 am]

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 11—SECURITIES EXCHANGE ACT DISCLOSURE RULES

Revision of Regulations

On March 6, 1975, a document was published in the FEDERAL REGISTER (40 FR 10602) proposing to revise the Securities Act Disclosure Rules in accordance with section 12(i) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78*l*(i)). All comments received in response to the proposed revision have been carefully considered.

A. As a result of a complete review of the proposed revision and of comments received, errors have been corrected, some language has been clarified, and the following changes have been made to the proposed rules:

1. A new § 11.3(c)(8) has been added to clarify that a decision by the Comptroller of the Currency to sustain an objection to public disclosure of certain material filed pursuant to this Part does not affect disclosure of such material under any other statute, rule or regulation.

2. Section 11.7(b)(3)(i) regarding the qualifications of independent public accountants has been amended to reflect administrative recognition of differing State schemes of licensure or admission to practice for accountants.

3. Section 11.7(b)(3)(iii) relating to opinions to be expressed in an accountant's certificate has been clarified.

4. Items 3 and 4 of § 11.47 have been reworded to reflect the fact that a Form F-11 may be required to be filed by a shareholder when such shareholder obtains more than 5 percent of the bank's outstanding shares, and also by any person proposing to make a tender offer.

5. A new Item 6(d) in Form F-5 (§ 11.51) has been added which requires disclosure of any restrictions on shareholder nominations for election to the board of directors which may be contained in the bank's constituent instruments.

6. Section 11.102(d) has been expanded and reworded to clarify the interpretation of the Comptroller of the Currency regarding the disclosure of loans to "insiders."

B. Several of the comments received in response to the proposed rules have not been accepted.

1. A recommendation that certification of financial statements be adopted for all national banks was considered too broad. In the alternative, a formal certification requirement for registered national banks was rejected for the reasons set forth in the preamble to the proposed Part 11 as published in the FEDERAL REGISTER on March 6, 1975, (40 FR 10602). However, the Office of the Comptroller of the Currency is continuing to consider the question of mandatory certification of registered national banks or some sub-group of such banks, grouped by size, number of shareholders,

amount of trading in securities, or otherwise.

2. A recommendation that all national banks be required to conform to Part 11 was rejected because it is felt that such broad application, if appropriate, should be legislatively imposed.

3. Recommendations that a definition of "registrant bank" and a clarification of the applicability of the registration requirements be included in Part 11 were rejected since the applicability of the Securities Exchange Act of 1934 is clearly defined in the provisions of the Act itself.

4. Recommendations that the rules be amended to eliminate or reduce public disclosure filings by "small rural" national banks and that exemptions from the "burdensome" provisions of section 16 of the Act and § 11.6 of the rules be included for such banks were rejected because the Act itself already contains a provision which allows a bank to request an exemption from or a modification of the application of the Act's provisions in a particular instance.

5. A request that a guaranty by a bank insider of a loan to a business associate of such insider be excluded from the term "extension of credit" for purposes of disclosure under Part 11 was rejected. Disclosure of material transactions involving insiders and the bank is clearly mandated by the applicable provisions of the Act.

C. In addition, § 11.3(b) of the revised rules has been amended by adding a last sentence which states that a regularly updated list of all national banks whose securities are registered under section 12 of the Act will be available for inspection at the Office of the Comptroller of the Currency in Washington, D.C., and at each Office of the Regional Administrator of National Banks. This amendment is made pursuant to section 13(f)(3) of the Act, as amended by the Securities Acts Amendments of 1975 (Pub. L. 94-29, 94th Congress). The amendment is not being proposed for public comment as it reflects the existing practice of the Comptroller of the Currency and merely designates where such information may be obtained.

D. The Comptroller of the Currency finds that further public participation in this rulemaking process is unnecessary, and therefore the relevant provisions of 5 U.S.C. 553 requiring notice of proposed rulemaking and opportunity for public participation are not applicable. Accordingly, 12 CFR Part 11 is revised and adopted as set forth below.

Effective date: This revised Part shall become effective on September 30, 1975. The existing regulation 12 CFR 11 shall remain in effect until that date.

Dated: July 11, 1975.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

The revised Part 11 reads as follows:

REGULATIONS

Sec.
11.1 Scope of part.
11.2 Definitions.
11.3 Inspection and publication of information filed under the Act.
11.4 Registration statements and reports.
11.5 Proxies, proxy statements, and statements where management does not solicit proxies.
11.6 "Insiders'" securities transactions and reports under section 16 of the Act.
11.7 Form and content of financial statements.

FORMS

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

INTERPRETATIONS

11.101 Interpretation of definition of "officer."
11.102 Disclosure of loans to "insiders."
11.103 Interpretation of definitions of "affiliate," "majority-owned subsidiary," "parent" and "subsidiary".

AUTHORITY: 15 U.S.C. 781, 78m, 78p, 78w.

REGULATIONS

§ 11.1 Scope of part.

This part is issued by the Comptroller of the Currency pursuant to section 12(i) of the Securities Exchange Act of 1934 (15 U.S.C. 73) (The "Act") and applies to all securities subject to registration pursuant to section 12(b) or section 12(g) of the Act by a national bank or a bank operating under the Code of Law for the District of Columbia ("bank"). The effective date of this part shall be September 30, 1975.

§ 11.2 Definitions.

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

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

(b) The term "affiliate" (whether referred to as an "affiliate" of, or a person "affiliated" with, a specified person) mean a person that directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the person specified.

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

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

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

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

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

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

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

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

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

tice shall be included as a holder of record.

(ii) Securities identified as held of record by a corporation, a partnership, a trust whether or not the trustees are named, or other organization shall be included as so held by one person.

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

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

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

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

(2) Notwithstanding paragraph (j) (1) of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) The parent's proportion of income of the subsidiary before income taxes exceeds 5 percent or more of the income before taxes of the parent; or

(4) The subsidiary is the parent of one or more subsidiaries and, together with such subsidiaries, when considered in the aggregate, constitutes a significant subsidiary.

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

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

(cc) The term "succession" means the direct acquisition of the assets comprising a going business, whether by merger,

consolidation, purchase or other direct transfer. The term does not include the acquisition of control of a business unless followed by the direct acquisition of its assets. The terms "succeed" and "successor" have meanings correlative to the foregoing.

(dd) The term "verified", when used with respect to financial statements, means either (1) certified by an independent public accountant, or (2) signed in accordance with § 11.7(b)(2) by the person principally responsible for the accounting records of the bank (the "principal accounting officer") and by the person principally responsible for the audit procedures of the bank (the "auditor"); except that the term "verified" shall mean certified by an independent public accountant in any case in which the Comptroller so informs the bank concerned, in writing, at least 90 days prior to the end of the fiscal year to which the financial statements will relate.

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

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

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

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

(b) *Inspection.* Except as provided in paragraph (c) of this section, all information filed regarding a security registered with the Comptroller of the Currency will be available for inspection at its office in Washington, D.C. In addition, copies of the registration statement and reports required by § 11.5(a), and the actual reports to security holders required by § 11.5(e), will be available for inspection at the Office of the Regional Administrator of National Banks in the national banking region in which the bank filing the statements or reports is located. Furthermore, a list of all national banks whose securities are registered under section 12 of the Act, updated on a regular basis, will be available for inspection at the Office of the Comptroller of the Currency in Washington, D.C., and at each office of the Regional Administrator of National Banks.

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

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

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

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

(ii) An application making objection to the disclosure of the confidential portion. Such application shall be on a sheet or sheets separate from the confidential portion, and shall contain (A) an identification of the portion of the statement, report, or document that has been omitted, (B) a statement of the grounds of objection, and (C) the name of each exchange, if any, with which the statement, report, or document is filed. The copies of the confidential portion and the application filed in accordance with this subparagraph shall be enclosed in a separate envelope marked "CONFIDENTIAL TREATMENT" and addressed to the Comptroller of the Currency, Washington, D.C. 20219.

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

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

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

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

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

(ii) Upon the lapse of 60 days after the dispatch of notice by registered or certified mail of the finding and determination of the Comptroller of the Currency, if the statement described in paragraph (c)(6)(i) of this section shall have been filed and if a petition for judicial review shall not have been filed within such 60 days; or

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

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

(8) A decision by Comptroller of the Currency to sustain an objection to public disclosure under this § 11.3 does not imply that any determination has been made regarding disclosure of the material in question under any other statute, rule or regulation.

§ 11.4 Registration statements and reports.

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

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

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

(4) As to successor banks, (i) where in connection with a succession by merger, consolidation, exchange of securities or acquisition of assets, equity securities of a bank, not previously registered pursu-

ant to section 12 of the Act, are issued to the holders of any class of equity securities of another bank which is registered pursuant to section 12(g), the class of securities so issued shall be deemed to be registered pursuant to section 12(g) of the Act unless upon consummation of the succession such class is exempt from such registration or all securities of such class are held of record by less than 300 persons.

(ii) Where in connection with a succession by merger, consolidation, exchange of securities or acquisition of assets, equity securities of a bank, which are not registered pursuant to section 12 of the Act, are issued to the holders of any class of equity securities of another bank which is required to file a registration statement or report pursuant to § 11.4 but has not yet done so, the duty to file such statement or report shall be deemed to have been assumed by the bank whose class of securities is so issued and such bank shall file a registration statement or report within the period of time the predecessor bank would have been required to file such a statement or report, or within such extended period of time as the Comptroller of the Currency may authorize upon application pursuant to paragraph (p) of this section, unless upon consummation of the succession such class is exempt from registration or all securities of the class are held of record by less than 300 persons.

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

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

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

(2) The certification shall specify (i) the approval of the exchange for listing and registration; (ii) the title of the security so approved; (iii) the date of filing with the exchange of the registration statement and of any amendments thereto; and (iv) any conditions imposed on such certification. The exchange shall promptly notify the Comptroller of the Currency of the partial or complete satisfaction of apy such conditions.

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

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

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

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

(7) An exchange may suspend from trading a security listed and registered thereon in accordance with its rules. Suspension of trading shall not terminate the registration of any security.

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

(2) Every bank which changes its fiscal closing date after the last fiscal year for which financial statements were filed in a Form F–1 or Form F–2 shall file a report on Form F–2 covering the resulting interim period not more than 120 days after the close of the interim period or after the date of the determination to change the fiscal closing date, whichever is later. A separate report, however, need not be filed for any period of less than 3 months if the Form F–2 filed for the succeeding full fiscal year covers the interim period as well as the fiscal year. In such case, balance sheets need be furnished only as of the close of the entire period but all other financial statements and schedules shall be filed separately for both periods.

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

(g) *Current reports; shareholder filing of Form F–11.* (1) Following the filing of a Form F–1 registration statement pursuant to section 11.4(a) every registrant bank shall file a current report in conformity with the requirements of Form F–3 within 10 days after the close of any month during which any of the events specified in that form occurs, unless substantially the same information as required by that form has been previously reported by the bank.

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

(ii) Acquisitions of securities by a security holder who, prior to such acquisition, was the beneficial owner of more than 5 percent of the outstanding securities of the same class as those acquired shall be exempt from the reporting requirements of paragraph (g)(2)(i) of this section if the following conditions are met: (A) the acquisition is made pursuant to pre-emptive subscription rights in an offer made to all holders of securities of the class to which the pre-emptive subscription rights pertain; (B) the purchaser does not, through the exercise of such pre-emptive rights, acquire more than his or its pro-rata share of the securities offered; and (C) the acquisition is duly reported pursuant to section 16(a) of the Act and the provisions of section 11.6.

(iii) In determining for the purposes of section 13(d) or section 14(d) of the Act and this paragraph (g)(2) whether a person is directly or indirectly the beneficial owner of securities of any class, such person shall be deemed to be the beneficial owner of securities of such class which such person has the right to acquire through the exercise of presently exercisable options, warrants or rights or through the conversion of presently convertible securities, or otherwise. The securities subject to such options, warrants, rights or conversion privileges held by a person shall be deemed to be outstanding for the purpose of computing the percentage of outstanding securities of the class owned by such person but shall not be deemed to be outstanding for the purpose of computing the percentage of the class owned by any other person.

(3) If any material change occurs in the facts set forth in the statement required by paragraph (g)(2) of this section, the person who filed such statement shall promptly file with the Comptroller of the Currency and send to the bank

and the exchange an amendment disclosing such change.

(4) Each bank having securities registered pursuant to section 12(g) of the Act, upon being notified by a national securities association registered pursuant to section 15A of the Act, that a class of the bank's securities is to be quoted on an interdealer quotation system which is sponsored and governed by the rules of such association, shall thereafter notify such association promptly of (i) any increase or decrease in the amount of securities of such class outstanding which exceeds 5 percent of the amount of such class last reported to the association and (ii) any change in the name of the bank. The obligation to report pursuant to this paragraph (g)(4) shall continue until notification is received from the association that all classes of securities are no longer quoted on such interdealer quotation system.

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

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

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

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

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

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

(l) *Incorporation by reference.* (1) Matter contained in any part of a statement or report filed pursuant to this part 11, other than exhibits, may be incorporated by reference in answer or partial answer to any item of a previously filed statement or report. Matter contained in an exhibit may be so incorporated to the extent permitted in paragraph (m) of this section.

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

(3) Copies of material incorporated by reference shall be submitted with such copies of the statement or report, and shall be deemed to be filed with the Comptroller of the Currency for all purposes of the Act.

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

(n) *Omission of substantially identical documents.* In any case where two or more indentures, contracts, franchises, or other documents required to be filed as exhibits are substantially identical in all material respects except as to the parties thereto, the dates of execution, or other details, the bank need file a copy of only one of such documents, with a schedule identifying the documents omitted and setting forth the material details in which such documents differ from the document of which a copy is filed. The Comptroller of the Currency may at any time in his discretion require the filing of copies of documents so omitted.

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

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

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

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

(p) *Extension of time for furnishing information.* If the furnishing of any information, statement, or report at the time it is required to be filed is impracticable, the bank may file with the Comptroller of the Currency as a separate document an application (1) identifying the information, statement, or report in question, (2) stating why the filing thereof at the time required is impracticable, and (3) requesting an extension of time for filing the information, statement, or report to a specified date not more than 60 days after the date it would otherwise have to be filed. The application shall be deemed granted unless the Comptroller of the Currency, within 15 days after receipt thereof, shall deny the application.

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

(2) At least one copy of each statement or report filed with the Comptroller of the Currency and one copy thereof filed with an exchange shall be manually signed. If the statement or report is typewritten, one of the signed copies filed with the Comptroller of the Currency shall be an original "ribbon" copy. the signature of any person is affixed pursuant to a power of attorney or other similar authority, a copy of such power or other authority shall also be filed with the statement or report.

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

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

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

(3) The body of all printed statements and reports and all notes to financial statements and other tabular data included therein shall be in roman type at least as large as 10-point modern type. To the extent necessary for convenient presentation, however, financial statements and other statistical or tabular data, including tabular data in notes, may be in roman type at least as large and as legible as 8-point modern type. All such type shall be leaded at least 2 points.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) *Requirement of statement.* No solicitation of a proxy with respect to a security of a bank registered pursuant to section 12 of the Act shall be made for use at any meeting of shareholders noticed for October 1, 1971, and thereafter unless each person solicited is concurrently furnished or has previously been furnished with a written proxy statement containing the information required by Form F-5. If the management of any bank having such a security outstanding fails to solicit proxies from the holders of any such security in such a manner as to require the furnishing of such proxy statement, such bank shall transmit to all holders of record of such security a statement containing the information required by Form F-5, with a prominently displayed caption stating that proxies are not being solicited. The "information statement" required by the preceding sentence shall be transmitted (1) at least 20 calendar days prior to any annual or other meeting of the holders of such security at which such holders are entitled to vote, or (2) in the case of corporate action taken with the written authorization or consent of security holders, at least 20 days prior to the earliest date on which the corporate action may be taken. A proxy statement or an information statement required by this paragraph is hereinafter sometimes referred to as a "Statement." All Statements shall disclose on the first page thereof the complete mailing address, including zip code, of the principal executive offices of the bank and the approximate date on which the Statement and, if applicable, the form of proxy are first sent to security holders.

(b) *Exceptions.* The requirements of this section 11.5 shall apply to every solicitation of a proxy with respect to securities registered pursuant to section 12 of the Act, whether or not trading in such securities has been suspended, except the following:

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

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

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

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

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

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

(4) Any solicitation through the medium of a newspaper advertisement that informs security holders of a source from which they may obtain copies of a proxy statement, form of proxy, and any

other soliciting material and does no more than (i) name the bank; (ii) state the reason for the advertisement; and (iii) identify the proposal or proposals to be acted upon by security holders.

(c) *Annual report to security holders to accompany statements.* (1) Any statement furnished on behalf of the management of the bank that relates to an annual meeting of security holders at which directors are to be elected shall be accompanied or preceded by an annual report to such security holders containing such financial statements for the last 2 fiscal years as will, in the opinion of the management, adequately reflect the financial position of the bank at the end of each such year and the results of its operations for each such year. The financial statements included in the annual report may omit details or summarize information if such statements, considered as a whole in the light of other information contained in the report and in the light of the financial statements of the bank filed or to be filed with the Comptroller of the Currency, will not by such procedure omit any material information necessary to a fair presentation or to make the financial statements not misleading under the circumstances.

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

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

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

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

(d) Comparative statements of changes in financial position for each fiscal year for which a statement of income is furnished.

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

(f) Supplemental notes to financial statements to the extent necessary to furnish a fair financial presentation. Such notes should include the aggregate market value as at the balance sheet date for each category of investment securities reported on the balance sheet, and other information required to be furnished in notes to financial statements included in the bank's Form F-2 Annual Report.

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

3. When financial statements included in the annual report (Form F-2) filed, or proposed to be filed, with the Comptroller of the Currency are accompanied by an opinion of an independent public accountant the financial statements in the annual report to security holders should also be accompanied by an opinion of such independent public accountant.

(2) The report shall include a summary of the bank's operations containing the information required by Item 4 of Form F-2.

(3) The report shall contain information as comprehensive as that required by Schedule III of Form F-9D.

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

(5) The report shall identify the principal market in which securities of any class entitled to vote at the meeting are traded, and shall state the high and low sales prices for such securities (or, in the absence of such information, the range of bid and asked quotation) and the dividends paid on such securities for each quarterly period during the bank's two most recent fiscal years. If the securities are inactively traded, the report shall so state and shall indicate the range of sales prices known to management for the periods specified above and the source of such information.

(6) Management's proxy or information statement, or this report, shall contain an undertaking in bold-faced or otherwise reasonably prominent type to provide without charge to each shareholder, on the written request of such person, a copy of the bank's annual report on Form F-2, including the financial statements and the schedules thereto, required to be filed with the Comptroller of the Currency for the bank's most recent fiscal year, and shall indicate the name and address of the person to whom such a written request is to be directed. In the discretion of management, a bank need not undertake to furnish without charge copies of all exhibits to its Form F-2, provided that the copy of the annual report on Form F-2 furnished without charge to requesting security holders is accompanied by a list briefly describing all the exhibits not contained therein and indicating that the bank will furnish any exhibit upon the payment of a specified reasonable fee which fee shall be limited to the bank's reasonable expenses in furnishing such exhibit.

NOTE.—Pursuant to the undertaking required by the above subparagraph, a bank shall furnish a copy of its annual report on Form F-2 to a beneficial owner of its securities upon receipt of a written request from such person. Each request must set forth a good-faith representation that, as of the record date for the annual meeting of the bank's security holders, the person making the request was a beneficial owner of securities entitled to vote at such meeting.

(7) Subject to the foregoing requirements with respect to financial statements, the annual report to security holders may be in any form deemed suitable by the management. This paragraph (c) shall not apply, however, to solicitations made on behalf of management before the financial statements are available if solicitation is being made at the time in opposition to the management and if the management's Statement includes an undertaking in bold-faced type to furnish such annual report to all persons being solicited at least 20 days before the date of the meeting.

(8) (i) If the bank knows that securities of any class, entitled to vote at a meeting and with respect to which the bank intends to solicit proxies, consents or authorization, are held of record by a broker, dealer, bank or voting trustee, or their nominees, the bank shall inquire of such record holder whether other persons are the beneficial owners of such securities and, if so, the number of copies of the proxy and other soliciting material and, in the case of an annual meeting at which directors are to be elected, the number of copies of the annual report to security holders, necessary to supply such material to such beneficial owners. The bank shall supply such record holder with additional copies in such quantities, assembled in such form and at such a place, as the record holder may reasonably request in order to address and send one copy of each to each beneficial owner of securities so held and shall, upon the request of such record holder, pay its reasonable expenses for completing the mailing of such material to security holders to whom the material is sent.

(ii) If the bank's list of security holders indicates that some of its securities are registered in the name of "Cede & Co.", a nominee for the Depository Trust Company, or in the name of a nominee for any central certificate depository system, a bank shall make appropriate inquiry of the central depository system and thereafter of the participants in such a system who may hold on behalf of a beneficial owner, and shall comply with the above subparagraph (8) (i) with respect to any such participant.

(iii) The requirement for sending an annual report to security holders of record having the same address will be satisfied by sending at least one report to a holder of record at that address provided that those holders of record to whom a report is not sent agree thereto in writing. This procedure is not available to banks subject to this part 11, however, where other banks, broker-dealers, and other persons hold securities in nominee accounts or "street names" on behalf of beneficial owners, and such persons are not relieved of any obligation to obtain or send such annual report to the beneficial owners.

(9) Four copies of each annual report sent to security holders pursuant to this paragraph (c) shall be sent to the Comptroller of the Currency not later than (i) the date on which such report is first sent or given to security holders or (ii) the date on which preliminary copies of the management statement are filed with the Comptroller of the Currency pursuant to paragraph (f), whichever date is later. Such annual report is not deemed to be "soliciting material" or to be "filed" with the Comptroller of the Currency or otherwise subject to this § 11.5 or the liabilities of

section 13 of the Act, except to the extent that the bank specifically requests that it be treated as a part of the proxy soliciting material or incorporates it in the proxy statement by reference.

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

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

(3) A form of proxy which provides both for the election of directors and for action on other specified matters shall be prepared so as clearly to provide, by a box or otherwise, means by which the security holder may withhold authority to vote for the election of directors. Any such form of proxy which is executed by the security holder in such manner as not to withhold authority to vote for the election of directors shall be deemed to grant such authority, provided the form of proxy so states in boldface type. This paragraph (d)(3) does not apply (i) in the case of a merger, consolidation or other plan if the election of directors is an integral part of the plan and is not to be separately voted upon or (ii) if the only matters to be acted upon are the election of directors and the election, selection, or approval of other persons such as clerks or auditors.

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

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

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

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

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

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

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

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

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

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

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

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

(f) *Material required to be filed.* (1) Three preliminary copies of each statement, form of proxy, and other items of soliciting material to be furnished to security holders concurrently therewith, shall be filed with the Comptroller of the Currency by management or any other person making a solicitation subject to this § 1.5 at least 10 calendar days (or 15 calendar days in management or any other person making a solicitation subject to this § 11.5 at least 10 calendar days (or 15 calendar days in the case of other than routine meetings, as defined below) prior to the date such item is first sent or given to any security holders, or such shorter period prior to that date as may be authorized. For the purposes of this paragraph (f)(1), a routine meeting means a meeting with respect to which no one is soliciting proxies subject to this § 11.5 other than on behalf of management and at which management intends to present no matters other than the election of directors, election of inspectors of election, and other recurring matters. In the absence of actual knowledge to the contrary, management may assume that no other such solicitation of the bank's security holders is being made. In cases of annual meetings, one additional preliminary copy of the Statement, the form of proxy, and any other soliciting material, marked to show changes from the material sent or given to security holders with respect to the preceding annual meeting, shall be filed with the Comptroller of the Currency.

(2) Three preliminary copies of any additional soliciting material, relating to the same meeting or subject matter, furnished to security holders subsequent to the proxy statement shall be filed with the Comptroller of the Currency at least 2 days exclusive of Saturdays, Sundays, and holidays) prior to the date copies of such material are first sent or gvien to security holders, or such shorter period prior to such date as may be authorized upon a showing of good cause therefor.

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

(4) If the solicitation is to be made in whole or in part by personal solicitation, three copies of all written instructions or other material that discusses or reviews, or comments upon the merits of, any matter to be acted upon, and is furnished to the individuals making the actual solicitation for their use directly or indirectly in connection with the solicitation,

shall be filed with the Comptroller of the Currency by the person on whose behalf the solicitation is made at least 5 days prior to the date copies of such material are first sent or given to such individuals, or such shorter period prior to that date as may be authorized upon a showing of good cause therefor.

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

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

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

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

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

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

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

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

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

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

(iii) An estimate of the cost of mailing a specified proxy statement, form of proxy, or other communication to such holders, including insofar as known or reasonably available, the estimated handling and mailing costs of the bankers, brokers, or other persons specified in paragraph (g) (1) (ii) of this section.

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

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

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

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

(h) *False or misleading statements.* (1) No solicitation or communication subject to this section shall be made by means of any Statement, form of proxy, notice of meeting, or other communication, written or oral, containing any statement that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact, or that omits to state any material fact necessary in order to make the statements therein not false or misleading or necessary to correct any statement in any earlier communication with respect to the solicitation of a proxy for the same meeting or subject matter that has become false or misleading. Depending upon the particular circumstances, the following may be misleading within the meaning of this paragraph: predictions as to specific future market values, earnings, or dividends; material that

directly or indirectly impugns character, integrity, or personal reputation, or directly or indirectly makes charges concerning improper, illegal, or immoral conduct or associations, without factual foundation; failure so to identify a statement, form of proxy, and other soliciting material as clearly to distinguish it from the soliciting material of any other person or persons soliciting for the same meeting or subject matter; claims made prior to a meeting regarding the results of a solicitation.

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

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

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

(A) The bank;

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

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

(D) Any person who finances or joins with another to finance the solicitation of proxies, except persons who contribute not more than $500 and who are not otherwise participants;

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

(F) Any other person who solicits proxies.

(ii) Such terms do not include—

(A) Any person or organization retained or employed by a participant to solicit security holders whose activities are limited to the performance of his duties in the course of such employment, or any person who merely transmits proxy soliciting material or performs ministerial or clerical duties;

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

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

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

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

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

(iii) If any solicitation on behalf of management or any other person has been made, or if proxy material is ready for distribution, prior to a solicitation subject to this paragraph in opposition thereto, a statement in duplicate containing the information specified in Form F–6 shall be filed by or on behalf of each participant in such prior solicitation, other than the bank, as soon as reasonably practicable after the commencement of the solicitation in opposition thereto, with the Comptroller of the Currency and with each exchange on which any security of the bank is listed.

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

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

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

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

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

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

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

to soliciting material subject to paragraphs (i) (5) and (6) of this section.

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

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

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

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

(j) *Prohibition of certain solicitations.* No person making a solicitation that is subject to this section shall solicit—(1) Any undated or postdated proxy; or (2) Any proxy that provides that it shall be deemed to be dated as of any date subsequent to the date on which it is signed by the security holder.

(k) *Proposals of security holders.* (1) If any security holder entitled to vote at a meeting of security holders of the bank shall submit to the management of the bank, within the time hereinafter specified, a proposal which is accompanied by notice of his intention to present the proposal for action at the meeting, the management shall set forth the proposal in its Statement. If management issues a proxy statement, it shall identify the proposal in its form of proxy and provide means by which security holders can make the specification provided for by paragraph (d)(2) of this section. If management issues an information statement, it shall identify the proposal and indicate the disposition proposed to be made of the proposal by the management at the meeting. The management of the bank shall not be required by this paragraph (k) to include the proposal in its Statement or form of proxy for an annual meeting unless the proposal is received by the management at the bank's principal executive offices not less than 70 days in advance of a date corresponding to the date set forth on the management's Statement released to security holders in connection with the last annual meeting of security holders, except that if the date of the annual meeting has been changed as a result of a change in the fiscal year, a proposal shall be received by the management a reasonable time before the solicitation is made. A proposal to be presented at any other meeting shall be received by the management of the bank a reasonable time before the solicitation is made. This paragraph (k) does not apply, however, to elections to office or to counter-proposals to matters to be submitted by the management.

NOTE.—In order to curtail controversy as to the date that a security holder's proposal was received by the management, it is suggested that security holders submit their proposals by Certified Mail-Return Receipt Requested.

(2) If the management opposes any proposal received from a security holder, it shall also, at the request of the security holder, include in its Statement a statement of the security holder, in not more than 200 words, in support of the proposal, which statement shall not include the name and address of the security holder. Any statements in the text of a proposal, such as a preamble or "whereas" clauses, which are in effect arguments in support of the proposal, shall be deemed part of the supporting statement and subject to the 200-word limitation thereon. The Statement shall also include either the name and address of the security holder or a statement that such information will be furnished by the bank or by the Comptroller of the Currency to any person, orally or in writing as requested, promptly upon the receipt of any oral or written request therefor. If the name and address of the security holder is omitted from the Statement, it shall be furnished to the Comptroller of the Currency at the time of filing the management's preliminary material pursuant to paragraph (f) of this section. The statement and request of the security-holder shall be furnished to the management at the time that the proposal is furnished. Neither the management nor the bank shall be responsible for such statement.

(3) Notwithstanding the foregoing, the management may omit a proposal and any statement in support thereof from its Statement and form of proxy under any of the following circumstances:

(i) If the proposal as submitted is, under applicable law, not a proper subject for action by security holders;

(ii) If the proposal:

(A) relates to the enforcement of a personal claim or the redress of a personal grievance against the bank, its management, or any other person; or

(B) consists of a recommendation, request or mandate that action be taken with respect to any matter, including a general economic, political, racial, religious, social or similar cause, that is not significantly related to the business of the bank or is not within the control of the bank;

NOTE.—Proposals not within a bank's control are those which are beyond its power to effectuate.

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

(iv) If substantially the same proposal has previously been submitted to security holders in the management's Statement relating to any annual or special meeting of security holders held within the preceding 5 calendar years, it may be omitted from the management's Statement relating to any meeting of security holders held within the 3 calendar years after the latest such previous submission: *Provided*, That—

(A) If the proposal was submitted at only one meeting during such preceding period, it received less than 3 percent of the total number of votes cast in regard thereto; or

(B) If the proposal was submitted at only two meetings during such preceding period, it received at the time of its second submission less than 6 percent of the total number of votes cast in regard thereto; or

(C) If the proposal was submitted at three or more meetings during such preceding period, it received at the time of its latest submission less than 10 percent of the total number of votes cast in regard thereto;

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

(4) Whenever the management asserts that a proposal and any statement in support thereof received from a security holder may properly be omitted from its Statement, it shall file with the Comptroller of the Currency, not later than 30 days prior to the date the preliminary copies of the Statement are filed pursuant to paragraph (f) of this section, or such shorter period prior to such date as the Comptroller of the Currency may permit, a copy of the proposal and any statement in support thereof as received from the security holder, together with a statement of the reasons why the management deems such omission to be proper in the particular case, and where such reasons are based on matters of law, a supporting opinion of counsel. The management shall at the same time, if it has not already done so, notify the security holder submitting the proposal of its intention to omit the proposal from its Statement and shall forward to him a copy of the statement of reasons why the management deems the omission of the proposal to be proper and a copy of such supporting opinion of counsel.

(l) *Invitations for tenders; filing of Form F-11.* (1) No person, directly or indirectly, by use of the mails or by any means or instrumentality of interstate commerce or of any facility of a national securities exchange or otherwise, shall make a tender offer for, or a request or invitation for tenders of, any class of any equity security, which is registered pursuant to section 12 of the Act, of a national bank or a bank operating under the Code of Law for the District of Columbia, if, after consummation thereof, such person would, directly or indirectly, be the beneficial owner of more than 5 percent of such class, unless, at the time

copies of the offer or request or invitation are first published or sent or given to security holders, such person has filed with the Comptroller of the Currency a statement containing the information and exhibits required by Form F–11.

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

(3) All tender offers for, or requests or invitations for tenders of, securities published or sent or given to the holders of such securities shall include the following information, which shall be filed with the Comptroller of the Currency as part of the statement required by paragraph (l)(1) of this section:

(i) The name of the person making the tender offer, request or invitation;

(ii) The exact dates prior to which, and after which, security holders who deposit their securities will have the right to withdraw their securities pursuant to section 14(d)(5) of the Act, or otherwise;

(iii) If the tender offer or request or invitation for tenders is for less than all of the outstanding securities of the class and the person making the offer, request or invitation is not obligated to purchase all of the securities tendered, the date of expiration of the period during which the securities will be taken up pro rata pursuant to section 14(d)(6) of the Act, or otherwise; and

(iv) The information required by Items 2(a) and (c), 3, 4, 5, and 6 of Form F–11, or a fair and adequate summary thereof.

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

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

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

(7) When a person makes a tender offer for, or a request or invitation for tenders of, any class of equity securities of a bank registered pursuant to section 12 of the Act, and such person has filed a statement with the Comptroller of the Currency pursuant to this paragraph, any other person controlling, or controlled by or under common control with ("control person") the issuing bank shall not thereafter, during the period such tender offer, request or invitation continues, purchase any class of equity securities of the issuing bank unless:

(i) The control person has filed with the Comptroller of the Currency a statement containing the information specified below with respect to proposed purchases:

(A) The title and amount of equity securities to be purchased, the names of the persons or classes of persons from whom, and the market in which, the securities are to be purchased, including the name of any exchange on which the purchase is to be made;

(B) The purpose for which the purchase is to be made and any plan or proposal for the disposition of such securities; and

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

(ii) The control person has at any time within the past 6 months sent or given to the equity security holders of the issuing bank the substance of the information contained in the statement required by paragraph (l)(7)(i) of this section, and a copy has been filed with the Comptroller of the Currency.

(8) The following communications shall not be deemed to be requests or invitations for tenders:

(i) Offers to purchase securities made in connection with a distribution of securities permitted by Rules 10b–6, 10b–7 or 10b–8 under the Act as promulgated by the Securities and Exchange Commission;

(ii) The call or redemption of any security in accordance with the terms and conditions of the governing instruments;

(iii) Offers to purchase securities evidenced by a script certificate, order form or similar document which represents a fractional interest in a share of stock or similar security;

(iv) Offers to purchase securities pursuant to a statutory procedure for the purchase of dissenting shareholders' securities;

(v) The furnishing of information and advice regarding a tender offer to customers or clients by attorneys, banks, brokers, fiduciaries or investment advisers, who are not otherwise participating in the tender offer or solicitation, on the unsolicited request of a person or pursuant to a general contract for advice to the person to whom the information or advice is given;

(vi) A communication from a bank to its security holders which does no more than (A) identify a tender offer or request or invitation for tenders made by another person, (B) state that the management of the bank is studying the matter and will, on or before a specified date (which shall be not later than 10 days prior to the date specified in the offer, request or invitation, as the last date on which tenders will be accepted, or such shorter period as the Comptroller of the Currency may authorize) advise security holders as to the management's recommendation to accept or reject the offer, request or invitation, and (C) request security holders to defer making a determination as to whether or not they should accept or reject the offer, request or invitation until they have received the management's recommendation with respect thereto.

(m) *Recommendations as to tender offers; filing of Form F–12.* (1) No solicitation or recommendation to the holders of a security to accept or reject a tender offer or request or invitation for tenders subject to section 14(d) of the Act shall be made unless, at the time copies of the solicitation or recommendation are first published or sent or given to holders of the security, the person making such solicitation or recommendation has filed with the Comptroller of the Currency a statement containing the information specified by Form F–12: *Provided, however,* That this paragraph shall not apply to (i) a person required by paragraph (l) of this section to file a statement, or (2) a person, other than the bank or management of the bank, who makes no written solicitations or recommendations other than solicitations or recommendations copies of which have otherwise been filed with the Comptroller of the Currency.

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

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

(n) *Change in majority of directors.* If, pursuant to any arrangement or understanding with the person or persons acquiring securities in a transaction subject to section 13(d) or 14(d) of the Act, any persons are to be elected or designated as directors of the bank, otherwise

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

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

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

(ii) No form of proxy is furnished to security holders prior to the time the written proxy statement required by paragraph (a) of this section is furnished to security holders: *Provided, however,* That this paragraph (o) (1) (ii) shall not apply where a proxy statement then meeting the requirements of Form F–5 has been furnished to security holders by or on behalf of the person making the solicitation;

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

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

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

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

(a) *Filing of statements by directors, officers and principal stockholders.* (1) Initial statements of beneficial ownership of equity securities of a bank required by section 16(a) of the Act, and statements of changes in such beneficial ownership, shall be prepared and filed in accordance with the requirements of Form F–7 and Form F–8, respectively.

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

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

(4) Any director or officer who is required to file a statement on Form F–8 with respect to any change in his beneficial ownership of equity securities which occurs within 6 months after he became a director or officer of the bank issuing such securities, or within 6 months after equity securities of such bank first became registered pursuant to Section 12 of the Act, shall include in the first such statement the information called for by Form F–8 with respect to all changes in his beneficial ownership of equity securities of such bank which occurred within 6 months prior to the date of the changes which require the filing of such statement.

(5) Any person who has ceased to be a director or officer of a bank which has equity securities registered pursuant to section 12 of the Act, or who is a director or officer of a bank at the time it ceased to have any equity securities so registered, shall file a statement on Form F–8 with respect to any change in his beneficial ownership of equity securities of such bank which shall occur on or after the date on which he ceased to be such director or officer, or the date on which the bank ceased to have any equity securities so registered, as the case may be, if such change shall occur within 6 months after any change in his beneficial ownership of such securities, prior to such date. The statement on Form F–8 shall be filed within 10 days after the end of the month in which the reported change in beneficial ownership occurs.

(b) *Ownership of more than 10 per cent of an equity security.* (1) In determining for the purpose of section 16(a) of the Act whether a person is the beneficial owner, directly or indirectly, of more than 10 percent of any class of equity securities, such person shall be deemed to be the beneficial owner of securities of such class which such person has the right to acquire through the exercise of presently exercisable options, warrants or rights or through the conversion of presenly convertible securities. The securities subject to such options, warrants, rights or conversion privileges held by a person shall be deemed to be outstanding for the purpose of computing the percentage of outstanding securities of the class owned by such person but shall not be deemed outstanding for the purpose of computing the percentage of the class owned by any other person. This paragraph (b) shall not be construed to relieve any person of any duty to comply with section 16(a) of the Act with respect to any equity securities consisting of options, warrants, rights or convertible securities which are otherwise subject as a class to section 16(a) of the Act.

(2) For the purpose of this paragraph a person acting in good faith may rely on the information contained in the latest Form F–1 or Form F–2 filed with the Comptroller of the Currency with respect to the amount of securities of the class outstanding or in the case of voting trust certificates or certificates of deposit, the amount thereof issuable.

(3) For the purpose of determining percentage ownership of voting trust certificates or certificates of deposit for equity securities, the class of voting trust certificates or certificates of deposit shall be deemed to consist of the amount of voting trust certificates or certificates of deposit issuable with respect to the total amount of outstanding equity securities of the class which may be deposited under the voting trust agreement or deposit agreement in question, whether or not all of such outstanding securities have been so deposited.

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

(d) *Ownership of securities held in trust.* (1) Beneficial ownership of a bank's securities for the purpose of section 16(a) shall include:

(i) the ownership of such securities as a trustee where either the trustee or members of his immediate family have a vested interest in the income or corpus of the trust;

(ii) the ownership of a vested beneficial interest in a trust; and

(iii) the ownership of such securities as a settlor of a trust in which the settlor has the power to revoke the trust without obtaining the consent of all beneficiaries.

(2) Except as provided in paragraph (d) (3) of this section, beneficial ownership of securities of registrant banks solely as a settlor or beneficiary of a trust shall be exempt from the provisions of section 16(a) where less than 20 percent in market value of the securities having a readily ascertainable market value held by such trust (determined as of the end of the preceding fiscal year of the trust) consists of equity securities

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

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

(4) Not more than one report need be filed to report any holdings of a bank's securities or with respect to any transaction in such securities held by a trust, regardless of the number of officers, directors, or 10 percent stockholders who are either trustees, settlors, or beneficiaries of a trust, if the report filed discloses the names of all trustees, settlors, or beneficiaries who are officers, directors, or 10 percent stockholders. A person having an interest only as a beneficiary of a trust shall not be required to file any such report so long as he relies in good faith upon an understanding that the trustee of such trust will file whatever reports might otherwise be required of such beneficiary.

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

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

(e) *Certain transactions subject to section 16(a).* (1) The granting, acquisition or disposition of any presently exercisable put, call, option, or other right or obligation to buy securities from, or to sell securities to, another person, or any expiration or cancellation thereof, shall be deemed to effect such a change in the beneficial ownership of the bank's security to which the right or obligation relates as to require the filing of a statement pursuant to section 16(a) of the Act reflecting such change in beneficial ownership. Nothing in this paragraph (e), however, shall exempt any person from the duty to file the statements required upon the exercise of such put, call, option or other right or obligation to buy or sell securities.

(i) If any such right or obligation is not initially exercisable, the granting and acquisition thereof shall be reported in a statement filed for the month in which it became exercisable, unless the filing of such statement is otherwise not required;

(ii) The right of a pledgee or borrower of securities to sell the pledged or borrowed securities is not an option or right to sell securities within the meaning of this paragraph. However, the sale of the pledged or borrowed securities by the pledgee or borrower shall be reported by the pledgor or lender;

(iii) The right to acquire or the obligation to dispose of securities, in connection with a merger or consolidation involving the bank issuing the securities, is not a right or obligation to buy or sell securities within the meaning of this paragraph.

(2) For the purpose of section 16(a) of the Act both the grantor and the holder of any presently exercisable put, call, option or other right or obligation to buy or sell securities shall be deemed to be beneficial owners of the securities subject to such right or obligation until it is exercised or cancelled or expires.

(3) Notwithstanding the foregoing, a statement need not be filed pursuant to section 16(a) of the Act (i) by any person with respect to the acquisition, expiration or cancellation of any non-transferable qualified, restricted or other stock option granted by the bank with respect to securities to which the option relates pursuant to a plan provided for the benefit of its employees or the employees of the bank's affiliates if such plan meets the condition specified in § 11.6(b), or (ii) by any bank with respect to any put, call, option or other right or obligation to buy or sell securities of which it is the issuer.

NOTE.—An option, otherwise non-transferrable, is deemed to be non-transferrable even though it may be disposed of by will or by descent and distribution upon the death of the holder.

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

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

(2) Any acquisition or disposition of a bank's securities by way of gift, where the total amount of such gifts does not exceed $3,000 in market value for any six-month period, shall be exempt from section 16(a) and may be excluded from the computations prescribed in paragraph (g)(1)(ii) of this section.

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

(h) *Temporary exemption of certain persons from sections 16 (a) and (b).* During the period of 12 months following their appointment and qualification, a bank's securities held by the following persons shall be exempt from sections 16(a) and 16(b) of the Act:

(1) Executors or administrators of the estate of a decedent;

(2) Guardians or committees for an incompetent; and

(3) Receivers, trustees in bankruptcy, assignees for the benefit of creditors, conservators, liquidating agents, and similar persons duly authorized by law to administer the estate or assets of other persons. After the 12-month period following their appointment and qualification the foregoing persons shall be required to file reports under section 16(a) with respect to a bank's securities held by the estates that they administer and shall be liable for profits realized from trading in such securities pursuant to section 16(b) only when the estate being administered is a beneficial owner of more than 10 percent of any class of equity security of the bank.

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

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

Securities and Exchange Commission entered pursuant to section 17(b) of that Act.

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

(i) The person effecting the transaction is engaged in the business of distributing securities and is participating in good faith, in the ordinary course of such business, in the distribution of such block of securities;

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

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

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

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

(1) The plan has been duly approved, directly or indirectly, (i) by the holders of a majority of the securities of the bank present, or represented, and entitled to vote at the meeting at which it was approved, or by the written consent of the holders of a majority of the securities of the bank entitled to vote, or (ii) by the holders of a majority of the securities of a predecessor so entitled to vote, if the plan or obligations to participate thereunder were assumed by the bank in connection with the succession: *Provided, however,* That if such vote or written consent was not solicited substantially in accordance with the requirements, if any, in effect under § 11.5 at the time of such vote or written consent, the bank shall furnish in writing to the holders of record of the securities entitled to vote for the plan substantially the same information concerning the plan which would be required by the provisions in effect under § 11.5 at the time such information is furnished, if proxies to be voted with respect to the approval or disapproval of the plan were then being solicited, on or prior to the date of the first annual meeting of security holders held subsequent to the later of (A) the first registration of an equity security under section 12 of the Act, or (B) the acquisition of an equity security for which exemption is claimed. Such written information may be furnished by mail to the last known address of the security holders of record within 30 days prior to the date of mailing. Four copies of such written information shall be filed with, or mailed for filing to, the Comptroller of the Currency not later than the date on which it is first sent or given to security holders of the bank.

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

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

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

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

(3) The plan effectively limits, as to each participant or as to all participants, the aggregate dollar amount or the aggregate number of shares of stock that may be allocated (or may be subject to qualified, restricted, or employee stock purchase plan stock options granted) pursuant to the plan. The limitations may be established on an annual basis or for the duration of the plan, whether or not the plan has a fixed termination date. Such limitations may be determined either by fixed or maximum dollar amounts, fixed or maximum numbers of shares, formulas based upon earnings of the bank, dividends paid, compensation received by participants, option prices, market value of shares, outstanding shares or percentages thereof outstanding from time to time, or similar factors that will result in an effective and determinable limitation. Such limitations may be subject to any provisions for adjustment of the plan or of stock allocable (or options outstanding thereunder) to prevent dilution or enlargement of rights.

(4) The term "exercise of an option, warrant or right" contained in the parenthetical clause of the first paragraph of this § 11.6(l) shall not include (i) the making of any election to receive under any plan compensation in the form of stock or credits therefor: *Provided,* That such election is made either prior to the making of the award or prior to the fulfillment of all conditions to the receipt of the compensation and, *Provided further,* That such election is irrevocable until at least 6 months after termination of

employment; (ii) the subsequent crediting of such stock; (iii) the making of any election as to the time for delivery of such stock after termination of employment: *Provided*, That such election is made at least 6 months prior to any such delivery; (iv) the fulfillment of any condition to the absolute right to receive such stock, or (v) the acceptance of certificates for shares of such stock.

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

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

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

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

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

(n) *Exemption from section 16(b) of dispositions of equity securities pursuant to certain mergers or consolidations incident to formation of a bank holding company.* (1) There shall be exempt from the provisions of section 16(b) of the Act, as not comprehended within the purpose of that section, the disposition of any equity security, pursuant to a merger or consolidation, of a bank which, prior to said merger or consolidation, held over 85 percent of the combined assets of all the companies undergoing merger or consolidation, computed according to their book values, as determined by reference to their most recent available financial statements for a 12-month period prior to the merger or consolidation, if, in such merger or consolidation, there are issued, in exchange for such equity securities of such bank, equity securities of a bank holding company as defined in the Bank Holding Company Act of 1956, as amended, 12 U.S.C. 1841.

(2) Notwithstanding the foregoing, if an officer, director, or stockholder shall make any purchase (other than a purchase exempted by this paragraph or any other paragraph under section 16(b) of the Act) of an equity security of any company involved in the merger or consolidation and any sale (other than a sale exempted by this paragraph or any other paragraph under section 16(b) of the Act) of an equity security in any other company involved in the merger or consolidation within any period of less than 6 months during which the merger or consolidation took place, the exemption provided by this paragraph shall be unavailable to such officer, director, or stockholder to the extent of such purchase and sale.

(o) *Exemption from section 16(b) of transactions involving the deposit or withdrawal of equity securities under a voting trust or deposit agreement.* Any acquisition or disposition of an equity security involved in the deposit of such security under, or the withdrawal of such security from, a voting trust or deposit agreement, and the acquisition or disposition in connection therewith of the certificate representing such security, shall be exempt from the operation of section 16(b) of the Act if substantially all of the assets held under the voting trust or deposit agreement immediately after the deposit or immediately prior to the withdrawal, as the case may be, consisted of equity securities of the same class as the security deposited or withdrawn: *Provided, however*, That this paragraph shall not apply to the extent that there shall have been either (1) a purchase of an equity security of the class deposited and a sale of any certificate representing an equity security of such class, or (2) a sale of an equity security of the class deposited and a purchase of any certificate representing an equity security of such class (otherwise than in a transaction involved in such deposit or withdrawal or in a transaction exempted by any other paragraph under section 16(b) of the Act) within a period of less than 6 months which includes the date of the deposit or withdrawal.

(p) *Exemption from section 16(b) of transactions involving the conversion of equity securities.* (1) Any acquisition or disposition of an equity security involved in the conversion of an equity security which, by its terms or pursuant to the terms of the bank's corporate charter or other governing instruments, is convertible immediately or after a stated period of time into another equity security of the same bank, shall be exempt from the operation of section 16(b) of the Act: *Provided, however*, That this paragraph shall not apply to the extent that there shall have been either (i) a purchase of any equity security of the class convertible (including any acquisition of or change in a conversion privilege) and a sale of any equity security of the class issuable upon conversion, or (ii) a sale of any equity security issuable upon conversion (otherwise than in a transaction involved in such conversion or in a transaction exempted by any other paragraph under section 16(b) of the Act) within a period of less than 6 months which includes the date of conversion.

(2) For the purpose of this paragraph, an equity security shall not be deemed to be acquired or disposed of upon conversion of an equity security if the terms of the equity security converted require the payment or entail the receipt, in connection with such conversion, of cash or other property (other than equity securities involved in the conversion) equal in value at the time of conversion to more than 15 percent of the value of the equity security issued upon conversion.

(3) For the purpose of this paragraph, an equity security shall be deemed convertible if it is convertible at the option of the holder or of some other person or by operation of the terms of the security or of the governing instruments.

(q) *Exemption from section 16(b) of certain transactions involving the sale of subscription rights.* (1) Any sale of a subscription right to acquire any subject security of the same bank shall be exempt from the provisions of section 16(b) of the Act, to the extent prescribed in this paragraph, as not comprehended within the purpose of said section, if:

(i) Such subscription right is acquired, directly or indirectly, from the bank without the payment of consideration;

(ii) Such subscription right by its terms expires within 45 days after the issuance thereof; and

(iii) Such subscription right by its terms is issued on a pro rata basis to all holders of the beneficiary security of the bank.

(2) When used within this paragraph the following terms shall have the meaning indicated:

(i) The term "subscription right" means any warrant or certificate evidencing a right to subscribe to or otherwise acquire an equity security of the bank;

(ii) The term "beneficiary security" means a security registered pursuant to section 12 of the Act, to the holders of which a subscription right is granted;

(iii) The term "subject security" means a security which is the subject of a subscription right.

(3) Notwithstanding anything contained herein to the contrary, if a person purchases subscription rights for cash or other consideration, then a sale by such person of subscription rights otherwise exempted by this paragraph will not be so exempted to the extent of such purchases within the 6-month period preceding or following such sale.

(r) *Exemption of certain securities from section 16(c).* Any equity security of a bank shall be exempt from the operation of section 16(c) of the Act to the extent necessary to render lawful under such section the execution by a broker of an order for an account in which he has no direct or indirect interest.

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

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

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

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

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

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

§ 11.7 Form and content of financial statements.

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

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

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

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

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

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

(3) *Certification by independent public accountants*—(i) *Qualifications of independent public accountants.* (A) The Comptroller of the Currency will not recognize any person as a certified public accountant who is not duly registered and in good standing as such under the laws of the place of his residence or principal office. The Comptroller of the Currency will not recognize any person as a public accountant who is not in good standing and entitled to practice as such under the laws of the place of his residence or principal office.

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

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

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

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

(B) Shall designate any auditing procedures generally recognized as normal (or deemed necessary by the accountant under the circumstances of the particular case) that have been omitted, and the reasons for their omission, but no procedure that independent accountants ordinarily employ in the course of an audit made for the purpose of expressing the opinions required by paragraph (b)(3)(iii) of this section shall be omitted.

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

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

(B) The opinion of the accountant as to the consistency of the application of the accounting principles, or as to any changes in such principles which have a material effect on the financial statements as required to be set forth by paragraph (c)(5) of this section.

(iv) *Certification of financial statements by more than one independent public accountant.* If, with respect to the certification of the financial statements of any bank, the principal independent public accountant relies on an examination made by another independent public accountant of certain of the accounts of such bank or its affiliates, the certificate of such other accountant shall be filed (and the provisions of this subparagraph (3)(iv) shall be applicable thereto); however, the certificate of such other accountant need not be filed (A) if no reference is made directly or indirectly to such other accountant's examination in the principal accountant's certificate, or (B) if, having referred to such other accountant's examination, the principal accountant states in his certificate that he assumes responsibility for such other

accountant's examination in the same manner as if it had been made by him.

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

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

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

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

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

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

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

(8) *Commitments.* If material in amount, the pertinent facts relative to firm commitments for the acquisition, directly or indirectly, of fixed assets and for the purchase, repurchase, construction, or rental of assets under long-term leases shall be stated briefly in the balance sheet or in footnotes referred to therein. Where the rentals or obligations under long-term leases are material the following shall be set forth in a note to the appropriate financial statement:

(i) Total rental expense (reduced by rentals from subleases, with disclosure of such amounts) entering into the determination of results of operations for each period for which an income statement is presented shall be disclosed. Rental payments under short-term leases for a month or less which are not expected to be renewed need not be included.

(ii) The minimum rental commitments under all noncancellable leases shall be disclosed, as of the date of the latest balance sheet presented, in the aggregate, for (A) each of the five succeeding fiscal years; (B) each of the next three five-year periods; and (C) the remainder as a single amount. The amounts so determined should be reduced by rentals to be received from existing noncancellable subleases (with disclosure of the amounts of such rentals). For purposes of this subparagraph (8) (ii) a noncancellable lease is defined as one that has an initial or remaining term of more than one year and is noncancellable, or is cancellable only upon the occurrence of some remote contingency or upon the payment of a substantial penalty.

(iii) Additional disclosures shall be made to report in general terms: (A) the basis for calculating rental payments if dependent upon factors other than the lapse of time; (B) the existence and terms of renewal or purchase options, escalation clauses, etc.; (C) the nature and amount of related guarantees made or obligations assumed; (D) restrictions on paying dividends, incurring additional debt, further leasing, etc.; and (E) any other information necessary to assess the effect of lease commitments upon the financial position, results of operations, and changes in financial position of the lessee.

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

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

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

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

(iv) *Pension and retirement plans.* (A) A brief description of the essential provisions of any employee pension or retirement plan shall be given; (B) The estimated annual cost of the plan for each period for which an income statement is presented shall be stated; (C) If a plan has not been funded or otherwise provided for, the estimated amount that would be necessary to fund or otherwise provide for the past-service cost of the plan shall be disclosed; (D) The excess, if any, of the actuarially computed value of vested benefits over the total of the pension fund and any balance sheet pension accruals, less any pension prepayments or deferred charges, shall be given as of the most recent practicable date; (E) A statement shall be given of the nature and effect of significant matters affecting comparability of pension cost for any periods for which income statements are presented.

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

(B) There shall be stated the number of shares under option at the balance sheet date, and the option price and the fair value thereof (per share and in total) at the dates the options were granted; the number of shares with respect to which options became exercisable during the period, and the option price and the fair value thereof (per share and in total) at the dates the options became exercisable; and the number of shares with respect to which options were exer-

cised during the period, and the option price and the fair value thereof (per share and in total) at the dates the options were exercised. The required information may be summarized as appropriate with respect to each of the categories referred to in this paragraph (c)(9)(v)(B);

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

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

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

(viii) *Standby letters of credit.* State the amount of outstanding "standby letters of credit." For the purpose of this paragraph "standby letters of credit" include every letter of credit for similar arrangement however named or designated) which represents an obligation to the beneficiary on the part of the issuing bank (A) to pay money borrowed by or advanced to or for the accounts of the account party or (B) to make payment on account of any evidence of indebtedness undertaken by the account party, or (C) to make payment on account of any default by the account party in the performance of an obligation,[1] except that, if prior to or at the time of issuance of a standby letter of credit, the issuing bank is paid an amount equal to the bank's maximum liability under the standby letter of credit, or has set aside sufficient funds in a segregated, clearly earmarked deposit account to cover the bank's maximum liability under the standby letter of credit, then the amount of that standby letter of credit need not be stated.

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

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

[1] As defined, "standby letter of credit" would not include (a) commercial letters of credit and similar instruments where the issuing bank expects the beneficiary to draw upon the issuer and which do not "guaranty" payment of a money obligation or (b) a guaranty or similar obligation issued by a foreign branch in accordance with and subject to the limitations of Regulation M promulgated by the Board of Governors of the Federal Reserve System (12 CFR 213).

(ii) *Depreciation and amortization.* For the period for which statements of income are filed, there shall be stated the policy followed with respect to: (A) The provisions for depreciation of physical properties or valuation allowances created in lieu thereof, including the methods and, if practicable, the rates used in computing the annual amounts; (B) The provision for depreciation and amortization of intangibles, or valuation allowances created in lieu thereof, including the methods and, if practicable, the rates used in computing the annual amounts; (C) The accounting treatment for maintenance, repairs, renewals, and improvements; and (D) The adjustment of the accumulated valuation allowances for depreciation and amortization at the time the properties were retired or otherwise disposed of, including the disposition made of any profit or loss on sale of such properties.

(iii) *Bonus, profit sharing, and other similar plans.* Describe the essential provisions of any such plans in which only directors, officers or key employees may participate, and state, for each of the fiscal periods for which income statements are required to be filed, the aggregate amount provided for all plans by charges to expense.

(iv) *Income tax expense.* (A) Disclosure shall be made, in the income statement or a note thereto, of the components of income tax expense, including: (*1*) taxes currently payable; (2) the net tax effects, as applicable, of (*i*) timing differences (indicate separately the amount of the estimated tax effect of each of the various types of timing differences. Types of timing differences that are individually less than 15 percent of the deferred tax amount in the income statement may be combined. However, if no individual type of difference is more than five percent of the amount computed by multiplying the income before tax by the applicable statutory Federal income tax rate and the aggregate amount of timing differences is less than five percent of such computed amount, disclosure of each of the separate types of timing differences may be omitted.) and (*ii*) operating losses; and (*3*) the net deferred investment tax credits. Amounts applicable to United States Federal income taxes, to foreign income taxes and to other income taxes shall be stated separately for each major component, unless the amounts applicable to foreign and other income taxes do not exceed five percent of the total for the component. (B) A reconciliation shall be provided between the amount of reported total income tax expense and the amount computed by multiplying the income before tax by the applicable statutory Federal income tax rate, showing the estimated dollar amount of each of the underlying dollar causes for the difference. If no individual reconciling item amounts to more than five percent of the amount computed by multiplying the income before tax by the applicable statutory Federal income tax rate, and the total difference to be reconciled is less than five percent of such computed amount, no reconciliation need be provided unless it would be significant in appraising the trend of earnings. Reconciling items that are individually less than five percent of the computed amount may be aggregated in the reconciliation. The reconciliation may be presented in percentages rather than in dollar amounts.

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

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

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

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

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

(6) *Intercompany items and transactions.* In general, intercompany items and transactions shall be eliminated. If not eliminated, a statement of the reasons for inclusion and the methods of treatment shall be made.

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

(f) *Statement of changes in financial position.* A statement of changes in financial position shall be filed with each statement of income.

(g) *Schedules to be filed.* (1) The following schedules shall be filed with each

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

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

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

FORMS

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

FORM F-1

FORM FOR REGISTRATION OF SECURITIES OF A BANK

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

(Exact name of bank as specified in charter)

(Address of principal office)

Title of each class of securities being registered pursuant to section 12(b) of the Act[1]

Title of class:	Name of each exchange on which class is being registered:
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GENERAL INSTRUCTION

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

INFORMATION REQUIRED IN REGISTRATION STATEMENT

ITEM 1—GENERAL INFORMATION

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

ITEM 2—PARENTS AND SUBSIDIARIES OF THE BANK

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

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

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

2. In case the bank owns, directly or indirectly, approximately 50 percent of the voting securities of any person and approximately 50 percent of the voting securities of such person are owned directly or indirectly by another single interest, or if the bank takes up the equity in undistributed earnings of any other unconsolidated person, such person shall be deemed to be a subsidiary for the purpose of this item. If any person is controlled by means of the direct ownership of its securities by two or more persons listed in response to this item, so indicate by appropriate cross reference.

(c) Describe any contractual arrangement, known to the bank, including any pledge of securities of the bank or any of its parents the operation of the terms of which may at a subsequent date result in a change of control of the bank.

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

ITEM 3—DESCRIPTION OF BUSINESS

Describe briefly the business done by the bank and any significant developments or trends in such business occurring over the preceding five years. Information should be furnished as to any mergers, consolidations, or other acquisitions of assets of any other person that were consummated during such period. State the number of banking offices in each city (or county) in the United States in which the bank has offices and the number of banking offices located in each foreign country or jurisdiction. In describing the business done by the bank, the business of its subsidiaries should be included only insofar as the same is important to an understanding of the character and development of the business conducted by the total enterprise. The description shall also include without limitation, information as to matters such as the following:

(a) competitive conditions and the competitive position of the bank in its service area;

(b) by appropriate categories, the amount of loan and similar commitments (excluding check credit, overdraft, and credit card lines) as of the end of each of the last two fiscal years, and, with respect to the amount as of the end of the most recent fiscal year, the portion considered to be "firm" and the portion not reasonably expected to be exercised within the current year;

NOTES.—1. The categorization may include such items as commercial letters of credit, commitments to grant loans, and commitments to purchase loans, or such other classifications deemed appropriate by the bank. Any specific category representing more than 25 percent of the total commitments shown shall, however, be identified and specific categories representing individually less than 25 percent of the total commitments shown may be aggregated as Other Commitments.

2. If more than 25 percent of the total commitments shown are on terms whereby the prices or interest rates are not to be determined by the market conditions to be prevailing at the time of exercise of the commitments, the amount and a description of such commitments should also be disclosed.

(c) if a material portion of the bank's deposits has been obtained from a single person or a few persons (including Federal, State, and local governments and agencies thereunder), the loss of any of one or more of whom would have a materially adverse effect on the business of the bank, or if a material portion of the bank's loans is concentrated within a single industry or group of related industries, a description of such customers, their other relationships, if any, to the bank, and material facts regarding their importance to the business of the bank.

(d) the extent to which the business is or may be seasonal;

(e) appropriate disclosure shall be made with respect to the importance of and risks attendant to foreign sources and applications of funds;

(f) appropriate disclosure shall also be made as to the material effects that compliance with Federal, State and local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the bank and its subsidiaries; and

(g) the approximate number of persons employed.

ITEM 4—SUMMARY OF OPERATIONS

Furnish in comparative columnar form a summary of operations for each of the last five fiscal years. Where necessary, include information or explanation, by footnote or otherwise, of material significance to investors in appraising the results shown.

Instructions. 1. At a minimum, Items 1(h), 2(k), 3, 4, 5, 6, 7, and 10 of Form F-9B and cash dividends per share shall be shown.

2. Describe any change in accounting principles or practices, or any change in the method of applying such principles or practices, which materially affected the financial statements for the fiscal year or which is reasonably certain to affect the financial statements of future fiscal years. State the date of the change and the reasons therefor.

ITEM 5—DESCRIPTION OF BANK PREMISES AND OTHER REAL ESTATE

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

ITEM 6—ORGANIZATION WITHIN 5 YEARS

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

(a) State the names of the promoters, the nature and amount of anything of value (in-

[1] If none, so state.

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

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

ITEM 7—PENDING LEGAL PROCEEDINGS

Briefly describe any material pending legal proceedings, other than ordinary routine litigation incidental to the business, to which the bank or any of its subsidiaries is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceeding and the relief sought. Include similar information as to any such proceedings known to be contemplated by governmental authorities.

Instructions. 1. No information need be given with respect to proceedings which involve principally claims for damages if the aggregate amount involved does not exceed ten percent of the equity capital accounts of the bank and its subsidiaries on a consolidated basis. However, if any proceedings present in large degree the same issues as other proceedings pending or known to be contemplated, the amount involved in such other proceedings shall be included in computing such percentage.

2. Any material proceedings to which any director, officer or affiliate of the bank, any person holding beneficially in excess of ten percent of the bank's outstanding stock, or any associate of any such director, officer or security holder, is a party, or has a material interest adverse to the bank or any of its subsidiaries, shall also be described.

3. Notwithstanding the foregoing, administrative or judicial proceedings arising under any Federal, State or local provisions regulating the discharge of materials into the environment or otherwise relating to the protection of the environment, shall not be deemed "ordinary routine litigation incidental to the business" and shall be described if such proceeding is material to the business or financial condition of the bank or if it involves primarily a claim for damages and the amount involved, exclusive of interest and costs, exceeds 10 percent of the equity capital of the bank and its subsidiaries on a consolidated basis. Any such proceedings by governmental authorities shall be deemed material and shall be described whether or not the amount of any claim for damages involved exceeds 10 percent of equity capital on a consolidated basis and whether or not such proceedings are considered "ordinary routine litigation incidental to the business"; *Provided however,* That such proceedings which are similar in nature may be grouped and described generically stating: the number of such proceedings in each group; a generic description of such proceedings; the issues generally involved; and, if such proceedings in the aggregate are material to the business or financial condition of the bank, the effect of such proceedings on the business or financial condition of the bank.

ITEM 8—DIRECTORS AND OFFICERS

(a) List all directors and officers of the bank and all persons chosen to become directors or officers. Indicate all positions and offices with the bank held by each person named. State the age of the persons named, their terms of office, and the periods during which each such person has served. Briefly describe any arrangement or understanding between each director or officer and any other person pursuant to which such director or officer was selected to serve in that capacity. The term "officer" is defined in § 11.2(o).

Instruction. Do not include arrangements or understandings with directors or officers of the bank acting solely in their capacities as such.

(b) State the nature of any family relationship between any director or officer and any other director or officer.

Instruction. The term "family relationship" means any relationship by blood, marriage or adoption, not more remote than first cousin.

(c) Give a brief account of the business experience during the past five years of each director and each officer, including his principal occupations and employment during that period and the name and principal business of any corporation or other organization in which such occupations and employment were carried on. Where an officer has been employed by the bank or a subsidiary of the bank for less than five years, a brief explanation should be included as to the nature of the responsibilities undertaken by the individual in prior positions to provide adequate disclosure of his prior business experience.

(d) Describe any of the following events which occurred during the past ten years and which are material to an evaluation of ability and integrity of any director or officer of the bank:

(1) A petition under the Bankruptcy Act or any state insolvency law was filed by or against, or a receiver, fiscal agent or similar officer was appointed by a court for the business or property of, such person, or any partnership in which he was a general partner at or within 2 years before the time of such filing, or any corporation or business association of which he was an executive officer at or within 2 years before the time of such filing;

(2) Such person was convicted in a criminal proceeding (excluding traffic violations and other minor offenses) or is the subject of a criminal proceeding which is presently pending; or

(3) Such person was the subject of any order, judgment or decree of any court of competent jurisdiction permanently or temporarily enjoining him from acting as an investment advisor, underwriter, broker or dealer in securities, or as an affiliated person, director or employee of any investment company, bank, savings and loan association or insurance company, or from engaging in or continuing any conduct or practice in connection with any such activity or in connection with the purchase or sale of any security, or was the subject of any order of a Federal or State authority barring or suspending, for more than 60 days, the right of such person to be engaged in any such activity or to be associated with persons engaged in any such activity, which order has not been reversed or suspended.

Instruction. If any event specified in paragraph (d) has occurred but information in regard thereto is omitted on the ground that it is not material, the bank shall furnish, as supplemental information and not as a part of the registration statement, a description of the event and a statement of the reasons for the omission of information in regard thereto.

ITEM 9—INDEMNIFICATION OF DIRECTORS AND OFFICERS

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

ITEM 10—REMUNERATION OF DIRECTORS AND OFFICERS

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

(1) Each director and each of the three highest paid officers of the bank whose annual total direct remuneration exceeded $40,000, naming each such person.

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

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

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

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

3. Do not include remuneration paid to a partnership in which any director or officer was a partner. But see Item 13, below.

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

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

(b) Furnish the following information, in substantially the tabular form indicated below, as to all pension or retirement benefits proposed to be paid under any existing plan in the event of retirement at normal retirement date, directly or indirectly, by the bank or any of its subsidiaries to each director or officer named in answer to paragraph (a)(1), and to all directors and officers as a group, without naming them, but stating the number of persons included:

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

Instructions. 1. Column (B) need not be answered with respect to amounts computed on an actuarial basis under any plan that provides for fixed benefits in the event of retirement at a specified age after a specified number of years of service. In such case Columns (A) and (C) need not be answered with respect to directors and officers as a group.

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

3. In the case of any plan (other than those specified in Instruction 1) where the amount set aside each year depends upon the amount of earnings or profits of the bank or its subsidiaries for such year or a prior year (or where otherwise impracticable to state the estimated annual benefits upon retirement) there shall be set forth, in lieu of the information called for by Column (C), the aggregate amount set aside or accrued to date, unless impracticable to do so, in which case the method of computing such benefits shall be stated. In addition, furnish a brief description of the material terms of the plan, including the method used in computing the bank's contribution.

(c) Describe briefly all remuneration payments (other than accrued payments reported under paragraph (a) or (b) of this item) proposed to be made in the future, directly or indirectly, by the bank or any of its subsidiaries pursuant to any existing plan to (1) each director or officer named in answer to paragraph (a)(1), naming each such person, and (2) all directors and officers of the bank as a group, without naming them.

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

ITEM 11—OPTIONS TO PURCHASE SECURITIES

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

(a) Describe the options, stating the material provisions including the consideration received and to be received for such options by the bank and the market value of the securities called for on the granting date. If, however, the options are "qualified stock options" or "restricted stock options" or options granted pursuant to a plan qualifying as an "employee stock purchase plan" as those terms are defined in sections 422 through 424 of the Internal Revenue Code of 1954 only the following is required: (1) A statement to that effect, (2) a brief description of the terms and conditions of the options or of the plan pursuant to which they were issued, and (3) a statement of the provisions of the plan or options with respect to the relationship between the option price and the market price of the securities at the date when the options were granted, or with respect to the terms of any variable price option.

(b) State (1) the title and amount of the securities called for by such options; (2) the purchase prices of the securities called for and the expiration dates of such options; and (3) the market value of the securities called for by such options as of the latest practicable date.

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

(c) Furnish separately the information called for by paragraph (b) above for all options held by (1) each director or officer named in answer to paragraph (a)(1) of Item 10, naming each such person, and (2) all directors and officers as a group without naming them.

Instructions. 1. The extension, regranting or material amendment options shall be deemed the granting of options within the meaning of this item.

2. Where the total market value of securities called for by all outstanding options as of the specified dates referred to in this item does not exceed $10,000 for any officer or director named in answer to paragraph (a)(1) of Item 10, or $40,000 for all officers and directors as a group, this item need not be answered with respect to options held by such person or group.

ITEM 12—PRINCIPAL HOLDERS OF SECURITIES

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

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

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

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

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

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

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

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

4. The provisions of § 11.4(g)(2)(iii) shall also apply to this Item with respect to the determination of beneficial ownership.

ITEM 13—INTEREST OF MANAGEMENT AND OTHERS IN CERTAIN TRANSACTIONS

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

(1) Any director or officer of the bank;

(2) Any security holder named in answer to Item 12(a); or

(3) Any associate of any of the foregoing persons.

Instructions. 1. See Instruction 1 to Item 10(a). Include the name of each person whose interest in any transaction is described and the nature of the relationship by reason of which such interest is required to be described as well as the nature of his interest in the transaction. Where it is not practicable to state the approximate amount of the interest, the approximate amount involved in the transaction shall be indicated.

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

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

4. No information need be given in answer to this Item 13(a) as to any remuneration not received during the bank's last fiscal year or as to any remuneration or other transaction reported in response to Item 10 or 11.

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

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

(a) The rates or charges involved in the transaction are fixed by law, governmental authority, or are determined by competitive bids;

(b) The interest of the specified person in the transaction is solely that of a director of

another corporation that is a party to the transaction;

(c) The specified person is subject to this Item 13 solely as a director of the bank (or associate of a director) and his interest in the transaction is solely that of a director, officer and/or owner of less than a ten percent interest of another person which is a party to the transaction;

(d) The transaction does not involve remuneration for services, directly or indirectly, and (1) the interest of the specified persons arises from the ownership individually and in the aggregate of less than a 10 percent interest in another person that is a party to the transaction, (2) the transaction is in the ordinary course of business of the bank or its subsidiaries, and (3) the amount of such transaction or series of transactions is less than 10 percent of the equity capital accounts of the bank;

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

(f) The interest of the specified person, including all periodic installments in the case of any lease or other agreement providing for periodic payments or installments, does not exceed $40,000;

(g) the transaction consists of extensions of credit by the bank in the ordinary course of its business that (1) are made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions with other than the specified persons, (2) at no time exceed 10 percent of the equity capital accounts of the bank, or $10 million, whichever is less, and (3) do not involve more than the normal risk of collectibility or present other unfavorable features. Notwithstanding the foregoing, if aggregate extensions of credit to the specified persons, as a group, exceeded 20 percent of the equity capital accounts of the bank at any time during the preceding year, (1) the aggregate amount of such extensions of credit shall be disclosed, and (2) a statement shall be included, to the extent applicable, that the bank has had, and expects to have in the future, banking transactions in the ordinary course of its business with directors, officers, principal stockholders, and their associates, on the same terms, including interest rates and collateral on loans, as those prevailing at the same time for comparable transactions with others. For the purpose of determining "aggregate extensions of credit" in this instruction, transactions which are exempted from disclosure pursuant to other instructions to this Item 13(a) may be excluded.

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

(b) Describe briefly any transaction during the last three years, or any presently proposed transactions, to which any pension, retirement, savings or similar plan provided by the bank, or any of its parents or subsidiaries, was or is to be a party, in which any of the following persons had or is to have a direct or indirect material interest, naming such person and stating his relationship to the bank, the nature of his interest in the transaction and, where practicable, the amount of such interest:

(1) any director or officer of the bank;

(2) any security holder named in answer to Item 12(a);

(3) any relative or spouse of any of the foregoing persons, or any relative of such spouse, who has the same home as such person or who is a director or officer of any parent or subsidiary of the bank; or

(4) the bank or any of its subsidiaries.

Instructions. 1. Instructions 1, 3, 4 and 6 to Item 13(a) shall apply to this Item 13(b).

2. Without limiting the general meaning of the term "transaction" there shall be included in answer to this item any remuneration received or any loans received or outstanding during the period, or proposed to be received.

3. No information need be given in answer to this Item 13(b) with respect to—

(a) payments to the plan, or payments to beneficiaries pursuant to the terms of the plan;

(b) payment of remuneration for services not in excess of 5 percent of the aggregate remuneration received by the specified persons during the bank's last fiscal year from the bank and its subsidiaries; or

(c) any interest of the bank or any of its subsidiaries which arises solely from its general interest in the success of the plan.

ITEM 14—CAPITAL STOCK BEING REGISTERED

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

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

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

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

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

2. If the rights evidenced by the securities being registered are materially limited or qualified by the rights of any other class of securities or by the provisions of any contract or other document, include such information regarding such other securities as will enable investors to understand the rights evidenced by the securities being registered. If any securities being registered are to be offered in exchange for other securities, an appropriate description of such other securities shall be given.

No information need be given, however, as to any class of securities all of which will be redeemed and retired if appropriate steps to assure such redemption and retirement will be taken prior to registration of the securities being registered.

ITEM 15—LONG TERM DEBT BEING REGISTERED

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

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

(b) Provisions restricting the declaration of dividends or requiring the maintenance of any ratio of assets or the creation or maintenance of reserves or the maintenance of properties.

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

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

(e) Provisions with respect to the kind and priority of any lien, securing the issue, together with a brief identification of the principal properties subject to each lien.

Instructions. 1. The instructions to Item 14 shall apply to this item.

2. Provisions permitting the release of assets upon the deposit of equivalent funds or the pledge of equivalent property, the release of property no longer required in the business, obsolete property or property taken by eminent domain, the application of insurance moneys, and similar provisions, need not be described in answer to paragraph (c).

ITEM 16—OTHER SECURITIES BEING REGISTERED

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

Instruction. The instructions to Item 14 shall also apply to this item.

ITEM 17—RECENT SALES OF SECURITIES

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

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

(b) Give the names of the principal underwriters, if any. As to any securities sold privately, name the persons or identify the class of persons to whom the securities were sold.

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

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

Instructions. (1) Information need not be set forth as to notes, drafts, bills of exchange, or bank acceptances that mature not later than 12 months from the date of issuance.

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

ITEM 18—NATURE OF TRADING MARKET

As to each class of securities to be registered pursuant to Section 12(g) of the Act, state briefly the nature of the trading market, if any, in such securities, including the names of the principal market makers and the reported high and low bid prices for each quarterly period during the past three years.

Instruction. In furnishing high and low bid prices the bank may rely on quotations published in publications of national circulation, provided the source of the informa-

tion is identified. If the principal market makers are not known, it will suffice to name three market makers which are believed to be actively engaged in making a market in the securities.

ITEM 19—APPLICABILITY OF STATE LAWS

Describe briefly the manner in which the laws of the State where the bank is located may materially affect such matters as the following:

(a) *de novo* branching, banking facilities, and mergers;

(b) interest rate ceilings; and

(c) bank holding companies.

ITEM 20—FINANCIAL STATEMENTS AND EXHIBITS

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

(a) Financial statements.

(b) Exhibits.

SIGNATURES

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

(Name of bank)

By: ---

(Name and title of signing officer)

Date: ---

FORM F-1—INSTRUCTIONS AS TO FINANCIAL STATEMENTS

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

A. FINANCIAL STATEMENTS OF THE BANK

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

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

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

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

3. *Omission of Bank's Financial Statements in Certain Cases.* Notwithstanding Instructions 1 and 2, the individual financial statements of the bank may be omitted if consolidated statements of the bank and one or more of the subsidiaries are filed.

B. CONSOLIDATED STATEMENTS

4. *Consolidated Balance Sheets.* (a) There shall be filed a verified consolidated balance sheet of the bank and its majority-owned (1) bank premises subsidiaries, (2) subsidiaries operating under the provisions of section 25 or section 25(a) of the Federal Reserve Act ("Agreement Corporations" and "Edge Act Corporations"), and (3) significant subsidiaries, as of the close of the latest fiscal year of the bank, unless such fiscal year has ended within 90 days prior to the date of filing the registration statement, in which case this balance sheet may be as of the close of the preceding fiscal year.

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

5. *Consolidated Statement of Income.* (a) There shall be filed verified statements of income of the bank and its majority-owned (1) bank premises subsidiaries, (2) subsidiaries operating under the provisions of section 25 or section 25(a) of the Federal Reserve Act ("Agreement Corporations" and "Edge Act Corporations"), and (3) significant subsidiaries, for each of the 3 fiscal years preceding the date of the consolidated balance sheet required by Instruction 4(a).

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

C. UNCONSOLIDATED SUBSIDIARIES AND OTHER PERSONS

6. *Separate statements of unconsolidated subsidiaries and other persons.* There shall be filed such other verified financial statements with respect to unconsolidated subsidiaries and other persons as are material to a proper understanding of the financial position and results of operations of the total enterprise. For purposes of this item, "other persons" includes 50 percent owned persons and unconsolidated persons in which the bank takes up equity in undistributed earnings.

D. SPECIAL PROVISIONS

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

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

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

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

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

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

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

E. HISTORICAL FINANCIAL INFORMATION

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

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

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

(c) No information need be furnished with respect to any revaluation entry that was subsequently reversed or with respect to the reversal of a revaluation entry recorded prior to the period if a statement as to reversal is made.

12. *Capital Shares.* (a) If there were any material restatements of capital shares that resulted in transfers from capital share liability to surplus, undivided profits, or re-

serves, state the amount of each such restatement and all related entries. No statement need be made as to restatements resulting from the declaration of share dividends.

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

13. *Debt Discount and Expense Written Off.* If any material amount of debt discount and expense, on long-term debt still outstanding, was written off earlier than as required under any periodic amortization plan, give the following information: (a) title of the securities, (b) date of the write-off, (c) amount written off, and (d) to what account charged.

14. *Premiums and Discount and Expense on Securities Retired.* If any material amount of long-term debt or preferred shares was retired, and if either the retirement was made at a premium or there remained, at the time of retirement, a material amount of unamortized discount and expense applicable to the securities retired, state for each class (a) title of the securities retired, (b) date of retirement, (c) amount of premium paid and of unamortized discount and expense, (d) to what account charged, and (e) whether being amortized and, if so, the plan of amortization.

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

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

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

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

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

INSTRUCTIONS AS TO EXHIBITS

Subject to provisions regarding incorporation by reference, the following exhibits shall be filed as a part of the registration statement. Exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may bear the designation given in the previous filing. Where such exhibits are incorporated by reference the reference shall be made in the list of exhibits in Item 20.

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

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

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

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

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

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

6. Copies of any voting trust agreement referred to in answer to Item 12.

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

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

(1) Directors, officers, promoters, voting trustee, or security holders named in answer to Item 12(a) are parties thereto except where the contract merely involves purchase or sale of current assets having a determinable market price, at such price.

(2) It calls for the acquisition or sale of fixed assets for a consideration exceeding 10 percent of the value of all fixed assets of the bank and its subsidiaries.

(3) It is a lease under which a significant part of the property described under Item 5 is held by the bank.

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

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

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

FORM F–2—ANNUAL REPORT

PURSUANT TO SECTION 13 OF THE SECURITIES EXCHANGE ACT OF 1934

For the fiscal year ended.....

(Exact name of bank as specified in charter)

(Address of principal office)

GENERAL INSTRUCTIONS

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

B. *Annual reports to security holders.* Every bank that files an annual report on this Form F-2 shall also furnish to the Comptroller of the Currency for his information four copies of the annual report to security holders pursuant to § 11.5(c). The annual report to security holders shall not be deemed to be "filed" with the Comptroller of the Currency or otherwise subject to the liabilities of section 18 of the Act; except to the extent that the bank specifically requests that it be treated as a part of its annual report on Form F-2 or incorporates it therein by reference. Information contained in an annual report to security holders furnished to the Comptroller of the Currency pursuant to this paragraph may be incorporated by reference in answer or partial answer to any item of this form.

INFORMATION REQUIRED IN REPORT

ITEM 1—SECURITIES REGISTERED

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

ITEM 2—PARENTS AND SUBSIDIARIES OF THE BANK

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

Instructions. 1. The list or diagram shall include the bank and shall be so prepared as to show clearly the relationship of each person named to the bank and to the other persons named. If any person is controlled by means of the direct ownership of its securities by two or more persons, so indicate by appropriate cross reference.

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

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

4. The names of particular subsidiaries may be omitted if the unnamed subsidiaries, con-

sidered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

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

ITEM 3.—BUSINESS

Describe the business done or intended to be done by the bank and its subsidiaries, including any material changes during the fiscal year. In describing the business done by the bank, the business of its subsidiaries should be included only insofar as the same is important to an understanding of the character and development of the business conducted by the total enterprise. The description shall also include, without limitation, information as to matters such as the following:

(a) competitive conditions and the competitive position of the bank in its service area;

(b) by appropriate categories, the amount of loan and similar commitments (excluding check credit, over-draft, and credit card lines) as of the end of each of the last two fiscal years, and, with respect to the amount as of the end of the most recent fiscal year, the portion considered to be "firm" and the portion not reasonably expected to be exercised within the current year;

NOTE.—1. The categorization may include such items as commercial letters of credit, commitments to grant loans, and commitments to purchase loans, or such other classifications deemed appropriate by the bank. Any specific category representing more than 25 percent of the total commitments shown shall, however, be identified and specific categories representing individually less than 25 percent of the total commitments shown may be aggregated as Other Commitments.

2. If more than 25 percent of the total commitments shown are on terms whereby the prices or interest rates are not to be determined by the market conditions to be prevailing at the time of exercise of the commitments, the amount and a description of such commitments should also be disclosed.

(c) if a material portion of the bank's deposits has been obtained from a single person or a few persons (including Federal, State, and local governments and agencies thereunder), the loss of any of one or more of whom would have a materially adverse effect on the business of the bank, or if a material portion of the bank's loans is concentrated within a single industry or group of related industries, a description of such customers, their other relationships, if any, to the bank, and material facts regarding their importance to the business of the bank;

(d) the extent to which the business is or may be seasonal;

(e) appropriate disclosure shall be made with respect to the importance of and risks attendant to foreign sources and applications of funds;

(f) Appropriate disclosure shall also be made as to the material effects that compliance with Federal, State and local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the bank and its subsidiaries; and

(g) the approximate number of persons employed.

ITEM 4—SUMMARY OF OPERATIONS

Furnish in comparative columnar form a summary of operations for each of the last five fiscal years. Where necessary, include information or explanation, by footnote or otherwise, of material significance to investors in appraising the results shown.

Instructions. 1. At a minimum, Items 1(h), 2(k), 3, 4, 5, 6, 7 and 10 of Form F-9B and cash dividends per share shall be shown.

2. Describe any change in accounting principles or practices, or any change in the method of applying such principles or practices, which materially affected the financial statements for the fiscal year or which is reasonably certain to affect the financial statements of future fiscal years. State the date of the change and the reasons therefor.

ITEM 5—PENDING LEGAL PROCEEDINGS

Briefly describe any material pending legal proceedings, other than ordinary routine litigation incidental to the business, to which the bank or any of its subsidiaries is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceeding and the relief sought. Include similar information as to any such proceedings known to be contemplated by governmental authorities.

Instructions. 1. No information need be given with respect to proceedings which involve principally claims for damages if the aggregate amount involved does not exceed 10 percent of the equity capital accounts of the bank and its subsidiaries on a consolidated basis. However, if any proceedings present in large degree the same issues as other proceedings pending or known to be contemplated, the amount involved in such other proceedings shall be included in computing such percentage.

2. Any material proceedings to which any director, officer or affiliate of the bank, any person holding beneficially in excess of 10% of the bank's outstanding stock, or any associate of any such director, officer or security holder, is a party, or has a material interest, adverse to the bank or any of its subsidiaries, shall also be described.

3. Notwithstanding the foregoing, administrative or judicial proceedings arising under any Federal, State or local provisions regulating the discharge of materials into the the environment or otherwise relating to the protection of the environment shall not be deemed "ordinary routine litigation incidental to the business" and shall be described if such proceeding is material to the business or financial condition of the bank or if it involves primarily a claim for damages and the amount involved, exclusive of interest and costs, exceeds 10 percent of the equity capital of the bank and its subsidiaries on a consolidated basis. Any such proceedings by governmental authorities shall be deemed material and shall be described whether or not the amount of any claim for damages involved exceeds 10 percent of equity capital on a consolidated basis and whether or not such proceedings are considered "ordinary routine litigation incidental to the business"; *Provided, however,* That such proceedings which are similar in nature may be grouped and described generically stating: the number of such proceedings in each group; a generic description of such proceedings; the issues generally involved; and, if such proceedings in the aggregate are material to the business or financial condition of the bank, the effect of such proceedings on the business or financial condition of the bank.

ITEM 6—INCREASES AND DECREASES IN OUTSTANDING SECURITIES

Give the following information as to all increases and decreases during the fiscal year in the amount of securities of the bank outstanding:

(a) the title of the class of securities involved;

(b) the date of the transaction;

(c) the amount of securities involved and whether an increase or a decrease;

(d) a brief description of the transaction in which the increase or decrease occurred;

(e) the market price on the date of sale, if applicable;

(f) the names of the brokers, underwriters or finders, if any. As to any securities sold but which were not the subject of a public offering, name the persons or identify the class of persons to whom the securities were sold;

(g) as to securities sold for cash, state the aggregate offering price and the aggregate underwriting discounts, brokerage commissions, or finder's fees. As to any securities sold otherwise than for cash, state the nature and aggregate amount of consideration received by the bank; and

(h) in connection with any increase in outstanding securities, state whether an offering circular was used. If no offering circular was used, explain briefly the reason therefor and state whether the securities have been legended and stop-transfer instructions were given in connection therewith, and if not, state the reasons why not.

Instruction. The information shall be prepared in the form of a reconciliation between the amounts shown to be outstanding on the balance sheet to be filed with this report and the amounts shown on the bank's balance sheet for the previous year. The exercise of oustanding options or warrants (separately by class or type of option or warrant), conversions of previously issued convertible securities (separately by class of security) and the issuance of options may be grouped together showing the dates between which all such transactions occurred.

ITEM 7—OFFICERS OF THE BANK

(a) List the names and ages of all officers of the bank and all persons chosen to become officers; state the nature of any family relationship between them; indicate all positions and offices with the bank held by each such person; state his term of office as officer and the period during which he has served as such and briefly describe any arrangement or understanding between him and any other person pursuant to which he was selected as an officer.

Instructions. 1. Do not include arrangements or understandings with directors or officers of the registrant acting solely in their capacities as such.

2. The term "family relationship" means any relationship by blood, marriage or adoption, not more remote than first cousin.

(b) Give a brief account of the business experience during the past five years of each officer, including his principal occupations and employment during that period and the name and principal business of any corporation or other organization in which such occupations and employment were carried on. Where an officer has been employed by the bank or a subsidiary of the bank for less than five years, a brief explanation should be included as to the nature of the responsibilities undertaken by the individual in prior positions to provide a equate disclosure of his prior business experience.

ITEM 8—INDEMNIFICATION OF DIRECTORS AND OFFICERS

State the general effect of any charter provision, by-law, contract, arrangement or

statute under which any director or officer of the bank is insured or indemnified in any manner against any liability which he may incur in his capacity as such.

ITEM 9—FINANCIAL STATEMENTS AND EXHIBITS

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

(a) Financial statements.

(b) Exhibits.

SIGNATURES

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

(Name of bank)

By: ---

(Name and title of signing officer)

Date: ---

FORM F-2—INSTRUCTIONS AS TO FINANCIAL STATEMENTS

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

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

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

2. *Consolidated statements.* There shall be filed for the bank and its majority-owned (a) bank premises subsidiaries, (b) subsidiaries operating under the provisions of section 25 or section 25(a) of the Federal Reserve Act ("Agreement Corporations" and "Edge Act Corporations"), and (c) significant subsidiaries, in comparative columnar form, verified consolidated balance sheets as of the close of the last two fiscal years of the bank and verified consolidated statements of income for such fiscal years.

3. *Separate statements of unconsolidated subsidiaries and other persons.* There shall be filed such other verified financial statements with respect to unconsolidated subsidiaries and other persons as are material to a proper understanding of the financial position and results of operations of the total enterprise. For purposes of this instruction "other persons" includes 50 percent owned persons and unconsolidated persons in which the bank takes up equity in undistributed earnings.

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

INSTRUCTIONS AS TO EXHIBITS

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

1. Copies of all amendments or modifications, not previously filed, to all exhibits previously filed (or copies of such exhibits as amended or modified).

2. Copies of all documents of the character required to be filed as an exhibit to an original form for registration of securities of a bank which have been executed or otherwise put into effect during the fiscal year and not previously filed.

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

FORM F-3

CURRENT REPORT PURSUANT TO SECTION 13 OF THE SECURITIES EXCHANGE ACT OF 1934

For the month of ---, 19--

(Exact name of bank as specified in charter)

(Address of principal office)

GENERAL INSTRUCTIONS

A—PREPARATION OF REPORT

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

B—EVENTS TO BE REPORTED

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

C—INCORPORATION BY REFERENCE TO PROXY STATEMENT, STATEMENT WHERE MANAGEMENT DOES NOT SOLICIT PROXIES, OR ANNUAL REPORT TO SECURITY HOLDERS

Information contained in any statement previously filed with the Comptroller of the Currency pursuant to § 11.5(a) or in an annual report to security holders furnished to the Comptroller of the Currency pursuant to § 11.5(c) may be incorporated by reference in an answer or partial answer to any item or items of this form. In addition, any financial statements contained in any such statement or annual report may be incorporated by reference provided such financial statements substantially meet the requirements of this form.

INFORMATION TO BE INCLUDED IN REPORT

ITEM 1—CHANGES IN CONTROL OF BANK

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

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

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

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

ITEM 2—ACQUISITION OR DISPOSITION OF ASSETS

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

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

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

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

4. An acquisition or disposition shall be deemed to involve a significant amount of assets (a) if the net book value of such assets or the amount paid or received therefor upon such acquisition or disposition exceeded 10 percent of the total assets of the bank, or (b) if it involved the acquisition or disposition of a business whose gross operating revenues for its last fiscal year exceeded 5 percent of the gross operating revenues of the bank and its consolidated subsidiaries for the bank's latest fiscal year.

5. Where assets are acquired or disposed of through the acquisition or disposition of control of a person, the person from whom such

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

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

ITEM 3—LEGAL PROCEEDINGS

(a) Briefly describe any material pending legal proceedings, other than ordinary routine litigation incidental to the business, to which the bank or any of its subsidiaries is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceeding and the relief sought. Include similar information as to any such proceedings known to be contemplated by governmental authorities.

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

Instructions. 1. No information need be given with respect to proceedings which involve principally claims for damages if the aggregate amount involved does not exceed 10 percent of the equity capital accounts of the bank and its subsidiaries on a consolidated basis. However, if any proceedings present in large degree the same issues as other proceedings pending or known to be contemplated, the amount involved in such other proceedings shall be included in computing such percentage.

2. Any material proceedings to which any director, officer or affiliate of the bank, any person holding beneficially in excess of 10% of the bank's outstanding stock, or any associate of any such director, officer or security holder, is a party, or has a material interest, adverse to the bank or any of its subsidiaries, shall also be described.

3. Notwithstanding the foregoing, administrative or judicial proceedings arising under any Federal, State or local provisions regulating the discharge of materials into the environment or otherwise relating to the protection of the environment, shall not be deemed "ordinary routine litigation incidental to the business" and shall be described if such proceeding is material to the business or financial condition of the bank or if it involves primarily a claim for damages and the amount involved, exclusive of interest and costs, exceeds 10 percent of the equity capital of the bank and its subsidiaries on a consolidated basis. Any such proceedings by governmental authorities shall be deemed material and shall be described whether or not the amount of any claim for damages involved exceeds 10 percent of equity capital on a consolidated basis and whether or not such proceedings are considered "ordinary routine litigation incidental to the business"; *Provided, however,* that such proceedings which are similar in nature may be grouped and described generically stating: the number of such proceedings in each group; a generic description of such proceedings; the issues generally involved; and, if such proceedings in the aggregate are material to the business or financial condition of the bank, the effect of such proceedings on the business or financial condition of the bank.

ITEM 4—CHANGES IN SECURITIES

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

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

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

ITEM 5—DEFAULT UPON SENIOR SECURITIES

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

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

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

ITEM 6—INCREASE IN AMOUNT OF SECURITIES OUTSTANDING

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

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

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

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

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

(e) If the securities were capital shares, a statement of the amount of the proceeds credited or to be credited to any account other than the appropriate capital share account.

Instructions. 1. This item does not apply to notes, drafts, bills of exchange, or bank acceptances which mature not later than 12 months from the date of issuance. No report need be made where the amount not previously reported, although in excess of 5 percent of the amount previously outstanding, does not exceed $100,000 face amount of indebtedness or 1,000 shares or other units.

2. The extension of the maturity date of indebtedness shall be deemed to be the issuance of new indebtedness for the purpose of this item. In the case of such an extension, the percentage shall be computed upon the basis of the principal amount of the indebtedness extended.

ITEM 7—DECREASE IN AMOUNT OF SECURITIES OUTSTANDING

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

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

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

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

ITEM 8—OPTIONS TO PURCHASE SECURITIES

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

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

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

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

(d) The exercise prices;

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

(f) The expiration dates of the options; and

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

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

ITEM 9—EXTRAORDINARY ITEM CHARGES AND CREDITS, OTHER MATERIAL CHARGES AND CREDITS TO INCOME OF AN UNUSUAL NATURE, MATERIAL PROVISIONS FOR LOSS, AND RESTATEMENTS OF CAPITAL SHARE ACCOUNT

(a) If there have been any extraordinary item charges or credits, any other material charges or credits to income of an unusual nature, or any material provisions for loss, the following shall be furnished for each such charge, credit, or provision:

(1) The date of the bank's determination to make the charge, credit, or provision;

(2) A statement of the reasons for making the charge, credit, or provision;

(3) An analysis of the components (in dollar amounts) of the charge, credit, or provision, which includes:

(i) A description of the various types of items written down or off;

(ii) A description of any provision for losses on liquidation of assets or for other losses including a detailed schedule showing the components of any losses provided for, which schedule shows the amount of administrative and fixed costs, if any, allocated to the loss; and

(iii) A description of any estimated recoveries or costs netted against the charge or credit;

(4) A statement setting forth the years in which costs being reflected in the charge (or net credit) being described were or are expected to be incurred and the amount of cost for each year by major category;

(5) A statement setting forth the estimated amount of net cash outlays (or inflows) associated with the charge (or credit) in the year the charge (or credit) is made and in each subsequent year in which such estimate of the cash amount differs from the amount of total costs stated in subparagraph (4) for that year;

(6) A description of the accounting principles or practices followed and any changes therein or in the methods of applying such principles or practices which were made in connection with the transaction; and

(7) A report from the bank's independent accountants if any, in which they state that they have read the description in the Form F-3 of the facts set forth therein and of the accounting principles applied and whether they believe that on the basis of the facts so set forth that such accounting principles are fairly applied in conformity with generally accepted accounting principles or, if not, the respects in which they believe the principles do not conform to generally accepted accounting principles. If the financial statements of the bank included in its most recent Form F-2 were not certified by independent accountants, the report shall be submitted by the bank's principal accounting officer and auditor.

(b) If there has been a material restatement of the capital stock account of the bank resulting in a transfer from capital stock to surplus, undivided profits, or reserves, or vice versa, state the date, purpose, and amount of the restatement and give a brief explanation of all related entries in connection with the restatement.

ITEM 10—SUBMISSION OF MATTERS TO A VOTE OF SECURITY HOLDERS

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

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

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

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

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

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

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

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

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

ITEM 11—CHANGES IN BANK'S CERTIFYING ACCOUNTANT

If an independent accountant has been engaged as the principal accountant to audit the bank's financial statements who was not the principal accountant for the bank's most recently filed certified financial statements, state the date when such independent accountant was engaged. The bank shall also furnish the Comptroller of the Currency with a separate letter stating whether in the eighteen months preceding such engagement there were any disagreements with the former principal accountant on any matter of accounting principles or practices, financial statement disclosure, or auditing procedure, which disagreements if not resolved to the satisfaction of the former accountant would have caused him to make reference in connection with his opinion to the subject matter of the disagreement. The bank shall also request the former principal accountant to furnish the bank with a letter addressed to the Comptroller of the Currency stating whether he agrees with the statements contained in the letter of the bank and, if not, stating the respects in which he does not agree; and the bank shall furnish such letter to the Comptroller of the Currency together with its own.

ITEM 12—OTHER MATERIALLY IMPORTANT EVENTS

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

ITEM 13—FINANCIAL STATEMENTS AND EXHIBITS

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

(a) Financial statements.

(b) Exhibits.

SIGNATURES

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

(Name of bank)

By:

(Name and title of signing officer)

Date: ----------.

FINANCIAL STATEMENTS OF BUSINESS ACQUIRED

1—BUSINESS FOR WHICH STATEMENTS ARE REQUIRED

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

2—STATEMENTS REQUIRED

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

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

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

(d) No supporting schedules need be filed.

(e) Except as otherwise provided in this instruction, the principles applicable to a bank and its subsidiaries with respect to the filing of individual, consolidated and group statements in an original application or annual report shall be applicable to the statements required by this instruction.

3—FILING OF OTHER STATEMENTS IN CERTAIN CASES

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

EXHIBITS

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

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

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

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

4. Copies of all constituent instruments defining the rights of the holders of any new class of securities referred to in answer to Item 6.

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

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

7. Copies of any letters or reports required by Items 9 or 11.

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

FORM F-4

PART A—*Summarized financial information*

(Name of bank)

(City and State)

	3 months ending ----------		Fiscal year to date (---- months ending ----------)	
	19-- (current year)	19-- (prior year)	19-- (current year)	19-- (prior year)
1. Operating income:				
(a) Interest fees on loans				
(b) Interest and dividends on securities:				
U.S. Treasury securities				
Securities of other U.S. Government agencies and corporations				
Obligations of States and political subdivisions				
Other securities				
(c) Other operating income				
(d) Total operating income				
2. Operating expenses:				
(a) Salaries and other compensation				
(b) Interest expenses				
(c) Provision for loan losses				
(d) Other operating expenses				
(e) Total operating expenses				
3. Income before income taxes and securities gains (losses)				
4. Applicable income taxes				
5. Income before securities gains (losses)				
6. Net securities gains (losses), less related tax effect				
7. Net income:				
Earnings per common share:				
Income before securities gains (losses)				
Net income				
Cash dividends declared per common share				

PART B—BORROWINGS AND EQUITY CAPITAL

Furnish, insofar as practicable in the manner presented below, data as of the end of the latest fiscal quarter. State the date of the latest fiscal quarter----------.

1. Federal funds purchased and securities sold under agreement to repurchase	$----
2. Mortgages payable	----
3. Other liabilities for borrowed money	----
4. Subordinated notes and debentures (if more than 1 issue, list separately)	----
Equity Capital	
5. Preferred stock:	
Convertible (---- shares outstanding)	----
Nonconvertible (---- shares outstanding)	----
6. Common stock (---- shares outstanding)	----
7. Surplus	----
8. Undivided profits:	
(a) Balance at beginning of current fiscal year	----
(b) Net income to date	----
(c) Dividends declared	----
Common stock:	
Cash	----
Stock (%)	----
Preferred stock:	
Cash ($---- per share)	----
(d) Prior period adjustments (list credits and (charges) separately)	----
(e) Other credits and (charges)	----
(f) Balance at end of interim period	----
9. Reserves for contingencies	----
10. Total equity capital (items 5 through 9)	----

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

(Name of bank)

By: ----------
(Name and title of signing officer)

Date: ----------

FORM F-4—GENERAL INSTRUCTIONS

(a) *Use of Form F–4.* (1) Form F–4 is a guide for use in preparation of quarterly reports to be filed with the Comptroller of the Currency.

(2) The interim report shall be filed not later than 30 days after the end of each of the first three fiscal quarters of each fiscal year. No report need be filed for the fourth quarter of any fiscal year.

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

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

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

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

(f) *Acquisitions.* (1) If the bank has entered into a business combination with another bank or other related business treated for accounting purposes as a pooling of interests, the results of operations reported in this report—for both the current year and the preceding year—should reflect the combined results of the pooled entities. Disclosure of the separate results of the combined entities for periods prior to the combination should be given in a footnote with appropriate explanation.

(2) In case the bank has acquired a significant amount of assets in a transaction treated for accounting purposes as a purchase, during any of the periods covered by the report, the effect thereof on revenue and net income, in total and per share, should be disclosed in a footnote.

(g) The financial information to be included in this report should be prepared in conformity with the accounting principles and practices reflected in the financial statements included in the annual report filed with the Comptroller of the Currency for the preceding fiscal year, except for any changes required to be reported by § 11.7(c)(5) of this part.

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

FORM F-20

AMENDMENT TO REGISTRATION STATEMENT OR PERIODIC REPORT OF BANK

GENERAL INSTRUCTIONS

A. The form set forth hereinafter is not to be used as a blank form to be filled in but is intended solely as a guide in the preparation of an amendment to a previously filed should be given to the general requirements governing amendments, which are prescribed registration statement or report. Attention in § 11.4(u).

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

THE COMPTROLLER OF THE CURRENCY
WASHINGTON, D.C. 20219

Amendment Number ----------

to

----------[1]

on

Form F-----[2]

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

(Exact name of bank as specified in charter)

(Address of principal office)

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

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

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

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

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

(Name of bank)

By: ---

(Print name and title of signing officer under signature)

Date: ---

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

FORM F–10

REGISTRATION STATEMENT FOR ADDITIONAL CLASSES OF SECURITIES OF A BANK

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

(Exact name of bank as specified in charter)

(Address of principal office)

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

Title of class	*Name of each exchange on which class is being registered*
---	---

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

GENERAL INSTRUCTIONS

1—APPLICABILITY OF THIS FORM

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

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

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

2—PREPARATION OF REGISTRATION STATEMENT

This form is not to be used as a blank form to be filled in but only as a guide in the preparation of a registration statement. Particular attention should be given to the general requirements in § 11.4 of this part. The statement shall contain the numbers and motions of all items, but the text of the items may be omitted if the answers with respect thereto are prepared in the manner specified in § 11.4(a).

INFORMATION REQUIRED IN REGISTRATION STATEMENT

ITEM 1—STOCK TO BE REGISTERED

If stock is being registered, state the title of the class and furnish the following information (see Instruction 1):

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

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

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

Instructions. 1. If a description of the securities comparable to that required here is contained in any other document filed with the Comptroller of the Currency, such description may be incorporated by reference to such other filing in answer to this item. If the securities are to be registered on a national securities exchange and the description has not previously been filed with such exchange, copies of the description shall be filed with copies of the registration statement filed with the exchange.

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

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

ITEM 2—DEBT SECURITIES TO BE REGISTERED

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

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

(b) Provisions with respect to the kind and priority of any lien securing the issue, together with a brief identification of the principal properties subject to such lien;

(c) Provisions restricting the declaration of dividends or requiring the maintenance of any ratio of assets, the creation or maintenance of reserves or the maintenance of properties;

(d) Provisions permitting or restricting the issuance of additional securities, the withdrawal of cash deposited against such issuance, the incurring of additional debt, the release or substitution of assets securing the issue, the modification of the terms of the security, and similar provisions;

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

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

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

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

ITEM 3—OTHER SECURITIES TO BE REGISTERED

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

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

ITEM 4—EXHIBITS

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

SIGNATURE

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

Date: ---

(Name of Bank)

By: ---

(Name and title of signing officer)

INSTRUCTIONS AS TO EXHIBITS

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

1. Specimens or copies of each security to be registered hereunder.

2. Copies of all constituent instruments defining the rights of the holders of each class of such securities, including any contracts or other documents which limit or qualify the rights of such holders.

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

COMPTROLLER OF THE CURRENCY
FORM F–11

STATEMENT TO BE FILED PURSUANT TO § 11.4(g) (2) OR § 11.5(l) OF PART 11

GENERAL INSTRUCTIONS

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

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

ITEM 1—SECURITY AND BANK

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

ITEM 2—IDENTITY AND BACKGROUND

State the following with respect to the person filing this statement:

(a) Name and business address;

(b) Residence address;

(c) Present principal occupation or employment and the name, principal business and address of any corporation or other organization in which such employment is carried on;

(d) Material occupations, positions, offices or employments during the last 10 years, giving the starting and ending dates of each and the name, principal business and address of any business corporation or other organization in which each such occupation, position, office or employment was carried on; and

(e) Whether or not, during the last 10 years, such person has been convicted in a criminal proceeding (excluding traffic violations or similar misdemeanors) and, if so, give the dates, nature of conviction, name and location of court, and penalty imposed, or other disposition of the case.

ITEM 3—SOURCE AND AMOUNT OF FUNDS OR OTHER CONSIDERATION

State the source and amount of funds or other consideration used or to be used in making the purchases, and if any part of the purchase price, if this form is filed pursuant to § 11.5(1) relating to tender offers, the proposed purchase price is represented or is to be represented by funds, or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding, or trading the securities, a description of the transaction and the names of the parties thereto.

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

ITEM 4—PURPOSE OF TRANSACTION

State the purpose or purposes of the purchase or, if this form is filed pursuant to § 11.5(1) relating to tender offers, the proposed purchase of the securities. If the purpose of such purchases or proposed purchases is to acquire control of the bank, describe any plans or proposals which such person may have to liquidate such bank, to sell its assets to or merge it with any other person, or to make any other major change in its business or corporate structure.

ITEM 5—INTEREST IN SECURITIES OF THE BANK

State the number of shares of the security which are beneficially owned, and the number of shares concerning which there is a right to acquire, directly or indirectly, by (a) such person, and (b) each associate of such person, giving the name and address of each such associate. Furnish information as to all transactions in the class of securities to which this statement relates which were effected during the past 60 days by the person filing this statement and by its subsidiaries and their officers, directors and associates.

ITEM 6—CONTRACTS, ARRANGEMENTS, OR UNDERSTANDINGS WITH RESPECT TO SECURITIES OF THE BANK

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

ITEM 7—PERSONS RETAINED, EMPLOYED OR TO BE COMPENSATED

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

ITEM 8—MATERIAL TO BE FILED AS EXHIBITS

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

SIGNATURE

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

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(Date) (Signature)

If the statement is signed on behalf of a person by an authorized representative, evidence of the representative's authority to sign on behalf of such person shall be filed with the statement.

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

FORM F-5

PROXY STATEMENT OR STATEMENT WHERE MANAGEMENT DOES NOT SOLICIT PROXIES

GENERAL INSTRUCTIONS

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

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

INFORMATION REQUIRED IN STATEMENT

ITEM 1—REVOCABILITY OF PROXY

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

ITEM 2—DISSENTERS' RIGHTS OF APPRAISAL

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

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

ITEM 3—PERSONS MAKING THE SOLICITATION

(a) Solicitations not subject to § 11.5(1):

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

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

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

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

(b) Solicitations subject to § 11.5(1):

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

(2) If regular employees of the bank or any other participants in a solicitation have been or are to be employed to solicit security holders, describe the class or classes of employees to be so employed, and the manner and nature of their employment for such purpose;

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

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

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

Instruction. With respect to solicitations subject to § 11.5(1), costs and expenditures within the meaning of this Item 3 shall include fees for attorneys, accountants, public relations or financial advisers, solicitors, advertising, printing, transportation, litigation, and other costs incidental to the solicitation, except that the bank may exclude the amounts of such costs represented by the amount normally expended for a solicitation for an election of directors in the absence of a contest, and costs represented by salaries and wages of regular employees and officers, provided a statement to that effect is included in the proxy statement.

ITEM 4—INTEREST OF CERTAIN PERSONS IN MATTERS TO BE ACTED UPON

(a) Solicitations not subject to § 11.5(1): Describe briefly any substantial interest, direct or indirect, by security holdings or other-

wise, of each of the following persons in any matter to be acted upon, other than elections to office:

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

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

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

(4) Each associate of the foregoing persons.

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

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

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

(2) With respect to any person named in answer to Item 6(b), describe any substantial interest, direct or indirect, by security holdings or otherwise, that he has in any matter to be acted upon at the meeting, and furnish the information called for by Item 4 (b) and (c) of Form F-6.

ITEM 5—VOTING SECURITIES AND PRINCIPAL HOLDERS THEREOF

(a) State, as to each class of voting securities of the bank entitled to be voted at the meeting, the number of shares outstanding and the number of votes to which each class is entitled.

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

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

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

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

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

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

ITEM 6—NOMINEES AND DIRECTORS

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

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

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

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

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

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

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

(d) If action is to be taken with respect to the election of directors, state whether or not the bank's articles of association or by-laws contain provisions restricting nominations by shareholders at the meeting and, if such provisions exist, provide an adequate summary thereof.

ITEM 7—REMUNERATION AND OTHER TRANSACTIONS WITH MANAGEMENT AND OTHERS

Furnish the information called for by this item if action is to be taken with respect to (1) the election of directors, (2) any bonus, profit sharing or other remuneration plan, contract or arrangement in which any director, nominee for election as a director, or officer of the bank will participate, (3) any pension or retirement plan in which any such person will participate, or (4) the granting or extension to any such person of any options, warrants, or rights to purchase any securities, other than warrants or rights issued to security holders, as such, on a pro rata basis. However, if the solicitation is made on behalf of persons other than the management, the information required need be furnished only as to nominees for election as directors and as to their associates.

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

(1) Each director of the bank whose aggregate direct remuneration exceeded $40,000, and each of the three highest paid officers of the bank whose aggregate direct remuneration exceeded that amount, naming each such director and officer;

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

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

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

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

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

(b) Furnish the following information, in substantially the tabular form indicated, as to all pension or retirement benefits proposed to be paid under any existing plan in the event of retirement at normal retirement date, directly or indirectly, by the bank or any of its subsidiaries to each director or officer named in answer to paragraph (a) (1) and all directors and officers as a group, without naming them, but stating the number of persons included:

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

Instructions. 1. Column (B) need not be answered with respect to payments computed on an actuarial basis under any plan which provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service. In such case, Columns (A) and (C) need not be answered with respect to directors and officers as a group.

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

3. In the case of any plan (other than those specified in Instruction 1) where the amount set aside each year depends upon the amount of earnings of the bank or its subsidiaries for such a year or a prior year (or where otherwise impracticable to state the estimated annual benefits upon retirement)

there shall be set forth, in lieu of the information called for by column (C), the aggregate amount set aside or accrued to date, unless impracticable to do so, in which case the method of computing such benefits shall be stated. In addition, furnish a brief description of the material terms of the plan, including the method used in computing the bank's contribution.

(c) Describe briefly all remuneration payments (other than payments reported under paragraph (a) or (b) of this item) proposed to be made in the future, directly or indirectly, by the bank or any of its subsidiaries pursuant to any existing plan or arrangement to (1) each director or officer named in answer to paragraph (a)(1), naming such person, and (2) all directors and officers of the bank as a group, without naming them.

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

(d) Furnish the following information as to all options to purchase securities, from the bank or any of its subsidiaries, which were granted to or exercised by the following persons since the beginning of the bank's last fiscal year and as to all options held by such persons as of the latest practicable date: (1) Each director or officer named in answer to paragraph (a)(1), naming each such person; and (2) all directors and officers of the bank as a group, without naming them:

(1) As to options granted, state (i) the title and amount of securities called for; (ii) the prices, expiration dates, and other material provisions; and (iii) the market value of the securities called for on the granting date;

(2) As to options exercised, state (i) the title and amount of securities purchased; (ii) the aggregate purchase price; and (iii) the aggregate market value of the securities purchased on the date of purchase;

(3) As to all unexercised options held as of the latest practicable date, regardless of when such options were granted, state (i) the title and aggregate amount of securities called for; (ii) the range of option prices; and (iii) the per share market prices of the securities subject to option, as of the latest practicable date.

Instructions. 1. The extension, regranting, or material amendment of options shall be deemed the granting of options within the meaning of this paragraph.

2. This item need not be answered with respect to options granted, exercised, or outstanding, as may be specified therein, where the total market value (a) on the granting date of the securities called for by all options granted during the period specified, (b) on the dates of purchase of all securities purchased through the exercise of options during the period specified, or (c) as of the latest practicable date, of the securities called for by all options held at such time, does not exceed $10,000 for any officer or director named in answer to paragraph (a)(1), or $40,000 for all officers and directors as a group.

3. The information for all directors and officers as a group regarding market value of the securities on the granting date of the options and on the purchase date may be given in the form of price ranges for each calendar quarter during which options were granted or exercised.

(e) If to the knowledge of the persons on whose behalf the solicitation is made any indebtedness to the bank has arisen since the beginning of the bank's last fiscal year under section 16(b) of the Securities Exchange Act of 1934, as a result of transactions in the bank's stock (or other equity securities) by any director, officer, or security holder named in answer to Item 5(d), which indebtedness has not been discharged by payment, state the amount of any profit realized and whether suit will be brought or other steps taken to recover such profit. If, in the opinion of counsel, a question reasonably exists as to the recoverability of such profit, only facts necessary to describe the transactions, including the prices and number of shares involved, need be stated.

(f) Describe briefly, and where practicable state the approximate amount of, any material interest, direct or indirect, of any of the following persons in any material transactions since the beginning of the bank's last fiscal year, or in any material proposed transactions, to which the bank or any of its subsidiaries was or is to be a party:

(1) Any director or officer of the bank;

(2) Any nominee for election as a director;

(3) Any security holder named in answer to Item 5(d); or

(4) Any associate of any of the foregoing persons.

Instructions. 1. See Instruction 1 to paragraph (a). Include the name of each person whose interest in any transaction is described and the nature of the relationship by reason of which such interest is required to be described as well as the nature of his interest. Where it is not practicable to state the approximate amount of the interest, the approximate amount involved in the transaction shall be indicated.

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

3. The instruction to Item 4 shall apply to this item.

4. No information need be given under this paragraph as to any remuneration or other transaction reported in response to (a), (b), (c), (d), or (e) of this item.

5. No information need be given under this paragraph as to any transaction or any interest therein where:

(a) The rates or charges involved in the transaction are fixed by law, governmental authority, or are determined by competitive bids;

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

(c) The specified person is subject to this Item 7(f) solely as a director of the bank (or associate of a director) and his interest in the transaction is solely that of a director of, officer of, and/or owner of less than a 10 percent interest in, another person that is a party to the transaction;

(d) The transaction consists of extensions of credit by the bank in the ordinary course of its business that (1) are made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions with other than the specified persons, (2) at no time exceed 10 percent of the equity capital accounts of the bank, or $10 million, whichever is less, and (3) do not involve more than the normal risk of collectibility or present other unfavorable features. Notwithstanding the foregoing, if aggregate extensions of credit to the specified persons, as a group, exceeded 20 percent of the equity capital accounts of the bank at any time during the preceding year, (1) the aggregate amount of such extensions of credit shall be disclosed, and (2) a statement shall be included, to the extent applicable, that the bank has had, and expects to have in the future, banking transactions in the ordinary course of its business with directors, officers, principal stockholders, and their associates, on the same terms, including interest rates and collateral on loans, as those prevailing at the same time for comparable transactions with others. For the purpose of determining "aggregate extensions of credit" in this instruction, transactions which are exempted from disclosure pursuant to other instructions to this Item may be excluded;

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

(f) The interest of the specified person, including all periodic installments in the case of any lease or other agreement providing for periodic installments, does not exceed $40,000.

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

(g) Describe briefly any transactions since the beginning of the bank's last fiscal year or any presently proposed transactions to which any pension, retirement, savings, or similar plan provided by the bank or any of its parents or subsidiaries was or is to be a party, in which any of the following persons had or is to have a direct or indirect material interest, naming such person and stating his relationship to the bank, the nature of his interest in the transaction and, where practicable, the amount of such interest:

(1) Any director or officer of the bank;

(2) Any nominee for election as a director;

(3) Any security holder named in answer to Item 5(d);

(4) Any relative or spouse of any of the foregoing persons, or any relative of such spouse, who has the same home as such person or who is a director or officer of any parent or subsidiary of the bank; or

(5) The bank or any of its subsidiaries.

Instructions. 1. Instructions 1, 2, 5 and 6 to Item 7(f) shall apply to this Item 7(g).

2. Without limiting the general meaning of the term "transaction" there shall be included in answer to this Item 7(g) any remuneration received or any loans received or outstanding during the period, or proposed to be received.

3. No information need be given in answer to this Item 7(g) with respect to—

(a) payments to the plan or payments to beneficiaries pursuant to the terms of the plan;

(b) payment of remuneration for services not in excess of 5 percent of the aggregate remuneration received by the specified person during the bank's last fiscal year from the bank and its subsidiaries; or

(c) any interest of the bank or any of its subsidiaries which arises solely from its general interest in the success of the plan.

ITEM 8—SELECTION OF AUDITORS

If action is to be taken with respect to the selection or approval of auditors, or if it is proposed that particular auditors shall be recommended by any committee to select auditors for whom votes are to be cast, name the auditors and describe briefly any direct financial interest or any material indirect financial interest in the bank or any of its parents or subsidiaries, or any connection during the past 3 years with the bank or any

of its parents or subsidiaries in the capacity of promoter, underwriter, voting trustee, director, officer, or employee. If the auditors to be selected are other than those which were engaged as the principal auditors for the bank's most recently filed certified financial statements, briefly summarize the circumstances and conditions surrounding the proposed change of such auditors.

ITEM 9—BONUS, PROFIT-SHARING, AND OTHER REMUNERATION PLANS

If action is to be taken with respect to any bonus, profit-sharing or other remuneration plan, furnish the following information:

(a) Describe briefly the material features of the plan, identify each class of persons who will participate therein, indicate the approximate number of persons in each such class and state the basis of such participation;

(b) State separately the amounts which would have been distributable under the plan during the last fiscal year of the bank (1) to directors and officers, and (2) to employees, if the plan had been in effect.

(c) State the name and position with the bank of each person specified in Item 7(a) who will participate in the plan and the amount which each such person would have received under the plan for the last fiscal year of the bank if the plan had been in effect;

(d) Furnish such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit-sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans, now in effect or in effect within the past 2 years, for (1) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (2) all directors and officers of the bank as a group, if any director or officer may participate in the plan, and (3) all employees, if employees may participate in the plan;

(e) If the plan to be acted upon can be amended otherwise than by a vote of stockholders to increase the cost thereof to the bank or to alter the allocation of the benefits as between the groups specified in (b), state the nature of the amendments which can be so made.

(f) If action is to be taken with respect to the amendment or modification of an existing plan, this item shall be answered with respect to the plan as proposed to be amended or modified and shall indicate any material differences from the existing plan.

Instruction. If the plan is set forth in a formal plan, contract, or arrangement, three copies thereof shall be filed with the Comptroller at the time preliminary copies of the Statement are filed pursuant to section 11.5(f).

ITEM 10—PENSION AND RETIREMENT PLANS

If action is to be taken with respect to any pension or retirement plan, furnish the following information:

(a) Describe briefly the material features of the plan, identify each class of persons who will be entitled to participate therein, indicate the approximate number of persons in each such class, and state the basis of such participation.

(b) State (1) the approximate total amount necessary to fund the plan with respect to past services, the period over which such amount is to be paid, and the estimated annual payments necessary to pay the total amount over such period, (2) the estimated annual payment to be made with respect to current services, and (3) the amount of such annual payments to be made for the benefit of (i) directors and officers, and (ii) employees.

(c) State (1) the name and position with the bank of each person specified in Item 7(a) who will be entitled to participate in the plan, (2) the amount which would have been paid or set aside by the bank and its subsidiaries for the benefit of such person for the last fiscal year of the bank if the plan had been in effect, and (3) the amount of the annual benefits estimated to be payable to such person in the event of retirement at normal retirement date.

(d) Furnish such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit-sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans, now in effect or in effect within the past 2 years, for (1) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (2) all directors and officers of the bank as a group, if any director or officer may participate in the plan, and (3) all employees, if employees may participate in the plan.

(e) If the plan to be acted upon can be amended otherwise than by a vote of stockholders to increase the cost thereof to the bank or alter the allocation of the benefits as between the groups specified in (b)(3), state the nature of the amendments which can be so made.

(f) If action is to be taken with respect to the amendment or modification of an existing plan, this item shall be answered with respect to the plan as proposed to be amended or modified and shall indicate any material differences from the existing plan.

Instructions. 1. The information called for by paragraph (b)(3) or (c)(2) need not be given as to payments made on an actuarial basis pursuant to any group pension plan which provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service.

2. The instruction to Item 9 shall apply to this item.

ITEM 11—OPTIONS, WARRANTS, OR RIGHTS

If action is to be taken with respect to the granting, extension or amendment of any options, warrants, or rights to purchase securities of the bank or any subsidiary, furnish the following information:

(a) State (1) the title and amount of securities called for or to be called for by such options, warrants, or rights; (2) the prices, expiration dates, and other material conditions upon which the options, warrants, or rights may be exercised; (3) the consideration received or to be received by the bank or subsidiary for the granting or extension of the options, warrants or rights; (4) the market value of the securities called for or to be called for by the options, warrants, or rights as of the latest practicable date; and (5) in the case of options, the Federal income tax consequences of the issuance and exercise of such options to the recipient and to the bank.

(b) State separately the amount of options, warrants, or rights received or to be received by the following persons, naming each such person: (1) Each director or officer named in answer to Item 7(a); (2) each nominee for election as a director of the bank; (3) each associate of such directors, officers, or nominees; and (4) each other person who received or is to receive 5 percent or more of such options, warrants, or rights. State also the total amount of such options, warrants, or rights received or to be received by all directors and officers of the bank as a group, without naming them.

(c) Furnish such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit-sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans, now in effect or in effect within the past 2 years, for (1) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (2) all directors and officers of the bank as a group, if any director or officer may participate in the plan; and (3) all employees, if employees may participate in the plan.

Instructions. 1. Paragraphs (b) and (c) do not apply to warrants or rights to be issued to security holders as such on a pro rata basis.

2. The instruction to Item 9 shall apply to paragraph (c) of this item.

3. Include in the answer to paragraph (c) as to each director or officer named in answer to Item 7(a) and as to all directors and officers as a group (1) the amount of securities acquired during the past 2 years through the exercise of options granted during the period or prior thereto, (2) the amount of securities sold during such period of the same class as those acquired through the exercise of such options, and (3) the amount of securities subject to all unexercised options held as of the latest practicable date.

ITEM 12—AUTHORIZATION OR ISSUANCE OF SECURITIES OTHERWISE THAN FOR EXCHANGE

If action is to be taken with respect to the authorization or issuance of any securities otherwise than in exchange for outstanding securities of the bank, furnish the following information:

(a) State the title and amount of securities to be authorized or issued;

(b) Furnish a description of the material provisions of the securities such as would be required in a registration statement filed pursuant to this part. If the terms of the securities cannot be stated or estimated with respect to any or all of the securities to be authorized, because no offering thereof is contemplated in the proximate future, and if no further authorization by security holders for the issuance thereof is to be obtained, it should be stated that the terms of the securities to be authorized, including dividend or interest rates, conversion prices, voting rights, redemption prices, maturity dates, and similar matters will be determined by the board of directors of the bank. If the securities are additional shares of common stock of a class outstanding, the description may be omitted;

(c) Describe briefly the transaction in which the securities are to be issued, including a statement as to (1) the nature and approximate amount of consideration received or to be received by the bank, and (2) the approximate amount devoted to each purpose so far as determinable, for which the net proceeds have been or are to be used. If it is impracticable to describe the transaction in which the securities are to be issued, indicate the purpose of the authorization of the securities, and state (1) whether further authorization for the issuance of the securities by a vote of security holders will be solicited prior to such issuance and (2) whether present security holders will have preemptive rights to purchase such securities.

ITEM 13—MODIFICATION OR EXCHANGE OF SECURITIES

If action is to be taken with respect to the modification of any class of securities of the bank, or the issuance or authorization for issuance of securities of the bank in exchange for outstanding securities of the bank, furnish the following information:

(a) If outstanding securities are to be modified, state the title and amount thereof. If securities are to be issued in exchange for

outstanding securities, state the title and amount of securities to be so issued, the title and amount of outstanding securities to be exchanged therefor, and the basis of the exchange.

(b) Describe any material differences between the outstanding securities and the modified or new securities with respect to any of the matters concerning which information would be required in the description of the securities in a registration statement filed pursuant to this part.

(c) State the reasons for the proposed modification or exchange and the general effect thereof upon the rights of existing security holders.

(d) Furnish a brief statement as to arrears in dividends or as to defaults in principal or interest with respect to the outstanding securities which are to be modified or exchanged and such other information as may be appropriate in the particular case to disclose adequately the nature and effect of the proposed action.

(e) Outline briefly any other material features of the proposed modification or exchange.

(f) The instruction to Item 9 shall apply to this item.

ITEM 14—MERGERS, CONSOLIDATIONS, ACQUISITIONS, AND SIMILAR MATTERS

If action is to be taken with respect to any plan for (1) the merger or consolidation of the bank into or with any other person, or of any other person into or with the bank, (2) the acquisition by the bank or any of its subsidiaries of securities of another bank, (3) the acquisition by the bank of any other going business or of the assets thereof, (4) the sale or other transfer of all or any substantial part of the assets of the bank, or (5) the voluntary liquidation or dissolution of the bank:

(a) Outline briefly the material features of the plan. State the reasons therefor and the general effect thereof upon the interests of existing security holders. If the plan is set forth in a written document, file three copies thereof with the Comptroller when preliminary copies of the statement are filed pursuant to § 11.5(f).

(b) Furnish the following information as to the bank and each person (other than subsidiaries substantially all of the stock of which is owned by the bank) which is to be merged into the bank, or into or with which the bank is to be merged or consolidated, or the business or assets of which are to be acquired, or which is the issuer of securities to be acquired by the bank or its shareholders or any of the bank's subsidiaries in exchange for all or a substantial part of its assets:

(1) A brief description of the business and property of each such person in substantially the manner required by Form F-1;

(2) A brief statement as to defaults in principal or interest with respect to any securities of the bank or of such person, and as to the effect of the plan thereon and such other information as may be appropriate in the particular case to disclose adequately the nature and effect of the proposed action;

(3) Such information with respect to the proposed management of the surviving bank as would be required by Items 6 and 7 of this Form F-5. Information concerning remuneration of management may be projected for the current year based on remuneration actually paid or accrued by each of the constituent persons during the last calendar year. If significantly different, proposed compensation arrangements should also be described;

(4) A tabular presentation of the existing and pro forma capitalization;

(5) In columnar form, for each of the last 3 fiscal years, a historical summary of earnings. Such summary is to be concluded by indicating per share amounts of income before securities gains (losses), net income, and dividends declared for each period reported. (Extraordinary items, if any, should be appropriately reported and per share amounts of securities gains (losses) should be included);

(6) In columnar form, for each of the last 3 fiscal years, a combined pro forma summary of earnings, as appropriate in the circumstances, similar in structure to the historical summary of earnings. If the transaction establishes a new basis of accounting for assets of any of the persons included therein, the pro forma summary of earnings shall be furnished only for the most recent fiscal year and interim period and shall reflect appropriate pro forma adjustments resulting from such new basis of accounting;

(7) A tabular presentation of comparative per share data of the constituent banks or other persons pertaining to:

(1)(i) Income before securities gains (losses), (ii) net income, and (iii) dividends declared, for each of the last three fiscal years; and

(2) Book value per share, at the date of the Balance Sheets included in the statement.

The comparative per share data shall be presented on a historical and pro forma basis (except dividends which are to be furnished on historical basis only) and equated to a common basis in exchange transactions;

(8) To the extent material for the exercise of prudent judgment, the historical and pro forma earnings data specified in (5), (6), and (7) above for the latest available interim period of the current and prior fiscal years.

Instructions. 1. Historical statements of income in their entirety, as required by Item 15, may be furnished in lieu of the summary of earnings specified in subparagraph (5). If summary earnings information is presented, show, at a minimum, operating revenues, operating expenses, income before income taxes and security gains (losses), applicable income taxes, income before securities gains (losses), securities gains (losses), and net income. The summary shall reflect retroactive adjustments of any material items affecting the comparability of the results.

2. In connection with any interim period or periods between the end of the last fiscal year and the balance sheet date, and any comparable prior period, a statement shall be made that all adjustments necessary to a fair statement of the results for such interim period or periods have been included, and results of the interim period for the current year are not necessarily indicative of results for the entire year. In addition, there shall be furnished in such cases, as supplemental information but not as a part of the proxy statement, a letter describing in detail the nature and amount of any adjustments, other than normal recurring accruals, entering into the determination of the results shown.

3. The information required by this Item 14(b) is required in a statement of the "acquiring" or "surviving" bank only where a "significant" merger or acquisition is to be voted upon. For purposes of this item, the term "significant" merger or acquisition shall mean a transaction where either (a) the net book value of assets to be acquired or the amount paid therefor exceed 5 percent of the equity capital accounts of the acquiring bank, or (b) in an exchange transaction, the number of shares to be issued exceeds 5 percent of the outstanding shares of the acquiring bank, or (c) gross operating revenues for the last fiscal year of the person to be acquired exceeded 5 percent of the gross operating revenues for the last fiscal year of the acquiring bank. If less than a "significant" merger acquisition is to be voted upon, such information need only be included to the extent necessary for the exercise of prudent judgment with respect thereto.

(c) As to each class of securities of the bank, or of any person specified in paragraph (b), which is admitted to dealing on a national securities exchange or with respect to which a market otherwise exists, and which will be materially affected by the plan, state the high and low sale prices (or, in the absence of trading in a particular period, the range of the bid and asked prices) for each quarterly period within 2 years. This information may be omitted if the plan involves merely the voluntary liquidation or dissolution of the bank.

ITEM 15—FINANCIAL STATEMENTS

(a) If action is to be taken with respect to any matter specified in Items 12, 13, or 14 above, furnish verified financial statements of the bank and its subsidiaries such as would be required in a registration statement filed pursuant to this part. In addition, the latest available interim date balance sheet and statement of income for the interim period between the end of the last fiscal year and the interim balance sheet date, and comparable prior period, shall be furnished. All schedules, except Schedule VII—"Allowance for Possible Loan Losses," may be omitted.

(b) If action is to be taken with respect to any matter specified in Item 14(b), furnish for each person specified therein, other than the bank, financial statements such as would be required in a registration statement filed pursuant to this part. In addition, the latest available interim date balance sheet and statement of income for the interim period between the end of the last fiscal year and the interim balance sheet date, and comparable prior period, shall be furnished. However, the following may be omitted: (1) All schedules, except Schedule VII—"Allowance for Possible Loan Losses"; and (2) statements for a subsidiary, all of the stock of which is owned by the bank, that is included in the consolidated statement of the bank and its subsidiaries. Such statements shall be verified, if practicable.

(c) Notwithstanding paragraphs (a) and (b) above, any or all of such financial statements which are not material for the exercise of prudent judgment in regard to the matter to be acted upon may be omitted. Such financial statements are deemed material to the exercise of prudent judgment in the usual case involving the authorization or issuance of any material amount of senior securities, but are not deemed material in cases involving the authorization or issuance of common stock, otherwise than in an exchange, merger, consolidation, acquisition, or similar transaction.

(d) The statement may incorporate by reference any financial statements contained in an annual report sent to security holders pursuant to § 11.5(c) with respect to the same meeting as that to which the statement relates, provided such financial statements substantially meet the requirements of this item.

ITEM 16—ACTION WITH RESPECT TO REPORTS

If action is to be taken with respect to any report of the bank or of its directors, officers, or committees or any minutes of a meeting of its security holders, furnish the following information:

(a) State whether or not such action is to constitute approval or disapproval of any of the matters referred to in such reports or minutes;

(b) Identify each of such matters which it is intended will be approved or disapproved, and furnish the information required by the appropriate item or items of this section with respect to each such matter.

ITEM 17—MATTERS NOT REQUIRED TO BE SUBMITTED

If action is to be taken with respect to any matter which is not required to be submitted to a vote of security holders, state the nature of such matter, the reasons for submitting it to a vote of security holders and what action is intended to be taken by the management in the event of a negative vote on the matter by the security holders.

ITEM 18—AMENDMENT OF CHARTER, BYLAWS, OR OTHER DOCUMENTS

If action is to be taken with respect to any amendment of the bank's charter, bylaws, or other documents as to which information is not required above, state briefly the reasons for and general effect of such amendment.

ITEM 19—RESTATEMENT OF ACCOUNTS

If action is to be taken with respect to the restatement of any asset, capital, or surplus account of the bank, furnish the following information:

(a) State the nature of the restatement and the date as of which it is to be effective;

(b) Outline briefly the reasons for the restatement and for the selection of the particular effective date;

(c) State the nature and amount of each account (including any reserve accounts) affected by the restatement and the effect of the restatement thereon. Tabular presentation of the amounts shall be made when appropriate, particularly in the case of recapitalizations;

(d) To the extent practicable, state whether and the extent, if any, to which the restatement will, as of the date thereof, alter the amount available for distribution to the holders of equity securities.

ITEM 20—OTHER PROPOSED ACTION

If action is to be taken with respect to any matter not specifically referred to above, describe briefly the substance of each such matter in substantially the same degree of detail as is required by Items 5 to 19, inclusive, above.

ITEM 21—VOTE REQUIRED FOR APPROVAL

As to each matter which is to be submitted to a vote of security holders, other than elections to office or the selection or approval of auditors, state the vote required for its approval.

§ 11.52 Form for statement in election contests (Form F–6).

FORM F–6

STATEMENT IN ELECTION CONTEST

GENERAL INSTRUCTIONS

The statement shall contain the number and captions of all items, but the text of the items may be omitted. If an item is inapplicable or the answer is in the negative, so state. The information called for by Items 2(a) and 3(a) or a fair summary thereof is required to be included in all preliminary soliciting material by § 11.5(i) of this part.

Item 1—Bank. State the name and address of the bank.

Item 2—Identity and Background of Participant. (a) State the following:

(1) Your name and business address;

(2) Your present principal occupation or employment and the name, principal business, and address of any corporation or other organization in which such employment is carried on.

(b) State the following:

(1) Your residence address;

(2) Information as to all material occupations, positions, offices, or employments during the last 10 years, giving starting and ending dates of each and the name, principal business, and address of any business corporation or other business organization in which each such occupation, position, office, or employment was carried on.

(c) State whether or not you are or have been a participant in any other proxy contest involving the bank or other corporations within the past 10 years. If so, identify the principals, the subject matter and your relationship to the parties and the outcome.

(d) State whether or not, during the past 10 years, you have been convicted in a criminal proceeding (excluding traffic violations or similar misdemeanors) and, if so, give dates, nature of conviction, name and location of court, and penalty imposed or other disposition of the case. A negative answer to this paragraph need not be included in the statement or other proxy soliciting material.

Item 3—Interests in Securities of the Bank. (a) State the amount of each class of securities of the bank that you own beneficially, directly, or indirectly.

(b) State the amount of each class of securities of the bank that you own of record but not beneficially.

(c) State with respect to the securities specified in (a) and (b) the amounts acquired within the past 2 years, the dates of acquisition and the amounts acquired on each date.

(d) If any part of the purchase price or market value of any of the shares specified in paragraph (c) is represented by funds borrowed or otherwise obtained for the purpose of acquiring or holding such securities, so state and indicate the amount of the indebtedness as of the latest practicable date. If such funds were borrowed or obtained otherwise than pursuant to a margin account or bank loan in the regular course of business of a bank, broker, or dealer, briefly describe the transaction, and state the names of the parties.

(e) State whether or not you are a party to any contracts, arrangements or understandings with any person with respect to any securities of the bank, including but not limited to joint ventures, loan or option arrangements, puts or calls, guaranties against loss or guaranties of profits, division of losses or profits, or the giving or withholding of proxies. If so, name the persons with whom such contracts, arrangements, or understandings exist and give the details thereof.

(f) State the amount of securities of the bank owned beneficially, directly or indirectly, by each of your associates and the name and address of each such associate.

(g) State the amount of each class of securities of any parent or subsidiary of the bank which you own beneficially, directly or indirectly.

Item 4—Further Matters. (a) Describe the time and circumstances under which you became a participant in the solicitation and state the nature and extent of your activities or proposed activities as a participant.

(b) Furnish for yourself and your associates the information required by Item 7(f) of Form F–5.

(c) State whether or not you or any of your associates have any arrangement or understanding with any person:

(1) with respect to any future employment by the bank or its affiliates; or

(2) with respect to any future transactions to which the bank or any of its affiliates will or may be a party. If so, describe such arrangement or understanding, and state the names of the parties thereto.

Item 5—Signature. The statement shall be dated and signed in the following manner:

I certify that the statements made in this statement are true, complete, and correct, to the best of my knowledge and belief.

(Date)

(Signature of participant or authorized representative)

Instruction. If the statement is signed on behalf of a participant by the latter's authorized representative, evidence of the representative's authority to sign on behalf of such participant shall be filed with the statement.

§ 11.53 Form for statement to be filed pursuant to § 11.5(m) of Part 11 (Form F–12).

COMPTROLLER OF THE CURRENCY
FORM F–12

STATEMENT TO BE FILED PURSUANT TO § 11.5(m) OF PART 11

GENERAL INSTRUCTIONS

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

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

(b) Identify the tender offer or request or invitation for tenders to which this statement relates and state the reasons for the solicitation or recommendation to security holders to accept or reject such tender offer, request, or invitation for tenders.

Item 2—Identity and background. (a) State the name and business address of the person filing this statement.

(b) Describe any arrangement or understanding in regard to the solicitation with (1) the bank or the management of the bank or (2) the maker of the tender offer or request or invitation for tender of securities of the class to which this statement relates.

Item 3—Persons retained, employed or to be compensated. Identify any person or class of persons employed, retained or to be compensated by the person filing this Form F–12, or by any person on his behalf, to make solicitations or recommendations to security holders and describe briefly the terms of such employment, retainer or arrangement for compensation.

Item 4—Additional information to be furnished. Furnish information as to all transactions in the class of securities to which this statement relates which were effected during the past 60 days by the person filing this statement and by its subsidiaries and their officers, directors and associates.

Item 5—Material to be filed as exhibits. Copies of all solicitations or recommendations to accept or to reject a tender offer or request or invitation for tenders of the securities specified in Item 1 shall be filed as an exhibit.

SIGNATURE

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

(Date) (Signature)

If the statement is signed on behalf of a person by an authorized representative, evidence of the representative's authority to sign on behalf of such person shall be filed with the statement.

§ 11.61 Form for initial statement of beneficial ownership of equity securities (Form F–7)

FORM F–7

INITIAL STATEMENT OF BENEFICIAL OWNERSHIP OF SECURITIES

FILED PURSUANT TO SECTION 16(A) OF THE SECURITIES EXCHANGE ACT OF 1934

(1) Name of bank: _____

(2) Name and business address of reporting person:

_____

_____

_____

(3) Relationship of reporting person to bank: (see instructions 1 and 5)

_____

(4) Nature of event requiring the filing of this statement:

☐ Assumption of directorship.

☐ Appointed policy making officer (see instruction 1).

☐ Became 10% owner.

☐ Newly registered bank.

(5) If an amendment give date of statement which is being amended: _____

(6) Date of event requiring filing of this statement: (see instruction 6) _____

TABLE I.—*Securities beneficially owned*

Furnish the information required by the following table as to securities of the bank beneficially owned directly or indirectly by the reporting person, including transferrable warrants but excluding puts, calls, options and other rights or obligations required to be reported in table II (see instruction 7).

(1) Title of securities owned (see instruction 10)	(2) Amount owned directly or indirectly (see instruction 12)	(3) Nature of beneficial ownership (see instruction 11)

TABLE II.—*Puts, calls, options and other rights or obligations*

Furnish the information required by the following table as to all puts, calls, options and other rights or obligations (all hereinafter referred to as "options") pursuant to which the reporting person may buy or sell, or be required to buy or sell, securities of the bank. However, transferrable warrants issued by the bank which give the right to buy other securities of the bank are to be reported in table I (see instruction 7).

(1) Title of securities subject to option (see instruction 10)	(2) Nature of option held (see instruction 13)	(3) Amount of securities subject to option (see instruction 13)	(4) Purchase or sale price of securities subject to option (see instruction 14)	(5) Date of Expiration of option

Remarks (see instruction 15).

_____ _____

Date of statement — Signature

INSTRUCTIONS

1. PERSONS REQUIRED TO FILE STATEMENTS

A statement on this form is required to be filed by every person who, at the time any class of equity securities of a bank becomes registered pursuant to section 12 of the Securities Exchange Act of 1934 (the Act), (i) is directly or indirectly the beneficial owner of more than 10 percent of such class, or (ii) is a director or officer of the bank which is the issuer of such securities, and by every person who thereafter becomes such a beneficial owner, director, or officer, or (iii) is or becomes such a beneficial owner, director or officer, and who has any right or obligation, such as puts, calls or options, pursuant to which such person may buy or sell, or be required to buy or sell, securities of the bank. The term "officer" means a Chairman of the Board of Directors, Vice Chairman of the Board, Chairman of the Executive Committee, President, Vice President (except as indicated in the next sentence), Cashier, Treasurer, Secretary, Comptroller, and any other person who participates in major policy-making functions of the bank. In some banks (particularly banks with officers bearing titles such as Executive Vice President, Senior Vice President, or First Vice President as well as a number of "Vice Presidents"), some or all "Vice Presidents" do not participate in major policy-making functions, and such persons are not officers for the purpose of this statement.

2. WHEN STATEMENTS ARE TO BE FILED

Persons who hold any of the relationships specified in Instruction 1 when any class of equity securities of the bank becomes registered pursuant to section 12 of the Act are required to file a statement on this form within 10 days after the date such registration becomes effective. Persons who subsequently assume any of the relationships specified in Instruction 1 are required to file a statement within 10 days after assuming such relationship. Statements are not deemed to have been filed with the Comptroller of the Currency or an exchange until they have actually been received by the Comptroller of the Currency or such exchange.

3. WHERE AND HOW STATEMENTS ARE TO BE FILED

One signed copy and three reproduced copies of each statement shall be filed with the Comptroller of the Currency, Washington, D.C. 20219. One signed copy thereof shall also be filed with each exchange on which any class of equity securities of the bank is listed. However, if such bank has, in accordance with § 11.6(a)(3) of Part 11, designated a single exchange to receive statements, the statement need only be filed with the Comptroller of the Currency and the designated exchange.

4. SEPARATE STATEMENT FOR EACH BANK

A separate statement shall be filed with respect to the equity securities of each bank which has such securities registered in the manner specified in Instruction 1, and as to which any of the relationships specified in that Instruction are held by any of the persons therein specified.

5. RELATIONSHIP OF REPORTING PERSON TO BANK

Indicate clearly the relationship of the reporting person to the bank; for example, "Director", "Director and Vice President", "Beneficial owner of more than 10 percent of the bank's common stock", etc.

6. DATE AS OF WHICH BENEFICIAL OWNERSHIP IS TO BE GIVEN

The information as to beneficial ownership of securities, including those subject to puts, calls, options, warrants, and so forth, shall be given as of the date on which the event occurred which requires the filing of a statement on this form, for example, when registration of equity securities of the bank becomes effective pursuant to section 12 of the Act or when the person whose ownership is reported becomes a director or officer of the bank or becomes the beneficial owner of more than 10 percent of a class of registered equity securities of the bank.

7. SECURITIES TO BE REPORTED

Persons specified in Instruction 1 above shall include information as to their beneficial ownership of all classes of equity securities of the bank, even though one or more of such classes may not be registered pursuant to section 12 of the Act.

8. STATEMENT REQUIRED ALTHOUGH NO SECURITIES ARE OWNED

If any person required to file a statement on this form does not own any securities required to be reported, a statement on this form shall be filed to report that fact.

9. REPORTING OF OWNERSHIP IN CERTAIN CASES

(a) When two or more securities are owned as a unit, such as debentures and transferrable warrants to purchase common stock, report each security separately and describe the unit relationship in the space provided for remarks following Table II of the Form. If one or more of the securities comprising the unit is not required to be reported, the other security or securities shall be reported separately and the unit relationship described as indicated above.

(b) In reporting the ownership of a convertible security or a transferrable warrant, the number of shares or units subject to the conversion privilege and the conversion or exercise price per share or unit shall be set forth in the "Remarks" space following Table II. Transferrable warrants issued by the bank with respect to any class of the bank's equity securities shall be reported in Table I (in which case the exercise price and date of expiration of the warrant shall be reported on the "Remarks" space following Table II.)

(c) Securities owned indirectly shall be reported on separate lines from those owned directly and also from those owned through a different type of indirect ownership.

10. TITLE OF EQUITY SECURITY

The statement of the title of an equity security should clearly distinguish it from any securities of other classes issued by the bank.

11. NATURE OF OWNERSHIP—TABLE I

Under "Nature of ownership", state whether ownership of the equity securities is "direct" or "indirect". If the ownership is indirect, i.e., through a partnership, corporation, trust, or other entity, indicate in a footnote or other appropriate manner the name or identity of the medium through which the securities are indirectly owned. The fact that equity securities are held in the name of a broker or other nominee does not, of itself, constitute indirect ownership. Equity securities owned indirectly shall be reported on separate lines from those owned directly and also from those owned through a different type of indirect ownership. See also the provisions of § 11.6(d) of this part relating to the reporting of ownership of securities held in trust.

12. STATEMENT OF AMOUNT OWNED

In stating the amount of equity securities beneficially owned, give the face amount of convertible debt securities or the number of shares of stock or other units of other securities. In the case of equity securities owned indirectly, the entire amount of equity securities owned by the partnership, corporation, trust, or other entity shall be stated. The person whose ownership is reported may, if he so desires, also indicate in a footnote or other appropriate manner the extent of his interest in the partnership, corporation, trust or other entity.

13. PUTS, CALLS, OPTIONS AND OTHER RIGHTS—TABLE II

The terms "puts" and "calls" in Table II include, in addition to separate puts and calls, any combination of the two, such as spreads, straddles, strips and straps. In reporting the nature of the option in Column 2 of Table II, state whether it represents a right to buy, a right to sell, an obligation to buy or an obligation to sell the securities subject to the option.

14. PRICE AT WHICH OPTIONS MAY BE EXERCISED

If a warrant is not presently exercisable, state the price at which it will first become exercisable. If a warrant, put, call or option is exercisable at various increasing prices, state the price at which it is presently exercisable.

15. INCLUSION OF ADDITIONAL INFORMATION

A statement may include any additional information or explanation deemed relevant by the person filing the statement.

16. SIGNATURE

If the statement is filed for a corporation, partnership, trust, etc., the name of the organization shall appear over the signature of the officer or other person authorized to sign the statement. If the statement is filed for an individual, it shall be signed by him or specifically on his behalf by a person authorized to sign for him.

§ 11.62 Form for statement of changes in beneficial ownership of equity securities (Form F–8).

FORM F–8

STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF SECURITIES

FILED PURSUANT TO SECTION 16(a) OF THE SECURITIES EXCHANGE ACT OF 1934

(1) Name of bank: _____

(2) Name and business address of reporting person:

_____

_____

_____

(3) Relationship of reporting person to bank: (see instructions 1 and 5)

_____

(4) Statement for calendar month of:

_____ _____

(month) (year)

(5) If an amendment, give date of statement which is being amended: _____

TABLE I.—*Securities bought, sold, or otherwise acquired or disposed of*

Furnish the information required by this table for all changes in ownership during the month and for month-end ownership (see instruction 6). Transactions involving the acquisition or disposition of puts, calls, options or other rights or obligations to buy or sell securities of the bank shall be reported in Table II.

(1) Title of securities (see instruction 7)	(2) Date of transaction (see instruction 8)	(3) Amount acquired or disposed of (see instruction 9)	(4) Nature of ownership of securities acquired or disposed of (see instruction 10)	(5) Character of transaction (see instruction 11)	(6) Purchase or sale price per share or other unit (see instruction 12)	(7) Amount owned at month-end (see instruction 13)	(8) Nature of ownership at month-end (see instruction 10)

TABLE II.—*Puts, calls, options, and other rights or obligations*

Furnish the information required by the following table for all changes in ownership, and for month-end ownership, of any put, call, option or other right or obligation (all hereinafter referred to as "options") to buy or sell securities of the bank. (See instructions 6 and 14.) However, the acquisition or disposition of transferrable warrants issued by the bank which give the right to buy securities of the bank are to be reported in Table I. Options exempted by §11.6(c) of the Comptroller's Regulations need not be reported.

(1) Title of securities subject to option (see instruction 7)	(2) Date of transaction (see instruction 8)	(3) Nature of option (see instruction 14)	(4) Amount of securities subject to option (see instruction 9)	(5) Character of transaction, if any, reported (see instruction 11)	(6) Purchase or sale price of securities subject to option (see instruction 12)	(7) Date of expiration of option	(8) Amount owned at month-end (see instruction 13)

Remarks (see instructions 11 and 15):

_____ _____

Date of statement Signature

INSTRUCTIONS

1—PERSONS REQUIRED TO FILE STATEMENTS

A statement on this form is required to be filed by every person who at any time during any calendar month was (i) directly or indirectly the beneficial owner of more than 10 percent of any class of equity securities of a bank registered pursuant to section 12 of the Securities Exchange Act of 1934 (the Act), or (ii) a director or officer of the bank which is the issuer of such securities, and who during such month had any change in the nature or amount of his beneficial ownership of any class of equity securities, or any puts, calls, options or other rights or obligations relating to such securities of such bank. The term "officer" means a Chairman of the Board of Directors, Vice Chairman of the Board, Chairman of the Executive Committee, President, Vice President (except as indicated in the next sentence), Cashier, Treasurer, Secretary, Comptroller, and any other person who participates in major policy-making functions of the bank. In some banks (particularly banks with officers bearing titles such as Executive Vice President, Senior Vice President, or First Vice President, as well as a number of "Vice Presidents"), some or all "Vice Presidents" do not participate in major policy-making functions, and such persons are not officers for the purposes of this statement.

2—WHEN STATEMENTS ARE TO BE FILED

Statements are required to be filed on or before the 10th day after the end of each calendar month in which any change in the nature or amount of beneficial ownership has occurred. Statements are not deemed to have been filed with the Comptroller of the Currency or an exchange until they have actually been received by the Comptroller of the Currency or such exchange.

3—WHERE STATEMENTS ARE TO BE FILED

One signed copy and three reproduced copies of each statement shall be filed with the Comptroller of the Currency, Washington, D.C. 20219. One signed copy thereof shall also be filed with each exchange on which any class of equity securities of the bank is listed. However, if such bank has, in accordance with § 11.6(a) (3) of Part 11, designated a single exchange to receive statements, the statement need only be filed with the Comptroller of the Currency and the designated exchange.

4—SEPARATE STATEMENT FOR EACH BANK

A separate statement shall be filed with respect to the equity securities of each bank.

5—RELATIONSHIP OF REPORTING PERSON TO BANK

Indicate clearly the relationship of the reporting person to the bank, for example, "Director", "Director and Vice President", "Beneficial owner of more than 10 percent of the bank's common stock," etc.

6—TRANSACTIONS AND HOLDINGS TO BE REPORTED

(a) Persons required to file statements on this form shall include in their statements all changes during the calendar month in their beneficial ownership and their beneficial ownership at the end of the month of all classes of equity securities of the bank, even

though one or more such classes may not be registered pursuant to section 12 of the Act.

(b) Any director or officer who is required to file a statement on Form F-8 with respect to any change in his beneficial ownership of equity securities which occurs within 6 months after he became a director or officer of a bank or within 6 months after equity securities of such bank first become registered pursuant to section 12 of the Act, shall include in the first such statement the information called for by Form F-8 with respect to all changes in his beneficial ownership of equity securities of such bank which occurred within 6 months prior to the date of the changes which requires the filing of such statement.

(c) Any person who has ceased to be a director or officer of a bank which has equity securities registered pursuant to section 12 of the Act, or who is a director or officer of a bank at the time it ceased to have any equity securities so registered, shall file a statement on Form F-8 with respect to any change in his beneficial ownership of equity securities of such bank which shall occur on or after the date on which he ceased to be such director or officer, or the date on which the bank ceased to have any equity securities so registered, as the case may be, if such change shall occur within 6 months after any change in his beneficial ownership of such securities prior to such date. The statement on Form F-8 shall be filed within 10 days after the end of the month in which the reported change in beneficial ownership occurs.

(d) Every change in beneficial ownership shall be reported even though purchases and sales during the month are equal or the change involves only the nature of beneficial ownership (for example, from direct to indirect ownership or from one type of indirect ownership to another). Beneficial ownership at the end of the month of all classes of equity securities of the bank shall be shown even though there has been no reportable change during the month in the ownership of equity securities of a particular class.

(e) When a transaction relates to the acquisition or disposition of two or more securities as a unit, such as debentures and transferrable warrants to purchase common stock of the bank, each security shall be treated separately for the purpose of reporting the transaction. Thus, in reporting the purchase of debentures and transferrable warrants for common stock as units, report the debentures purchase and the warrant purchase separately and use the "Remarks" space to describe the unit relationship.

(f) In reporting the acquisition or disposition of a convertible security or a transferrable warrant, the number of shares or units subject to the conversion privilege or warrant and the conversion or exercise price per share or unit shall be set forth in the "Remarks" space on page 2. When a convertible security is converted or a warrant is exercised, the amount of securities acquired as a result of such conversion or exercise shall be reported and, in addition, the disposition of the convertible security or warrant shall be reported as a separate transaction.

(g) Securities owned indirectly shall be reported on separate lines from those owned directly and also from those owned through a different type of indirect ownership.

(h) The acquisition, disposition, exercise or expiration of a put, call, option or other right or obligation to buy or sell securities (all hereinafter referred to as "options") involves a change in beneficial ownership of the security subject to the option and shall be reported in Table II. If such option is exercised, the exercise transaction shall be reported in Table II and the acquisition or disposition of the security subject to the option shall be reported in Table I. Transferrable warrants issued by the bank with respect to any class of the bank's equity securities shall be reported in Table I (in which case the exercise price and date of expiration of the warrant shall be reported in the "Remarks" space on page 2). Options exempted by the provisions of § 11.6(e) of this part need not be reported.

7—TITLE OF EQUITY SECURITY

The statement of the title of an equity security should clearly distinguish it from any securities of other classes issued by the bank. See instruction 6 with respect to the separate reporting of two or more securities acquired as a unit.

8—DATE OF TRANSACTION

The exact date (month, day, and year) of each transaction shall be stated opposite the amount involved in the transaction.

9—STATEMENT OF AMOUNTS OF EQUITY SECURITIES

In stating the amount of equity securities acquired, disposed of, or beneficially owned, give the face amount of convertible debt securities or the number of shares of stock or other units of other securities. In the case of equity securities owned indirectly, the entire amount of equity securities involved in the transaction or owned by the partnership, corporation, trust, or other entity shall be stated. The person whose ownership is reported may, if he so desires, also indicate in a footnote or other appropriate manner, the extent of his interest in the transaction or holdings of the partnership, corporation, trust, or other entity.

10—NATURE OF OWNERSHIP

Under "Nature of ownership," state whether ownership of the equity securities is "direct" or "indirec.." If the ownership is indirect, i.e., through a partnership, corporation, trust, or other entity, indicate in a footnote or other appropriate manner the name or identity of the medium through which the securities are indirectly owned. The fact that equity securities are held in the name of a broker or other nominee does not, of itself, constitute indirect ownership. Equity securities owned indirectly shall be reported on separate lines from those owned directly and also from those owned through a different type of indirect ownership. See also the provisions of § 11.6(d) of this part relating to the reporting of ownership of securities held in trust.

11—CHARACTER OF TRANSACTION

If the transaction in equity securities was with the bank, so state. If it involved the purchase of equity securities through the exercise of warrants or options, so state, give the termination date of the option or warrant, and give the exercise price per share. In such case, the appropriate entries shall be made in Table II as well as Table I. If any other purchase or sale was effected otherwise than in the open market, that fact shall be indicated. If the transaction was not a purchase or sale, indicate its character; for example, gift or stock dividend, stock split, or other type of pro rata distribution, etc., as the case may be. The foregoing information may be appropriately set forth in the table or, if more space is needed, under "Remarks" below Table II.

12—PURCHASE OR SALE PRICE OF SECURITIES

(a) If any transaction reported in Table I involved a purchase or sale of securities for cash, including the exercise of an option, state in Column 6 the purchase price per share or other unit, exclusive of brokerage commissions or other costs of execution. If the transaction was only partly for cash and partly for other consideration, state the amount of cash per share or other unit and the nature of the additional consideration. Column 6 need not be answered for transactions not involving cash.

(b) When two or more securities are purchased or sold as a unit (see instruction 6(a) above), the purchase or sale price of the unit shall be stated opposite one of the securities and cross-referred to opposite the other security or securities.

(c) If an option reported in Table II is exercisable at varying increasing prices, state in Column 6 of that table the price at which it is presently exercisable.

13—BENEFICIAL OWNERSHIP AT END OF MONTH

Beneficial ownership at the end of the month covered by the statement (Columns 7 and 8 of Table I) of all accounts required to be reported shall be shown even though there has been no change during the month in the ownership of securities of one or more classes or accounts. For example, a person reporting a transaction relating to common stock shall in addition to providing all the information on Table I relating to such transaction, report the amount of preferred stock, convertible debentures, etc., owned at the end of the month. In addition, any options owned at the end of the month should be reported in Table II.

14—PUTS, CALLS, OPTIONS AND OTHER RIGHTS—TABLE II

The terms "put" and "call" in Table II include, in addition to separate puts and calls, any combination of the two, such as spreads, straddles, strips and straps. In reporting the nature of the option in Column 3 of Table II, state whether it represents a right to buy, a right to sell, an obligation to buy or an obligation to sell the securities subject to the option.

15—INCLUSION OF ADDITIONAL INFORMATION

A statement may include any additional information or explanation deemed relevant by the person filing the statement.

16—SIGNATURE

If the statement is filed for a corporation, partnership, trust, etc., the name of the organization shall appear over the signature of the officer or other person authorized to sign the statement. If the statement is filed for an individual, it shall be signed by him or specifically on his behalf by a person authorized to sign for him.

§ 11.71 Forms for financial statements (Forms F-9 A, B, C, and D).

FORM F-9: FINANCIAL STATEMENTS

A. Balance Sheet (Form F-9A).
B. Statement of Income (Form F-9B).
C. Statement of Changes in Capital Accounts (Form F-9C).
D. Schedules (Form F-9D).

GENERAL INSTRUCTIONS

1. *Preparation of forms.* The forms for financial statements are not to be used as blank forms to be filled in but only as guides in the preparation of financial statements. The requirements with respect to the filing of balance sheets and statements of income are contained in the instructions as to certain other forms required by this part. Particular attention should be given to the general requirements as to financial statements in § 11.7 of this part, including paragraphs (e) and (f) thereof, which prescribe when statements of changes in capital accounts and schedules will be filed. Although inapplicable items specified in the forms for fi-

nancial statements should be omitted, the detailed instructions that relate to applicable items shall be followed.

2. *Accrual accounting.* Financial statements shall generally be prepared on the basis of accrual accounting whereby all revenues and all expenses shall be recognized during the period earned or incurred regardless of the time received or paid, with certain exceptions: (a) where the results would be only insignificantly different on a cash basis, or (b) where accrual is not feasible. Statements with respect to the first fiscal year that a bank reports on the accrual basis shall indicate clearly, by footnote or otherwise, the beginning-of-year adjustments that were necessary and their effect on prior financial statements filed under this part.

A. BALANCE SHEET

ASSETS

1. Cash and due from banks
2. Investment securities:
   (a) U.S. Treasury securities
   (b) Securities of other U.S. Government agencies and corporations
   (c) Obligations of States and political subdivisions
   (d) Other securities
3. Trading account securities
4. Federal funds sold and securities purchased under agreements to resell
5. Other loans
6. Bank premises and equipment
7. Other real estate owned
8. Investments in subsidiaries not consolidated
9. Customers' acceptance liability
10. Other assets
11. Total assets
12. Deposits:
   (a) Demand deposits in domestic offices
   (b) Savings deposits in domestic offices
   (c) Time deposits in domestic offices
   (d) Deposits in foreign offices
13. Federal funds purchased and securities sold under agreements to repurchase
14. Other liabilities for borrowed money
15. Bank's acceptances outstanding
16. Mortgages payable
17. Other liabilities
18. Total liabilities
19. Minority interests in consolidated subsidiaries

RESERVES

20. Allowance for possible loan losses.

CAPITAL ACCOUNTS

21. Capital notes and debentures
22. Equity capital:
   (a) Capital stock:
      Preferred stock
      Common stock
   (b) Surplus
   (c) Undivided profits
   (d) Reserve for contingencies and other capital reserves
23. Total capital accounts
24. Total liabilities, reserves, and capital

ASSETS

1. *Cash and due from banks.* (a) State the total of (1) currency and coin (i) owned and held in the bank's vaults and (ii) in transit to or from a Federal Reserve Bank; (2) the bank's total reserve balance with the Federal Reserve Bank as shown by the bank's books; (3) demand and time balances with other banks; and (4) cash items in process of collection.

(b) Reciprocal demand balances with banks in the United States, except those of private banks and American branches of foreign banks, shall be reported net.

(c) Do not include unavailable balances with closed or liquidating banks. Such balances should be reported in "other assets."

(d) Cash items in process of collection include: (1) checks in process of collection drawn on another bank, private bank, or any other banking institution that are payable immediately upon presentation (including checks with a Federal Reserve Bank in process of collection and checks on hand that will be presented for payment or forwarded for collection on the following business day); (2) Government checks and warrants drawn on the Treasurer of the United States that are in process of collection; and (3) such other items in process of collection, including redeemed U.S. savings bonds, payable immediately upon presentation in the United States, as are customarily cleared or collected by banks as cash items.

(e) Checks drawn on a bank other than the reporting bank that have been deposited in the reporting bank (or offices or branches of such bank) and have been forwarded for collection to other offices or branches of the reporting bank are cash items in the process of collection.

(f) Do not include commodity or bill-of-lading drafts payable upon arrival of goods against which drawn, whether or not deposit credit therefor has been given to a customer. If deposit credit has been given, such drafts should be reported as "loans"; but if the drafts were received by the reporting bank on a collection basis they should not be included in the reporting bank's statement until such time as the funds have been actually collected.

(g) Unposted debits should preferably be deducted from the appropriate deposit liability caption. If such items are included hereunder, the amount shall be stated parenthetically.

2. *Investment securities.* (a) State separately book value of (1) U.S. Treasury securities; (2) securities of other U.S. Government agencies and corporations; (3) obligations of States and political subdivisions; and (4) other securities owned by the bank; include securities pledged, loaned, or sold under repurchase agreements and similar arrangements.

(b) Book value with respect to investment quality securities reported in paragraph (a) shall be cost adjusted for amortization of premium and, at the option of the bank, for accretion of discount. There shall be set forth in a note to financial statements (1) the basis of accounting for book value, and (2) if bond discount is systematically accrued and amounts to 5 percent or more of interest and dividends on investments, the total of accretion income and deferred income taxes applied thereto.

(c) Include in category (3) of paragraph (a) obligations, including warrants and tax anticipation notes, of the States of the United States and their political subdivisions, agencies, and instrumentalities; also obligations of territorial and insular possessions of the United States. Do not include obligations of foreign States.

(d) Do not include borrowed securities or securities purchased under resale agreements or similar arrangements.

3. *Trading account securities.* State the aggregate value at the balance sheet date of securities of all types carried by the bank in a dealer trading account (or accounts) that are held principally for resale to customers. Indicate parenthetically, or otherwise in a note to financial statements, whether the inventory is valued at (a) cost, (b) lower of cost or market, or (c) market. If cost basis of valuation is used, furnish aggregate market value of the trading account inventory at the current fiscal year balance sheet date.

4. *Federal funds sold and securities purchased under agreements to resell.* (a) State the aggregate value of Federal funds sold and securities purchased under resale agreement or similar arrangements. All securities purchased under transactions of this type should be included regardless of (1) whether they are called simultaneous purchases and sales, buybacks, turnarounds, overnight transactions, delayed deliveries, etc., and (2) whether the transactions are with the same or different institutions if the purpose of the transactions is to resell identical or similar securities.

(b) Federal funds sold and purchases of securities under resale agreements should be reported gross and not netted against purchases of Federal funds and sales of securities under repurchase agreements.

5. *Other loans.* (a) State the aggregate gross value of all loans including (1) acceptances of other banks and commerical paper purchased in the open market; (2) acceptances executed by or for the account of the reporting bank and subsequently acquired by it through purchase or discount; (3) customers' liability to the reporting bank on drafts paid under letters of credit for which the bank has not been reimbursed; and (4) "cotton overdrafts" or "advances," and commodity or bill-of-lading drafts payable upon arrival of goods against which drawn, for which the reporting bank has given deposit credit to customers.

(b) Include (1) paper rediscounted with the Federal Reserve or other banks; and (2) paper pledged as collateral to secure bills payable, as marginal collateral to secure bills rediscounted, or for any other purpose.

(c) Do not include contracts of sale or other loans indirectly representing bank premises or other real estate; these should be included in "bank premises" or "other real estate".

(d) Do not deduct bona fide deposits accumulated by borrowers for the payment of loans.

6. *Bank premises and equipment.* (a) State the aggregate cost of (1) bank premises owned, (2) lease-hold improvements, and (3) equipment less any accumulated depreciation or amortization with respect to such assets.

(b) All fixed assets acquired subsequent to June 30, 1967, shall be stated at cost less accumulated depreciation or amortization.

(c) All fixed assets acquired prior to July 1, 1967, that are not presently accounted for by the bank on the basis of cost less accumulated depreciation or amortization, may be stated at book value. Any such assets that are still in use and would not have been fully depreciated on an acceptable method of accounting for depreciation if the bank had recorded depreciation on such basis shall be described briefly in a footnote, together with an explanation of the accounting that was used with respect to such assets.

(d) The term "leasehold improvements" comprehends two types of situations: (1) where the bank erects a building on leased property; and (2) where a bank occupies leased quarters or uses leased parking lots and appropriately capitalizes disbursements for vaults, fixed machinery and equipment directly related to such leased quarters, or resurfacing or other improvements directly related to such parking lots that will become an integral part of the property and will revert to the lessor on expiration of the lease.

(e) Bank premises includes vaults, fixed machinery and equipment, parking lots owned adjoining or not adjoining the bank premises that are used by customers or employees, and potential building sites.

(f) Equipment includes all movable furniture and fixtures of the bank.

7. *Other real estate owned.* (a) State the current book value of all real estate owned by the bank that is not a part of bank premises.

(b) With respect to real estate acquired through default of a loan, state in a footnote the unpaid balance on the defaulted loan plus the bank's out-of-pocket costs in acquiring clear title to the property.

(c) The aggregate market value of all real estate owned by the bank that is not a part of bank premises shall be set forth in a footnote, together with an explanation of the method of determining such market value.

8. *Investments in subsidiaries not consolidated.*

State the aggregate investment, including advances, in subsidiaries not consolidated.

9. *Customers' acceptance liability.* (a) State the liability to the reporting bank of its customers on drafts and bills of exchange that have been accepted by the reporting bank or by other banks for its account and that are outstanding—that is, not held by the bank, on the reporting date. (If held by the reporting bank, they should be reported as "loans.")

(b) In case a customer anticipates his liability to the bank on outstanding acceptances by paying the bank either the full amount of his liability or any part thereof in advance of the actual maturity of the acceptance, the bank should decrease the amount of the customer's liability on outstanding acceptances. If such funds are not received for immediate application to the reduction of the indebtedness to the bank or the receipt thereof does not immediately reduce or extinguish the indebtedness, then such funds held to meet acceptances must be reported in "demand deposits".

(c) Do not include customers' liability on unused commercial and travelers' letters of credit issued under guaranty or against the deposit of security—that is, not issued for money or its equivalent.

10. *Other assets.* State separately, if material, (a) income earned but not collected; (b) prepaid expenses; (c) property acquired for the purpose of direct lease financing; and (d) any other asset not included in the preceding item.

11. *Total assets.* State the sum of all asset items.

LIABILITIES

12. *Deposits.* (a) State separately (1) demand deposits in domestic offices of the bank, (2) savings deposits in domestic offices of the bank, (3) time deposits in domestic offices of the bank, and (4) deposits in foreign offices. Related unposted debits, if any, should preferably be deducted from domestic deposits.

(b) The domestic deposit liability categories shall be segregated in accordance with the rules and regulations of the Federal Deposit Insurance Corporation, Part 327.2 Classification of Deposits.

(c) The term "unposted debit" means a cash item in the bank's possession drawn on itself that has been paid or credited and is chargeable against, but has not been charged against, deposit liabilities at the close of the reporting period. This term does not include items that have been reflected in deposit accounts on the general ledger, although they have not been debited to individual deposit accounts.

(d) Reciprocal demand deposit balances with banks in the United States, except those of private banks and American branches of foreign banks, shall be reported net.

(e) Include outstanding drafts (including advices or authorizations to charge the bank's balance in another bank) drawn in the regular course of business by the reporting bank on other banks pursuant to customer order.

(f) Do not include trust funds held in the bank's own trust department that the bank keeps segregated and apart from its general assets and does not use in the conduct of its business.

13. *Federal funds purchased and securities sold under agreements to repurchase.* (a) State the aggregate value of Federal funds purchased and securities sold under repurchase or similar arrangements. All securities sold under transactions of this type should be included regardless of (1) whether they are called simultaneous purchases and sales, buy-backs, turn-arounds, overnight transactions, delayed deliveries, etc., and (2) whether the transactions are with the same or different institutions if the purpose of the transactions is to repurchase identical or similar securities.

(b) Federal funds purchased and sales of securities under repurchase agreements should be reported gross and not netted against sales of Federal funds and purchases of securities under resale agreements.

14. *Other liabilities for borrowed money.* State the aggregate amount borrowed by the reporting bank on its own promissory notes, on notes and bills rediscounted (including commodity drafts rediscounted), or on any other instruments given for the purpose of borrowing money.

15. *Bank's acceptances outstanding.* (a) State the aggregate of unmatured drafts and bills of exchange accepted by the reporting bank, or by some other bank as agent for the reporting bank (other than those reported in "demand deposits"), less the amount of such acceptances acquired by the reporting bank through discount or purchase and held on the reporting date.

(b) Include bills of exchange accepted by the reporting bank that were drawn by banks or bankers in foreign countries, or in dependencies or insular possessions of the United States, for the purpose of creating dollar exchange so required by usage of trade in the respective countries, dependencies, or insular possessions.

16. *Mortgages payable.* (a) State separately here, or in a note referred to herein, such information as will indicate (1) the general character of the debt including the rate of interest; (2) the date of maturity; (3) if the payment of principal or interest is contingent, an appropriate indication of such contingency; and (4) a brief indication of priority.

(b) If there are any liens on bank premises or other real estate owned by the bank or its consolidated subsidiaries which have not been assumed by the bank or its consolidated subsidiaries, report in a footnote the amount thereof together with an appropriate explanation.

17. *Other liabilities.* State separately, if material, (a) accrued payrolls; (b) accrued income tax liability (Federal and State combined); (c) accrued interest; (d) cash dividends declared but not paid; (e) income collected but not earned; and (f) any other liability not included in Items 12 through 16.

18. *Total liabilities.* State the sum of Items 12 through 17.

19. *Minority interests in consolidated subsidiaries.* State the aggregate amount of minority stockholders' interests in capital stock, surplus, and undivided profits of consolidated subsidiaries.

RESERVES

20. *Allowance for possible loan losses.* (a) State the balance of the loan losses allowance account at the end of the fiscal year. Include in this allowance only (1) any provision that the bank makes for possible loan losses pursuant to the Treasury tax formula and (2) any amount in excess of the provisions taken under such formula that (i) represents management's judgment, as to possible loss or value depreciation and (ii) has been established through a charge against income.

(b) Any provision for possible loan losses that the bank establishes as a precautionary measure that is in excess of the amount reported in paragraph (a) shall not be included in this allowance but shall be reported as a contingency reserve—that is, as a segregation of undivided profits.

NOTE.—Any allowance that (1) represents management's judgment as to possible loss or value depreciation in investment securities and (2) has been established through an appropriate charge against income shall be separately stated. Any provision for possible security losses that the bank establishes as a precautionary measure only (such as to reflect normal fluctuations in market value of readily marketable securities) shall not be included in this allowance but shall be reported as a contingency reserve—that is, as a segregation of undivided profits.

CAPITAL ACCOUNTS [1]

21. *Capital notes and debentures.* State separately here, on or a note referred to herein, each issue or type of obligation and such information as will indicate (a) the general character of each type of debt including the rate of interest; (b) the date of maturity (or dates if maturing serially) and call provisions; (c) the aggregate amount of maturities, and sinking fund requirements, each year for the 5 years following the date of the balance sheet; (d) if the payment of principal or interest is contingent, an appropriate indication of the nature of the contingency; (e) a brief indication of priority; and (f) if convertible, the basis.

22. *Equity capital.* (a) Capital stock. State for each class of shares the title of issue, the number of shares authorized, the number of shares outstanding and the capital share liability thereof, and if convertible, the basis of conversion. Show also the dollar amount, if any, of capital shares subscribed but unissued, and of subscriptions receivable thereon.

(b) Surplus. State the net amount formally transferred to the surplus account on or before the reporting date.

(c) Undivided profits. State the amount of undivided profits shown by the bank's books.

(d) Reserve for contingencies and other capital reserves.

(1) State separately each such reserve and its purpose.

(2) These reserves constitute amounts set aside for possible decrease in the book value of assets, or for other unforeseen or indeterminable liabilities not otherwise reflected on the bank's books and not covered by insurance.

(3) As these reserves represent a segregation of undivided profits, do not include any element of known losses, or losses the amount of which can be estimated with reasonable accuracy.

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[1] Federal law (12 USC 51c) expressly provides that the term "capital" as used in provisions of law relating to the capital of national banks, shall mean "the amount of unimpaired common stock plus the amount of preferred stock outstanding and unimpaired". However, capital notes and debentures are considered by the Comptroller of the Currency in his determination as to the capital adequacy of national banks and in various other determinations expressed in the national banking laws as percentages of "capital and surplus" or "capital stock and surplus".

(4) Reserves for possible security losses, reserves for possible loan losses, and other contingency reserves that are established as precautionary measures only shall be included in these reserves, as they represent segregations of "undivided profits."

23. *Total capital accounts.* State the total of Items 21 and 22.

24. *Total liabilities, reserves and capital.* State the total of Items 18, 19, 20, and 23.

B. STATEMENT OF INCOME

1. Operating income:
   - (a) Interest and fees on loan____
   - (b) Income on Federal funds sold and securities purchased under agreements to resell _____
   - (c) Interest and dividends on investments:
     - (1) U.S. Treasury securities _____
     - (2) Securities of other U.S. Government agencies and corporations _____
     - (3) Obligations of States and political subdivisions _____
     - (4) Other securities ____
   - (d) Trust department income__
   - (e) Service charges on deposit accounts _____
   - (f) Other service charges, collection and exchange charges, commissions, and fees _____
   - (g) Other operating income____
   - (h) Total operating income____
2. Operating Expenses:
   - (a) Salaries and wages_____
   - (b) Pensions and other employee benefits_____
   - (c) Interest on deposits_____
   - (d) Expenses of Federal funds purchased and securities sold under agreements to repurchase _____
   - (e) Interest on other borrowed money _____
   - (f) Interest on capital notes and debentures _____
   - (g) Occupancy expense of bank premises, net:
     Gross occupancy expense__
     Less: Rental income____
   - (h) Furniture and equipment expense (Including depreciation of $_____)_____
   - (i) Provision for loan losses____
   - (j) Other operating expenses___
   - (k) Total operating expenses___
3. Income before Income Taxes and Securities Gains (Losses)_____
4. Applicable Income Taxes_____
5. Income before Securities Gains (Losses) _____
6. Net Security Gains (Losses) (less related tax effect, $_____)___
7. Net Income_____

or

7. Income before Extraordinary Items _____
8. Extraordinary Items, less related tax effect, $———_____
9. Net Income_____
10. Earnings per Common Share: [1]
    Income Before Securities Gains (Losses) _____
    Net Income_____

[1] Per share amount of securities gains (losses) may be stated separately. If extraordinary items are reported, per share amount of income before extraordinary items and per share amount of extraordinary items shall be stated separately.

1. *Operating income.* State separately:

(a) *Interest and fees on loans.*

(1) Include interest, fees and other charges on all assets that are reported on the balance sheet as other loans.

(2) Include interest on acceptances, commercial paper purchased in the open market, drafts for which the bank has given deposit credit to customers, etc. Also include interest on loan paper that has been rediscounted with Federal Reserve or other banks or pledged as collateral to secure bills payable or for any other purpose.

(3) Include service charges and other fees on loans.

(4) Include profits (or losses) resulting from the sale of acceptances and commercial paper at discount rates other than those at which such paper was purchased.

(5) Current amortization of premiums on mortgages or other loans shall be deducted from interest on loans and current accumulation of discount on such items shall be added to interest on loans.

(b) *Income on Federal funds sold and securities purchased under agreements to resell.* Include the total gross revenue from Federal funds sold and securities purchased under agreements to resell.

(c) *Interest and dividends on investments.* (1) State separately interest and dividends from (i) U.S. Treasury securities, (ii) securities of other U.S. Government agencies and corporations, (iii) obligations of States and political subdivisions, and (iv) other securities owned by the bank, including securities pledged, loaned, or sold under repurchase agreements and similar arrangements.

(2) Include accretion of discount on securities, if any; deduct amortization of premiums on securities. If the reporting bank accrues bond discount and such income amounts to 5 percent or more of the total of interest and dividends on investments, state in a note to financial statements the amount of accretion income and deferred income taxes applicable thereto.

(3) When securities are purchased, any payment for accrued interest shall not be charged to expenses, nor when collected be credited to earnings. Such interest shall be charged to a separate account that will be credited upon collection of the next interest payment. The balance in the account shall be shown as "Other assets" in the balance sheet.

(d) *Trust department income.* (1) Include income from commissions and fees for services performed by the bank in any authorized fiduciary capacity.

(2) This item may be reported on the cash basis in those instances where the presentation of the item on the financial statements would not be materially affected thereby. The cash basis may also be used with respect to an individual trust or estate if accrual of income therefrom is not feasible. If any portion of trust department income is not reported on the accrual basis, there shall be a footnote explaining the method of reporting and the reason for departing from reporting on the accrual basis.

(e) *Service charges on deposit accounts.* Include amounts charged depositors that fail to maintain specified minimum deposit balances; charges based on the number of checks drawn on and deposits made in deposit accounts; charges for account maintenance and for checks drawn on "no minimum balance" deposit accounts; return check charges; etc.

(f) *Other service charges, collection and exchange charges, commissions, and fees.* State the aggregate of other service charges, collection and exchange charges, commissions, and fees. Exclude charges on loans and deposits and those related to the Trust Department. Do not include reimbursements for out-of-pocket expenditures made by the bank for the account of customers. If expense accounts were charged with the amount of such expenditures, the reimbursements should be credited to the same expense accounts.

(g) *Other operating income.* (1) Include all operating income not reported in Items 1(a) through 1(f).

(2) Include (i) net trading account income consisting of profits and losses, interest, and other income and expense related to securities carried in a dealer trading account or accounts that are held principally for resale to customers, but exclude salaries, commissions, and other indirect expenses; (ii) income from lease financing; (iii) gross rentals from "other real estate" and safe deposit boxes; (iv) net remittable profits (or losses) of foreign branches and consolidated subsidiaries less any minority interests (unless the reporting bank preferably combines or consolidates each item of income and expense); (v) interest on time balances with other banks; and (vi) all other recurring credits (such as miscellaneous recoveries) and immaterial nonrecurring credit items.

(3) Do not include rentals from bank premises. Such rental income shall be reported in the inset to Item 2(g). In the event there is a net occupancy income, the income shall be shown in parentheses in Item 2(g).

(4) Itemize (i) net trading account income, (ii) net remittable profits (or losses) of foreign branches and consolidated subsidiaries (if included in this subitem), and (iii) all other amounts that represent 25 percent or more of the total of this subitem, unless "other operating income" is less than 5 percent of "total operating income."

(h) *Total operating income.* State the sum of Items 1(a) through 1(g).

2. *Operating expenses.* State separately:

(a) *Salaries.* (1) Include compensation for personal services of all officers and employees, including dining room and cafeteria employees but not building department employees.

(2) Include amounts withheld from salaries for Social Security taxes and contributions to the bank's pension fund. Do not include Social Security taxes paid by the bank for its own account and the bank's contribution to pension funds. Such amounts shall be included in Item 2(b).

(3) Include bonus and profit sharing paid directly or through a trustee. Such compensation that is deferred and not distributed to employees shall be reported in Item 2(b).

(4) Do not include compensation of officers and employees who spent the major portion of their working time on bank building and related functions. Such compensation shall be included in Item 2(g).

(5) Do not include amounts paid to legal, management, and investment counsel for professional services if such counsel are not salaried officers or employees of the bank. Such amounts shall be included in Item 2(j).

(b) *Pensions and other employee benefits.* (1) Include all supplementary benefits, other than direct compensation included in Item 2(a) accrued during the report period on behalf of all officers and employees except building department personnel (see Item 2(g)).

(2) Include the bank's own contribution to its pension fund; unemployment and Social Security taxes for the bank's own account; life insurance premiums (net of dividends received) and hospitalization insurance payable by the bank; and other employee benefits.

(3) Do not include expenses related to testing, training, or education of officers and employees; the cost of bank newspapers and magazines; premiums on insurance policies where the bank is beneficiary; and athletic activities where the principal purpose is for

publicity or public relations and employee benefits are only incidental. Such amounts shall be included in Item 2(j).

(c) *Interest on deposits.* Include interest on all deposits.

(d) *Expense of Federal funds purchased and securities sold under agreements to repurchase.* Include the total gross expense of Federal funds purchased and securities sold under agreements to repurchase.

(e) *Interest on other borrowed money.* (1) Include all interest on bills payable, rediscounts, unsecured notes payable, and other instruments issued for the purpose of borrowing money other than Federal funds purchased and securities sold under agreements to repurchase.

(2) Do not include interest on mortgages on bank premises. Such interest shall be included in Item 2(g).

(f) *Interest on capital notes and debentures.* (1) Include all interest on capital notes and debentures.

(2) Amortization of premium or discount shall be deducted from or included in the amount reported.

(3) Do not include premium or discount paid or realized on retirement of such securities. Such amounts shall be reported in Item 1(g) or 2(j).

(g) *Occupancy expense of bank premises, net.* (1) Include in "gross occupancy expense" inset the aggregate amount of (i) salaries, wages, and supplementary compensation of bank personnel who devote the major portion of their time to the operation of bank premises or its consolidated premises subsidiaries; (ii) depreciation of bank premises and amortization of leasehold improvements; (iii) rent expense of bank premises; (iv) real estate taxes; (v) interest on mortgages on bank premises owned; and (vi) other bank premises operating and maintenance expenses.

(2) Include in "rental income" inset the aggregate amount of rentals from bank premises leased by the bank or its consolidated premises subsidiaries.

(3) Report the net occupancy expense (or net income) of bank premises. If net income is reported, the amount shall be shown in parentheses.

(h) *Furniture and equipment expense.* (1) Include normal and recurring depreciation charges; rental costs of office machines and tabulating and data processing equipment; and ordinary repairs to furniture and office machines, including servicing costs. The amount applicable to depreciation charges shall be shown in parentheses.

(2) Include taxes on equipment.

(i) *Provision for loan losses.* (1) Banks which provide for loan losses on a reserve basis shall include an estimated amount for credit losses. Such amount shall be determined by management in light of past loan loss experience and evaluation of potential loss in the current loan portfolio. The estimated loan loss factor allocable to operating expense shall not be less than the amount computed under one of the elective methods set forth in subparagraph (2) below.

(2) The bank may elect in 1969, and thereafter consistently use for financial reporting purposes, one of the following methods for allocating loan losses to operating expense:

(i) Average ratio of loss over the past 5 years applied to average loans outstanding during the current year. Ratio of loss shall be the single decimal quotient of total net chargeoffs (losses less recoveries) and total average loans for the 5 most recent years, including the current year.

(ii) Average ratio of loss on a forward moving average beginning with the year 1969 applied to average loans outstanding during the current year. Ratio of loss shall be the single decimal quotient of total net chargeoffs and total average loans for the number of years beginning with 1969 and ending with the year of report. In 1973, banks which elect the forward moving average method will compute the minimum allocable credit loss expense on the same basis as banks which elect method (i).

NOTE.—For purposes of subparagraphs 2 (i) and (ii), annual "average loans outstanding" may be computed on any reasonable schedule of frequency. In the absence of other procedures, "Other loans," and "Federal funds sold and securities purchased under agreements to resell", as reported in the Statements of Condition called by the supervisory authorities, shall be averaged.

(iii) Actual net chargeoffs as experienced in the current year.

(3) An estimated amount for loan losses allocable to operating expense in excess of the minimum amount computed as instructed in subparagraph (2) should be provided when judged appropriate in the opinion of management.

(4) Furnish in a note to financial statements an explanation of the basis for allocating loan losses to operating expense including (i) the method followed, and (ii) amount added at the discretion of management, if any.

(5) The amount may be expressed in even dollars or thousands of dollars.

NOTE.—The amount reported for loan losses in operating expense shall be adjusted if necessary, to the amount transferred to the allowance for loan losses recorded on the books of the bank by an entry to the undivided profits account in the statement of changes in capital accounts. For example, if the estimated loan loss expense reported in the statement of income is less than the amount transferred to the allowance for loan losses, the amount of difference, less related tax effect, should be charged against the undivided profits account. If the estimated loan loss expense reported in the statement of income (1) is more than the amount transferred to the allowance for loan losses, and (2) represents the minimum amount the bank is required to allocate under its elected method, the amount of difference, less related tax effect, should be credited to the undivided profits account.

(6) Banks which do not provide for loan losses on a reserve basis shall include the amount of actual net chargeoffs (losses less recoveries) for the current year.

(j) *Other operating expenses.* (1) Include all operating expenses not reported in Items 2(a) through 2(i).

(2) Include advertising, business promotion, contributions, cost of examinations by supervisory authorities, deposit insurance assessment, fees paid to directors and members of committees, memberships, net cash shortages or overages, operating expenses (except salaries) of "Other real estate owned", postage, premium on fidelity insurance, publicity, retainer fees, stationery and office supplies, subscriptions, taxes not reported against other items, telegrams and cables, telephone, temporary agency help, travel, unreimbursed losses on counterfeits, forgeries, payments over stops, and other recurring expenses and immaterial nonrecurring charges.

(3) Deposit insurance assessment expense shall be reported as a net figure—that is, all assessment credits during the period shall be applied against the assessment expense.

(4) Itemize all amounts that represent 25 percent or more of this item.

(k) *Total operating expenses.* State the sum of Items 2(a) through 2(j).

3. *Income before income taxes and security gains (losses).* State the difference of Item 1(h) minus Item 2(k).

4. *Applicable income taxes.* (a) State the aggregate of Federal and State taxes applicable to the amount reported in Item 3.

(b) Do not include taxes applicable to net security gains (losses) and extraordinary items. Such taxes (or tax reductions) shall be reported in Items 6 and 8.

5. *Income before securities gains (losses).* State the difference of Item 3 minus Item 4.

6. *Net security gains (losses).* State the net result of security gains and losses realized. Related income taxes (or tax reductions) shall be shown parenthetically.

7. *Net income.* State the sum or difference of Items 5 and 6.

NOTE.—If extraordinary items are reported (see Item 8) the caption to this Item shall read, "Income before extraordinary items."

8. *Extraordinary items.* State the material results of nonrecurring transactions that have occurred during the current reporting period. Only the results of major events outside of the ordinary operating activity of the bank are to be reported herein. Such events would include, but not be limited to, material gain or loss from sale of bank premises, expropriation of properties, and major devaluation of foreign currency. Related income taxes (or tax reductions) shall be shown parenthetically. (Less than material results of nonrecurring transactions are to be included in Items 1(g) or 2(j), as appropriate.)

9. *Net income.* State the sum or difference of Items 7 and 8.

10. *Earnings per common share.* State the per share amounts applicable to common stock (including common stock equivalents) and per share amounts on a fully diluted basis, if applicable. The basis of computation, including the number of shares used, shall be furnished in a note to financial statements.

C. STATEMENT OF CHANGES IN CAPITAL ACCOUNTS

Increase (decrease)	Capital notes and debentures	Preferred stock $_____ par	Common stock $_____ par	Surplus	Undivided profits	Reserve for contingencies and other capital reserves
1. Net income transferred to undivided profits						
2. Capital notes and debentures, preferred stock and common stock sold (par or face value)						
3. Stock issued incident to mergers and acquisitions						
4. Premium on capital stock sold						
5. Additions to, or reductions in, surplus, undivided profits, and reserves incident to mergers						
6. Transfer to allowance for loan loss, exclusive of portion charged against income, less related income tax effect $_____						
7. Cash dividends declared on preferred stock						
8. Cash dividends declared on common stock						
9. Stock issued in payment of stock dividend, ____ shares at par value						
10. All other increases (decreases) [1]						
11. Net increase (decrease) for the year						
12. Balance at beginning of year [2]						
13. Balance at end of year						

[1] State separately any material amounts, indicating clearly the nature of the transaction out of which the item arose.

[2] If the statement is filed as part of an annual or other periodic report and the balances at the beginning of the period differ from the closing balances as filed for the previous fiscal period, state in a footnote the difference and explain.

D. SCHEDULES

SCHEDULE I.—*U.S. Treasury securities, securities of other U.S. Government agencies and corporations, and obligations of States and political subdivisions*

Type and maturity grouping	Book value [1]	Market value [2]
U.S. Treasury securities:		
Within 1 year		
After 1 but within 5 years		
After 5 but within 10 years		
After 10 years		
Total U.S. Treasury securities		
Securities of other U.S. Government agencies and corporations:		
Within 1 year		
After 1 but within 5 years		
After 5 but within 10 years		
After 10 years		
Total securities of other U.S. Government agencies and corporations		
Obligations of States and political subdivisions: [3]		
Within 1 year		
After 1 but within 5 years		
After 5 but within 10 years		
After 10 years		
Total obligation of States and political subdivisions		

[1] State briefly in a footnote the basis for determining the amounts in this column.

[3] Include obligations of the States of the United States and their political subdivisions, agencies, and instrumentalities; also obligations of territorial and insular possessions of the United States. Do not include obligations of foreign States.

[2] If market value is determined on any basis other than market quotations at balance sheet date, explain.

SCHEDULE II.—*Other securities*

Type	Book value [1]	Market value [2]
Bonds, notes, and debentures [3]		
Stocks of the Federal Reserve Bank		
Other stocks [3]		
Total		

[1] State briefly in a footnote the basis for determining the amounts shown in this column.

[2] If market value is determined on any basis other than market quotations at balance sheet date, explain.

[3] State in a footnote the aggregate amount and book value of foreign securities included.

SCHEDULE III.—OTHER LOANS [1]

Type:	*Book value*
Real estate loans:	
Insured or guaranteed by the U.S. Government or its agencies	
Other	
Loans to financial institutions	
Loans for purchasing or carrying securities (secured or unsecured)	
Commercial and industrial loans	
Loans to individuals for household, family, and other consumer expenditures	
All other loans (including overdrafts)	
Total other loans reported in balance sheet	

[1] If impractical to classify foreign branch and foreign subsidiary loans in accordance with this schedule, a separate caption stating the total amount of such loans may be inserted. Such action should be explained in a footnote.

SCHEDULE IV—*Bank premises and equipment*

Classification [1]	Gross book value [2]	Accumulated depreciation and amortization [3] [4]	Amount at which carried on balance sheet
Bank premises (including land $ ——).			
Equipment			
Leasehold improvements.			
Totals [5]			

[1] If impractical to consolidate foreign branch and foreign subsidiary bank premises and equipment in accordance with the breakdown required by this schedule, a separate caption stating the total amount of all such property may be inserted. Such action should be explained in a footnote.

[2] State briefly in a footnote the basis of determining the amounts in this column.

[3] If provision for depreciation and amortization is credited in the books directly to the asset accounts, the amounts for the last fiscal year shall be stated in an explanatory footnote.

[4] The nature and amount of significant additions (other than provisions for depreciation and amortization) and deductions shall be stated in an explanatory footnote.

[5] Show in a footnote totals (corresponding to the first two columns) representing amounts reported for Federal income tax purposes.

SCHEDULE V.—*Investments in, dividend income from, and share in earnings or losses of unconsolidated subsidiaries*

Name of subsidiary	Percent of voting stock owned	Total investment, including advances	Equity in underlying net assets at balance sheet date [1]	Amount of dividends [2]	Bank's proportionate part of earnings or loss for the period
Totals					

[1] Equity shall include advances reported in preceding column to the extent recoverable.

[2] In a footnote state as to any dividends other than cash, the basis on which they have been reported as income. Also, if any such dividend received has been credited to income in an amount differing from that charged to surplus and/or undivided profits by the disbursing subsidiary, state the amount of such difference and explain.

SCHEDULE VI.—*"Other" liabilities for borrowed money*

Item:	Amount
Borrowings from Federal Reserve Bank	
Unsecured notes payable within 1 year	
Unsecured notes payable after 1 year	
Other obligations	
Total	

SCHEDULE VII.—*Allowance for possible loan losses*

Item	Amount set up pursuant to Treasury tax formula	Other amount [1]
Balances at beginning of period		
Recoveries credited to allowance		
Additions due to mergers and absorptions [2]		
Transfers to allowance:		
From income		
From undivided profits [3]		
Totals		
Losses charged to allowance		
Balances at end of period [4]		

[1] Do not include any provision for possible loan losses that the bank established as a precautionary measure. Include only any provision that (1) has been established through a charge against income, (2) represents management's judgment as to possible loss or value depreciation, and (3) is in excess of the provision taken under the Treasury tax formula.

[2] Describe briefly in a footnote any such addition.

[3] Indicate by parentheses the gross amount of any credit adjustment to undivided profits.

[4] Describe briefly in a footnote the basis used in computing the amount accumulated in the Allowance at the end of the period. State the amount that could have been deducted for Federal income tax purposes if such amount is in excess of the amount provided by the bank pursuant to the Treasury tax formula.

NOTE.—The sum of the balances should equal the amount of "Allowance for possible loan losses" reported in the balance sheet.

INTERPRETATIONS

§ 11.101 Interpretation of definition of "officer."

(a) Section 11.2(o) defines the term "officer" to mean any person who occupies one or more of certain enumerated positions in a national or District bank "and any other person who participates in major policy-making functions of the bank." Among the positions so enumerated is that of "Vice President", but it is also provided that a person bearing the title of "Vice President" who does not "participate in major policy-making functions of the bank" is not an officer for the purposes of this Part 11.

(b) All persons holding any position enumerated in § 11.2(o), except those holding a position as "Vice President" are officers for purposes of this Part 11 regardless of whether they participate in major policy-making functions. The second sentence of § 11.2(o), which provides that certain persons are not officers if they do not participate in major policy-making functions, applies only to persons with the title of "Vice President".

§ 11.102 Disclosure of loans to "insiders."

(a) This interpretation sets forth the position of the Comptroller of the Currency with respect to disclosures of loans to "insiders"—that is, officers, directors, and persons holding more than 10 percent of the bank's stock—in management proxy statements furnished in accordance with the requirements of §§ 11.5 and 11.51 (Form F–5). This interpretation is also applicable to disclosure of such transactions under comparable provisions relating to registration of bank securities (§ 11.41; Form F–1) under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*).

(b) Item 7(f) of Form F–5 and Item 13 of Form F–1 in effect require a description of any material [1] interest of any insider or any of his "associates" [2] in any material transaction to which the bank was, or is to be, a party. These items contain a number of specific exemptive instructions—for example, no disclosure is required where the only interlock is that a director of a bank is a director and/or officer of another corporation that is a party to the transaction. Generally, these items require disclosure of loans to a corporate borrower only where insiders, individually or with members of their immediate families [3] own at least 10 percent of the borrower's outstanding stock.

(c) The Comptroller of the Currency does not regard loans and other extensions of credit by a registrant bank in the ordinary course of its business as "material" for the purposes of this part (and therefore required to be disclosed unless otherwise specifically exempted by the instructions in these Items) if such loans (1) are made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions with other than insiders, (2) at no time aggregate more than 10 percent of the equity capital accounts of the bank or $10 million, whichever is less, and (3) do not involve more than the normal risk of collectibility or present other unfavorable features.

(d) If extensions of credit to a particular insider and/or his associates are not individually "material" as defined in the preceding paragraph, Instruction 5(d) to item 7(f) nevertheless requires

[1] "The term 'material', when used to qualify a requirement for furnishing of information as to any subject, limits the information required to those matters as to which an average prudent investor ought reasonably to be informed before buying or selling the security registered." (§ 11.2(n).)

[2] "The term 'associate', when used to indicate a relationship with any person, means (1) any corporation or organization (other than the bank or a majority-owned subsidiary of the bank) of which such person is an officer or partner or is, directly or indirectly, either alone or together with one or more members of his immediate family, the beneficial owner of 10 percent or more of any class of equity securities, (2) any trust or other estate in which such person has a substantial beneficial interest or as to which such person serves as a trustee or in a similar fiduciary capacity, and (3) any relative or spouse of such person, or any relative of such spouse, who has the same home as such person or who is a director or officer of the bank or any of its parents or subsidiaries." (§ 11.2(d).)

[3] "The term 'immediate family' includes a person's (1) spouse; (2) son, daughter, and descendant of either; (3) father, mother, and ancestor of either; (4) stepson and stepdaughter; and (5) stepfather and stepmother. For the purpose of determining whether any of the foregoing relationships exist, a legally adopted child shall be considered a child by blood." (§ 11.2(k).)

disclosures of aggregate extensions of credit to all insiders as a group if such aggregate amount exceeds 20 percent of the bank's equity capital accounts, regardless of the fact that such extensions of credit may have been made in the ordinary course of the bank's business. Thus, the overall effect of item 7(f) is to require disclosure in at least three situations:

(1) The amount and the name of the insider must be disclosed where loans to such insider and/or his associates are "material" because their total amount exceeds the greater of 10 percent of equity capital or $10 million;

(2) The amount and the name of the insider must be disclosed as to any loans in excess of $40,000 which were made at preferential rates, or which were otherwise made out of the ordinary course of business, or which involve more than a normal risk, even if such loans do not exceed 10 percent of equity capital;

(3) The amount must be disclosed where all loans to insiders and/or their associates in the aggregate exceed 20 percent of equity capital.

(e) In aggregating any loan amounts for purposes of item 7(f), transactions which are required to be reported pursuant to any other provisions of item 7, or which are exempted by any such provisions, need not be included.

(f) It should also be noted that item 7(e) requires disclosure of any liability to the bank that appears to have arisen under section 16 of the Securities Exchange Act of 1934 (15 U.S.C. 78p) as a result of "insider" transaction in the bank's stock (or other equity security).

§ 11.103 Interpretation of definitions of "affiliate," "majority-owned subsidiary," "parent" and "subsidiary."

In determining whether a person is an "affiliate" or "parent" of a bank or whether a bank is a "subsidiary" or "majority-owned subsidiary" of a person within the meaning of those terms as defined in § 11.2, voting securities of the bank held by a corporation all of the stock of which is directly owned by the United States Government shall not be taken into consideration.

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CHAPTER II—FEDERAL RESERVE SYSTEM

[Reg. Z]

PART 226—TRUTH IN LENDING

Miscellaneous Amendments

On December 27, 1974, the Board proposed amendments to Regulation Z 40 FR 1717 (January 9, 1975) to implement the requirements of Title IV of Pub. L. 93-495 which became effective on the date of enactment, October 28, 1974. The Board received approximately 50 comments on the proposed amendments. The majority of the comments concerned the time limit imposed on unexpired rights of rescission. That section (226.9(h)) has been rewritten to clarify that the amendment does not extend the three-day right of rescission to three years, but only limits to a three-year period those unexpired rights which previously continued indefinitely. Other comments suggested minor word changes which have been incorporated in the amendments as adopted.

In order to implement the amendments to the Truth in Lending Act (15 U.S.C. Chapter 41, Secs. 1601–1681) included in Title IV of Pub. L. 93-495 (Secs. 401–408, 410, and 412–416) the Board has amended Regulation Z. These amendments provide:

(1) That advertisements concerning extensions of credit repayable on more than four installments and for which there is no finance charge identified shall state that the cost of credit is included in the price of the goods and services.

(2) That credit transactions primarily for agricultural purposes where the amount financed exceeds $25,000 are exempt from the disclosure provisions of the Truth in Lending Act and Regulation Z.

(3) That an unexpired right of rescission in residential real property transactions is limited to three years from the date of the consummation of the transaction or upon the sale of the property, whichever occurs earlier.

(4) That issuers of credit cards and businesses or organizations may contract without regard to the other relevant provisions of Regulation Z regarding the liability for unauthorized use of the cards when (a) the card issuer issues 10 or more cards to a single business or organization for use by its employees, and (b) the liability imposed on such employees for unauthorized use does not exceed $50, the amount permitted by Regulation Z.

(5) That any credit transaction involving an agency of a State as creditor is not subject to the right of rescission.

(6) That the creditor of an open end account may allow a longer period than that disclosed to the customer in which to make payment in full and avoid additional finance charges.

(7) For a revised section 226.1(b)(1), which refers to the enforcement of Regulation Z and Chapter 41 of 15 U.S.C., to delete the Interstate Commerce Commission as an enforcing agency and add the Farm Credit Administration.

(8) For a revised section 226.1(c), which refers to statutory civil and criminal penalties, to include provisions for (a) criminal liability for certain fraudulent acts related to credit cards, (b) civil liability in individual or class actions for creditors who fail to comply with Chapter 2 or Chapter 4 (Title III of Pub. L. 93-495) and corresponding provisions of Regulation Z, (c) a creditor's defense for good faith compliance with Regulation Z, (d) single recovery for multiple failures to disclose in a single account, and (e) civil liability of assignees for violations of disclosure requirements where the violation is apparent on the face of the instrument assigned.

Pursuant to the authority granted in 15 U.S.C. sec. 1604 (1970), the Board hereby amends Regulation Z, 12 CFR Part 226, as set forth below, effective August 8, 1975:

1. To implement section 401, § 226.10 (f) is added as set forth below:

§ 226.10 Advertising credit terms.

* * * * *

(f) *Credit payable in more than four instalments; no identified finance charge.* Any advertisement to aid, promote, or assist directly or indirectly an extension of consumer credit repayable by agreement in more than four instalments shall, unless a specific finance charge is or may be imposed, state clearly and conspicuously: "The cost of credit is included in the price quoted for the goods and services."

2. To implement section 402, § 226.3 (e) is added as set forth below:

§ 226.3 Exempted transactions.

* * * * *

(e) *Agricultural credit transactions.* Credit transactions primarily for agricultural purposes, including real property transactions, in which the amount financed[1a] exceeds $25,000 or in which the transaction is pursuant to an express written commitment by the creditor to extend credit in excess of $25,000.

3. To implement sections 403, 406, 407, 408, 413, and 414, § 226.1 (b)(1) and (c) are revised as follows:

§ 226.1 Authority, Scope, Purpose, etc.

* * * * *

(b) *Administrative enforcement.* (1) As set forth more fully in section 108 of the Act, administrative enforcement of the Act and this Part with respect to certain creditors and credit card issuers is assigned to the Comptroller of the Currency, Board of Directors of the Federal Deposit Insurance Corporation, Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), Administrator of the National Credit Union Administration, Civil Aeronautics Board, Secretary of Agriculture, Farm Credit Administration, and Board of Governors of the Federal Reserve System.

* * * * *

(c) *Penalties and liabilities.* Section 112 of the Act provides criminal liability for willful and knowing failure to comply with any requirement imposed under the Act and this Part. Section 134 provides for criminal liability for certain fraudulent activities related to credit cards. Section 130 provides for civil liability in individual or class actions for any creditor who fails to comply with any requirement imposed under Chapter 2 or Chapter 4 of the Act and the corresponding provisions of this Part, provides a defense for creditors complying in good faith with the provisions of the Part or any interpretation thereof by the Board, and provides that a multiple failure to disclose in connection with a single account shall permit but a single recovery. Section 115 provides for civil liability for an assignee of an original creditor where the original creditor has violated the disclosure requirements and such violation is apparent on the face of the instrument assigned, unless the assignment is involuntary. Pursuant to section 108 of the Act, violations of the Act or this Part constitute violations of other

[1a] For this purpose, the amount financed is the amount which is required to be disclosed under § 226.8 (c)(7), or (d)(1), as applicable, or would be so required if the transaction were subject to this Part.

Federal laws which may provide further penalties.

4. To implement sections 412 and 405, § 226.9 (g)(5) and (h) respectively, are added as set forth below:

§ 226.9 **Right to rescind certain transactions.**

* * * * *

(g) * * *

(5) Any transaction in which an agency of a State is the creditor.

(h) *Time limit for unexpired right of rescission.* In the event the creditor fails to deliver to the customer the disclosures required by this section or the other material disclosures required by this Part, a customer's right to rescind a transaction pursuant to this section shall expire the earlier of (1) three years after the date of consummation of the transaction, or (2) the date the customer transfers all his interest, both equitable and legal, in the property.

5. To implement section 410, § 226.13(i) is added as set forth below:

§ 226.13 **Credit cards—issuance and liability.**

* * * * *

(i) *Business use of credit cards.* If 10 or more credit cards are issued by one card issuer to a single business or other organization for use by its employees, nothing in this section prohibits the card issuer from agreeing by contract with such business or other organization as to liability for unauthorized use of any such credit cards without regard to the provisions of this section, but in no case may any business or other organization or card issuer impose liability on any employee of such business or other organization with respect to unauthorized use of such credit card except in accordance with, and subject to, the other liability limitations of this section.

6. To implement section 415, § 226.7 (a)(1) and (b)(9) are revised as set forth below:

§ 226.7 **Open end credit accounts—specific disclosures.**

(a) * * *

(1) The conditions under which a finance charge may be imposed, including an explanation of the time period, if any, within which any credit extended may be paid without incurring a finance charge, except that the creditor may, at his option and without disclosure, refrain from imposing such finance charge even though payment is received after the termination of such time period.

* * * * *

(b) * * *

(9) The closing date of the billing cycle and the outstanding balance in the account on that date, using the term "new balance," accompanied by the statement of the date by which, or the period, if any, within which payment must be made to avoid additional finance charges, except that the creditor may, at his option and without disclosure, refrain from imposing such additional finance charges even though payment is received after such date or termination of such period.

* * * * *

By order of the Board of Governors, July 8, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-18537 Filed 7-16-75;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Commodity Futures Trading Commission

Correction

In the FEDERAL REGISTER (FR Doc. 75-17375) of July 3, 1975, appearing on page 28047, § 213.3379(g) was added; it should be § 213.3379(i) as set out below:

§ 213.3379 **Commodity Futures Trading Commission.**

* * * * *

(i) One Assistant to the Chairman.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSIONER,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-18513 Filed 7-16-75;8:45 am]

PART 213—EXCEPTED SERVICE

Equal Employment Opportunity Commission

Section 213.3377 is amended to show that one position of Special Assistant to the Chairman is reestablished under Schedule C.

Effective on July 17, 1975, § 213.3377(a) is amended as set out below:

§ 213.3377 **Equal Employment Opportunity Commission.**

(a) Four Special Assistants to the Chairman.

(5 U.S.C. secs. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSIONER,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-18514 Filed 7-16-75;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Maritime Commission

In the FEDERAL REGISTER of June 25, 1975, on page 26671, FR Doc. 75-16535, paragraph (a) was erroneously shown as one Confidential Assistant to each of two Commissioners. It should have read one Confidential Assistant to each of three Commissioners.

Effective on July 17, 1975, § 213.3367 is amended as set out below to reflect the correction and to show that one position of Confidential Assistant to the Commissioner is reestablished.

§ 213.3367 **Federal Maritime Commission.**

(a) One Confidential Assistant to each of four Commissioners.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-18515 Filed 7-16-75;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Maritime Commission

Section 213.3367 is amended to reflect the following title change from Private Secretary to the Managing Director to Administrative Assistant to the Managing Director.

Effective on July 17, 1975, § 213.3367 (b) is amended as set out below:

§ 213.3367 **Federal Maritime Commission.**

* * * * *

(b) One Administrative Assistant to the Chairman, one Private Secretary to each Commissioner, and one Administrative Assistant to the Managing Director.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-18516 Filed 7-16-75;8:45 am]

PART 213—EXCEPTED SERVICE

Temporary Boards and Commissions; National Commission on Productivity

Section 213.3199 is amended to show that the Schedule A authority covering positions at grade GS-15 and below on the staff of the National Commission on Productivity is extended from June 30, 1975, to December 31, 1975.

Effective July 1, 1975, § 213.3199(n)(1) is amended as set out below:

§ 213.3199 **Temporary Boards and Commissions.**

* * * * *

(n) *National Commission on Productivity.*

(1) Until December 31, 1975, positions in grade GS-15 and below on the staff of the Commission.

(5 U.S.C. secs. 3301, 3302, EO 10577, 3 CFR 1954-1958, Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-18517 Filed 7-16-75;8:45 am]

Title 7—Agriculture

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 33; Docket No. AO-166-A46]

PART 1033—MILK IN THE OHIO VALLEY MARKETING AREA

Order Amending Order

FINDINGS AND DETERMINATIONS

Correction

In FR Doc. 75-16977, appearing at page 27464 in the issue of Monday, June 30, 1975, make the following changes:

1. In the table of sections on pages 27464 and 27465, delete the duplicate listing of §§ 1033.1-1033.20 and delete the words "to producers" from the heading of § 1033.73.

2. Section 1033.7 on page 27465 should read as set forth below:

§ 1033.7 Fluid milk product.

"Fluid milk product" means the following products or mixtures in either fluid or frozen form, including such products or mixtures that are flavored, cultured, modified (with added nonfat milk solids), concentrated, or reconstituted: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, milk shake mixes containing less than 20 percent total solids, and mixtures of cream and milk or skim milk containing less than 10.5 percent butterfat. The term "fluid milk product" shall not include eggnog, yogurt, frozen desserts, frozen dessert mixes, dietary products and infant formulas in hermetically sealed metal or glass containers, evaporated or condensed milk or skim milk in plain or sweetened form, and any product containing 6 percent or more nonmilk fat (or oil).

3. Paragraph (a)(3) of § 1033.15 on page 27466 should read as follows:

§ 1033.15 Producer milk.

(a) * * *

(3) Diverted for the handler's account from a pool distributing plant to another pool plant, or from a pool distributing plant or a pool supply plant to a nonpool plant that is not a producer-handler plant, subject to the further conditions set forth in paragraph (d) of this section; and

* * * * *

4. Paragraph (b) of § 1033.16 on page 27467 should read as follows:

§ 1033.16 Handler.

* * * * *

(b) Any cooperative association with respect to producer milk which it causes to be diverted for its account from a pool distributing plant of another person to a pool plant, or from a pool distributing plant or a pool supply plant of another person to a nonpool plant that is not a producer-handler plant;

* * * * *

5. Paragraph (k) of § 1033.27 on page 27467 should read as follows:

§ 1033.27 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:

(1) The 5th day of each month;

(i) The Class I price for the following month;

(ii) The Class II and Class III prices for the preceding month; and

(iii) The butterfat differential for the preceding month; and

(2) The 12th day of each month, the uniform price for the preceding month;

* * * * *

6. Paragraphs (a) (1) and (2), (b)(1) and (c) (1) and (3) of § 1033.41 on page 27468 should read as follows:

§ 1033.41 Classes of utilization.

(a) * * *

(1) Disposed of in the form of a fluid milk product, except as provided in paragraphs (b) and (c) of this section. Any fluid milk product that is modified by the addition of nonfat milk solids shall be Class I milk in an amount equal only to the weight of an equal volume of an unmodified product of the same nature and butterfat content; and

(2) Not accounted for as Class II or Class III milk.

(b) * * *

(1) Disposed of as fluid cream (including aerated cream and sterilized cream), eggnog, or as mixtures of cream and milk or skim milk containing 10.5 percent or more butterfat;

* * * * *

(c) * * *

(1) Skim milk and butterfat used to produce butter, nonfat dry milk, dry whole milk, dry whey, dry buttermilk, casein, cheese (except cottage cheese and cottage cheese curd), frozen cream, milk shake mixes containing 20 percent or more total solids, frozen desserts, frozen dessert mixes, dietary products and infant formulas in hermetically sealed metal or glass containers, evaporated or condensed milk or skim milk in plain or sweetened form, and any product containing six percent or more nonmilk fat (or oil);

* * * * *

(3) Skim milk and butterfat in inventory of fluid milk products and bulk cream at the end of the month;

* * * * *

7. Paragraphs (a) (6)(i) and (9) of § 1033.46 on page 27470 should read as follows:

§ 1033.46 Allocation of skim milk and butterfat classified.

(a) * * *

(6) * * *

(i) Other source milk in a form other than that of a fluid milk product or bulk cream that was not subtracted pursuant to paragraph (a)(5) of this section;

* * * * *

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of fluid milk products and bulk cream at the beginning of the month;

* * * * *

8. The introductory text of § 1033.51 should read as follows:

§ 1033.51 Class prices.

Subject to the provisions of § 1033.53, the class prices per hundredweight for the month shall be as follows:

§ 1033.52 [Reserved]

9. The heading for § 1033.52 on page 27471 should read "[Reserved]."

10. The third from last word in line six of § 1033.57(a)(2)(i) on page 27472 should read "operator."

11. Paragraph (b) of § 1033.71 on page 27473 should read as follows:

§ 1033.71 Payments to the producer-settlement fund.

* * * * *

(b) On or before the 14th day after the end of the month, each handler shall pay to the market administrator the value of such handler's milk pursuant to § 1033.60(a) adjusted by the butterfat differential specified in § 1033.73 plus the amounts computed pursuant to § 1033.60 (b) through (g), less:

* * * * *

12. Section 1033.73 on page 27473 should read as follows:

§ 1033.73 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent at a rate determined by multiplying the Chicago butter price for the month by 0.115.

[Docket No. AO-271-A20]

PART 1131—MILK IN THE CENTRAL ARIZONA MARKETING AREA

Partial Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Central Arizona marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Phoenix, Arizona, on March 12, 1975 pursuant to notice thereof issued on February 19, 1975 (40 FR 7943).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Associate Administrator on June 18, 1975 (40 FR 25682) filed with the Hearing Clerk, United States Department of Agriculture, his partial recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings and general findings of

the partial recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modification:

An additional paragraph is added after the 23rd paragraph under issue No. 1.

The material issues on the record of the hearing relate to:

1. Pool plant requirements for a plant operated by a cooperative association;

2. Cooperative association in its role as a handler of bulk tank milk; and

3. Whether a plant with limited route disposition in the Central Arizona marketing area and regulated under a California milk order should be exempt from regulation under the Central Arizona milk order.

This decision deals only with issues No. 1 and 2. Issue No. 3 will be considered in a further decision on this record.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Pool plant requirements for a plant operated by a cooperative association.* The pool plant definition should be modified to provide that a Grade A milk manufacturing plant located within the marketing area and operated by a cooperative association shall be a pool plant if 65 percent or more of its member producer milk is received at the pool plants of other handlers during the current month or the previous 12-month period ending with the current month.

The order presently provides that a cooperative must deliver 75 percent or more of its member producer milk to pool plants of other handlers in order to qualify its plant as a pool plant in any month.

A cooperative association that markets in excess of 80 percent of the producer milk under the Central Arizona order proposed that a cooperative association be permitted to pool its plant if 50 percent or more of its member producer milk is delivered to pool plants of other handlers.

A spokesman for the cooperative indicated that its manufacturing plant performs an essential function in assuring consumers and handlers of adequate milk supplies at all times. He indicated that consumers have been able to purchase milk when they want it and in the quantities desired because the cooperative has maintained a reserve supply of milk for the market. He also indicated that the plant plays an essential role in assuring dairy farmers of a market for milk produced on their farms every day of the year.

The cooperative's spokesman held that, unless the pooling standards were revised, it would not be possible for many of the cooperative's members to continue as producers under the order during the late summer and fall months. He noted that the cooperative was unable to qualify its plant as a pool plant under the provisions for pooling a cooperative's plant during March, April, May, June, July and August, 1974. Neither was the cooperative able to pool its plant as a supply plant during July and August, 1974.

In order to retain producer status for its members during 1974 the cooperative requested and was granted suspension of the diversion limitations for the months of June, July and August 1974. Such suspension permitted the cooperative to continue to pool the milk of its members by receiving such milk at its nonpool plant as milk diverted from a pool plant.

One producer who operates a large dairy and is not a member of the cooperative testified in opposition to the cooperative's request. The principal basis for his objection was that the proposed lower pooling standards would result in a lower blend price under the order since the cooperative would be able to associate additional unneeded milk supplies with this market.

For many years the Central Arizona market did not have a sufficient supply of producer milk to meet its fluid needs. Supplemental supplies to fulfill the fluid milk needs of the market were acquired from other markets located several hundred miles away. In prior years these supplies were procured from as far away as Boise, Idaho and the San Joaquin Valley in California. During the last several years the cooperative association has encouraged its members to increase their production so that a reserve milk supply would be available within the Central Arizona market to meet handler's full requirements of fluid milk products. That milk which is in excess of the fluid needs of pool distributing plans is manufactured into butter, nonfat dry milk and cheese at a plant operated by the cooperative which has recently been expanded by the addition of a cheese-making facility to increase its manufacturing capacity.

The cooperative's plant is located at Tempe, Arizona, which is adjacent to Phoenix, Arizona. It is equipped to receive, cool and store milk received from dairy farmers for later delivery to pool distributing plants. The plant also supplies pool distributing plants with intermediate milk products such as cream, skim milk and condensed milk.

Currently, the producer milk supply of the Central Arizona market is furnished by approximately 160 dairy farmers. The receipts of these producers amounted to 64.6 million pounds monthly during 1974, an increase of 21.1 million pounds from 1966 (earliest year for which such data were presented at the hearing). More than half of this production increase occurred during 1973 and 1974.

The member producer milk marketed by the cooperative increased from 40.8 million pounds monthly in 1972 to 51.0 million pounds in 1974, an increase of 25 percent. While some of this increase reflected the efforts of the cooperative to stimulate production, much of the increase was generated by the increase in producer pay prices during this period. Producer prices which averaged $6.93 for 1972 increased 88 cents during 1973 and an additional 91 cents during 1974.

Class I milk uses in the market increased from 33.6 million pounds monthly (77.4 percent utilization of producer receipts) during 1966 to 42.5 million pounds (72.7 percent utilization of producer receipts) during 1973. Then, in 1974 Class I uses fell by 1.5 million pounds monthly. To what extent this decline reflects the change in classification accorded milk products under the amendments effective August 1, 1974[1] is not clear. However, it is apparent that Class I sales are not keeping pace with production increases.

As a consequence of the proportionately larger increase in production relative to the fluid requirements of the market, it has become increasingly difficult for the cooperative to pool its plant. During 1972 eighty-nine percent of the cooperative's member producer milk was delivered to pool plants of other handlers. Then in 1973 eighty-six percent of the cooperative's milk was supplied to pool plants of other handlers. During 1974 the cooperative delivered to pool distributing plants of other handlers about 74 percent of its member producer milk. The percentage of the member produced milk delivered to other pool plants during 1974 varied from a low of 64 percent in June to a high of 83 percent in January.

If the market is to be fully supplied at all times by local producers, it is to be expected that production will necessarily exceed handler requirements for milk for Class I use. Requirements for fluid milk vary week-to-week and month by month depending upon the pattern of holidays, the number of tourists, the opening and closing of school and other reasons. Additionally, the fluid milk requirements of the market vary from day to day. Proponent's witness estimated that about one-half of the weekly fluid milk requirements of Central Arizona consumers are now purchased at retail outlets on Friday and Saturday.

The fluid milk distributing plants which process and package the fluid milk demanded by consumers operate five days or less per week. The plant requirements are heaviest immediately prior to Friday and Saturday, the weekdays of greatest consumer demand.

The supply of fluid milk in the Central Arizona market varies from year to year and from season to season. Milk production tends to peak in March-May and reaches a low in September-December. The seasonal pattern varies from year to year depending upon weather, feed conditions and other reasons.

The cooperative's spokesman indicated that the Central Arizona market on an annual basis requires a reserve milk supply amounting to 25–30 percent of producer receipts. A reserve of this amount currently would represent 31 to 37.5 percent of the cooperative's member pro-

[1] Official notice is taken of a decision with respect to milk in the Red River Valley and certain other marketing areas (39 FR 8712).

ducer milk. Under the existing market structure about 65 percent of the cooperative's member producer milk is required by other handlers. It is unnecessary, therefore, to provide more liberal pooling standards. Furthermore, Arizona is not an area in which milk would be expected to be produced solely for manufacturing uses. Because it is the blend price, however, on which producers make production decisions and because the cooperative has been active in seeking added production, some safeguard appropriately should be provided to deter dilution of the pool in this area of high production costs. It is concluded, therefore, that the order should be amended to provide that a cooperative may pool its manufacturing plant if 65 percent of its member producer milk during the previous 12-month period ending with the current month is received at pool plants of other handlers.

The order should provide, alternatively, that a plant operated by a cooperative shall qualify as a pool plant in any month in which the cooperative delivers at least 65 percent of its member producer milk to pool plants of other handlers. During most months of the year such monthly pooling standard will accommodate the pooling of the cooperative's plant and provide an easier method for making such determination. Furthermore, a monthly pooling standard will allow other cooperative associations which have not had a prior 12-month association with this market to pool their manufacturing plants located within the marketing area on the first month in which the required percentage is met. In the one or more months that member deliveries may fall below the required percentage, then a cooperative should be permitted as previously noted, to pool its plant if its deliveries to pool plants of other handlers on a 12-month basis exceeds 65 percent of its member producer milk.

In view of the proportionately larger increases in production relative to the fluid requirements of this market during 1973 and 1974, it is possible that the performance requirements adopted herein may not accommodate the pooling of the cooperative's total member milk for an extended period. However, if the reserve milk supply for this market continues to increase, the level of Class I price appropriately should be reconsidered before consideration is given to any further reduction in the pooling standards.

The nonmember who opposed any lowering of the qualification requirements for pooling a cooperative's plant based his opposition on the fact that such plant was not processing all of the reserve supply for the market. That presumption was based upon the fact that the cooperative had refused to process milk of such nonmember that was in excess of the requirements of the handler normally supplied by the nonmember. However, the pooling status of the cooperative's plant in this instance is not conditioned upon the plant's processing the reserve milk supplies for this market but upon the requirement that the members of the cooperative supply a prescribed percentage of their receipts to pool plants of other handlers.

Additionally, the nonmember opposed the provisions of the current order on the basis that such provisions have not accommodated the handling of the nonmember's milk which is in excess of his handler's requirements. However, the nonmember's problem in marketing such milk is outside the scope of Federal milk order regulation. It is not intended that a Federal milk order assure any dairy farmer of a market for his milk. A Federal milk order is designed primarily to assure those dairy farmers who do find a market for their milk at plants regulated under an order that they are getting at least the minimum class prices for their milk based upon the utilization of such milk.

However, the nonmember does not have to rely upon either the cooperative or the Federal milk order to solve the problem that he is experiencing in marketing his milk. It is evident that he can resolve the problem, if he chooses to do so, by modifying his pattern of milk production which varies seasonally to correspond with his handler's demand for a fixed daily supply of milk.

The cooperative requesting modification of the pooling provisions for a cooperative's plant also proposed that such provisions make it clear that any transfers from the cooperative's plant to pool plants of other handlers be counted as a receipt of member producer milk for purposes of determining whether the cooperative met the prescribed delivery requirements of member milk to other plants. Cooperative member milk which is first received at the cooperative's plant and subsequently transferred to the pool plant of another handler appropriately should be counted along with direct delivery of member producer milk to other handler's plant in any determination of the pooling status of the cooperative's plant. However, since the cooperative's plant does receive milk from other than member producers, the amount of transferred milk to be credited toward the cooperative's required delivery performance should not exceed the amount of member producer milk actually received at the cooperative's plant.

The limits specified in the order language of the recommended decision referring to the quantity of milk that is to be considered as a transfer of member producer milk from the cooperative's plant to other pool plants should be restated in terms of the skim milk and butterfat contained in fluid milk products so transferred. Such change will make it clear that the cooperative is to be credited for any transfers of intermediate milk products as well as whole milk to other pool plants to the extent that the total skim milk and butterfat so transferred does not exceed the skim milk and butterfat in member producer milk actually received at the cooperative's plant.

The provisions for qualifying a supply plant as a pool plant should not be modified. The cooperative proposing modification of the provisions for pooling a plant operated by a cooperative also proposed that the provisions for pooling a supply plant be modified. At the hearing, proponent indicated that its plant could operate most effectively as a cooperative pool balancing plant. For that reason, the cooperative offered no testimony in support of its proposal to modify the pooling provisions for a supply plant and, instead, proposed that the provisions for pooling such plant be terminated. Accordingly, no basis exists for modifying the pooling provisions for a supply plant.

The cooperative held that the supply plant provisions should be terminated since no plant other than its own performs the function of a supply plant. There is no indication, however, that the present provisions would be inappropriate for pooling a plant which at some future date begins to operate as a source of supply for a pool distributing plant. It is concluded, therefore, that the provisions with respect to the pooling of a supply plant should be retained.

The provisions of the Central Arizona order should be modified to recognize a "duly constituted regulatory agency" as the authority responsible for the health approval of dairy plants and fluid milk products. The order in defining "pool plants" and "producer" presently does not utilize a common reference to the authority responsible for the approval of dairy plants and fluid milk products and for the issuance of a permit or authorization for a dairy farm. Such authority is referred to as either "a duly constituted state or municipal health authority" or as "any health authority having jurisdiction in the marketing area."

Proponent's proposal to modify the pooling provisions also refers to a "health authority." Testimony at the hearing revealed, however, that the present approving authority is the Dairy Commissioner. Consequently, proponent conceded under cross-examination that the term "duly constituted regulatory agency" would be a more appropriate reference than "health authority" in identifying the current approving authority.

For the purposes of clarity all references to "health authority" should be deleted from the current order and replaced with "duly constituted regulatory agency."

2. *Cooperative association in its role as a handler of bulk tank milk.* A cooperative should be the responsible handler with respect to any milk which it receives for its account from the farm of a producer for delivery to a pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative. However, should there be a mutual arrangement between the cooperative and the plant operator whereby the plant operator will be the handler for such milk and will purchase such milk on the basis of weights determined from its measurement at the farm and butter-

fat tests determined from farm bulk tank samples, the cooperative need not act in a handler capacity with respect to such milk.

The order currently provides that a cooperative association has the option of whether or not it will be the handler on bulk tank milk which is received from the farm for delivery to the pool plant of another handler. The cooperative association may elect to be the handler on bulk tank milk by notifying the market administrator and the handler to whom the bulk tank milk is delivered in writing prior to the first day of the month in which such milk is delivered. In the event the cooperative does not elect to be the handler, then the operator of the pool plant that receives the milk is the handler on such milk.

The cooperative association indicated that in the past it has been the handler on the bulk tank milk of its members which is delivered to the pool plants of other handlers. For that reason, the cooperative proposed modification of the handler definition to provide that the cooperative shall be the responsible handler on bulk tank milk deliveries of its members. The cooperative proposed further that, if both the cooperative and the operator of the pool plant mutually agree and file such request with the market administrator, the operator of the pool plant may be the handler on such milk.

Much of the milk received at pool plants is picked up at the farm in trucks owned or operated by, or under contract to, a cooperative association. In that process the milk of the cooperative's producer members is commingled in a tank truck with that of other member producers and, hence, the identity of the individual producer's milk is lost. The amount of the producer's milk in the truck and the butterfat content thereof can be determined only from measurement of the milk at the farm and from milk samples taken from the farm tank. After the milk has been pumped from the individual producer's farm tank into the tank truck of the hauler and commingled with the milk of other producers, there is no opportunity to measure, sample, or reject the milk of an individual producer. Thus, it is only the association that has the opportunity to measure and sample the milk of individual member producers that is received at the pool plant. In the absence of any agreement by the plant operator to be the handler for the milk, the association necessarily must be the responsible handler for the milk as it leaves the farm.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held;

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a marketing agreement regulating the handling of milk, and an order amending the order regulating the handling of milk in the Central Arizona marketing area, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

May 1975 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Central Arizona marketing area, is approved or favored by producers, as defined under the terms of the order as amended and as hereby proposed to be amended, who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on July 14, 1975.

John Damgard,
Deputy Assistant Secretary.

Order[1] amending the order, regulating the handling of milk in the Central Arizona Marketing Area.

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Arizona marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Central Arizona marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Associate Administrator on June 13, 1975 and published in the FEDERAL REGISTER on June 18, 1975 (40 FR 25682) shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein subject to modifications in § 1131.7(c).

1. Section 1131.7 (a) (b) and (c) is revised to read as follows:

§ 1131.7 Pool plant.

Except as provided in paragraph (d) of this section, "pool plant" means:

(a) Any plant approved by a duly constituted regulatory agency for the receipt or processing of Grade A milk or which supplies processed milk to an agency of the U.S. Government located within the marketing area, from which during the month:

(1) There is route disposition, except filled milk, equal to at least 50 percent of the total receipts at the plant (i) of milk qualified by inspection to become producer milk pursuant to § 1131.13(a), and (ii) from other milk plants and handlers described in § 1131.9(c) in the form of fluid milk products, except filled milk, qualified for fluid consumption; and

(2) There is route disposition, except filled milk, in the marketing area in a volume not less than 25 percent of such receipts and also greater than an average of 600 pounds per day.

(b) Any plant which ships fluid milk products except filled milk, approved by a duly constituted regulatory agency having jurisdiction in the marketing area as eligible for distribution under a Grade A label in a volume not less than 50 percent of its receipts of milk (from dairy farmers who would be producers if this plant qualifies as a pool plant) in the current month during the period of July through October or 20 percent in the current month during the period of November through June to a plant specified in paragraph (a) of this section. If a plant qualifies in each of the months of July through October in the manner prescribed in this section, such plant shall upon written application to the market administrator on or before October 31 following such compliance be designated as a pool plant until the end of the following June.

(c) A milk manufacturing plant located within the marketing area at which milk may be received from the farms of dairy farmers holding permits or authorization issued by a duly constituted regulatory agency having jurisdiction in the marketing area and which is operated by a cooperative association qualified under § 1131.18 which has 65 percent or more of its member producer milk (including the skim milk and butterfat in fluid milk products transferred from its own plant pursuant to this paragraph that is not in excess of the skim milk and butterfat contained in member producer milk actually received at such plant) received at the pool plants of other handlers during the current month or the previous 12-month period ending with the current month. Milk received by such cooperative, in a truck owned or under contract to the cooperative, from a pool plant and transferred in such truck to another pool plant for the account of the cooperative shall be considered a receipt at the cooperative's plant and a transfer from such plant.

* * * * *

2. In § 1131.9, paragraph (c) is revised to read as follows:

§ 1131.9 Handler.

* * * * *

(c) Any cooperative association with respect to milk that it receives for its account from the farm of a producer for delivery to a pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, unless both the cooperative association and the operator of the pool plant notify the market administrator in writing prior to the first day of the month in which such milk is delivered to the pool plant that the plant operator will be the handler for such milk and will purchase such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples;

* * * * *

3. In § 1131.12, paragraph (a) is revised to read as follows:

§ 1131.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk pursuant to the requirements specified in paragraph (a) (1) or (2) of this section, and whose milk is received directly from the farm at a pool plant or is diverted as producer milk pursuant to § 1131.13.

(1) Produces milk on a dairy farm subject to the regular inspection by a duly constituted regulatory agency under a dairy farm permit or rating issued by such agency for the production of milk to be disposed of for fluid consumption.

(2) Produces milk which is acceptable to an agency of the Federal Government for fluid consumption in its institutions or bases.

* * * * *

[FR Doc.75-18585 Filed 7-16-75;8:45 am]

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

[Valencia Orange Regulation 507]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period July 18-24, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.807 Valencia Orange Regulation 507.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to weaken in response to increasing shipments of deciduous fruits and melons. Prices f.o.b. averaged $3.42 per carton on a reported sales volume of 559,000 cartons last week, compared with an average f.o.b. price of $3.67 per carton and sales of 856,000 cartons a week earlier. Track and rolling supplies at 246 cars were down 144 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 15, 1975.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 18, 1975, through July 24, 1975, are hereby fixed as follows:

(i) District 1: 208,000 cartons;

(ii) District 2: 442,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated:

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

[FR Doc.75-18800 Filed 7-16-75;11:58 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Revision of Cotton Loan Program Regulations

A notice of proposed rulemaking with respect to loan programs for the 1975 crops of upland and extra long staple cotton regarding the operating provisions to carry out the programs was published in the FEDERAL REGISTER on August 15, 1974 (39 FR 29375). No comments were received regarding the operating provisions.

In order to incorporate amendments and certain changes in operating provisions determined desirable for more efficient operation of the program, the regulations issued by Commodity Credit Corporation published as the Cotton Loan Program Regulations in 36 FR 13981, as amended, are hereby revised. The material previously appearing in this subpart remains in full force and effect as to the crop years to which it was applicable. The revised regulations eliminate provisions for bill of lading loans, since such provisions are no longer being used; provide that upland cotton be produced on a farm which has a base acreage allotment and extra long staple cotton be produced on a farm on which the acreage planted does not exceed the farm allotment; remove the prohibition for making loans on cotton not in surplus produced on federally owned land, except for cotton produced on land occupied without a lease, permit, or other right of possession; delete the requirement that not more than 500 bales of upland cotton or 200 bales of ELS cotton be pledged on one loan; provide that charges for ties on compressing flat bales are not applicable to certain Southeastern States; provide that warehouse receipts show compression status of all bales; and prescribe procedures to follow in reconcentration of loan cotton. The revised regulations read as follows:

Subpart—Cotton Loan Program Regulations

Sec.

1427.1 General statement.
1427.2 Definitions.
1427.3 Administration.
1427.4 Availability of loans.
1427.5 Eligible producer.
1427.6 Eligible cotton.
1427.7 Forms and authorizations.
1427.8 Approved storage.
1427.9 Weight, loan rate, and amount.
1427.10 Preparation of documents.
1427.11 Disbursement of loans.
1427.12 Service charges.
1427.13 Clerk fees.
1427.14 Liens.
1427.15 Setoffs.
1427.16 Classification of cotton.
1427.17 Interest rate.
1427.18 Maturity.
1427.19 Warehouse receipts and insurance.
1427.20 Special procedure where note amount advanced.
1427.21 Reconcentration of cotton.
1427.22 Custodial offices.
1427.23 Loss of or damage to pledged cotton.
1427.24 Repayment of loan.
1427.25 Cotton cooperative marketing association loans.
1427.26 Failure to comply.
1427.27 Death, incompetency, or disappearance.

Subpart—Cotton Loan Program Regulations

AUTHORITY: Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 101, 103, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1444, 1421).

§ 1427.1 General statement.

(a) The regulations in this subpart, including any amendments and the annual supplement hereto, set forth the requirements with respect to loans on cotton of the 1975 crop and each subsequent crop for which an annual supplement to this subpart is issued. Loans will be made available by CCC to eligible cotton producers on eligible upland and extra long staple cotton through county offices. For other than cotton cooperative marketing association loans, each producer shall obtain his loan(s) through the county office and is responsible for delivering necessary required loan documents to the county office for disbursement of the loan(s). County committees or county executive directors may approve loan clerks at convenient locations to assist producers in preparing loan documents.

(b) Disbursement of Form A loan proceeds will be made by county offices.

§ 1427.2 Definitions.

As used in the regulations in this subpart, and in all instructions, forms, and documents in connection therewith, the words and phrases listed in this section shall have the meaning assigned to them therein unless the context or subject matter otherwise requires.

(a) "Person," "State Executive Director," "County Executive Director," and "farm," respectively, shall each have the same meaning as the definition of such term in Part 719 of this title and any amendment thereto.

(b) "CCC" shall mean Commodity Credit Corporation.

(c) "Data Systems Field Office" shall mean the Data Systems Field Office, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, 8930 Ward Parkway, Kansas City, Missouri 64114 (mailing address P.O. Box 205, Kansas City, Missouri 64141).

(d) "Prairie Village Commodity Office" shall mean the Prairie Village Commodity Office, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Brymer Office Center, 2400 West 75th Street, Prairie Village, Kansas 66208 (mailing address P.O. Box 8377, Shawnee Mission, Kansas 66208).

(e) "State committee" shall mean the Agricultural Stabilization and Conservation State Committee and shall include only the State committee and not its representative.

(f) "County committee" shall mean the Agricultural Stabilization and Conservation county committee and shall include only the county committee and not its representative.

(g) "County office" shall mean the Agricultural Stabilization and Conservation Service county office which keeps the farm records for the farm on which the cotton was produced.

(h) "Loan clerk" shall mean a person approved by CCC to assist producers in preparing loan documents other than in the county office.

(i) "Charges" shall mean all fees, costs, and expenses paid by CCC incident to insuring or reinsuring, reconcentrating, carrying, handling, storing, conditioning, and otherwise protecting the interest in the loan collateral of CCC and the producer.

(j) "Financial institution" shall mean (1) a bank in the United States which accepts demand deposits, (2) an association organized pursuant to State law and supervised by State banking authorities, or (3) a production credit association.

(k) "False-packed," "water-packed," "mixed-packed," "reginned," and "repacked" cotton shall each have the same meaning as the definition of such term in Part 28 of this title and any amendment thereto.

§ 1427.3 Administration.

(a) The Grains, Oilseeds and Cotton Division, Agricultural Stabilization and Conservation Service, will administer the provisions of this subpart under the general supervision and direction of the Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service, in accordance with program provisions and policy determined by the CCC Board and the Executive Vice President, CCC. In the field, the program will be administered through State committees, county committees, and the Data Systems Field Office.

(b) Forms will be available at State and county offices and from loan clerks.

(c) State and county committees and employees thereof, loan clerks, the Data Systems Field Office, and employees thereof do not have authority to modify or waive any of the provisions of this subpart or any amendment or supplement thereto.

(d) No delegation herein to a State or county committee or to the Prairie Village Commodity Office or Data Systems Field Office shall preclude the Executive Vice President, CCC, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee or by the Prairie Village Commodity Office or Data Systems Field Office.

§ 1427.4 Availability of loans.

(a) *Warehouse-storage loans.* Loans on cotton represented by warehouse receipts will be available to eligible producers on:

(1) Eligible upland cotton stored at CCC approved warehouses.

(2) Eligible extra long staple cotton produced in counties listed in Part 722 of this title and any amendment thereto and stored at CCC approved warehouses.

(b) *Period of availability of loans.* Producers may request loans on a crop of cotton from the beginning of harvest of the crop through May 31 following the calendar year in which such crop is grown. Notes for loans must be signed by the producer and mailed or delivered to the county office within 15 days after the producer signs the notes and within this period of loan availability. Whenever the final date of availability falls on a nonworkday for county offices, the applicable final availability date shall be extended to include the next workday.

§ 1427.5 Eligible producer.

(a) *Producer.* An eligible producer is any individual, partnership, corporation, association, trust, estate, or other legal entity, a State or political subdivision thereof, or an agency of such State or political subdivision producing eligible upland or extra long staple cotton in the capacity of landowner, landlord, tennant, or sharecropper. If eligible cotton is produced on a farm by a landlord and his share tenant or sharecropper, a loan may be obtained only as follows:

(1) If the cotton is divided among the producers entitled to share in such cotton, each landlord, tenant, or sharecropper may obtain a loan on his separate share.

(2) If the cotton is not divided, all producers having a share in the cotton may obtain a joint loan on such cotton.

(b) *Estates and trusts.* A receiver of an insolvent debtor's estate, an executor or an administrator of a deceased person's estate, a guardian of an estate of a ward or an incompetent person, and trustees of a trust estate shall be considered to represent the insolvent debtor, the deceased person, the ward or incompetent, and the beneficiaries of a trust, respectively, and the production of the receiver, executor, administrator, guardian, or trustee shall be considered to be the production of the person he represents. Loan documents executed by any such person will be accepted by CCC only if they are legally valid and such person has the authority to sign the applicable documents.

(c) *Eligibility of minors.* A minor who is otherwise an eligible producer shall be eligible for a loan only if he meets one of the following requirements: (1) The right of majority has been conferred on him by court proceedings or by statute; (2) a guardian has been appointed to manage his property and the applicable loan documents are signed by the guardian; (3) any note signed by the minor is cosigned by a financially responsible person; or (4) a bond is furnished under which a surety guarantees to protect CCC from any loss incurred for which the minor would be liable had he been an adult.

§ 1427.6 Eligible cotton.

Upland cotton produced by eligible producers or extra long staple cotton produced by eligible producers in counties listed in Part 722 of this title and any amendment thereto is eligible cotton if it meets the following requirements:

(a) Upland cotton must have been produced on a farm which has a base acreage allotment by a "cooperator" as defined in section 408(b) of the Agricultural Act of 1949, as amended, who has complied with the set-aside requirements, if any, of the Upland Cotton Program as prescribed in Parts 718, 722, and 791 of this title and any amendment thereto. Extra long staple cotton must have been produced by a "cooperator" as defined in section 408(b) of the Agricultural Act of 1949, as amended, on a farm on which it has been determined that the acreage planted to such cotton does not exceed the farm allotment as prescribed in Parts 718, 722, and 791 of this title and any amendment thereto. The cotton in any bale may have been produced by two or more cooperators on one or more farms if the bale is not a repacked bale.

(b) Such cotton must be tendered for a loan within the availability period of § 1427.4(b) and must be cotton of a crop for which loans are available as provided in an annual supplement to the regulations in this subpart.

(c) Such cotton must be of a grade and staple length specified in (1) the schedule of premiums and discounts for upland cotton, or (2) the schedule of loan rates for extra long staple cotton, contained in the applicable annual supplement to the regulations in this subpart and must be represented by a warehouse receipt meeting the requirements of § 1427.19.

(d) Such cotton must not be false-packed, water-packed, mixed-packed, reginned, or repacked; upland cotton must not have been reduced more than two grades because of preparation; extra long staple cotton must have been ginned on a roller gin, must not have a micronaire reading of 2.6 or less and must not have been reduced in grade for any reason.

(e) Such cotton must be in existence and in good condition.

(f) Such cotton must not be compressed to universal density where side pressure has been applied, or to high density at a warehouse.

(g) The producer or association tendering the cotton for a loan must have the legal right to pledge it as security for a loan.

(h) Such cotton must not have been produced on land owned by the Federal Government if such land is occupied without a lease, permit, or other right of possession.

(i) The producer or association tendering such cotton must not have previously sold and repurchased such cotton or placed it under CCC loan and redeemed it.

(j) Each bale of cotton must weigh not less than 325 pounds net weight.

(k) Cotton which has been compressed to standard or higher densities, either at a warehouse or at a gin, must have not less than eight bands.

(l) Each bale must be packaged in materials which meet CCC specifications for bale coverings and bale ties or must be packaged in material and/or bale ties identified with the experimental programs of the Cotton Industry Bale Packaging Committee sponsored by the National Cotton Council. Heads of bales must be completely covered.

(m) Each bale must be ginned by a ginner (1) who has entered the tare weight of the bale (bagging and ties used to wrap the bale) on the gin bale tag, and (2) who has entered into CCC–809, Cooperating Ginners' Bagging and Bale Ties Certification and Agreement, or certified that the bale is wrapped with bagging and bale ties meeting the requirements of paragraph (l) of this section.

(n) The beneficial interest in the cotton must be in the producer tendering the cotton for a loan (or in the producer-member delivering the cotton to the cooperative marketing association which tenders the cotton for a loan) and must have always been in him or in him and a former producer whom he succeeded before it was harvested. To meet the requirements of succession to a former producer, the right, responsibilities, and interest of the former producer with respect to the farming unit on which the cotton was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest without acquisition of any additional interest in the farming unit shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met. A producer shall not be considered to have divested himself of the beneficial interest in the cotton if he enters into a contract to sell, or gives an option to buy his cotton if, under the contract or option, he retains control and risk of loss of and title to the cotton and retains control of its production.

(o) If the person tendering cotton for a loan is a landowner, landlord, tenant, or sharecropper, the cotton must be his separate share of the crop and must not have been acquired by him directly or indirectly from a landowner, landlord, tenant, or sharecropper or have been received in payment of fixed or standing rent.

§ 1427.7 Forms and authorizations.

(a) *Forms.* The following documents must be delivered by producers in connection with every loan except loans made pursuant to § 1427.25:

(1) Cotton Producer's Note and Security Agreement, Form CCC Cotton A (referred to in this subpart as "Form A").

(2) Schedule of Pledged Cotton, Form CCC Cotton A–1 (referred to in this subpart as "Form A–1").

(3) Warehouse receipts complying with the provisions of § 1427.19.

(4) Cotton Classification Memorandum, Form 1 or Form A3, for each bale showing the classification (including micronaire reading) assigned by a board of cotton examiners of the U.S. Department of Agriculture.

(5) Lien Waiver, Form CCC–679 (referred to in this subpart as "Form 679") or other form approved by CCC, or Lienholder's Subordination Agreement, Form CCC–864, if used in lieu of execution of Lienholder's Waiver on Form A in accordance with provisions of § 1427.14.

(b) *Powers of Attorney.* A producer who desires to appoint an attorney-in-fact to act in his place and stead in obtaining loans may use Power of Attorney, Form ASCS–211 (referred to in this subpart as "Form 211"), or a power of attorney on another form if it is determined by CCC to be legally sufficient. The original or facsimile of the power of attorney or a copy certified by a notary public as a true and correct copy must be filed with the county office.

§ 1427.8 Approved storage.

Except as provided otherwise in § 1427.21, cotton will be accepted as security for loans only if stored at warehouses approved by CCC. When the warehouseman received notice from CCC that a loan has been made by CCC on a bale of cotton, he shall, if such cotton is not stored within his warehouse, promptly place such cotton within the warehouse. Warehousemen desiring approval of their facilities should communicate with the Prairie Village Commodity Office. The names of approved warehouses may be obtained from the Prairie Village Commodity Office or from State or county offices. Storage charges paid by a producer on cotton which is later pledged to CCC as security for a loan will not be refunded by CCC. If cotton is redeemed from the loan, the person removing the cotton from storage shall pay all unpaid charges at the warehouseman's established tariff rate.

§ 1427.9 Weight, loan rate, and amount.

(a) *Weight.* Loans will be made on the net weight of the cotton as shown on the warehouse receipt, except that in the case of a bale which has a net weight of more than 600 pounds, the weight to be used in determining the amount of the loan on the bale shall be 600 pounds. Notes for loans on cotton pledged on reweights will not be accepted if CCC determines that such reweights reflect an increase in weight due to the absorption of moisture.

(b) *Loan rate.* (1) The base loan rate for Strict Low Middling 1 1/16-inch upland cotton of each crop at each approved warehouse location will be stated in the schedule of base loan rates for upland cotton by warehouse locations contained in the supplement to this subpart for such crop. The schedule will be available at county offices.

(2) The premium or discount applicable to each other eligible grade and staple length of upland cotton of each crop and the discount, if any, for each micronaire reading will also be contained in the supplement to this subpart for such crop.

(3) Loan rates and micronaire discounts, if any, for extra long staple cotton of each crop will be contained in the supplement to this subpart for such crop.

(c) *Amount.* The amount of the loan for each bale will be determined by multiplying the net weight of the bale, as determined under paragraph (a) of this section by the applicable loan rate, as determined under paragraph (b) of this section, and subtracting any unpaid warehouse receiving charges, any warehouse storage charges in excess of 60 days as of the date of tender to CCC, as provided in § 1427.19(c) and any unpaid charge for furnishing new bale ties as prescribed in § 1427.19(c) of this subpart. CCC will not increase the amount loaned on any bale of cotton as a result of a redetermination of the quality of the bale after it is tendered to CCC and will not increase the amount loaned as a result of any redetermination of weight after the cotton is tendered to CCC, except that if it is established to the satisfaction of CCC that a bona fide error was made in the weight of the bale as shown on the warehouse receipt or in entering the weight of the bale or the loan rate for the bale on the Form A–1, such error may be corrected. In establishing the correct weight of the bale, CCC will deduct from the current weight of the bale any estimated weight gained while in storage.

§ 1427.10 Preparation of documents.

(a) *Preparation of loan forms.* The producer may obtain assistance in preparing and executing loan forms from his county office or from a loan clerk. All applicable blanks on the loan forms shall be filled in with typewriter or ballpoint pen. Documents containing addition, alterations, or erasures may be rejected by CCC. All copies shall be clearly legible, and the copies shall contain all information contained on the original, including all signatures.

(b) *Schedule of pledged cotton.* All cotton pledged as security for a loan must be stored in the same warehouse, must have same compression and compression paid status, and must have been shipped to the warehouse by same mode of transportation, but may be of different grades and staple lengths. All bales pledged on a single Form A–1 must be packaged with the same type bagging and ties and must have the same tare weight.

(c) *Producer's request for payment.* The spaces provided in the Form A for the producer to request payment of the loan proceeds must be completed. If a person or firm has advanced the loan proceeds to the producer (by cash, book credit, or otherwise), the person or firm which advanced the loan proceeds is responsible under the regulations in §§ 1205.500–1205.540 of this title, and any amendment thereto, for collecting the $1 per bale research and promotion fee and for transmitting such fee to the Cotton Board.

(d) *Execution of loan forms.* Loan forms shall not be signed in blank under

any circumstances. A Form A must be signed by the producer in the presence of the loan clerk or county office employee who witnesses the producer's signature, except that loan documents for nonresident producers may be prepared in the county office and mailed to the producer for signature. All applicable entries must be completed on the Form A and Forms A–1 prior to the time the Form A is signed by either the producer or by the witness. The loan clerk or county office employee shall not sign as witness on his own or his spouse's Form A. A loan clerk or county office employee who under power of attorney, executes the Form A on behalf of the producer shall not sign as witness on the Form A.

§ 1427.11 Disbursement of loans.

Disbursement of each Form A loan will be made by the county office which keeps the farm program records for the farm on which the cotton was produced by means of drafts drawn on CCC by the county office. Service charges and cotton research and promotion fees, when required under the regulations in §§ 1205.500–1205.540 of this title, and any amendment thereto, will be deducted from the loan proceeds. If the producer so elects, clerk fees may also be deducted from the loan proceeds instead of being paid in cash. The producer or his agent shall not present the Form A and supporting documents for disbursement unless the cotton covered by the Form A is in existence and in good condition. If the cotton is not in existence and in good condition at the time of disbursement, the producer shall immediately return the draft issued in payment of the loan, or if the draft has been negotiated, shall promptly refund the proceeds.

§ 1427.12 Service charges.

A producer shall pay a service charge to CCC for each loan disbursed at the rate of $1.50 per loan plus 25 cents for each bale thereon: *Provided, however,* That for a loan for which the loan documents are prepared by a loan clerk and the Forms A–1 are prepared in a manner which does not require retyping by CCC for machine processing, the fee shall be $1 plus 10 cents for each bale thereon. The service charge to be paid to CCC by the producer shall be in addition to any clerk fee paid to a loan clerk as authorized in § 1427.13. The service charge is not refundable.

§ 1427.13 Clerk fees.

Loan clerks may collect fees from producers for preparing loan documents not to exceed the fees shown in the following schedule: *Provided, however,* That if a loan clerk prepares Forms A–1 in a manner which does not require retyping by CCC for machine processing, the loan clerk may collect fees from producers at the rate of 10 cents per bale in excess of the fees authorized in the following schedule:

Number of bales on note	*Maximum fee allowed*
1	25 cents.
2 to 6	25 cents plus 15 cents for each bale over 1.
7 and over	$1 plus 10 cents for each bale over 6.

§ 1427.14 Liens.

Except as otherwise provided in this section, cotton tendered for loan must be free and clear of all liens (except the warehouseman's lien (including a warehouseman's lien held by a cooperative warehouse for its producer-patrons) for those charges which are authorized in the storage agreement with CCC). The signatures of the holders of all such existing liens on cotton tendered as security for a loan, such as landlords, laborers, or mortgagees, must be obtained on the lienholder's waiver on each Form A, except that in lieu of signing the lienholder's waiver on each Form A, the lienholder may waive his lien on all cotton of that corp produced by a producer on a farm (or on all farms) or pledged on one Form A by use of Form 679, or by use of another form approved by CCC. In lieu of waiving his prior lien on cotton tendered as security for a loan, a lienholder may execute a Lienholder's Subordination Agreement (Form CCC–864) with CCC in which he subordinates his security interests to the right of CCC in the cotton. If cotton is subject to warehouseman's lien for advances or charges not authorized in the storage agreement, the cotton will be acceptable hereunder if such liens are subordinated to the rights of CCC. A fraudulent representation as to prior liens or otherwise will render the producer personally liable and subject him, and any other person who causes the fraudulent representation to be made, to criminal prosecution under the provisions of the Commodity Credit Corporation Charter Act.

§ 1427.15 Setoffs.

(a) If any installment(s) on any loan made available by CCC on farm-storage facilities or drying equipment is due and payable under the provisions of the note evidencing such loan out of any amount due the producer under the program provided for in this subpart, the producer must designate CCC as payee of such amount to the extent of such installment(s), but not to exceed that portion of the amount remaining after deduction of clerk fees, service charges, research and promotion fees, and amounts due prior lienholders.

(b) If the producer is indebted to CCC, or if the producer is indebted to any other agency of the United States and such indebtedness is listed on the county claim control record, amounts due the producer under the program provided for in this subpart, after deduction of amounts payable under paragraph (a) of this section, shall be applied to such indebtedness, as provided in the Secretary's Setoffs and Withholdings Regulations, Part 13 of this title and any amendments thereto.

(c) Any amount which is to be set off must be entered by the county office on the Form A.

(d) Compliance with the provisions of this section shall not deprive the producer of any right he otherwise has to contest the justness of the indebtedness involved in the setoff action, either by administrative appeal or by legal action.

§ 1427.16 Classification and micronaire readings of cotton.

(a) References made to "classification" in this subpart shall include micronaire readings. All cotton tendered for loan must be classed by a USDA Board of Cotton Examiners (referred to in this subpart as "the board") and tendered on the basis of such classification. A Cotton Classification Memorandum Form 1 showing the classification of a bale must be based upon a represent ative sample drawn from the bale in accordance with instructions to samplers drawing samples for organized improvement groups under the Smith-Doxey Program. If the producer's cotton has not been sampled for a Form 1 classification, the warehouseman shall sample such cotton and forward the samples to the board serving the district in which the cotton is located. Such warehouseman must be licensed by the Agricultural Marketing Service, U.S. Department of Agriculture, to draw samples for submission to the board. If a sample has been submitted for a Form 1 or Form A3 classification, another sample shall not be drawn and forwarded to a board except for a review classification. Where review classification is not involved, if through error or otherwise two or more samples from the same base are submitted for classification, the loan rate shall be based on the classification having the lower loan value. The classification Form 1 or Form A3 must be dated not more than 15 days prior to the date the warehouse receipt was issued (State committees may in arid regions extend this period to not to exceed 30 days prior to the date the warehouse receipt was issued upon determining that such extension will not result in reduction in the grade of the cotton during the extension period), otherwise a new sample must be drawn and a review classification based on the new sample will be required. If a Form 1 or Form A3 review classification is obtained, the loan value of the cotton represented thereby will be based on such review classification.

(b) A classification charge of 45 cents per bale shall be collected from the producer by the warehouseman for all cotton for which samples are submitted to a board for a Form A3 classification or for a Form A3 review classification. The board will bill the warehouseman at the end of each month for such charges. Payment of these bills shall be made by check or money order payable to "Commodity Credit Corporation" and mailed to the Prairie Village Commodity Office.

§ 1427.17 Interest rate.

Loans shall bear interest at the rate(s) announced in separate notice(s) published in the FEDERAL REGISTER.

§ 1427.18 Maturity.

(a) Loans on Form A cotton (and loan advances to cotton cooperative marketing associations on Form G cotton) mature on the last day of the tenth calendar month from the first day of the month in which the loan (or loan advance) is made, or upon such earlier date as CCC may make demand for payment, except

that whenever such date falls on a nonworkday for county offices, the date of maturity shall be the next workday. CCC may, by public announcement, extend the time for repayment of the loan indebtedness or carry the loans in a past due status.

(b) Upon maturity and nonpayment of a note, CCC is authorized without notice to the producer to sell, transfer, and deliver the cotton, or documents evidencing title thereto, at such time, in such manner, and upon such terms and conditions as CCC may determine, at any cotton exchange or elsewhere, or through any agency, at public or private sale, for immediate or future delivery, and without demand, advertisement, or notice of the time and place of sale or adjournment thereof or otherwise; and, upon such sale, CCC may become the purchaser of the whole or any part of such cotton at its market value, as determined by CCC. Any overplus remaining from the proceeds received therefrom, after deducting from such proceeds the amount of the loan, interest, and charges, shall be paid to the producer or to his personal representative without right of assignment to or substitution of any other person. In the event the producer has made a fraudulent representation in the loan documents or in obtaining the loan, the proceeds received from the sale of the cotton shall be credited by CCC against the amount due on the loan, and the producer shall be personally liable for any balance due on the loan.

(c) On or after maturity and nonpayment of the note, title to the cotton shall, at CCC's election, without a sale thereof, vest in CCC, and CCC shall have no obligation to pay for any market value which such cotton may have in excess of the amount of the loan, plus interest and charges. In the event the producer has made a fraudulent representation in the loan documents or in obtaining the loan, the producer shall be personally liable for any amount by which the amount due on the loan exceeds the market value of the cotton securing the loan as of the date title vests in CCC, as determined by CCC.

(d) To avoid administrative costs of making small payments and handling small accounts, amounts of $3 or less will be paid to the producer only upon his request. Deficiencies of $3 or less, including interest, may be disregarded unless demand for payment is made by CCC.

§ 1427.19 Warehouse receipt and insurance.

(a) *General.* Producers may obtain loans on cotton represented by warehouse receipts only if the warehouse receipts are negotiable machine card-type warehouse receipts, are issued by CCC approved warehouses, provide for delivery of the cotton to bearer or are properly assigned by endorsement in blank, so as to vest title in the holder of the receipt, and otherwise are acceptable to CCC. The warehouse receipt must contain the tag number (warehouse receipt number), must show that the cotton is covered by fire insurance, and must be dated on or prior to the date the producer signs the note. If a bale is stored at the origin warehouse (the warehouse to which the bale was first delivered for storage after ginning), the warehouse receipt must contain the gin bale number. If a bale has been moved from the origin warehouse, the warehouse receipt shall, in lieu of the gin bale number, contain the tag number and identification of the origin warehouse. Open yard endorsement, if any, on the warehouse receipt must have been rescinded with the legend "open yard disclaimer deleted" with appropriate signature of the warehouseman or his authorized representative. Block warehouse receipts will not be accepted.

(b) *Weight.* Each receipt must set out in its written or printed terms the tare and net weight of the bale represented thereby. The net weight shown on the warehouse receipt shall be the difference between the gross weight as determined by the warehouseman at the warehouse site and the tare weight, except that the warehouse receipt may show the net weight established at a gin (1) in case the gin is in the immediate vicinity of the warehouse and is operated under common ownership with such warehouse or in any other case in which the showing of gin weights on the warehouse receipts is approved by CCC, and (2) if the showing of gin weights on the warehouse receipts is permitted by the warehouseman's licensing authority. The tare shown on the receipt shall be the tare furnished to the warehouseman by the ginner or entered by him on the gin bale tag. A warehouse receipt reflecting an alteration in tare or net weight will not be accepted by CCC unless it bears, on the face of the receipt, the following legend or similar wording approved by CCC, duly executed by the warehouseman or his authorized representative:

Corrected (tare or net) weight _____

_____
(Name of warehouse)

By _____

Date _____

Alterations in other inserted data on the receipt must be initialed by the warehouseman or his authorized representative.

(c) *Storage and receiving charges.* If warehouse storage charges have been paid, the receipt must be stamped or otherwise noted to show the date through which the storage charges have been paid. For receipts showing accrued storage charges in excess of 60 days as of the date of tender to CCC, the loan amount will be reduced for each month of unpaid storage or fraction thereof in excess of 60 days by the monthly storage charge specified in the storage agreement between the warehouseman and CCC. If warehouse receiving charges have been paid or waived, the receipt must be stamped or otherwise noted to show such fact. If the receipt does not show that receiving charges have been paid or waived, the loan amount will be reduced by the amount of the receiving charges specified in the storage agreement: *Provided, however,* That except for bales stored in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, if receiving charges due on the bale include a charge, if any, for a new set of ties for compressing flat bales tied with ties which cannot be reused, the warehouse receipt must show such receiving charges and state "Rec. charges due include charge for new set of ties," or similar notation, and the loan amount will be reduced by the amount of the receiving charges shown on the warehouse receipt (this will be the amount payable by CCC if it pays for receiving, notwithstanding the provisions of the storage agreement.) In any case where the loan amount is reduced by unpaid storage or receiving charges, the charges will be paid to the warehouseman by CCC after loan maturity if the cotton is not redeemed from the loan, or as soon as practicable after the cotton is ordered shipped by CCC or destroyed by fire while in loan status. Except for bales stored in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, or Virginia, if the bale is stored at a warehouse which does not have compress facilities or arrangements, and if the bale ties are not suitable for reuse when the bale is compressed, the warehouse receipt must show this fact, and the loan amount will be reduced by the charge which will be assessed by the nearest compress in line of transit for furnishing new bale ties.

(d) *Rail shipments.* If the bale was received by rail, the receipt must be stamped or otherwise noted to show such fact.

(e) *Compression.* The warehouse receipt must show the compression status of the bale; i.e. flat, modified flat, standard, gin standard, gin universal, or warehouse universal density. If the compression charge has been paid, or if the warehouseman claims no lien for such compression, the receipt must be stamped or otherwise noted to show such fact.

§ 1427.20 Special procedure where note amount advanced.

(a) *Purpose.* This special procedure is provided to assist persons or firms which in the course of their regular business of handling cotton for producers have made advances to eligible producers on eligible cotton to be placed under loan and desire to obtain credit at a financial institution for the amounts advanced. A financial institution which has made advances to eligible producers on eligible cotton may also obtain reimbursement for the amounts advanced under this procedure.

(b) *Eligible documents.* This special procedure shall apply only to loan documents covering cotton on which a person or firm has advanced to the producers (including payments to prior lienholders and other creditors) the note amounts shown on the Form A, except for authorized loan clerk fees, the $1 per bale research and promotion fee collected for transmission to the Cotton Board, and

CCC loan service charges, and shall apply only if such person or firm is entitled to reimbursement from the proceeds of the loans for the amounts advanced and has been authorized by the producers to deliver the loan documents to the county office for disbursement of the loans.

(c) *Preparation of notes.* The Forms A and A–1 shall be presented by an approved loan clerk who is the person who made the loan advances or is an employee of the person or firm which made the loan advances and shall show the entire proceeds of the loans, except for CCC loan service charges, for disbursement to (1) the financial institution which is to allow credit to the person or firm which made the loan advances or to such financial institution and such person or firm as joint payees, or (2) the financial institution which made the loan advances to the producers.

(d) *Delivery of notes to county offices.* Each Form A and related documents as required by § 1427.7 shall be mailed or delivered to the county office which keeps the farm records for the farm on which the cotton was produced. When received in the county office (or postmarked, if mailed) warehouse receipts and loan documents must reflect not more than 60 days' accrued storage, or the loan amount must be reduced by the excess storage as specified in § 1427.19. The documents shall be accompanied by Form CCC–825, Transmittal Schedule of Form A Cotton Loans, in original and two copies, numbered serially for each county office by the financial institution. The Form CCC–825 shall show the amounts invested by the financial institution in the loans, which shall be the amounts of the notes minus the amounts of CCC loan service charges shown on the notes. Upon receipt of the loan documents and Form CCC–825, the county office will stamp one copy of the Form CCC–825 to indicate receipt of the documents and return this copy to the financial institution.

(e) *Disbursement of loans.* The county office will review the loan documents prior to disbursement and will return to the financial institution any documents determined not to be acceptable because of errors or ineligibility. The county office will disburse the loans for which loan documents are acceptable by issuance of one draft to the payee indicated on the Forms A and will mail the draft to the address shown for such payee on the Forms A with a copy of Form CCC–825. The Form CCC–825 will show the date of disbursement by the county office and amount of interest earned by the financial institution.

(f) *Investment of funds by the financial institution.* The financial institution shall be deemed to have invested funds in the loans as of the date loan documents acceptable to CCC were delivered to the county office or, if received by mail, the date of mailing as indicated by postmark or the date of receipt in the county office if no postmark date is shown. Patron postage meter date stamp will not be recognized as a postmark date.

(g) *Basis of computing interest earned.* Interest will be computed on the total amount invested by the financial institution in the loans represented by accepted loan documents from and including the date of investment of funds by the financial institution to, but not including, the date of disbursement by the county office.

(h) *Interest rate.* Interest will be at the same rate(s) as are applicable to commodity loans under price support programs, as announced in separate notice(s) published in the FEDERAL REGISTER.

(i) *Payment of interest.* Interest earned by the financial institution on the investment in loans disbursed during a month will be paid by the county office after the end of the month.

§ 1427.21 Reconcentration of cotton.

(a) *As cotton enters loan.* Loans on cotton to be reconcentrated shall be available only on cotton received at CCC approved warehouses in areas where there is a shortage of storage space and the local warehouse certifies such fact to CCC. A producer, who desires to obtain a loan on cotton to be reconcentrated under the provisions of this paragraph, shall request such reconcentration and present the same documents as required for a regular loan to the county office. The Forms A–1 and warehouse receipts covering cotton to be reconcentrated must show the reconcentration order number furnished by the county office under which the cotton will be shipped. The county office shall arrange for reconcentration of the cotton under the direction of the Prairie Village Commodity Office. Any fees, costs, or expenses incident to such actions shall be charges against the cotton. That office shall obtain new warehouse receipts, allocate to individual bales shipping and other charges incurred against the cotton, and return new warehouse receipts and reconcentration charges applicable to each bale to the county office. Such reconcentration charges shall be added to bale loan amounts and must be repaid for bales redeemed from loans.

(b) *Cotton under loan.* CCC may, under certain conditions, before loan maturity, compress, store, insure or reinsure the cotton against any risk, or otherwise handle or deal with the cotton as it may deem necessary or appropriate for the purpose of protecting the interest therein of the producer or CCC. CCC may also move the cotton from one storage point to another with the written consent of the producer or borrower and upon the request of the local warehouse and certification that there is congestion and lack of storage facilities in the area: *Provided, however,* That if CCC determines such loan cotton is improperly warehoused and subject to damage, or if any of the terms of the loan agreement are violated, or if carrying charges are substantially in excess of the average of carrying charges available elsewhere, and the local warehouse, after notice, declines to reduce such charges, such written consent need not be obtained. Any fees, costs, or expenses incident to such actions shall be charges against the cotton. After the cotton is reconcentrated the Prairie Village Commodity Office shall allocate shipping and other charges incurred against the cotton and return new warehouse receipts and reconcentration charges applicable to each new bale to the county office. Such reconcentration charges shall be added to bale loan amounts and must be repaid for bales redeemed from loans.

§ 1427.22 Custodial offices.

Forms A and A–1, collateral warehouse receipts, cotton classification memorandums, and related documents will be maintained in custody of the county office.

§ 1427.23 Loss of or damage to pledged cotton.

In any case where loss of or damage to cotton occurs while such cotton is pledged to CCC, CCC shall have the right to determine and file claims against any liable parties for the resulting loss. Upon determination of the identity of the bales of loan cotton lost or damaged, CCC will give credit on the producer's note for the loan value (including interest and charges) of such cotton. If the proceeds of the claim exceed the loan value of such cotton, the excess proceeds shall be remitted to the producer or to the party repaying the loan if the loan has been repaid.

§ 1427.24 Repayment of loan.

(a) If a producer desires to redeem one or more bales of cotton pledged to CCC as security for a loan, he may receive the warehouse receipts (and the classification memorandums applicable to such cotton, if requested) upon payment of the loan, interest, and charges applicable to the bales of cotton being redeemed at the county office. He may also request that the warehouse receipts (and classification memorandums) be forwarded to a bank for payment, in which case the amount of the loan, interest, and charges must be paid to the bank within 5 business days after the documents are received by the bank. Repayments will not be accepted after CCC acquires the cotton. All charges assessed by the bank to which the receipts are sent must be paid by the producer.

(b) A producer who desires to appoint an attorney-in-fact to act in his place and stead in redeeming his loan cotton, selling his equities in loan cotton, or executing Forms CCC–813, Release of Warehouse Receipts (referred to in this subpart as "Form 813"), shall use Form 211, except that a power of attorney on another form will be accepted if it is determined by CCC to be sufficient. The original or facsimile of the power of attorney or a copy certified by a notary public as a true and correct copy must be filed with the county office. The attorney-in-fact must execute and file with the county office an Agreement of Attorney-in-Fact, Form CCC–815 (referred to in this subpart as "Form 815"), and the attorney-in-fact will not be allowed to redeem cotton, or to execute Form 813,

pursuant to the power of attorney if he does not file the required Form 815. The attorney-in-fact shall not make any purchase of cotton redeemed from a CCC loan or producers' equities in such cotton for his own account or as agent for others, or sell any such cotton or equities therein to any person by whom he is employed or who has the right to control or direct his sale of the redeemed cotton or equities, in any case where he redeems the cotton under authority of the power of attorney or signs the Form 813 under authority of the power of attorney. The attorney-in-fact shall not adopt any other scheme or device to circumvent the intent of the regulations in this subpart or Form 815. If the attorney-in-fact holds powers of attorney from more than one producer he may not pool their cotton or the proceeds therefrom nor make settlement with such producers on a pool basis upon sale of the cotton or the equities therein and will make an accounting to each producer for the proceeds of each bale of the producer's cotton which he redeems and sells and each equity which he transfers, unless he has a valid annual marketing agreement with such producers authorizing him to pool the cotton or the proceeds therefrom.

(c) A producer or his authorized agent may enter into an agreement with a person or persons to redeem his cotton and may authorize the release of the applicable warehouse receipts to such person(s) or his transferee (hereinafter called the buyer), on Form 813. If the buyer executes and files the Form 813 with the county office, the buyer shall be obligated to redeem the cotton specified on such form on or before the maturity date of the loan on such cotton. CCC will use its best efforts to make certain that the cotton is not redeemed by anyone other than the buyer and to provide for the delivery to the buyer of the warehouse receipts (and the classification memorandums, if requested) covering the cotton, on payment to the county office of the loan, interest, and charges, or, if it was requested that the documents be forwarded to a bank for payment, on payment of the loan, interest, and charges within 5 business days after the documents are received by the bank. All charges assessed by the bank to which the documents are sent must be paid by the buyer. Redemptions will not be permitted after the maturity date of the loan. On failure of the buyer to redeem all such cotton:

(1) At CCC's election, title to the cotton shall, without a sale thereof, immediately vest in CCC, and CCC shall have no obligation to pay for any market value which such cotton may have in excess of the amount of the loan thereon, plus interest and charges. The buyer shall be personally liable for any amount by which the amount due on the loan on such cotton exceeds the market value of the cotton as of the date title vests in CCC, as determined by CCC.

(2) At CCC's election, CCC is authorized, without notice to the buyer, to sell, transfer and deliver the cotton or documents evidencing title thereto, at such time, and in such manner, and upon such terms and conditions as CCC may determine, at any cotton exchange or elsewhere, or through any agency, at public or private sale, for immediate or future delivery, and without demand, advertisement, or notice of the time and place of sale or adjournment thereof or otherwise; and, upon such sale, CCC may become the purchaser of the whole or any part of such cotton at its market value, as determined by CCC. Any overplus remaining from the proceeds received therefrom, after deducting from such proceeds the amount of the loan on such cotton, plus interest and charges, shall be paid to the buyer or his personal representative without right of assignment to or substitution of any other person. If the proceeds from the sale do not cover the amount of the loan on such cotton, plus interest and charges, the buyer shall be liable to CCC for any difference.

(d) Warehouse receipts will not be released except as provided in paragraphs (a), (b), and (c) of this section.

§ 1427.25 Cotton cooperative marketing association loans.

A cotton cooperative marketing association which meets the eligibility requirements established by CCC as contained in the regulations in Part 1425 of this chapter and any amendment thereto may enter into a Cotton Cooperative Loan Agreement, Form CCC Cotton G, which provides for loans through the association to its producer-members. Copies of the form of agreement will be furnished to all associations which have been approved under such regulations. The loan rates under this agreement will be the same as for loans made to individual producers on Forms A and eligibility requirements for cotton and producers tendering cotton to the association and other loan provisions will be similar to those for Form A loans made to individual producers.

§ 1427.26 Failure to comply.

The obtaining of loans by producers on cotton which is not eligible for tender to CCC for loans will cause serious and substantial program damages to CCC, such as damage to its cotton loan program and the incurring of certain administrative and other special costs, in addition to any loss to CCC in disposing of the ineligible cotton. Inasmuch as it would be difficult, if not impossible, to prove the exact amount of such program damages, a producer obtaining a loan on cotton under this subpart shall pay to CCC as liquidated damages an amount equal to $5 for each bale of such cotton which (a) is not eligible cotton as defined in § 1427.6 or (b) is cotton which is subject to a prior lien (except the warehouseman's lien for those charges which are authorized in the storage agreement with CCC). By obtaining such loans, the borrower agrees with CCC that such amounts are reasonable estimates of the probable actual damages that would be incurred by CCC. Such amounts shall be paid to CCC promptly upon demand. Also, the borrower shall redeem such cotton upon demand by CCC; and, upon his failure to redeem such cotton, whether or not demand for redemption is made by CCC, shall be liable for any deficiency on the loan arising from sale of such cotton. Notwithstanding the foregoing provisions of this section, if it is determined by CCC that the borrower did not have knowledge of the ineligibility of the cotton or followed a procedure which could reasonably be expected to prevent the tender of ineligible cotton to CCC, liquidated damages shall not be payable to CCC and, if the cotton is made eligible for loan within 30 days from the date notification that the cotton is ineligible is given to the borrower by CCC, the cotton need not be redeemed.

§ 1427.27 Death, incompetency, or disappearance.

In the case of death, incompetency, or disappearance of any producer who is entitled to the payment of any proceeds in settlement of a loan, payment shall, upon proper application to the county office which disbursed the loan, be made to the person or persons who would be entitled to such producer's payment as provided in the regulations entitled Payment Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent, Part 707 of this title and any amendment thereto.

Effective date. This subpart shall become effective July 16, 1975.

Signed at Washington, D.C., on July 10, 1975.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.75-18520 Filed 7-16-75;8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF LIVESTOCK OR POULTRY DISEASES

PART 56—SWINE DESTROYED BECAUSE OF HOG CHOLERA

Payment of Expenses for Swine Destroyed Because of Hog Cholera

Statement of considerations. On October 11, 1972 the Secretary of Agriculture declared a national emergency (37 FR 21861) to exist due to the existence of hog cholera, a communicable disease of swine in the United States.

Hog Cholera infected or exposed swine presently exist in the States of Texas and Oklahoma. This is the first outbreak of hog cholera since hog cholera occurred in Puerto Rico and Mississippi on May 4, 1974 and February 7, 1974, respectively.

The purpose of this amendment is to provide for the payment of up to 100 percent of the expenses of purchase, destruction and disposition of animals and materials required to be destroyed because of hog cholera which constitutes a threat to the swine industry of the United States.

In view of the nature of the disease and the circumstances under which it is disseminated and in order to prevent the spread of the disease in interstate or foreign commerce, it is necessary to eradicate hog cholera from the United States as soon as possible.

The payment of up to 100 percent of expenses for the purchase, destruction and disposition of animals destroyed because of hog cholera is necessary for the speedy eradication of the disease.

Accordingly, Part 56, Title 9, Code of Federal Regulations, is amended in the following respects:

1. In § 56.1, paragraph (f) is revised to read as follows:

§ 56.1 Definitions.

* * * * *

(f) "State" means each and every one of the States of the United States, the District of Columbia, Puerto Rico and the Territories and possessions of the United States.

* * * * *

2. The first sentence of § 56.4 is amended to read:

§ 56.4 Care and feeding of swine under quarantine; disposal after slaughter.

The Department may pay up to 100 percent of expenses for the purchase, destruction, and disposition of animals and materials required to be destroyed because of being contaminated by or exposed to hog cholera. * * *

3. In § 56.7, paragraph (a) is amended, paragraph (c) is deleted, and paragraph (d) is redesignated as paragraph (c):

§ 56.7 Payment to owners for swine destroyed.

(a) Subject to paragraph (b) of this section, owners of swine destroyed in accordance with this part in any State may be paid an indemnity not to exceed 100 percent of the appraised value of the swine destroyed: *Provided*, That each such State has laws, rules or regulations requiring the individual identification of all feeder and breeder swine moving through livestock markets and other concentration points in intrastate and interstate movement.

* * * * *

(Secs. 3–5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended; sec. 3, 33 Stat. 1265, as amended, sec. 11, 58 Stat. 734, as amended (21 U.S.C. 111–114a, 120, 125); 28 FR 28464, 28447, 38 FR 19141.)

Effective date. The foregoing amendment shall become effective July 11, 1975.

The amendment provides for the payment of up to 100 percent of the expenses of purchase, destruction and disposition of animals and materials required to be destroyed because of hog cholera which constitutes a threat to the swine industry of the United States, and should be made effective as soon as possible in order to facilitate the control and eradication of hog cholera, a communicable disease of swine which currently exists in certain areas in the States of Texas and Oklahoma, and to prevent the spread of such disease in the interests of the swine industry and the public. It does not appear that public paritication in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, 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 11th day of July 1975.

J. K. ATWELL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-18519 Filed 7-16-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-CE-14]

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

Alteration of Control Zone and Transition Area

Correction

Airspace Docket No. 73-CE-14, published in the FEDERAL REGISTER on October 12, 1973 (38 FR 28258, 28259), as corrected in the FEDERAL REGISTER on January 3, 1974 (39 FR 792, 793), is a Final Rule which included alteration of the Kansas City, Missouri, (International Airport) control zone and the Kansas City, Missouri, transition area. Subsequent to the issuance of the Final Rule as corrected, it has been determined that the coordinates in the Kansas City, Missouri, (International Airport) control zone and Kansas City, Missouri, transition area descriptions are incorrect. Accordingly, action is taken herein to accurately set forth the coordinates.

Since this amendment is editorial in nature it imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the Airspace Docket No. 73-CE-14 is amended in the following respects:

1. In the Kansas City, Missouri (International Airport) control zone description delete the phrase "latitude 39°18' 05" N., longitude 94°43'37" W." and substitute therefor "latitude 39°18'18" N. longitude 94°42'40" W.

2. In lines 10 and 11 of the Kansas City, Missouri, transition area description delete the phrase "latitude 39°18' 05" N., longitude 94°43'47" W.," and substitute therefore "latitude 39°18'18" N., longitude 94°42'40" W."

(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 June 25, 1975.

GEORGE R. LACAILLE,
Acting Director, Central Region.

[FR Doc.75-18550 Filed 7-16-75;8:45 am]

[Airspace Docket No. 75-SW-25]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Many, La.

On May 22, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 22272) stating the Federal Aviation Administration proposed to designate the Many, La., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 9, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

MANY, LA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Hart Airport (latitude 31°32'43" N., longitude 93°29'15" W.) and within 3.5 miles each side of the 300° bearing from the NDB (latitude 31°34'16" N., longitude 93°32'29" W.) extending from the 8.5-mile-radius area to a point 12 miles west of the NDB.

(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 Fort Worth, Tex., on July 7, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-18551 Filed 7-16-75;8:45 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Docket No. 14791; Amdt. No. 260]

PART 95—IFR ALTITUDES

Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation Regulations (14 CFR Chapter I) is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or any portion of a route. These altitudes,

when used in conjunction with the current changeover points for the routes or portions of routes, also assure navigational coverage that is adequate and free of frequency interference.

Since situations exist which demand immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

Therefore, Part 95 of the Federal Aviation Regulations is amended as follows:

§95.1001 DIRECT ROUTES—U.S.

Is amended to delete:

FROM	TO	MEA
Braddock INT, Md.	Herndon, VA. VOR	4000
Int. 097 M rad Herndon VOR & 320 M rad Washington VOR	Herndon, Va. VOR	3000 MAA—4000
Mapleville INT, Md.	Braddock INT, Md.	4000
Washington, D.C. VOR	Int. 320 M rad Washington VOR & 097 M rad Herndon, VOR	3000
*Afton INT, Tenn. *5500—MRA **5400—MOCA	Boone, Tenn. RBN	**6000
Barnard INT, N.C. *6900—MOCA	Boone, Tenn. RBN	*7000
Biltmore, N.C. RBN	Int. 340 M brg Biltmore RBN & 231 M rad Holston Mtn VOR	7000
Boone, Tenn. RBN *5000—MOCA	Int. 188 M rad Holston Mtn VOR & 121 M brg Boone RBN	*6000
Int. 231 M rad Holston Mtn VOR & 133 M brg Boone RBN *5600—MOCA	Boone, Tenn. RBN	*6000
Knoxville, Tenn. VOR	Spartanburg, S.C. VOR	9000
Int. 231 M rad Holston Mtn VOR & 140 M brg Boone RBN *5500—MOCA	Boone, Tenn. RBN	*6000
Morganton INT, Ga. Via HCH 148/HRS 271 *5300—MOCA	Hinch Mountain, Tenn. VOR	*6000
Int. 188 M rad Holston Mountain VOR & 121 M brg from Boone LF/RBN	Barretts Mountain, N.C. VOR	8000
Roan Mountain INT, Tenn. *6900—MOCA	Int. 231 M rad Holston Mtn VOR & 133 M brg Boone RBN	*7000
Unicoi INT, Tenn. *6800—MOCA	Int. 231 M rad Holston Mtn VOR & 140 M brg Boone RBN	*7000
Toccoa, Ga. VOR	Biltmore, N.C. RBN	8300
Columbia, S.C. VOR	Pulaski, Va. VOR	18000 MAA—42000
Int. 221 M rad Greensboro VOR & 192 M brg Reynolds LOM *2000—MOCA	Reynolds, N.C. LOM	*2500
Columbia, S.C. VOR	Pulaski, Va. VOR	18000 MAA—42000
Spartanburg, S.C. VOR	Raleigh-Durham, N.C. VOR	18000 MAA—42000
Snowbird, Tenn. VOR *6800—MOCA	Weaverville INT, N.C.	*7000
Hill City, Kans. VORTAC Via HLC 077/MKC 263	Kansas City, Mo. VORTAC	18000 MAA—41000
Lincoln, Neb. LOM *2700—MOCA	Omaha, Neb. VOR (COP 15 LNK)	*2900

§95.1001 DIRECT ROUTES—U.S.

Is amended by adding:

FROM	TO	MEA
Tulsa, Okla. VOR	Davis, Okla. VOR	3600
Toccoa, Ga. VORTAC	Charleston, W. Va. VORTAC COP 45 TOC	29000 MAA—43000

Puerto Rico Routes

Route 2 is amended to read in part:

Borinquen, P.R. VOR *2500—MRA	*Pueblo INT, P.R.	2200
Pueblo INT, P.R. *7500—MRA	*Beach INT, P.R.	2200
Beach INT, P.R.	San Juan, P.R. VOR	2000
San Juan, P.R. VOR	Isla Verde INT, P.R.	1500
Isla Verde INT, P.R.	Culebra INT, P.R.	1800
Cruzan INT, V.I.	St. Croix, V.I. VOR	2400

Route 3 is amended to read in part:

San Juan, P.R. VOR	Marlin INT, P.R.	1500

Route 4 is amended to read in part:

Borinquen, P.R. VOR	Lares INT, P.R.	3000
Lares INT, P.R.	Midway INT, P.R.	5600
Midway INT, P.R. *8700—MCA Point Tuna INT, NW-bound **5000—MOCA	*Point Tuna INT, P.R.	**8700
Point Tuna INT, P.R.	Vieques INT, P.R.	3300
Vieques INT, P.R.	Snapper INT, V.I.	2400

Route 6 is amended to read in part:

San Juan, P.R. VOR	Coral INT, P.R.	1500

Route 7 is amended to read in part:

Georgia INT, P.R. *3300—MOCA	Point Tuna INT, P.R.	*6000
Point Tuna INT, P.R. *4000—MRA	*San Lorenzo INT, P.R.	3300
San Lorenzo INT, P.R.	San Juan, P.R. VOR	3500
San Juan, P.R. VOR *2500—MRA	*Greenwater INT, P.R.	1500
Greenwater INT, P.R.	Lobster INT, P.R.	1500
Lobster INT, P.R. *1200—MOCA	Dolphin INT, P.R.	*2500

Route 8 is amended to read:

Arenas INT, P.R.	Ponce, P.R. VOR	2800
Ponce, P.R. VOR	Point Tuna INT, P.R.	4500

Route 9 is amended to read:

*Dokes INT, P.R. *9000—MRA **1900—MOCA	Ponce, P.R. VOR	**2500
*Ponce, P.R. VOR *2700—MCA Ponce VOR, NE-bound	Guaynabo INT, P.R.	5000
Guaynabo INT, P.R.	San Juan, P.R. VOR	3800
San Juan, P.R. VOR *2500—MRA	*Caribbean INT, P.R.	1500
Caribbean INT, P.R. *4000—MRA **1200—MOCA	*Atlantic INT, P.R.	**2500
Atlantic INT, P.R. *1200—MOCA	Vermo INT, P.R.	*8000

DIRECT ROUTES—U.S.—cont'd.

Route 10 is amended to read:

Aljask INT, P.R.	Ponce, P.R. VOR	**2500
*4800—MRA		
**1900—MOCA		

Route 11 is amended to read in part:

*Vega INT, P.R.	San Juan, P.R. VOR	3000
*5000—MCA Vega INT, S-bound		

§95.6002 VOR FEDERAL AIRWAY 2

Is amended to read in part:

FROM	TO	MEA
Lone Rock, Wis. VOR	Immes INT, Wis.	3000
Immes INT, Wis.	Madison, Wis. VOR	2800
Ellensburg, Wash. VOR	Potholes INT, Wash.	7000

§95.6003 VOR FEDERAL AIRWAY 3

Is amended to read in part:

FROM	TO	MEA
Fayetteville, N.C. VOR	Coats INT, N.C.	
Via E alter.	Via E alter.	2000
Coats INT, N.C.	Raleigh-Durham, N.C. VOR	
Via E alter.	Via E alter.	2700

§95.6004 VOR FEDERAL AIRWAY 4

Is amended to read in part:

FROM	TO	MEA
Bridgeport INT, Ky.	Lexington, Ky. VOR	
Via N alter.	Via N alter.	3000

§95.6009 VOR FEDERAL AIRWAY 9

Is amended to read in part:

FROM	TO	MEA
Crystal City INT, Mo.	Arnold INT, Mo.	*3000
*2300—MOCA		

§95.6013 VOR FEDERAL AIRWAY 13

Is amended to read in part:

FROM	TO	MEA
Harlingen, Tex. VOR	Fox INT, Tex.	
Via W alter.	Via W alter.	*1600
Fox INT, Tex.	*Noria INT, Tex.	
Via W alter.	Via W alter.	2000
*4000—MCA Noria INT, N-bound		

§95.6015 VOR FEDERAL AIRWAY 15

Is amended to read in part:

FROM	TO	MEA
Kansas City, Mo. VOR	Dearborn INT, Mo.	3000

§95.6016 VOR FEDERAL AIRWAY 16

Is amended to delete:

FROM	TO	MEA
Nashville, Tenn. VOR	Centertown INT, Tenn.	
Via S alter.	Via S alter.	4000
Centertown INT, Tenn.	Hinch Mountain, Tenn. VOR	
Via S alter.	Via S alter.	5000

§95.6018 VOR FEDERAL AIRWAY 18

Is amended to read in part:

FROM	TO	MEA
Jackson, Miss. VOR	*Fannin INT, Miss.	
Via S alter.	Via S alter.	**3000
*3300—MRA		
**1900—MOCA		
Fannin INT, Miss.	Meridian, Miss. VOR	
Via S alter.	Via S alter.	*3000
*1900—MOCA		
Shreveport, La. VOR	*Weter INT, La.	
Via S alter.	Via S alter.	2000
*3000—MRA		
Weter INT, La.	Monroe, La. VOR	
Via S alter.	Via S alter.	2000
Monroe, La. VOR	*Rinky INT, La.	2000
*3000—MRA		
Rinky INT, La.	*Signal INT, Miss.	2000
*3800—MRA		

§95.6038 VOR FEDERAL AIRWAY 38

Is amended to read in part:

FROM	TO	MEA
Genso INT, Ill.	Wynet INT, Ill.	*2600
*2100—MOCA		
Wynet INT, Ill.	Tride INT, Ill.	*2500
*1900—MOCA		
Genso INT, Ill.	Wynet INT, Ill.	
Via S alter.	Via S alter.	*2600
*2100—MOCA		
Wynet INT, Ill.	Tride INT, Ill.	
Via S alter.	Via S Alter.	*2500
*1900—MOCA		

§95.6039 VOR FEDERAL AIRWAY 39

Is amended by adding:

FROM	TO	MEA
Chester, Mass. VOR	Vaper INT, Mass.	3700
Vaper INT, Mass.	Gardner, Mass. VOR	3500

§95.6044 VOR FEDERAL AIRWAY 44

Is amended to read in part:

FROM	TO	MEA
Falmouth, Ky. VOR	York, Ky. VOR	*3000
*2400—MOCA		

§95.6050 VOR FEDERAL AIRWAY 50

Is amended to read in part:

FROM	TO	MEA
Indianapolis, Ind. VOR	Dayton, Ohio VOR	3000

§95.6051 VOR FEDERAL AIRWAY 51

Is amended to read in part:

FROM	TO	MEA
Livingston, Tenn. VOR	Gilpin INT, Ky.	
Via E alter.	Via E alter.	3200
Livingston, Tenn. VOR	*Bakerton INT, Ky.	
Via W alter.	Via W alter.	3000
*4500—MRA		

§95.6054 VOR FEDERAL AIRWAY 54

Is amended to delete:

FROM	TO	MEA
Huntsville, Ala. VOR	Adler INT, Ala.	
Via S alter.	Via S alter.	3500
Adler INT, Ala.	Chattanooga, Tenn. VOR	
Via S alter.	Via S alter.	4000

§95.6058 VOR FEDERAL AIRWAY 58
is amended to delete:

FROM	TO	MEA
Lake Henry, Pa. VOR	Pawling, N.Y. VOR	4000
Pawling, N.Y. VOR *2600–MOCA	Litchfield INT, Conn.	*3000
Litchfield INT, Conn. *2300–MOCA	Hartford, Conn. VOR	*3000

§95.6058 VOR FEDERAL AIRWAY 58
is amended by adding:

FROM	TO	MEA
Lake Henry, Pa. VOR	Kingston, N.Y. VOR	4000
Kingston, N.Y. VOR	Hartford, Conn. VOR	3000

§95.6069 VOR FEDERAL AIRWAY 69
is amended to read in part:

FROM	TO	MEA
Crystal City INT, Mo. *2300–MOCA	Arnold INT, Mo.	*3000

§95.6070 VOR FEDERAL AIRWAY 70
is amended to read in part:

FROM	TO	MEA
Vienna, Ga. VOR *3000–MRA **1800–MOCA	*Oconee INT, Ga.	**3000
Oconee INT, Ga. *1800–MOCA	Millen INT, Ga.	*3000 MAA–9000
Millen INT, Ga. *1800–MOCA	Allendale, S.C. VOR	*3000

§95.6071 VOR FEDERAL AIRWAY 71
is amended to read in part:

FROM	TO	MEA
Natchez, Miss. VOR *4000–MRA	*Basks INT, La.	2000
Basks INT, La.	Monroe, La. VOR	2000

§95.6076 VOR FEDERAL AIRWAY 76
is amended to read in part:

FROM	TO	MEA
Llano, Tex. VOR	Beth INT, Tex.	3000
Llano, Tex. VOR Via S alter. *3300–MRA	*Wirtz INT, Tex. Via S alter.	3300
Wirtz INT, Tex. Via S alter.	Capitol INT, Tex. Via S alter.	3000
Llano, Tex. VOR Via N alter.	Marble INT, Tex. Via N alter.	3000

§95.6081 VOR FEDERAL AIRWAY 81
is amended to read in part:

FROM	TO	MEA
Colorado Springs, Colo VOR	Frisk INT, Colo.	.9700
Frisk INT, Colo.	Denver, Colo. VOR	8400

§95.6084 VOR FEDERAL AIRWAY 84
is amended to read in part:

FROM	TO	MEA
Flint, Mich. VOR *2200–MOCA	Kings Mill INT, Mich.	*2800
Kings Mill INT, Mich.	Peck, Mich. VOR	2800

§95.6088 VOR FEDERAL AIRWAY 88
is amended to read in part:

FROM	TO	MEA
Delmar INT, Mo. *2300–MOCA	Crystal City INT, Mo.	*3500
Waco INT, Mo.	Miller INT, Mo.	3000
Int. 051 M rad Springfield VOR & 260 M rad Forney VOR Via S alter.	Forney, Mo. VOR Via S alter.	3000

§95.6094 VOR FEDERAL AIRWAY 94
is amended to read in part:

FROM	TO	MEA
Jamestown INT, La. *3000–MRA	*Weter INT, La.	2000
Weter INT, La.	Monroe, La. VOR	2000
Monroe, La. VOR *3000–MRA	*Galio INT, La.	2000
Galio INT, La.	Greenville, Miss. VOR	2000

§95.6097 VOR FEDERAL AIRWAY 97
is amended to read in part:

FROM	TO	MEA
Loglick INT, Ky. Via E alter.	Falmouth, Ky. VOR Via E alter.	2800

§95.6115 VOR FEDERAL AIRWAY 115
is amended to read in part:

FROM	TO	MEA
Rose Hill INT, Va. *4800–MOCA	Whitesburg, Ky. VOR	*6000
Whitesburg, Ky. VOR *3400–MOCA	Whirlwind INT, W.Va.	*6000

§95.6116 VOR FEDERAL AIRWAY 116
is amended to read in part:

FROM	TO	MEA
Excelsior INT, Mo. *4000–MRA **2400–MOCA	*Tina INT, Mo.	**3000
Salem, Mich. VOR	U.S. Canadian Border	2600

§95.6127 VOR FEDERAL AIRWAY 127
Is amended to read in part:

FROM	TO	MEA
Bradford, Ill. VOR *2100–MOCA	Wynet INT, Ill.	*2700
Wynet INT, Ill. *1800–MOCA	Harmon INT, Ill.	*2600

§95.6128 VOR FEDERAL AIRWAY 128
Is amended to read in part:

FROM	TO	MEA
California INT, Ky. *2400–MOCA	York, Ky. VOR	*3000

§95.6130 VOR FEDERAL AIRWAY 130
Is amended to read in part:

FROM	TO	MEA
Colebrook INT, Mass.	Hartford, Conn. VOR	3000

§95.6134 VOR FEDERAL AIRWAY 134
Is amended to read in part:

FROM	TO	MEA
*Fairfield, Utah VOR *10800–MCA Fairfield VOR, E-Bound	Carbon, Utah VOR	12700
Carbon, Utah VOR	Grand Junction, Colo. VOR	11900

§95.6139 VOR FEDERAL AIRWAY 139
is amended to read in part:

FROM	TO	MEA
*Watch Hill INT, R.I. *3000–MRA **1500–MOCA	Wacky INT, R.I.	**3000
Wacky INT, R.I. *1700–MOCA	Lafayette INT, R.I.	*2300

§95.6146 VOR FEDERAL AIRWAY 146
is amended to delete:

FROM	TO	MEA
Pawling, N.Y. VOR *2900–MOCA	Torrington INT, Conn.	*3400
Torrington INT, Conn. *2400–MOCA	Bradley INT, Conn.	#3000
Bradley INT, Conn. *2100–MOCA	Skylark INT, Conn.	*3000
Skylark INT, Conn. *2500–MOCA	Putnam, Conn. VOR	*3000

§95.6148 VOR FEDERAL AIRWAY 148
is amended to delete:

FROM	TO	MEA
Denver, Colo. VOR	Kiowa, Colo. VOR	9000

§95.6154 VOR FEDERAL AIRWAY 154
is amended to read in part:

FROM	TO	MEA
Lotts INT, Ga.	Savannah, Ga. VOR	2000
*Oconee INT, Ga. *3000–MRA **1800–MOCA	Lotts INT, Ga.	**4000

§95.6167 VOR FEDERAL AIRWAY 167
Is amended to read in part:

FROM	TO	MEA
Gaylord INT, N.Y.	Hartford, Conn. VOR	3000
Turner INT, Mass. *1500–MOCA	Peak INT, Mass.	*2500
Peak INT, Mass. *1400–MOCA	Hyannis, Mass. VOR	*1900

§95.6177 VOR FEDERAL AIRWAY 177
Is amended to read in part:

FROM	TO	MEA
Wausau, Wis. VOR Via W alter. *3600–MOCA	Hayward, Wis. VOR Via W alter.	*4500

§95.6180 VOR FEDERAL AIRWAY 180
is added to read:

FROM	TO	MEA
International Falls, Minn. VOR	U. S. Canadian Border	2500

§95.6188 VOR FEDERAL AIRWAY 188
Is amended to delete:

FROM	TO	MEA
Waco INT, Mo.	Miller INT, Mo.	3000
Int. 051 M rad Springfield VOR & 260 M rad Forney, VOR Via S alter.	Forney, Mo. VOR Via S alter.	3000

§95.6190 VOR FEDERAL AIRWAY 190
is amended to read in part:

FROM	TO	MEA
Phoenix, Ariz. VOR	Lakey INT, Ariz.	5000
Lakey INT, Ariz.	Grine INT, Ariz. NE-Bound	9000
	SW-bound	6000
Grine INT, Ariz.	Four Peaks INT, Ariz.	10000
Four Peaks INT, Ariz. *14000–MRA **9700–MOCA	*Salt River INT, Ariz.	#**12000
#MEA is established with a gap in navigation signal coverage.		
Salt River INT, Ariz. *10500–MOCA	St. Johns, Ariz. VOR	#*12000
#MEA is established with a gap in navigation signal coverage.		

§95.6203 VOR FEDERAL AIRWAY 203
Is amended to read in part:

FROM	TO	MEA
Norwich, Conn. VOR *2100–MOCA	Eagle INT, Conn.	*2800
Eagle INT, Conn.	Vogla INT, Conn.	2800
Vogla INT, Conn. *2200–MOCA	Skylark INT, Conn.	*2800

§95.6222 VOR FEDERAL AIRWAY 222
Is amended to read in part:

FROM	TO	MEA
Gordonsville, Va. VOR Via N alter.	Stafford INT, Va. Via N alter.	4000
Stafford INT, Va. Via N alter.	Ironsides INT, Md. Via N alter.	3000

§95.6234 VOR FEDERAL AIRWAY 234
Is amended to read in part:

FROM	TO	MEA
Delmar INT, Mo. *2300–MOCA	Crystal City INT, Mo.	*3500
Crystal City INT, Mo. *2300–MOCA	Centralia, Ill. VOR	*3000

§95.6242 VOR FEDERAL AIRWAY 242
Is added to read:

FROM	TO	MEA
International Falls, Minn. VOR	U.S. Canadian Border	2500

§95.6298 VOR FEDERAL AIRWAY 298
Is amended to read in part:

FROM	TO	MEA
Pendleton, Ore. VOR	Cabbage Hill INT, Ore.	6000
Cabbage Hill INT, Ore.	Ibeam INT, Ore.	8300
Ibeam INT, Ore.	McCall, Ida. VOR	12000

§95.6308 VOR FEDERAL AIRWAY 308
is amended to read in part:

FROM	TO	MEA
Norwich, Conn. VOR	Putnam, Conn. VOR	2500

§95.6322 VOR FEDERAL AIRWAY 322
is amended to read in part:

FROM	TO	MEA
Grump INT, N.H. *6000–MCA North Conway INT, N-bound	*North Conway INT, N.H.	5000

§95.6331 VOR FEDERAL AIRWAY 331
is amended to read:

FROM	TO	MEA
Whitesburg, Ky. VOR *3400–MOCA	Newcombe, Ky. VOR	*4000

§95.6335 VOR FEDERAL AIRWAY 335
is amended to read in part:

FROM	TO	MEA
Arnold INT, Mo. *2300–MOCA	Crystal City, INT, Mo.	*3000
Crystal City INT, Mo. *2300–MOCA	Ellis INT, Ill.	*3500

§95.6339 VOR FEDERAL AIRWAY 339
is amended to read in part:

FROM	TO	MEA
Whitesburg, Ky. VOR *3400–MOCA	Falmouth, Ky. VOR	*4000

§95.6357 VOR FEDERAL AIRWAY 357
is amended by adding:

FROM	TO	MEA
Moses Lake, Wash. VOR Via N alter.	Ephrata, Wash. VOR Via N alter.	4000
Ephrata, Wash. VOR Via N alter.	Wenatchee, Wash. VOR Via N alter.	5500

§95.6360 VOR FEDERAL AIRWAY 360
is added to read:

FROM	TO	MEA
Sault Ste. Marie, Mich. VOR *2500–MOCA	U.S. Canadian Border	*6000

§95.6409 HAWAII VOR FEDERAL AIRWAY
is amended to read in part:

FROM	TO	MEA
*Lulus INT, Hawaii *9000–MRA **1000–MOCA	Clann INT, Hawaii	**9000
Clann INT, Hawaii *1000–MOCA	Coral INT, Hawaii	*6000

§95.6424 HAWAII VOR FEDERAL AIRWAY 24
is amended to read in part:

FROM	TO	MEA
*Lanai, Hawaii VOR *5100–MCA Lanai VOR, NE-bound **6700–MCA Maui VOR, SW-bound ***7800–MOCA	**Maui, Hawaii VOR	***9000

§95.6427 VOR FEDERAL AIRWAY 427
is amended to read in part:

FROM	TO	MEA
King Salmon, Alas. VOR	Tommy INT, Alas.	3000
Tommy INT, Alas. *5300–MOCA	Red INT, Alas.	*7000

§95.6433 VOR FEDERAL AIRWAY 433
is amended to delete:

FROM	TO	MEA
Seymore INT, Conn. *2500–MOCA	Terryville INT, Conn.	*2700
Terryville INT, Conn.	Int. 027 M rad Bridgeport VOR & 293 M rad Hartford VOR	2700

§95.6433 VOR FEDERAL AIRWAY 433
is amended by adding:

FROM	TO	MEA
Seymore INT, Conn. *2500–MOCA	Terry INT, Conn.	*2700

§95.6436 VOR FEDERAL AIRWAY 436
is amended to read in part:

FROM	TO	MEA
King Salmon, Alas. VOR	Batty INT, Alas.	5000
Batty INT, Alas. *6700–MOCA	Augustine DME Fix, Alas.	*7000
King Salmon, Alas. VOR Via E alter.	Batty INT, Alas. Via E alter.	5000
Batty INT, Alas. Via E alter. *6700–MOCA	Augustine DME Fix, Alas. Via E alter.	*7000

§95.6448 VOR FEDERAL AIRWAY 448
is amended to read in part:

FROM	TO	MEA
Royal INT, Wash.	Moses Lake, Wash. VOR	4000

§95.6515 VOR FEDERAL AIRWAY 515
is amended to read in part:

FROM	TO	MEA
Gulkana, Alas. VOR	Meier DME Fix, Alas.	5000
Meier DME Fix, Alas.	Big Delta, Alas. VOR	12000

§95.7010 JET ROUTE NO. 10 is amended by adding:

FROM	TO	MEA	MAA
Denver, Colo. VORTAC	North Platte, Neb. VORTAC	18000	41000
North Platte, Neb. VORTAC	Wolbach, Neb. VORTAC	18000	41000

§95.7083 JET ROUTE NO. 83 is amended to read:

FROM	TO	MEA	MAA
Spartanburg, S.C. VORTAC	Appleton, Ohio VORTAC	23000	45000
Appleton, Ohio VORTAC	Cleveland, Ohio VORTAC	18000	45000

§95.7091 JET ROUTE NO. 91 is amended to read:

FROM	TO	MEA	MAA
Atlanta, Ga. VORTAC	Knoxville, Tenn. VORTAC	18000	45000
Knoxville, Tenn. VORTAC	Henderson, W.Va. VORTAC	18000	34000
Henderson, W.Va. VORTAC	Bellaire, Ohio VORTAC	18000	45000

§95.7127 JET ROUTE NO. 127 is amended to delete:

King Salmon, Alas. VORTAC	Nondalton INT, Alas.	18000	45000

§95.7133 JET ROUTE NO. 133 is amended to delete:

FROM	TO	MEA	MAA
Biorka Island, Alas. VORTAC	Hinchinbrook, Alas. NDB	18000	45000
Hinchinbrook, Alas. NDB	Johnstone Point, Alas. VORTAC	18000	45000

§95.7195 JET ROUTE NO. 195 is amended to delete:

FROM	TO	MEA	MAA
Annette Island, Alas. VORTAC	Biorka Island, Alas. VORTAC	18000	45000

§95.7553 JET ROUTE NO. 553 is amended by adding:

FROM	TO	MEA	MAA
Peck, Mich. VORTAC	U.S. Canadian Border	18000	45000

2. By amending Subpart D as follows:

§95.8003 VOR FEDERAL AIRWAY CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE FROM	
V-2 is amended to read in part:			
Wenatchee, Wash. VOR Via N alter.	Ephrata, Wash. VOR Via N alter.	22	Ephrata
V-134 is amended to read in part:			
Fairfield, Utah VOR	Carbon, Utah VOR	42	Fairfield
Carbon, Utah VOR	Grand Junction, Colo. VOR	25	Carbon
V-146 is amended to delete:			
Poughkeepsie, N.Y. VOR	Putnam, Conn. VORTAC	37	Poughkeepsie
V-222 is amended by adding:			
Gordonsville, Va. VOR Via N alter.	Ironsides INT, Md. Via N alter.	40	Gordonsville
V-357 is amended by adding:			
Ephrata, Wash. VOR Via N alter.	Wenatchee, Wash. VOR Via N alter.	22	Ephrata
V-448 is amended to read in part:			
Yakima, Wash. VOR	Moses Lake, Wash. VOR	15	Yakima

§95.8005 JET ROUTES CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE FROM	
J-34 is amended to delete:			
Moses Lake, Wash. VORTAC	Helena, Mont. VORTAC	152	Moses Lake

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Subpart C of Part 95 of the Federal Aviation Regulations is amended as follows, effective August 14, 1975.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on July 10, 1975.

JAMES M. VINES,
Chief, Aircraft Programs Division.

[FR Doc.75-18552 Filed 7-16-75;8:45 am]

[Docket No. 14784; Amdt. No. 977]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

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

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

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, S.W., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

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

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

1. Section 97.23 is amended by originating, amending or canceling the following VOR-VOR/DME SIAPs, *effective August 28, 1975:*

Brazil, IN—Arthur Municipal Arpt., VOR Rwy 9, Orig.
Davison, MI—Davison-Genova Arpt., VOR Rwy 8, Orig.
Joliet, IL—Joliet Municipal Arpt., VOR Rwy 12, Amdt. 4.
Lansing, MI—Capital City Arpt., VOR Rwy 24, Orig.
Mansfield, OH—Mansfield-Lahm Municipal Arpt., VOR Rwy 14, Amdt. 7.
Mansfield, OH—Mansfield-Lahm Municipal Arpt., VOR/DME Rwy 32, Amdt. 5, cancelled.
Mansfield, OH—Mansfield-Lahm Municipal Arpt. VOR Rwy 32, Orig.
Middlefield, OH—Geauga County Arpt., VOR-A, Orig.
Pahokee, FL—Palm Beach County Glades Arpt., VOR Rwy 17, Amdt. 7.
Sheridan, IN—Sheridan Arpt., VOR/DME-A, Orig.

* * * *effective August 14, 1975:*

Cold Bay, AK—Cold Bay Arpt., VOR Rwy 14, Amdt. 9

2. Section 97.25 is amended by originating, amending or canceling the following SDF-LOC-LDA SIAPs, *effective August 28, 1975:*

Iron Mountain/Kingsford, MI—Ford Arpt., LOC/DME (BC) Rwy 19, Amdt. 4
Mansfield, OH—Mansfield-Lahm Municipal Arpt., LOC (BC) Rwy 14, Amdt. 1

* * * *effective August 14, 1975:*

Bettles, AK—Bettles Arpt., LOC/DME Rwy 1, Orig.
Wrangell, AK—Wrangell Arpt., LDA/DME-C, Orig.
Wrangell, AK—Wrangell Arpt., LDA/DME-D, Orig.

* * * *effective July 7, 1975:*

Muskegon, MI—Muskegon County Arpt., LOC (BC) Rwy 14, Amdt. 1

3. Section 97.27 is amended by originating, amending or canceling the following NDB/ADF SIAPs, *effective August 28, 1975:*

Bellefontaine, OH—Bellefontaine Municipal Arpt., NDB Rwy 22, Amdt. 1
Lansing, MI—Capital City Arpt., NDB Rwy 27, Amdt. 14
Mansfield, OH—Mansfield-Lahm Municipal Arpt., NDB Rwy 32, Amdt. 5

* * * *effective August 14, 1975:*

Cold Bay, AK—Cold Bay Arpt., NDB Rwy 14, Amdt. 8
Umiat, AK—Umiat Arpt., NDB-A, Orig.
Umiat, AK—Umiat Arpt., NDB-B, Orig.

4. Section 97.29 is amended by originating, amending or canceling the following ILS SIAPs, *effective August 28, 1975:*

Iron Mountain/Kingsford, MI—Ford Arpt., ILS Rwy 1, Amdt. 3
Mansfield, OH—Mansfield-Lahm Municipal Arpt., ILS Rwy 32, Amdt. 8

* * * *effective August 14, 1975:*

Cold Bay, AK—Cold Bay Arpt., ILS Rwy 14, Amdt. 11

* * * *effective August 7, 1975:*

Detroit, MI—Detroit City Arpt., ILS Rwy 33, Amdt. 1

5. Section 97.31 is amended by originating, amending or canceling the following RADAR SIAPs, *effective August 28, 1975.*

Lansing, MI—Capital City Arpt., RADAR-1, Amdt. 2

6. Section 97.33 is amended by originating, amending or canceling the following RNAV SIAPs, *effective August 28, 1975.*

Bellefontaine, OH—Bellefontaine Municipal Arpt., RNAV Rwy 22, Orig.
Joliet, IL—Joliet Municipal Arpt., RNAV Rwy 12, Amdt. 5
Mansfield, OH—Mansfield-Lahm Municipal Arpt., RNAV Rwy 23, Amdt. 1

Correction

In Docket Nr. 14627, Amendment 971 to Part 97 of the Federal Aviation Regulations published in the Federal Register dated June 5, 1975, on page 24182 under Sections 97.23 and 97.27, effective July 17, 1975—Odessa, TX—Ector County Arpt., VOR-A, Amdt. 2, is withdrawn, Amdt. 1 remains current. Odesa, TX, Ector County Arpt., NDB Rwy 20, Orig., is withdrawn.

(Secs. 301, 313, 601, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1438, 1354, 1421, 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on July 10, 1975.

JAMES M. VINES,
Chief, Aircraft Programs Division.

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

[FR Doc.75-18553 Filed 7-16-75;8:45 am]

CHAPTER III—NATIONAL TRANSPORTATION SAFETY BOARD

Transfer of Regulations

Regulations formerly appearing in 14 CFR Chapter III (Parts 400-499) are transferred to 49 CFR Chapter VIII. Accordingly, Chapter III of Title 14 is hereby vacated.

This transfer and redesignation shall become effective July 17, 1975.

Dated: July 11, 1975.

JOHN H. REED,
Chairman.

[FR Doc.75-18565 Filed 7-16-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Adoption of Short Form Registration for Foreign Associated Persons

The Commodity Futures Trading Commission ("Commission") has been asked whether section 4k of the Commodity Exchange Act requires the registration of a person associated with a futures commission merchant or his agents, in any capacity which involves (1 the solicitation or acceptance of customers' orders (other than in a clerical capacity), or (2) the supervision of any person so engaged, if such person confines his activities to areas outside the United

States, its territories or possessions.[1] While the language of section 4k appears sufficiently broad to require registration of these persons, the Commission recognizes that in certain instances the registration process for domestic associated persons is not practicable for foreign persons. The Commission believes, however, that it should be kept adquately apprised of the identity and location of foreign persons associated with futures commission merchants and their agents.

After weighing the benefits of registration against the difficulties anticipated in registering and regulating foreign persons, the Commission has determined to adopt a short form registration (Form 4–Ra) for foreign associated persons. No fee shall be required for registration as a foreign associated person on this short Form 4–Ra. To qualify for registration on the short form, a foreign associated person must affirm that all of his activities which require registration as an associated person are conducted in areas outside the United States, its territories or possessions. In this connection, foreign associated persons should be aware that the short form registration is not exclusive; the Commission has accepted and will continue to accept applications from foreign associated persons on regular Form 4–R.

Futures commission merchants should be aware that the short form registration for foreign associated persons places additional obligations on the employing futures commission merchant. The futures commission merchant must transmit the application for the foreign associated person, be responsible for renewing the registration on a bi-yearly basis, and warrant that to the best of his knowledge information supplied in the application is true and correct. In addition, as with the case of domestic associated persons, the futures commission merchant must promptly inform the Commission of any termination of the associated person's employment with the firm and the reasons therefor.

In view of the foregoing, the Commission hereby amends Part 1 in Chapter I of Title 17 of the Code of Federal Regulations as follows:

1. Section 1.10b is amended to read as follows:

§ 1.10b Applications for registration of associated persons.

Application for registration as an associated person shall be filed on Form 4–R in accordance with the instructions contained therein, except that compliance with the request for the applicant's social security number is not mandatory; provided, however, that an associated person who confines his activities to areas outside the United States, its territories or possessions may file application for registration on Form 4–Ra in accordance with the instructions contained therein.

(7 U.S.C. 6k; 7 U.S.C. 12a(1) as amended secs. 103, 204, Pub. L. 93–463, 88 Stat. 1392, 1397; 7 U.S.C. 12a(5) as amended sec. 103, Pub. L. 93–463, 88 Stat. 1392)

2. Section 1.11 is amended to read as follows:

§ 1.11 Registration fees; form of remittance.

Each application for registration, or renewal thereof, as a futures commission merchant shall be accompanied by a fee of $200, plus a fee of $6 for each domestic branch office and for each correspondent or agent, operating within the United States, authorized to solicit or accept orders for the purchase or sale of any commodity for future delivery on behalf of the applicant. Each application for registration, or renewal thereof, as a floor broker or as an associated person shall be accompanied by a fee of $20, except that with respect to any application for registration, or renewal thereof, as an associated person filed on Form 4–Ra,[1] no fee is required.

(7 U.S.C. 12a(4), 12a(5) as amended sec. 103, Pub. L. 93–463, 88 Stat. 1392)

In view of the fact that these amendments relieve affected associated persons from the burden of filing application on comprehensive Form 4–R, and the need to make these amendments effective prior to July 18, 1975 (the date registration of associated persons is required), the Commission finds that the notice and public procedure specified in 5 U.S.C. 553(b) and the publication 30 days before effective date specified in 5 U.S.C. 553(d) are impractical and unnecessary and would be contrary to the public interest, and, accordingly, has adopted the foregoing amendments effective July 14, 1975.

The Commission is aware that in view of the short period of time between the announcement of the Commission's action and the date when registration is required by the Act, many foreign-based associated persons will not be registered on that date (July 18, 1975). For this reason, the Commission has determined to bring no enforcement action, solely on the basis of failure to register, against any associated person (or his employing futures commission merchant) who confines his activities to areas outside the United States, its territories or possessions. The Commission believes that 60 days is adequate time for foreign-based associated persons to submit registration applications and be notified of registration; therefore, this non-action position will terminate on September 9, 1975. Copies of the foreign associated person Form 4–Ra may be obtained by writing the Bureau of Registration and Audit, Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036. Applicants will be notified by the Commission when their registration is effective.

Issued in Washington, D.C., on July 11, 1975.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.75–18562 Filed 7–16–75;8:45 am]

[1] 7 U.S.C. 6k. The section provides: "It shall be unlawful for any person to be associated with any futures commission merchant or with any agent of a futures commission merchant as a partner, officer, or employee (or any person occupying a similar status or performing similar functions), in any capacity which involves (i) the solicitation or acceptance of customers' orders (other than in a clerical capacity) or (ii) the supervision of any person or persons so engaged, unless such person shall have registered, under this Act, with the Commission and such registration shall not have expired nor been suspended (and the period of suspension has not expired) or revoked, and it shall be unlawful for any futures commission merchant or any agent of a futures commission merchant to permit such a person to become or remain associated with him in any such capacity if such futures commission merchant or agent knew or should have known that such person was not so registered or that such registration had expired, been suspended (and the period of suspension has not expired) or revoked: Provided, That any individual who is registered as a floor broker or futures commission merchant (and such registration is not suspended or revoked) need not also register under these provisions."

[1] Form 4–Ra filed with original documents.

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Adoption of Rule To Require Contract Markets To Enforce Certain Rules in Effect on July 18, 1975

The Commodity Futures Trading Commission ("Commission") has adopted, effective July 17, 1975, a regulation requiring contract markets to enforce certain rules which are in effect on July 18, 1975. The regulation is being adopted to obviate any question whether contract markets are required to enforce their rules after July 18, 1975.

Section 5a(8) of the Commodity Exchange Act ("Act") presently requires each contract market to "enforce all bylaws, rules, regulations, and resolutions made or issued by it or by the governing board thereof or any committee, which relate to terms and conditions in contracts of sale to be executed on or subject to the rules of such contract market or relate to other trading requirements, and which have not been disapproved by the Secretary of Agriculture. * * *"

This section presently requires all contract markets which were previously designated by the Secretary of Agriculture to enforce certain rules which were in effect on April 21, 1975—the date the Commission took over regulation of the commodity futures industry—and requires those contract markets provisionally designated by the Commission to enforce certain rules which were in effect at the time of their provisional designation and certain rules adopted or changed from the time of designation until July 18, 1975. However, section 5a(8) was amended by section 407 of the Commodity Futures Trading Commission Act of 1974 ("CFTCA"), effective July 18, 1975, to require contract markets to enforce all bylaws, rules, regulations, and resolutions which relate to terms and conditions in contracts of sale to be executed on or subject to the rules of such contract markets or other trading requirements, and which have been approved by

the Commission pursuant to paragraph (12) of section 5a of the Act.[1]

As noted in a FEDERAL REGISTER notice of June 19, 1975, the Commission is intending to review, pursuant to section 5a(12), certain bylaws, rules, regulations, and resolutions made or issued by the contract markets;[2] however, as of July 18, 1975, the Commission will not have given section 5a(12) approval to any of the rules of any of the contract markets. Technically, therefore, the enforcement provisions of section 5a(8) would not apply as of that date.

The Commission believes, nevertheless, that during this interim period when the Commission is reviewing the major part of all the rules of all the contract markets pursuant to section 5a(12), the contract markets should be required to enforce all such rules pending their approval or disapproval. Although there appears to be sufficient authority already in the Act and the regulations thereunder for requiring rule enforcement without a specific Commission regulation,[3] the Commission has determined that for purposes of clarification and emphasis and in light of its decision thoroughly to review section 5a(12) rules, it is appropriate to adopt a regulation specifically requiring such rule enforcement. Therefore, pursuant to its authority under sections 5, 5a, 6, 6b, and 8a of the Act, the Commission has adopted, effective July 17, 1975, § 1.53 of the regulations as set forth below:

§ 1.53 Enforcement of contract market bylaws, rules, regulations, and resolutions.

Each contract market shall enforce each bylaw, rule, regulation, and resolution, made or issued by it or by the governing board thereof or any committee thereof, which is in effect as of July 18, 1975, and which relates to terms and conditions in contracts of sale to be executed on or subject to the rules of such contract market or relate to other trading requirements, unless such bylaw, rule, regulation, or resolution has been disapproved by the Commission pursuant to section 5a(12) of the Act, or the amendment or revocation of such bylaw, rule, regulation or resolution has been approved by the Commission pursuant to section 5a(12) of the Act.

The Commission finds that because of the interim nature of the rule and the importance of having the rule in effect on the effective date of sections 210 and 407 of the CFTCA (July 18, 1975), the notice and public procedure specified in 5 U.S.C. 553(b) and the publication 30 days before effective date specified in 5 U.S.C. 553(d) are impractical and would be contrary to the public interest, and, accordingly has adopted the foregoing rule effective July 17, 1975.

Issued in Washington, D.C., on July 11, 1975.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.75-18560 Filed 7-16-75;8:45 am]

[1] The original effective date of section 407 of the CFTCA was April 21, 1975; however, by enacting Pub. L. 94-16, 89 Stat. 77, Congress permitted the Commission to delay the effective date of that section for up to 90 days. On April 17, 1975, the Commission exercised that authority to delay the effective date of section 407, among others, to July 18, 1975. See, 40 FR 17409 (April 18, 1975).

[2] 40 FR 25849, 50 (June 19, 1975). An active and aggressive review for purposes of approval is necessary in light of the Commission's consideration of the least anticompetitive means of achieving the objectives of the Act.

[3] *See, e.g.*, sections 5, 6(a) and 6b of the Act, and sections 1.50 and 1.51 of the regulations under the Act. The conditions and requirements of contract market designation are continual in nature and any contract market designated by the Secretary of Agriculture prior to April 21, 1975, or by the Commission subsequent to that date has the obligation to enforce all rules required by the Act, and, in particular, section 5.

Title 21—Food and Drugs

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

[Docket No. 75F-0030]

PART 121—FOOD ADDITIVES

Menadione Dimethylpyrimidinol Bisulfite

The Commissioner of Food and Drugs has evaluated the data in a petition (MF-3372) filed by the Heterochemical Corp., 111 East Hawthorne Ave., Valley Stream, NY 11580, and other relevant material, and concludes that the food additive regulations (21 CFR Part 121) should be amended as set forth below to provide for the safe use of menadione dimethylpyrimidinol bisulfite as a nutritional supplement for the prevention of vitamin K deficiency in the feed of growing and finishing swine.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))), and under the authority delegated to the Commissioner (21 CFR 2.120), § 121.286 is amended by revising the introductory text and paragraph (b) to read as follows:

§ 121.286 Menadione dimethylpyrimidinol bisulfite.

The food additive, menadione dimethylpyrimidinol bisulfite, may be safely used in accordance with the following conditions:

* * * * *

(b) The additive is used or intended for use as a nutritional supplement for the prevention of vitamin K deficiency as follows:

(1) In chicken and turkey feed at a level not to exceed 2 grams per ton of complete feed.

(2) In the feed of growing and finishing swine at a level not to exceed 10 grams per ton of feed.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before August 18, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective July 17, 1975.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 10, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-18506 Filed 7-16-75;8:45 am]

[Docket No. 75N-0161]

PART 1250—INTERSTATE CONVEYANCE SANITATION

Discharge of Wastes From Railroad Conveyances; Additional Controls and Extension of Compliance Time

The Commissioner of Food and Drugs is amending the regulations which require that railroad conveyances discharge human wastes, garbage, waste water, and other polluting materials only at servicing areas approved by the Commissioner. The amendment is an extension of the deadline from December 31, 1974, to December 31, 1977, for modification of old railroad conveyances to make them capable of complying with the requirements on discharge of wastes. In addition, this final regulation establishes a compliance schedule for nonpassenger conveyances that requires a specified percentage of each railroad company's conveyances to be modified each year in order to meet the requirements on waste discharge by the final deadline. Provision is also made for the possible extension of the final compliance date beyond December 31, 1977, for passenger conveyances, and, upon the showing of sufficient cause, for a variance from the compliance schedule established for nonpassenger conveyances. The Commissioner is taking these actions because of technical problems encountered in converting existing equipment and because of the financial inability of many railroad companies to modify their equipment promptly.

An order published in the FEDERAL REGISTER of Feb. 6, 1975 (40 FR 5620) transferred certain sections from Part 72—"Interstate Quarantine Regulations" in Chapter I of Title 42 of the Code of Fed-

eral Regulations to Title 21. Among those sections, former § 72.154 *Discharge of wastes on railroad conveyances* of Title 42 was recodified as § 1250.51 in Chapter I of Title 21.

In the FEDERAL REGISTER of September 4, 1974 (39 FR 32035), the Commissioner proposed that the Interstate Quarantine Regulations (42 CFR Part 72 and, by the order at 40 FR 5620, 21 CFR Parts 1240, 1250) be amended by extending the compliance deadline date of December 31, 1974 to December 31, 1977 for all railroads that would not meet the original compliance deadline for enroute discharge of human wastes, garbage, etc., from nonnew railroad conveyances placed in service prior to July 1, 1972. The proposal also required that each railroad submit specific periodic documentation to the Food and Drug Administration regarding its progress towards compliance with the regulation. Additionally, the Commissioner proposed a minimum compliance schedule for inclusion in the regulation. Railroads that had already exceeded this schedule would be expected during each succeeding year to move progressively towards complete compliance. The proposal required that companies operating railroad conveyances submit annual reports until they reached 100 percent compliance. No railroad company was to have less than 10 percent of its nonnew conveyances operating in compliance by December 31, 1974, no less than 40 percent by December 31, 1975, no less than 70 percent by December 31, 1976, and all conveyances in operation after December 31, 1977 were to be in compliance.

Six comments—from the railroad industry, a trade union, and State and local officials—were received in response to the proposal. Three comments opposed the proposal; one endorsed it; two requested modification.

A summary of the comments received and the Commissioner's responses follow:

1. Two comments opposing the proposal expressed the opinion that there are no valid reasons to extend the compliance date, since the original compliance date provided an adequate time period in which the railroad industry could have complied.

The Commissioner concludes that even though the original time period was adequate for ordinary circumstances and some railroads have complied within that period, there is a legitimate justification for an extension of the compliance period. Some railroads are in financial difficulty and do not have adequate technology to meet the standards within the original compliance period.

Therefore, the Commissioner concludes that without this extension there is the possibility of closing down part of the American rail system, and thereby creating additional national economic problems.

2. An additional comment that opposed the proposal expressed concern that the discharge of wastes, treated or untreated, would be a serious contradiction to good public health principles.

The Commissioner has recognized that the discharge of wastes requires remedial action, and the purpose of this regulation is to eliminate any potential health hazards in the most practical manner. However, there has been no evidence presented, nor is the Commissioner aware of any such evidence, that demonstrates the discharge of wastes from railroad conveyances has caused disease outbreaks or illnesses, or that this risk is increased by the proposed extension of the compliance period.

Therefore, the Commissioner concludes that there is no immediate public health hazard, and the potential for such hazards in the future will be diminished as each railroad meets its compliance deadline.

3. One comment endorsing the proposal asserted that the fundamental problem is that there has not been sufficient time to develop the technology to meet the standards.

The Commissioner believes that the railroads have made determined efforts to retrofit their existing equipment with the necessary toilet facilities, and he knows that these efforts have been hampered by technical, operational, and financial difficulties. The different designs of toilet facilities on various types of locomotives and cabooses have created technical problems in retrofitting them with adaptable and acceptable types of toilets. The Commissioner is also aware that the railroads require sufficient time in which to experiment with and test various types of toilets to ascertain those which most economically and efficiently meet the standards.

Taking all of these facts into account, the Commissioner concludes that the extension of time provided by the proposal is reasonable and necessary to resolve the identified technical problems.

4. Two comments requested a modification of the proposal to provide a variance from the compliance schedule:

a. The Penn Central Transportation Co. stated that it could not comply with the 10 percent compliance requirement by December 31, 1974, because of financial, technical, and human problems. However, barring unforeseen circumstances, Penn Central does expect to meet the final deadline of December 31, 1977.

Penn Central has about 5,000 conveyances that require retrofitting. It has not been possible, technically or financially, for Penn Central, which is bankrupt, to retrofit the 500 units (10 percent) required by the proposed compliance schedule deadline of December 31, 1974. Such compliance would have required spending an estimated $760,000 in the last 3 months of 1974.

b. The National Passenger Corp. (Amtrak) stated that it cannot meet the 10 percent compliance requirement by December 31, 1974, and that meeting the deadlines through 1977 also appears to be impossible. It believes that a fundamental problem with the proposed extension is that it does not allow sufficient time for developing the advanced technology necessary for treating waste in the various types of passenger equipment. Amtrak further states that it faces the greatest burden of all the operators in complying with the proposed extension, since it owns almost all of the passenger equipment in the U.S., and this equipment must be retrofitted. Additionally, to compound the problem further, most of Amtrak's equipment was acquired from many different railroads with different construction configurations.

Amtrak's Five Year Financial Program for Operations and Capital Acquisition indicates retirement of only 572 of 2,278 conveyances in Amtrak's nonnew fleet by the end of 1977. This means 1,706 nonnew conveyances will eventually have to be retrofitted. It should be emphasized that the typical passenger car has from 2 to 17 separate toilets, and that achieving compliance with the regulation will require retrofitting approximately 6,750 toilets. Other interstate rail carriers also must retrofit their conveyances, and the limited capacity of manufacturers and railroad shop time must be shared with the entire industry. As a result, Amtrak estimated that if suitable systems had been available for testing by the end of 1974, it would have been able to obtain materials and/or shop space to retrofit no more than 350 conveyances per year, and this number only with extraordinary efforts and favorable circumstances. Based upon the Five Year Program's schedule of retirements and the assumption of capacity to retrofit 350 conveyances per year, Amtrak will fall steadily behind the proposed quotas through 1977. Amtrak further emphasizes that if delays in projected deliveries of new equipment, or unexpected growth in rail passenger traffic retards the retirement of nonnew conveyances, or if the technology and financial resources for the retrofitting program do not become available promptly, the anticipated shortfalls would be even larger and 100 percent compliance delayed even longer.

Amtrak also contends that toilet installations are more easily adapted to locomotives and cabooses, since such service conveyances usually require no more than one toilet installation per unit in contrast to the more specialized requirements of passenger equipment.

Furthermore, toilets thought to be adequate on passenger conveyances have not been able to handle unexpected abuse. Toilet units have failed to operate properly due to attempted disposal in them of trash and such items as hand towels and sanitary napkins. Problems such as these have not been adequately solved, and therefore Amtrak argues that total compliance cannot be achieved within the proposed retrofit schedule nor before the deadline date of December 31, 1977.

The Commissioner appreciates the technical and operational problems that may preclude full achievement of the proposed compliance schedule, and he is particularly concerned that the economic impact of compliance not be unreasonable when measured against the public health protection provided by the regulation.

Because retrofitting nonpassenger conveyances involves considerably fewer problems than retrofitting passenger conveyances, the Commissioner concludes that such retrofitting should progress as proposed in the compliance schedule with provision for a variance from such schedule to be granted upon a showing of good cause. In no event, however, shall variance from full compliance by all operating nonpassenger conveyances be extended beyond December 31, 1977.

With regard to passenger conveyances, the Commissioner concludes that circumstances may reasonably result in a failure to meet the proposed compliance schedule, and this order therefore does not include such a compliance schedule for passenger conveyances. Furthermore, he concludes that an extension of time for full compliance beyond December 31, 1977 may be appropriate for passenger conveyances. The Commissioner wishes to make it clear that any such extension will not be indefinite. He will review the annual reports covering compliance for both passenger and nonpassenger conveyances prior to 1977 and during the latter part of 1977; upon receipt of a request for extensions for passenger conveyances he will determine the need for an extension of time and, if such an extension is justified, the final date for compliance.

Therefore, pursuant to provisions of the Public Health Service Act (sec. 361, 58 Stat. 703 (42 U.S.C. 264)) and under authority delegated to the Commissioner (21 CFR 2.120), § 1250.51 is amended by revising paragraphs (b) and (d), and adding new paragraphs (e) and (f) to read as follows:

§ 1250.51 Railroad conveyances; discharge of wastes.

* * * * *

(b) *Nonnew railroad conveyances.* Human wastes, garbage, waste water, or other polluting materials shall not be discharged from any railroad conveyance, other than passenger conveyances for which an extension has been granted pursuant to paragraph (f) of this section, after December 31, 1977, except at servicing areas approved by the Commissioner of Food and Drugs. In lieu of retention pending discharge at approved servicing areas, human wastes, garbage, waste water, or other polluting materials that have been suitably treated to prevent the spread of communicable diseases may be discharged from such conveyances, except at stations. The terms "waste water or other polluting materials" do not include drainage of drinking water taps or lavatory facilities.

* * * * *

(d) *Submission of annual report.* Each railroad company shall submit to the Food and Drug Administration, Bureau of Foods, Interstate Travel Sanitation Branch, HFF-324, 200 C St. SW., Washington, DC 20204, an annual report of accomplishments made in modifying conveyances to achieve compliance with paragraph (b) of this section. Annual reports shall be required until a report is submitted showing that 100 percent of the company's conveyances can comply with the requirements of paragraph (b) of this section; annual reports shall be required subsequent to such report if conveyances not capable of complying with the requirements of paragraph (b) of this section are acquired. Every railroad company shall have not less than 10 percent of its nonpassenger conveyances that are in operation capable of complying with the requirements of paragraph (b) of this section by December 31, 1974, not less than 40 percent by December 31, 1975, and not less than 70 percent by December 31, 1976. All conveyances, other than passenger conveyances for which an extension has been granted pursuant to paragraph (f) of this section, in operation after December 31, 1977, shall be capable of complying with paragraph (b) of this section.

(e) *Requirements of annual report.* Annual reports required by paragraph (d) of this section shall be submitted within 60 days of the end of each calendar year. Each report shall contain at least the following information:

(1) Company name and address.

(2) Name, title, and address of the company's chief operating official.

(3) Name, title, address, and telephone number of the person designated by the company to be directly responsible for compliance with this section.

(4) A statement that all new railroad conveyances placed into service after July 1, 1972 meet the requirements of this section.

(5) A complete, factual, narrative statement explaining why retrofitting of noncomplying nonnew conveyances is incomplete, if it is incomplete.

(6) A statement of the percentage of conveyances retrofitted with waste discharge facilities in compliance with this section as of the reporting date and the percentage expected to be completed by December 31st of the following year.

(7) A tabular report with the following vertical columns: equipment type, e.g., locomotive, caboose, passenger car, and any others having toilets; number of toilets per conveyance; number of each equipment type in operation; and number of each to be retrofitted by December 31st of each year until 100 percent compliance with this section is achieved.

(f) *Variances and extensions*—(1) *Variances.* Upon application by a railroad company, the Director, Bureau of Foods, may grant a variance from the compliance schedule prescribed in paragraph (d) of this section for nonpassenger conveyances when the requested variance is required to prevent substantial disruption of the railroad company's operations. Such variance shall not affect the final deadline of compliance established in paragraph (d) of this section.

(2) *Extensions.* Upon application by a railroad company, the Director, Bureau of Foods, may grant an extension of time for compliance with the requirements of paragraph (b) of this section beyond December 31, 1977, for passenger conveyances operated by railroad companies when compliance cannot be achieved without substantial disruption of the railroad company's operations.

(3) *Application for variance or extension.* Application for variances or extensions shall be submitted to the Food and Drug Administration, Bureau of Foods, Interstate Travel Sanitation Branch, HFF-324, 200 C St., SW., Washington, DC 20204, and shall include the following information:

(i) A detailed description of the proposed deviation from the requirements of paragraph (b) or (d) of this section.

(ii) A report, current to the date of the request for a variance or extension, containing the information required by paragraph (e) of this section.

(4) *Administration of variances and extensions.* (i) Written notification of the granting or refusal of a variance or extension will be provided to the applying railroad company by the Director, Bureau of Foods. The notification of a granted variance will state the approved deviation from the compliance schedule provided for in paragraph (d) of this section. The notification of a granted extension will state the final date for compliance with the provisions of paragraph (b) of this section.

(ii) A public file of requested variances and extensions, their disposition, and information relating to pending actions will be maintained in the Public Records and Documents Center, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

(iii) After notice to the railroad company and opportunity for hearing in accordance with Subpart F of Part 2 of this chapter, a variance or extension may be withdrawn prior to its scheduled termination if the Director, Bureau of Foods, determines that such withdrawal is necessary to protect the public health.

Effective date. This order shall become effective on August 18, 1975.

(Sec. 361, 58 Stat. 703 (42 U.S.C. 264))

Dated: July 11, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-18507 Filed 7-16-75;8:45 am]

Title 24—Housing and Urban Development

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

[Docket No. FI-633]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39

FR 26186-93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, S.W., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. § 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

* * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Arkansas	Newton	Jasper, city of	July 10, 1975, emergency	Aug. 16, 1974		
California	Imperial	Holtville, city of	do	Apr. 5, 1974		
Florida	Franklin	Carrabelle, city of	do	Jan. 23, 1974		
Do	Gadsden	Unincorporated areas	do			
Do	Sumter	Webster, city of	do	Nov. 23, 1973		
Georgia	Richmond	Hephzibah, town of	do	Apr. 12, 1974		
Do	Murray	Chatsworth	do	June 21, 1974		
Do	Gordon	Unincorporated areas	do			
Illinois	Hancock	Dallas City, city of	do	Mar. 22, 1974		
Do	Effingham	Effingham, city of	do	do		
Do	Vermilion	Georgetown, city of	do	May 17, 1974		
Do	Saline	Muddy, village of	do	Mar. 22, 1974		
Do	Sangamon	Pawnee, village of	do	May 17, 1974		
Do	Champaign	Sidney, village of	do	Jan. 16, 1974		
Do	Lake	Winthrop Harbor, village of	do	Mar. 8, 1974		
Indiana	Owen	Spencer, town of	do	Dec. 17, 1973		
Do	Wayne	Spring Grove, town of	do	Dec. 13, 1974		
Kentucky	Carter	Grayson, city of	do	Feb. 1, 1974		
Minnesota	Lake	Silver Bay, city of	do	Nov. 22, 1974		
Mississippi	Wayne	Waynesboro, city of	do	Jan. 23, 1974		
Nebraska	Douglas	Bennington, village of	do	Feb. 1, 1973		
Do	Keith	Brule, village of	do	May 24, 1974		
New Hampshire	Rockingham	Portsmouth, city of	do	July 19, 1974		
North Carolina	Randolph	Franklinville, town of	do	Feb. 22, 1974		
Do	Davidson	Lexington, city of	do	June 2, 1974		
Do	Wayne	Mount Olive, town of	do			
Ohio	Guernsey	Cambridge, city of	do	May 31, 1974		
Oregon	Polk	Falls City, city of	do	May 10, 1974		
Pennsylvania	Venango	Polk, borough of	do	Apr. 5, 1974		
Do	Berks	Wernersville, borough of	do	Dec. 6, 1974		
Tennessee	Gibson	Milan, town of	do	May 24, 1974		
Do	Hancock	Sneedville, town of	do	Feb. 1, 1974		
Texas	Chambers	Unincorporated areas	do			
Do	Medina	Hondo, city of	do	Sept. 13, 1974		
Utah	Wayne	Bicknell, town of	do	Jan. 24, 1975		
Do	Sanpete	Manti, city of	do	Aug. 9, 1974		
Vermont	Grand Isle	South Hero, town of	do	Oct. 18, 1974		
Virginia		Charlottesville, city of	do	May 24, 1974 and Jan. 3, 1975		
West Virginia	Wetzel	Hundred, town of	do	Nov. 22, 1974		
Wisconsin	Jackson	Alma Center, village of	do	July 19, 1974		
Do	Barron	Cumberland, city of	do	May 31, 1974		
Do	Marathon	Edgar, village of	do			
Do	Manitowoc and Calumet.	Kiel, city of	do	Feb. 8, 1974		
Do	Barron	Rice Lake, city of	do	Dec. 7, 1973		
Do	Jefferson	Sullivan, village of	do	Apr. 12, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended (39 FR 2787, Jan. 24, 1974)

Issued: July 3, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-18456 Filed 7-16-75;8:45 am]

[Docket No. FI 632]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186-93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, S.W., Washington D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within

the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. § 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

* * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Alabama	Crenshaw	Luverne, city of	July 9, 1975, emergency	June 28, 1974		
Arkansas	Marion	Filppin, city of	do	June 7, 1974		
Do	Yell	Danville, city of	do	Feb. 7, 1975		
Do	Crittenden	Marion, city of	do			
California	Alaveras	Angeles, city of	do	June 21, 1974		
Do	Merced	Dos Palos, city of	do			
Do	Sacramento	Galt, city of	do	May 17, 1974		
Do	Orange	San Clemente, city of	do	June 14, 1974		
Do	San Benito	San Juan Bantista, city of	do	Feb. 8, 1974		
Delaware	Sussex	Dagsboro, town of	do	June 28, 1974		
Florida	Washington	Caryville, town of	do	do		
Iowa	Clayton	Millville, city of	do			
Kentucky	Knott	Hindman, city of	do	May 31, 1974		
Do	Lee	Unincorporated areas	do	Oct. 18, 1974		
Do	Whitley	do	do	Dec. 20, 1974		
Maine	Cumberland	Naples, town of	do	Aug. 9, 1974		
Massachusetts	Barnstable	Chatham, town of	do	May 31, 1974		
Do	Worcester	Fitchburg, city of	do	Apr. 5, 1974		
Do	Plymouth	Hanover, town of	do	July 26, 1974		
Do	Hampshire	Huntington, town of	do	Sept. 6, 1974		
Do	Middlesex	Littleton, town of	do	July 19, 1974		
Do	Plymouth	Norwell, town of	do	Aug. 16, 1974		
Do	Worcester	Sterling, town of	do	July 19, 1974		
Minnesota	Rock	Beaver Creek, city of	do	Aug. 23, 1974		
Do	St. Louis	Brookston, city of	do	do		
New Mexico	Bernalillo	Tijeras, village of	do			
New York	Saratoga	Stillwater, town of	do	June 21, 1975		
North Carolina	Columbus	Chadbourn, town of	do	May 24, 1974		
North Dakota	Nelson	Aneta, city of	do	Jan. 17, 1974		
Ohio	Highland	Hillsboro, city of	do	May 17, 1974		
Do	Mahoning	Lowellville, village of	do	Apr. 5, 1974		
Oklahoma	Creek	Kiefer, town of	do			
Pennsylvania	Potter	Austin, borough of	do	May 17, 1974		
Do	Lancaster	Brecknock, township of	do	May 10, 1974		
Do	Fayette	Brownsville, borough of	do	Aug. 2, 1974		
Do	Fayette	Brownsville, township of	do	Dec. 10, 1974		
Do	Schuykill	Frackville, borough of	do	July 19, 1974		
Do	Allegheny	Glenfield, borough of	do	Aug. 16, 1974		
Do	Fayette	Masontown, borough of	do	Jan. 17, 1975		
Do	Franklin	Mont Alto, borough of	do	July 26, 1974		
Do	Luzerne	New Columbus, borough of	do	Nov. 1, 1974		
Do	Clearfield	Sandy, township of	do	Oct. 18, 1974		
Pennsylvania	Cambria	Summerhill, borough of	do	Nov. 29, 1974		
Do	Crawford	Woodcock, township of	do	Jan. 17, 1975		
Tennessee	Rhea	Graysville, city of	do	Mar. 8, 1974		
Texas	Wichita	Iowa Park, city of	do	Apr. 5, 1974		
Utah	Emery	Huntington, city of	do			
Do	Sanpete	Moroni, city of	do	Sept. 6, 1974		
Do	Tooele	Grantsville, city of	do	May 31, 1974		
Vermont	Bennington	Powmal, town of	do	Aug. 16, 1974		
Do	Washington	Roxbury, town of	do	Dec. 13, 1974		
Washington	Clallam	Port Angeles, city of	do	May 31, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended (39 FR 2787, Jan. 24, 1974)

Issued: July 2, 1975.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-18457 Filed 7-16-75;8:45 am]

Title 27—Alcohol, Tobacco Products and Firearms

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

[T.D. ATF-18]

PART 194—LIQUOR DEALERS

Increased Rate of Interest

The purpose of these amendments is to implement the changes made by section 7 of Public Law 93-625 which increases the rate of interest applied to taxpayment deficiencies and excesses. In part, section 7 of Public Law 93-625 affects the rate of interest applied or assessed under 26 U.S.C. 6601(a), 6602 and 6611, relating to underpayment, erroneous refund, and overpayment of occupational and commodity taxes.

Interest is currently assessed on underpayment or erroneous refund of taxes, or allowed in the case of overpayment of taxes, at the annual rate of 6 percent. The Senate Committee on Finance Report on the bill enacted as Pub. L. 93-625 states that, "Historically the 6 percent rate has been higher than the prevailing money market interest rate. * * * The purpose of this differential was to provide an incentive for the taxpayer to pay his tax promptly and for the Government to credit or refund overpayments promptly. However, money market rates are currently (and for several years have been) at significantly higher levels than 6 percent. * * * As a result, the present statutory interest rate no longer serves the purpose for which it was originally intended." The Senate Report also states, "* * * The committee believes that this interest rate [i.e., 6 percent] should be updated to 9 percent and kept in line with interest rate movements as well."

Section 7 of Pub. L. 93-625 adds a new subchapter to Chapter 67 of the Internal Revenue Code. Section 6621(a) of the new Subchapter C initially increases the interest rate to 9 percent and provides for the future adjustment of the rate of interest. For the new 9 percent rate to be replaced by an adjusted rate of interest, certain conditions have to be met.

If it is determined that the adjusted prime rate charged by banks during September of a given year (rounded to the nearest full percent) is at least a full percentage point more or less than the interest rate in effect at the time, the interest rate may be adjusted. The adjusted rate of interest shall be equal to the adjusted prime rate charged by banks, rounded to the nearest full percent. The terminology, "adjusted prime rate charged by banks" means 90 percent of the average predominant prime rate quoted by commercial banks to large businesses, as determined by the Board of Governors of the Federal Reserve System. The Secretary of the Treasury or his delegate will, not later than October 15, make a determination whether the current interest rate should be adjusted in accordance with the above criteria and, if appropriate, will establish a new adjusted rate. In any given year during which a new adjusted rate is established, the adjusted rate will become effective on February 1 of the succeeding year. However, an adjustment of the interest rate may be made only if a period of 23 months has expired since any preceding adjustment was made which changed the interest rate.

The Senate Committee explains when the current 6 percent and the new 9 percent rates of interest are applicable. It reports, "The increased rates [i.e., 9 percent] apply to a tax liability which arises on and after July 1, 1975, and to a liability which arose before that date and continues outstanding in part or whole thereafter (but only on the portion that remains outstanding after July 1, 1975). The * * * 6 percent interest rate * * * under present law will continue to apply to interest accruing up to July 1, 1975." The following example shows how the 6 percent and 9 percent interest rates would be applied:

Example. A retail liquor dealer (RLD) neglects to pay its special occupational tax of $54.00 for the period of July 1, 1974 through June 30, 1975. If the special tax is paid or collected on September 1, 1975, interest would be computed as follows:

The 6 percent rate would be assessed on $54.00 from the date the tax was due, July 1, 1974, to the date the 9 percent rate became effective, July 1, 1975. The 9 percent interest rate would be assessed on $54.00 from July 1, 1975, to the date the tax was paid, September 1, 1975. In this example, the RLD would pay a total of $4.05 in interest: 6 percent of $54.00 for one year ($3.24) plus 9 percent of $54.00 for two months ($.81).

In order to incorporate the pertinent provisions of Pub. L. 93-625 into regulations, 27 CFR Part 194 is amended as follows:

PARAGRAPH 1. Section 194.110 is revised to include the new 9 percent interest rate and future adjusted rates of interest. Section 194.110 is further revised by adding an example which illustrates when the 6 percent and 9 percent rates of interest apply. As revised, § 194.110 reads as follows:

§ 194.110 Interest on unpaid tax.

(a) *General.* Interest is due on delinquent special tax from the date the tax is required to be paid to the date paid.

(b) *Rates of interest.* (1) An annual rate of 6 percent shall apply to interest accruing up to July 1, 1975.

(2) An annual rate of 9 percent shall apply to any special tax liability which arises on or after July 1, 1975, and to any special tax liability which arose before July 1, 1975, but only on that portion which remains outstanding after July 1, 1975. An annual rate of 9 percent shall apply to interest accruing up to the effective date of any future adjusted rate of interest established under 26 U.S.C. 6621(a).

(3) Future adjusted rates of interest shall apply to any special tax liability which arises on or after the respective effective dates of such adjusted interest rates. Future adjusted rates of interest shall also apply to any special tax liability which arose before the respective effective dates of such rates, but only on that portion of the liability which remains outstanding after such effective dates.

(c) *Example.* A retail liquor dealer fails to pay its $54.00 special tax for the period July 1, 1974, through June 30, 1975. If the retailer pays the delinquent special tax on January 1, 1976, interest would be computed as follows:

(1) The 6 percent rate would be assessed on $54.00 from the date the special tax was due, July 1, 1974, to the effective date of the 9 percent rate, July 1, 1975.

(2) The 9 percent rate would be assessed on $54.00 from July 1, 1975, to the date the special tax was paid, January 1, 1976.

In this example, the retail liquor dealer would pay a total of $5.67 in interest: 6 percent of $54.00 for one year ($3.24) plus 9 percent of $54.00 for six months ($2.43).

(Sec. 7, Pub. L. 93-625, 88 Stat. 2114 (26 U.S.C. 6621); 68A Stat. 817 (26 U.S.C 6601))

Because this Treasury decision merely makes procedural changes by incorporating the new statutory interest rates into regulations, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553(b), or subject to the effective date limitation of 5 U.S.C. 553 (d).

Accordingly, this Treasury decision shall become effective on July 1, 1975, the date on which the provisions of section 7 of Public Law 93-625 take effect.

This Treasury decision is issued under the authority contained in 26 U.S.C. 7805 (68A Stat. 917).

Dated: June 24, 1975.

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

Dated: July 7, 1975.

Approved:

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc. 75-18504 Filed 7-16-75;8:45 am]

Title 32—National Defense

CHAPTER XVIII—DEFENSE CIVIL PREPAREDNESS AGENCY, DEPARTMENT OF DEFENSE

CONTRIBUTIONS FOR CIVIL DEFENSE PURPOSES

Procurement by States and Political Subdivisions Receiving Financial Contributions

In furtherance of the amendment, effective June 6, 1975 of Appendix O of Part 256, Subchapter D, Chapter II of Title 34 of the Code of Federal Regulations (40 FR 26031), the provisions of the Defense Civil Preparedness Agency regulations pertaining to procurement by States and political subdivisions under a project which is Federally assisted need to be amended to provide that purchases and contracts for property and services in amount of $10,000 or less may be negotiated. The previous limitation was $2,500. Inasmuch as this change relieves a restriction and compliance with 34 CFR Part 256 is necessary, it is hereby found that notice and public comment, including advance consultation with heads of State and local governments, are unnecessary.

Chapter XVIII of Title 32 is amended as follows:

PART 1801—CONTRIBUTIONS FOR CIVIL DEFENSE EQUIPMENT

Paragraph (a) of § 1801.9 is amended by substituting the figure "$5,000" in place of "$1,250" in the second sentence.

PART 1807—CONTRIBUTIONS FOR CIVIL DEFENSE PERSONNEL AND ADMINISTRATIVE EXPENSES

Paragraph (b) of § 1807.9 is amended by substituting the figure "$5,000" in place of "$1,250" in the second sentence.

PART 1812—FEDERALLY ASSISTED CONSTRUCTION

Section 1812.13 is amended by substituting the figure "$10,000" in place of "$2,500."

(50 U.S.C. App. 2251–2297; E.O. 10952, 26 FR 6577; DoD Dir. 5105.43, 37 FR 18636)

Effective date. This amendment is effective June 6, 1975.

Dated: July 8, 1975.

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

[FR Doc.75-18528 Filed 7-16-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 350-7]

PART 229—GENERAL PERMITS

General Permits for the Transportation for Dumping, and the Dumping of Material into Ocean Waters

Pursuant to Title I of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, (33 U.S.C. 1401), (hereinafter, "the Act"), the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER on November 11, 1974, on page 39739, proposed general permits which set forth the conditions under which the burial at sea of human remains by persons subject to the Act and the sinking at sea of target vessels by the United States Navy will be allowed.

Public Comment period for the proposed general permits expired on January 10, 1975. EPA Region IX made three comments as follows:

Section 229.2 should state that the Navy should be allowed to sink vessels at sea only when the necessary objectives cannot be accomplished in any other way.

Section 229.2(a)(4) should state that all materials should be removed to the maximum extent practicable and disposed of or recycled in such a manner as to preclude discharge into waters of the United States, territorial areas and oceans.

Section 229.2(b) should also require the purpose and justification of the sinking.

We feel that these points have been adequately coverer in the regulation and in the Environmental Impact Statement which was prepared on the operation.

Two comments (from the University of Hawaii and a private citizen) were received on the restriction on disposal of cremated human remains to ocean areas no closer than three nautical miles from land. Both parties felt this restriction was unnecessary; however, this restriction is retained to be consistent with existing State laws covering disposal of cremated human remains.

The proposed general permits are hereby adopted without change and are set fort below, effective on the date of this publication in the FEDERAL REGISTER.

Dated: July 9, 1975.

JOHN QUARLES,
Acting Administrator.

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is amended by adding a new Part 229 as follows:

Sec.
229 General permits.
229.1 Burial at sea.
229.2 Transport of target vessels.

AUTHORITY: 33 U.S.C. 1411-21.

§ 229 General permits.

§ 229.1 Burial at sea.

(a) All persons subject to Title I of the Marine Protection, Research and Sanctuaries Act of 1972, as amended, are hereby granted a general permit to transport human remains from the United States and all persons owning or operating a vessel or aircraft registered in the United States or flying the United States flag and all departments, agencies or instrumentalities of the United States are hereby granted a general permit to transport human remains from any location for the purpose of burial at sea and to bury such remains at sea subject to the following conditions:

(1) Except as herein otherwise provided, human remains shall be prepared for burial at sea and shall be buried in accordance with accepted practices and requirements as may be deemed appropriate and desirable by the United States Navy, United States Coast Guard, or civil authority charged with the responsibility for making such arrangements;

(2) Burial at sea of human remains which are not cremated shall take place no closer than three nautical miles from land and in water no less than one hundred fathoms (six hundred feet) deep and all necessary measures shall be taken to ensure that the remains sink to the bottom rapidly and permanently; and

(3) Cremated remains shall be buried in or on ocean waters without regard to the depth limitations specified in paragraph (a)(2) of this section provided that such burial shall take place no closer than three nautical miles from land.

(b) For purposes of this section and § 229.2, "land" means that portion of the baseline from which the territorial sea is measured, as provided for in the Convention on the Territorial Sea and the Contiguous Zone, which is in closest proximity to the proposed disposal site.

(c) Flowers and wreaths consisting of materials which are readily decomposable in the marine environment may be disposed of under the general permit set forth in this section at the site at which disposal of human remains is authorized.

§ 229.2 Transport of target vessels.

(a) The United States Navy is hereby granted a general permit to transport vessels from the United States or from any other location for the purpose of sinking such vessels in ocean waters in testing ordnance and providing related data subject to the following conditions:

(1) Such vessels may be sunk at times determined by the appropriate Navy official;

(2) Necessary measures shall be taken to ensure that the vessel sinks to the bottom rapidly and permanently, and that marine navigation is not otherwise impaired by the sunk vessel;

(3) All such vessel sinkings shall be conducted in water at least 1000 fathoms (6000 feet) deep and at least 50 nautical miles from land, as defined in § 229.1(b); and

(4) Before sinking, appropriate measures shall be taken by qualified personnel at a Navy or other certified facility to remove to the maximum extent practicable all materials which may degrade the marine environment, including without limitation, (i) emptying of all fuel tanks and fuel lines to the lowest point practicable, flushing of such tanks and lines with water, and again emptying such tanks and lines to the lowest point practicable so that such tanks and lines are essentially free of petroleum, and (ii) removing from the hulls other pollutants and all readily detachable material capable of creating debris or contributing to chemical pollution.

(b) An annual report will be made to the Administrator of the Environmental Protection Agency setting forth the name of each vessel used as a target vessel, its approximate tonnage, and the location and date of sinking.

[FR Doc.75-18487 Filed 7-16-75;8:45 am]

Title 43—Public Land: Interior

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5499; Idaho 5276]

IDAHO

Revocation of Reclamation Withdrawals

Correction

In FR Doc. 75-12127, appearing on page 20084 in the issue for Thursday, May 8, 1975, and corrected at page 25676, in the issue for Wednesday, June 18, 1975, make the following change:

In the second column, in the sixth line under the entry beginning "T. 11 No., R. 13 E.," the letters reading "E½S¼" should read "E½SE¼".

Title 50—Wildlife and Fisheries

CHAPTER I—FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Clear Lake National Wildlife Refuge, California

The following special regulation is issued and is effective on August 23, 1975.

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

CALIFORNIA

CLEAR LAKE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Clear Lake National Wildlife Refuge, California, is permitted on the area designated by signs as open to hunting, and delineated on a map available at the refuge headquarters, Route 1, Box 74, Tulelake, California 96134, and from the Regional Director, Fish and Wildlife Service, P.O. Box 3737, Portland, Oregon 97208.

Hunting of big game is permitted during the period August 23 through September 1, 1975, in accordance with all applicable State regulations subject to the following special conditions:

Special Conditions: 1. Antelope only, may be hunted.

2. Only five hunters shall be allowed on the Peninsula "U" section at any one time, on a first-come first-served basis. The area will be open the following days: August 23, 24, 30, 31 and September 1, 1975. Entrance will be granted only at the gate located on the Clear Lake Road. This station will be opened from 6:00 a.m. to one hour after sundown. The refuge will be closed when the kill quota is reached even though the season may still be open.

The provisions of these special regulations are effective through September 1, 1975.

DONALD J. HANKLA,
Acting Regional Director,
Fish and Wildlife Service.

[FR Doc.75-18542 Filed 7-16-75;8:45 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Idaho

The following regulations are issued and are effective on September 1, 1975. These regulations apply to public hunting on portions of certain National Wildlife Refuges in Idaho.

General conditions. Hunting shall be in accordance with applicable State and Federal regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges are listed on the reverse side of the refuge hunting maps. No vehicle travel is permitted except on maintained roads and trails. Maps are available at refuge headquarters and from the office of the Regional Director, P.O. Box 3737, Portland, Oregon 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory game birds, except pigeons and doves, may be hunted on the following refuge area:

Kootenai National Wildlife Refuge, Star Route #1, Box 160, Bonners Ferry, Idaho 83805.

Special conditions: 1. Hunting permitted only Sundays, Tuesdays, Thursdays, and Saturdays.

2. The use of soft iron shot shells is required.

Migratory game birds except snipe, pigeons, and doves may be hunted on the following refuge areas:

Grays Lake National Wildlife Refuge, P.O. Box 837, Soda Springs, Idaho 83276.

Special condition: The use of air-thrust boats is prohibited. Other boats are permitted only from one week prior to the opening of migratory waterfowl hunting until the close of the season.

Minidoka National Wildlife Refuge, Route 4, Rupert, Idaho 83350.

Bear Lake National Wildlife Refuge, P.O. Box 837, Soda Springs, Idaho 83276.

Special condition: Air-thrust boats are prohibited. Other boats are permitted only from one week prior to the opening of migratory waterfowl hunting until the close of the season.

Camas National Wildlife Refuge, Hamer, Idaho 83425.

Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, Idaho 83651.

Special Conditions: 1. Snipe, pigeons and doves may be hunted in the Snake River Island sector only.

2. No goose hunting permitted in the Lake Lowell sector.

§ 32.22 Special regulations; upland game for individual wildlife refuge areas.

Upland game birds may be hunted on the following refuge areas:

Minidoka National Wildlife Refuge, Route 4, Rupert, Idaho 83350.

Special Conditions: 1. Cottontail rabbit may also be hunted.

2. Upland game hunting permitted only during waterfowl hunting season.

Kootenai National Wildlife Refuge, Star Route #1, Box 160, Bonners Ferry, Idaho 83805.

Special Condition: Pheasants may be hunted only on Sundays, Tuesdays, Thursdays and Saturdays during the regular State season.

Bear Lake National Wildlife Refuge, P.O. Box 837, Soda Springs, Idaho 83276.

Camas National Wildlife Refuge, Hamer, Idaho 83425.

Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, Idaho 83651.

Special Condition: Upland game mammals may be hunted on the Snake River Islands sector only.

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

Big game animals may be hunted on the following refuge areas:

Camas National Wildlife Refuge, Hamer, Idaho 83425.

Special Condition: Antelope only may be hunted.

Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, Idaho 83651.

Special Condition: Deer may be hunted on the Snake River Island sector only.

Kootenai National Wildlife Refuge, Star Route #1, Box 160, Bonners Ferry, Idaho 83805.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1976.

DONALD J. HANKLA,
Acting Regional Director,
Fish and Wildlife Service.

[FR Doc.75-18543 Filed 7-16-75;8:45 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Nevada

The following regulations are issued and are effective August 23, 1975. These regulations apply to public hunting on portions of certain National Wildlife Refuges in Nevada.

General conditions. Hunting shall be in accordance with applicable State and Federal regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Fish and Wildlife Service, P.O. Box 3737, Portland, Oregon 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory game birds may be hunted on the following refuges:

Fallon National Wildlife Refuge, P.O. Box 592, Fallon, Nevada 89406.

Stillwater Wildlife Management Area, P.O. Box 592, Fallon, Nevada 89406.

Pahranagat National Wildlife Refuge, P.O. Box 232, Alamo, Nevada 89001.

Special Conditions: 1. The use of motors on boats is not permitted.

2. Refuge closed to goose and snipe hunting.

Ruby Lake National Wildlife Refuge, Ruby Valley, Nevada 89833.

Special Condition: Migratory birds, except doves and pigeons, may be hunted.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game may be hunted on the following refuge areas:

Fallon National Wildlife Refuge, P.O. Box 592, Fallon, Nevada 89406.

Pahranagat National Wildlife Refuge, P.O. Box 232, Alamo, Nevada 89001.

Special Condition: Quail and rabbit only may be hunted.

Charles Sheldon Antelope Range, Nevada (Headquarters: P.O. Box 111, Lakeview, Oregon 97630).

Special Condition: Cottontail rabbit may be hunted only during the deer hunting season.

Stillwater Wildlife Management Area, P.O. Box 592, Fallon, Nevada 89406.

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

Big game animals may be hunted on the following refuge areas:

Desert National Wildlife Range, 1500 North Decatur Boulevard, Las Vegas, Nevada 89108.

Special Condition: Desert bighorn sheep only may be hunted.

Charles Sheldon Antelope Range, Nevada (Headquarters: P.O. Box 111, Lakeview, Oregon 97630).

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1976.

DONALD J. HANKLA,
Acting Regional Director,
Fish and Wildlife Service.

[FR Doc.75-18544 Filed 7-16-75;8:45 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Oregon

The following regulations are issued and are effective on August 23, 1975. These regulations apply to public hunting on portions of certain National Wildlife Refuges in Oregon.

General conditions. Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions apply to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Fish and Wildlife Service, P.O. Box 3737, Portland, Oregon 97208.

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

Big game animals may be hunted on the following refuge areas:

Deer Flat National Wildlife Refuge, Snake River Sector (Headquarters: Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, Idaho 83651).

Hart Mountain National Antelope Refuge, P.O. Box 111, Lakeview, Oregon 97630.

Deer may be hunted on the following refuge areas:

Malheur National Wildlife Refuge, P.O. Box 113, Burns, Oregon 97720.

Special Conditions: 1. That portion of the refuge in the Blitzen Valley west of Highway 205 will be open as posted to deer hunting in accordance with regular State season.

2. The special archery area (bow and arrow only) will be opened for hunting from September 3 through September 14, 1975.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, Oregon 97330.

Special Conditions: 1. No hunting permitted after November 2, 1975.

2. All hunters must check in and out of the refuge daily by use of self-service permits.

3. The use of rifles is prohibited.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1976.

DONALD J. HANKLA,
Acting Regional Director,
Fish and Wildlife Service.

[FR Doc.75-18545 Filed 7-16-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Part 4]

[Notice No. 280]

DOMESTIC AND IMPORTED WINES

"Appellation of Origin" and "Viticultural Area"; Proposed Definition

The Director, Bureau of Alcohol, Tobacco and Firearms, with the approval of the Secretary of the Treasury, is considering rulemaking with respect to 27 CFR Part 4, Labeling and Advertising of Wine Regulations, to define, in § 4.10, the terms "appellation of origin" and "viticultural area".

The Bureau of Alcohol, Tobacco and Firearms has long recognized many diverse and sometimes ill-defined geographical areas as being entitled to distinctive appellations of origin based upon the statutory requirement that it approve labels for wine sold in interstate commerce. Recently, the Bureau has concluded that it would be preferable to establish a systematic approach to the problem and eliminate the recognition of appellations on an individual basis.

The reason for this conclusion is that the Bureau does not have sufficient facts on wine growing areas within each and every state to make an informed decision; we feel that the individual states are in a much better position to evaluate their own wine growing areas.

It is apparent that recognition of an area by approval of an appellation of origin may confer a distinct competitive advantage on the fruit produced in that area at the expense of neighboring areas. An uninformed approval of an appellation can thus act to unjustly enrich part of the wine industry without real benefit to the consumer.

The Bureau has also become aware that considerable confusion exists within the industry and among the general public with reference to the meaning of the term "viticultural area", as used in 27 CFR 4.10(h) and 4.39(b)(1). These sections require that vintage wine be labeled to show the viticultural area in which the grapes were grown, and that the wine be fermented in the same State in which the viticultural area is located. There may exist an implication in that wording that a viticultural area is some area smaller than a State, but the term is not elsewhere defined.

Based on the foregoing, the Bureau now proposes to amend its regulations in 27 CFR Part 4 to provide definitions of the terms "appellation of origin" and "viticultural area". An appellation of origin would be defined as (a) for domestic wine: (1) The United States; (2) a State; (3) a county; or (4) a region or place within a State which has been formally recognized by the State for the purpose of growing fruit or other agricultural products; and (b) for foreign wine: (1) A country; (2) a State, province, or similar subdivision of a country; or (3) an area or region within a country recognized by that country for the purpose of growing fruit or other agricultural products used in the production of wine. All previously approved appellations or origin, including such well-known place names as "Napa Valley", "Livermore Valley", "Finger Lakes", and "Lake Erie Islands" would no longer be allowed on wine labels unless formally defined (by precise geographical boundaries) by the appropriate State. A period of one year from the effective date of these regulations would be allowed for use-up of existing labels, and to allow the States time to define areas.

A viticultural area would be synonymous with an appellation of origin, except that the United States and foreign countries would not be viticultural areas.

Interested persons who wish to participate in the making of the proposed rule are invited to submit written comments or suggestions, in duplicate, to the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, on or before August 18, 1975.

Written comments or suggestions which are not exempt from disclosure by the Bureau of Alcohol, Tobacco and Firearms may be inspected by any person upon compliance with 27 CFR 71.22. The provisions of 27 CFR 71.31(b) shall apply with respect to designation of portions of comments or suggestions as exempt from disclosure. Any interested person submitting comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his/her request, in writing, to the Director on or before August 18, 1975.

The proposed regulations are to be issued under the authority contained in section 27 U.S.C. 205 (49 Stat. 981, as amended).

The Bureau now proposes to amend its regulations in 27 CFR 4.10 by adding definitions of the terms "appellation of origin" and "viticultural area" as paragraphs (p) and (q), and by redesignating paragraph (p) as paragraph (r). As amended, 4.10 (p), (q), and (r) reads as follows:

§ 4.10 Meaning of terms.

* * * * *

(p) *Appellation of origin.* Means (1) for domestic wine: (i) The United States; (ii) a State; (iii) a county; (iv) a region or place within a State precisely defined by geographical boundaries and formally established (by statute or duly promulgated regulation) by the State for the purpose of growing fruit or other agricultural products used in the production of wine; or (2) for foreign wine: (i) A country; (ii) a State, province or similar subdivision of a country; or (3) an area or region within a country recognized by that country for the purpose of growing fruit or other agricultural products used in the production of wine.

(q) *Viticultural area.* Means (1) for domestic wine: (i) A State; (ii) a county; or (iii) a region or place within a state precisely defined by geographical boundaries and formally established (by statute or duly promulgated regulation) by the State for the purpose of growing fruit or other agricultural products used in the production of wine; or (2) for foreign wine: (i) A State, province or similar subdivision of a country; or (ii) an area or region within a country recognized by that country for the purpose of growing fruit or other agricultural products used in the production of wine.

(r) *Use of other terms.* Any other term defined in the Federal Alcohol Administration Act and used in this part shall have the same meaning assigned to it by such act.

Dated: June 26, 1975.

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

Dated: July 9, 1975.

Approved:

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-18505 Filed 7-16-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Part 1304]

POPPY STRAW; AUTHORITY TO IMPORT

Proposed Reporting Requirements

A notice was published in the FEDERAL REGISTER on December 20, 1974 (39 FR 44033-4), setting forth reasons why the Administrator of the Drug Enforcement Administration had decided to authorize the importation of concentrate of poppy straw. Since that time, pharmaceutical manufacturers in the United States have endeavored to secure sufficient quantities of concentrate of poppy straw to assure that there will be an acceptable level of raw materials available to meet the immediate and estimated future needs for

codeine and other opium derivatives in the United States. While this initial step has produced some encouraging results, it is now evident that domestic firms are having difficulty obtaining reliable foreign sources of concentrate of poppy straw and, therefore, cannot predict with sufficient certainty the amount of this substance which can be obtained to supplement the supply of crude opium. Therefore, the Administrator has decided that immediate additional measures must be taken in order to secure the necessary supply of raw materials for narcotic alkaloid production and to take advantage of the growing international market in opium poppy straw.

Accordingly, pursuant to the authority granted to the Attorney General by section 1002 of the Controlled Substances Import and Export Act (21 U.S.C. 952) as redelegated to the Administrator by § 0.100, Title 28, Code of Federal Regulations, and § 1312.13 of Title 21 of the Code of Federal Regulations, the Administrator has determined that beginning July 1, 1975, poppy straw may be imported on the basis that an emergency exists in which the supplies of raw materials for the production of narcotic drugs are inadequate.

The Drug Enforcement Administration intends that poppy straw, a Schedule II controlled substance under section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)), be subjected to the same controls as opium, with the exception that because of the bulk of the substance, specific exemptions from the Schedule II security requirements set forth in 21 CFR 1301.72 will be considered for approval by the Drug Enforcement Administration upon application by importing manufacturers. Accordingly, special reporting requirements similar to those in 21 CFR 1304.33 will be imposed on manufacturers importing poppy straw.

Therefore, under the authority vested in the Attorney General by sections 301 and 1002 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821 and 952, respectively) and delegated to the Administrator of the Drug Enforcement Administration by §0.100 of Title 28, Code of Federal Regulations, the Administrator hereby proposes the following amendments to § 1304.42 of Title 21, Code of Federal Regulations:

§ 1304.42 Reports from manufacturers importing poppy straw or concentrate of poppy straw.

(a) Every manufacturer importing poppy straw or concentrate of poppy straw shall submit in addition to Form 333, Form DEA 247(c) accounting for the importation and for all manufacturing operations performed between importation and the production in bulk of finished marketable products, standardized in accordance with the U.S. Pharmacopeia, National Formulary, or other recognized medical standards. Subsequent manufacture from such products, including bottling or packaging operations, shall be accounted for in the returns on DEA Form 333 (§ 1304.38) and its supplements. DEA Form 247(c) shall be submitted quarterly to the Regulatory Investigations Section, Drug Enforcement Administration, Department of Justice, Washington, D.C. 20537, on or before the 15th day of the month immediately following the period for which it is submitted.

(b) The report of manufacture from poppy straw or concentrate of poppy straw shall consist of summaries with supporting detail sheets accounting for original manufacture from poppy straw to concentrate, and from concentrate of poppy straw, production from morphine for further manufacture and also accounting for all stocks of poppy straw, concentrate of poppy straw, morphine for further manufacture and other crude alkaloids.

(c) The detail sheets (DEA 247(c)) supporting the summary of manufacture from poppy straw or concentrate of poppy straw shall show separately the amount of poppy straw or concentrate imported, the poppy straw used for production of concentrate, the concentrate used for extraction of alkaloids, subsequent manufacture from those alkaloids and the inventory of poppy straw and concentrate of poppy straw at the close of the reporting period.

(d) Upon importation of poppy straw or concentrate of poppy straw, samples will be selected and assays made by the importing manufacturer in a manner and according to a method previously approved by DEA. Where final assay data is not determined at the time of rendering report, the report shall be made on the basis of the best data available, subject to adjustment, and the necessary adjusting entries shall be made on the next report.

(e) Upon withdrawal of poppy straw or concentrate of poppy straw from Customs custody, the importing manufacturer shall assign to each lot or container an identification number by which the poppy straw or concentrate will be associated with the lot assay and identified in reports.

(f) Where factory procedure is such that partial withdrawals of poppy straw or concentrate are made from individual containers, there shall be attached to each container a stock record card on which shall be kept a complete record of all withdrawals therefrom.

(g) Concentrate of poppy straw and derivatives produced for exclusive use in further manufacturing purposes shall be reported produced when they come into existence in that form in which they are to be so used. Alkaloids or derivatives produced exclusively for distribution shall be reported as produced when manufacture has actually been completed and the finished marketable product ready for packaging and distribution. Such products shall be regarded as ready for packaging and distribution as soon as all processing other than mere packaging has been completed. Products manufactured partly for distribution and partly for use in further manufacture will be reported produced as soon as manufacture is complete and they are ready either for use in further manufacture or for packaging for distribution.

All interested persons are invited to submit their comments and objections in writing regarding the above amendments. The comments or objections should state with particularity the issues concerning which the person desires to be heard. A person may object or comment on the proposals relating to any one or more of the above amendments without filing comments or objections regarding the others. Comments and objections should be submitted in quintuplicate to the Office of the Administrative Law Judge, Attention: Hearing Clerk, Drug Enforcement Administration, Department of Justice, 1405 Eye Street, NW, Washington, D.C. 20537, and must be received by August 21, 1975. If a person believes that one or more issues raised by him warrant a full adversary-type hearing, he should so state and summarize the reasons for his belief.

In the event that comments or objections to this proposal raise one or more issues which the Administrator finds, in his sole discretion, warrants a full adversary-type hearing, the Administrator shall order a public hearing in the FEDERAL REGISTER summarizing the issues to be heard and setting the time for the hearing (which shall not be before August 18, 1975.

Dated: July 9, 1975.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.75-18589 Filed 7-16-75;8:45 am]

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

[33 CFR Part 207]

NAVIGATION OF RESTRICTED AREAS

Cooper River and Tributaries, Charleston, S.C.

Notice is hereby given that pursuant to Section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) the regulations set forth in tentative form below are proposed by the Secretary of the Army (acting through the Chief of Engineers) to govern the use and navigation of restricted areas in the Cooper River and its tributaries at Charleston, South Carolina. It is proposed to amend the present regulations with respect only to paragraph (a) (3) in 33 CFR 207.164b to extend the boundaries of the restricted areas.

Prior to the adoption of the proposed regulations consideration will be given to any comments, suggestions or objections thereto which are submitted in writing to the Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, Attention: DAEN-CWO-N on or before August 18, 1975.

It is proposed to revise § 207.164b(a)(3) as follows:

§ 207.164b Cooper River and tributaries at Charleston, S.C., restricted areas.

(a) * * *

(3) That portion of Cooper River extending from the mouth of Goose Creek to Red Bank Landing, a distance of approximately 4.8 miles and the tributaries to Cooper River within the area inclosed by the following arcs and their intersections:

(i) Radius = 8255' center of radius latitude 32°55'45" N, longitude 79°45'23" W.

(ii) Radius = 3790' center of radius latitude 32°55'00" N, longitude 79°55'41" W.

(iii) Radius = 8255' center of radius latitude 32°55'41" N, longitude 79°56'15" W.

(iv) Radius = 8255' center of radius latitude 32°56'09" N, longitude 79°56'19" W.

* * * * *

Dated: June 24, 1975.

ROBERT B. HUGHES,
Colonel, Corps of Engineers, Assistant Chief, Construction-Operations Division, Directorate of Civil Works.

[FR Doc.75-18527 Filed 7-16-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Parts 250, 251]

OUTER CONTINENTAL SHELF

Oil, Gas, and Sulphur Operations; Geological and Geophysical Exploration

In the notice on this subject published in the FEDERAL REGISTER, Volume 40, Number 78, on Tuesday, April 22, 1975, it was stated that comments from interested parties concerning the proposed amendments to 30 CFR 250.97 and to add Part 251 to Title 30, Code of Federal Regulations, and the draft environmental impact statements covering those changes in the regulations would be received until June 6, 1975. A notice of extension of this comment period until June 20, 1975, was published in the FEDERAL REGISTER, Volume 40, Number 109, on Thursday, June 5, 1975. Notice is hereby given that the comment period has been further extended and written comments, suggestions, or objections to the proposed changes or the draft environmental impact statement may be submitted to the Director, U.S. Geological Survey, National Center, Mail Stop 108, Reston, Virginia 22092, on or before August 4, 1975.

Dated: July 8, 1975.

W. A. RADLINSKI,
Acting Director, U.S. Geological Survey.

[FR Doc.75-18547 Filed 7-16-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1007, 1030, 1032, 1040, 1046, 1049, 1050, 1060, 1061, 1062, 1063, 1064, 1065, 1068, 1069, 1070, 1071, 1073, 1076, 1078, 1079, 1090, 1094, 1096, 1097, 1098, 1099, 1102, 1104, 1106, 1108, 1120, 1126, 1131, 1132, 1138, 1139]

[Docket Nos. AO-366-A14, etc.]

MILK IN THE GEORGIA AND CERTAIN OTHER MARKETING AREAS

Decision on Proposed Amendments to Marketing Agreements and to Orders

CFR pt.	Marketing Area	Docket No.
1007	Georgia	AO-366-A14
1030	Chicago regional	AO-361-A15
1032	Southern Illinois	AO-313-A29
1040	Southern Michigan	AO-225-A31
1046	Louisville-Lexington-Evansville	AO-123-A44
1049	Indiana	AO-319-A26
1050	Central Illinois	AO-355-A19
1060	Minnesota-North Dakota	AO-360-A10-RO2
1061	Southeastern Minnesota - Northern Iowa	AO-367-A9-RO2
1062	St. Louis-Ozarks	AO-10-A51
1063	Quad Cities-Dubuque	AO-105-A42
1064	Greater Kansas City	AO-23-A49
1065	Nebraska-Western Iowa	AO-86-A35
1068	Minneapolis-St. Paul	AO-178-A33-RO2
1069	Duluth-Superior	AO-153-A22-RO2
1070	Cedar Rapids-Iowa City	AO-229-A31
1071	Neosho Valley	AO-227-A32
1073	Wichita, Kans	AO-173-A33
1076	Eastern South Dakota	AO-260-A21-RO2
1078	North Central Iowa	AO-272-A26
1079	Des Moines, Iowa	AO-295-A31
1090	Chattanooga, Tenn	AO-266-A22
1094	New Orleans, La	AO-103-A38-RO1
1096	Northern Louisiana	AO-257-A26-RO1
1097	Memphis, Tenn	AO-219-A32
1098	Nashville, Tenn	AO-184-A39
1099	Paducah, Ky	AO-183-A33
1102	Fort Smith, Ark	AO-237-A26
1104	Red River Valley	AO-298-A26
1106	Oklahoma metropolitan	AO-210-A39
1108	Central Arkansas	AO-243-A30
1120	Lubbock-Plainview	AO-328-A19
1126	Texas	AO-231-A43
1131	Central Arizona	AO-271-A21
1132	Texas Panhandle	AO-262-A28
1138	Rio Grande Valley	AO-335-A24
1139	Lake Mead	AO-374-A5

A public hearing was held upon proposed amendments to the marketing agreements and the orders regulating the handling of milk in the Georgia and certain other marketing areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice (7 CFR Part 900), at the U.S. Department of Agriculture, Washington, D.C., on June 26, 1975, pursuant to notice thereof issued June 16, 1975 (40 F.R. 25828).

The material issues on the record relate to:

1. The appropriate classification of flavored milk, flavored milk drinks, and milkshake and ice milk mix (or base).

2. Whether an emergency exists to warrant the omission of a recommended decision with respect to Issue No. 1.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Classification.* The fluid milk product definition of each of the orders affected by this decision should be amended to include, in fluid or frozen form, milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package) or reconstituted.

The present fluid milk product definition of the respective orders includes the products stated above. In addition, it includes, with specified exceptions, "Any (other) milk product . . . if it contains by weight at least 80 percent water and 6.5 percent nonfat milk solids and less than 9 percent butterfat and 20 percent total solids."

The orders also provide Class II classification for milkshake and ice milk mixes (or bases) containing 20 percent or more total solids composition. In the Southern Michigan and Lake Mead orders the classification is Class III. Such provisions would not be changed by the revisions adopted herein.

The hearing was prompted by a question raised by a handler with respect to the appropriate classification of a new product being marketed as a chocolate flavored beverage with a total solids content in excess of 20 percent. The industry was notified that under the present provisions of the several orders included in this proceeding the product was eligible for a Class II classification.

Representatives of the National Milk Producers Federation, representing producers associated with the respective orders, proposed that the provision whereby flavored milk drinks containing 20 percent or more total solids composition are excluded from the fluid milk product definition of the respective orders be eliminated from such definition. They proposed also that the provision which classifies as Class II milk any milkshake or ice milk mixes (or

bases) containing 20 percent or more total solids be revised. In its place the producers would substitute a provision that classifies as Class II milk any milkshake or ice milk mixes that are disposed of for further processing or freezing in a commercial establishment.

A witness for the Milk Industry Foundation and the International Association of Ice Cream Manufacturers, representing certain handlers regulated by the respective orders, proposed that the fluid milk product definition of the respective orders should exclude milk drinks, including milkshake and ice milk mixes, containing 20 percent or more total solids. Another handler also proposed that that fluid milk product definition exclude milk drinks, including milkshake and ice milk mixes, containing 20 percent or more total solids.

All handler witnesses opposed the producers' proposal to classify as Class II milk milkshake and ice milk mixes disposed of for further processing or freezing in a commercial establishment.

Producer witnesses testified that the amendments they proposed are needed because some handlers recently have in fact increased the total solids composition of their flavored milk drinks (Class I) to over 20 percent, resulting in the classification of the product as lower-priced Class II milk. The aim of the producer proposal is to establish clearly a Class I classification for skim milk and butterfat in all flavored milk drinks (including milkshake and ice milk mixes, except those disposed of for further processing or freezing in a commercial establishment) irrespective of the total solids composition of the product.

In the producers' view, the minor adjustment in solids content that has been made by some handlers, resulting in a Class II classification of certain milk drinks has reduced the handlers' costs for milk used in such products in the respective markets by amounts ranging between $0.96 to $2.97 per hundredweight. Dairy farmers thereby have sustained lower returns, and potentially such loss could be substantial if the practice should become widespread. They pointed out that the product has not been changed in terms of form and use in marketing. It continued to be marketed as a fluid beverage which is the chief characteristic of those products for which a Class I classification is specified.

The purpose of the fluid milk product definition is to define the products or types of products that are required in a market to be made from inspected milk and that are sold in fluid form for beverage use.

To prevent the lower classification of flavored milk drinks by a minor adjustment in the total solids composition of the product, producers proposed removal of the solids composition standards from the fluid milk product definition of the respective orders, including that relating to milkshake and ice milk mixes. A single exception to this would be any product that contains by weight less than 6.5 percent nonfat milk solids. Such products are now specifically excluded from the fluid milk product definition of the respective orders. In producers' view, a change in the total solids content of a flavored milk drink from less than 20 percent total solids to just over 20 percent total solids does not change the form and use of the product. It remains a milk drink, a milk beverage for which only a Class I classification is appropriate.

Having proposed removal of the total solids composition standard for milkshake and ice milk mix in the fluid milk product definition of the respective orders, the producers also proposed that such standard also be eliminated as a basis for classifying milkshake and ice milk mixes in Class II. They would classify as Class II only milkshake and ice milk mixes disposed of for further processing or freezing in a commercial establishment. Any milkshake or ice milk mix not disposed of in such manner would be Class I. In their view, flavored milk that is labeled "milkshake mix" and not sold for further processing or freezing in a commercial establishment is still flavored milk.

Producer witnesses testified that up to 98 percent of the milkshake and ice milk mixes distribution is to the fast-food and soft-serve trade. Under their proposal such mixes would continue to be classified as Class II milk (Class III under Orders No. 40 and 139). The remainder being distributed would, in producers' view, be properly classified as Class I milk by virtue of being a "shake" beverage for home consumption. They held that this would implement the intent encompassed in providing, in the respective orders, that milkshake or ice milk mixes of less than 20 percent total solids composition be included in the fluid milk product definitions.

Under the current order provisions, by slight alteration of solids content, different handlers in the same market experience significantly different raw milk ingredient costs for the same product, i.e., flavored milk drinks, because they are classified differently. The resulting products, although they contain only marginal differences in total solids composition, are indistinguishable in carton identification and consumer perception. Thus, the legislative mandate that order prices shall be uniform to all handlers is not being met for a product for which no differentiation in use can be made.

Producers and handlers alike are apprehensive that unless the fluid milk product definition is modified with respect to the regulatory status of flavored milk drinks, all competing handlers very quickly will reformulate their flavored milk drinks to contain 20 percent or more total solids to obtain a Class II classification (Class III in certain markets) instead of Class I. This would result in a very substantial reduction in returns to producers because flavored milk and flavored milk drinks represent about 4.8 percent of the fluid milk disposition of Federal milk orders.

The record evidence is quite clear on the point that the reformulation of flavored milk drinks to contain 20 percent or more total solids content is done for the sole purpose of obtaining a lower classification and for no other purpose insofar as the form of or the use of the product is concerned.

It is concluded that the present marketing conditions with respect to flavored milk drinks are disorderly for both producers and handlers. Returns to producers are being inappropriately reduced through the reformulation of a product that is indistinguishable from its previous form and use as a fluid milk product and thereby Class I milk. Handlers are uncertain of what their competitors may be doing with respect to the reformulation of flavored milk drinks because such change is not readily apparent without laboratory analysis. Thus, the present competitive situation confronting handlers is intolerable. There is no dispute among producers and handlers over the destructive implications of present marketing conditions for flavored milk drinks, but there is a difference of approach toward resolving the problems presented.

Handlers opposed producers' method of distinguishing between milkshake mixes because it would classify as Class I milk certain milkshake mixes of over 20 percent total solids content (presently Class II or III) that are sold direct to consumers and not for further processing or freezing at a commercial establishment.

Lengthy cross examination was made by handler representatives establishing the varied problems associated with classifying milkshake and ice milk mix on the basis of further processing or freezing at a commercial establishment. It is not necessary to adopt the producer proposal with respect to the criteria for classifying milkshake mix to provide assurance that flavored milk drinks, regardless of total solids content, shall be classified in Class I.

The effect of the amendment adopted herein is to delete the provision whereby a flavored milk drink can be reformulated for the sole purpose of obtaining a lower classification by increasing the total solids composition to 20 percent or more. Accordingly, flavored milk drinks would be Class I milk regardless of the total solids composition of the product.

Producers are apprehensive that unless their proposal concerning milkshake mix is adopted, handlers may increase the solids content of flavored milk drinks and label them "milkshake mix" to obtain the lower classification. This does not appear to be prospective. The flavored milk drink market could not easily be induced to switch to the milkshake mix market. At this point it should be observed that throughout the hearing, both producers and handlers presented testimony aimed at distinguishing between milkshake mix for home consumption, which is identified with a fluid Class I use, and milkshake mix for the fast-food and soft-serve trade which competes with the frozen dessert market (Class II).

Concerning producers' proposal for classifying milkshake mix, it is concluded that this record does not provide suffi-

cient basis for classifying the product by the method they propose. Milkshake mix for home consumption is recognized as being a potential problem. However, the information provided for the record is not precise to the degree necessary to formulate distinguishing standards which could be easily and equitably administered.

Sales of milkshake mix for home consumption are minor and for the most part are mixes with total solids composition of under 20 percent (Class I). These are, and, as adopted herein, would continue to be included in the fluid milk product definition of the respective orders. According to cogent testimony put into the record, the industry does not view milkshake mix for home consumption as an area of potential, significant sales growth. However, in the event that sales of milkshake mix with a total solids content of 20 percent or more (Class II)—for home consumption as contrasted to disposition to the fast food and soft serve trades—were to increase significantly, the basis would then exist for review at a hearing to further consider the appropriate regulatory description of milkshake mixes for Class II purposes. Accordingly, the producers' proposal to revise the classification provisions of milkshake and ice milk mixes is hereby denied.

The handler proposals would continue to exclude from the fluid milk product definitions of the respective orders milk drinks containing 20 percent or more total solids composition. Proponents urged that reliance be placed on recently amended Federal Standards of Identity to assure that flavored milk, skim milk or lowfat milk could not be reformulated to obtain a Class II classification for any such products.

Proponents pointed out that any of these products moving in interstate commerce must comply with the provisions of the Federal Standards and be properly labeled in accordance with the regulations. If any product is labeled and sold as milk, skim milk, or lowfat milk or if any such product is flavored, cultured or acidified and labeled and sold as milk, lowfat, or skim milk it would be Class I irrespective of the total solids content.

The Federal standards of identity do not provide a standard for "milk drinks", and the handlers proposed definition provides only a solids composition basis for determining what it would be. Handlers contend that through the process of excluding the products that are specifically named in the Federal standards, there is only a residual group of milk drinks possible. However, the handler witnesses were unable to provide the record with a specific list to indicate how many there would be. These, of course, could be reformulated under handlers' proposals to contain 20 percent or more total solids composition to obtain Class II classification—a situation which provided the basis for calling the hearing.

The Federal Standards of Identity, submitted as exhibits, set up minimum standards for the products specified. However, the evidence in the record does not provide the needed assurance that flavored milk, skim milk, or lowfat milk could not be reformulated, renamed as a "milk drink" with a total solids composition of 20 percent or more, and obtain Class II classification.

The record is quite clear that handlers can petition the Food and Drug Administration for a different name for a product by assigning to it a different marketing concept than is associated with a product having a particular standard of identity. Very clearly, this could be a means by which products may be excluded from the fluid milk product definitions of the respective orders.

A handler witness provided an example whereby a flavored lowfat milk could have its solids content raised to 20 percent or more, and other ingredient adjustments made to distinguish it from the Federal Standard for lowfat milk. He testified that it would have to be called something else. Conceivably, under the handlers' proposal, it could be argued that the resulting product is a milk drink of over 20 percent total solids and therefore is Class II milk. Thus, the avenue for changing the name and the historical identity of a product is very definitely open with the advent of this type of rule making to establish nomenclature for non-standardized foods.

It is concluded that the handler proposal does not provide the safeguards necessary to prevent the possible reformulation of a flavored milk drink for the sole purpose of lowering the classification applied to the product. For these reasons the handler proposal to exclude from the fluid milk product definitions of the respective orders milk drinks that contain 20 percent or more total solids must be denied.

The order amendments adopted herein will provide all reasonable assurance that flavored milk drinks, regardless of total solids composition will be classified Class I milk as a fluid milk product. No change is adopted herein in the provisions of the fluid milk product definition that specifically exclude from such definition certain products such as evaporated milk.

2. *Emergency action.* The due and timely execution of the functions of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and an opportunity for exceptions thereto with respect to Issue No. 1.

Unless the provisions adopted herein are made effective at the earliest possible date, producers supplying milk to the respective markets can be expected to sustain a substantial loss of returns.

Handlers regulated by the orders are confronted with an intolerable marketing situation fraught with destructive implications in which the legislative mandate that order prices shall be uniform to all handlers is not being met for a product for which no differentiation in use can be made.

Further, a large number of school systems in the respective markets are now in the process of taking bids and letting contracts for milk products to be supplied during the coming fall school term. Unless the action adopted herein is made effective at the earliest practicable date, handlers will not have adequate or proper knowledge of anticipated price levels on which to bid on school contracts for flavored milk drinks. This can only intensify the disorderly marketing conditions that already exist, and could result in the loss of substantial sums to handlers on the contracts that may be negotiated.

The continued orderly marketing of milk in the respective areas requires that the attached order be made effective at the earliest date practicable. Handlers, cooperative associations and others should know promptly and with certainty the classification of flavored milk drinks and related products.

The hearing notice stated that consideration would be given to the emergency marketing conditions relating to proposal No. 1. Action under the procedure described above was supported at the hearing and in briefs submitted by participants at the hearing.

It is found, therefore, that good cause exists for omission of the recommended decision and the opportunity for filing exceptions thereto.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the afore-

said tentative marketing agreements and orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents, a MARKETING AGREEMENT regulating the handling of milk, and an ORDER amending the order regulating the handling of milk in the Georgia and certain other marketing areas which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the orders as hereby proposed to be amended by the attached order which is published with this decision.

DETERMINATION OF PRODUCER APPROVAL AND REPRESENTATIVE PERIOD

April 1975 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Georgia and certain other marketing areas is approved or favored by producers, as defined under the terms of the orders (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing areas.

Signed at Washington, D.C., on: July 11, 1975.

JOHN DAMGARD,
Deputy Assistant Secretary.

Order[1] amending the order, regulating the handling of milk in certain specified marketing areas.

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid orders:

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Georgia and certain other marketing areas. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in each of the specified marketing areas shall be in conformity to and in compliance with the terms and conditions of each of the orders, as amended, and as hereby amended as follows:

PART 1007—MILK IN GEORGIA MARKETING AREA

In § 1007.15, paragraph (a) is revised as follows:

§ 1007.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

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PART 1030—MILK IN CHICAGO REGIONAL MARKETING AREA

In § 1030.15, paragraph (a) is revised as follows:

§ 1030.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

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PART 1032—MILK IN SOUTHERN ILLINOIS MARKETING AREA

In § 1032.15, paragraph (a) is revised as follows:

§ 1032.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

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PART 1040—MILK IN SOUTHERN MICHIGAN MARKETING AREA

In § 1040.15, paragraph (a) is revised as follows:

§ 1040.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

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PART 1046—MILK IN LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

In § 1046.15, paragraph (a) is revised as follows:

§ 1046.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk,

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

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PART 1049—MILK IN INDIANA MARKETING AREA

In § 1049.15, paragraph (a) is revised as follows:

§ 1049.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

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PART 1050—MILK IN CENTRAL ILLINOIS MARKETING AREA

In § 1050.15, paragraph (a) is revised as follows:

§ 1050.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

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PART 1060—MILK IN MINNESOTA-NORTH DAKOTA MARKETING AREA

In § 1060.15, paragraph (a) is revised as follows:

§ 1060.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

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PART 1061—MILK IN SOUTHEASTERN MINNESOTA-NORTHERN IOWA (DAIRYLAND) MARKETING AREA

In § 1060.15, paragraph (a) is revised as follows:

§ 1061.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

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PART 1062—MILK IN ST. LOUIS-OZARKS MARKETING AREA

In § 1062.15, paragraph (a) is revised as follows:

§ 1062.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

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PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

In § 1063.15, paragraph (a) is revised as follows:

§ 1063.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

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PART 1064—MILK IN GREATER KANSAS CITY MARKETING AREA

In § 1064.15, paragraph (a) is revised as follows:

§ 1064.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

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PART 1065—MILK IN NEBRASKA-WESTERN IOWA MARKETING AREA

In § 1065.15, paragraph (a) is revised as follows:

§ 1065.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

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PART 1068—MILK IN MINNEAPOLIS-ST. PAUL MARKETING AREA

In § 1068.15, paragraph (a) is revised as follows:

§ 1068.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

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PART 1069—MILK IN DULUTH-SUPERIOR MARKETING AREA

In § 1069.15, paragraph (a) is revised as follows:

§ 1069.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

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PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

In § 1070.15, paragraph (a) is revised as follows:

§ 1070.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated

(if in a consumer-type package), or reconstituted.

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PART 1071—MILK IN NEOSHO VALLEY MARKETING AREA

In § 1071.15, paragraph (a) is revised as follows:

§ 1071.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

* * * * *

PART 1073—MILK IN WICHITA, KANSAS MARKETING AREA

In § 1073.15, paragraph (a) is revised as follows:

§ 1073.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

* * * * *

PART 1076—MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

In § 1076.15, paragraph (a) is revised as follows:

§ 1076.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

* * * * *

PART 1078—MILK IN NORTH CENTRAL IOWA MARKETING AREA

In § 1078.15, paragraph (a) is revised as follows:

§ 1078.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

* * * * *

PART 1079—MILK IN DES MOINES, IOWA MARKETING AREA

In § 1079.15, paragraph (a) is revised as follows:

§ 1079.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

* * * * *

PART 1090—MILK IN CHATTANOOGA, TENNESSEE MARKETING AREA

In § 1090.15, paragraph (a) is revised as follows:

§ 1090.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

* * * * *

PART 1094—MILK IN NEW ORLEANS MARKETING AREA

In § 1094.15, paragraph (a) is revised as follows:

§ 1094.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

* * * * *

PART 1096—MILK IN NORTHERN LOUISIANA MARKETING AREA

In § 1096.15, paragraph (a) is revised as follows:

§ 1096.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

* * * * *

PART 1097—MILK IN MEMPHIS, TENNESSEE MARKETING AREA

In § 1097.15, paragraph (a) is revised as follows:

§ 1097.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

* * * * *

PART 1098—MILK IN NASHVILLE, TENNESSEE MARKETING AREA

In § 1098.15, paragraph (a) is revised as follows:

§ 1098.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

* * * * *

PART 1099—MILK IN PADUCAH, KENTUCKY MARKETING AREA

In § 1099.15, paragraph (a) is revised as follows:

§ 1099.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

* * * * *

PART 1102—MILK IN FORT SMITH, ARKANSAS MARKETING AREA

In § 1102.15, paragraph (a) is revised as follows:

§ 1102.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

* * * * *

PART 1104—MILK IN RED RIVER VALLEY MARKETING AREA

In § 1104.15, paragraph (a) is revised as follows:

§ 1104.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

* * * * *

PART 1106—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

In § 1106.15, paragraph (a) is revised as follows:

§ 1106.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

* * * * *

PART 1108—MILK IN CENTRAL ARKANSAS MARKETING AREA

In § 1108.15, paragraph (a) is revised as follows:

§ 1108.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

* * * * *

PART 1120—MILK IN LUBBOCK-PLAINVIEW, TEXAS MARKETING AREA

In § 1120.15, paragraph (a) is revised as follows:

§ 1120.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

* * * * *

PART 1126—MILK IN TEXAS MARKETING AREA

In § 1126.15, paragraph (a) is revised as follows:

§ 1126.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

* * * * *

PART 1131—MILK IN CENTRAL ARIZONA MARKETING AREA

In § 1131.15, paragraph (a) is revised as follows:

§ 1131.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

* * * * *

PART 1132—MILK IN TEXAS PANHANDLE MARKETING AREA

In § 1132.15, paragraph (a) is revised as follows:

§ 1132.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

* * * * *

PART 1138—MILK IN RIO GRANDE VALLEY MARKETING AREA

In § 1138.15, paragraph (a) is revised as follows:

§ 1138.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

* * * * *

PART 1139—MILK IN LAKE MEAD MARKETING AREA

In § 1139.15, paragraph (a) is revised as follows:

§ 1139.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

* * * * *

[FR Doc.75-18518 Filed 7-16-75;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

ELECTRIC LOAN POLICY

Proposed Increase

Notice is hereby given that pursuant to the Rural Electrification Act as amended (7 USC et seq.), REA is considering amending REA Bulletin 20-2, Electric Loan Policy, to provide for an increase in the maximum amount of an REA loan to electric distribution borrowers covering a two year construction period.

During the interim period of such consideration, loan applications acted on after July 1, 1975 which are based on a new two-year construction work plan having an REA two-year loan requirement of $1,000,000 or less will be considered for the full two-year amount, notwithstanding the provisions of an

amendment to REA Bulletin 20–2, dated November 22, 1974, which provided that electric distribution loan applications covering a two-year loan requirement of $750,000 or less would be considered for a loan covering the full two-year amount. The proposed amendment for a new higher level for two-year loans will be published after the appropriation for fiscal year 1976 is finally determined.

Dated: July 11, 1975.

DAVID A. HAMIL,
Administrator.

[FR Doc.75-18521 Filed 7-16-75;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 113]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Notice of Proposed Rulemaking

Notice is hereby given in accordance with the provisions contained in section 553 of Title 5, U.S.C., that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products, in Part 113, of Title 9, Code of Federal Regulations issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158).

These proposed amendments would correct the reference in § 113.99(c)(2) to the requirements for tetanus antitoxin prescribed in § 113.251 made necessary by the renumbering of § 113.76 as § 113.251.

These proposed amendments would make the requirements to be met by the controls in the potency test for tetanus toxoid conform to those in the potency test for tetanus antitoxin.

Each word in the heading of § 113.99 should be capitalized.

Section 113.99 is amended by revising paragraphs (c)(2) and (4) to read:

§ 113.99 Tetanus Toxoid.

* * * * *

(c) * * *

(2) The pooled serum shall contain at least two antitoxin units per ml as determined by titrating it in the manner prescribed for tetanus antitoxin in § 113.251. A 1:20 dilution of the pooled serum shall be made so that the final dilution contains 0.1 antitoxin unit per ml. The dilution shall be held at 20 to 25° C for 30 minutes prior to combining with a test dose of toxin. The test dose of standard toxin shall be mixed in proper proportion with the diluted pooled serum, incubated at 20 to 25° C for 1 hour and injected subcutaneously into two guinea pigs.

* * * * *

(4) Controls shall be observed until all are dead, or for 6 days, the time of death being recorded in hours. For a satisfactory test, the controls must die with clinical signs of tetanus within 12 hours of each other and within an overall time of 60 to 120 hours with the mean time of death being approximately 96 hours. The clinical signs to be observed are increased muscle tonus, curvature of the spine, asymmetry of the body outline when the resting animal is viewed from above, generalized spastic paralysis, particularly of the extensor muscles, inability to rise from a smooth flat surface when the animal is placed on its side, or any combination of these signs. If the control guinea pigs do not respond in this manner, the entire test shall be repeated. In a valid test, if the animals injected with the serum dilution and toxin mixture do not survive as long as the control animals, the serial is unsatisfactory.

Interested parties are invited to submit written data, views, or arguments regarding the proposed regulations to Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828–A, Federal Building, Hyattsville, Maryland 20782. All comments received on or before August 18, 1975 will be considered.

All written submissions made pursuant to this notice will be made available for public inspection at the above address, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, DC, this 14th day of July, 1975.

J. K. ATWELL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-18586 Filed 7-16-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 75-NE-31]

PRATT & WHITNEY JT4A MODEL ENGINES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Pratt & Whitney Model JT4A turbojet engines containing tenth stage compressor blades, P/N 499710 and P/N 310010. There have been tenth stage blade root fractures which have resulted in engine case penetration. High blade stresses coupled with galling in the blade root area have caused this high cycle fatigue cracking.

Since this condition can exist in all engines containing the subject tenth stage blades, an airworthiness directive is being proposed that would require shotpeening and application of antigalling compound to these blades at specific intervals.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Attention: Regional Council, Airworthiness Rules Docket, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received within 30 days after publication in the Federal Register will be considered before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of the Regional Counsel for examination by interested parties.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1950 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(e)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

PRATT & WHITNEY AIRCRAFT. Applies to all Pratt & Whitney Model JT4A turbojet engines containing tenth stage compressor blades, P/Ns 499710 and 310010.

To prevent possible tenth stage compressor blade failure resulting in case penetration, shotpeen the blades in accordance with JT4A Overhaul Manual, P/N 384887, Section 72-36-1, and apply antigalling compound in accordance with TR 72-617, of JT4A Overhaul Manual P/N 384887 in accordance with the following schedule:

1. Within 4000 hours time in service since new or the last shotpeening to 6A intensity.

2. Within 6000 hours time in service since the last shotpeening to 11-A intensity.

3. Blades that have exceeded the shotpeening intervals of Paragraph 1 and 2 must be removed within the next 2000 hours time in service.

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, New England Region, may adjust the repetitive shotpeen intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Pratt & Whitney Aircraft, Division of United Aircraft Corporation, 400 Main Street, East Hartford, Connecticut 06108. These documents may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and at FAA headquarters, 800 Independence Avenue, SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at New England Region.

Issued in Burlington, Massachusetts, on July 8, 1975.

(NOTE.—The incorporation by reference provisions in this document was approved by

the Director of the Federal Register on June 19, 1967).

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.75-18554 Filed 7-16-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-SW-36]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Mt. Pleasant, Tex., terminal area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before August 18, 1975, will be considered before action is taken on the proposed amendment. No public 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. 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 proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

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

In § 71.181 (40 FR 441), the Mt. Pleasant, Tex., transition area is amended to read:

MT. PLEASANT, TEX.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Mt. Pleasant Municipal Airport (latitude 33°07'45.4" N., longitude 94°58' 31.3" W.) and within 3.5 miles each side of the Quitman, Tex., VORTAC 052° radial extending from the 8.5-mile-radius area to a point 10.5 miles southwest of the airport and within 3.5 miles each side of the Mt. Pleasant, Tex., NDB (latitude 33°10'03" N., longitude 94°58'03" W.) 012° bearing extending from the 8.5-mile-radius area to a point 15 miles northeast of the airport.

The extension of the transition area will provide controlled airspace for Category III aircraft executing instrument approach procedures.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, TX., on July 7, 1975.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.75-18557 Filed 7-16-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-SW-37]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Corsicana, Tex., terminal area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before August 18, 1975, will be considered before action is taken on the proposed amendment. No public 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. 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 proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

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

In § 71.181 (40 FR 441), the Corsicana, Tex., transition area is modified as follows:

CORSICANA, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Corsicana Municipal Airport (latitude 32°02'00" N., longitude 96°24'00" W.); within 3 miles each side of the Scurry, Tex., VORTAC 186° radial extending from the 5-mile-radius area to 24 miles south of the VORTAC and within 3 miles each side of the 155° bearing from the Corsicana, Tex., RBN (latitude 32°-02'00" N., longitude 96°24'00" W.) extending from the 5-mile-radius area to 8 miles southeast of the RBN.

The extension of the transition area will provide controlled airspace for aircraft executing the proposed NDB instrument approach procedure.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, TX., on July 7, 1975.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.75-18558 Filed 7-16-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-SW-38]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot point-in-space transition area at latitude 28°53'00" N., longitude 94°43'00" W.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before August 18, 1975, will be considered before action is taken on the proposed amendment. No public 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. 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 proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

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

In § 71.181 (40 FR 441), the following transition area is added:

GALVESTON, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of coordinates latitude 28°53'00" N., longitude 94°45'00" W.

The proposed transition area will provide controlled airspace for helicopters executing the proposed COPTER VORTAC 143 instrument approach procedure.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, TX., on July 7, 1975.

ALBERT H. THURBURN,
Director,
Southwest Region.

[FR Doc.75-18556 Filed 7-16-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-SW-35]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Haskell, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before August 18, 1975, will be considered before action is taken on the proposed amendment. No public 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. 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 proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

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

In Section 71.181 (40 F.R. 441), the following transition area is added:

HASKELL, TEX.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Haskell, Tex., Municipal Airport (latitude 33°12'18" N., longitude 99°42'43" W.).

The proposed transition area will provide controlled airspace for aircraft executing the proposed NDB-A standard instrument approach procedure.

The proposed NDB site is located at latitude 33°12'17" N., longitude 99°42'48" W.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, TX., on July 7, 1975.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.75-18555 Filed 7-16-75;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 221]

[EDR-285B; Docket No. 27769]

CONSTRUCTION, PUBLICATION, FILING, AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Dissemination to the Public of Simplified Information Describing Available Air Fares; Supplemental Advance Notice of Proposed Rulemaking

JULY 11, 1975.

By letter, dated July 2, 1975, the Air Transport Association of America (ATA), on behalf of certain of its carrier members, has requested that an additional extension be granted of the time in which to file comments on the Board's Advance notice of proposed rule making EDR-285. (40 FR 24740, June 10, 1975) ATA's letter states that the 30-day extension granted by EDR-285A, until August 11, 1975, will not provide sufficient time in which ATA could present comments which reflect the results reached by a special task force which has been assigned to study this subject and to meet with "representatives of the travel community and consumers." ATA therefore requests that the due date for comments on EDR-285 be further extended, until October 10, 1975.

Opposition to this request has been filed by Aviation Consumer Action Project (ACAP), by letter dated July 9, 1975. ACAP notes that, in issuing EDR-285, the Board stated that it was thereby granting a motion which ACAP had made for expedited action on the rule making proposal in this docket. ACAP therefore argues that further delays in submission of comments in this Advance Notice phase of the proceeding would not be consistent with the Board's intention to take "expedited action" in its consideration of this matter.

The undersigned finds that good cause has not been shown for granting an additional extension herein. In EDR-285A the undersigned found that an extension for more than 30 days would not be necessary or desirable, because "the importance of the problems with which this proceeding deals militates in favor of expeditious receipt and consideration of comments on the Advance Notice . . ." ATA's request does not set forth persuasive reasons to alter that finding at this time.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations, the undersigned hereby denies ATA's request for a further extension of the time to file comments.

Procedures for review of this action by the Board are set forth in Subpart C of Part 385 (14 CFR 385.50 through 385.54).

(Sec. 204(a) of the Federal Aviation Act, as amended, 72 Stat. 743; 49 U.S.C. 1324.)

[SEAL] STEPHEN J. GROSS,
Associate General Counsel.

[FR Doc.75-18575 Filed 7-16-75;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 503]

[Docket No. 75-26]

PUBLIC INFORMATION

Access to Any Record of Identifiable Personal Information

Notice is hereby given that the Federal Maritime Commission proposes to amend 46 CFR Part 503 by adding Subpart G to implement the provisions of the Privacy Act of 1974 (Pub. L. 93-579, 88 Stat. 1896). Subpart G establishes regulations for the protection of personal privacy of individuals identified in records maintained by the Commission.

The significant portions provide the procedures for requests for information, access to and disclosure of records, and the actions to be taken by the Commission in response to such requests. The Assistant Managing Director has been named the person primarily responsible for handling all requests under the Privacy Act. The regulations further contain provisions for accounting of disclosures made, requests for amendment of a record and appeal from refusal to amend a record, and fees for the copying and mailing of records. Additionally, the regulations reserve to the Chairman of the Commission the right to create exemptions pursuant to the specific exemption provisions of the Act.

Therefore, pursuant to sections 3 and 4 of the Administrative Procedure Act and the Right to Privacy Act, Pub. L. 93-579, 88 Stat. 1896, Title 46 of the Code of Federal Regulations Part 503 is proposed to be amended as set forth below:

Subpart G (§§ 503.60-503.69) is added as follows:

PART 503—PUBLIC INFORMATION

Subpart G—Access to Any Record of Identifiable Personal Information

Sec.
503.60 Definitions.
503.61 Conditions of disclosure.
503.62 Accounting of disclosures.
503.63 Request for information.
503.64 Commission procedure on requests for information.
503.65 Request for access to records.
503.66 Amendment of a record.
503.67 Appeals from denial of request for amendment of a record.
503.68 Exemptions.
503.69 Fees.

Subpart G—Access to Any Record of Identifiable Personal Information

§ 503.60 Definitions.

For the purpose of this subpart:

(a) "Agency" means each authority of the government of the United States

as defined in 5 U.S.C. 551(1) and shall include any executive department, military department, government corporation, government controlled corporation or other establishment in the executive branch of the government (including the Executive Office of the President), or any independent regulatory agency.

(b) "Commission" means the Federal Maritime Commission.

(c) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence to whom a record pertains.

(d) "Maintain" includes maintain, collect, use, or disseminate.

(e) "Person" means any person not an individual and shall include, but is not limited to, corporations, associations, partnerships, trustees, receivers, personal representatives, and public or private organizations.

(f) "Record" means any item, collection, or grouping of information about an individual that is maintained by the Federal Maritime Commission including but not limited to his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol or other identifying particular assigned to the individual such as a finger or voice print, or a photograph.

(g) "Routine use" means (with respect to the disclosure of a record), the use of such record for a purpose which is compatible with the purpose for which it was collected.

(h) "Statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual but shall not include matter pertaining to the Census as defined in 13 U.S.C. § 8.

(i) "System of records" means a group of any records under the control of the Commission from which information is received by the name of the individual or by some identifying number, symbol or other identifying particular assigned to the individual.

§ 503.61 Conditions of disclosure.

(a) Subject to the conditions of paragraphs (b) and (c) of this section, the Commission shall not disclose any record which is contained in a system of records, by any means of communication to any person or other agency who is not an individual to whom the record pertains.

(b) Upon written request or with prior written consent of the individual to whom the record pertains, the Commission may disclose any such record to any person or other agency.

(c) In the absence of a written consent from the individual to whom the record pertains, the Commission may disclose any such record provided such disclosure is:

(1) To those officers and employees of the Commission who have a need for the record in the performance of their duties;

(2) Required under the Freedom of Information Act (5 U.S.C. 552);

(3) For a routine use;

(4) To the Bureau of Census for purposes of planning or carrying out a census or survey or related activity under the provisions of Title 13 of the United States Code;

(5) To a recipient who has provided the Commission with adequate advance written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity authorized by law, provided the head of the agency or instrumentality has made a prior written request to the Assistant Managing Director of the Commission specifying the particular record and the law enforcement activity for which it is sought;

(8) To either House of Congress, and to the extent of a matter within its jurisdiction, any committee or subcommittee, or joint committee of Congress;

(9) To the Comptroller General, or any of his authorized representatives in the course of the performance of the duties of the GAO; or

(10) Under an order of a court of competent jurisdiction.

§ 503.62 Accounting of disclosures.

(a) The Assistant Managing Director shall make an accounting of each disclosure by him of any record contained in a system of records in accordance with 5 U.S.C.A. 552a(c) (1) and (2).

(b) Except for a disclosure made under § 503.61(c)(7) of this subpart the Assistant Managing Director shall make the accounting described in paragraph (a) of this section available to any individual upon written request made in accordance with § 503.63 (b) or (c) of this subpart.

(c) The Assistant Managing Director shall make reasonable efforts to notify an individual when any record which pertains to him is disclosed to any person under compulsory legal process when such process becomes a matter of public record.

§ 503.63 Request for information.

(a) Upon request in person or by mail made in accordance with the provisions of paragraphs (b) or (c) of this section, any individual shall be informed whether or not any Commission system of records contains a record pertaining to him.

(b) Any individual requesting such information in person shall present himself at the Office of the Assistant Managing Director, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573 and shall:

(1) Provide information sufficient in the opinion of the Assistant Managing Director to identify the record, e.g. the individual's own name, date of birth, place of birth etc.;

(2) Provided identification acceptable to the Assistant Managing Director to verify the individual's identity; e.g. driver's license, employee identification card or medicare card;

(3) Complete and sign the appropriate form provided by the Assistant Managing Director.

(c) Any individual requesting such information by mail shall address such request to the Assistant Managing Director, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573 and shall include in such request the following:

(1) Information sufficient in the opinion of the Assistant Managing Director to identify the record, e.g. the individual's own name, date of birth, place of birth, etc.;

(2) A signed notarized statement to verify his identity.

§ 503.64 Commission procedure on requests for information.

Upon request for information made in accordance with § 503.63 of this subpart, the Assistant Managing Director or his delegate shall within a reasonable period of time furnish in writing to the requesting party notice of the existence or nonexistence of any records described in such request.

§ 503.65 Request for access to records.

(a) *General.* Upon request by any individual made in accordance with the procedures set forth in paragraph (b) of this section, such individual shall be granted access to any record pertaining to him which is contained in a Commission system of records. However, nothing in this section shall allow an individual access to any information compiled by the Commission in reasonable anticipation of a civil or criminal action or proceeding.

(b) *Procedures for requests for access to records.* Any individual may request access to a record pertaining to him in person or by mail in accordance with paragraphs (b) (1) and (2) of this section.

(1) Any individual making such request in person shall present himself at the Office of the Assistant Managing Director, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573 and shall:

(i) Provide identification acceptable to the Assistant Managing Director to verify the individual's identity, e.g. driver's license, employee identification card, or medicare card; and

(ii) Complete and sign the appropriate form provided by the Assistant Managing Director.

(2) Any individual making a request for access to records by mail shall address such request to the Assistant Managing Director, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C., 20573 and shall include therein

a signed notarized statement to verify his identity.

(3) Any individual requesting access to records under this section in person may be accompanied by a person of his own choosing while reviewing the record requested. If an individual elects to be so accompanied, he shall notify the Assistant Managing Director of such election in his request and shall provide a written statement authorizing disclosure of the record in the presence of the accompanying person. Failure to so notify the Assistant Managing Director in a request for access shall be deemed to be a decision by the individual not to be accompanied.

(c) *Commission determination of requests for access.* (1) Upon request made in accordance with this section, the Assistant Managing Director or his delegate shall:

(i) Determine whether or not such request shall be granted;

(ii) Make such determination and provide notification within a reasonable period of time after receipt of such request;

(iii) Notify the individual that fees for reproducing copies of records will be made in accordance with § 503.69.

(2) If access to a record is denied because such information has been compiled by the Commission in reasonable anticipation of a civil or criminal action or proceeding the Assistant Managing Director shall notify the individual of such determination and his right to judicial appeal under 5 U.S.C.A. 52a(g).

(d) *Manner of providing access.* (1) If access is granted, the individual making such request shall notify the Assistant Managing Director whether the records requested are to be copied and mailed to the individual.

(2) If records are to be made available for personal inspection, the individual shall arrange with the Assistant Managing Director a mutually agreeable time and place for inspection of the record.

(3) Fees for reproducing and mailing copies of records will be made in accordance with § 503.69 of this subpart.

§ 503.66 Amendment of a record.

(a) *General.* Any individual may request amendment of a record pertaining to him according to the procedure in paragraph (b) of this section.

(b) *Procedure to request amendment of a record.* After inspection of a record pertaining to him, an individual may file a request, in person or by mail, with the Assistant Managing Director for amendment of a record. Such request shall specify the particular portions of the record to be amended, the desired amendments and the reasons therefor.

(c) *Commission procedure on request for amendment of a record.* (1) Not later than 10 days (excluding Saturdays, Sundays, and legal public holidays) after the date of receipt of a request made in accordance with this section to amend a record in whole or in part, the Assistant Managing Director or his delegate shall:

(i) Make any correction of any portion of the record which the individual believes is not accurate, relevant, timely or complete and thereafter inform the individual of such correction; or

(ii) Inform the individual, by certified mail return receipt requested, of refusal to amend the record setting out the reasons therefore, and notify the individual of his right to appeal that determination to the Chairman of the Commission under § 503.67 of this subpart.

(2) The Assistant Managing Director shall inform any person or other agency to whom a record has been disclosed of any correction or notation of dispute made by the Assistant Managing Director with respect to such records in accordance with 5 U.S.C.A. 552a(c)(4) referring to amendment of a record, if an accounting of such disclosure has been made.

§ 503.67 Appeals from denial of request for amendment of a record.

(a) *General.* An individual whose request for amendment of a record pertaining to him is denied, may further request a review of such determination in accordance with paragraph (b) of this section.

(b) *Procedure for appeal.* Not later than 30 days (excluding Saturdays, Sundays and legal public holidays) following receipt of notification of refusal to amend, an individual may file an Chairman to act in his absence, shall

(1) Be addressed to the Chairman, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573; and

(2) Specify the reasons for which the refusal to amend is challenged.

(c) *Commission procedure on appeal.* (1) Upon appeal from a denial to amend a record, the Chairman of the Commission or the officer designated by the Chairman to act in his absence, shall make a determination whether or not to amend the record and shall notify the individual of that determination by certified mail return receipt requested not later than 30 days (excluding Saturdays, Sundays and legal public holidays) after receipt of such appeal, unless extended pursuant to paragraph (d) of this section.

(2) The Chairman shall also notify the individual of the provisions of 5 U.S.C.A. 552a(g)(1)(A) regarding judicial review of the Chairman's determination.

(3) If on appeal the refusal to amend the record is upheld, the Commission shall permit the individual to file a statement setting forth the reasons for his disagreement with the Commission's determination.

(d) The Chairman or his delegate in his absence may extend up to 30 days the time period prescribed in paragraph (c)(1) of this section within which to make a determination on an appeal from refusal to amend a record for the reason that a fair and equitable review cannot be completed within the prescribed time period.

§ 503.68 Exemptions.

The Chairman of the Commission reserves the right to promulgate rules in accordance with the requirements of 5 U.S.C. 553 (b) (1), (2) and (3), and (c), and (e) (Administrative Procedure Act—Rulemaking) to exempt any system of records maintained by the Commission in accordance with the provisions of 5 U.S.C.A. 552a(k).

§ 503.69 Fees.

(a) *General.* The following Commission services are available, with respect to requests made under the provisions of this subpart, for which fees will be charged as provided in paragraphs (b) and (c) of this section;

(1) Copying records/documents.

(2) Certification of copies of documents.

(b) *Fees for services.* The fees set forth below provide for documents to be mailed with ordinary first-class postage prepaid. If a copy is to be transmitted by registered, certified, air, or special delivery mail, postage therefor will be added to the basic fee. Also, if special handling or packaging is required, costs thereof will be added to the basic fee.

(1) The copying of records and documents will be available at the rate of 30 cents per page (one side), limited to size 8¼" x 14" or smaller.

(2) The certification and validation (with Federal Maritime Commission seal) of documents filed with or issued by the Commission will be available at $2.00 for each certification.

(c) *Payment of fees and charges.* The fees charged for special services may be paid by check, draft, or postal money order, payable to the Federal Maritime Commission.

Interested parties may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, 1100 L St. NW., Washington, D.C. 20573, on or before August 5, 1975, an original and 15 copies of their views and arguments pertaining to the proposed regulations. All suggestions for changes in the text should be accompanied by drafts of the language thought necessary to accomplish the desired change and should be supported by statements and arguments relating the proposed change to the Privacy Act of 1974.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.75-18602 Filed 7-16-75;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[49 CFR Part 802]

PRIVACY ACT OF 1974; IMPLEMENTATION

Notice of Proposed Rulemaking

Congress enacted the Privacy Act of 1974 (Pub. L. 93-579; 88 Stat. 1896, 5 U.S.C. 552a) which requires each Federal agency that maintains any systems of records as defined in the statute to promulgate rules pursuant to the pro-

visions of the Act. The National Transportation Safety Board (NTSB) presently maintains such systems of records with respect to claimants under the Federal Tort Claims Act and travel records of Board employees. This proposal will apply to other possible systems of records set up in the future, as applicable. Personnel records in the Board's custody are the property of the Civil Service Commission (CSC), and, with respect to the protection of privacy of personnel records, the provisions of the rules (appearing in proposed form at 40 FR 22842, May 27, 1975) which are ultimately adopted by the CSC will be applicable.

Any person interested in the rules proposed herein may participate in this proposed rulemaking by submitting written data, views, or arguments, addressed to the General Counsel, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594, on or before August 18, 1975.

Accordingly, the National Transportation Safety Board hereby proposes to add to 49 CFR Chapter VIII, the following Part 802, Rules Implementing the Privacy Act of 1974:

PART 802—RULES IMPLEMENTING THE PRIVACY ACT OF 1974

Subpart A—Applicability and Policy

Sec.
802.1 Purpose and scope.
802.2 Definitions.

Subpart B—Initial Procedures and Requirements

802.5 Procedures for requests pertaining to individual records in a record system.
802.6 Times, places, and requirements for identification of individuals making requests.

Subpart C—Initial Determination

802.8 Disclosure of requested information.

Subpart D—Correction or Amending the Record

802.10 Request for correction or amendment to record.
802.11 Agency review of request for correction or amendment of record.
802.12 Initial adverse agency determination on correction or amendment.

Subpart E—Review of Initial Adverse Determination

802.14 Review procedure.

Subpart F—Fees

802.15 Fees.

Subpart G—Penalties

802.18 Penalties.

AUTHORITY: Privacy Act of 1974, Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a); Independent Safety Board Act of 1974, Pub. L. 93-633, 88 Stat. 2166 (49 U.S.C. 1901 et seq.); and Freedom of Information Act, Pub. L. 93-502, November 21, 1974, amending 5 U.S.C. 552.

Subpart A—Applicability and Policy

§ 802.1 Purpose and scope.

The purpose of this part is to implement the provisions of 5 U.S.C. 552a with respect to the availability to an individual of records of the National Transportation Safety Board (NTSB) concerning claims under the Federal Tort Claims Act and travel records of NTSB employees, for inspection, reproduction, correction, and amendments. This part shall apply to all such NTSB records maintained on individuals, whether the records predate or postdate September 27, 1975, the effective date set forth in section 8 of the Privacy Act of 1974 (Act). NTSB policy encompasses the safeguarding of individual privacy from any misuse of Federal records and the provision of access to individuals to NTSB records concerning them, except where such access is in conflict with the Freedom of Information Act, or other statute.

§ 802.2 Definitions.

In this part:

"Board" means the five members of the National Transportation Safety Board, or a quorum thereof;

"Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

"National Transportation Safety Board" (NTSB) means the agency set up under the Independent Safety Board Act of 1974;

"Record" means any item, collection, or grouping of information about an individual that is maintained under the control of the NTSB pursuant to Federal law or in connection with the transaction of public business, including, but not limited to, education, financial transactions, medical history, and criminal or employment history, and that contains a name, or an identifying number, symbol, or other identifying particular assigned to an individual, such as a finger or voice imprint or photograph;

"Routine use" means the use of such record for a purpose compatible with the purpose for which it was collected, including, but not limited to, referral to law enforcement agencies of violations of the law and for discovery purposes ordered by a court referral to potential employers, and for security clearance;

"Statistical record" refers to a record in a system of records maintained for statistical research or reporting purposes only and which is not used wholly or partially in any determination concerning an identifiable individual; and

"System of records" means a group of any records under the control of the NTSB from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual, whether presently in existence or set up in the future.

Subpart B—Initial Procedures and Requirements

§ 802.5 Procedures for requests pertaining to individual records in a record system.

The NTSB may not disclose any record to any person or other agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, provided the record under the control of the NTSB is maintained in a system of records from which information is retrieved by the name of the individual or by some identifying number, symbol, or other particular assigned to such individual. Written consent is not required if the disclosure is:

(a) To officers or employees of the NTSB who require the information in the official performance of their duties;

(b) Required under 5 U.S.C. 552, Freedom of Information Act;

(c) For a routine use compatible with the purpose for which it was collected;

(d) To the Bureau of the Census for uses pursuant to Title 13, U.S. Code;

(e) To a recipient who has provided the NTSB with advance adequate assurance that the record will be used solely as a statistical research or reporting record and that it is to be transferred in a form not individually identifiable; or

(f) Pursuant to the order of a court of competent jurisdiction.

§ 802.6 Times, places, and requirements for identification of individuals making requests.

(a) All requests for access to records must reasonably describe the system of records and the individual's record within the system of records in sufficient detail to permit identification of the requested record. Specific information regarding the system name (the Office of the Federal Register has compiled the system names by agencies), the individual's full name, and other information helpful in identifying the records shall be included.

(b) All requests for access to records shall be made in writing addressed to the General Manager, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594. The request shall clearly state on the envelope and in the letter that it is a "Privacy Act Request." Actual receipt by the General Manager, or his designee, shall constitute receipt.

(c) The request for the record, if reasonably identified, shall be promptly forwarded by the General Manager, or his designee, to the Comptroller, or his designee, in cases where the request concerns claimants under Federal Tort Claims Act or travel records.

(d) The requester's identity must be verified before the release of any record except as exempted under the Freedom of Information Act. This may be accomplished by adequate proof of identity in the form of a driver's license or other acceptable item of the same type.

(e) A requester may wish to have a person of his choice accompany him to review the requested record. Prior to the release of the record, the NTSB will require the requester to furnish the General Manager, or his designee, with a written statement authorizing disclosure of the record in the accompanying person's presence.

(f) Where a request is made for reproduced records which are to be delivered by mail, the request must include a notarized statement verifying the requester's identity.

(g) Requests shall be handled on work days—Monday through Friday, excluding legal holidays, at official hours, between 8:30 a.m. and 5 p.m., at the offices of the National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

Subpart C—Initial Determination

§ 802.8 Disclosure of requested information.

(a) The General Manager, or his designee, may initially determine that the request be granted. If so, the individual making the request shall be notified in writing, and the notice shall include:

(1) A brief description of the information to be made available;

(2) The time and place where the record may be inspected, or alternatively, the procedure for delivery by mail to the requesting party;

(3) The estimated cost for furnishing copies of the record;

(4) The requirements for verification of identity;

(5) The requirements for authorizing discussion of the record in the presence of an accompanying person; and

(6) Any additional requirements needed to grant access to a specific system of records or record.

(b) Within 10 working days after receipt of the request by the General Manager, or his designee, in appropriate cases, the requester will be informed:

(1) That the request does not reasonably describe the system of records or record sought to permit its identification, and shall set forth the additional information needed to clarify the request; or

(2) That the system of records identified does not include a record retrievable by the requester's name or other identifying particulars.

(c) The General Manager may also, in appropriate cases, advise the requester within 10 working days after receipt of the request that the request for access has been denied, and the reason for the denial, or that the determination has been made to grant the request, either in whole or in part, in which case the relevant information will be provided.

Subpart D—Correction or Amending the Record

§ 802.10 Request for correction or amendment to record.

All requests for correcting or amending records shall be made in writing to the General Manager, or his designee, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594, and shall be deemed received upon actual receipt by the General Manager, or his designee. The request shall clearly be marked on the envelope and in the letter with the legend that it is a "Privacy Act Request for Correcting or Amending Records." The request must reasonably set forth the portion of the record which the individual contends is not accurate, relevant, timely, or complete.

§ 802.11 Agency review of request for correction or amendment of record.

Within 10 working days after receipt of the request to correct or amend the record, the General Manager, or his designee, shall acknowledge receipt of the request in writing and shall either make the correction of the portion of the record which has been requested or inform the individual of the refusal to correct or amend the record as requested.

§ 802.12 Initial adverse agency determination on correction or amendment.

If the General Manager, or his designee, determines that the record should not be corrected or amended in whole or in part, he will forthwith make such finding in writing, after consulting with the General Counsel, or his designee. The requester shall be notified within 10 working days of the refusal to correct or amend the record. The notification shall be in writing, signed by the General Manager, and shall include—

(a) the reason for the denial;

(b) the name and title or position of each person responsible for the denial of the request, including the General Manager and the Comptroller, where applicable;

(c) the appeal procedures for the individual for a review of the denial; and

(d) notice that the denial from the General Manager is appealable within 30 days from the receipt thereof by the requester to the Board;

The General Manager is allotted 10 working days (or within such extended period as is provided in the section concerning "unusual circumstances" infra) to respond to the request for review. If the requester does not receive an answer within such time, the delay shall constitute a denial of the request and permit the requester immediately to appeal to the Board, or to a district court.

Subpart E—Review of Initial Adverse Determination

§ 802.14 Review procedure.

(a) A requester may appeal from an adverse determination within 30 days after receipt of a denial notice from the General Manager. The appeal must be in writing addressed to the Chairman, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594, and shall contain a statement on the envelope and in the letter: "Appeal from Privacy Act Adverse Determination."

(b) The Board shall make a determination with respect to the appeal within 30 working days after the receipt of the appeal, except as provided for in "unusual circumstances" infra.

(c) If the appeal upholds the denial in whole or in part, the Board shall notify the requester in writing. The notice shall contain: A brief explanation for the affirmance of the initial denial; a statement that the denial is a final agency action and judicial review is available in a district court of the United States in the district where the requester resides or has his principal place of business, or where the agency records are located, or in the District of Columbia; and a request that the requester file with the Board a concise statement enumerating the reasons for his disageement with the denial.

(d) If the denial is reversed, on appeal the Board shall notify the requester in writing of the reversal. The notice shall include a brief statement outlining the portions of the individual's record which were not accurate, relevant, timely, or complete, and the corrections of the record which were made, and the time and place where the individual may review the corrected record to verify that the corrections were made.

(e) Copies of all appeals and written determinations will be furnished by the General Manager to the Board.

(f) In unusual circumstances, time limits may be extended by not more than 10 working days by written notice to the individual making the request. The notice shall include the reasons for the extension and the date on which a determination is expected to be forthcoming. "Unusual circumstances" as used in this regulation shall include circumstances where a search and collection of the requested records from field offices or other establishments are required, cases where a voluminous amount of data are involved, and cases where unconsultations are required with other agencies or with others having a substantial interest in the determination of the request.

Subpart F—Fees

§ 802.15 Fees.

No fees shall be charged for providing the first copy of a record or any portion thereof to individuals to whom the record pertains. The fee schedule for other records is the same as that appearing in Appendix to Part 801 of this chapter, implementing the Freedom of Information Act.

Subpart G—Penalties

§ 802.18 Penalties.

(a) An individual may bring a civil action against the NTSB to correct or amend the record, or where there is a refusal to comply with an individual request or failure to maintain any record with accuracy, relevance, timeliness and completeness, so as to guarantee fairness, or failure to comply with any other provision of 5 U.S.C. 552a. The court may order the correction or amendment. It may assess against the United States reasonable attorney fees and other costs, or may enjoin the NTSB from withholding the records and order the production to the complainant and may assess attorney fees and costs.

(b) Where it is determined that the action was willful or intentional with respect to 5 U.S.C. 552a(g)(1)(c) or (d), the United States shall be liable for the actual damages sustained, but in no case less than the sum of $1,000 and the costs of the action with attorney fees.

(c) Criminal penalties may be imposed against an officer or employee of the NTSB who fully discloses material, which he knows is prohibited from disclosure, or against the willful maintenance of a system of records without the notice requirements or against any person who knowingly and willfully requests or obtains any record concern-

ing an individual from an agency under false pretenses. These offenses shall be misdemeanors with a fine not to exceed $5,000.

Signed at Washington, D.C. on July 11, 1975.

[SEAL] JOHN H. REED, *Chairman.*

[FR Doc.75-18508 Filed 7-16-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 70]

SPECIAL NUCLEAR MATERIAL

Limits for Special Nuclear Material Unaccounted for

On November 6, 1973, the Atomic Energy Commission published amendments to its regulations in 10 CFR Part 70 which revised the materials control and accounting requirements for special nuclear material (38 FR 30542). Included in these revised requirements were maximum limits for the uncertainty of each plant material balance terminated by a physical inventory, expressed as limits of error of material unaccounted for (LEMUF). Also included was a requirement for reporting to the AEC any material balance uncertainty which was referred to as material unaccounted for (MUF) that exceeded its association LEMUF limits. The implication of this reporting requirement was that MUF should not exceed the specified maximum limits for LEMUF and that if it did or if LEMUF exceeded the specified LEMUF limits, the matter should be investigated, the cause determined, and corrective action taken. This, however, was not explicitly stated in the revised requirements.

The Nuclear Regulatory Commission is considering amendments to its regulations in 10 CFR Part 70, "Special Nuclear Material," which provide for explicit limits for material balance uncertainty, i.e., MUF, and provide requirements for prompt action when an excessive MUF occurs. The Commission believes it is in the interest of the common defense and security to clarify and strengthen the regulations in 10 CFR Part 70 regarding MUF.

Pursuant to the Atomic Energy Act of 1954, as amended, and secs. 53, 161, Pub. Law 83-703, 68 Stat. 930, 948; sec. 201(f), Pub. L. 93-438, 88 Stat. 1243 (42 U.S.C. 2073, 2201, 5841), notice is hereby given that adoption of the following amendments to 10 CFR Part 70 is contemplated. All interested persons who desire to submit written comments or suggestions in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Chief, Docketing and Services Section by September 15, 1975. Copies of comments regarding the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

1. Section 70.51 is amended by adding new paragraphs (e) (7), (8), (9), (10), and (11) to read as follows:

§ 70.51 Material balance, inventory, and records requirements.

* * * * *

(e) * * *

(7) Any licensee subject to the requirements of this paragraph (e) whose maximum limits of uncertainty for any material balance terminated by an inventory, expressed as the limit of error of material unaccounted for (LEMUF), exceeds the LEMUF limits specified in paragraph (e)(5) of this section or approved pursuant to paragraph (e)(6) of this section shall immediately investigate the cause(s) and take corrective actions to preclude a recurrence.

(8) Any licensee subject to the requirements of this paragraph (e) shall possess, use, transfer, and dispose of special nuclear material in such a manner to assure that the material unaccounted for (MUF) for any plant material balance shall not exceed the LEMUF limits established pursuant to or set forth in paragraph (e)(5) of this section or approved pursuant to paragraph (e)(6) of this section.

(9) Any licensee subject to the requirements of this paragraph (e) whose MUF for any material balance terminated by an inventory exceeds the LEMUF limits established pursuant to or set forth in paragraph (e)(5) of this section or approved pursuant to paragraph (e)(6) of this section shall immediately investigate the cause(s) of the excessive MUF and take corrective action(s) to preclude a recurrence.

(10) Any licensee subject to the requirements of this paragraph (e) whose MUF calculated according to paragraph (e)(4)(i) of this section exceeds 1.5 times the LEMUF limits established pursuant to or set forth in paragraph (e)(5) of this section or approved pursuant to paragraph (e)(6) of this section shall immediately investigate the cause(s) of the excessive MUF. This investigation shall be completed within 24 hours from the time the designated licensee employee responsible for the physical inventory is first informed of an anomaly indicative of a MUF in excess of this magnitude or of a possible loss of special nuclear material regardless of quantity. If this investigation does not reveal errors which reduce the MUF to within 1.5 times the specified LEMUF limits the licensee shall, unless specifically exempted in writing or by telegram by the Director of the appropriate Regional Office of the NRC Office of Inspection and Enforcement listed in Appendix A of Part 73 of this chapter, immediately reinventory the special nuclear material in the licensed activity involved. The cause(s) for the excessive MUF shall be investigated and corrective actions taken to preclude a recurrence.

(11) Any licensee subject to the requirement of this paragraph (e) whose MUF calculated according to paragraph (e)(4)(i) of this section exceeds 2 times the LEMUF limits established pursuant to or set forth in paragraph (e)(5) of this section or approved pursuant to paragraph (e)(6) of this section shall immediately investigate the cause(s) of the excessive MUF. This investigation shall be completed within 24 hours from the time the designated licensee employee responsible for the physical inventory is first informed of an anomaly indicative of a MUF in excess of this magnitude or of a possible loss of special nuclear material regardless of quantity. If this investigation does not reveal errors which reduce the MUF to within 1.5 times the specified LEMUF limits the licensee shall, unless specifically exempted in writing or by telegram by the Director of the appropriate Regional Office of the NRC Office of Inspection and Enforcement listed in Appendix A of Part 73 of this chapter, immediately discontinue the licensed activity involved and conduct a cleanout inventory of the special nuclear material in the plant involved. The cause(s) for the excessive MUF shall be investigated and corrective actions taken to preclude a recurrence. The licensed activity involved shall remain shut down until:

(i) The MUF for the material balance under investigation plus any MUF occurring for the operating interval between the ending inventory and the cleanout inventory is within 1.5 times the LEMUF limits established pursuant to or set forth in paragraph (e)(5) of this section or approved pursuant to paragraph (e)(6) of this section, the cause of the excessive MUF has been investigated and corrective actions taken to preclude a recurrence; or

(ii) The Director of the appropriate Regional Office of the NRC Office of Inspection and Enforcement listed in Appendix A of Part 73 of this chapter approves startup in writing or by telegram.

2. Paragraph § 70.53(b) is amended to read as follows:

§ 70.53 Material status reports.

* * * * *

(b) Each license subject to the requirements of § 70.51(e) shall submit a report by telephone or by telegraph to the appropriate Regional Office of the NRC Office of Inspection and Enforcement listed in Appendix A of Part 73 of this chapter immediately upon determination of:

(1) MUF calculated pursuant to § 70.51(e)(4)(i), if the material unaccounted for exceeded both:

(i) The limits of uncertainty (LEMUF) specified in § 70.51(e)(5) or approved pursuant to § 70.51(e)(6) for the material balance and

(ii) 200 grams of plutonium or U-233, 300 grams of high enriched uranium or uranium U-235 contained in high enriched uranium, or 9,000 grams of U-235 contained in low enriched uranium.

Included in the MUF report shall be a statement of the probable reasons for the material unaccounted for, and actions

taken or planned with respect to the excessive MUF, including the licensee's plans and schedules for reinventory pursuant to § 70.51(e)(11) and steps taken for recovery if a theft or diversion is indicated; and

(2) The limits of uncertainty (LEMUF) for a material balance, if the LEMUF exceeds any applicable LEMUF limits specified in § 70.51(e)(5) or approved pursuant to § 70.51(e)(6).

Included in the LEMUF report shall be a statement of the probable reasons for the LEMUF and actions taken or planned with respect to the excessive LEMUF.

(Secs. 53, 161, Pub. Law 83-703, 68 Stat. 930, 948; sec. 201(f), Public Law 93-438, 88 Stat. 1243; (42 U.S.C. 2073, 2201, 5841))

Dated at Washington, D.C., this 14th day of July 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-18500 Filed 7-16-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1063]

[Ex Parte No. MC-95]

INTERSTATE TRANSPORTATION OF PASSENGERS BY MOTOR COMMON CARRIERS

Adequacy of Service, Equipment, and Facilities Proposed Rulemaking

• **Purpose. The Congress in enacting section 216(a) of the Interstate Commerce Act, 49 U.S.C. 316(a), contemplated that motor common carriers of passengers would provide safe and adequate service, equipment and facilities for the transportation of passengers and their baggage. The experiences of our field investigators of the Bureau of Operations, and increasing receipt of passenger complaints concerning the activities of motor common carriers of passengers, indicate a clear and present need to institute this proceeding to consider the adoption of regulations with the view toward eliminating the causes of passenger satisfaction and insuring full compliance with section 216(a) of the Act.** •

Proposed regulations, and a short justification for each, are set forth below. Briefly stated, the proposed rules will, among other things, (1) require more responsive information to passengers and prospective passengers concerning schedules, tickets, fares, baggage and other services, (2) establish high priority for the transportation of baggage, require security for baggage and also certain other safeguards to provide immediate search for lost or misplaced baggage and faster settlement of claims for lost baggage, (3) require terminals at certain cities or communities and minimum terminal facilities and accommodations for comfort and safety of passengers, (4) require notice before schedule changes, seating and a reservation system, (5) require buses to be equipped with operable cooling and heating systems, other equipment accommodations and buses free of defective conditions adverse to a passenger's comfort and health, and (6) require special assistance and terminal facilities for handicapped, disabled, blind and elderly passengers. This summary and the proposed rules are merely representative of the matters and things here under investigation and are not intended to be all inclusive; they should not be construed as limiting in any manner the scope of this proceeding which is designed to enable this Commission to take all action with respect to the practices of motor common carriers of passengers as the facts and circumstances developed on the record in this proceeding may justify or require.

Hearings will be scheduled for the receiving of testimony in this proceeding as a need therefor shall appear. All individuals or groups wishing to participate at oral hearings are requested to send an informal letter on or before August 31, 1975 to:

Mr. Robert L. Oswald, Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

The letter should state the general nature of the oral presentation and indicate which city would be most convenient to present the statement.

The Commission will make every effort to hold hearings at those cities which will be most convenient to the greatest number of passengers.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

Sec.
1063.1 Applicability.
1063.2 Definitions.
1063.3 Ticketing and information.
1063.4 Baggage service.
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1063.7 Equipment.
1063.8 Accommodations for handicapped, disabled, blind, and elderly.
1063.9 Identification—bus and driver.
1063.10 Relief from provisions.

1063.1 Applicability.

(a) The regulations in this part apply to all motor common carriers of passengers subject to Part II of the Interstate Commerce Act which operate over regular routes or conduct special operations.

(b) The regulations of this part shall not apply to charter operations conducted by motor common carriers of passengers, whether such operations are conducted under specific authority, pursuant to the provisions of section 208(c) of the Interstate Commerce Act, or over certificated regular routes.

1063.2 Definitions.

(a) "Carrier" means a motor common carrier of passengers as set forth in § 1063.1(a).

(b) "Bus" means a passenger-carrying vehicle usd by a carrier in its authorized operations, regardless of the design or seating capacity of the vehicle.

(c) "Facility" means any building or structure provided by or on behalf of a carrier at or near which buses stop to pick up or discharge passengers.

(d) "Terminal" means a facility operated by or used by a carrier, under contract or otherwise, the primary purpose of which is to furnish passengers with services and accommodations in connection with transportation.

(e) "Station" means a facility operated by or on behalf of a carrier, where tickets are sold, but which is not included in the term "terminal."

(f) "Service" means the operation of a bus or buses for the transportation of passengers between authorized points or over authorized routes.

(g) "Commuter service," notwithstanding the provision of 1306.0(d) of this chapter, means the transportation of passengers on buses moving wholly between points which are not more than 50 miles apart as measured by air line distances, except where through-bus, connecting, or interline service is provided to or from points more than said 50 miles distant.

(h) "Special-event service" means the transportation of passengers in special operations, in one-day round-trip movements to and from sporting events, theatrical presentations, or other similar public activities.

(i) "Baggage" means the property of a passenger enclosed in a suitcase, trunk, package, container, or other receptacle.

(j) "Restroom" means a room in a bus or terminal equipped with a toilet, washbowl, soap, mirror, wastebasket, and toilet paper for the use of bus passengers.

1063.3 Ticketing and information.

(a) *Information service.* (1) During hours of operation at each terminal or station, information shall be provided as to carrier schedules, tickets, fares, baggage, and other services.

(2) Every employee or agent of a carrier who sells or offers to sell tickets, or who provides information concerning tickets and services provided by the carrier, shall be competent by reason of experience, training, or the like to conduct such activities. Each carrier shall insure such qualifications and shall keep a record of the manner in which they have been determined for each employee and agent.

Justification. This section will assist passengers in obtaining vital travel information in terminals and agency stations. Many passengers depend on the terminal information services for trip planning and budgeting and for guidance in the use of terminal facilities. Often passengers arrive in places that are new and unknown to them without any source of information other than that provided by the carrier. Complaints received indicate that available information is inadequate and that inaccurate fare and schedule information is given. The requirement for the keeping of records on employees' and agents' training or experience provides a means for

monitoring compliance with this and other provisions of this part.

(b) *Telephonic information service.* Every place where tickets are sold shall provide the traveling public telephonic information, including current bus schedules and fare information. Each Class I carrier shall make available, either individually or cooperatively, 24-hour toll free telephone information service for use by the public within the area served by the carrier to provide such information.

Justification. Complaints on unavailability, inaccessibility or poor quality of telephonic information service indicate a need for this service. Experience reveals telephones that go unanswered for long periods or are continuously busy. A 24-hour toll free telephone information service is utilized by other passenger modes and should help to alleviate some of the major information problems. It would serve suburban and rural passengers whose other sources of information may be limited and passengers in metropolitan areas when local telephone information service is not accessible. Buses operate 24 hours a day although many terminals and agency stations (other than those in principal cities) are not open for all arrivals and departures. This telephone service will provide information when terminals are closed.

(c) *Schedules.* Printed schedules for regular-route services shall be provided to the traveling public at all facilities where tickets for such services are sold. Each schedule shall show the points along the regular route(s) served by the carrier at which such facilities are located or at which bus trips originate or terminate and shall indicate the scheduled arrival or departure time for each such point.

Justification. This section will assist passengers by assuring them of the availability of printed schedules for use in trip planning. Presently, carriers are not required to make printed schedules available to the public, and it appears a number of terminals and agency stations do not have these schedules available.

(d) *Ticket refunds.* Each carrier shall accept unused tickets for refund, upon request, at each place where tickets are sold. Refunds must be remitted within 15 days after presentation of the unused ticket.

Justification. This section is included to eliminate the lengthy delays that passengers may experience when they try to obtain a refund for unused tickets. Presently a passenger must either request a refund for an unused ticket from the same ticket agent on the same day of sale of the ticket or must return the ticket to the carrier's general or business office and wait for the refund. The latter can be a lengthy process.

(e) *Announcements.* No scheduled bus (except in commuter service) shall depart from a terminal or station until public announcement has been given of the departure and the boarding point therefor. Such announcement must be given at least five minutes before departure at originating points and at points where the bus is scheduled to stop for more than five minutes.

Justification. This requirement will assist passengers in locating boarding platforms in terminals and rest stops and will eliminate the confusion that prevails when passengers are unsure of when and from where their coach departs.

1063.4 Baggage service.

(a) *Requirement to provide.* Free through baggage and interline baggage checking service shall be provided by all carriers, except in commuter and special-event services.

Justification. This section acknowledges that free baggage transportation is part of a carrier's service obligation in transporting passengers. The requirement to provide this service assists passengers where a carrier may arbitrarily or otherwise refuse to provide such service. The exemption for commuter service and special-event service is to allow the use of equipment, facilities, and personnel which are not suitable for the handling and transportation of baggage.

(b) *Checking facilities and procedures.* (1) Baggage checking service provided by any carrier shall be available at all facilities where its tickets are sold. Carriers shall issue receipts, which may be in the form of preprinted tickets, for all checked baggage.

(2) All baggage checked at a baggage checking counter up to 15 minutes before departure (but not more than one hour before) shall be transported on the same schedule as the ticketed passengers. If baggage checking service is provided at the side of the bus, passengers checking baggage at the baggage checking counter less than 15 minutes before the scheduled departure time shall be notified that their baggage may not travel on the same coach. Such baggage must then be placed on the next available bus to its destination.

(3) All baggage checked at the side of the bus during boarding or at alternative locations provided for such purpose shall be transported on the same schedule as the ticketed passenger.

Justification. Baggage services and protection are major areas of passenger discontent. This section will eliminate conditions where passengers desire to check baggage but no facilities are available for checking or a receipt in the form of a check is not provided. The provision for specified time periods for checking is coupled with the requirement that baggage accompany the passenger on the same coach. Presently, baggage may not travel on the same coach. The provision for last-minute checking permits the passenger to check baggage on his ticket but does not require the carrier to hold up equipment dispatched as it might have to do when consolidated baggage facilities are used some distance from the boarding area.

(c) *Baggage security.* All checked baggage shall be placed in a secure or attended area inaccessible to the public. Baggage being readied for loading shall not be left unattended.

Justification. Theft apparently is a prominent cause of baggage loss. Terminals located in high-crime areas attract many non-passengers. This section will eliminate the practice of allowing baggage to be left in open areas or near buses during loading and unloading with no one in attendance.

(d) *Baggage liability.* No carrier shall, by tariff provision or otherwise, totally exempt its liability for any article offered as checked baggage except those articles that have been so exempted by the Interstate Commerce Commission. At every location where baggage is accepted for checking, there shall be prominently posted a notice listing those articles which have been exempted.

Justification. The Act provides for the limitation of baggage liability. Carriers, by tariff provision, however, have prohibited the handling of a list of items as personal baggage and/or do not accept liability for certain items that may well accompany passengers as personal effects in their baggage. Many of these "own risk" items are, however, acceptable as express. The practical effect is to exclude them as baggage, accept them as express, and thereby add cost to passenger fares. This proposed section attacks that practice. Articles for which carriers intend to exclude liability are required to be approved and exempted by the Commission and identified in terminal facilities to comply with this section. Of course there are certain articles or items which are not permitted to be transported because of their dangerous nature.

(e) *Express shipments.* Inasmuch as the transportation of package express shipments must be subordinated to the interests of passengers, baggage shall in all cases take precedence over the transportation of express shipments.

Justification. The transportation of passengers and their baggage is the primary responsibility of the carrier. This regulation will assure passengers that their baggage receives priority over express freight shipments.

(f) *Baggage at destination.* All checked baggage shall be made available to the passenger within a reasonable time, not to exceed 30 minutes after arrival at the passenger's destination. If a carrier fails to make checked baggage available within 30 minutes after arrival, it shall deliver the baggage to the passenger's local address at the carrier's expense.

Justification. There are no specifications as to how baggage should be returned to passengers. This section requires a return of baggage within a reasonable period of time since the passenger expects to leave the terminal as

soon as possible after arrival at destination.

(g) *Lost or delayed baggage.* (1) Checked baggage which cannot be located within one hour after the arrival of the bus upon which it is supposed to be transported shall be designated as lost baggage. The passenger shall be notified by the carrier at that time and appropriate tracing forms shall be furnished to the passenger for completion and filing with the carrier or its agent. Such forms shall be considered the same as a claim in accordance with the provisions of 49 CFR 1005 in the event the baggage is not recovered within ten days after filing.

(2) Every carrier shall make available at each ticket window and baggage counter a form to be used in tracing lost or misplaced baggage and for filing claims for lost or misplaced baggage. The form shall incorporate all the information necessary for submission of both a tracer and a claim. The form shall be prepared in duplicate and be signed by the passenger and the carrier representative. The carrier or its agent shall receive the signed original of the form, with such documentation and additional information as is necessary, and the claim check, for which a receipt shall be given. The duplicate copy of the form shall be retained by the passenger.

Justification. There is no clear-cut procedure on how lost baggage should be handled. In most instances the passenger must visit or telephone the terminal repeatedly to determine if the baggage has arrived, then the passenger must wait an indefinite period of time for initiation and processing of tracing procedures. A passenger is commonly advised to wait up to 30 days to file a claim. Many times the result is inconvenience and hardship to the passenger. This section is intended to streamline the procedures for tracing and filing claims for lost baggage and to reduce the waiting time and delays before return of baggage or settlement of claims.

(h) *Settlement of claims.* Carriers shall make immediate and diligent efforts to recover lost checked baggage. Notwithstanding the provisions of § 1005.5 of this chapter, if lost checked baggage cannot be located within ten days, the carrier shall immediately process the matter as a claim. The date of which the tracing form was received by the carrier or carrier's agent shall be considered as the first day commencing a 30-day period in which a claim must be settled by a firm offer of settlement or by a denial. A denial of any such claim shall be in writing and shall contain an explanation for the basis of such denial.

Justification. This section complements paragraph (g) and attempts to modernize the tracing and processing of baggage claims and settlement. As subsection (g) attempts to establish the immediate claim submission with the tracing information, this section intends to reduce the time lag presently between claim and settlement.

(i) *Unchecked baggage.* In the event unchecked baggage is lost, the passenger may fill out a tracing form and the carrier shall make a diligent effort to recover the baggage. The carrier shall forward recovered unchecked baggage to the terminal or station nearest the address shown on the tracing form and will notify the passenger that the baggage will be held on a will-call basis.

Justification. The basic difference here concerns checked versus unchecked baggage, and this section establishes some responsibility for the bus carrier for baggage unchecked and carried on the bus by the passenger. The carrier must attempt to locate the lost baggage.

(j) *Report on claims for lost baggage.* Beginning with the quarter ending ____ and for each quarter thereafter, each common carrier of passengers subject to this part shall file with the regional office of the Interstate Commerce Commission in the region in which the carrier maintains its principal office, a report of baggage claims which have been pending more than 30 days on the last day of such quarter, showing name of claimant or carrier's claim number and the total number of pending claims. The report shall be filed within 30 days after the end of the quarter to which it relates and shall constitute a public record.

Justification. This report is intended to obtain information concerning the experiences of carriers in settling baggage claims. It will indicate if in fact carriers promptly settle claims as prescribed in subsection (h).

1063.5 Terminal facilities.

(a) *Minimum facilities.* At each city or community with a population of 15,000 or more served by a carrier (except in commuter or special-event service or where door-to-door service is provided), there shall be provided a terminal for the comfort and safety of passengers and their attendants, which shall include a temperature-controlled waiting area, public telephone, seating, drinking water, restaurant facilities or vending machines for food, and restrooms. Such terminals shall be open to passengers and their attendants at least 30 minutes before the scheduled departure of any bus to enable passengers and their attendants to check baggage, purchase tickets, and perform other transportation-related tasks, and for at least 30 minutes after arrival of any bus to enable passengers and their attendants to retrieve checked baggage and depart safely from the terminal. In the event that checked baggage is lost or delayed, the terminal shall remain open for as much as 30 additional minutes to enable the passenger to complete a tracing form.

Justification. The purpose of this regulation is to eliminate the practice of simply selling tickets to the public without providing minimum facilities for their comfort. The reference to 15,000 population is taken from the same reference used by the carrier industry, the "Official Bus Guide." This publication, which lists terminals in cities with populations of 15,000 or more, apparently is acceptable to the industry and is used as a reasonable guideline.

(b) *Passenger security.* All terminals and stations must provide adequate security for passengers and their attendants in the form of station personnel, a hired security force, or local police. All terminals shall be regularly patrolled, and every effort shall be made to assure that unauthorized persons do not loiter in terminals or stations and that the safety and security of patrons is not threatened.

Justification. The purpose of this regulation is to provide bus passengers with a reasonable amount of safety and security while using the facilities of carriers. If a carrier facility is used for the selling of transportation, it should not be unreasonable to expect the carrier to assume responsibility for the safety of its patrons.

(c) *Outside facilities.* At terminals and stations which are closed during hours when buses are scheduled to arrive or depart, there shall be available at all times a public telephone, outside lighting, posted schedule information, overhead shelter, and information on local accommodations and telephone numbers for nearest taxi service and police protection.

Justification. This proposal intends to provide minimum outside facilities and information for passengers discharged at terminals and facilities that are closed and therefore inaccessible to passengers.

(d) *Maintenance.* Terminals shall be maintained in a clean and sanitary condition. A regular maintenance procedure shall be established and a daily record thereof shall be kept showing that the adopted procedures were followed and naming the person who performed them.

Justification. The purpose of this section is to eliminate poorly maintained terminal facilities. It is a requirement that if a carrier is, by these regulations, offering facilities to patrons, the carrier will at the same time properly maintain them and keep a record to reflect the establishment of reasonable and regular maintenance practices.

1063.6 Service responsibility.

(a) *Schedules.* Carriers shall establish schedules in such manner as to provide adequate service to and from all points they are required to serve. Carriers shall assure themselves that such schedules can be reasonably met, including connections at junction points. The data used in the promulgation of each schedule shall be retained during such time as the particular schedule is in force and for a period of three years thereafter. Each carrier shall maintain records showing the number of times scheduled connections are not met and what action, if any, has been taken to adjust those schedules which appear to be unrealistic.

Justification. To assure that bus passengers are provided with reasonable

service and proper connections, it is proposed that schedules be more carefully prepared and be subject to careful scrutiny.

(b) *Continuity of service.* Except as provided in 49 CFR 1042.2(c)(6), no carrier shall make any change in an existing regular-route schedule without first filing a written notice with the Regional Office of the Interstate Commerce Commission in all regions affected by the schedule change. A copy of such notice shall be displayed by the carrier continuously in a conspicuous place in each facility affected and on each bus providing the affected services. Such notice shall be displayed for at least 30 days before it becomes effective and shall contain the carrier's name, a description of the proposed schedule change, the effective dates thereof, the reasons for the change, the availability of alternate service, and the name and address of the responsible carrier official or representative to whom passengers may comment and seek information.

Justification. Presently there are no standards governing the changing or discontinuance of schedules on intercity routes. Revisions with little notice to the public cause hardship to members of the traveling public and generate complaints. This posting requirement provides passengers adequate time to plan for changes and to adjust accordingly or to obtain information on substitute service. It also provides a means for the passenger to get information or voice opposition directly to carriers and for Commission field staff to be informed and make a review if appropriate. This recognizes changes in schedules due to unexpected emergency conditions and the use of any other practicable highways as permitted by § 1042.2(d)(6) of this chapter.

(c) *Trip interruptions.* Carriers shall mitigate, to the extent possible, the inconvenience suffered by passengers whose travel plans are disrupted by the action or negligence of the carrier. This mitigation may take the form of bridging a missed connection, providing food, shelter, or alternate transportation, or other appropriate remedy acceptable to the passenger.

Justification. The intent of this proposal is to eliminate to some degree the stranding of passengers with no alternate transportation, assistance or information. This will require the uniform assumption of responsibility for passengers.

(d) *Seating and reservations.* Carriers shall provide buses in sufficient numbers to meet the normal travel demands of passengers, including ordinary weekend and usual seasonal or holiday demand. Passengers shall be guaranteed passage and seating, except on commuter services, to the extent reasonably possible. If a carrier is unable to guarantee such passage and seating on any particular service, except in the event of unpredictable or unexpectably high demand at an intermediate service point where extra equipment cannot be made readily available a reservation system shall be established for that service. Such reservations shall be available at each terminal or station where passengers may board, and the reservation ticket shall show the name of the passenger on its face.

Justification. There are no uniform standards among carriers concerning standees or guaranteeing a ticket holder transportation, consequently some carriers may allow passengers to stand, while others require passengers to wait for a second section or for the next schedule when a coach is full. This section will assure a passenger of transportation under ordinary circumstances and will also require carriers to provide a reservation service in lieu of guaranteed service.

(e) *Inspection of rest stops.* No carrier shall establish rest stops which have not been inspected by its personnel. The carrier shall make periodic inspections of all rest stops used by its services and shall keep records of such inspections showing the date of each inspection, the items inspected and their condition, and the name of the person conducting the inspection. A checklist may be used.

Justification. This is intended to eliminate inconsistency between terminal facilities and those enroute stops referred to as rest stops. Passengers complain of uncleanliness of rest stops while carrier management professes inability to dictate to private businesses or rest stop operators. The section provides that a carrier may not use such facility until it is inspected. The facility must be requalified periodically by inspection. Records shall be kept to permit surveillance of carrier compliance efforts.

1063.7 Equipment.

(a) *Temperature control.* All buses used to provide service (except commuter services) subject to this part shall be equipped with operable temperature control equipment that will provide a temperature of at least 60 degrees above zero Fahrenheit and no higher than 80 degrees above zero Fehrenheit.

Justification. This section is intended to eliminate the use of bus equipment that does not maintain adequate temperature control. The requirements are consistent with Amtrak standards and are in response to passenger demands for traveling comfort.

(b) *Accommodations.* Each bus used to provide service subject to this part with seating for more than 14 passengers (not including the driver), except those in commuter or special-event service, shall have operable reclining seats with foot rests, reading lights, luggage racks, and a restroom. A bus may be operated without a restroom if a rest stop is made at least once every two hours.

Justification. This specifies certain minimum standards for buses which have a direct impact on passenger comfort. Most are already provided, but without consistency. With the exemption provided for commuter operations and the necessity for restrooms only in the event the carrier decides to eliminate rest stops, this section is compatible with present bus equipment and insures passenger comfort.

(c) *Restrooms.* On-board restrooms shall be clean, sanitary and free of offensive odor, and regularly maintained. There shall be a record of such maintenance carried on the bus which shall show the date, time, location, and person performing such maintenance.

Justification. This section will require that such equipment be regularly serviced and that carriers assume the responsibility for recording maintenance activities. Passengers should not be subjected to substandard on-coach facilities that we have already sought to prohibit at terminals and rest stops. On-coach restrooms can cause serious problems if not properly maintained and serviced.

(d) *Bus servicing.* Each bus shall be kept clean and sanitary, with all required items in good repair and working order. Regular cleaning shall be performed and a continuing record shall be kept on the bus indicating the last servicing time, location, and person performing the servicing.

Justification. This section will eliminate the practice of establishing schedules for bus cleaning functions upon operational considerations rather than on passenger comfort. Much bus maintenance is established upon mileage and/or calendar periods while the servicing contemplated here refers to passenger exposure. Although the proposed records are general in nature, they should provide an opportunity to monitor passenger comfort.

1063.8 Accommodations for handicapped, disabled, blind, and elderly.

(a) *Transportation.* No carrier shall deny transportation to any person on the basis of a handicap, physical disability, or blindness, or because that person cannot board a bus without assistance, provided that such person can occupy a seat without disturbing other passengers. A guide or seeing-eye dog or other guide dog specially trained for that purpose shall be provided free passage when accompanied by a blind person.

Justification. The purpose of this section is to eliminate the practice of refusing to transport handicapped and disabled persons. Often bus transportation is the only available mode of transportation in many sections of the country and a responsibility exists for common carriers to provide such a service to the handicapped, disabled, blind and elderly, providing that their passage will not be a disturbing influence to other passengers.

(b) *Assistance.* All carriers shall, upon advance notice of 30 minutes or more, provide assistance to handicapped, disabled, blind, and elderly passengers in boarding buses; such assistance may include advance boarding and seating. Carriers shall provide assistance to such passengers on request in the use of ter-

minal accommodations and baggage service. At all terminals there shall be prominently displayed a notice stating where and from whom such assistance may be obtained.

Justification. It is important that this segment of our population be given every consideration. Advance notice is intended to eliminate operational delays and permit carriers to provide for advance boarding. A notice to the effect that such service is available will avoid last minute confusion and uncertainty and inform the public of the availability of such service.

(c) *Terminal accommodations.* (1) All terminals shall be designed and constructed so that accommodations are accessible to handicapped, disabled, blind, and elderly passengers.

(2) At all terminals which are newly built or renovated after accommodations for the handicapped, disabled, blind, and elderly shall be incorporated into the design of the facility. This shall include ramps or elevators where steps are otherwise required, doorways wide enough to accommodate wheelchairs, wide bathroom stalls with holding bars to accommodate wheelchairs, lowered public telephones, and lowered drinking fountains.

Justification. This section is directed toward future design and construction of terminal facilities, and is intended to eliminate present inadequacies, and to assure that carriers are aware of their responsibilities to this segment of the public.

1063.9 Identification—bus and driver.

Each bus operated and each driver employed to provide service subject to this part shall be identified in a legible manner visible to passengers. The driver may be identified by name or company number.

Justification. The purpose of this section is to assist passengers in identifying drivers and equipment used by them while traveling in interstate commerce. Often it is not possible to reconcile an individual driver or specific equipment with a particular incident. A lack of such specific identification hinders study or corrective action by both the carriers and the Commission.

1063.10 Relief from provisions.

(a) *Petitions.* In any situation where compliance with any provision of this part would impose an undue burden on a carrier, that carrier may file a petition with the Interstate Commerce Commission, Washington, D.C., seeking waiver of the applicability of that provision with regard to particular services or (where appropriate) seeking that particular services be treated as commuter services notwithstanding failure to conform to the definition thereof. An original and one copy of any such petition shall be filed with the Commission, and the petition shall embrace verified statements setting forth all the evidence upon which the carrier intends to rely in support and justification of its request.

Justification. This permits a carrier to seek approval from this Commission for relief from requirements of this part which would impose an undue burden on the carrier.

(b) *Notice to the public.* Notice of the filing of any such petition shall be provided by the carrier to the traveling public for at least 30 days, displayed continuously in a conspicuous place in each facility affected or served by an affected service and on each bus affected or serving an affected facility. Such notice shall contain the carrier's name and address, a clear and concise description of the relief sought and the reasons therefor, and a statement that any interested person may file written comments concerning the relief sought with the Interstate Commerce Commission, Washington, D.C. (with one copy mailed to the carrier) on or before a specific date not earlier than 30 days after the posting of the notice commenced.

Justification. This section provides a means for the public to be informed of carriers' plans and to allow the public to express opinions and/or opposition.

(c) *Commuter service.* In determining whether a particular service should be treated as a commuter service or not, consideration will be given to whether the service exhibits the usual characteristics of commuter service, such as (but not limited to) provision for reduced fare, multiple-ride and commutation tickets, and peak morning and evening operations.

[FR Doc.75-18600 Filed 7-16-75;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 INTERIOR

Bureau of Land Management

[CA 427]

CALIFORNIA

Order Providing for Opening of Lands

JULY 8, 1975.

By virtue of the authority contained in Section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. 818 (1970), and pursuant to the authority delegated by the State Director (37 F.R. 491, January 12, 1972) as amended, and pursuant to the determination of the Federal Power Commission in DA 1113, California, April 25, 1974, it is ordered as follows:

1. Pursuant to DA 1113 the Commission finds that the Power Project 889 as it affects the following described land is no longer needed for power and is vacated.

MOUNT DIABLO MERIDIAN

T. 17 N., R. 10 E.,
Sec. 34, SE¼NE¼.

2. As found in DA 1113, the Commission offered no objection to the cancellation of PSC No. 28 by the USGS pursuant to its publication of notice (39 F.R. 19791), to the extent that it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 17 N., R. 10 E.,
Sec. 34, lots 1 and 2, SE¼NE¼, N½N½SE¼NW¼, SW¼NW¼, E½NE¼SW¼, N½SE¼.

3. The Commission determined that the value of the lands described below, withdrawn pursuant to the filing of an application for Power Project No. 2310, will not be injured or destroyed for power purposes by restoration to location, entry, or selection under the public land laws, subject to the provisions of Section 24, of the Federal Power Act.

MOUNT DIABLO MERIDIAN

T. 17 N., R. 10 E.,
Sec. 34, lot 2, SE¼NE¼, E½NE¼SW¼, NW¼SE¼.

The above described areas, including public lands and lands within the Tahoe National Forest aggregate approximately 221.02 acres.

The State of California has waived its preference right of application for highway rights-of-way or material sites afforded by Section 24 of said act.

At 10 a.m. on August 19, 1975, the public land shall be open to the operation of the public land laws generally, subject to valid existing rights, the provision of existing withdrawals, and the requirements of applicable laws. Lands described in paragraph 3 will be opened subject to Section 24 of FPA, Supra. All valid applications received at or prior to 10 a.m. on August 19, 1975, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

At 10 a.m. on August 19, 1975, the National Forest lands shall become available for consummation of a pending Forest Service exchange, application S5293. The lands in Power Project No. 2310 will be subject to the provisions of Section 24 of the FPA, Supra.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Bureau of Land Management, Federal Office Building, Room E-2841, 2800 Cottage Way, Sacramento, California 95825.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-18540 Filed 7-16-75;8:45 am]

[CA 2833]

CALIFORNIA

Proposed Withdrawal and Reservation of Lands

JULY 11, 1975.

The Forest Service, U.S. Department of Agriculture, has filed application serial number CA 2833 for the withdrawal of the national forest lands described below from appropriation under the mining laws (30 U.S.C. Ch. 2) but not from leasing under the mineral leasing laws, subject to valid existing rights.

Prior to the filing of the proposed withdrawal application, these lands were open to entry under the general mining laws. The Forest Service has requested the withdrawal from mining in order to assure that the lands will remain in Federal ownership and to prevent activities adverse to public recreation uses.

On or before August 25, 1975, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

The Department's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs; to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's; to eliminate lands needed for purposes more essential than the applicant's; and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination by the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIF.

KALAMATH, SHASTA-TRINITY NATIONAL FOREST

Little Glass Mountain, Pumice Stone Mountain, and Paint Pot Crater Geological Area

T. 43 N., R. 2 E.,
Sec. 12, S½SE¼;
Sec. 13;
Sec. 14;
Sec. 23, N½, SE¼, E½SW¼;
Sec. 24, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 25, W½NW¼;
Sec. 26, NE¼, E½NW¼.
T. 43, N., R. 3 E.,
Sec. 7, SW¼;
Sec. 18, W½, W½E½;
Sec. 19, NW¼, N½SW¼, NW¼NE¼.

The area described aggregates 3,760 acres in Siskiyou County, California.

JOAN B. RUSSELL,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-18579 Filed 7-16-75;8:45 am]

Fish and Wildlife Service

COYOTE DAMAGE CONTROL: CATTLE, SHEEP, AND GOATS

Report on Emergency Use of M-44 Devices During May 1975

Notice is hereby given on the emergency use of M-44 devices by the Department of Interior's operational predator damage control program for the month of May. This use is in compliance with the experimental use permit (No. 6704-EXP-6G) issued by the Environmental

Protection Agency pursuant to Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (7 U.S.C. 135–135k), and in accordance with 40 CFR, part 162.19, as promulgated in the FEDERAL REGISTER on January 31, 1974 (39 FR 3939). This report is made pursuant to FEDERAL REGISTER Notice of June 20, 1974 (39 FR 22166).

Actual M–44 use for May 1975 is as follows:

M–44 emergency use, May 1975

State	Number counties	Number ranches	Number cattle, sheep and goats protected	Number M–44's used
Arizona	6	26	2,237	366
Idaho	3	7	4,891	108
Montana	20	32	25,644	701
New Mexico	8	17	12,409	615
Oregon	11	38	3,693	351
Texas	33	146	50,245	1,389
Wyoming	2	12	11,125	219
Totals	83	278	110,333	3,749

One or more coyotes were taken with this device on 88 of the 278 emergency areas, but losses were not necessarily halted in each case. During this month, 226 coyotes were taken by this device. Other species taken with the device during this period include 26 foxes, 7 feral dogs, 22 skunks, and 19 opossums.

All of the above use of M–44 devices as a supplemental tool to attempt to resolve coyote depredation on cattle, sheep and goats was conducted by trained Service personnel in accordance with the *Procedure For Advance Identification and Approval of Areas For the Possible Emergency Use of Sodium Cyanide Delivered by the M–44 Device for the Control of Depredating Canids*, as it appears in the FEDERAL REGISTER, Volume 39, No. 120—Thursday, June 20, 1974.

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

JULY 11, 1975.

[FR Doc.75–18541 Filed 7–16–75;8:45 am]

[Docket No. Wash 75–1]

WAIVER OF MORATORIUM ON WALRUS

Receipt of Recommended Decision

Pursuant to 50 CFR 18.74 (40 FR 6663, Feb. 13, 1975), Notice is hereby given of receipt on July 10, 1975, of the Administrative Law Judge's (ALJ) recommended decision in the preceding In Re: Waiver of Moratorium on Walrus, Docket No. Wash 75–1.

Copies of the decision have been sent by the ALJ to participating parties who must on or before July 31, 1975, file their exceptions, if any, with the Director, United States Fish and Wildlife Service, Washington, D.C. 20240.

Copies of the recommended decision may be obtained in room 536 at 1717 "H" Street, NW., Washington, D.C., or by writing the Director, (MNB) United States Fish and Wildlife Service, Washington, D.C. 20240.

Dated: July 11, 1975.

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

[FR Doc.75–18497 Filed 7–16–75;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93–205).

Applicant: Lions, etcetera, 6867 Soledad Canyon Acton, California 93510, Noel James Marshall, Owner and President.

SEPTEMBER 16, 1974.

GENE H. WILSON,
U.S. Department of the Interior,
Fish ad Wildlife Service,
125 South Grand Avenue,
Pasadena, California 91105,
New address: Bell California.

DEAR MR. WILSON: In reply to your letter for application information to import endangered species, I hereby reply to same.

Form Questions: (50 CFR 13.12)

1. Noel Marshall, 4156 Knobhill Drive, Sherman Oaks, California 91403, *Phone:* (213) 981–1100.

2. *Firm* (not individual).

3. Noel James Marshall, Owner and President.

4. Lions, Et cetera, 6867 Soledad Canyon, Acton, California 93510.

5. 6. 7. Not applicable. (*Certification* on a separate sheet.)

8. & 9. Date is fixed by permit issuance.

10. Signature:

NOEL MARSHALL.

Answer to questions from your letter:

Request for: LEOPARD (*Panthera pardus*)— Africa; one male, black, 35 lbs., 5 months old.

From—Seneca Park Zoo, Rochester, New York.

Only a 4-hour flight; feeding bowl and water bowl in transit crate. Approved airline animal crate, 14" x 18" x 30",

and

TIGER (*Panthera tigris*)—Siberia; six: three males and three females (5 babies, born September 15, 1974, 3 lbs. each; 1 male, born May 1, 1974, 50 lbs.).

From—Okanagan Game Farm, Ltd., Penticton, British Columbia.

Only a 2-hour flight; only water container necessary in approved airline animal crate, 14" x 18" x 30". On arrival, there is a nursery facility at the ranch.

Justification is for breeding purposes to improve the strain. Presently have in excess of 80 exotic cats in the breeding program; all domestically bred, none taken out of the wilds. But, must have more to improve and enlarge breeding stock through trade and purchase.

To—6867 Soledad Canyon, Acton, California.

Thirty-nine acre ranch that houses 80 or more cats with both roaming areas and Government inspected and approved housing facilities.

I certify that at the time of application the wildlife was born in captivity.

The wildlife is domestic, captive bred.

Raymond Kray, D.V.M., specializing in exotic animals, will be on hand.

I agree to participate in a cooperative breeding program and maintain or contribute data to a studbook.

Please contact me if I am able to supply you with any additional data.

Sincerely,

NOEL MARSHALL.

LIONS, ETCETERA
6867 SOLEDAD CANYON,
ACTON, CALIFORNIA 93510.
May 29, 1975.

DIRECTOR,
U.S. Fish and Wildlife Service,
Post Office Box 19183,
Washington, D.C.

GENTLEMEN: In response to your letter of February 5, 1975, I would like to expand on the information given in my application in order to comply with the permit requirements as outlined.

17.23(a)(3)

I presently own five tigers. Four of the tigers are males. I have four leopards; two males and two females. In the breeding program I've set up I need additional female tigers and I need black leopards. You asked how the animals will be disposed of. I do not sell animals. The animals are used in motion pictures so that millions of people might come to know more about them as a result of sharing in the information gleaned from our years of research. Beyond this, the only use our animals would be put to, would be for breeding loan.

17.23(a)(4)

The animals are maintained in a 39-acre enclosure, fenced with nine-gauge 12-foot high chain link. Within this enclosure are four 1-2 acre compounds, several small ponds, a stream, 25 11x11 eight-and-a-half foot high cages, a six acre lake, a waterfall, and perhaps 200 trees.

Some of the animals are maintained in cages and some free-roaming, but most are allowed periods of free-roaming. Except during breeding periods, the tigers are kept with the lions. The animals are fed by hand with horse meat purchased from "Larry's Pet Foods" in San Luis Obispo and liver and chicken from local meat packing houses in Los Angeles. The animals are watered either from the stream or with dozens of well situated watering buckets.

17.23(a)7ii

I have been raising 68 exotic cats: lions, tigers, leopards, cougars, jaguars and cheetahs for the past four years and have worked with foremen and veterinarians whom I have employed over the years. I have had the opportunity of learning from their years of specialized training and experience. As a young man I worked at the St. Louis Zoo

and the Lincoln Park Zoo. But most important I work under the guidance of Dr. Raymond Kray of Los Angeles who specializes in exotic cats and he in turn works with Dr. Murray Fowler of the School of Veterinary Medicine at the University of California, Davis. During this past two years, our breeding has produced 21 cubs and I feel that if allowed, we could with our experience, continue to be very successful in the future.

17.23(a)7i

Photographs enclosed.

Sincerely,

NOEL MARSHALL.

Enclosures.

LIONS, ET CETERA

6867 SOLEDAD CANYON, ACTON, CA. 93510
(213) 981-1100 (805) 255-1811

18 October 1974.

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.

NOEL MARSHALL.

Witnessed by Cinnamon Leavitt, 18 October 1974.

14 SEPTEMBER 1974.

Mr. DANIEL R. MICHALOWSKI,
Seneca Park Zoo
Rochester, New York 14621.

DEAR MR. MICHALOWSKI: I am sending this letter to effect the purchase of your surplus male, hand-reared, black leopard at $800.00.

I have applied to the City Clerk at the Bureau of Fish and Game in Albany, New York and I'm in the process of getting a USDI permit.

Please hold this leopard pending permits.

Sincerely,

NOEL MARSHALL.

NM/cin

LETTER OF AGREEMENT

JANUARY 30, 1972.

According to our discussion last week, I am setting forth the following:

A. Excepting one female cub from each of the next two litters, I hereby contract to purchase all the off-spring produced by your Siberian tigers for the next five years. You agree to sell all said cubs to me for $800 apiece and that you will use your best efforts to maintain your breeding pair. You further agree after the second litter is born, the breeding pair will be deemed my property but you will continue to board them for as long as I choose, according to the terms herein.

B. I further agree to pay all expenses for the handling, feeding and veterinary care incurred in the maintenance of the breeding pair for the term of this contract whether the breeding pair is under my ownership or yours.

C. Should I default in either the maintenance or purchase, I hereby stipulate to liquidated damages of either $10,000 or double the sums due, which ever figure is greater.

All notices will be deemed given to NOEL MARSHALL, (4156 Knobhill Drive, Sherman Oaks, California 91403) and OKANAGAN GAME FARM, LTD., (Penticton, British Columbia), five days after post mark.

NOEL MARSHALL.

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 August 18, 1975, will be considered.

Dated: July 14, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-18605 Filed 7-16-75;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: William S. Clark, 7800 Dassett Court, Apt. 101, Annandale, Virginia 22003.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. To band & trap Peregrine Falcons (Falco peregrinus tundrius) with F&WS bands & color bands in cooperation with Dr. F. Prescott Ward's study "International Population Studies of Peregrine Falcons" at the Cape May Point Raptor Banding Station, Cape May New Jersey

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
William S. Clark
7800 Dassett Court, Apt 101
Annandale, Va. 22003

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 6'2" WEIGHT: 190
DATE OF BIRTH: Oct 25, 1937
COLOR HAIR: brown COLOR EYES: blue
BUSINESS PHONE AND WHERE EMPLOYED: 703-524-9400
SOCIAL SECURITY NUMBER: 227-44-0250
OCCUPATION: Data Processing Manager
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: Director, Cape May Point Raptor Banding Station

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
—
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
—

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number)
Bird-Banding Permit #9289

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of document)
State of New Jersey Bird Banding Permit

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $0.0

10. DESIRED EFFECTIVE DATE: Sept. 1,1975

11. DURATION NEEDED: 5 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.23(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
See Attachment and refer to Dr. Ward's permit application.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (IN INK): William S. Clark
DATE: April 29,1975

This is an application for a permit to trap and band the arctic subspecies of the Peregrine Falcon (*Falco peregrinus tundrius*) with U.S. Fish and Wildlife Service bands and with color bands in cooperation with the "International Population Studies of Peregrine Falcons" conducted by Dr. F. Prescott Ward. Please refer to Dr. Ward's permit application for details of the study. The banding to be done at the Cape May Point Raptor Banding Station, Cape May Point, New Jersey.

This application is for Mr. William S. Clark, 7800 Dassett Court, Apartment 101, Annandale, Virginia. Mr. Clark is 6'2" tall, weight 190 lbs., was born on October 25, 1937 with brown hair and blue eyes. Phone number at place employed is 703-524-9400, Social Security number is 227-44-0250. Profession is Manager of Data Processing. Mr. Clark is the Director of the Cape May Point Raptor Banding Station. Other banders who are bonafide banding cooperators at CMP Raptor Banding Station are:

Mr. Robert Dittrick, Riverbend Nature Center, Great Falls, Virginia; Mr. Marshall Stinnett, 2407 Sherwood Hall Lane, Alexandria, Va. 22306; Mr. Larry Hood, 6734 Pyramid Way, Columbia, Md. 21044; Mr. Joseph Harmer, 144 Limekiln Pike, Chalfont, Pa. 18914.

The banding will be restricted to Cape May Point, New Jersey during the months of September, October and November. Mr. Clark holds US Fish and Wildlife Service Bird-Banding Permit #9289. The necessary State permit has been obtained.

The desired length of time for the permit is five years. At that time there will be a complete review of the color marking program by Dr. Ward. It is requested that the permit be effective on 1 September 1975.

The Cape May Point Raptor Banding Station has been in operation for eight years. Over that period 22 Peregrine Falcons have been trapped and banded. For the last two years we have cooperated with Dr. Ward and placed 6 color bands on Peregrines. We will probably band between 3 and 8 Peregrines during each fall season.

Certification: I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the code of Federal Regulations and the Other applicable parts in subchapter 1 of Title 50, and I further certify that the information submitted in this application for a license/permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 USC 1001.

Date: April 29, 1975.

WILLIAM S. CLARK.

DEPARTMENT OF THE ARMY,
HEADQUARTERS, EDGEWOOD ARSENAL,
Aberdeen Proving Ground, Md.,
April 16, 1975.

Mr. CLARK R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

DEAR MR. BAVIN: The following information is submitted to be considered for publication in the FEDERAL REGISTER in applying for an Endangered Species Permit as required by Public Law 93-205 (Endangered Species Act of 1973).

The application is for a permit to band peregrine falcons (*Falco peregrinus tundrius* and *F. p. anatum*), and to salvage, for the purpose of donating to a public, scientific, or educational institution, peregrine falcons killed or found dead as a result of normal banding operations or peregrine falcon casualties from other causes.

Populations of peregrine falcons have experienced unprecedented declines during the last 25 years in many parts of the world. Biomagnifications of cumulative toxins such as DDT and polychlorinated biphenyls have been incriminated as the major cause of these declines. Indeed, no other species has been more decimated than the peregrine by chemical pollution of the biosphere; it is probably the best global indicator of this pervasive contamination. In this climate, it is imperative that population trends of peregrine falcons be monitored closely in order that informed management procedures can be accomplished. Traditional methods of studying peregrine falcon populations are varied:

a. Reproductive surveys at nest sites have been widely and successfully employed.

b. Population trends have been monitored by observing falcons on autumn migration at sites of concentration on flyways such as: Padre Island, Texas; Assateague Island, Maryland; Cedar Grove, Wisconsin; and Cape May, New Jersey.

c. Banding of falcons at nesting sites and migration foci with standard Fish and Wildlife Service tarsal bands has been practiced for about 40 years, and recoveries have provided some valuable information on peregrine movements, longevity, and demography.

d. Recently, biotelemetry has been employed successfully in detailed studies of the autumn migration of peregrine falcons.

It is the purpose of this study to establish a coordinated plan for ecological studies of peregrine falcons at selected sites on a global scale. Nesting, migration, biotelemetry, and banding investigations are planned. However, conventional banding of peregrine falcons suffers from several statistical and logistical shortcomings. Only a few individuals of this rare species are banded each year, and recovery rates usually average less than 10 percent; this results in extremely small samples to analyze statistically. Furthermore, nearly all conventional returns are from falcons that have been "shot" or "found dead" meaning that they have been removed from the population. Therefore, it is desirable to augment, not to replace, the standard banding regime with a system colored plastic tarsal bands. The basic color of the lightweight plastic band will indicate the geographic area where the band was applied, and a contrasting three-digit number inscribed into the plastic will individually identify the bird. This system has many advantages: it will permit casual observers to note the background color of the band and therefore supply general migration data; it will allow researchers to identify a bird individually in demographic studies without having to capture it and read the conventional band; and it will facilitate repeated observations and identifications on a falcon without removing it from the population.

The objectives of this program are:

a. To conduct basic ecological surveys of nesting peregrine falcons in selected areas of North America and Greenland including measures of reproductive success, prey selection, nesting behavior and dynamics of pesticides, heavy metals, and polychlorinated biphenyls.

b. To establish standard observation, marking, and analytical techniques so that the results of these investigations can be used as baselines for interpreting future trends, and so that results of geographically separate studies will be compatible.

c. To gather migration statistics (abundance, age and sex ratios, correlation of movement with weather patterns) of peregrine falcons in spring and fall at sites of geographical concentration from records of sightings and captures, and to compare these data with observations from previous years.

d. To band with standard U.S. Fish and Wildlife Service metal bands and color-coded, lightweight, plastic tarsal bands peregrine falcons on a global scale to augment scanty information on population dynamics.

e. To implement international working agreements involving scientists from the United States, Canada, Greenland, Great Britain, Central America, and the Soviet Union.

This study has been incorporated as Subproject E, Problem Area VI, of the Agreement between the United States of America and the Union of Soviet Socialist Republics on Cooperation in the Field of Environmental Protection. The Sub-project is entitled, "A Cooperative Marking Program for Raptors with Emphasis on the Peregrine Falcon (*Falco peregrinus*)"; Dr. F. Prescott Ward is the scientific coordinator for the U.S. and Dr. Vladimir Glaushin is the scientific coordinator for the U.S.S.R.

Facets of this study have been in progress for several years. Dr. F. P. Ward and Mr. Robert B. Berry have conducted an autumn migration survey of peregrine falcons at Assateague Island, MD/VA since 1970, last year under the authority of Endangered Species Permit Number PRT-8-2-C. Dr. William G. Mattox has supervised an annual reproductive study of peregrine falcons in a small area of West Greenland since 1972. Dr. Ward and other investigators have studied peregrine movements in spring and fall in recent years in Panama, at Dry Tortugas, Florida, and on barrier islands in Virginia.

Plastic bands will be attached to one tarsus and a Fish and Wildlife Service metal band to the other. Each plastic band will have a different three-digit letter/number inscribed into a contrasting background color to facilitate easy individual identification in the field. Background colors of the bands will be keyed generally to the following areas: Alaska, white; western Canada, black; eastern Canada, yellow; most of continental U.S., sky blue; Greenland, red; Great Lakes area, dark blue; east coast of U.S., green; Caribbean and Central America south of Mexico, gray; and Gulf Coast and Mexico, orange. Many years of experience with a similar style plastic tarsal band on whistling swans indicate that the bands are durable and safe; recaptures, resightings, and recoveries of color-banded peregrine falcons during the past two years indicate the same. No more than 500 falcons of various ages and sexes will be banded annually (107 peregrine falcons were so marked in 1973 and 140 in 1974 in North America/Greenland under authority of other permits, so the maximum number of 500 is very unlikely to be attained in any season). All peregrine falcons will be released immediately after banding, unless previous injury or substantial injury or death incident to the banding operation dictates that they be treated or salvaged (of 135 peregrine falcons banded at Assateague Island by Dr. F. P. Ward and Mr. R. B. Berry during the last five autumn surveys, none has ever been injured or killed, thus injury or death is highly unlikely).

The purpose of this permit application is to expand somewhat the limited scope of my original endangered species permit. This request for an amended permit is due to new information on peregrine biology which has become available since the original application. Authority is requested:

a. To observe, capture, and band migrating peregrine falcons at Assateague Island, MD/VA during spring and fall migrations. No more than two principal investigators will engage in this activity at one time.

b. To observe, trap, and band migrating peregrine falcons at no more than five additional sites or areas in the United States which include, but will not necessarily be limited to, sites or areas in Florida (Dry Tortugas and/or a barrier island along the Atlantic Coast), Georgia (coastal barrier island), Virginia (coastal barrier island and/or Cape Charles), and/or Alaska.

c. To radio-track telemetered peregrines (radios applied to a small sample of falcons in Greenland and/or Canada).

The primary applicant for an endangered species permit is: Dr. F. Prescott Ward, Chief, Ecological Research Office, Biomedical Laboratory, Edgewood Arsenal, Aberdeen Proving Ground, MD 21010; born 22 August 1940; male; 5'10" tall; 170 pounds; brown hair; brown eyes; business telephone (301) 671-2586; social security number 165-32-2200; occupation, research scientist for the United States Army.

Planned cooperators are listed below, but because of exigencies at survey times involving such things as illness, other personal business, or equipment malfunction, the principal investigator requests permission to name alternates by formally notifying the Chief of Law Enforcement, U.S. Fish and Wildlife Service. Because it is also impossible to obtain commitments from all potential cooperators at this time, additional persons who can demonstrate competence and ability will be named as assistants in this project at a later date. Names and a statement concerning the qualifications and extent of participation of these individuals will be provided in writing to the Chief of Law Enforcement, U.S. Fish and Wildlife Service.

Mr. Robert B. Berry, RD #1, Yellow Springs Road, Chester Springs, PA 19425 is identified as Dr. Ward's co-investigator in the Assateague Island study, and as potential principal investigator in other migration investigations in the U.S. listed above.

To band peregrine falcons at a barrier island in Virginia, Captain Kyle H. Woodbury (United States Navy), 1068 Rector Lane, McLean, Virginia 22101 is identified as principal investigator. He will band as a subpermittee on Dr. Ward's federal bird banding permit (number 9448), but will need explicit endangered species authority, for he will not band under Dr. Ward's direct supervision.

To band peregrine falcons at a barrier island in southern Georgia and/or the east coast of Florida, Mr. Patrick R. Leary, 2453 South Fletcher Avenue, Fernandina Beach, Florida 32034 is named as principal investigator. He will band as Dr. Ward's subpermittee, but will not be under Dr. Ward's direct supervision.

The following individuals are identified as cooperators in banding of peregrine falcons at Dry Tortugas, Florida: Mr. C. William Harry, 9207 Drian Drive, Vienna, Virginia 22180; Mr. James L. Ruos, 7145 Deer Valley Road, Highland, Maryland 20777; and/or Mr. William S. Seegar; Hillside Road, Stevenson, Maryland 21153. Mr. Ruos and Mr. Harry have federal bird banding permits, and Mr. Seegar is Dr. Ward's sub-permittee. Most banding on Dry Tortugas, Florida will not be under Dr. Ward's direct supervision.

To band peregrine falcons at nesting sites along the Colville River, Alaska, Dr. Thomas J. Cade, Cornell Laboratory of Ornithology, 159 Sapsucker Woods Road, Ithaca, New York 14850 is named as principal investigator. Dr. Cade holds federal bird banding permit number 7252, expires 28 February 1977, which authorize him to color-band peregrine falcons in coordination with this program.

As research needs dictate shifting a banding site within a given geographical area, or naming alternate investigators, the Chief of Law Enforcement, U.S. Fish and Wildlife Service will be notified by letter. If the general thrust, scope, or intent of this project changes substantially, or if the likely impact of this research upon the endangered species changes sufficiently so that activities would have a greater adverse impact on the survival potential or reproductive ability of peregrine falcons, then application will be made for a new endangered species permit.

I currently hold the following valid U.S. Fish and Wildlife Service permits:

a. Endangered Species Permit Number PRT-8-2-C, effective 25 November 1974 and which expires 31 December 1976.

b. Federal bird banding permit number 9448 with salvage, mist-net, and color-marking riders, which expires 30 November 1976.

c. Federal migratory bird permit number 5-SC-580 with amendment, which expires 31 December 1975.

d. Special-use permit for studies on the Chincoteague National Wildlife Refuge.

These permits are in addition to: a Maryland state endangered species permit; state bird banding permits for Maryland, Virginia, New Jersey, and Florida; special-use permits for Assateague Island National Seashore and Everglades National Park (Dry Tortugas); an Assateague Island National Seashore collecting permit and a Maryland State collecting permit (for peregrine prey species); and authorization from the U.S. Coast Guard to band birds of prey on Loggerhead Key, Dry Tortugas, Florida. In addition, permits germane to international banding activities have been applied for or have been provided by the Republic of Panama, the Republic of Mexico, Canada, and Denmark (Greenland).

The desired effective date of this permit is 1 July 1975; the duration needed is five years, at which time results will be evaluated and a new application will be submitted if necessary.

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 yours,

DR. F. PRESCOTT WARD,
Chief, Ecological Research Office, Biomedical Laboratory.

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 August 18, 1975 will be considered.

Dated: July 14, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-18607 Filed 7-16-75;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: E. A. Jones Elementary School, Life Science Department, 1800 5th Street, Missouri City, Texas 77459.

Mrs. Travis G. Evans, Teacher.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

OMB NO. 42-R1275

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
Educational, + scientific study in an Elem. school of over 1700 students. The animals will be in the life science lab. Letter was filed at time of request stating program.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Mrs. Travis G. Evans
Life Science Dept.
E.A. Jones Elem. School
1800-52 St.
Missouri City, Tex. 77459
499-3531

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☒ MRS. ☐ MISS ☐ MS.
HEIGHT: 5'1½" WEIGHT: 134
DATE OF BIRTH: June 20, 1937
COLOR HAIR: Brown COLOR EYES: Brown
PHONE NUMBER WHERE EMPLOYED: 499-3531
SOCIAL SECURITY NUMBER: 526-52-4504
OCCUPATION: Life Science Teacher
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: Ft. Bend Ind. School District

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OF KIND OF BUSINESS, AGENCY, OR INSTITUTION: Institution of learning-Kindergarten thru 5th Grade.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.: Mr. Glenn Robb-499-3531
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED:

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED:
Life Science Building
E.A. Jones Elem. School
1800-6th St.
Missouri City, Tex. 77459

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit number(s))

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdiction and type of document)
Special Agent Joe Matlock-
Officer Bob Carlyle - State of Texas

9. CERTIFIED CHECK OR MONEY ORDER IF applicable PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: All School year
11. DURATION NEEDED:

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT AS LISTED IN 50 CFR 13.12(b) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
Photos and Letters were in 1st request for Permit.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE STATED APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Mrs. Travis G. Evans
DATE: 5/27/75

DATA
EL/PA

E. A. JONES ELEMENTARY SCHOOL,
FORT BEND INDEPENDENT
SCHOOL DISTRICT,
Missouri City, Tex., April 30, 1975.

OFFICE OF THE PRINCIPAL

DIRECTORS OF U.S. FISH AND WILDLIFE SERVICE,
Department of the Interior
Washington, D.C. 20240

GENTLEMEN: I would like to submit to you a request to obtain a special permit to keep one small, 18" alligator, "Mississippiensis", sex unknown to me.

I have notified the following officials of my having this alligator; Texas Parks and Wildlife Officer, Bob Carlyle, Austin, Texas, and Special Agent, Joe Matlock, U.S. Parks and Wildlife, Galveston, Texas.

The alligator was brought to me here at the school, by a gentleman who came to a lady's rescue in a new subdivision of Missouri City called Quail Valley. The unknown resident was in a bathing suit taking a sunbath when the alligator strolled over on her patio for a visit. We received this alligator April 22, 1975, and at once notified all of its capture.

I am a Life Science teacher here at E. A. Jones and it is the wish of all of the 1,650 students, if possible, that "Albert" be allowed to stay. We study animals in their environment as much as possible, but it is a rare chance to observe one so close and study his ways.

We called a good friend, Mr. John Werler, Director of the Houston Zoo, and got instructions on what to feed "Albert". He is in residence in a large glass tank, 36" x 17" x¼" thickness. He has a hardware cloth, wood framed top, with a 14"x10"x3½" plastic clear tray to swim in. His tank, which gets a daily cleaning, has a sand base with four large flat rocks and one log with swamp palm in the corner. He also gets new food daily.

To say the least, Albert is eating quite well, we think. He consumes fresh crayfish, small frogs, shiners and ditch fish we catch in class. We have small mice also for him that we raise. We hope to show even more the interdependence of all living forms and the alligator fits this greatly.

I have enclosed a newspaper article on our class project, and we hope that the devotion of science here is shown. I can not tell you enough that it is a pleasure to work with the wonderful personnel I have met trying to get this alligator a new home.

School is out in five weeks and the animals will all be checked out for the summer, by then we know Albert will need a new home. I will see that Albert gets a home at either the Sea Arama in Galveston or the Houston Zoo.

Thank you very much for your help.

Sincerely,

MRS. TRAVIS G. EVANS,
Life Science Department.

Copy of handwritten letter which accompanied application of May 27, 1975:

GENTLEMEN: As stated in my letter of April 30, 1975, the alligator "Albert" will get a summer home in Sea-Arama Marineworld, Galveston, c/o Dr. Gray, while our school is closed for vacation.

This has become the third alligator brought to the school. I personally have returned the second and third to a better location in the wild. I truly feel the class work spent on this animal was well worth the time and effort.

The alligator has grown a total of 1½" since we received him, and still has a "brat personality!"

The entire area has been bothered by several large 'gators, and this has been reported.

Thank you for helping us keep the alligator. If any further information is necessary, please inform me.

We will get *Albert* back in August if okay with you, or—keep a smaller one if turned over to us.

Thank you.

MRS. TRAVIS G. EVANS.

Copy of *RECEIPT:* May 29, 1975.

Received from Mrs. Travis G. Evans one (1) small alligator named *Albert*, which will be returned in August 1975.

SEA-ARAMA MARINEWORLD,
Box 3068, Galveston, Tex.

Per: Curator of Snakes & Alligators.

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 August 18, 1975, will be considered.

Dated: July 14, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-18606 Filed 7-16-75;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of

the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Michael W. Fox, Ph. D., Associate Professor, Department of Psychology, Washington University, St. Louis, Missouri 63130.

Application for Importation of Asiatic Wild Dogs (Dholes) *Cuon alpinus* from India.

FEBRUARY 14, 1973.

Department permit is requested for importation of 5 Asiatic wild dogs for scientific purposes. Since these are on the endangered species list, herewith, in accordance with Section 17.12(b) of Title 50, Part 17 are the relevant particulars.

(1) Applicant—Dr. M. W. Fox, Department of Psychology, Washington University, St. Louis, Missouri 63130.

(2) 5 specimens, juvenile if possible, of Asiatic wild dog, *Cuon Alpinus*. Hopefully I will collect them while in India in the spring of 1974.

(3) Purpose of importation is manyfold. First, the need for further data on the development, behavior and social organization of the dhole which may lead not only to a better understanding of this much maligned animal, but which may also help in future management and conservation programs both in captivity and in the wild. This is scientifically valid and will fill important gaps in the literature. Virtually nothing is known about the dhole either in captivity or in the wild † and it is one of only two other packhunting canids (Cape hunting dog and wolf). Research on such species is basic to understanding social organization and control of aggression in cooperative pack hunters. Field studies will be initiated by the applicant and the proposed studies of subjects in captivity would be complementary.

Here in St. Louis, the Wild Canid Survival and Research Center, having educational and conservation functions and goals, will be closely allied in this study.

(4) Specimens will be crated and shipped by air to New York City and quarantined under the supervision of myself and Dr. Baever (veterinarian at St. Louis Zoo) at the Washington University Field Station, where maximal security facilities are in operation.

(5) Applicant is a veterinarian and established behavioral scientist, with 6 years experience working with wild canids in captivity.

† M. W. Fox (1972), Behaviour of Wolves, Dogs and Related Canids, Harper & Row, New York.

(6) No consignor or seller will be involved; the applicant will secure live trapped or zoo born specimens himself during his 4 month field tour in India.

(7) *Certification:*

NOTE.—See separate sheet dated June 13, 1975.

MICHAEL W. FOX, D.V.M., Ph. D.

Compliance with Part 13, Title 50, Code of Federal Regulations; (importation of potentially injurious mammals).

(1) M. W. Fox, Department of Psychology, Washington University, St. Louis, Missouri 63130—age 36.

(2) Not more than 5 specimens of Asiatic Wild Dog, *Cuon alpinus*.

(3) For research and education.

(4) Washington University, Tyson Research Field Station, St. Louis, Missouri.

(5) Will be from sources approved by the Indian Government contacted personally by the applicant during his 4 month field study in S. East India as from January, 1974. In order to avoid unnecessary ecological depredations, suitable specimens born and raised in local zoos will be sought.

(6) The applicant is a veterinarian and established behavioral scientist with 6 years experience working with wild canids in captivity.

WASHINGTON UNIVERSITY,
DEPARTMENT OF PSYCHOLOGY,
St. Louis, Mo., March 24, 1975.

Mr. C. R. BAVIN,
Chief, Division of Law Enforcement, United States Department of the Interior, Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240

DEAR MR. BAVIN: Regarding my application last year for importation of Asiatic Wild Dogs; we have now moved the cages within a cage compound for maximal security and trust that our facilities at Tyson Research Field Station will be approved.

I hope that you can expedite this formality without the delay that we experienced in 1973, because I am planning to go to India this Fall.

Sincerely yours,

MICHAEL W. FOX, PH. D.,
Associate Professor.

Enclosure: Application for Importation of Asiatic Wild Dogs (Dholes) *Cuon alpinus* from India.

WASHINGTON UNIVERSITY,
DEPARTMENT OF PSYCHOLOGY,
St. Louis, Mo., June 13, 1975.

Reference No.: PRT-8/218-I

DIRECTOR,
U.S. Fish & Wildlife Service, P.O. Box 19183, Washington, D.C. 20036

DEAR SIR: 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 sub-chapter 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 yours,

MICHAEL W. FOX, Ph.D.,
Associate Professor.

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 August 18, 1975, will be considered.

Dated: July 14, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-18608 Filed 7-16-75;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: State of Nebraska, Ross A. Lock, Non-Game Specialist, Nebraska Game and Parks Commission, Post Office Box 30370, Lincoln, Nebraska 68503.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED
Mark or band, capture and transplant and salvage endangered species. Activity would primarily involve the black-footed ferret and peregrine falcon.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
State of Nebraska
Ross A. Lock, Non-Game Specialist
Nebr. Game and Parks Commission
P. O. Box 30370
Lincoln, NE 68503
AC 402-464-0641

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Nebraska Game and Parks Commission
Responsible for managment of endangered wildlife in Nebraska.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. (402) 464-0641
Ross A. Lock, Non-Game Specialist
IF APPLICANT IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
State of Nebraska

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number)
Fed. Bird Marking & Salvage Permit No. 20259 (master-station)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
authorized as biologist for Game and Parks Commission

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE: July 1, 1975

11. DURATION NEEDED: no permit termination date can be determined. Suggest renewal on annual basis

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
see attached

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Ross A. Lock
DATE April 8, 1975

3-200
(6/74)

12. *Additional Information—Application for a Permit to Mark or Band, Capture and Transplant and Salvage Endangered Species.* Endangered Species Involved: Peregrine Falcon—*Falco peregrinus anatum* and *tundrius;* Black-footed Ferret—Mustela *nigripes.* Activities involving the black-footed ferret would include the capturing, marking, transporting and transplanting of specific animals whose habitat or livelihood is threatened where they presently exist. Authorization is also needed for the handling, marking and releasing of any ferrets raised in captive breeding projects designed for propagation and reintroduction of ferrets into the wild. Included would be a possible trap and transplant project following establishment of a breeding population in the wild. Authority is also requested to salvage dead ferrets or parts thereof.

Number of animals that would be involved in capture and transplant or in reintroduction of captively raised progeny is unknown at this time.

Activities involving the peregrine falcon would include the handling, marking, transporting and transplanting of progeny and/or eggs produced in captive breeding projects designed for propagation and reintroduction of the peregrine into the wild in Nebraska. Following successful reintroduction and establishment of breeding populations in the wild, efforts would be made to determine production and breeding success, to band nestlings and to capture and transplant birds to new nesting sites. Authorization is also requested for (1) the banding of peregrines that might be accidently captured during banding efforts designed to capture non-endangered species of raptors, (2) banding of peregrines legally held in captivity by falconers, zoos, breeders, etc., that are to be released to the wild or to be held in captivity for propagation or hunting purposes, and (3) the salvage of dead peregrines or parts thereof.

Number of peregrines that would be involved in any of the above activities is unknown at this time.

To clarify Mr. Lock's experience in handling the black-footed ferret and peregrine falcons the following addendum was submitted for inclusion with his application:

Primarily the activities with the ferret are in conjunction with the U.S. Fish and Wildlife Service's research program. For the first two years the proposed activities with peregrines will be primarily a part of a cooperative effort with Dr. Thomas Cade of Cornell University. Dr. Cade will be provided assistance in his program to reintroduce captive-bred peregrines into the wild. At this time there are no plans to remove any peregrines from the wild. If, in the future, a program is proposed to remove peregrines from the wild, a permit for it will be requested.

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 August 18, 1975, will be considered.

Dated: July 14, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-18604 Filed 7-16-75;8:45 am]

Geological Survey

SAN JUAN RIVER BASIN, UTAH

Power Site Cancellation

Pursuant to authority under the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classifications 219 and 397 are hereby canceled to the extent that they affect the following described land:

SALT LAKE MERIDIAN, UTAH

POWER SITE CLASSIFICATION 219 OF MAY 13, 1929

T. 39 S., R. 21 E.,
Sec. 35, SE¼NE¼ and SE¼;
Sec. 36, SW¼.
T. 40 S., R. 21 E.,
Sec. 1, W½NW¼ and SW¼;
Sec. 2, E½NE¼;
Sec. 11, E½NE¼;
Sec. 12, W½NE¼, E½NW¼, SW¼NW¼, and NE¼SW¼;
Sec. 13, N½NE¼, SW¼NE¼, SE¼NW¼, and NE¼SW¼;
Sec. 14, E½E½ and NW¼NE¼;
Sec. 20, E½NE¼, E½W½, and SW¼SW¼;
Sec. 23, E½NE¼ and SE¼SE¼;
Sec. 24, SE¼NW¼ and NW¼SW¼;
Sec. 26, N½N½;
Sec. 27, NE¼, E½SW¼, NE¼SE¼, and SW¼SE¼;
Sec. 29, W½NW¼;
Sec. 30, SE¼NE¼ and SE¼;
Sec. 31, W½NE¼, E½NW¼, and SW¼;
Sec. 32, SE¼NE¼;
Sec. 33, N½NE¼ and NW¼;
Sec. 34, N½NW¼.
T. 40 S., R. 22 E.,
Sec. 12, W½;
Sec. 13, NW¼ and W½SW¼;
Sec. 14, E½SE¼;
Sec. 19, lot 4, SW¼NE¼, SE¼NW¼, E½SW¼, and NW¼SE¼;
Sec. 20, N½SE¼;
Sec. 23, NE¼ and N½SE¼;
Sec. 24, NW¼NW¼ and SE¼SE¼;
Sec. 25, N½NE¼;
Sec. 30, N½NE¼ and NE¼NW¼;
Sec. 33, NE¼NE¼ and NW¼NW¼;
Sec. 34, N½N½.

T. 40 S., R. 23 E.,
Sec. 19, lot 4, SE¼SW¼, and S½SE¼.
Area—about 5,199 acres.
POWER SITE CLASSIFICATION 397 OF APRIL 5, 1949

T. 40 S., R. 21 E.,
Sec. 7, lots 3 and 4;
Sec. 18, lots 1, 2, 3, and 4;
Sec. 19, lots 1, 2, and 3.
T. 41 S., R. 21 E.,
Sec. 6, W½NW¼ and NW¼SW¼.
Area—about 474 acres.

The total area of the land described in this notice aggregates about 5,673 acres.

The effective date of this cancellation is November 6, 1975.

Dated: July 10, 1975.

HENRY W. COULTER,
Acting Director.

[FR Doc.75-18546 Filed 7-16-75;8:45 am]

National Park Service

INDEPENDENCE NATIONAL HISTORICAL PARK ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Independence National Historical Park Advisory Commission will be held at 10:30 a.m. on August 7, 1975, at 313 Walnut Street, Philadelphia, Pennsylvania.

The Commission was established by Public Law 80-795 to render advice on such matters relating to the park as may from time to time be referred to them for consideration.

The members of the Commission are as follows:

Mr. Arthur C. Kaufmann (Chairman)
Mr. John P. Bracken
Hon. Michael J. Bradley
Hon. James A. Byrne
Mr. Michael J. Byrne
Mr. Filindo B. Masino
Mr. Frank C. P. McGlinn
Mr. John B. O'Hara
Mr. Howard D. Rosengarten
Mr. Charles R. Tyson

The matters to be considered at this meeting include:

1. Cover for Judge Lewis Quadrangle.
2. "Area F."
3. Superintendent's Progress Report.

The meeting will be open to the public. Any person may file with the Commission an oral or written statement concerning the matters to be discussed. Persons desiring further information concerning this meeting, or who wish to submit statements, may contact Hobart G. Cawood, Superintendent, Independence National Historical Park, Philadelphia, Pennsylvania, at Area Code 215, 597-7120.

Minutes of the meeting shall be available for inspection two weeks after the meeting at the office of the Independence National Historical Park, 313 Walnut Street, Philadelphia, Pennsylvania.

Dated: July 9, 1975.

CHESTER L. BROOKS,
Regional Director, Mid-Atlantic Region, National Park Service.

[FR Doc.75-18581 Filed 7-16-75;8:45 am]

WESTERN REGIONAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a field trip and public meeting of the Western Regional Advisory Committee will be held in Lassen Volcanic National Park and the City of Redding, California. The field trip will be on August 22, 1975 beginning at 8:30 a.m. and leaving from the Red Lion Motor Inn, 1830 Hilltop Drive, Redding, California 96001. A public meeting will be held 9:00 a.m. to 4:00 p.m., P.D.T., on August 23, 1975 in the conference room facilities of the Red Lion Motor Inn.

The purpose of the Western Regional Advisory Committee is to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on programs and problems pertinent to the Western Region of the National Park Service.

The members of the Advisory Committee are as follows: Lewis S. Eaton, Fresno, California (Chairman); Ben Avery, Phoenix, Arizona; David W. Ballie, Jr., Lihue, Kauai, Hawaii; Ed Fike, Las Vegas, Nevada; Bernard Fontana, Tucson, Arizona; Jean Ford, Las Vegas, Nevada; Sonya Thompson, San Francisco, California; Jack Walston, San Francisco, California; and Todd Watkins, Bishop, California.

The following items will be on the agenda for presentation at the public meeting:

1. Installation of new member.
2. Recognition of term expiration for three members.
3. Review of Manzanita Lake.
4. National Park Service policy on fish stocking.
5. Establish location of last public meeting for calendar year 1975.

The field trip will provide the Committee with an onsite orientation of the programs, problems and considerations pertinent to Lassen Volcanic National Park.

Due to a lack of space only the Advisory Committee Members and associated National Park Service personnel will be provided transportation for the field trip.

The business meeting will be open to the public. Any member of the public may wish to file with the Committee a written statement concerning Lassen Volcanic National Park.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact Ray C. Foust, Executive Assistant to the Regional Director, Western Regional Office, at Area Code 415-556-8227.

Minutes of the meeting will be available for public inspection at the Western Regional Office, National Park Service, 450 Golden Gate Avenue, San Francisco, California, and Lassen Volcanic National Park, eight weeks after the meeting.

HOWARD H. CHAPMAN,
Regional Director, Western Region.

JULY 3, 1975.

[FR Doc.75-18503 Filed 7-16-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

DONATED FOODS TO NUTRITION PROGRAMS FOR THE ELDERLY

Level of Assistance

Notice is hereby given that pursuant to section 707(d) of the Older Americans Act of 1965, as amended (42 U.S.C. 3045f), the level of assistance in food commodities to be donated by the Secretary of Agriculture to recipients of grants or contracts under title VII of the Act, will be increased for the period July 1, 1975 through June 30, 1976. The legislation requires the Secretary, in donating foods to nutrition programs for the elderly funded under title VII, to maintain an annually programmed level of assistance of not less than 10 cents per meal, adjusted to the nearest one-fourth cent on an annual basis each fiscal year after June 30, 1975 to reflect changes in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics (BLS) of the Department of Labor. On June 20, 1975, BLS released statistics for the period May 1974 to May 1975 indicating an 9.99 percent increase in that series. Accordingly, it has been determined that the level of donated foods to be provided to nutrition programs for the elderly during fisca lyear 1976 shall not be less than 11.0 cents per meal served.

Effective date. This notice shall become effective as of July 1, 1975.

Dated: July 11, 1975.

RICHARD L. FELTNER,
Acting Assistant Secretary.

[FR Doc.75-18587 Filed 7-16-75;8:45 am]

APPALACHICOLA NATIONAL FOREST, ALABAMA

Availability of Final 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 final environmental statement for a Timber Management Plan, Appalachicola National Forest, Florida, USDA-FS-R8 FES ADM 75-13.

The environmental statement concerns the proposed implementation of a revised 10-year timber management plan for the Appalachicola National Forest. The objective of the timber management plan is to give direction for the management of the timber resource on a sustained yield basis while maintaining and, where possible, enhancing the soil, water, recreation, wildlife, and forage resources.

This final environmental statement was transmitted to CEQ on July 8, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St., & Independence Ave. S.W.
Washington, D.C. 20250

USDA, Forest Service
1720 Peachtree Rd., NW, Room 804
Atlanta, Georgia 30309

USDA, Forest Service
NFs in Florida
P.O. Box 1050
Tallahassee, Florida 32302

A limited number of single copies are available upon request to Forest Supervisor, B. Frank Finison, U.S. Forest Service, P.O. Box 1050, Tallahassee, Florida 32302.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

DAVID F. JOLLY,
Regional Environmental Coordinator.

JULY 8, 1975.

[FR Doc.75-18523 Filed 7-16-75;8:45 am]

Forest Service

CASCADE HEAD SCENIC-RESEARCH AREA ADVISORY COUNCIL

Notice of Meeting

The Cascade Head Scenic-Research Area Advisory Council will meet at 10:00 a.m. on July 25 and 26 at the Dunes Motel in Lincoln City, Oregon.

The purpose of this meeting is to formulate the Advisory Council's recommendation to the Secretary of Agriculture for finalizing the guidelines called for by Pub. L. 93-535. These guidelines will be used in determining what constitutes a substantial change in land use or maintenance within the Cascade Head Scenic-Research Area.

The meeting will be open to the public. Persons who wish additional information or plan to attend should contact Linda Penney, Hebo Ranger Station, Hebo, Oregon, phone 392-3161 or Edlu Allert, Siuslaw National Forest, at 545 SW Second Street, Corvallis, Oregon, phone 752-4211, ext. 510.

The Public may participate in the meeting by either submitting written comments to the Chairman or speak to the Council when recognized by the Chairman.

F. DALE ROBERTSON,
Forest Supervisor.

JULY 9, 1975.

[FR Doc.75-18525 Filed 7-16-75;8:45 am]

MULTIPLE USE PLAN—BASIN 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 Basin Planning Unit, Forest Service Report Number USDA-FS-R1-DES-Adm-76-1.

The environmental statement concerns a proposed action to implement a revised Multiple Use Plan for the Basin Planning Unit, Jefferson Ranger District, Deerlodge National Forest, Jefferson County, Montana. The action affects 57,100 acres of National Forest Land. The plan will provide the District Ranger with general management guidance. The planning unit is subdivided into six management areas.

This draft environmental statement was transmitted to CEQ on July 9, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th & Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
Northern Region
Federal Building, Room 2014
Missoula, MT 59801

USDA, Forest Service
Deerlodge National Forest
Federal Building
Butte, MT 59701

A limited number of single copies are available upon request to Forest Supervisor Robert W. Damon, Deerlodge National Forest, Federal Building, Butte, MT 59701.

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 Robert W. Damon, Deerlodge National Forest, Federal Building, Butte, MT 59701. Comments must be received by September 9, 1975, in order to be considered in the preparation of the final environmental statement.

Dated: July 9, 1975.

KEITH M. THOMPSON,
Acting Regional Forester, Forest Service, Northern Region.

[FR Doc.75-18524 Filed 7-16-75;8:45 am]

OSCEOLA NATIONAL FOREST, ALABAMA

Availability of Final 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 final environmental statement for a Timber Management Plan, Osceola National Forest, Florida, USDA-FS-R8 FES ADM 75-12.

The environmental statement concerns the proposed implementation of a revised 10-year timber management plan for the Osceola National Forest. The objective of the timber management plan is to give direction for the management of the timber resource on a sustained yield basis while maintaining and, where possible, enhancing the soil, water, recreation, wildlife, and forage resources.

This final environmental statement was transmitted to CEQ on July 8, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St., & Independence Ave. S.W.
Washington, D.C. 20250

USDA, Forest Service
1720 Peachtree Rd., NW, Room 804
Atlanta, Georgia 30309

USDA, Forest Service
NFs in Florida
P.O. Box 1050
Tallahassee, Florida 32302

A limited number of single copies are available upon request to Forest Supervisor, B. Frank Finison, U.S. Forest Service, P.O. Box 1050, Tallahassee, Florida 32302.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ quidelines.

DAVID F. JOLLY,
Regional Environmental Coordinator.

JULY 8, 1975.

[FR Doc.75-18522 Filed 7-16-75;8:45 am]

PAONIA AREA ADVISORY BOARD

Notice of Meeting

The Paonia Area Advisory Board will meet on August 14, 1975, at 7:30 p.m. at the Paonia Ranger District Office in Paonia, Colorado. The purpose of this meeting is to discuss range management and associated activities on the Paonia District.

The meeting will be open to the public. Persons who wish to attend should notify the District Ranger, 303-527-4131. Written statements may be filed with the Committee before or after the meeting.

Public comments will be solicited following the order of business of the Advisory Committee.

JIMMY R. WILKINS,
Forest Supervisor.

JULY 11, 1975.

[FR Doc.75-18577 Filed 7-16-75;8:45 am]

PINEY RIVER UNIT PLAN

Availability of Final 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 final environmental statement for the Piney River Unit Plan, George Washington National

Forest, Harrisonburg, VA. USDA–FS–R8–FES (ADM.) 75–10.

Proposed action is the 10-year Plan for the Piney River Unit on the Pedlar Ranger District containing 27,456 acres of National Forest land in Nelson and Amherst Counties, Virginia. The unit also contains 47,632 acres of private lands.

Management action proposed emphasizes dispersed recreation, protection of the Appalachian National Scenic Trail, Crabtree Falls environment, and soil and water values. The major developments proposed are at Crabtree Falls, dispersed timber cuts, and roads.

This final environmental statement was transmitted to CEQ July 10, 1975. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Rm. 3230
12th St. & Independence Ave., SW
Washington, DC 20250

USDA, Forest Service
1720 Peachtree Rd., NW, Rm. 804
Atlanta, GA 30309

Pedlar Ranger District
Corner of Magnolia & 25th Sts.
Buena Vista, VA 24416

A limited number of single copies are available upon request to Forest Supervisor George M. Smith, George Washington National Forest, Federal Building, Harrisonburg, VA 22801.

Dated: July 10, 1975.

DAVID F. JOLLY,
Regional Environmental Coordinator.

[FR Doc.75-18578 Filed 7-16-75;8:45 am]

Rural Electrification Administration

TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.

Proposed Loan Guarantee

Under the authority of Public Law 93–32 (83 Stat. 65) and in conference with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), this notice hereby revises and restates our original notice of March 26, 1975, 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 $28,583,000 to Tri-State Generation and Transmission Association, Inc., of Denver, Colorado. This loan will provide long-term financing for a project consisting of three, 67 MW gas-fired turbines, two fuel oil storage tanks, 78 miles of pipeline and related equipment.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibilty studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. Wendall Garwood, Manager, Tri-State Generation and Transmission Association, Inc., P.O. Box 29398, Denver, Colorado 80229.

In order to be considered, proposals must be submitted (on or before August 18, 1975) to Mr. Garwood. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Tri-State and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 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 10th day of July, 1975.

DAVID H. ASKEGAARD,
Acting Administrator, Rural Electrification Administration.

[FR Doc.75-18588 Filed 7-16-75;8:45 am]

Soil Conservation Service

CEDAR RUN WATERSHED PROJECT, VA.

Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650.7(e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Cedar Run Watershed Project, Fauquier County, Virginia, USDA–SCS–EIS–WS–(ADM)–76–1–(D)–VA.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and municipal and industrial water supply storage. The planned works of improvement include conservation land treatment, supplemented by three multiple-purpose structures for floodwater, sediment and municipal and industrial water storage, and four single-purpose structures for floodwater and sediment storage.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Room 9026, Federal Building, 400 North 8th Street, Richmond, Virginia 23240.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to D. N. Grimwood, State Conservationist, Soil Conservation Service, P.O. Box 10026, Richmond, Virginia 23240.

Comments must be received on or before September 9, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: July 10, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-18526 Filed 7-16-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

ADVISORY COMMITTEE ON ACCREDITATION AND INSTITUTIONAL ELIGIBILITY

Meeting

Notice of public meeting of the Advisory Committee on Accreditation and Institutional Eligibility.

Notice is hereby given, pursuant to Public Law 92–463, that the next meeting of the Advisory Committee on Accreditation and Institutional Eligibility will be held on August 6–8, 1975, at 9 a.m., local time, at the Downtown Holiday Inn, 1450 Glenarm Place, Denver Colorado.

The Advisory Committee on Accreditation and Institutional Eligibility is established pursuant to section 253 of the Veterans' Readjustment Assistance Act (Chapter 33, Title 38, U.S.C.). The Committee is established to advise the Commissioner of Education in fulfilling his statutory obligations to publish a list of nationally recognized accrediting agencies and associations which he determines to be reliable authorities concerning the quality of training offered by education institutions and programs. It also serves to advise the Commissioner in fulfilling his statutory obligation to publish a list of State agencies which he has determined to be reliable authorities concerning the quality of public postsecondary vocational education in their respective State, pursuant to section 438(b) of the Higher Education Act of 1965, as amended by Pub. L. 92–318.

The meeting shall be open to the public. On August 6, an orientation for new members will be conducted. On August 7 and 8 the full Committee will meet to discuss policy matters relating to accreditation and institutional eligibility, particularly proposed revisions to the Criteria for Recognition of Nationally Recognized Accrediting Agencies and of State Agencies for the Approval of Public Postsecondary Vocational Education. Records shall be kept of all Committee proceedings and shall be available for public inspection in the offices of the Accreditation and Institutional Eligibility Staff, Rooms 4068 and 4069, Regional

Office Building 3, 7th and D Streets SW., Washington, D.C.

Signed at Washington, D.C., on July 9, 1975.

JOHN R. PROFFITT,
Director, Accreditation and Institutional Eligibility Staff, Office of Education.

[FR Doc.75-18539 Filed 7-16-75;8:45 am]

[Docket No. D-75-352]

ACTING INSURING OFFICE DIRECTOR

Wilmington Insuring Office; Designation

Mr. Wagner D. Jackson, Assistant Regional Administrator for Equal Opportunity, Region III, is hereby designated to serve as Acting Insuring Office Director of the Wilmington Insuring Office, with all the powers, functions, and duties redelegated or assigned to insuring office directors.

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d))

Effective date.—This designation shall be effective as of July 7, 1975.

VINCENT A. MARINO,
Acting Regional Administrator, Region III, (Philadelphia).

[FR Doc.75-18584 Filed 7-16-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-75-353]

NEW YORK AREA OFFICE

Designation and Delegation of Authority

SECTION A. *Designation of Acting Area Director.* Each of the officials appointed to the following positions is designated to serve as Acting Area Director during the absence of, or vacancy in the position of, the Area Director, with all the powers, functions, and duties redelegated or assigned to the Area Directors; Provided, That no official is authorized to serve as Acting Area Director unless all officials listed above him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Area Director.
2. The Director, Community Planning & Development.
3. The Area Counsel.
4. The Director, Housing Management.
5. The Director, Equal Opportunity.
6. The Director, Housing Production and Mortgage Credit.

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Effective date. This designation and delegation shall be effective as of July 17, 1975.

S. WILLIAM GREEN,
Regional Administrator, New York Regional Office II.

[FR Doc.75-18583 Filed 7-16-75;8:45 am]

[Docket 27158; Order 75-7-50]

CIVIL AERONAUTICS BOARD

AEROPERU

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 11th day of July, 1975.

On March 20, 1975 the Board, pursuant to Part 213 of the Board's Economic Regulations, adopted Order 75-5-100 disapproving effective June 26, 1975 certain of the schedules filed by AeroPeru on November 15, 1974. On July 2, 1975 the Board adopted Order 75-7-18 deferring the effective date of Order 75-5-100 to July 15, 1975.

Subsequent to the issuance of these orders, the Governments of the United States and Peru exchanged notes implementing the understanding on the level of scheduled air transport services between the two countries.

In order to permit the continuation of normal operations between the United States and Peru we have decided, on the basis of reciprocity, to vacate our prior order disapproving certain schedules filed by AeroPeru.

Accordingly, it is ordered, That:

1. Effective immediately Orders 75-5-100 and 75-7-18 be and they hereby are terminated; and

2. This order shall be served on AeroPeru (Emresa de Transportes Aero del Peru) and the Ambassador of Peru in Washington, D.C.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-18567 Filed 7-16-75;8:45 am]

[Docket No. 27506]

BALTIMORE-NORFOLK SERVICE CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 26, 1975, at 10 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge William A. Kane, Jr.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before August 8, 1975, and the other parties on or before August 19, 1975. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by he Bureau to facilitate cross-referencing.

Dated at Washington, D.C. July 10, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-18569 Filed 7-16-75;8:45 am]

[Docket No. 28033]

BOSTON–ATLANTA NONSTOP SERVICE CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 12, 1975, at 10 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and three copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before July 29, 1975, and the other parties on or before August 5, 1975. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., July 10, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-18568 Filed 7-16-75;8:45 am]

[Order No. 75-7-54; Docket 26253]

EMERGENCY RESERVATIONS PRACTICES INVESTIGATION

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 11th day of July, 1975.

On May 2, 1975, the United States Court of Appeals for the District of Columbia Circuit entered its decision in Nader v. Allegheny Airlines, Inc. (No. 73-2243), a suit arising from Allegheny's failure to board Mr. Nader on a flight for which he held a confirmed reservation. In its decision, the Court reversed a finding by the trial judge that Allegheny had committed a common-law fraudulent misrepresentation through its failure to disclose its overbooking practices, and remanded the case to the trial court with instructions to stay further proceedings pending a decision by the Board in the Emergency Reservations Practices Investigation, (Docket 26253).

The Court's concern in remanding the case to the trial court was whether or not Allegheny's failure to affirmatively disclose its overbooking practices was an unfair or deceptive practice within the meaning of section 411 of the Federal Aviation Act of 1958, a question which the Court believed was at issue in the Investigation. In order to facilitate resolution of that question, we are requesting that interested parties to this investigation submit comments directed to the appropriate course of action which the Board should now take. Specifically, interested parties should address themselves to the question of whether or not the section 411 issues raised by the Court are within the scope of the present investigation, and, if not, what action the Board should take as a result of the remand. In addition, assuming that the section 411 issues are within the scope of the proceeding, we look forward to receipt of comments on the questions of whether the record needs to be re-opened to hear additional evidence, and, if so, whether a remand for further hearings before an administrative law judge is necessary, or whether the issues can be decided without further evidentiary proceedings. In addition to hearing from parties to this proceeding, the Board is prepared to accept comments addressed to these issues from other interested persons.

The issues discussed above relate to whether air carriers (and, perhaps, foreign air carriers and ticket agents as well) have been violating section 411 of the Act. Those issues are necessarily distinct in at least some respects from questions about what future policies the Board should adopt in this same general area. In this latter regard, the Board has concluded that the time has come again for action looking toward ameliorating the ticket oversale problem.[1] Accordingly, the Board intends to institute a rulemaking proceeding to review various matters relating to oversales, their impact on the traveling public, and means of dealing with these problems.

Accordingly, it is ordered That:

1. Within thirty (30) days from the service date of this order any party to this proceeding may submit to the Board a statement of views with respect to the action which the Board should take and the procedures which it should follow in this Investigation as a result of the remand by the United States Court of Appeals for the District of Columbia Circuit in Nader v. Allegheny Airlines, Inc., (No. 73-2243);

2. Within thirty (30) days from the service date of this order, the Board will accept from other interested persons single copies of comments in letter form addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428; and

3. Within fifteen (15) days thereafter any party may file a consolidated answer to the statements and comments of other parties and interested persons.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-18571 Filed 7-16-75;8:45 am]

[1] See, *e.g.*, ER-503 adopted August 3, 1967.

[Order 75-7-5;[1] Docket 25214 etc.]

FRONTIER AIRLINES, INC., ET AL.

Order Amending Certificate; Erratum

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of July, 1975.

In the matter of application of Frontier Airlines, Inc. requesting route realignment by a show cause order, Docket 25214; application of Frontier Airlines, Inc. for extension of existing operating authority, Dockets 23771 and 21466; application of Frontier Airlines, Inc. for amendment of its certificate, Dockets 17275, 17301, 22601, and 23079; and application of Frontier Airlines, Inc. for an exemption, Docket 24992.

On page 1, one of the docket numbers next to the box reading: "Application of FRONTIER AIRLINES, INC. for extension of existing operating authority" was inadvertently miscited. Citation should read as follows: "Dockets 23771 and 21466".

By the Civil Aeronautics Board.

Dated: July 11, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-18572 Filed 7-16-75;8:45 am]

[1] Published at 40 FR (29327) 7-11-75.

[Order 75-7-43; Docket 25280; Agreement C.A.B. 25186; R-1 through R-11]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Cargo Traffic Matters

JULY 10, 1975.

Issued under delegated authority.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at the Seventh Meeting of the Cargo Traffic Procedures Committee in Singapore in February 1975.

The agreement would increase the documentation charges for preparation of air waybills within Europe and Asia and make various technical and editorial changes to a number of resolutions governing the use of unit load devices.

We will approve the agreement insofar as it relates to increases in documentation charges for preparation of air waybills, and amendments to the resolutions governing the use of unit load devices which have either direct or indirect application in air transportation.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, incorporated in Agreement C.A.B. 25186 as indicated, are adverse to the public interest or in violation of the Act, provided that approval is subject, where applicable, to conditions previously imposed by the Board.

Agreement CAB	IATA No.	Title	Application
25186:			
R-1	002	Standard Revalidation Resolution (Provided that approval shall not extend to Attachment A (Live Animal Manual) of Resolution 511a).	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.
R-2	512b	Air Cargo Rates-Airport to Airport (Revalidating and Amending).	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.
R-3	512c	Charge for Preparation of Air Waybill (Revalidating and Amending).	2; 3.
R-4	521	Use of Unit Load Devices (Amending)	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.
R-5	531	TC1 Bulk Unitization Charges (Amending)	1.
R-6	534a	North Atlantic Bulk Unitization Charges (Amending)	1/2.
R-7	534b	Mid Atlantic Bulk Unitization Charges (Amending)	1/2.
R-9	535	JT2B Bulk Unitization Charges (Amending)	2/3.
R-10	536a	North and Central Pacific Bulk Unitization Charges (Amending).	3/1.
R-11	536b	South Pacific Bulk Unitization Charges (Amending)	3/1.

2. It is not found that the following resolution, incorporated in Agreement C.A.B. 25186 as indicated and which has indirect application in air transportation as defined by the Act, is adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
25186:			
R-8	534c	South Atlantic Bulk Unitization Charges (Amending)	1/2.

Accordingly, it is ordered, That:

1. Those portions of Agreement C.A.B. 25186, described in finding paragraph 1 above, be and hereby are approved, provided that approval is subject, where applicable, to conditions previously imposed by the Board, provided further that approval does not extend to Attachment A (Live Animal Manual) of Resolution 551a; and

2. That portion of Agreement C.A.B. 25186, described in finding paragraph 2 above, which has indirect application in air transportation as defined by the Act, be and hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 285.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-18573 Filed 7-16-75;8:45 am]

[Order 75-7-49; Docket 27557, 27830]

PAN AMERICAN WORLD AIRWAYS, INC.

Order Denying Petition for Reconsideration and Order of Investigation and Consolidation

In the matter of Transatlantic FAK Container and Charter Freight Rates Investigation and Transatlantic general commodity rates and cargo charter rates proposed by PAN AMERICAN WORLD AIRWAYS, INC.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 11th day of July, 1975.

This order will act upon: (1) a petition by Seaboard World Airlines for reconsideration of Order 75-3-66 investigating its U.S.-Europe 34,000 and 42,500 kg. container rates; and (2) a complaint by Seaboard against U.S.-Europe 10,000 kg. general cargo rates and cargo charter rates proposed by Pan American World Airways, Inc.

Seaboard General Commodity Container Rates. By Order 75-3-66, March 20, 1975, the Board instituted an investigation of certain freight-all-kinds (FAK) general commodity rates, including all subsequent revisions and reissues thereof, filed by Seaboard World Airlines, Inc. (Seaboard) and Deutsche Lufthansa Aktiengesellschaft for application from the United States to Germany.[1] The rates became effective March 6, 1975.

By petition filed March 28, 1975, Seaboard requests reconsideration of Order 75-3-66 insofar as it instituted an investigation of the rates, asserting that there can be no question, even under the Board's methodology, that the higher level FAK rates now in effect more than cover its fully allocated costs, and, therefore, there is no longer any basis for investigation. Alternatively, Seaboard requests that the Board defer consideration of whether an investigation is needed at all for a reasonable period of time to permit the carriers to test the new rates in the marketplace. At the very least, Seaboard believes that the Board should defer the investigation until the carriers have gained enough experience with the new rates to permit all parties to present their cases based on documented fact rather than speculation.

In the event the Board proceeds with the investigation, Seaboard requests that the Board expand the scope to consider the lawfulness of present U.S.-Germany cargo charter, specific commodity and container rates. Seaboard maintains that these rates are inextricably intertwined with the FAK rates at issue, since the FAK rates were established at the same level as existing cargo charter rates in order to attract traffic moving on charters; were designed to reduce its reliance on discriminatory specific commodity rates; and were established to offer meaningful rate incentives for further development of cargo containerization. Seaboard contends that the Board must have before it the entire spectrum of rates affected by its FAK rates in order to make a reasoned decision.

Pan American World Airways, Inc. (Pan American) has filed an answer in opposition to the petition together with a motion for expedited hearing. Trans World Airlines, Inc. (TWA) has filed a motion for leave to file an unauthorized answer in opposition to Seaboard's petition.[2]

Both Pan American and TWA oppose Seaboard's request for termination or delay of the investigation, contending that serious questions of diversion and generation remain outstanding. Pan American maintains that since the present rates produce a yield only 1.3 percent above cost and since any cost savings attributed by Seaboard to planeload shipments are mostly illusory, the present rates warrant investigation on these grounds alone, and that any investigation can proceed using data collected during the course of the case.

In general, both carriers oppose expansion of the investigation to other rate categories as suggested by Seaboard, maintaining that the incorporation of essentially unrelated cargo rates comprising much of the North Atlantic rates structure would needlessly complicate and delay investigation of the immediate matter at hand—Seaboard's FAK rates.

Finally, Pan American requests an expedited hearing on the grounds that North Atlantic combination carriers are currently suffering record losses.

Upon full consideration of Seaboard's petition, the answers of Pan American and TWA, Pan American's motion and all other relevant factors, the Board has concluded to deny Seaboard's petition for reconsideration and Pan American's motion for an expedited hearing.

Seaboard contends that based on a unit operating cost for transatlantic commercial operations of 17.22 cents per revenue ton-mile, and a yield of 17.44 cents per RTM from the present FAK rates, it is obvious that these rates are above cost, and therefore the investigation is moot. However, the 17.22 cents per RTM figure reflects data for the year ended September 30, 1974. Seaboard's Form 41 data for the quarter ended March 31, 1975 indicate that its overall cost per RTM has risen to 21.52 cents at an experienced load factor of 67.5 percent. Even at a 69.8 percent load factor, which was used by the Board in Order 75-2-111 as a guideline in estimating Seaboard's performance for the duration of the North Atlantic cargo rates agreement, the cost per RTM is 20.82 cents, well above the 17.44-cent yield figure cited by Seaboard. Clearly, the Board's initial rationale for investigation of the FAK rates as below cost remains valid.

The Board believes that best balance between the conflicting requests for delay or expedition of the investigation lies in proceeding with the case in an orderly manner consistent with the need for an adequate evidentiary record upon which to base a decision. Data relating to shipments carried under the FAK rates, as well as traffic moving under other specific commodity high weightbreak rates and charter rates, are presently being submitted monthly by the carriers as required by our order of investigation. Similarly, the Board believes that incorporation of various other scheduled service rate categories would needlessly complicate the investigation and delay final decision. The issues here pertain to the reasonableness of the proposed FAK rates and not the total IATA North Atlantic rate structure which has been approved by the Board.

Finally, since our original order of investigation, the FAK rates under investigation have been extended to other destinations, and other carriers have become participants in FAK rates. Our previous order of investigation includes these rates within its scope. In addition, TWA has issued FAK rates in a different tariff publication. We are herein expanding the investigation to include the additional rates and additional parties.

Pan American General Commodity and Cargo Charter Rates. On May 2, 1975, Pan American filed tariff revisions[4]

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[1] The rates apply to shipments of 34,000 kgs. (75,000 lbs.) and 42,500 kgs. (90,000 lbs.) with a minimum density of 10 pounds per cubic foot, tendered to the carrier in containers or on pallets.

[2] TWA's motion will be granted.

[3] TWA urges the investigation be expanded to include North Atlantic cargo charter rates because of their relationship to the FAK rates.

[4] Air Tariffs Corporation, Agent, Tariff C.A.B. No. 50, 5th and 6th Revised Pages 109 and 110, and 6th and 7th Revised Page 111; and Tariff C.A.B. No. 52, 2nd and 3rd Revised Page 82-A; International Air Traffic Tariffs Corp., Agent, Tariff C.A.B. No. 65, 17th Revised Page 8-E.

to implement new 10,000 kg. FAK rates in scheduled service from the United States to Europe, and reduced cargo charter rates between the United States and Europe at $6.00 per mile eastbound and $5.00 per mile westbound.[5] The filings became effective June 1, 1975. In its justification for the 10,000 kg. rates, Pan American states that these rates are required to counteract the diversionary effect and added costs incurred in handling 30,000 kg. and higher minimum weight shipments, and to provide both the shipper and the carrier with realistic shipment weights; and contends that although self-diversion will occur, there will be a net revenue gain of $54,776 per week from the new rates, which will produce a yield of 23.73 cents per RTM compared to Pan American's estimated operating cost of 16.34 cents per ATM for 1975. In its justification for the reduced charter rates, Pan American asserts that increases in IATA charter rates since January 1974, ranging up to 64.63 percent eastbound and 91.46 percent westbound, have been completely out of line with cost escalations, and have depressed charter demand dramatically particularly in the westbound market where it has virtually disappeared. Pan American contends further that the new rates will produce a weekly profit of $4,893.

In a complaint filed May 9, 1975, Seaboard requests suspension and investigation of both the 10,000 kg. FAK rates the charter rates as uneconomic and unjustly discriminatory .Seaboard contends that the 10,000 kg. rates are significantly below cost, comparing the 23.73 cents per RTM yield with costs of 30.48 cents per RTM at a load factor of 53.6 percent. Similarly, Seaboard alledges that the charter rates are also below cost, comparing the average $5.50-per-mile yield with Pan American's experienced operating costs in scheduled service of $5.73 per mile, and its forecast operating cost of $6.21 per mile, and contends that even at present costs Pan American will lose at least $24,107 per week.[6] In summary, Seaboard alleges that Pan America's two filings are merely a coordinated attempt to squeeze Seaboard's 34,000 and 42,500 kg. FAK rates into oblivion.

In an answer to Seaboard's complaint, Pan American asserts that Seaboard has distorted the yield/cost relationship of the proposed 10,000 kg. rates by calculating a load factor—and resultant cost per RTM—based on unrealistically high capacities for Pan American's aircraft. At the true capacities of 30.9 tons for a B–707 and 85.5 tons for a B–747, Pan American alleges, load factor would be at least 70 percent, including generation, and unit cost would be 23.34 cents per RTM compared to a 23.73 cents per RTM yield. Pan American contends that Seaboard's use of unrealistic capacity figures also distorts its analysis of the charter rates, and realistic figures result in a cost of $5.05 per mile, even accepting *arguendo* the use of scheduled service costs. Finally, Pan American rejects Seaboard's contention that cost savings of charters are insignificant, and states that the average length of haul for charters is longer than in scheduled service, reducing unit cost; that aircraft and traffic servicing expense is lower, partly because the charter shipper tenders his consignment already loaded in containers or pallets; and that charter commissions are lower than those in scheduled service.

Upon full consideration of the 10,000 kg. FAK rates, the Seaboard complaint, Pan American's answer and all other relevant factors, the Board has concluded that the complaint against these rates does not set forth facts sufficient to warrant investigation, and therefore Seaboard's request for investigation, and consequently its request for suspension, will be denied. The 10,000 kg. rates bear a reasonable relationship (2–3 cents per kg. higher) to existing 15,000 kg. rates in the U.S.-Europe market which have been approved by the Board and by other Governments,[7] and afford the shipper greater flexibility than now exists in the IATA general cargo rate structure.

With regard to Pan American's proposed charter rates, it appears clear that the charter rates represent a competitive response to Seaboard's 34,000 and 42,500 kg. FAK rates which are now under investigation, and although the Board will not suspend the charter rates while Seaboard's rates remain in effect, they will be investigated. As indicated above in our disposition of Seaboard's petition, the high weightbreak FAK rates, at a yield of 17.44 cents per RTM, appear to be uneconomic, and thus Pan American's charter rates, which produce a similar yield (averaging 16.01 cents per RTM), also present a question of reasonableness. Accordingly, the Board finds that these rates may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. In view of their close relationship with Seaboard's FAK rates, the investigation will be consolidated into that instituted by Order 75–3–66.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 404, and 1002(j) thereof,

IT IS ORDERED THAT:

1. Except to the extent granted herein, the petition of Seaboard World Airlines, Inc. for reconsideration and clarification[8] of Order 75–3–66 which instituted an investigation in Docket 27557 be and hereby is denied;

2. The motion of Pan American World Airways, Inc. for an expedited hearing in Docket 27557 be and hereby is denied;

3. The motion of Trans World Airlines, Inc. for leave to file an unauthorized answer is granted;

4. The scope of the investigation in Docket 27557 is hereby expanded to determine whether the general commodity rates and provisions on 1st Revised Page 37–A of Tariff C.A.B. No. 214, issued by Trans World Airlines, Inc., and rules, regulations, or practices affecting such rates and provisions, and subsequent revisions and reissues thereof, are or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to take appropriate action to prevent the use of such rates and provisions or rules, regulations, or practices;

5. An investigation is instituted to determine whether the rates and provisions on the tariff pages in the Appendix[9] hereto, and all subsequent revisions and reissues thereof, and rules, regulations, and practices affecting such rates and provisions, are or will be unjust, or unreasonable or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to take appropriate action to prevent the use of such rates and provisions or rules, regulations, or practices;

6. The investigation instituted by ordering paragraph 5 above be and hereby is consolidated into Docket 27557;

7. The consolidated investigation in Docket 27557, designated *Transatlantic FAK Container and Charter Freight Rates Investigation*, be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated;

8. Except to the extent granted herein, the complaint of Seaboard World Airlines, Inc. in Docket 27830 be and hereby is dismissed; and

9. Copies of this order be served upon Seaboard World Airlines, Inc., Deutsche Lufthansa Aktiengesellschaft, The Flying Tiger Line Inc., Pan American World Airways, Inc. and Trans World Airlines, Inc., which are parties to this proceeding, as well as Compagnie Nationale Air France and KLM Royal Dutch Airlines, which are hereby made parties to this proceeding.

[5] The IATA minimum charter rates which were approved by Order 75–2–111, February 27, 1975, range from $6.17 to $6.75 per mile eastbound, and from $5.97 to $7.85 per mile westbound for B–707 or DC–8–55 aircraft.

[6] Seaboard asserts that it is appropriate to compare charter yields with scheduled service costs because charters are, in fact, no less expensive to operate than scheduled flights, and whatever cost savings there may be in traffic servicing, reservations and sales, are more than offset by increased fuel expense.

[7] Some of the foreign governments, where no 15,000 kg. rates presently exist, have indicated that Pan American's filing is unacceptable.

[8] That portion of Seaboard's petition requesting clarification of the rates to be investigated has been mooted by our *Erratum*, dated March 24, 1975, to Order 75–3–66 which placed under investigation all subsequent revisions and reissues of the tariffs ordered investigated.

[9] Appendix filed as part of the original document.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-18574 Filed 7-16-75;8:45 am]

[Dockets 27348 and 28068; Order 75-7-59]

TEXAS INTERNATIONAL AIRLINES, INC., SUSPENSION

Order Denying Suspension and Setting Application for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 14th day of July 1975.

Application of Texas International Airlines, Inc., for temporary suspension of service at Harlingen, Tex.—Docket 27348. Service to Harlingen Case—Docket 28068.

On December 31, 1974, Texas International Airlines, Inc. (TXI), filed an application, pursuant to Part 205 of the Board's Economic Regulations, for authority to temporarily suspend service at Harlingen-San Benito, Tex., for a period of 3 years, such suspension authority to be made effective as of the date of commencement of air service to Harlingen by Southwest Airlines, Inc. (Southwest), an intrastate air carrier.

In support of its suspension application, TXI stated that positive action by the Texas Aeronautics Commission (TAC) was expected soon on an application by Southwest to provide service between Harlingen, on the one hand, and Dallas/Fort Worth, Houston, and San Antonio, on the other;[1] that the Board has previously determined in a formal proceeding that Harlingen's primary markets could not support direct competition with TXI;[2] and that TXI would suffer losses of approximately $2.7 million if it maintains its service at Harlingen in competition with Southwest. The carrier further contends that Southwest will offer fares significantly lower than those presently charged by TXI;[3] that consolidation of TXI's services at nearby McAllen will permit it to minimize the losses it will suffer as a result of Southwest's entry into Harlingen; and that suspension of its services at Harlingen will not adversely affect the public interest since the community is not isolated from the air transportation network.

Answers in opposition to TXI's application have been filed by the City of Harlingen and by the TAC. Both parties request that the suspension application be denied and that the matter be set for hearing. In addition, Harlingen further requests that the Board immediately enjoin TXI from reducing the volume or quality of its service at Harlingen, pending findings by the Board after notice and hearing. Harlingen contends that air travel to and from the Valley is now growing quite rapidly; that the area is extremely isolated, with no passenger rail service; and that the city cannot afford to lose certificated services to its major communities of interest. Harlingen further contends that TXI's forecast of traffic and revenues overstates diversion; that TXI is using the procedures of the Board to pressure the TAC into denying citizens of the Valley the benefits of competition; and that the Board should preserve the *status quo* of TXI's services at Harlingen until after the case is heard.

TXI filed a motion for leave to file an otherwise unauthorized document,[4] to which was attached a reply to Harlingen's answer. TXI argues that the Board has no power to grant the injunctive relief requested by the city and that while the carrier has no objection to the initiation of a formal proceeding, the magnitude of the cost involved and the availability of other reasonably close services warrant the authorization of a temporary suspension of service during the pendency of such a proceeding.

Upon consideration of the pleadings and all relevant facts, we have decided to deny TXI's suspension request and set for expedited hearing the matter of whether TXI should be suspended or deleted at Harlingen.

In view of the objections raised by the civic parties and the TAC, we believe that resolution of the facts and issues presented by TXI's application requires a full evidentiary hearing at which all interested parties are represented. Moreover, the introduction of competitive service[5] by an intrastate air carrier in markets served by a subsidized federally certificated local service carrier raises complex factual and policy questions, particularly where it appears that such competition might threaten the economic viability of the local service carrier's operations. In view of the importance of the questions posed by TXI's application, we have decided to include within the issues in this proceeding the question of whether TXI's authority to serve Harlingen should be deleted. We believe that this will provide the Board with additional flexibility and will permit the fullest possible examination of the various alternative courses of action available to the Board. Finally, in view of the above, it is our intention that this proceeding will proceed expeditiously. Accordingly, we contemplate that this case will be set promptly for prehearing conference and that the Administrative Law Judge assigned will establish the most expeditious procedural schedule possible with due regard to the rights of the parties and the development of an adequate record. We will make the City of Harlingen, Southwest Airlines, and the Texas Aeronautics Commission parties to the *Service to Harlingen Case*.

In view of the unique set of circumstances which this case presents involving the interplay of intrastate and federally certificated operations, the Board expects the record in this proceeding to be developed on such decisional factors as the ability of the Harlingen markets to support competition between a federally certificated air carrier and a purely intrastate carrier on an economic basis; the impact of competitive service at Harlingen on TXI's Federal subsidy need; and the effect of suspension or deletion of federally certificated air service on the quality of service at Harlingen, which includes examination of the effect of deletion or suspension on interline connecting traffic,[6] and the question of whether air service provided solely by an intrastate carrier is sufficient to meet the needs of Harlingen.

Harlingen has made a request in its answer which warrants comment here, namely, that the Board enjoin TXI from reducing or otherwise adversely affecting its historic schedules at Harlingen pending the outcome of this proceeding. We do not believe such action is war-

[1] In an application filed with the TAC on July 23, 1973, Southwest requested authority to operate nonstop, through and/or connecting service from Dallas/Fort Worth and/or Houston, and San Antonio, to the Lower Rio Grande Valley (including the points Brownsville, Harlingen, and McAllen) through any airports serving the area. The application initially contemplated service to Harlingen's Industrial Airpark. The hearing was concluded on June 14, 1974, and on December 23, 1974, the Examiner issued her Recommended Report, in which she recommended the grant of authority to Southwest to conduct the proposed services. Subsequent to the filing of TXI's application, the TAC issued a decision on Feb. 6, 1975, affirming the Examiner's recommendation.

[2] See, f.e., Lower Rio Grande Valley Area Airport Investigation, docket 14303, 43 C.A.B. 179.

[3] TXI's historic Harlingen-Dallas coach fare was $44.07, and its Harlingen-Houston fare was $34.26. Southwest charges the following fares:

Market	Executive fare	Pleasure class fare
Harlingen-Dallas.....	$40.00	$25.00
Harlingen-Houston....	25.00	15.00

[4] Good cause having been shown, we will grant the motion.

[5] On Feb. 11, 1975, Southwest began service between Harlingen and Houston/Dallas pursuant to its TAC authority. Presently, the carrier operates five round trips 6 or more days per week in the markets (OAG, July 1, 1975).

[6] We also wish the parties to address the question of whether Texas International's service at McAllen will provide a satisfactory alternative for the needs of interline passengers.

ranted, especially since the frequencies TXI operated into and out of Harlingen were based upon its monopoly status in the markets. With the introduction of Southwest's services, such frequencies may not be feasible or justified by the traffic utilizing the services. Furthermore, the Board's statutory powers in regulating carrier scheduling are limited,[7] and it is not our intention to preclude TXI from tailoring its schedules at Harlingen to meet the needs of the markets now that Southwest's services have been inaugurated.[8] The proceeding we are instituting herein will provide all parties the opportunity to present their views, including those regarding the service patterns being provided by TXI during the pendency of the case. We therefore will deny Harlingen's request for an injunction.

Accordingly, it is ordered That:

1. The application of Texas International Airlines in docket 27348 be and it hereby is denied;

2. A proceeding will be instituted in docket 28068 to be called the *Service to Harlingen Case* and shall be set for expeditious hearing before an Administrative Law Judge of the Board at a time and place hereafter designated, to determine:

(a) whether the public convenience and necessity require, pursuant to section 401(g) of the Act, that the certificate of Texas International Airlines for route 82 should be altered, amended, or modified so as to suspend or delete Harlingen, Tex.; and

(b) whether the public interest requires, pursuant to section 401(j) of the Act, the temporary suspension of service by Texas International Airlines at Harlingen, Tex., with or without conditions;

3. Southwest Airlines, the City of Harlingen, and the Texas Aeronautics Commission be and they hereby are made parties to docket 28068;

4. The request of the City of Harlingen for injunctive relief be and it hereby is denied;

5. The motion of Texas International Airlines for leave to file an otherwise unauthorized document be and it hereby is granted; and

6. A copy of this order shall be served upon Texas International Airlines, Inc.; Braniff Airways, Inc.; Southwest Airlines, Inc.; Governor, State of Texas; Mayor, City of Harlingen; the Texas Aeronautics Commission; Airport Manager, Harlingen Industrial Airpark; and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-18570 Filed 7-16-75;8:45 am]

[7] See, *e.g.*, sec. 401(e)(4) of the Act.

[8] TXI has reduced its daily frequencies at Harlingen from four round trips to two round trips (OAG), Apr. 1, 1975).

COMMODITY FUTURES TRADING COMMISSION

CERTAIN UNREGISTERED ASSOCIATED PERSONS

No-Action Position

The Commodity Futures Trading Commission ("Commission") has announced that it will take no enforcement action, solely on the basis of failure to register, against any associated person (or his employing futures commission merchants) who is not registered by July 18, 1975, but who filed an application for registration on or before June 18, 1975, was engaged in the business as an associated person on that date, and has not been specifically notified that this no-action position does not apply to him.

Section 4k of the Commodity Exchange Act, which becomes effective July 18, 1975,[1] provides that it is unlawful for any person to be associated with a futures commission merchant or agent thereof in any capacity which involves the solicitation or acceptance of customers' orders or the supervision of any person so engaged, unless such person is registered with the Commission. One of the primary reasons Congress required the registration of associated persons was to provide the Commission with an opportunity to determine the fitness of applicants for association with futures commission merchants. Accordingly, the Commission not only examines the information submitted in the registration application, but also conducts a routine fitness investigation of each applicant.

As of July 8, 1975, the fitness investigations of approximately 14,800 persons had been completed, and approximately 1,650 were in process. It has become apparent that, partly because of the large number of applications which have to be processed in a relatively short period of time and partly because some applications were filed only recently, not all of the fitness investigations will be completed and the applicants registered by July 18, 1975. The Commission does not believe, however, that it would be consistent with Congressional intent to register any applicant until such time as the Commission completes its fitness investigation. Nevertheless, during this first registration period when, because of the large number of applicants, fitness investigations are taking longer than the normal course, the Commission does not believe that a person who filed a timely application and is engaged in the business as an associated person should be required to suspend activities on July 18, unless the initial stages of the fitness investigation reveal possible grounds for denial of registration.

The Commission has determined, therefore, to bring no enforcement action, solely on the basis of failure to register, against any applicant for registration as an associated person (or his employing futures commission merchant) who meets the following conditions:

(1) A completed application was filed on or before June 18, 1975;

(2) The applicant was engaged in the business as an associated person on June 18, 1975; and

(3) The applicant has not been specifically notified that this no-action position does not apply to him.

Should the fitness investigation of any applicant reveal grounds for denial of registration, the applicant will be notified that continued activity as an associated person pending a final determination respecting the applicant's registration would subject the applicant to possible Commission enforcement action, thereby terminating the no-action position.

Since it is anticipated that the Commission will be able to initially process all those covered by this no-action position by August 29, 1975, this no-action position will be terminated on that day.

Issued in Washington, D.C., on July 11, 1975.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.75-18559 Filed 7-16-75;8:45 am]

[1] April 21, 1975 originally was the effective date of Section 204 of the Commodity Futures Trading Commission Act of 1974 ("CFTCA") which added section 4k to the Commodity Exchange Act; however, Public Law 94-16, 89 Stat. 77, authorized the Commission to defer the effective date of section 204 of the CFTCA for up to 90 days. On April 17, 1975, the Commission exercised that authority by issuing an order deferring until July 18, 1975, the effective date of Section 204. 40 FR 17409 (April 18, 1975).

CONFIDENTIALITY OF EXCHANGE DISCIPLINARY ACTIONS

Interpretation

The Commodity Futures Trading Commission has received several inquiries from exchanges requesting an interpretation of Section 8c(1)(B) of the Commodity Exchange Act, 7 U.S.C. 12c. In response to these inquiries, the Commission has decided to publish this interpretative statement setting forth the Commission's views.

Section 8c(1)(B) states that: "Any suspension, expulsion, disciplinary, or access denial procedure established by an exchange rule shall provide for written notice to the Commission and to the person who is suspended, expelled, or disciplined, or denied access, within thirty days, which includes the reasons for the exchange action in the form and manner the Commission prescribes. Otherwise the notice and reason shall be kept confidential."

The Senate Committee on Agriculture and Forestry stated of Section 8c(1)(B): "*Exchanges would be required* to notify the persons affected and the Commission of suspensions, expulsions, disciplinary actions, or denials of access, within 30 days, and give reason therefor, but otherwise *to keep such notices and reasons confidential.*" (Emphasis added)[1]

[1] S. Rep. No. 93-1131, 93rd Cong., 2d Sess. (1974), page 40.

Congress did not intend that the Commission must keep the disciplinary action information confidential. The confidentiality requirement is directed at the exchanges in order to give the Commission the option to exercise its review powers under Section 8c(2) prior to public release of any exchange disciplinary action. However, upon completion of its review, if any, of the exchange action under 8c(2), whether or not thirty days have elapsed, the Commission, absent a good reason presented to it, may exercise its discretion and permit the release of information regarding the exchange disciplinary action. Once it does so, any exchange is free to disseminate the information.

The general public and members of an exchange should be informed of disciplinary actions taken by an exchange. Notice of these disciplinary actions would preclude an otherwise unknowing general public and/or members of an exchange from dealing with a member who has been suspended, expelled, or denied access to an exchange. In addition, such publicity would serve as a deterrent against further exchange rule violations. Exchange members would be put on notice that the exchange is enforcing its rules, thereby encouraging compliance with such rules.

Since there is no requirement of confidentiality of exchange disciplinary actions imposed upon the Commission, and since there is a strong public interest in making such actions public, it is the Commission's intention to disclose disciplinary actions taken by an exchange unless it is shown that in a particular case continued confidentiality is appropriate.

Issued in Washington, D.C., on July 11, 1975.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.75-18561 Filed 7-16-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 401-5; OPP-50011A]

TEXAS A & M UNIVERSITY

Amendment to Experimental Use Permit To Use Sodium Cyanide for Predator Control

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), the Environmental Protection Agency (EPA) announced in the April 4, 1975, FEDERAL REGISTER (40 FR 15126) the issuance of an experimental use permit to the Department of Wildlife and Fisheries Sciences of the Texas A&M University. This permit (No. 35899-EXP-1G) was issued in conjunction with an EPA contract also awarded to the Applicant; during this contract (No. 68-01-2835), certain tests will be conducted using sodium cyanide in the sodium cyanide spring-loaded ejector mechanism (SCSLEM) to determine its effectiveness as a tool to curtail sheep losses due to predation. The permit is in accordance with 40 CFR 162.19 as promulgated in the FEDERAL REGISTER on January 31, 1974 (39 FR 3939).

This program began on February 24, 1975, and will expire on August 31, 1975. However, with EPA's approval, the experimental program has been amended to reflect the following changes.

(A) The program will involve three flocks of sheep, each containing 150 pregnant ewes, instead of two flocks of 100 pregnant ewes each. The 450 pregnant ewes will be borrowed from a local rancher, who will be compensated for sheep and lamb losses due to predators, *only* throughout the study period. One flock will be protected by one hundred (100) M-44 devices; one flock will be protected by fifty (50) M-44 devices, traps, and snares; and one flock will not receive any predation protection.

(B) The total number of devices and capsules for the entire program will not exceed 150 devices and 1,000 capsules. The original permit authorized the use of 200 devices and 1,000 capsules.

(C) Devices will be placed in the experimental areas and in the twelve (12) square mile buffer zone immediately surrounding it. Originally, the buffer zone was eight (8) square miles.

With the exception of A, B, and C above, the other conditions previously stipulated in the experimental use permit are still valid.

Dated: July 10, 1975.

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

[FR Doc.75-18486 Filed 7-16-75;8:45 am]

FEDERAL MARITIME COMMISSION

ASSOCIATED NORTH ATLANTIC FREIGHT CONFERENCES

Notice of Agreement Filed, Modification

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within *20* days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esquire
Suite 727
17 Battery Place
New York, New York 10004

Agreement No. 9978-8, among the member conferences of the above-named agreement, admits the South Atlantic North Europe Freight Conference and the Continental-South Atlantic Freight Conference to full membership in ANAFC, contingent upon Commission approval of the organic agreements of the two conferences.

By Order of the Federal Maritime Commission.

Dated: July 14, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-18601 Filed 7-16-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. E-7775, E-9101, E-9518]

APPALACHIAN POWER CO.

Compliance Filing and Request To Establish New Docket

JULY 9, 1975.

Take notice that Appalachian Power Company (Apco), on June 23, 1975, tendered for filing in Docket Nos. E-7775 and E-9101 Statements A through N cost of service support for its proposed rate increase to Virginia Polytechnic Institute and State University (VPI) as permitted in the Commission's order of June 9, 1975 in Docket No. E-7775.

On the same day, under separate cover, Apco filed with the Commission a request for the establishment of a new docket number for that portion of the proceeding in Docket No. E-7775 dealing with the rate of level proposed for VPI. Apco further requested that the Commission make a determination in this new docket that the present rates and charges by Apco to VPI, being collected subject to refund in Docket No. E-7775, are just and reasonable and may be charged VPI on a prospective basis without being subject to refund on and after July 1, 1975.

Apco states that copies of its letter request have been mailed to VPI, its attorneys, and to the State Corporation Commission of Virginia.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before July 16, 1975.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18488 Filed 7-16-75;8:45 am]

[Docket No. E-9101]

APPALACHIAN POWER CO.

Further Extension of Procedural Dates

JULY 9, 1975.

On July 1, 1975, Virginia Polytechnic Institute and State University filed a motion to extend the procedural dates fixed by order issued December 6, 1974, as most recently modified by notice issued June 6, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor, Testimony, July 21, 1975.
Service of Staff, Testimony, August 4, 1975.
Service of Company, Rebuttal, August 18, 1975.
Hearing, September 4, 1975 (10 a.m. e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18489 Filed 7-16-75;8:45 am]

[Docket No. RP74-99]

CASCADE NATURAL GAS CORP.

Filing of Settlement Agreement

JULY 9, 1975.

Take notice that on June 19, 1975, Cascade Natural Gas Corporation tendered for filing a proposed "Stipulation and Agreement of Settlement" and a motion seeking certification of said proposed settlement to the Commission. The motion states that all parties concur in the settlement.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 29, 1975. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18490 Filed 7-16-75;8:45 am]

[Docket No. RP71-77 (remand)]

CONSOLIDATED GAS SUPPLY CORP.

Further Extension of Procedural Dates

JULY 10, 1975.

On June 30, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by opinion No. 703-A issued March 28, 1975, as most recently modified by notice issued May 30, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff, Testimony, August 5, 1975.
Service of Intervenor, Testimony, August 19, 1975.
Service of Company, Rebuttal, September 2, 1975.
Hearing, September 17, 1975 (10 a.m. e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18491 Filed 7-16-75;8:45 am]

[Docket No. E-9306]

NEVADA POWER CO.

Extension of Procedural Dates

JULY 10, 1975.

On July 1, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued May 30, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff and other interested parties, Testimony, August 12, 1975.
Service of Company, Rebuttal, August 26, 1975.
Hearing, September 16, 1975 (10 a.m. e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18492 Filed 7-16-75;8:45 am]

[Project Nos. 637, 2145]

PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY

Application for Approval of Change in Land Rights

JULY 9, 1975.

Public notice is hereby given that application was filed March 20, 1975, under the Federal Power Act (16 U.S.C. 791a-825r) by Public Utility District No. 1 of Chelan County (Applicant (Correspondence to Mr. Howard C. Elmore, Manager, Public Utility District No. 1 of Chelan County, P.O. Box 1231, Wenatchee, Washington 98801) for Commission approval of an application for change in land rights for Project Nos. 637 and 2145 on the Chelan River in the Town of Chelan Falls in Chelan County, Washington.

Applicant, licensee for Chelan Project No. 637 and Rocky Reach Project No. 2145, filed an application for approval to convey two parcels of land to the Chelan County Highway Department for the construction of a proposed new road and bridge across the Chelan River between the communities of Chelan Falls and Chelan Station. One parcel of project land, 0.49 acre in size, is located in Chelan Falls and is part of Chelan Project No. 637. The other parcel, less than 0.10 acre in size, is located on the other side of the Chelan River and is part of Rocky Reach Project No. 2145. The proposed new road and bridge will parallel, and be adjacent to, a railroad right-of-way over which Applicant owns flowage rights.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 31, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Section 308 and 309 of the Federal Power Act (16 U.S.C. § 825g, § 825h) and the Commission's Rules of Practice and Procedure, specifically Section 1.32(b) (18 CFR § 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein and if the applicant or initial pleader requests that the shortened procedure of § 1.32(b) be used. If an issue of substance is so raised or applicant or initial pleader fails to request the shortened procedure further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18496 Filed 7-16-75;8:45 am]

[Docket No. E-9322]

SOUTH CAROLINA ELECTRIC AND GAS CO.

Extension of Procedural Dates

JULY 10, 1975.

On June 30, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued May 13, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection, except South Carolina Electric and Gas Company who does not sanction this time extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff, Testimony, September 16, 1975.
Service of Intervenor, Testimony, September 30, 1975.
Service of Company, Rebuttal, October 7, 1975.
Hearing, October 21, 1975 (10 a.m., e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18493 Filed 7-16-75;8:45 am]

[Docket No. E-9351]

UNITED STATES DEPARTMENT OF THE INTERIOR, SOUTHEASTERN POWER ADMINISTRATION

Request for Extended Approval of Temporary Rates and Charges

JULY 10, 1975.

Notice is hereby given that on June 24, 1975, the Secretary of the Interior (Secretary), acting on behalf of the Southeastern Power Administration (SEPA) and pursuant to Section 5 of the Flood Control Act of 1944 (58 Stat. 887,890), filed with the Federal Power Commission a request for an extension of the Commission's confirmation and approval of SEPA's Temporary Wholesale Power Rate Schedule WP-JB-1 for the sale of power produced at the West Point and Jones Bluff Projects, in Georgia and Alabama. The temporary rate schedule applies to capacity and accompanying energy generated during an interim period at the West Point and Jones Bluff Projects prior to the date of full commercial operation of all units at both projects. The Commission, by letter dated May 14, 1975, to the Secretary, approved such temporary rate schedule for a period beginning April 1, 1975, and ending June 30, 1975. In order to allow additional time to complete the negotiations for contracts covering the long-term sale of power from West Point and Jones Bluff Projects, the Secretary now requests an extension of the approval for the period beginning July 1, 1975, and ending September 30, 1975.

Under the proposed rates, capacity made available will be sold at $0.90 per kilowatt per calendar month. The number of kilowatts for any month to which the capacity charge applies is the average of the kilowatts declared available on a daily basis by SEPA for scheduling by the customer. Energy generated from water released through the turbines at the project with the machine capability available and usable, including test and minimum release energy, will be sold at 3.25 mills per kilowatt-hour.

The application and the rate schedule are on file with the Commission and available for public inspection. Any person desiring to make comments or suggestions upon this application may write to the Federal Power Commission, 825 North Capitol Street N.E., Washington, D.C. 20426. All comments or suggestions should be filed in writing on or before July 18, 1975.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18494 Filed 7-16-75;8:45 am]

[Docket No. ER76-4]

VERMONT ELECTRIC POWER CO., INC.

Filing of Rate Schedule

JULY 10, 1975.

Take notice that by letter of July 2, 1975, the Vermont Electric Power Company, Inc. (VELCO) tendered for filing with the Federal Power Commission a purchase agreement for the sale by VEPCO of 75,900 kilowatts, 76,000 kilowatts, and 82,000 kilowatts capacity and related energy from an electric generating facility located in Bow, New Hampshire, owned and operated by the Public Service Company of New Hampshire, designated as Merrimack No. 2, to the Connecticut Light and Power Company, the Hartford Electric Light Company, and the Western Massachusetts Electric Company.

Service under this Rate Schedule began on May 1, 1975, and will terminate on October 31, 1976, unless terminated earlier by the buyers.

Applicant additionally requests that May 1, 1975, be designated as the effective date of this schedule.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-18495 Filed 7-16-75;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

COMMITTEE MEETINGS

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on: Thursday, August 7, 1975; Thursday, August 21, 1975; and Thursday, August 28, 1975.

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street, NW., Washington, D.C.

The committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Public Law 92-392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public on the basis of a determination under section 10(d) of the Federal Advisory Committee Act (Public Law 92-463) and 5 U.S.C. section 552(b)(2), that the closing is necessary in order to provide the members with the opportunity to advance proposals and counter-proposals in meaningful debate on issues related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street, NW., Washington, D.C. 20415.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

JULY 14, 1975.

[FR Doc.75-18512 Filed 7-16-75;8:45 am]

FEDERAL RESERVE SYSTEM

BUTTE STATE CO.

Order Approving Action To Become a Bank Holding Company and To Acquire Butte State Agency, a General Insurance Agency

Pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and section 225.3(a) of Regulation Y (12 CFR 225.3(a)), Butte State Company, Butte, Nebraska ("Applicant"), has applied for prior approval to become a bank holding company through the acquisition of 80 percent or more of the voting shares of Butte State Bank, Butte, Nebraska ("Bank"). Con-

currently. Applicant has applied pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of Regulation Y for approval to acquire Butte State Agency ("Agency") and to thereafter act as a general insurance agent or broker with respect to all types of insurance.

The applications have been processed by the Federal Reserve Bank of Kansas City pursuant to authority delegated by the Board of Governors of the Federal Reserve System under provisions of sections 265.2(f)(22) and (32) of the Rules Regarding Delegation of Authority.

As required by section 3(b) of the Act, the Reserve Bank gave written notice of receipt of the applications to the Nebraska Director of Banking. The Director recommends approval of the applications. Notice of receipt of the applications was published in the FEDERAL REGISTER on June 2, 1975 (40 FR 23794), providing an opportunity for interested persons to submit comments and views with respect to the proposal. Time for filing comments and views has expired and none has been received.

The Reserve Bank has considered the application to become a bank holding company in light of the factors set forth in section 3(c) of the Act. Inasmuch as the proposal to form a bank holding company by acquisition of shares of Bank merely facilitates a corporate restructuring of ownership, consummation of the proposal would eliminate neither existing nor potential competition, nor does it appear that there would be any significant adverse effects on other banks in the relevant market. Upon acquisition of Bank (deposits of $5.0 million), Applicant would control the 238th largest bank in Nebraska, holding .09 percent of total deposits in commercial banks in the State.[1] Bank is the largest of the four banks located in Boyd County, which approximates the relevant banking market, and controls 39.54 percent of deposits therein. Therefore, the Reserve Bank concludes that the competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, which are dependent on those of Bank and Agency, are considered generally satisfactory and consistent with approval. The debt to be incurred by Applicant appears to be serviceable from the income to be derived from Bank and Agency without having an adverse effect on the financial condition of either Applicant or Bank. Accordingly, banking factors are regarded as being consistent with approval. Consummation of the transaction would have no immediate effect on the area's banking convenience and needs; however, such considerations are consistent with approval of the application to acquire Bank. It is the Reserve Bank's judgment that consummation of the transaction would be in the public interest and that the application should be approved.

[1] All banking data are as of June 28, 1974.

Applicant proposes to acquire the general insurance business of Agency located at Butte, Nebraska, a community of less than 5,000 persons. Agency has been operated by two of Applicant's principal stockholders. Agency will continue to provide a convenient source of full-line insurance services to residents of the Butte area. There is no evidence in the record indicating that consummation of the proposal and operation of Agency would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects on the public interest.

The Reserve Bank, therefore, finds that the public interest factors set forth in section 4(c)(8) of the Act are favorable, and the application to engage in the operation of a general insurance agency in Butte, Nebraska, should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transaction involving acquisition of shares of Bank shall not be consummated before the thirtieth calendar day following the effective date of this Order and neither Bank nor Agency should be acquired later than three months after the effective date of this Order, unless such period is extended for good cause by the Board of Governors or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in section 225.4(c) of Regulation Y and to the authority of the Board of Governors to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modifications or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the regulations and orders issued thereunder or to prevent evasion thereof.

[SEAL] WILBUR T. BILLINGTON,
Senior Vice President.

JULY 3, 1975.

[FR Doc.75-18534 Filed 7-16-75;8:45 am]

CENTRAL BANCSHARES OF THE SOUTH, INC.

Acquisition of Bank

Central Bancshares of the South, Inc., Birmingham, Alabama, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of Citizens Bank of Tuscaloosa, National Association, Tuscaloosa, Alabama ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those submitted by numerous independent banks throughout Alabama (hereinafter collectively referred to as "Protestants"), in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest banking organization in Alabama, controls nine banks with aggregate deposits of $793.5 million, representing approximately 10 percent of total deposits in commercial banks in the State. (All banking data are as of June 30, 1974, and reflect formations and acquisitions approved by the Board through June 30, 1975.) Since Bank is a proposed new bank, its acquisition would not increase the concentration of banking resources in Alabama nor change Applicant's rank in size in the State.

Applicant is seeking to make its initial entry into the Tuscaloosa County banking market. There are four banks in the market with the two largest banks controlling approximately 94 per cent of the deposits therein. Applicant's closest subsidiary bank is located about 53 miles northeast of Bank in a separate banking market. It appears that Applicant's acquisition of Bank would not eliminate any existing competition; nor would consummation of the transaction have a substantially adverse effect on future competition between any of Applicant's banking subsidiaries and Bank in view of the distances involved and the Alabama branching laws. On the other hand, Applicant's acquisition of Bank should stimulate competition in the market by introducing an additional banking alternative to compete with the two largest organizations in the market without having adverse effects on any competing banks. On the basis of the facts of record, the Board concludes that the competitive considerations of the transaction are consistent with, and lend some weight toward, approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are satisfactory, particularly in view of Applicant's commitment to inject additional equity capital into one of its subsidiary banks. These considerations relating to financial factors are consistent with approval of the application. Bank's formation and acquisition by Applicant will provide an alternative source of banking services for customers in the market so that considerations relating to the convenience and needs of the community to be served lend weight toward approval of the application.

During the course of its consideration of this application, the Board has received numerous comments from Protestants. These comments contend generally that affiliation of Applicant with Bank would contravene Alabama law prohibiting branch banking (Alabama Code of 1940 (Recomp. 1958) Title 5, § 125(1)). In addition, Protestants claim that the subject proposal is prohibited under State law because of Regulation

13, which was issued by the Alabama State Banking Board. In the Board's view, however, the objections of Protestants are not sufficient to warrant denial of the subject application.[1]

With regard to the branching issue, the Board has stated that a State's restrictive branch banking laws are not automatically applicable to bank holding company operations. In a given case, the Board examines the facts to determine whether a particular acquisition by a bank holding company would constitute an illegal branch under State law; if the Board determines that a violation of State law would result, it is required to disapprove the transaction. (*Whitney* disapprove the transaction. Whitney National Bank v. Bank of New Orleans, 323 F. 2d 290 (D.C. Cir. 1963, rev'd on other grounds, 379 U.S. 411 (1965)). However, the facts of record in this case indicate that Bank will be a separate corporation, with its own capital stock and a loan limit based on such capital stock; that Bank will be capitalized with funds raised by Applicant through use of its own capital resources and not with profits or other funds of any other bank; and that Bank's board of directors are, or will be, unaffiliated with any other bank owned by Applicant, will exercise independent judgment with respect to the management of Bank, and are, or will be, residents of Tuscaloosa. Accordingly, the Board concludes that Bank will not be operated in a unitary fashion with any banking subsidiary of Applicant and thus this proposal will not contravene Alabama's statute prohibiting branch banking. Further, the Board concludes that Applicant is a "traditionally recognized bank holding company which, with its own capital, invests in or buys the stock of banks", Whitney National Bank v. Bank of New Orleans, supra.

Finally, some Protestants have argued that Regulation 13, which was issued by the Alabama State Banking Board, applies to de novo national banks as well as de novo State chartered banks and thus the Board is prevented by State law from approving the subject application.[2] The Board does not agree. National banks are organized and chartered by the Comptroller of the Currency pursuant to the provisions of the National Bank Act (12 U.S.C. §§ 21–27). Pursuant to that authority, the Comptroller of the Currency issued his preliminary charter approval for Bank on January 7, 1975. The Board does not regard Regulation 13 as having any legal effect on the chartering of national banking associations and, therefore, Regulation 13 has no effect on the Board's authority to approve Applicant's application to acquire Bank, a de novo national bank.

On the basis of all facts of record, it is the Board's judgment that the transaction would be in the public interest and that the application should be approved. Accordingly, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date and (c) Citizens Bank of Tuscaloosa, National Association, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[3] effective July 9, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-18529 Filed 7-16-75;8:45 am]

CITIZENS BANCORPORATION

Formation of Bank Holding Company

Citizens Bancorporation, Charles City, Iowa, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of The Citizens National Bank of Charles City, Charles City, Iowa. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than July 30, 1975.

Board of Governors of the Federal Reserve System, July 9, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-18530 Filed 7-16-75;8:45 am]

FIRST MICHIGAN BANK CORP.

Formation of Bank Holding Company

First Michigan Bank Corporation, Zeeland, Michigan, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent of the voting shares (less directors' qualifying shares) of First Michigan Bank of Walker, N.A., Walker, Michigan, a proposed new bank. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 30, 1975.

Board of Governors of the Federal Reserve System, July 10, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-18531 Filed 7-16-75;8:45 am]

FIRST SECURITY CORP.

Acquisition of Bank

First Security Corporation, Salt Lake City, Utah, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of First Security State Bank of Kaysville, Kaysville, Utah.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those submitted on behalf of Barnes Banking Company of Kaysville ("Protestant"), in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Utah, controls six Utah banks with aggregate deposits of $844.1 million, representing approximately 28.5 per cent of all commercial bank deposits in the state.[1] In addition, Applicant controls one bank in Idaho and one bank in Wyoming, each of which was acquired by Applicant prior to the enactment of the Bank Holding Company Act of 1956. Since Bank is a proposed new bank, its acquisition by Applicant would not immediately increase Applicant's share of commercial bank deposits in Utah.

Bank is to be located in Kaysville, a small "bedroom" community situated almost midway between Ogden and Salt Lake City. Kaysville, which is presently served by only one other bank, the "Protestant," is located on the southern boundary of the Ogden metropolitan area,[2] a market served by ten banks. Applicant's lead bank is the largest bank

[1] Some of the Protestants have also requested that the Board hold a hearing on the application. Under § 3(b) of the Act, the Board is required to hold a hearing only when the primary supervisor of the bank to be acquired recommends disapproval of the application (12 U.S.C. 1842(b)). In this case, the Comptroller of the Currency issued preliminary charter approval for Bank on January 7, 1975, and he has not subsequently recommended that the subject application be denied. Thus, there is no statutory requirement that the Board hold a hearing. Moreover, the Board is of the view that the record in this case is sufficiently complete to render a decision.

[2] Regulation 13 reads in relevant part as follows: "Resolved that the Superintendent of Banks be prohibited from approving charters of de novo applications by bank holding companies."

[3] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland and Coldwell. Absent and not voting: Chairman Burns and Governor Wallich.

[1] Banking data are as of December 31, 1974, unless otherwise indicated, and reflect holding company formations and acquisitions approved through May 31, 1975.

[2] Defined as the Rand-McNally R.M.A. of Ogden, Utah.

in this market, with a 30.9 percent share of total deposits (as of June 30, 1973). Since Bank is a new bank, consummation of the proposal would not eliminate any existing competition. Nor does it appear that the transaction would have adverse effects on the development of competition in the future. Accordingly, competitive considerations are regarded by the Board as being consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and its subsidiaries are regarded as satisfactory. Bank, as a proposed new bank, has no financial or operating history; however, its future prospects as a subsidiary of Applicant appear favorable. Bank would provide a source of additional full banking services to the residents of the Kaysville area. Accordingly, considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application.

In its consideration of the subject application, the Board has considered the comments submitted on behalf of Protestant, a bank located one block from the proposed site of Bank. Protestant, a unit bank with deposits of approximately $17 million, contends that Applicant's acquisition of Bank would lessen competition, restrain trade, and tend toward monopoly, without producing any countervailing advantage to the convenience and needs of the citizens of Kaysville. These contentions were presented before the Commissioner of Financial Institutions of the State of Utah at a public hearing during the pendency of the character application of Bank.[3] In an Order dated August 22, 1973, the Commissioner approved the establishment of Bank, pending approval by the Federal Deposit Insurance Corporation of insurance for Bank's accounts and approval by the Board of the application herein. Protestant appealed the Commissioner's Order to the District Court in and for the Salt Lake County, Utah, which granted a Motion for Summary Judgment in favor of Applicant and Bank on December 11, 1974. Subsequently, Protestant appealed the District Court action to the Supreme Court of Utah, which has not yet rendered its decision on the appeal.

In the Board's opinion, the objection of Protestant does not warrant denial of the subject application. The home-office protection laws of Utah prevent any of Applicant's existing banks from establishing branches in Kaysville. Accordingly, aside from the acquisition of Protestant, the subject proposal represents Applicant's sole means of competing directly in the Kaysville community. The establishment of Bank by Applicant should foster competition by introducing a banking alternative to Protestant, the only bank in Kaysville. Moreover, as a subsidiary of Applicant, Bank will be able to offer a broad range of banking services to the residents of the area. In the Board's judgment, the benefits likely to be derived from Applicant's proposal in terms of increased competition and greater convenience and banking services are such that approval of the application would be appropriate. Accordingly, it is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, nor (b) later than three months after that date, and (c) First Security State Bank of Kaysville, Kaysville, Utah shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

By order of the Board of Governors,[4] effective July 9, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-18532 Filed 7-16-75;8:45 am]

[3] Protestants have submitted to the Board copies of the Commissioner's findings of fact, conclusions of law, and Order, and the Board has made those materials part of the record on which it relied in this matter.

[4] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Wallich and Coldwell. Absent and not voting: Chairman Burns.

FIRST SECURITY CORP.

Order Approving Acquisition of Bank

First Security Corporation, Salt Lake City, Utah, a banking holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of First Security State Bank of Helper, Helper, Utah ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Utah, controls six Utah banks with aggregate deposits of approximately $844.1 million, representing 28.5 per cent of the total deposits in commercial banks in the State of Utah.[1] In addition, Applicant controls one bank in Idaho and one bank in Wyoming, each of which was acquired by Applicant prior to the enactment of the Bank Holding Company Act of 1956. Since Bank is a proposed new bank, consummation of the proposed acquisition would not immediately increase Applicant's share of commercial bank deposits in the State nor increase the concentration of banking resources in Utah.

Bank is to be located in the town of Helper. The relevant banking market, which consists of the towns of Helper and Price and the surrounding areas, is presently being served by four banking organizations. Applicant has one subsidiary bank office in the market, which controls approximately 4.8 percent of the market's deposits.[2] Given the fact that Bank is a proposed new bank, approval of its acquisition by Applicant would produce no adverse effects on existing competition in the market. There would also be no adverse effects on potential competition. Bank is to be located approximately seven miles from Applicant's nearest banking subsidiary. This geographic separation, combined with Utah's restrictive branching laws, would negate the development of significant future competition between Bank and any of Applicant's banking subsidiaries. Furthermore, approval of the proposal should have a favorable effect on competition by introducing an alternate source of banking services to the town of Helper, which currently has only one bank. The Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are regarded as satisfactory. Considerations relating to banking factors, therefore, are consistent with approval of the application. The addition of a new banking alternative to the town of Helper should provide greater banking convenience for the residents of the area. Therefore considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) First Security State Bank of Helper, Helper, Utah, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

By order of the Board of Governors,[3] effective July 9, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-18533 Filed 7-16-75;8:45 am]

[1] Unless otherwise indicated, all banking data are as of December 31, 1974, and reflect holding company formations and acquisitions approved through May 31, 1975.

[2] As of June 30, 1974.

[3] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Wallich and Coldwell. Absent and not voting: Chairman Burns.

SUMMARY OF ACCOUNTS AND DEPOSITS

Order Requiring Preparation of Report

Notice is hereby given that on June 13, 1975, the Board of Governors of the Federal Reserve System, pursuant to its authority under § 11(a) of the Federal Reserve Act (12 U.S.C. 248(a)), determined that State member banks will be required to prepare the report entitled "Summary of Accounts and Deposits" (FDIC Form 8020/05, Call No. 15). Section 11(a) of the Federal Reserve Act provides, in part, that the Board shall be authorized and empowered to examine at its discretion the accounts, books, and affairs of each member bank and to require such statements and reports as the Board may deem necessary.

The information contained in the report is being gathered from all banks by the Federal Deposit Insurance Corporation, which will provide the Board with the results of this survey. The Board has found that the study provides deposit data which are accurate and reliable and which are necessary to the Board in examining the competitive effects of proposed mergers and acquisitions of banks as well as useful for determining whether member bank applications for branch offices should be approved. It is expected that State member banks will complete the report in accordance with the instructions accompanying the form.

The Comptroller of the Currency has taken similar action to require national banks to complete the report entitled "Summary of Accounts and Deposits" (FDIC Form 8020/05, Call No. 15).

By order of the Board of Governors.

Dated: July 9, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-18536 Filed 7-16-75;8:45 am]

TEXAS COMMERCE BANCSHARES, INC.

Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Commerce National Bank of Conroe, Conroe, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1824(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 12, 1975.

Board of Governors of the Federal Reserve System, July 10, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-18535 Filed 7-15-75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW, NUCLEAR REGULATORY COMMISSION

Notice of 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 July 10, 1975. See 44 U.S.C. 3512 (c) and (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 NRC reporting requirements 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 submission, comments (in triplicate) must be received on or before August 4, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, N.W., Washington, D.C. 20548.

Further information may be obtained from the Regulatory Reports Review Office, 202-376-5425.

NUCLEAR REGULATORY COMMISSION

Request for clearance of new reporting requirements set out in 10 CFR 40.65 and 10 CFR 70.59. Each licensee of the NRC authorized to engage in uranium milling, or the production of ufanium hexafluoride, or licensed to process or use special nuclear material for fuel fabrication and processing, conversion of uranium hexafluoride or scrap recovery would be required to submit semiannual reports of the quantities of radioactive materials released to unrestricted areas. Reports will be mandatory under 10 CFR 40.65 and 10 CFR 70.59.

Respondents are all licensed fuel cycle plants except waste storage facilities and are expected to number 54 in 1975. Respondent burden is estimated at 5 hours per response; 108 reports would be filed annually. Thus, the estimated total respondent burden is 540 man hours annually.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-18609 Filed 7-16-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

[FPMR E-145 Supply and Procurement]

PORTABLE SPACE HEATERS AND PORTABLE ELECTRIC FANS

Acquisition and Use

JULY 7, 1975.

1. *Purpose.* This bulletin advises executive agencies of the Government's policy on the use of portable space heaters and portable electric fans which affect the acquisition of those items.

2. *Expiration date.* This bulletin expires June 30, 1976, unless sooner revised or canceled.

3. *Background.* a. To further the Government's energy conservation program, policy guidance has been developed and published in Federal Management Circular (FMC) 74-1. The GSA Public Buildings Service implemented that policy in FPMR 101-20.116 (30 F.R. 39266, November 6, 1974), specifically prohibiting, among other things, the operation of threshold heaters, portable space heaters, and portable electric fans in Government-owned or -leased space. Exceptions to this policy may be granted for certain conditions under the provisions of § 101-20.116-4 provided specific actions are taken as set forth therein.

b. Since GSA includes certain portable space heaters and portable electric fans in its national supply system and makes them available upon receipt of a FEDSTRIP/MILSTRIP requisition, it is incumbent upon agencies to comply with the provisions of FPMR 101-20.116 as it pertains particularly to the aforementioned items, before requisitioning those items. Requisitions received by GSA supply sources for such items will be assumed to be the result of agency compliance with § 101-20.116-4.

4. *Suggested action.* Agencies are urged to remind their requisitioning activities of the requirements of FPMR 101-20.116 and inform them of the information provided by this bulletin.

M. J. TIMBERS,
Commissioner, Federal Supply Service.

[FR Doc.75-18538 Filed 7-16-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 75-44]

ADVISORY COMMITTEES

Notice of Public Availability of Reports on Closed Meeting Activities

Pursuant to the Federal Advisory Committee Act, Public Law 92-463 of October 6, 1972, and Office of Management and Budget Circular No. A-63 Revised of March 27, 1974, the NASA advisory committees which held closed or partially closed meetings in 1974, consistent with the policy of 5 U.S.C. 552(b), have prepared reports on the activities of these meetings. Copies of the reports have been filed and are available for public inspection at the Library of Congress, Exchange and Gift Division, Federal Advisory Committee Desk and NASA Headquarters, Headquarters Information Center.

The names of the advisory committees are listed below: NASA Earth Resources Technology Satellite Followon Investigation Review Committee; NASA Historical Advisory Committee; NASA Wage Committee; Space Program Advisory Council (SPAC); SPAC Ad Hoc Subcommittee on Science Astronauts; SPAC Applica-

tions Committee; SPAC Physical Sciences Committee; Informal Ad Hoc Subcommittee of the SPAC Physical Sciences Committee.

Ad Hoc Advisory Subcommittees of the Space Science and Applications Steering Committee (SS&ASC) (an internal NASA committee): Ad Hoc Advisory Subcommittee of the SS&ASC for Evaluation of Advanced Applications Flight Experiment Program Proposals; Ad Hoc Advisory Subcommittee of the SS&ASC to Review Proposals for Space Flight Investigations on the Pioneer Venus 1978 Orbiter Mission; Ad Hoc Advisory Subcommittee of the SS&ASC to Review Proposals for a Payload for the Solar Maximum Mission; Ad Hoc Advisory Subcommittee of the SS&ASC to Review Proposals for Scientific Definition of Space Shuttle Missions for Atmospheric, Magnetospheric and Plasmas-in-Space Payloads; Ad Hoc Advisory Subcommittee of the SS&ASC to Review Proposals for Participation in the Definition of a One-Meter Class Ultra violet/Optical Facility Telescope for Spacelab Astronomy Missions.

DUWARD L. CROW,
Assistant Administrator for DOD and Interagency Affairs.

JULY 8, 1975.

[FR Doc.75-18499 Filed 7-16-75;8:45 am]

[75-45]

ENVIRONMENTAL IMPACT ASSESSMENT

Negative Declaration

The National Aeronautics and Space Administration (NASA) has completed its assessment of the expected environmental effects of the construction and operation of an infrared telescope to be located on Mauna Kea, Hawaii. Based on information gathered by the University of Hawaii, their environmental contractor, and an analysis by NASA's own independent environmental consultant, NASA has concluded that this action will not significantly affect the quality of the human environment, and that an environmental impact statement is therefore not warranted.

NASA's assessment of the likely environmental effects of the action shows the following, none of which are considered to be significant:

Moderate increases in vehicular traffic during construction and operation of the facility;

Minor alterations of habitat quality;

Minor impact on terrestrial flora;

Some increase in employment and income generation in the region; and

Minor visual impact on the scenic beauty of the mountain.

A copy of the analysis prepared for NASA by an independent consultant is available for examination at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 600 Independence Avenue, S.W., Washington, D.C. 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, CA 94035.

(c) Flight Research Center, NASA (Building 4800, Room 1017), P.O. Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, MD 20771.

(e) Johnson Space Center, NASA (Building 1, Room 136), Houston, TX 77058.

(f) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, FL 32899.

(g) Langley Research Center, NASA (Building 1219, Room 304), Hampton, VA 23665.

(h) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, OH 44135.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Marshall Space Flight Center, AL 35812.

(j) National Space Technology Laboratories, NASA (Building 1100, Room A-213), Bay St. Louis, MS 39520.

(k) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 600), 4800 Oak Grove Drive, Pasadena, CA 91103.

(l) Wallops Flight Center, NASA (Library Building, Room E-105), Wallops Island, VA 23337.

(m) University of Hawaii, Institute of Astronomy (Room D-111), 2680 Woodlawn Drive, Honolulu, HI 96822.

(n) Office of Environmental Quality Control, 550 Halekauwila Street, Honolulu, HI 96813.

Done at Washington, D.C. this 14th day of July 1975.

By direction of the Administrator.

DUWARD L. CROW,
Acting Associate Deputy Administrator, National Aeronautics and Space Administration.

[FR Doc.75-18563 Filed 7-16-75;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[1504, 1534, 1182, 1444-C]

RESPONSES TO SAFETY RECOMMENDATIONS

Receipt

The National Transportation Safety Board announces the receipt last week of the following letter responses from addressees of earlier Board recommendations:

Federal Aviation Administration, letter dated June 19, 1975, re A-75-35 through 38 (40 FR 19045). Concerning recommendation A-75-35, FAA states that a terminal control area (TCA) as now designed encompasses the approach and departure paths of turbine-powered airplanes at large air traffic hubs. (A large hub is defined as an area in which one percent or more of the total passengers within the United States are enplaned.) FAA says that the Tidewater area does not presently meet this criteria. Responsive to A-75-36, FAA indicates that a comprehensive procedural review of the Norfolk/Langley Air Force Base terminal area is underway, and that a final report is expected October 1. With reference to A-75-37 and 38, FAA is presently working with military representatives to explore the possibility of TCAs at certain military airports, but states, "There are factors which must be thoroughly investigated before any action can be started to implement TCAs additional locations."

Office of Pipeline Safety (U.S. Department of Transportation), letter dated June 19, 1975, re P-75-5 and 6 (40 FR 21079). OPS promises review of action taken by Mid Valley Pipeline Company in compliance with existing regulations, and will follow up to insure that appropriate corrective measures are taken. OPS refers to its comments of August 25, 1972, with reference to a Safety Board study, "A Systematic Approach to Pipeline Safety" (NTSB-PSS-72-1), stating, "OPS did and continues to encourage the total systems approach to pipeline safety directly to pipeline operators or indirectly via industry organizations. Mid Valley is being encouraged to give further consideration to this approach to pipeline safety."

Missouri Pacific Railroad Company, letter dated June 28, 1975, re R-73-39 through 41 (recommendations made in report No. NTSB-RAR-73-6 concerning a head-on collision at Taft, Louisiana, February 21, 1973). The letter indicates that Missouri Pacific engineers who are now being promoted are schooled through a training program at the company training center and that "after training they are continually monitored and counseled." Specific training program improvements are noted. Missouri Pacific further states, "Observation and Field Surprise Tests substantiate that our employees are making good decisions in handling large cuts of cars without train air brakes."

Civil Aeronautics Board, letter dated July 3, 1975, re A-75-33 and 34 (40 FR 18052). CAB, in taking issue with the Safety Board regarding recommendation A-75-33, states, "Specifically, you propose more stringent safety standards for those commuter operators who provide replacement services than for the broad class of commuter carriers. In general, we see little reason to single out replacement carriers for special treatment. In our judgment, efforts to upgrade safety standards should more appropriately be aimed at the entire range of commuter operations and should reflect an understanding of the practical differences between commuter and transport-type services." Further, CAB assures the Safety Board that CAB "has in recent years cooperated in the FAA's enforcement program by making use of that agency's evaluations of the safety records of commuter airlines proposing to op-

erate replacement service. We have not approved, and will not approve, any agreement involving a replacement carrier with a negative FAA rating." Commenting on A–75–34, CAB states that at present it has no pending commuter replacement agreement involving tradement use, but adds that consideration will be given to the Safety Board recommendation when CAB considers an actual case of that type.

Copies of the above-mentioned letters may be obtained by writing to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594. A $4.00 user-service charge will be made for each letter, in addition to a charge of 10 cents per page for reproduction.

(Sec. 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2172 (49 U.S.C. 1906)).)

MARGARET L. FISHER,
Federal Register
Liaison Officer.

JULY 14, 1975.

[FR Doc.75–18566 Filed 7–16–75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON ARCHITECT-ENGINEER BALANCE OF PLANT

Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards Subcommittee on Architect-Engineer Balance of Plant will hold a meeting on August 1, 1975 at the Royal Court Inn, 1750 South Elmhurst Road, Des Plaines, Illinois. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the application of Stone and Webster Engineering Corp. for a preliminary design approval of its Standard Safety Analysis Report (SWESSAR).

The agenda for the subject meeting shall be as follows:

Friday, August 1, 1975, 9 a.m. until the conclusion of business. The Subcommittee will hear presentations by representatives of the NRC Staff and Stone and Webster Engineering Corp. and will hold discussions with these groups pertinent to its review of the Standard Safety Analysis Report.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at 8:30 a.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold closed sessions with representatives of the NRC Staff and Applicant for the purpose of discussing privileged information concerning plant physical security and other matters related to plant design, construction, and operation, if necessary.

I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than July 24, 1975 to the Executive Secretary, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555. Such comments shall be based upon the Safety Analysis Report (Docket No. STN–50–495) and related documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee between the hours of 11 a.m. and 3 p.m. on August 1, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on July 29, 1975 to the Office of the Executive Secretary of the Committee (telephone 202/634–1920, Attn: John C. McKinley) between 8:15 a.m. and 5 p.m., e.d.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after August 6, 1975 at the NRC Public Document Room, 1717 H Street, NW., Wash., D.C. 20555. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from the Ace Federal Reporters, Inc., 413 Second Street, NE., Wash., D.C. 20002 (telephone 202/547–6222) upon payment of appropriate charges.

(j) On request, copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 after November 3, 1975. Copies may be obtained upon payment of appropriate charges.

Dated: July 10, 1975.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc.75–18404 Filed 7–16–75;8:45 am]

[Docket Nos. 50–259, 50–260]

BROWNS FERRY NUCLEAR PLANT UNITS 1 AND 2, TENNESSEE VALLEY AUTHORITY

Negative Declaration

The Nuclear Regulatory Commission (the Commission) has considered the issuance of changes to the Technical Specifications Appendix B of Facility Operating License Nos. DPR–33 and DPR–52. These changes would authorize the Tennessee Valley Authority (the licensee) to operate the Browns Ferry Nuclear Plant Units 1 and 2 and to incorporate changes in the environmental monitoring program by relocation of the temperature monitor farthest upstream to a new location in vicinity of the secondary temperature monitor upstream of the plant and to delete specific location requirements of temperature sensors relating to thermal plume mapping studies.

The U.S. Nuclear Regulatory Commission, Division of Reactor Licensing, has

prepared an environmental impact appraisal for the proposed change to the Technical Specifications Appendix B, of License Nos. DPR-33 and DPR-52, Browns Ferry Nuclear Plant, described above. On the basis of this appraisal, we have concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the Browns Ferry Nuclear Plant Units 1, 2 and 3 published on September 1, 1972. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and the Athens Public Library, South and Forrest, Athens, Alabama.

Dated at Rockville, Maryland, this 10th day of July 1975.

For the Nuclear Regulatory Commission.

GORDON K. DICKER,
Chief, Environmental Projects Branch 2, Division of Reactor Licensing.

[FR Doc.75-18501 Filed 7-16-75; 8:45 am]

[Docket Nos. 50-259, 50-260]

TENNESSEE VALLEY AUTHORITY

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 8 and 5 to Facility Operating License Nos. DPR-33 and DPR-52 issued to the Tennessee Valley Authority which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant Units 1 and 2, located in Limestone County, Alabama. The amendments are effective as of the date of issuance.

The amendments permit relocation of the temperature monitor farthest upstream to a new location in a vicinity of the secondary temperature monitor upstream of the plants in order to eliminate measurement of the natural heating and cooling effects in the Wheeler Reservoir and delete specific location requirements of temperature sensors relating to thermal plume mapping studies to provide greater flexibility to verify modeling predictions.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954 as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration. The Commission has determined that the action being taken does not require preparation of an environmental impact statement.

For further details with respect to this action, see (1) the application for amendment dated March 21, 1975, (2) Amendment Nos. 8 and 5 to License Nos. DPR-33 and DPR-52, with Change Nos. 9 and 9, (3) the Commission's related Negative Declaration published concurrently with this notice, and (4) the Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Athens Public Library, South and Forrest, Athens, Alabama, 35611.

A copy of Items (2) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 10th day of July 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch 1, Division of Reactor Licensing.

[FR Doc.75-18502 Filed 7-16-75; 8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REQUESTS

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 July 14, 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

NATIONAL ACADEMY OF SCIENCES

Protocol To Assess Veterans' Perceptions of VA Rejection of Application, DMS-CHCRVA-O, single-time, vets whose application for VA health care are rejected, Caywood, D. P., 395-3443.

DEPARTMENT OF COMMERCE

Bureau of the Census:
1975 Northwest sport fishing survey, on occasion, steelhead fishing industries, Planchon, P., 395-6140.
Central Industrial District—Kansas City, Mo., ED-366Q, single-time, large firms, Lowry, R. L., 395-3772.
Household Head Supplement Survey, S-332, single-time, husbands and wives in 376 PSU's, George Hall, 395-6140.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

National Center for Education Statistics, Development of Instruments and Procedures To Measure English-Speaking Language Proficiency, Phase 1, OE 2384, -1, single-time, individuals from non-English dominant environments, Planchon, P., 395-6140.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration Damage Survey Report, HUD 484.6, on occasion, State and local governments in disaster areas, comunity and veterans affairs division, 395-3532.

DEPARTMENT OF LABOR

Manpower Administration, Indicators of Compliance (Migrant Worker Services), MA-5-148, monthly, State ES Agencies, Strasser, A., 395-5867.

REVISIONS

General Services Administration:
Qualifications Inquiry for Administrative, Technical, and Professional Positions, GSA 1840, on occasion, personnel offices, Caywood, D. P., 395-3443.
Qualifications Inquiry—Clerical Positions, GSA 1841, on occasion, personnel offices, Caywood, D. P., 395-3443.

EXTENSIONS

SMALL BUSINESS ADMINISTRATION

Minority Vendor Profile Request Form, SBA 1024, on occasion, large private sector firms, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-18671 Filed 7-16-75; 8:45 am]

TENNESSEE VALLEY AUTHORITY

INDEX OF PUBLIC RECORDS

Determination and Order

The Tennessee Valley Authority is required by the Freedom of Information Act, 5 U.S.C. § 552, as amended, to publish either a quarterly index to those items specified in 5 U.S.C. § 552(a)(2), or an order in the FEDERAL REGISTER determining that such publication is unnecessary and impracticable. The official minutes of the meetings of the TVA Board of Directors may contain material subject to the requirements of 5 U.S.C. § 552(a)(2). Notice is hereby given that the Board of Directors of TVA has adopted the following resolution and has found and ordered that publication of the index to the official minutes of the meetings of the TVA Board is unnecessary and impracticable.

Whereas the Freedom of Information Act (5 U.S.C. § 552(a)(2)) requires that each agency make available for public inspection and copying statements of policy and interpretations which have been adopted by the agency and not published in the FEDERAL REGISTER, and administrative staff manuals and instructions to staff that affect a member of the public, and requires the agency to main-

tain and make available a current index providing identifying information for the public as to all such material issued or adopted after July 4, 1967; and

Whereas recent amendments to the Freedom of Information Act (Pub. L. 93–502) require that each agency publish and distribute its indexes unless it determines by order published in the FEDERAL REGISTER that the publication would be unnecessary and impracticable, in which case the agency shall provide copies of such index on request at a cost not to exceed the direct cost of duplication; and

Whereas the official minutes of the meetings of the Board since July 4, 1967, may contain material subject to the inspection and indexing requirements of the Freedom of Information Act and TVA has maintained the required index of this material; and

Whereas much of the said material which may be subject to the inspection and indexing requirements of the Freedom of Information Act is incorporated in the General Releases volumes of the TVA Administrative Release System, the index to which is published and available for sale to the public; and

Whereas since 1967 public interest in the index to the official minutes of the meetings of the Board has been negligible and the Board does not anticipate any significant increase in the use of the index by the public; and

Whereas the said index is maintained on 3- by 5-inch index cards, and now consists of approximately 7500 such cards, the publication of which would be quite costly;

Be it resolved, That the Board determines and orders that publication of the index to the official minutes of the meetings of the Board since July 4, 1967, is unnecessary and impracticable;

Resolved further, That said index shall be maintained and remain available for public inspection and copying, and that TVA shall provide copies of said index on request at a cost not to exceed the direct cost of duplication;

Resolved further, That a copy of this resolution and order be transmitted for publication in the FEDERAL REGISTER.

Dated: July 10, 1975.

LYNN SEEBER,
General Manager.

[FR Doc.75-18580 Filed 7-16-75;8:45 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

EMPLOYMENT BY INSTITUTIONS OF HIGHER EDUCATION AND PRIME CONTRACTORS OR SUBCONTRACTORS UNDER FEDERAL NONCONSTRUCTION CONTRACTS

Request for Information and Notice of Fact-Finding Hearing

Pursuant to Section 202 of Executive Order 11246 (30 FR 12319), as amended by Executive Order 11375 (32 FR 14303), institutions of undergraduate, graduate, professional and vocational education performing as prime contractors or subcontractors under federal nonconstruction contracts are prohibited from discriminating against any employee or applicant for employment because of race, color, religion, sex or national origin and are required to take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to the aforementioned factors.

The Executive Order's affirmative action requirement is intended to ensure prompt achievement of full and equal employment opportunity through the establishment of specific and results-oriented procedures. In order to implement this objective in nonconstruction employment, including employment by institutions of higher education, such as colleges and universities, the Department of Labor has promulgated various regulations set forth in 41 CFR Part 60–1 et seq. The Department of Labor's principal regulations for effectuating the nondiscrimination and affirmative action mandate of Executive Order 11246, as amended, as applied to nonconstruction contractors, including colleges and universities, is known as "Revised Order No. 4," 41 CFR Part 60–2, which requires prime contractors and subcontractors with 50 or more employees and a contract of $50,000 or more to develop a written affirmative action program for each of their establishments.

Equal employment opportunity matters at institutions of higher education are subjects of strong concerns and views by the Government, the institutions themselves, and various other persons, organizations and agencies. For example, the Twelfth Plenary Session of the Administrative Conference of the United States, held June 5–6, 1975, considered a study of the application of the Department of Labor's nonconstruction regulations to university faculty employment practices and recommended, in part, that the Department of Labor, in consultation with the compliance agencies, "should promptly commence a review of the contract compliance program applicable to nonconstruction contractors to determine whether regulations more closely adapted to the characteristics of specific occupations or industries are required, considering especially (1) variations in the susceptability of types of employment to uniform or quantifiable methods of evaluating and predicting performance and (2) variations in policies of recruitment and advancement and in other personnel practices." (40 FR 27926, July 2, 1975).

The Department of Labor welcomes views and suggestions regarding its implementation of Executive Order 11246, as amended, and reviews and evaluates its policies, practices and procedures thereunder on an ongoing basis in order to maximize full and equal employment opportunity. Accordingly, notice is hereby given that the Department of Labor is requesting information concerning implementation of the affirmative action requirement of the Executive Order as applied to employment at institutions of higher education. Relevant information would include but not necessarily be limited to: (1) methodologies actually used by institutions of higher education in the development of written affirmative action programs under existing Department of Labor regulations and policies; (2) any special problems encountered by such institutions in developing and implementing such methodologies; (3) matters concerning availability data on qualified minorities and women for employment at institutions of higher education; (4) the special circumstances, if any, in higher education which might suggest alternative affirmative action approaches and the nature of such approaches; (5) the detail and adequacy of pertinent statistical data; and (6) other information relevant to achieving positive, results-oriented equal employment opportunities for minorities and women in employment at institutions of higher education consistent with the nondiscrimination and affirmative action requirements of the Executive Order.

Such information may be submitted either in writing or at an informal fact-finding hearing to be held pursuant to Section 208 of E.O. 11246, as amended, and commencing on Wednesday, August 20, 1975 in the First Floor Auditorium, New U.S. Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. Beginning at 9:30 a.m. on August 20, 1975, the presiding Administrative Law Judge will hold a pre-hearing conference in order to establish the order and time for the presentation, and in order to settle any other matters relating to the proceedings. All persons intending to make presentations should attend the pre-hearing conference which is open to the public. The public hearing will immediately follow the pre-hearing conference. Participants in the hearing will include representatives of the Office of Federal Contract Compliance and the Office of the Solicitor of Labor.

Persons desiring to appear at the hearing must file a written notice of intention to appear along with four duplicate copies with Philip J. Davis, Director, Office of Federal Contract Compliance, New U.S. Department of Labor Building, Room N-3402, 200 Constitution Avenue, NW., Washington, D.C. 20210.

If possible, notices should be filed before Wednesday, August 13, in order to facilitate scheduling the appearances.

The notice should state the name and address of the person wishing to appear, the capacity in which he or she will appear, and the approximate amount of time required for the presentation. The notice should also include, or be accompanied by, a brief statement of the presentation to be made.

The oral proceedings shall be reported verbatim. The use of prepared statements by witnesses is encouraged. An original and four copies of all documents to be used should be submitted at the hearing.

Persons who wish to submit information but who do not wish to attend the hearing may mail such written information, along with four duplicate copies to

Mr. Davis at the above address by August 20, 1975. Such information will be submitted to the Administrative Law Judge for inclusion in the hearing record.

The Administrative Law Judge shall have all the powers necessary or appropriate to conduct a fair and full informal hearing, including the powers:

(a) To regulate the course of the hearing;

(b) To dispose of procedural requests, objections, and comparable matters;

(c) To confine the presentations to matters pertinent to the requested information;

(d) To regulate the conduct of those present at the hearing by appropriate means;

(e) In his discretion, to question and permit questioning of any witness; and

(f) In his discretion, to keep the record open for a reasonable stated time to receive written information from any person who has participated in the oral proceeding.

Following the close of the hearing, the presiding Administrative Law Judge shall certify the record thereof to the Secretary of Labor.

Signed at Washington, D.C. this 15th day of July, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

PHILIP J. DAVIS,
Director, Office of Federal Contract Compliance.

[FR Doc.75-18796 Filed 7-16-75;11:42 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 904]

ASSIGNMENT OF HEARINGS

JULY 14, 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 61592 Sub 322, Jenkins Truck Line, Inc., now being assigned September 23, 1975 (9 days), at Chicago, Ill.; in a hearing room to be later designated.

MC 136384 Sub 7, Palmer Motor Express, Inc., now assigned August 11, 1975, at Atlanta, Ga., will be held in Room 305, 1252 Peachtree St., N.W.

MC 25708 Sub 25, Laney Tank Lines, Incorporated, now assigned July 28, 1975, at Columbia, S.C. is canceled and application dismissed.

MC 12797 Sub 5, Presley Tours, Inc., now being assigned September 23, 1975 (3 days) at Chicago, Illinois; in a hearing room to be designated later.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-18591 Filed 7-16-75;8:45 am]

[Rule 19; Exparte No. 241; Exemption No. 12]

ATLANTA AND WESTERN RAILWAY ET AL.

Exemption Under the Mandatory Car Service Rules

It appearing, That the railroads named herein own numerous plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 395, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlantic and Western Railway, Reporting marks: ATW.
Chicago & Illinois Midland Railway Company, Reporting marks: CIM.
Fonda, Johnstown and Gloversville Railroad Company, Reporting marks: FJG.
Hartford and Slocomb Railroad Company, Reporting marks: HS.[1]
Minneapolis, Northfield and Southern Railway, Reporting marks: MNS.
Pickens Railroad Company, Reporting marks: PICK.
Roscoe, Snyder and Pacific Railway Company, Reporting marks: RSP.
Wellsville, Addison & Galeton Railroad Corporation, Reporting marks: WAG.

Effective July 1, 1975, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., June 30, 1975.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.75-18598 Filed 7-16-75;8:45 am]

[Rule 19; Exparte No. 241; Exemption No. 91]

ATLANTA AND WEST POINT RAILROAD CO. ET AL.

Exemption Under the Mandatory Car Service Rules

It appearing, That the United States railroads own numerous plain 50-ft. boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the United States railroads, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain 50-ft. boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 395, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, and bearing all reporting marks assigned to the United States railroads, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b). (See Exception)

Exception, This exemption shall not apply to 50-ft. plain boxcars owned by the railroads named below:

Atlanta and West Point Rail Road Company, Reporting Marks: AWP.
Bangor and Aroostook Railroad Company, Reporting Marks: BAR.
Burlington Northern Inc., Reporting Marks: BN-CBQ-GN-NP-SPS.
Central Vermont Railway, Inc., Reporting Marks: CV-CVC.
Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Reporting Marks: MILW.
Delaware and Hudson Railway Company, Reporting Marks: DH.
Duluth, Winnipeg and Pacific Railway Reporting Marks: DWP.
Erie Lackawanna Railway Company (Thomas P. Patton and Ralph S. Tyler, Jr., Trustees), Reporting Marks: DL&W-EL-ERIE.
Florida East Coast Railway Company, Reporting Marks: FEC.
Illinois Central Gulf Railroad Company, Reporting Marks: ICG-CLG-GMO-IC.
The Kansas City Southern Railway Company, Reporting Marks: KCS-LA.
Lehigh Valley Railroad Company (Robert C. Haldeman, Trustee), Reporting Marks: LV.
Norfolk and Western Railway Company eliminated.
St. Louis Southwestern Railway Company, Reporting Marks: SSW.
Southern Pacific Transportation Company, Reporting Marks: SP.
The Texas Mexican Railway Company, Reporting Marks: TM.
The Western Pacific Railroad Company, Reporting Marks: WP.
The Western Railway of Alabama, Reporting Marks: WA.

Effective July 3, 1975, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., July 2, 1975.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.75-18599 Filed 7-16-75;8:45 am]

[1] Addition.

[I.C.C. Order No. 146; S.O. No. 994]

BURLINGTON NORTHERN INC.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Burlington Northern Inc., (BN) is unable to transport traffic over its line between Jamestown, North Dakota, and Oakes, North Dakota, because of high water and flooding.

It is ordered, That:

(a) *Rerouting traffic.* The BN being unable to transport traffic over its line between Jamestown, North Dakota, and Oakes, North Dakota, because of high water and flooding, that line and the Chicago and North Western Transportation Company, are hereby authorized to reroute or divert such traffic via any available route. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers: or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:30 a.m., July 1, 1975.

(g) *Expiration date.* This order shall expire at 11:59 p.m. July 10, 1975, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 1, 1975.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.75-18596 Filed 7-16-75;8:45 am]

[Revised I.C.C. Order No. 131, S.O. No. 994; Amdt. 1]

BALTIMORE AND OHIO RAILROAD CO.

Rerouting and Diversion of Traffic

Upon further consideration of Revised I.C.C. Order No. 131, (The Baltimore and Ohio Railroad Company) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 131 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 5, 1975, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 5, 1975, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 30, 1975.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent,

[FR Doc.75-18595 Filed 7-16-75;8:45 am]

[Notice No. 31]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JULY 17, 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 August 6, 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-75232. By order entered July 9, 1975, the Motor Carrier Board approved the transfer to Dyoll Delivery Service, Inc., Netcong, N.J., of the operating rights set forth in Permit No. MC 133759, issued December 2, 1969, to Sentinel Freight Line, Inc., Hopatcong, N.J., authorizing the transportation of certain specified commodities, between Dover, N.J., on the one hand, and, on the other, points in Vermont, New Hampshire, New York, Pennsylvania, Maryland, and Virginia, within 250 miles of Dover, N.J., and points in New Jersey, Rhode Island, Connecticut, Massachusetts, and the District of Columbia; and pile hammers and parts, air and steam core drills and parts, and rough steel and iron castings for such hammers and drills, between Dover, N.J., on the one hand, and, on the other, points in New Jersey, Rhode Island, Connecticut, Massachusetts, and the District of Columbia, and those in Vermont, New Hampshire, New York, Pennsylvania, Maryland, and Virginia, within 250 miles of Dover, N.J. Ronald I. Shapss, 450 Seventh Ave., New York, N.Y. 10001, attorney for applicants.

No. MC-FC-75747. By order entered July 8, 1975, the Motor Carrier Board approved the transfer to Impala Coach Lines (1974), Ltd., Penticton, British Columbia, Canada, of the operating rights set forth in Certificate No. MC 135374 (Sub-No. 1), issued May 26, 1972, to Impala Coach Lines, Ltd., Penticton, British Columbia, Canada, authorizing the transportation of passengers and their baggage, in charter operations, in round trip sight-seeing and pleasure tours, beginning and ending at ports of entry on the United States-Canada Boundary line, located in Washington, and extending to points in Washington, Oregon, California, Nevada, Arizona, and Idaho. Nicholas A. Drossos, 341 Main St., Penticton, B.C. V2A 5B7, attorney for applicants.

No. MC-FC-75820. By order entered July 9, 1975, the Motor Carrier Board approved the transfer to Johnson Brothers Trucking Company, a corporation, Herndon, Va., of the operating rights set forth in Permits Nos. MC 126825 and MC 126825 (Sub-No. 1), issued February 16, 1972, and December 18, 1973, to Barbee Hauling, Inc., Mitchellville, Md., authorizing the transportation of various specified commodities, from and to named points in Virginia, Maryland, and the District of Columbia. James Anton, 355 Maryland Ave., N.E., Washington, D.C. 20002, attorney for applicants.

No. MC-FC-75849. By order of July 8, 1975, the Motor Carrier Board on reconsideration approved the transfer to Evangelist Commercial Corporation, Dover, Del., of that portion of the operating rights in Certificate No. MC 2253 (Sub-No. 67), issued January 2, 1975, to Carolina Freight Carriers Corporation, Cherryville, N.C., authorizing the transporta-

tion of paper and paper products from the plant sites and facilities of Mead Corporation at Chillicothe, Ohio, and of Champion International, Inc., at Hamilton and Piqua, Ohio, to points in Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, and the District of Columbia; and rejected and returned shipments of paper and paper products, and commodities used in the manufacture of paper and paper products, except commodities in bulk, from points in the above-specified states to the plant sites and facilities of Mead Corporation at Chillicothe, Ohio, and of Champion International, Inc., at Hamilton and Piqua, Ohio. James W. Muldoon, 50 West Broad Street, Columbus, Ohio 43215, and Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street, N.W., Washington, D.C. 20004, Attorneys for applicants.

No. MC-FC-75859. By order of July 9, 1975, the Motor Carrier Board approved the transfer to Pete's Tow Service, Inc., Kansas City, Mo., of the operating rights in Certificate No. MC 116555, issued January 23, 1964, to C. A. Woolverton, doing business as Woolverton Garage, Kansas City, Mo., authorizing the transportation of wrecked and disabled motor vehicles, between Kansas City, Mo., on the one hand, and, on the other, points in Kansas. D. S. Hults, P.O. Box 225, Lawrence National Bank Building, Lawrence, Kans. 66044, Attorney for applicants.

No. MC-FC-75919. By order of July 10, 1975, the Motor Carrier Board approved the transfer to Globe Moving & Storage, Inc., 1007 Cedar Street, Flint, Mich. 48503, of the Certificate of Registration in No. MC 120691 (Sub-No. 1) issued December 20, 1965, to Farr Moving Company, a corporation, 51 W. Alexandrine, Detroit, Mich. 48201, evidencing a right of the holder to engage in transportation as a motor carrier in interstate or foreign commerce corresponding in scope to the grant of intrastate authority in certificate No. L-1227, issued by the Michigan Public Service Commission.

No. MC-FC-75949. By order entered July 8, 1975, the Motor Carrier Board approved the transfer to Roger D. Peterson, doing business as Peterson Motor Transportation, Rochester, N.H., of the operating rights set forth in Certificates Nos. MC 7953 and MC 7953 (Sub-No. 7), issued January 6, 1950, and April 24, 1951, respectively, to Dallas J. Peterson (Roger D. Peterson, Executor), Rochester, N.H., authorizing the transportation of general commodities, and various specified commodities, from, to, and between points in Massachusetts, New Hampshire, New York, Connecticut, Rhode Island, and Maine. Paul B. Urion, 69 South Main St., Rochester, N.H. 03867, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-18593 Filed 7-16-75;8:45 am]

[Rule 19; Ex Parte No. 241; Exemption No. 98]

NORFOLK AND WESTERN RAILWAY CO. AND PITTSBURGH AND LAKE ERIE RAILROAD CO.

Exemption Under the Mandatory Car Service Rules

It appearing, That the Norfolk and Western Railway Company (N&W) and The Pittsburgh and Lake Erie Railroad Company (P&LE), have each agreed to the unrestricted use by the other of its plain gondola cars, and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of empty gondola cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 395, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "GA", "GB", "GD", "GH", "GS", "GT", and "GW", and which bear the reporting marks listed herein, may be used by the N&W and P&LE without regard to the requirements of Car Service Rules 1 and 2.

Reporting Marks

N&W	*P&LE*
N&W	P&LE
NKP	
P&WV	
VGN	
WAB	

Effective July 1, 1975.

Expires September 30, 1975.

Issued at Washington, D.C., June 30, 1975.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.75-18594 Filed 7-16-75;8:45 am]

[Rule 19; Ex Parte No. 241; Exemption No. 91]

UNITED STATES RAILROADS

Exemption Under the Mandatory Car Service Rules

It appearing, That the United States railroads own numerous plain 50-ft. boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the United States railroads, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain 50-ft. boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 395, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, and bearing all reporting marks assigned to the United States railroads, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b). (See Exception)

Exception, This exemption shall not apply to 50-ft. plain boxcars owned by the railroads named below:

Atlanta and West Point Rail Road Company, Reporting Marks: AWP.
Bangor and Aroostook Railroad Company, Reporting Marks: BAR.
Burlington Northern Inc., Reporting Marks: BN-CBQ-GN-NP-SPS.
Central Vermont Railway, Inc., Reporting Marks: CV-CVC.
Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Reporting Marks: MILW.
Delaware and Hudson Railway Company, Reporting Marks: DH.
Duluth, Winnipeg and Pacific Railway, Reporting Marks: DWP.
Erie Lackawanna Railway Company (Thomas F. Patton and Ralph S. Tyler, Jr., Trustees), Reporting Marks: DL&W-EL-ERIE.
Florida East Coast Railway Company, Reporting Marks: FEC.[1]
Illinois Central Gulf Railroad Company, Reporting Marks: ICG-CLG-GMO-IC.
The Kansas City Southern Railway Company, Reporting Marks: KCS-LA.
Lehigh Valley Railroad Company (Robert C. Haldeman, Trustee), Reporting Marks: LV.
Norfolk and Western Railway Company, Reporting Marks: N&W-NKP-WAB.
St. Louis Southwestern Railway Company, Reporting Marks: SSW.
Southern Pacific Transportation Company, Reporting Marks: SP.
The Texas Mexican Railway Company, Reporting Marks: TM.
The Western Pacific Railroad Company, Reporting Marks: WP.
The Western Railway of Alabama, Reporting Marks: WA.

Effective July 1, 1975, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., June 30, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-18597 Filed 7-16-75;8:45 am]

UNITED STATES RAILWAY ASSOCIATION

Public Comment on Final System Plan

The Regional Rail Reorganization Act of 1973 requires the United States Railway Association to submit the Final System Plan for restructuring the bankrupt Northeast railroads to Congress by July 26, 1975. Although the Act does not provide for public response to the Final System Plan, the Chairmen of the Subcommittee on Surface Transportation of the Senate Committee on Commerce and the Subcommittee on Commerce and Transportation of the House Committee on Interstate and Foreign Commerce have requested the Rail Services Planning Office to solicit public comment for their Committees' consideration.

The Rail Services Planning Office, is therefore, soliciting written comments on

[1] Addition.

the Final System Plan. Copies of all comments received, together with a summary of these comments, will be submitted to the Congressional Committees named above and also to the Subcommittees on Transportation of the Senate and House Committees on Appropriations. It is *not* anticipated, however, that these comments will be considered by the Interstate Commerce Commission in its evaluation of the Final System Plan, which must be submitted to the Congress by August 25, 1975.

The Final System Plan is to detail, among other restructuring considerations, the structure of Regional rail service and competition, the designation of rail properties and assets to be transferred to ConRail, the designation of branch lines to be excluded from ConRail, the valuation of the assets to be transferred, the decisions on coordination proposals with solvent carriers, passenger service recommendations, management and personnel requirements, and potential mechanisms for funding rail system rehabilitation.

The Office urges persons responding not to resubmit material regarding light-density lines which has been previously summarized in the reports of the public hearings held last year and this spring. A comprehensive document incorporating this information and analyzing individual branch lines is being compiled for consideration by the Congressional Committees. New information, of course, is welcomed.

Comments are solicited on all issues of the Final System Plan, particularly the following issues:

Industry structure and competition.

Projections for ConRail's financial viability.

Operational or technical considerations.

Passenger service.

ConRail management and personnel requirements.

Designations of properties and assets for transfer to ConRail.

Methods of financing railroad rehabilitation.

Persons submitting comments are requested to supply eight copies to the Rail Services Planning Office on or before August 29, 1975. Comments should be directed to:

Rail Services Planning Office
1900 L Street, N.W.
Washington, D.C. 20036

Interested parties may request direct mailing of the Plan by writing the United States Railway Association at 2100 Second Street, S.W., Washington, D.C. 20595 prior to the publication date.

[SEAL] GEORGE M. CHANDLER,
Director,
Rail Services Planning Office.

JULY 14, 1975.

[FR Doc.75-18592 Filed 7-16-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JULY 14, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before July 28, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 33093 (Sub-E1), filed May 16, 1974. Applicant: GRAY VAN LINES, INC., P.O. Box 25085, Oklahoma City, Okla. 73125. Applicant's representative: Robert Gallagher, 1776 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods as defined by the Commission*, between points in Oklahoma on and east of U.S. Highway 69 and on and south of Interstate Highway 40, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateways of points in Atoka, Choctaw, Haskell, Le Flore, Latimer, McCurtain, McIntosh, Pittsburg, and Pushmataha Counties, Okla.

No. MC 33093 (Sub-E2), filed May 16, 1974. Applicant: GRAY VAN LINES, INC., P.O. Box 25085, Oklahoma City, Okla. 73125. Applicant's representative: Robert Gallagher, 1776 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods as defined by the Commission* between points in Kansas on and north of Interstate Highway 70 and on and east of U.S. Highway 77, on the one hand, and, on the other, points in Texas on and east of U.S. Highway 59. The purpose of this filing is to eliminate the gateway of points in Atoka, Choctaw, Haskell, Le Flore, Latimer, McCurtain, McIntosh, Pittsburg, and Pushmataha Counties, Okla., and points in Columbia County, Ark.

No. MC 33093 (Sub-E3), filed May 16, 1974. Applicant: GRAY VAN LINES, INC., P.O. Box 25085, Oklahoma City, Oklahoma 73125. Applicant's representative: Robert Gallagher, 1776 Broadway, New York N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods as defined by the Commission* between points in that part of Oklahoma on and east of a line beginning at the Missouri-Oklahoma State line and extending along Interstate Highway 44 to Oklahoma City, thence along Interstate Highway 40 to junction U.S. Highway 69, and thence along U.S. Highway 69 to the Oklahoma-Texas State line, on the one hand, and, on the other, points in that part of Texas on and south of a line extending along Interstate Highway 10 from El Paso to San Antonio, thence along Interstate Highway 35 to Dallas, and thence along Interstate Highway 30 to the Texas-Arkansas State line. The purpose of this filing is to eliminate the gateway of points in Atoka, Choctaw, Haskell, Le Flore, Latimer, McCurtain, McIntosh, Pittsburg, and Pushmataha Counties, Okla.

No. MC 33093 (Sub-E9), filed May 16, 1974. Applicant: GRAY VAN LINES, INC., P.O. Box 25085, Oklahoma City, Oklahoma 73125. Applicant's representative: Robert Gallagher, 1776 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods as defined by the Commission* between points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line and extending along Interstate Highway 35 to junction Interstate Highway 45, and thence along Interstate Highway 45 to the Gulf of Mexico, on the one hand, and, on the other, points in Arkansas on, east, and north of a line beginning at the Oklahoma-Arkansas State line and extending along Interstate Highway 40 to junction U.S. Highway 65, and thence along U.S. Highway 65 to the Arkansas-Louisiana State line. The purpose of this filing is to eliminate the gateway of points in Columbia County, Ark., or points in Atoka, Choctaw, Haskell, Le Flore, Latimer, McCurtain, McIntosh, Pittsburg, and Pushmataha Counties, Okla.

No. MC 60014 (Sub-No. E23), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 E. Broad St., Columbus, Ohio 45215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment or handling, between points in Indiana, on the one hand, and, on the other, points in New Hampshire, Rhode Island, those points in Massachusetts within 35 miles of Boston, and those points in Connecti-

cut on and east of a line beginning at the Massachusetts-Connecticut State line extending along Connecticut Highway 83 to junction Connecticut Highway 190, thence along Connecticut Highway 190 to junction Connecticut Highway 32, thence along Connecticut Highway 32 to Long Island Sound. The purpose of this filing is to eliminate the gateway of Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio; points in Pennsylvania on and west of a line extending from the Pennsylvania-Maryland State line north along unnumbered highway to York, Pa., thence along Interstate Highway 83 (formerly U.S. Highway 111) to Harrisburg, thence north along Pennsylvania Highway 147 (formerly portion Pennsylvania Highway 14) to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 15; thence along U.S. Highway 15 to Trout Run, thence along U.S. Highway 15 to the Pennsylvania-New York State line; New York; and points in Massachusetts within 35 miles of Boston.

No. MC 60014 (Sub-No. E24), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 E. Broad St., Columbus, Ohio 45215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between those points in Indiana on and south of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Interstate Highway 264, thence along Interstate Highway 264 to junction U.S. Highway 31W, thence along U.S. Highway 31W to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 403, thence along Indiana Highway 403 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 203, thence along Indiana Highway 203 to junction Indiana Highway 356, thence along Indiana Highway 356 to junction Indiana Highway 56/62, thence along Indiana Highway 56/62 to junction Indiana Highway 107, thence along Indiana Highway 107 to junction Indiana Highway 62, thence along Indiana Highway 62 to junction Indiana Highway 250, thence along Indiana Highway 250 to the Indiana-Kentucky State line, on the one hand, and, on the other, those points in Ohio on and east of a line beginning at the Michigan-Ohio State line extending along U.S. Highway 23 to junction Interstate Highway 425, thence along Interstate Highway 425 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Ohio Highway 199, thence along Ohio Highway 199 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Ohio Highway 33, thence along Ohio Highway 33 to the West Virginia-Ohio State line. The purpose of this filing is to eliminate the gateway of points in Ohio on and east of a line beginning at the Ohio-West Virginia State line extending along U.S. Highway 13 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line.

No. MC 60014 (Sub-No. E25), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 E. Broad, Columbus, Ohio 45215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between those points in Indiana on and west of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 50 to junction U.S. Highway 50/150, thence along US Highway 50/150 to junction US Highway 231, thence along US Highway 231 to junction US Highway 150, thence along US Highway 150 to junction Indiana Highway 66, thence along Indiana Highway 66 to junction Indiana Highway 337, thence along Indiana Highway 337 to junction Indiana Highway 135, thence along Indiana Highway 135 to the Indiana-Kentucky State line, on the one hand, and, on the other, those points in Ohio to junction Ohio Highway 105, thence on and east of a line beginning at Lake Erie extending along Ohio Highway 163 to junction Ohio Highway 150, thence along Ohio Highway 105 to junction US Highway 23, thence along US Highway 23 to junction Ohio Highway 423, thence along Ohio Highway 423 to junction US Highway 23, thence along US Highway 23 to junction Ohio Highway 56, thence along Ohio Highway 56 to junction Ohio Highway 327, thence along Ohio Highway 327 to junction US Highway 35, thence along US Highway 35 to junction Ohio Highway 588, thence along Ohio Highway 588 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of points in Ohio on, south, and east of a line beginning at the Ohio-West Virginia State line extending along Ohio Highway 13 to junction US Highway 33, thence along US Highway 33 to junction US Highway 30, thence along US Highway 30 to the Ohio-West Virginia State line.

No. MC 61592 (Sub-No. E118) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER August 29, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Prescott, Ark., to points in Connecticut, Maine, New York, New Hampshire, Massachusetts, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Cass County, Ind., and points in Iowa east of U.S. Highway 65. The purpose of this correction is to reflect the correct "E" number—previously published as E13.

No. MC 102567 (Sub-E14), filed June 3, 1974. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston, First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such petroleum products as are *liquid chemicals* (petrochemicals), in bulk, in tank vehicles, from those points in Texas and Louisiana within 150 miles of Henderson, Tex., which are south and west of a live beginning at the Texas-Oklahoma State line, and extending along U.S. Highway 75 to junction U.S. Highway 82, to junction Texas Highway 8, to junction U.S. Highway 80, to junction Texas-Louisiana State line, thence along Texas-Louisiana State line to junction U.S. Highway 84, to junction Louisiana Highway 175, to junction U.S. Highway 171, to junction Louisiana Highway 12, to Texas-Louisiana State line, to those points in Alabama south of a line beginning at the Mississippi-Alabama State line and extending along Alabama Highway 70 to junction Interstate Highway 65, to junction Alabama Highway 10, to junction U.S. Highway 29, to junction U.S. Highway 82, to junction Alabama Highway 26, to Georgia-Alabama State line. The purpose of this filing is to eliminate the gateway of points in Texas within 150 miles of Henderson, Tex., and the plantsite of American Cyanamid Company at Avondale, La.

No. MC 102567 (Sub-E28), filed June 3, 1974. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such petroleum products as are *liquid chemicals* (petrochemicals), in bulk, in tank vehicles, from those points in Texas and Louisiana within 150 miles of Henderson, Tex., which are west of a line beginning at the Texas-Oklahoma State Line and extending along U.S. Highway 75, to junction Texas Highway 11, to junction U.S. Highway 69, to junction Texas Highway 64, to junction U.S. Highway 259, to junction U.S. Highway 84, to junction U.S. Highway 171, to junction Louisiana Highway 12, to Texas-Louisiana State line, to those points in Georgia south of a line beginning at the Georgia-Alabama State line and extending along Georgia Highway 22, to junction Interstate Highway 20, to the Georgia-South Carolina State line. The purpose of this filing is to eliminate the gateway of points in Texas within 150 miles of Henderson, Tex., and the plant-

site of American Cyanamid Company at Avondale, La.

No. MC 102567 (Sub-E29), filed June 3, 1974. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such petroleum products as are *liquid chemicals* (petrochemicals), in bulk, in tank vehicles, from those points in Texas and Louisiana within 150 miles of Henderson, Tex., which are south and west of a line beginning at Denton, Tex., and extending along U.S. Highway 380 to junction Interstate Highway 30, to junction Texas Highway 77, to junction Louisiana Highway 1, to junction Louisiana Highway 6, to junction Louisiana Highway 117, to junction Louisiana Highway 467, to junction Louisiana Highway 10, to Oakdale, La., to those points in North Carolina east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 501, to junction North Carolina Highway 55, to junction U.S. Highway 401, to junction U.S. Highway 301, to junction U.S. Highway 74, to junction U.S. Highway 701, to North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of points in Texas within 150 miles of Henderson, Tex., and the plantsite of American Cyanamid Company at Avondale, La.

No. MC 102567 (Sub-E46), filed June 3, 1974. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier, City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroluem products*, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles (except liquefied petroleum gas, anhydrous ammonia, and asphalt), from those points in Texas, Arkansas, and Louisiana within 150 miles of Henderson, Tex., which are north and west of a line beginning at Calion, Ark. and extending along U.S. Highway 167, to junction of Louisiana Highway 9, to junction of U.S. Highway 79, to junction U.S. Highway 59, to junction Texas Highway 103, to juncton Texas Highway 21, to Caldwell, Tex., to points in Florida. The purpose of this filing is to eliminate the gateways of El Dorado, Ark., Cotton Valley, La., Waskom, and Mt. Pleasant, Tex.

No. MC 102567 (Sub-E50), filed June 3, 1974. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles (except liquefied petroleum gas, anhydrous ammonia, and asphalt), from those points in Texas, Arkansas, and Louisiana within 150 miles of Henderson, Tex., which are west of a line beginning at Mena, Ark. and extending along U.S. Highway 59/71, to junction U.S. Highway 82, to junction U.S. Highway 167, to junction Louisiana Highway 9, to junction U.S. Highway 79, to junction U.S. Highway 59, to junction Texas Highway 103, to junction Texas Highway 7, to junction Texas Highway 21, to Caldwell, Tex., to points in Florida. The purpose of this filing is to eliminate the gateway of Eldorado, Ark., Cotton Valley, La., and Waskom and Mt. Pleasant, Tex.

No. MC 102616 (Sub-E258), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Cuyahoga, Mahoning, Stark, Summit, and Trumbull Counties, Ohio, to points in Louisiana and Texas (except Harris County), restricted against the transportation of resins, paint, and paint material to points in the Dallas, Tex., commercial zone.

No. MC 102616 (Sub-E259), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Summit, Cuyahoga, Mahoning, Stark, and Trumbull counties, Ohio, to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and points in Colorado, New Mexico, North Dakota, South Dakota, and Wyoming, which are west of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Akron, Ohio, Ft. Wayne, Ind., and Midland, Mich.

No. MC 102616 (Sub-E260), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Cuyahoga County, Ohio, to points in Nebraska, Arkansas, Oklahoma, Texas (except Harris County), and points in Colorado, New Mexico, South Dakota, and Wyoming, which are on and east of U.S. Highway 85, restricted against the transportation of resins, paint, and paint materials to points in the Dallas, Tex., commercial zone. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio, Kalamazoo, Mich., and Marshall, Ill., or points within 5 miles thereof.

No. MC 102616 (Sub-E261), filed June 30, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Cuyahoga County, Ohio, to points in Iowa, Minnesota, and Wisconsin. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio, and Chicago, Ill.

No. MC 102616 (Sub-E265), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Ohio on and east of U.S. Highway 23 to points in Oklahoma and Texas (except Harris County), restricted against the transportation of resins, paint, and paint materials to points in the Dallas, Tex., commercial zone. The purpose of this filing is to eliminate the gateway of South Charleston or Institute, W. Va., and Marshall, Ill., or points within 5 miles thereof.

No. MC 102616 (Sub-E267), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Ohio to points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateway of Kalamazoo, Mich., and Chicago, Ill.

No. MC 102616 (Sub-E269), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Ohio, west of U.S. Highway 23 which are south of U.S. Highway 40, to points in New York and Pennslyvania. The purpose of this filing is to eliminate the gateway of points within the commercial zone of Institute, W. Va., which are within 5 miles of Nitro, W. Va.

No. MC 102616 (Sub-E270), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Ohio on and south of U.S. Highway 36 which are west of U.S. Highway 23, to points in New Jersey. The purpose of this filing is to eliminate the gateway of points within the commercial zone of

Institute, W. Va., which are within 5 miles of Nitro, W. Va.

No. MC 102616 (Sub-E271), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Toledo, Ohio, to points in Florida. The purpose of this filing is to eliminate the gateway of Kalamazoo, Mich., and Marshall, Ill., or points within 5 miles thereof.

No. MC 102616 (Sub-E275), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Akron, Cleveland, Mansfield, and Toledo, Ohio, to points in Kansas, Louisiana, Mississippi, Missouri, and Nebraska. The purpose of ths filing is to eliminate the gateway of Kalamazoo, Mich., and Marshall, Ill., or points within 5 miles thereof.

No. MC 102616 (Sub-E278), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Akron and Toledo, Ohio, to points in Arkansas and Louisiana. The purpose of this filing is to eliminate the gateway of Kalamazoo, Mich., and Marshall, Ill., or points within 5 miles thereof.

No. MC 102616 (Sub-E279), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Akron, Columbus, Cincinnati, and Toledo, Ohio, to points in California, Montana, Oregon, and points in New Mexico, North Dakota, and Wyoming west of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Ind., and Midland, Mich.

No. MC 102616 (Sub-E281), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Akron, Canton, and Warren, Ohio, to points in Illinois west of U.S. Highway 45. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio, and Kalamazoo, Mich.

No. MC 102616 (E284), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Ohio on and east of a line beginning at Lake Erie and extending along Ohio Highway 13 to junction Ohio Highway 16, to junction Ohio Highway 37, to junction U.S. Highway 22, to junction U.S. Highway 23 to the Ohio-Kentucky State line, to points in Kansas. The purpose of this filing is to eliminate the gateway of South Charleston or Institute, W. Va.

No. MC 102616 (Sub-E287), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Ohio on and east of Ohio Highway 21 to points in Tennessee, west of U.S. Highway 27. The purpose of this filing is to eliminate the gateway of South Charleston or Institute, W. Va.

No. MC 102616 (Sub-E290), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, from Toledo, Ohio, to points in Alabama, Arkansas, Kansas, Louisiana, Nebraska, Mississippi, Oklahoma, Texas (except Harris County), and points in Colorado, New Mexico, and Wyoming on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Princeton, Ind., and Marshall, Ill., or points within 5 miles of each.

No. MC 102616 (Sub-No. E306), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Pennsylvania to points in California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and points in North Dakota west of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of South Charleston, or Institute, W. Va., and Midland, Mich.

No. MC 102616 (Sub-No. E308), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Pennsylvania to points in Arkansas, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Texas (except Harris county), and points in Colorado, New Mexico, North Dakota, South Dakota, and Wyoming which are on and east of U.S. Highway 85, restricted against the transportation of resins, paint, and paint materials to points in the Dallas, Tex., commercial zone. The purpose of this filing is to eliminate the gateway of South Charleston, or Institute, W. Va., and Marshall, Ill., or points within 5 miles thereof.

No. MC 102616 (Sub-No. E309), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Pennsylvania to points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateway of South Charleston or Institute, W. Va., and Chicago, Ill.

No. MC 102616 (Sub-No. E310), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Pennsylvania (except points on, north, and west of U.S. Highway 62) to points in Iowa. The purpose of this filing is to eliminate the gateway of South Charleston or Institute, W. Va., and Marshall, Ill., or points within 5 miles thereof.

No. MC 102616 (Sub-No. E311), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Pennsylvania to points in North Dakota on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of South Charleston or Institute, W. Va., and Marshall, Ill., or points within 5 miles thereof.

No. MC 102616 (Sub-No. E313), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Allegheny, Beaver, Butler, Cambria, Fayette, and McKean Counties, Pa., to points in Hudson, Somerset, Essex, and Union Counties, N.J. The purpose of this filing is to eliminate the gateway of points in Cambria County, Pa., within the Altoona, Pa., commercial zone.

No. MC 102616 (Sub-No. E316), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Allegheny, Beaver, Butler, Cambria, Fayette, and McKean Counties, Pa., to points in Arizona, California, Idaho, Montana, Nevada, Utah, and points in Colorado, New Mexico, North Dakota, South Dakota, and Wyoming which are west of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of the plant sites of Aniline and Solvay divisions of Allied Chemical Co. near Moundsville, W. Va., and Midland, Mich.

No. MC 102616 (Sub-No. E317), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Allegheny, Beaver, Butler, and Fayette Counties, Pa., to points in New Jersey. The purpose of this filing is to eliminate the gateway of the plantsites of Aniline and Solvay divisions of Allied Chemical Co. near Moundsville, W. Va.

No. MC 102616 (Sub-No. E318), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Allegheny, Beaver, Butler, Cambria, Fayette, and McKean Counties, Pa., to Baltimore, Md. The purpose of this filing is to eliminate the gateway of points in Cambria County, Pa., within the Altoona commercial zone.

No. MC 102616 (Sub-No. E319), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Allegheny, Beaver, Butler, Fayette, and McKean Counties, Pa., to points in New Castle County, Del. The purpose of this filing is to eliminate the gateway of points in Cambria County, Pa., within the Altoona, Pa., commercial zone.

No. MC 102616 (Sub-No. E320), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Allegheny, Beaver, Butler, Cambria, Fayette, and McKean Counties, Pa., to points in Iowa, Minnesota, and Wisconsin. The purpose of this filing is to eliminate the gateway of Akron, Ohio, and Chicago, Ill.

No. MC 102616 (Sub-No. E322), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Pennsylvania on and east of U.S. Highway 220 to points in Virginia south of U.S. 50 which are on and east of U.S. Highway 220. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 102616 (Sub-No. E325), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Titusville, Pa., to points in Delaware. The purpose of this filing is to eliminate the gateway of points in the Baltimore, Md., commercial zone.

No. MC 102616 (Sub-No. E326), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Allegheny and Beaver Counties, Pa., to points in Delaware. The purpose of this filing is to eliminate the gateway of Neville Island, Pa., and points in the Baltimore, Md., commercial zone.

No. MC 102616 (Sub-No. E327), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Allegheny and Beaver counties, Pa., to points in the Baltimore, Md., commercial zone. The purpose of this filing is to eliminate the gateway of Neville Island, Pa.

No. MC 102616 (Sub-No. E328), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Allegheny and Beaver Counties, Pa. (except Pittsburgh, Pa., and points within 10 miles thereof), to points in Illinois on and north of U.S. Highway 24. The purpose of this filing is to eliminate the gateway of Toledo, Ohio.

No. MC 102616 (Sub-No. E330), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Allegheny and Beaver Counties, Pa., to points in West Virginia on and north of U.S. Highway 33. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC 102616 (Sub-No. E333), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil*, in bulk, in tank vehicles, from points in Allegheny and Baver Counties, Pa., to points in Raleigh, Logan, Mingo, and Wyoming Counties, W. Va., and Buchanan County, Va. The purpose of this filing is to eliminate the gateway of McKees Rock, Pa.

No. MC 102616 (Sub-No. E334), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil and grease*, in bulk, in tank vehicles, from points in Allegheny and Beaver Counties, Pa., to points in Boone and Logan Counties, W. Va. The purpose of this filing is to eliminate the gateway of Coraopolis, Pa.

No. MC 102616 (Sub-No. E335), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paving coal tar*, in bulk, in tank vehicles, from points in Allegheny, Beaver, Butler, Fayette, and McKean Counties, Pa., to points in Ohio on and east of U.S. Highway 23 which are on and south of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Follansbee, W. Va.

No. MC 102616 (Sub-No. E336), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *asphalt and asphalt products*, in bulk, in tank vehicles, from North Charleroi, Pa., to points in Alabama, Illinois, Indiana, Kentucky, Michigan, New Hampshire, New York, North Carolina, Ohio, South Carolina, Tennessee, Vermont, Virginia, and Wisconsin. The purpose of this filing is to eliminate the gateway of Congo, W. Va.

No. MC 102616 (Sub-No. E337), filed June 3, 1974. Applicant: COASTAL

TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *asphalt and asphalt products*, in bulk, in tank vehicles, from North Charleroi, Pa., to points in Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, and Texas (except Harris county). The purpose of this filing is to eliminate the gateway of Congo, W. Va., and Marshall Ill., or points within 5 miles thereof.

No. MC 102616 (Sub-No. E338), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd. Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *coal tar products*, in bulk, in tank vehicles, from points in Allegheny, Beaver, Butler, Cambria, Fayette, and McKean counties, Pa., to points in Illinois. The purpose of this filing is to eliminate the gateway of Akron, Ohio, and Indianapolis, Ind.

No. MC 102616 (Sub-No. E339), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd. Akron, Ohio 44319. Applicant's Representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *coal tar products*, in bulk, in tank vehicles, from points in Allegheny, Beaver, Butler, Cambria, Fayette, and McKean counties, Pa. to points in Hudson, Somerset, Essex, and Union counties, N.J. The purpose of this filing is to eliminate the gateway of points in Cambria county, Pa., which are within the commercial zone of Altoona, Pa.

No. MC 102616 (Sub-No. E340), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *coal tar products*, in bulk, in tank vehicles, from points in Allegheny, Beaver, Butler, Cambria, Fayette, and McKean counties, Pa., to points in New Castle county, Del. The purpose of this filing is to eliminate the gateway of points in Cambria county, Pa., within the commercial zone of Altoona, Pa.

No. MC 102616 (Sub-No. E342), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *coal tar products*, in bulk, in tank vehicles, from points in Allegheny, Beaver, Butler, Cambria, Fayette, and McKean counties, Pa., to points in Indiana, Michigan, and Wisconsin. The purpose of this filing is to eliminate the gateway of Youngstown, Ohio.

No. MC 102616 (Sub-No. E346), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from points in Allegheny and Beaver counties, Pa., to Nitro, W. Va. The purpose of this filing is to eliminate the gateway of Floreffe or Freedom, Pa.

No. MC 102616 (Sub-No. E347), filed June 3, 1974. Applicant: , COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *petroleum products*, in bulk, in tank vehicles, from Duncansville, Mt. Union, Mechanicsburg, York, and Lancaster, Pa., and points within 10 miles of each, to points in North Carolina. The purpose of this filing is to eliminate the gateway of Baltimore, Md., points in the Washington, D.C., commercial zone, and points in York county, Va., on and north of U.S. Highway 60.

No. MC 102616 (Sub-No. E348), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *petroleum products*, in bulk, in tank vehicles, from Philadelphia, Pa., to points in North Carolina. The purpose of this filing is to eliminate the gateway of points in York County, Va., on and north of U.S. Highway 60.

No. MC 102616 (Sub-No. E350), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Philadelphia, Pa., to points in Illinois on and north of U.S. Highway 24 and points in Indiana (except points east and north of a line begining at the Michigan-Indiana State line and extending along Indiana Highway 13 to junction U.S. Highway 24, to junction Indiana Highway 105, to junction Indiana Highway 124 to the Indiana-Ohio State line). The purpose of this filing is to eliminate the gateway of Toledo, Ohio.

No. MC 102616 (Sub-No. E351), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid petrochemicals*, as defined by the Commission, in bulk, in tank vehicles, from Philadelphia, Pa., to points in Illinois, Indiana, and Michigan. The purpose of this filing is to eliminate the gateway of the plantsites of Aniline and Solvay divisions of Allied Chemical Co. near Moundsville, W. Va.

No. MC 102616 (Sub-No. E353), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid petrochemicals*, as defined by the Commission, in bulk, in tank vehicles, from points in Pennsylvania on and east of U.S. Highway 220 to points in Iowa and Minnesota. The purpose of this filing is to eliminate the gateway of Wilmington, Del., Philadelphia, Pa., Akron, Ohio, and Chicago, Ill.

No. MC 102616 (Sub-No. E354), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid petrochemicals*, as defined by the Commission, in bulk, in tank vehicles, from points in Pennsylvania on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 22 to junction U.S. Highway 222 to the Pennsylvania-Maryland State line, to points in West Virginia on and north of U.S. Highway 33 which are on and east of U.S. Highway 250. The purpose of this filing is to eliminate the gateway of Wilmington, Del., and Philadelphia, Pa.

No. MC 102616 (Sub-No. E355), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid petrochemicals*, as defined by the Commission, in bulk, in tank vehicles, from points in Pennsylvania east of U.S. Highway 220 to points in North Carolina. The purpose of this filing is to eliminate the gateway of Baltimore, Md., and points in York County, Va., on and north of U.S. Highway 60.

No. MC 102616 (Sub-No. E356), filed June 3, 1974. Applicant: COASTAL TANK, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid petrochemicals*, as defined by the Commission, in bulk, in tank vehicles, from points in Butler and Fayette counties, Pa., to points in Connecticut, Rhode Island, and points in Virginia on and north of U.S.

Highway 60. The purpose of this filing is to eliminate the gateway of Allegheny or Beaver Counties, Pa.

No. MC 102616 (Sub-No. E357), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid petrochemicals*, as defined by the Commission, in bulk, in tank vehicles, from points in Butler, Cambria, Fayette, and McKean counties, Pa., to points in Massachuetts. The purpose of this filing is to eliminate the gateway of Allegheny or Beaver Counties, Pa.

No. MC 102616 (Sub-No. E358), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid petrochemicals*, as defined by the Commission, in bulk, in tank vehicles, from Mechanicsburg, York, and Lancaster, Pa., and points within 10 miles of each, to points in West Virginia on and east of U.S. Highway 250 which are on and east of U.S. Highway 33, and points in Ohio on and north of U.S. Highway 40 which are on and east of U.S. Highway 23. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 102616 (Sub-No. E359), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid petrochemicals*, as defined by the Commission, in bulk, in tank vehicles, from Mechanicsburg, York, and Lancaster, Pa., and points within 10 miles of each, to points in Illinois, Indiana, and Michigan. The purpose of this filing is to eliminate the gateway of Baltimore, Md., and the Allied Chemical Co. plantsites near Moundsville, W. Va.

No. MC 102616 (Sub-No. E360), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid petrochemicals*, as defined by the Commission, in bulk, in tank vehicles, from Philadelphia, Pa., to points in Iowa and Minnesota. The purpose of this filing is to eliminate the gateway of Akron, Ohio, and Chicago, Ill.

No. MC 102616 (Sub-No. E363), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid petrochemicals*, in bulk, in tank vehicles, from points in Pennsylvania on and east of U.S. Highway 220 to the District of Columbia. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 102616 (Sub-No. E364), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid petrochemicals*, in bulk, in tank vehicles, from points in Allegheny, Beaver, Butler, and Fayette counties, Pa., to points in Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateway of points in Cambria county, Pa., within the Altoona commercial zone, and Wilmington, Del.

No. MC 102616 (Sub-No. E365), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid petrochemicals*, in bulk, in tank vehicles, from points in Allegheny, Beaver, Butler, Cambria, Fayette, and McKean counties, Pa., to points in Massachusetts. The purpose of this filing is to eliminate the gateway of points in Cambria county, Pa., within the Altoona, commercial zone, and Wilmington, Del.

No. MC 102616 (Sub-No. E367), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid petrochemicals*, in bulk, in tank vehicles, from points in Pennsylvania on and east of U.S. Highway 220 to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Wilmington, Del.

No. MC 102616 (Sub-No. E369), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid petrochemicals*, in bulk, in tank vehicles, from points in Pennsylvania on and east of U.S. Highway 220 which are on and south of U.S. Highway 22, to points in Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateway of Wilmington, Del.

No. MC 102616 (Sub-No. E371), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid petrochemicals*, in bulk, in tank vehicles, from Delmont, Pa., to points in Iowa, Minnesota, and Wisconsin. The purpose of this filing is to eliminate the gateway of points in Brooke, Hancock, Marshall, Marion, Monongalia, Pleasants, or Wetzel Counties, W. Va., Akron, Ohio, and Chicago, Ill.

No. MC 102616 (Sub-No. E375), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid petrochemicals*, in bulk, in tank vehicles, from points in Cambria, Fayette, and McKean counties, Pa., to the District of Columbia. The purpose of this filing is to eliminate the gateway points in Cambria county, Pa., within the Altoona, Pa., commercial zone, and Baltimore, Md.

No. MC 102616 (Sub-No. E374), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid petrochemicals*, in bulk, in tank vehicles, from Greensburg and Nanty Glo, Pa., and points within 10 miles of each, to points in Alabama, Arizona, Kansas, Louisiana, Mississippi, Nebraska, and points in Colorado, North Dakota, South Dakota, and New Mexico on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of the Allied Chemical Co. plantsites near Moundsville, W. Va., and Marshall, Ill., or points within 5 miles thereof.

No. MC 102616 (Sub-No E376), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid petrochemicals*, in bulk, in tank vehicles, from Greensburg and Nanty Glo, Pa., and points within 10 miles of each, to points in Illinois, Indiana, Michigan, Missouri, and Ohio (except points in Cuyahoga, Hamilton, Mahoning, Stark, Summit, and Trumbull counties). The purpose of this filing is to eliminate the gateway of the Allied Chemical Co. plantsites near Moundsville, W. Va.

No. MC 102616 (Sub-No. E377), filed June 4, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid petrochemicals*, in bulk, in tank vehicles, from Greensburg and Nanty Glo, Pa., and 10 miles of each, to points in Iowa, Minnesota, and Wisconsin. The purpose of this filing is to eliminate the gateway of points in Brooke, Hancock, Marshall, Marion, Monongalia, Pleasants, or

Wetzel counties, W.Va., Akron, Ohio, and Chicago, Ill.

No. MC 102616 (Sub-No. E378), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid petrochemicals*, in bulk, in tank vehicles, from Greensburg, Rochester, and Pittsburgh, Pa., to points in Arizona, California, Idaho, and points in Colorado, New Mexico, North Dakota, and South Dakota west of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of the plantsites of Allied Chemical Co. near Moundsville, W.Va., and Midland, Mich.

No. MC 102616 (Sub-No. E379), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *petroleum products* (except petrochemicals), in bulk, in tank vehicles, from points in Allegheny and Beaver counties, Pa., to points in Alabama, Illinois, Indiana, Kentucky, Michigan, New Hampshire, New York, North Carolina, Ohio, South Carolina, Tennessee, Vermont, Virginia, and Wisconsin. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa., and Congo, W. Va.

No. MC 102616 (Sub-No. E380), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Greensburg and Nanty Glo, Pa., and points within 10 miles of each, to points in Alabama, Illinois, Indiana, Kentucky, Michigan, New Hampshire, New York, North Carolina, Ohio, South Carolina, Tennessee, Vermont, Virginia, and Wisconsin. The purpose of this filing is to eliminate the gateway of Congo, W. Va.

No. MC 102616 (Sub-No. E381), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Mechanicsburg, York, and Lancaster, Pa., and points within 10 miles of each, to points in Alabama, Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin. The purpose of this filing is to eliminate the gateway of Baltimore, Md., and Congo, W. Va.

No. MC 102616 (Sub-No. E382), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Mechanicsburg, York, and Lancaster, Pa., and points within 10 miles of each, to points in Arkansas, Iowa, Kansas, Louisiana, Mississippi, and points in New Mexico on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Baltimore, Md., Congo, W. Va., and Marshall, Ill., or points within 5 miles thereof.

No. MC 102616 (Sub-No. E383), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Philadelphia, Pa., to points in Alabama, Illinois, Indiana, Kentucky, Michigan, Ohio, Tennessee, and Wisconsin. The purpose of this filing is to eliminate the gateway of Congo, W. Va.

No. MC 102616 (Sub-No. E384), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Philadelphia, Pa., to points in Arkansas, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Texas (except Harris county), and points in Colorado, New Mexico, North Dakota, South Dakota, and Wyoming which are on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateways of Congo, W. Va., and Marshall, Ill., or points within 5 miles thereof.

No. MC 102616 (Sub-No. E385), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *petroleum products* (except petrochemicals), in bulk, in tank vehicles, from points in Allegheny and Beaver counties, Pa., to points in Boone, Fayette, Greenbrier, McDowell, Raleigh, and Summers counties, W. Va. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC 102616 (Sub-No. E386), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *petroleum products* (except petrochemicals), in bulk, in tank vehicles, from points in Allegheny and Beaver counties, Pa., to points in Kanawha county, W. Va. The purpose of this filing is to eliminate the gateway of Freedom, Pa.

No. MC 102616 (Sub-No. E387), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Greensburg and Nanty Glo, Pa., and points within 10 miles of each, to points in Arkansas, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Texas (except Harris county), and points in Colorado, New Mexico, North Dakota, South Dakota, and Wyoming which are on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Congo, W. Va., and Marshall, Ill., or points within 5 miles thereof.

No. MC 102616 (Sub-No. E388), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Freedom, Hays, Neville Island, and Delmont, Pa., to points in Arkansas, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Texas (except Harris county), and points in Colorado, New Mexico, North Dakota, South Dakota, and Wyoming which are on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Congo, W. Va., and Marshall, Ill., or points within 5 miles thereof.

No. MC 102616 (Sub-No. 389), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid petroleum products* (except petrochemicals), in bulk, in tank vehicles, from points in Allegheny and Beaver counties, Pa., to points in Arkansas, Iowa, Kansas, Mississippi, Missouri, Nebraska, Oklahoma, Texas (except Harris county), and points in Colorado, New Mexico, North Dakota, South Dakota, and Wyoming which are on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa., Congo, W. Va., and Marshall, Ill., or points within 5 miles thereof.

No. MC 102616 (Sub-No. E390), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *liquid petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Duncansville, Mt. Union, Mechanicsburg, York, and Lancaster, Pa., and points within 10 miles of each, to points in Kansas, Mississippi, Nebraska, Oklahoma, Texas (except Harris county), and points in Colorado, North Dakota, South Dakota, and Wyoming which are on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Baltimore, Md., Congo, W. Va., and Marshall, Ill., or points within 5 miles thereof.

No. MC 102616 (Sub-No. E391), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Freedom, Hays, Neville Island, and Delmont, Pa., to points in Alabama, Illinois, Indiana, Kentucky, Michigan, New Hampshire, New York, North Carolina, Ohio, South Carolina, Tennessee, Vermont, Virginia, and Wisconsin. The purpose of this filing is to eliminate the gateway of Congo, W. Va.

No. MC 107295 (Sub-E235), filed March 10, 1975. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, complete, knocked down, or in sections*, from points in that part of Wisconsin in and south of Grant, Iowa, Dane, Jefferson, Waukesha, and Milwaukee Counties, to points in that part of Montana in and west of Hill, Chouteau, Fergus, Musselshell, Yellowstone, Treasure, Rosebud, and Powder River Counties. The purpose of this filing is to eliminate the gateway of Atlantic, Iowa.

No. MC 111823 (Sub-No. E77), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Ellsworth Air Force Base, Rapid City, S. Dak., on the one hand, and, on the other, Craig Air Force Base, Selma, Fort McClellan, Anniston, Fort Rucker, Ozark, Gunter Air Force Base, Montgomery, Maxwell Air Force Base, Montgomery, and Redstone Arsenal, Huntsville, Ala.; Blytheville Air Force Base, Blytheville, and Little Rock Air Force Base, Jacksonville, Ark.; Naval Submarine Base New London, Groton, Conn.; the Pentagon, Arlington Hall Station, Henderson Hall, and the Navy Security Station, District of Columbia; Andrews Air Force Base, Camp Springs, Md., Bolling Air Force Base, District of Columbia; Fort Myer, Arlington, Va.; Fort McNair, District of Columbia; Cameron Station, Alexandria, Va.; Walter Reed Army Medical Center, District of Columbia; National Naval Medical Center, Bethesda, Md.; Naval Station, District of Columbia; Eglin Air Force Base, Valparaiso, Homestead Air Force Base, Homestead, McDill Air Force Base, Tampa, McCoy Air Force Base, Orlando, Naval Air Station Cecil Field, Jacksonville, Naval Air Station, Jacksonville, Naval Air Station, Pensacola, Naval Station, Mayport, Naval Air Station Whiting Field, Milton, Naval Station, Key West, Naval Training Center, Orlando, Patrick Air Force Base, Cocoa Beach, and Tyndall Air Force Base, Panama City, Fla.; Atlanta Army Depot, Forest Park, Fort Benning, Columbus, Fort Gordon, Augusta, Fort McPherson, Atlanta, Fort Stewart, Hinesville, Hunter Army Airfield, Savannah, Marine Corps Supply Center, Albany, Dobbins Air Force Base, Marietta, Moody Air Force Base, Valdosta, Naval Air Station, Albany, Naval Air Station, Glynco, and Robins Air Force Base, Warner Robins, Ga.; Chanute Air Force Base, Rantoul, Fort Sheridan, Highland Park, Joliet Army Ammunition Depot, Joliet, Savanna Army Depot, Savanna, Naval Air Station, Glenview, Naval Training Center, Great Lakes, and Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Fort Benjamin Harrison, Indianapolis, and Naval Ammunition Depot, Crane, Ind.; Fort Campbell, Hopkinsville, and Fort Knox, Fort Knox, Ky.; Barksdale Air Force Base, Shreveport, England Air Force Base, Alexandria, Fort Polk, Leesville, and Naval Air Station, New Orleans, La.

Aberdeen Proving Ground, Aberdeen, Edgewood Arsenal, Edgewood, Fort Detrick, Frederick, Fort Holabird, Baltimore, Fort George Meade, Laurel, Fort Ritchie, Cascade, Naval Air Station, Patuxent River, Naval Academy, Annapolis, and Naval Training Center, Bainbridge, Md.; Fort Devens, Ayer, Naval Air Station, South Weymouth, L. G. Hanscom Field, Bedford, Otis Air Force Base, Falmouth (Cape Cod), and Westover Air Force Base, Springfield, Mass.; Kincheloe Air Force Base, Sault Ste Marie, K. I. Sawyer Air Force Base, Gwinn, Selfridge Air National Guard Base, Mount Clemens, and Wurtsmith Air Force Base, Oscoda, Mich.; Columbus Air Force Base, Columbus, Keesler Air Force Base, Biloxi, Naval Air Station, Meridian, and Naval Construction Battalion, Gulfport, Miss.; Pease Air Force Base, Portsmouth, N.H.; Fort Dix, Wrightstown, Fort Monmouth, Oceanport, McGuire Air Force Base, Wrightstown, and Naval Air Station, Lakehurst, N.J.; Camp Drum, Watertown, Fort Hamilton, Brooklyn, Fort Wadsworth, Staten Island, US Coast Guard Base, Governor's Island, Griffis Air Force Base, Rome, Hancock Field, Syracuse, Plattsburg Air Force Base, Plattsburg, Naval Hospital, Saint Albans, Seneca Army Depot, Romulus, Stewart Field, Newburgh, and U.S. Military Academy, West Point, N.Y.; Lockbourne Air Force Base, Columbus and Wright-Patterson Air Force Base, Dayton, Ohio; Army War College, Carlisle Barracks, Letterkenny Army Depot, Chambersburg, Naval Base, Philadelphia, New Cumberland Army Depot, New Cumberland, Tobyhanna Army Depot, Tobyhanna, Defense Activities, Mechanicsburg, and Valley Forge General Hospital, Phoenixville, Pa.; Charleston Air Force Base, Charleston, Fort Jackson, Columbia, Marine Corps Air Station, Beaufort, Marine Corps Recruit Depot, Parris Island, Myrtle Beach Air Force Base, Myrtle Beach, Naval Base, Charleston, Polaris Missile Facility, Charleston, and Shaw Air Force Base, Sumter, S.D.; Arnold Air Force Base, Tullahoma, and Naval Air Station Memphis, Millington, Tenn.; Fort Belvoir, Alexandria, Fort Eustis, Newport News, Fort Lee, Petersburg, Fort Monroe, Hampton, Fort Story, Virginia Beach, Langley Air Force Base, Hampton, Marine Corps School, Quantico, Naval Air Station, Oceana (Virginia Beach), Naval Amphibious Base, Little Creek, Naval Shipyard Norfolk, Portsmouth, Naval Station, Norfolk, Naval Weapons Laboratory, Dahlgren, Naval Weapons Station, Yorktown, Defense General Supply Center, Richmond, and Vint Hill Farms Station, Warrenton, Va. The purpose of this filing is to eliminate the gateway of St. Louis, Mo., or Louisville, Ky., or that part of Ohio, Indiana, and Illinois on and north of a line beginning at the Pennsylvania-Ohio State line extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to Springfield, thence along Ohio Highway 440 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Missouri State line.

No. MC 111823 (Sub-No. E78), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, NY 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Charleston Air Force Base, Charleston, S.C., Naval Base, Charleston, S.C., Polaris Missile Facility, Charleston, S.C., Marine Corps Recruit Depot, Parris Island, S.C., and Marine Corps Air Station, Beaufort, S.C., on the one hand, and, on the other, Ent Air Force Base & Peterson Field, Colorado Springs, Fitzsimons General Hospital, Denver, Fort Carson, Colorado Springs, Lowry Air Force Base, Denver, and U.S. Air Force Academy, Colorado Springs, Colo.; Chanute Air Force Base, Rantoul, Fort Sheridan, Highland Park, Joliet Army Ammunition Depot, Joliet, Savanna Army Depot, Savanna, Naval Air Station, Glenview, Naval Training Center, Great Lakes, and Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Fort Benjamin Harrison, Indianapolis, and Naval Ammunition Depot, Crane, Ind.; Forbes Air

Force Base, Topeka, Fort Leavenworth, Leavenworth, Fort Riley, Junction City, and McConnell Air Force Base, Wichita, Kans.; Fort Knox, Fort Knox, Ky.; Kincheloe Air Force Base, Sault Ste Marie, K. I. Sawyer Air Force Base, Gwin, Selfridge Air Force Base, Mount Clemens, and Wurtsmith Air Force Base, Oscoda, Mich.; Duluth International Airport, Duluth, Minn.; Fort Leonard Wood, Waynesville, Richards-Gebaur Air Force Base, Kansas City, and Whiteman Air Force Base, Knob Noster, Mo.; Offutt Air Force Base, Omaha, Nebr.; Grand Forks Air Force Base, Emerado, and Minot Air Force Base, Minot, N. Dak.; Lockbourne Air Force Base, Columbus, and Wright-Patterson Air Force Base, Dayton, Ohio; Altus Air Force Base, Altus, Fort Sill, Lawton, Tinker Air Force Base, Oklahoma City, and Vance Air Force Base, Enid, Okla.; Ellsworth Air Force Base, Rapid City, S. Dak.; Fort Bliss, El Paso, Reese Air Force Base, Lubbock, Tex.; and Camp McCoy, Sparta, Wis. The purpose of this filing is to eliminate the gateway of St. Louis, Mo., or Louisville, Ky., or that part of Ohio, Indiana, and Illinois on and north of a line beginning at the Pennsylvania-Ohio State line extending along U.S. Highway 422 to Junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to Springfield, Ohio, thence along Ohio Highway 440 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Missouri State line.

No. MC 111823 (Sub-No. E79), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Shaw Air Force Base, Sumter, S.C., on the one hand, and, on the other, Blytheville Air Force Base, Blytheville, Ark.; Ent Air Force Base & Peterson Field, Colorado Springs, Fitzsimons General Hospital, Denver, Fort Carson, Colorado Springs, Lowry Air Force Base, Denver, and U.S. Air Force Academy, Colorado Springs, Colo.; Chanute Air Force Base, Rantoul, Fort Sheridan, Highland Park, Joliet Army Ammunition Depot, Joliet, Savanna Army Depot, Savanna, Naval Air Station, Glenview, Naval Training Center, Great Lakes, and Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Fort Benjamin Harrison, Indianapolis, and Naval Ammunition Depot, Crane, Ind.; Forbes Air Force Base, Topeka, Fort Leavenworth, Leavenworth, Fort Riley, Junction City, and McConnell Air Force Base, Wichita, Kans.; Fort Campbell, Hopkinsville, and Fort Knox, Fort Knox, Ky.; Kincheloe Air Force Base, Sault Ste Marie, K. I. Sawyer Air Force Base, Gwinn, Selfridge Air National Guard Base, Mount Clemens, and Wurtsmith Air Force Base, Oscoda, Mich.; Duluth International Airport, Duluth, Fort Leonard Wood, Waynesville, Richards-Gebaur Air Force Base, Kansas City, and Whiteman Air Force Base, Knob Noster, Mo.; Offutt Air Force Base, Omaha, Nebr., Grand Forks Air Force Base, Emerado, and Minot Air Force Base, Minot, N. Dak.; Lockbourne Air Force Base, Columbus, and Wright-Patterson Air Force Base, Dayton, Ohio; Altus Air Force Base, Altus, Fort Sill, Lawton, Tinker Air Force Base, Oklahoma City, Vance Air Force Base, Enid, Okla.; Ellsworth Air Force Base, Rapid City, S. Dak., Carswell Air Force Base, Fort Worth, Dyess Air Force Base, Abilene, Fort Bliss, El Paso, Fort Wolters, Mineral Wells, Goodfellow Air Force Base, San Angelo, Laredo Air Force Base, Laredo, Laughlin Air Force Base, Del Rio, Reese Air Force Base, Lubbock, Sheppard Air Force Base, Wichita Falls, and Webb Air Force Base, Big Spring, Tex.; and Camp McCoy, Sparta, Wis. The purpose of this filing is to eliminate the gateway of St. Louis, Mo., or Louisville, Ky., or that part of Ohio, Indiana, and Illinois on and north of a line beginning at the Pennsylvania-Ohio State line, and extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to Springfield, Ohio, thence along Ohio Highway 440 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Missouri State line.

No. MC 113843 (Sub-No. E771), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) between points in Bradford County, Pa., on the one hand, and, on the other, points in Ohio; (2) between Scranton, Pa., on the one hand, and, on the other, those points in Ohio on, north, and west of a line beginning at the Ohio-Pennsylvania State line extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line; (3) between Wilkes-Barre, Pa., on the one hand, and, on the other, those points in Ohio on, north, and west of a line beginning at the Ohio-Pennsylvania State line extending along U.S. Highway 322 to junction Ohio Highway 44, thence along Ohio Highway 44 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line; (4) between Hazleton, Pa., on the one hand, and, on the other, points in Ashtabula County, Ohio, and those points in Ohio on, north, and west of a line beginning at the Ohio-Indiana State line extending along Ohio Highway 18 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction Ohio Highway 281, thence along Ohio Highway 281 to junction Ohio Highway 199, thence along Ohio Highway 199 to junction U.S. Highway 6, thence along U.S. Highway 6 to Fremont, thence along Ohio Highway 53 to Lake Erie; (5) between Ashland, Reading, Concordville, Pa., on the one hand, and, on the other, points in Williams and Defiance Counties, Ohio; (6) between those points in Pennsylvania on, east and south of a line beginning at the Pennsylvania-Delaware State line extending along U.S. Highway 202 to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Interstate Highway 176, thence along Interstate Highway 176 to junction U.S. Highway 222, thence along U.S. Highway 222 to junction Pennsylvania Turnpike, thence along Pennsylvania Turnpike to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Pennsylvania-New York State line, on the one hand, and, on the other, those points in Ohio on, north, and west of a line beginning at the Michigan-Ohio State line extending along Ohio Highway 108 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Ohio-Indiana State line.

(7) Between Stroudsburg, Pa., on the one hand, and, on the other, those points in Ohio on, north, and west of a line beginning at the Ohio-Pennsylvania State line extending along U.S. Highway 322 to junction Ohio Highway 44, thence along Ohio Highway 44 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 183, thence along Ohio Highway 183 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 16, thence along Ohio Highway 16 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 93, thence along Ohio Highway 93 to the Ohio-Kentucky State line; (8) between Doylestown, Pa., on the one hand, and, on the other, those points in Ohio on, north, and west of a line beginning at the Ohio-Pennsylvania State line extending along U.S. Highway 322 to junction Ohio Highway 10, thence along Ohio Highway 10 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction Ohio Highway 47, thence along Ohio Highway 47 to the Ohio-Indiana State line; (9) between Allentown, Pa., on the one hand, and, on the other, those points in Ohio on, north, and west of a line beginning at the Ohio-Pennsylvania State line extending along U.S. Highway 322 to Cleveland, thence along U.S. Highway 20 to junction Ohio Highway 4, thence along

Ohio Highway 4 to junction Ohio Highway 47, thence along Ohio Highway 47 to the Ohio-Indiana State line; (10) between points in Lehigh and Northampton Counties, Pa., on the one hand, and, on the other, those points in Ohio on, north, and west of a line beginning at the Ohio-Pennsylvania State line extending along U.S. Highway 322 to Cleveland, thence along U.S. Highway 20 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction Ohio Highway 47, thence along Ohio Highway 47 to the Ohio-Indiana State line; (11) between Philadelphia, Pa., on the one hand, and, on the other, those points in Ohio on, north, and west of a line beginning at the Ohio-Pennsylvania State line extending along U.S. Highway 20 to Cleveland, thence along U.S. Highway 6 to junction Ohio Highway 13, thence along Ohio Highway 13 to Norwalk, thence along U.S. Highway 20 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 29, thence along Ohio Highway 29 to the Ohio-Indiana State line.

(12) Between Norristown, Pa., on the one hand, and, on the other, those points in Ohio on, north, and west of a line beginning at the Ohio-Pennsylvania State line extending along U.S. Highway 20 to Cleveland, thence along U.S. Highway 6 to junction Ohio Highway 13, thence along Ohio Highway 13 to Norwalk, thence along U.S. Highway 20 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction U.S. Highway 224, then along U.S. Highway 224 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 29, thence along Ohio Highway 29 to the Ohio-Indiana State line; (13) between points in Susquehanna and Lackawanna Counties, Pa., on the one hand, and, on the other, those points in Ohio on, north, and west of a line beginning at the Ohio-Pennsylvania State line extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line; (14) between points in Luzerne County, Pa., on the one hand, and, on the other, points in Ashtabula County, Ohio, and those in Ohio on, north, and west of a line beginning at the Ohio-Indiana State line extending along Ohio Highway 18 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction Ohio Highway 281, thence along Ohio Highway 281 to junction U.S. Highway 6, thence along U.S. Highway 6 to Fremont, thence along Ohio Highway 53 to Lake Erie; (15) between King of Prussia, Pa., on the one hand, and, on the other, Cleveland, and Solon, Ohio; (16) between Allentown, Reading, Hazleton, Doylestown, Ashland, Lewisburg, Norristown, Philadelphia, Williamsport, Wilkes-Barre, Scranton, Stroudsburg, and Millersburg, Pa., on the one hand, and, on the other, points in Illinois; (17) between those points in Pennsylvania on, north, and east of a line beginning at the New York-Pennsylvania State line extending along U.S. Highway 15 to junction with the Susquehanna River, thence along U.S. Highway 209 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to Reading, thence along U.S. Highway 422 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, points in Illinois.

(18) Between those points in Pennsylvania on, north, and east of a line beginning at the New York-Pennsylvania State line extending along U.S. Highway 15 to the Susquehanna River, thence along U.S. Highway 209 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to Reading, thence along Pennsylvania Highway 10 to the Pennsylvania-Maryland State line, on the one hand, and, on the other, those points in Illinois on, north, and west of a line beginning at the Illinois-Kentucky State line extending along U.S. Highway 51 to junction Illinois Highway 15, thence along Illinois Highway 15 to junction Illinois Highway 127, thence along Illinois Highway 127 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 17, thence along Illinois Highway 17 to the Illinois-Indiana State line; (19) between those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-New York State line extending along U.S. Highway 15 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to the Pennsylvania-Maryland State line, on the one hand, and, on the other, points in Illinois on, north, and west of a line beginning at the Illinois-Missouri State line extending along Illinois Highway 96 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Illinois-Indiana State line; (20) between points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line extending along Interstate Highway 83 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in Illinois on and west of a line beginning at the Illinois-Wisconsin State line extending along U.S. Highway 51 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Illinois Highway 23, thence along Illinois Highway 23 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Iowa State line.

(21) Between those points in Pennsylvania on, east, and north of a line beginning at the Pennsylvania-Maryland State line extending along U.S. Highway 202 to junction Pennsylvania Highway 100, thence along Pennsylvania Highway Highway 100 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction U.S. Highway 209, thence along U.S. Highway 209 to Millersburg, thence along U.S. Highway 15 to the Pennsylvania-New York State line, on the one hand, and, on the other those points in Illinois on, north, and west of a line beginning at the Illinois-Kentucky State line extending along Interstate Highway 57 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Indiana State line; (22) between those points in Pennsylvania on, east, and north of a line beginning at the Pennsylvania-New York State line extending along U.S. Highway 15 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to Wilkes-Barre, thence along Pennsylvania Highway 115 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, points in Indiana; (23) between those points in Pennsylvania on, east, and north of a line beginning at the Pennsylvania-Delaware State line extending along Pennsylvania Highway 82 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to Reading, thence along Pennsylvania Highway 61 to junction U.S. Highway 15, thence along U.S. Highway 15 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Indiana on, north, and west of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 24 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Indiana Highway 19, thence along Indiana Highway 19 to the Indiana-Michigan State line.

(24) Between those points in Pennsylvania on, east, and north of a line beginning at the Pennsylvania-New York State line extending along U.S. Highway 15 to the Susquehanna River, thence along U.S. Highway 209 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, those points in Indiana on, west, and north of a line beginning at the Indiana-Illinois State line extending along Indiana Highway 26 to junction Indiana Highway 25, thence along Indiana Highway 25 to junction Indiana Highway 19, thence along Indiana Highway 19 to the Indiana-Michi-

gan State line; (25) between those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-New York State line extending along U.S. Highway 15 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 118, thence along Pennsylvania Highway 118 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to Wilkes-Barre, thence along Interstate Highway 81 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, points in Indiana on, west, and north of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 421 to junction Indiana Highway 3, thence along Indiana Highway 3 to Ft. Wayne, thence along U.S. Highway 24 to the Indiana-Ohio State line; (26) between points in Indiana, on the one hand, and, on the other, those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-New Jersey State line extending along Interstate Highway 80 to junction Pennsylvania Turnpike, thence along Pennsylvania Turnpike to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction Pennsylvania Highway 487, thence along Pennsylvania Highway 487 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line.

(27) Between those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-New Jersey State line extending along U.S. Highway 202 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 118, thence along Pennsylvania Highway 118 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line, on the one hand, and, on the other, those points in Indiana on, north, and west of a line beginning at the Indiana-Ohio State line extending along Indiana Highway 37 to junction Indiana Highway 1, thence along Indiana Highway 1 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Indiana-Kentucky State line; (28) between those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-New Jersey State line extending along U.S. Highway 422 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in Indiana on, north, and west of a line beginning at the Indiana-Ohio State line extending along U.S. Highway 20 to junction Indiana Highway 15, thence along Indiana Highway 15 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 26, thence along Indiana Highway 26 to the Indiana-Illinois State line; (29) between Reading, Pa., on the one hand, and, on the other, points in Indiana on, north, and west of a line beginning at the Indiana-Illinois State line extending along Indiana Highway 26 to junction Indiana Highway 25, thence along Indiana Highway 25 to junction Indiana Highway 15, thence along Indiana Highway 15 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Indiana-Ohio State line; (30) between Norristown, Pa., on the one hand, and, on the other, those points in Indiana on, north, and west of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 40 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 25, thence along Indiana Highway 25 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Indiana-Ohio State line.

(31) Between Philadelphia, Pa., on the one hand, and, on the other, those points in Indiana, on, north, and west of a line beginning at the Indiana-Ohio State line extending along Indiana Highway 14 to junction Interstate Highway 69, thence along Interstate Highway 69 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Illinois State line; (32) from points in Philadelphia and Union Counties, Pa., to those points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line extending along Interstate Highway 65 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Kentucky Highway 764, thence along Kentucky Highway 764 to junction Kentucky Highway 144, thence along Kentucky Highway 144 to junction Kentucky Highway 69, thence along Kentucky Highway 69 to the Kentucky-Indiana State line; (33) from points in Luzerne County, Pa., to those points on and west of a line beginning at the Kentucky-Tennessee State line extending along Kentucky Highway 200 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Kentucky-Ohio State line; (34) from Wilkes-Barre, Pa., to points in Kentucky; (35) from Chester County, Pa., to those points in Kentucky on and west of U.S. Highway 45; (36) from Ashland, Pa., to those points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line extending along Kentucky Highway 200 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Kentucky-Indiana State line; (37) from points in Delaware County, Pa., to those points in Kentucky on and west of U.S. Highway 41; (38) from points in Lycoming County, Pa., to those points in Kentucky on and west of Interstate Highway 75; (39) from points in Bucks County, Pa., to those points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 127 to junction Kentucky Highway 421, thence along Kentucky Highway 421 to the Kentucky-Indiana State line.

(40) From points in Lehigh County, Pa., to those points in Kentucky on and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 127 to junction Kentucky Highway 49, thence along Kentucky Highway 49 to junction Kentucky Highway 52, thence along Kentucky Highway 52 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Indiana State line; (41) from points in Monroe County, Pa., to those points in Kentucky on and west of a line beginning at the Kentucky-Ohio State line extending along Kentucky Highway 11 to junction Kentucky Highway 15, thence along Kentucky Highway 15 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 421, thence along Kentucky Highway 421 to the Kentucky-Virginia State line; (42) from Millersburg, Pa., to those points in Kentucky on and west of U.S. Highway 41; (43) from Berks County, Pa., to those points in Kentucky on and west of U.S. Highway 45; (44) from Montgomery County, Pa., to those points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 31E to Glasgow, thence along U.S. Highway 68 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Kentucky Highway 69, thence along Kentucky Highway 69 to the Kentucky-Indiana State line; (45) from Bradford County, Pa., to points in Kentucky; (46) from points in Lackawanna County, Pa., to points in Kentucky; (47) from Towanda and Lewisburg, Pa., to points in Maine; (48) from Scranton, Pa., to points in Washington and Aroostook Counties, Maine; (49) from Ashland, Harrisburg, Gettysburg, Pa., to those points in Maine on and north of a line beginning at the Maine-New Hampshire State line extending along U.S. Highway 302 to junction Maine Highway 11, thence along Maine Highway 11 to junction Maine Highway 136, thence along Maine Highway 136 to the Atlantic Ocean.

(50) From Hazleton, Wilkes-Barre, York, Pa., to those points in Maine on and north of a line beginning at the New Hampshire-Maine State line extending along Maine Highway 16 to junction Maine Highway 4, thence along Maine Highway 4 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Alternate U.S. Highway 1, thence along Alternate U.S. Highway 1 to the Atlantic Ocean; (51) from Reading, Pa., to those points in Maine on, north, and east of a line beginning at the United States-Canada International Boundary line ex-

tending along Maine Highway 161 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Maine Highway 10, thence along Maine Highway 10 to the United States-Canada International Boundary line; (52) from Millersburg and Williamsport, Pa., to points in Maine; (53) from Adams County, Pa., to those points in Maine on and north of a line beginning at the Maine-New Hampshire State line extending along U.S. Highway 302 to junction Maine Highway 11, thence along Maine Highway 11 to junction Maine Highway 136, thence along Maine Highway 136 to the Atlantic Ocean; (54) from those points in Pennsylvania bounded by a line beginning at the Pennsylvania-Maryland State line extending along U.S. Highway 15 to junction Interstate Highway 83, thence along Interstate Highway 83 to the Pennsylvania-Maryland State line, to those points in Maine on and north of a line beginning at the New Hampshire-Maine State line extending along Maine Highway 16 to junction Maine Highway 4, thence along Maine Highway 4 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Alternate U.S. Highway 1, thence along Alternate U.S. Highway 1 to the Atlantic Ocean; (55) between Lancaster and York County, Pa., on the one hand, and, on the other, those points in Michigan on, north, and west of a line beginning at Lake Michigan extending along U.S. Highway 31 to junction Michigan Highway 55, thence along Michigan Highway 55 to junction Michigan Highway 37, thence along Michigan Highway 37 to junction Michigan Highway 72, thence along Michigan Highway 72 to Lake Huron.

(56) Between points in Adams County, Pa., on the one hand, and, on the other, those points in Michigan on and west of a line beginning at the Michigan-Wisconsin State line extending along Michigan Highway 35 to junction U.S. Highway 41, thence along U.S. Highway 41 to Lake Superior; (57) between points in Dauphin County, Pa., on the one hand, and, on the other, those points in Michigan on and north of a line beginning at Lake Huron extending along Michigan Highway 55 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction U.S. Highway 10, thence along U.S. Highway 10 to Lake Michigan; (58) between Millersburg, Pa., on the one hand, and, on the other, those points in Michigan on, west, and north of a line beginning at the Michigan-Indiana State line extending along Michigan Highway 66 to junction Michigan Highway 78, thence along Michigan Highway 78 to junction Michigan Highway 21, thence along Michigan Highway 21 to the United States-Canada International Boundary line; (59) between points in Lycoming County, Pa., on the one hand, and, on the other, points in Michigan; (60) between points in Union County, Pa., on the one hand, and, on the other, those points in Michigan on and north of a line beginning at Lake Michigan extending along Michigan Highway 43 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Michigan Highway 66, thence along Michigan Highway 66 to junction Michigan Highway 78, thence along Michigan Highway 78 to junction Michigan Highway 52, thence along Michigan Highway 52 to junction Michigan Highway 21, thence along Michigan Highway 21 to Port Huron, Mich., and the United States-Canada International Boundary line; (61) between points in Chester County, Pa., on the one hand, and, on the other, those points in Michigan on, west, and north of a line beginning at the Michigan-Indiana State line extending along Michigan Highway 66 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Michigan Highway 21, thence along Michigan Highway 21 to the United States-Canada International Boundary line.

(62) Between Luzerne, Lackawanna, Monroe, Wayne, Pike, Wyoming, Delaware, Philadelphia, Schuylkill, Carbon, Northampton, Lehigh, Berks, Bucks, and Montgomery Counties, Pa., on the one hand, and, on the other, points in Michigan; (63) from Allentown, Reading, Hazelton, Doylestown, Ashland, Lewisburg, Norristown, Philadelphia, Williamsport, Wilkes-Barre, Scranton, Stroudsburg, and Millersburg, Pa., and those points in Pennsylvania on, north, and east of a line beginning at the New York-Pennsylvania State line extending along U.S. Highway 15 to the Susquehanna River, thence along U.S. Highway 209 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to Reading, thence along U.S. Highway 422 to the Pennsylvania-New Jersey State line, to points in Missouri; (64) from those points in Pennsylvania on, north, and east of a line beginning at the New York-Pennsylvania State line extending along U.S. Highway 15 to the Susquehanna River, thence along U.S. Highway 209 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to Reading, thence along Pennsylvania Highway 10 to the Pennsylvania-Maryland State line, to points in Missouri; (65) from those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-New York State line extending along U.S. Highway 15 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to junction U.S. Highway 202, thence along U.S. Highway 202 to the Pennsylvania-Maryland State line, to those points in Missouri on, north, and west of a line beginning at the Mississippi River extending along U.S. Highway 36 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Missouri Highway 17, thence along Missouri Highway 17 to the Missouri-Arkansas State line; (66) from those points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line extending along U.S. Highway 15 to junction Interstate Highway 83, thence along Interstate Highway 83 to the Pennsylvania-Maryland State line, to those points in Missouri on and west of line beginning at the Missouri-Arkansas State line extending along U.S. Highway 65 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Missouri Highway 5, thence along Missouri Highway 5 to junction Missouri Highway 3, thence along Missouri Highway 3 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Iowa State line.

(67) From Lewisburg, Pa., to points in New Hampshire; (68) from Lewisburg and York, Pa., to points in Vermont on and north of U.S. Highway 4; (69) from York, Pa., to those points in New Hampshire on and north of a line beginning at the New Hampshire-Vermont State line extending along U.S. Highway 4 to junction New Hampshire Highway 104, thence along New Hampshire Highway 104 to junction New Hampshire Highway 25, thence along New Hampshire Highway 25 to the New Hampshire-Maine State line; (70) from Gettysburg, Pa., to those points in Vermont on and north of a line beginning at the Vermont-New York State line extending along Vermont Highway 140 to junction Vermont Highway 103, thence along Vermont Highway 103 to junction Vermont Highway 131, thence along Vermont Highway 131 to the Vermont-New Hampshire State line, and those in New Hampshire on and north of New Hampshire Highway 11; (71) from Harrisburg, Pa., to points in Vermont on and north of U.S. Highway 4, and those in New Hampshire on and north of New Hampshire Highway 11; (72) from Gettysburg, Pa., to those points in Vermont on and north of U.S. Highway 4, and those in New Hampshire on and north of a line beginning at the New Hampshire-Vermont State line extending along New Hampshire Highway 103 to junction New Hampshire Highway 114, thence along New Hampshire Highway 114 to junction U.S. Highway 202, thence along U.S. Highway 202 to the New Hampshire-Maine State line; (73) from Ashland, Pa., to those points in Vermont on and north of U.S. Highway 4, and those in New Hampshire on and north of a line beginning at the New Hampshire-Vermont State line extending along U.S. Highway 4 to junction New Hampshire Highway 104, thence along New Hampshire Highway 104 to junction New Hampshire Highway 25, thence along New Hampshire Highway 25 to the New Hampshire-Maine State line; (74) from Hazleton, Pa., to points in Caledonia and Essex Counties, Vt., and those in New Hampshire on and north of U.S. Highway 2; (75) from Wilkes-Barre, Pa., to those points in New Hampshire on and north of U.S. Highway 2; (76) from Millersburg, Williamsport, and Towanda, Pa., to points in New Hampshire and Vermont; and (77) from those points in Pennsylvania bounded by a line beginning at the Pennsylvania-Maryland

State line extending along U.S. Highway 15 to junction Interstate Highway 83, thence along Interstate Highway 83 to the Pennsylvania-Maryland State line, to those points in Vermont on and north of U.S. Highway 4 and those points in New Hampshire on and north of a line beginning at the New Hampshire-Vermont State line extending along U.S. Highway 4 to junction New Hampshire Highway 104, thence along New Hampshire Highway 104 to junction New Hampshire Highway 25, thence along New Hampshire Highway 25 to the New Hampshire-Maine State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E1058), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Vineland, N.J., to that part of New York west of a line beginning at Lake Erie extending along New York Highway 17 to junction U.S. Highway 15, thence along U.S. Highway 15 to the New York-Pennsylvania State line, and Oswego, Ithaca, Cortland, Hornell, Silver Creek, Ogdensburg, and Watertown, N.Y. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 121060 (Sub-E56), filed April 25, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above* (except in bulk), from points in Alabama, except points in Washington, Mobile, Baldwin, Escambia, Covington, Coffee, Geneva, Dale, Henry, and Houston Counties and west of a line commencing at the Tennessee-Alabama State line, thence along U.S. Highway 72 to its intersection with Alabama Highway 43, thence along Alabama Highway 43 to its intersection with Interstate Highway 59, thence along Interstate Highway 59 to its intersection with U.S. Highway 431, thence along U.S. Highway 431 to its intersection with Alabama Highway 77, thence along Alabama Highway 77 to its intersection with U.S. Alternate Highway 231, thence along U.S. Alternate Highway 231 to its Intersection with U.S. Highway 231, thence along U.S. Highway 231 to its intersection with Interstate Highway 65 to its intersection with Escambia County, Ala., to points in Illinois. The purpose of this filing is to eliminate the gateway of the facilities of Litecraft-Luminous Ceilings, Divisions of Celotex, Corp., at or near Scottsboro, Ala.

No. MC 121060 (Sub-E57), filed April 25, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels,* steel ceiling beams, applicators and *roofing caps, and materials and supplies used in the installation of any commodity named above* (except in bulk), from points in Alabama (except points in Washington, Mobile, Baldwin, Escambia, Covington, Coffee, Geneva, Dale, Henry, and Houston Counties, and points west of a line commencing at the Alabama-Tennessee State line, thence along U.S. Highway 231 to its intersection with Alabama Highway 26, thence along Alabama Highway 26 to its intersection with U.S. Highway 31, thence along U.S. Highway 31 to its intersection with Alabama Highway 25, thence along Alabama Highway 25 to its intersection with Alabama Highway 139, thence along Alabama Highway 139 to its intersection with Alabama Highway 22, thence along Alabama Highway 22 to its intersection with Alabama Highway 41, thence along Alabama Highway 41 to its intersection with Alabama Highway 89, thence along Alabama Highway 89 to its intersection with Alabama Highway 28, thence along Alabama Highway 28 to its intersection with Alabama Highway 21, thence along Alabama Highway 21 to Monroe County, Ala.), to points in Illinois on and north of a line commencing at the Indiana-Illinois State line, thence proceeding along Illinois Highway 15 to its intersection with U.S. Highway 51, thence along U.S. Highway 51 to its intersection with Illinois Highway 154, thence along Illinois Highway 154 to its intersection with Illinois Highway 127, thence along Illinois Highway 127 to its intersection with Illinois Highway 152, thence along Illinois Highway 152 to its intersection with Illinois Highway 4, thence along Illinois Highway 4 to its intersection with Unnumbered County Highway extending from Campbell Hill, Ill., to Cora, Ill., thence along the Randolph-Jackson Counties, Ill., line to the Illinois-Missouri State line.

No. MC 121060 (Sub-E58), filed April 25, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above* (except in bulk), from points in Alabama, (except points in Washington, Mobile, Baldwin, Escambia, Covington, Coffee, Geneva, Dale, Henry, and Houston Counties, and points in Alabama west of a line commencing at the Alabama-Tennessee State line, thence proceeding along U.S. Highway 231 to its intersection with Alabama Highway 36, thence along Alabama Highway 36 to its intersection with Interstate Highway 65, thence along Interstate Highway 65 to its intersection with Alabama Highway 69, thence along Alabama Highway 69 to its intersection with Alabama Highway 18, thence along Alabama Highway 18 to the Alabama-Mississippi State line, to points in Illinois, on and north of a line commencing at the Illinois-Indiana State line, thence along Illinois Highway 15 to its intersection with Illinois Highway 37, thence along Illinois Highway 37 to its intersection with U.S. Highway 50, thence along U.S. Highway 50 to its intersection with Illinois Highway 127, thence along Illinois Highway 127 to its intersection with U.S. Highway 66, thence along U.S. Highway 66, to its intersection with Illinois Highway 108, thence along Illinois Highway 108 to its intersection with Illinois Highway 96, thence along Illinois Highway 96 to the Pike-Calhoun County, Ill., County line, thence along the Pike-Calhoun County, Ill., line to the Illinois-Missouri State line. The purpose of this filing is to eliminate the gateway of the facilities of Litecraft-Luminous Ceilings, Division of Celotex Corp., at or near Scottsboro, Ala.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-18590 Filed 7-16-75;8:45 am]

[Notice No. 56]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JULY 11, 1975.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the Federal Register. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the "Federal Register" of a notice that the proceeding has been assigned for oral hearing.*

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

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.

No. MC 531 (Sub-No. 316), filed June 18, 1975. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* in bulk, in tank vehicles, from the facilities of Nalco Chemical Company located at or near Garyville, La., to points in the United States (except Alabama, Alaska, Arkansas, Florida, Georgia, Hawaii, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New Orleans, La., or Washington, D.C.

No. MC 531 (Sub-No. 317), filed June 23, 1975. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from Weston, Mo., and Atchison, Kans., to Portland, Oreg.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Kansas, City, Mo.

No. MC 2202 (Sub-No. 490), filed June 16, 1975. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite of East Manufacturing Corp., located at or near Randolph, Ohio and the plantsite of Atwater-Strong Co., located at or near Atwater, Ohio, as off-route points in connection with applicant's present regular routes.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applican requests it be held at either Akron, Ohio or Washington, D.C.

No. MC 2253 (Sub-No. 71), filed July 2, 1975. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, N.C. 28021. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Jacksonville, Fla., and Houston, Tex., serving all intermediate points and the off-route points of Gonzales, Fla., Port Arthur and Port Neches, Tex., Lemoyne and Calvert, Ala., and the plantsite of Dow Badische Company at or near Calvert, Ala. From Jacksonville over Interstate Highway 10 and also U.S. Highway 90 to New Orleans, La., thence over U.S. Highway 61 to Baton Rouge, La., thence over U.S. Highway 190 to Opelousas, La., thence over U.S. Highway 167 to Lafayette, La., thence over Interstate Highway 10 and also U.S. Highway 90 to Houston, and return over the same route. (2) Between the junction of Interstate Highway 12 and Interstate Highway 10 at or near Pearl River, La., and the junction of Interstate Highway 12 and Interstate Highway 10 at or near Baton Rouge, La., serving all intermediate points. From the junction of Interstate Highway 12 and Interstate Highway 10 at or near Pearl River, La., over Interstate Highway 12 to junction Interstate Highway 10 at or near Baton Rouge, La., and return over the same route.

(3) Between the junction of U.S. Highway 190 and U.S. Highway 90 near Slidell, La., and Baton Rouge, La., serving all intermediate points. From the junction of U.S. Highway 190 and U.S. Highway 90 near Slidell, La., over U.S. Highway 190 to Baton Rouge, La., and return over the same route. (4) Between New Orleans, La., and Lafayette, La., serving all intermediate points. From New Orleans over Interstate Highway 10 to Lafayette, and return over the same route. (5) Between Atlanta, Ga., and Mobile, Ala., serving no intermediate points. From Atlanta over U.S. Highway 29 to LaGrange, Ga., thence over Georgia Highway 219 to junction Interstate Highway 85, thence over Interstate Highway 85 to junction Interstate Highway 65, thence over Interstate Highway 65 to junction Alabama Highway 59, thence over Alabama Highway 59 to U.S. Highway 31, thence over U.S. Highway 31 to Mobile, and return over the same route. (6) Between Houston, Tex., and Texas City, Tex., serving all intermediate points, and serving the off-route points of the plantsites of Monsanto Company and Amoco at or near Chocolate Bayou, Tex. From Houston over Texas Highway 35 to Alvin, Tex., thence over Texas Highway 6 to Texas City, and return over the same route. (7) Between Houston, Tex., and Freeport, Tex., serving all intermediate points, and serving the off-route point of Bay City, Tex. From Houston over Texas Highway 35 to Angleton, Tex., thence over Texas Highway 288 to Freeport, and return over the same route. (8) Between Bunnell, Fla., and Miami, Fla., serving all intermediate points. From Bunnell over U.S. Highway 1 to Miami, and return over the same route. (9) Between Miami, Fla., and Tampa, Fla., serving all intermediate points. From Miami over U.S. Highway 41 to Tampa, and return over the same route.

(10) Between Callahan, Fla., and Tampa, Fla., serving all intermediate points. From Callahan over U.S. Highway 301

to junction U.S. Highway 92, thence over U.S. Highway 92 to Tampa, and return over the same route. (11) Between Jacksonville, Fla., and Hawthorne, Fla., serving all intermediate points. From Jacksonville over Florida Highway 21 to junction Florida Highway 20, thence over Florida Highway 20 to Hawthorne, and return over the same route. (12) Between Orlando, Fla., and junction U.S. Highways 92 and 301, serving all intermediate points. From Orlando over U.S. Highway 92 to junction U.S. Highway 301, and return over the same route. (13) Between South Bay, Fla., and Belleview, Fla., serving all intermediate points. From South Bay over U.S. Highway 27 to Belleview, and return over the same route. (14) Between Jacksonville, Fla., and Miami, Fla., serving all intermediate points. From Jacksonville over U.S. Highway 1 to Bunnell, Fla., thence over Florida Highway 11 to junction U.S. Highway 92, thence over U.S. Highway 92 to Orlando, Fla., thence over U.S. Highway 441 to Belle Glade, Fla., thence over unnumbered highway to South Bay, Fla., thence over U.S. Highway 27 to Miami, and return over the same route. (15) Between Tallahassee, Fla., and Tampa, Fla., serving all intermediate points. From Tallahassee over U.S. Highway 27 to Capps, Fla., thence over U.S. Highway 19 to junction Florida Highway 60, thence over Florida Highway 60 to Tampa, and return over the same route. (16) Between Orlando, Fla., and the junction of U.S. Highway 441 and Interstate Highway 75, serving all intermediate points. From Orlando over U.S. Highway 441 to junction Interstate Highway 75, and return over the same route. (17) Between the junction of U.S. Highway 441 and Interstate Highway 75 and the junction of Interstate Highway 75 and Interstate Highway 10, serving all intermediate points. From junction U.S. Highway 441 and Interstate Highway 75 over Interstate Highway 75 to junction Interstate Highway 75 and Interstate Highway 10, and return over the same route. Authority is sought to serve all points in Florida on and east of U.S. Highway 319 as off-route points in conjunction with route numbers (1), (8), (9), (10), (11), (12), (13), (14), (15), (16), and (17).

NOTE.—This application is set for pre-hearing conference on July 22, 1975 at 9:30 a.m., Local Time, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 2900 (Sub-No. 276), filed June 18, 1975. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla. 32209. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment). Serving Beloit, Wis., as an off-route point in connection with applicant's presently regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., Milwaukee, Wis., or Washington, D.C.

No. MC 10761 (Sub-No. 277), filed June 19, 1975. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 5650 Foremost Dr. SE., Grand Rapids, Mich. 49506. Applicant's representative: John H. Reimels (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the Western Electric Company located at the junction of New York Highway 422 and Maple Street, Elma Township, Erie County, N.Y., as an off-route point in connection with applicant's regular route operations to and from Buffalo, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 11207 (Sub-No. 359), filed June 23, 1975. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, 702 World Center Bldg., 918 16th St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, articles of unusual value, and Classes A and B explosives), between the Yellow Creek Port Terminal and Industrial area, located in Tishomingo County, Miss., on the one hand, and, on the other, points in Mississippi, Tennessee, and Alabama.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Birmingham, Ala.

No. MC 29910 (Sub-No. 163), filed June 9, 1975. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th St., Fort Smith, Ark. 72901. Applicant's representative: Don A. Smith, P.O. Box 43, Kelley Building, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Potlatch Corporation at or near Cypress Bend (Desha County), Ark., as an off-route point in connection with applicant's authorized regular-route operations in MC 29910 and subs thereunder, with authorized service between El Dorado, Ark., and Greenville, Miss., over U.S. Highway 82 and between Little Rock, Ark., and junction Arkansas Highway 8 near Eudora, Ark., over U.S. Highway 65.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant request it be held at either Little Rock, Ark., or Memphis, Tenn.

No. MC 30844 (Sub-No. 544), filed June 19, 1975. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial St., Waterloo, Iowa 50702. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the shipping facilities of Heinz U.S.A., Division of H. J. Heinz Company, located at Henderson, N.C., to the facilities of Heinz U.S.A., Division of H. J. Heinz Company located at Bridgeview, Ill., Iowa City and Muscatine, Iowa, and Pittsburgh, Pa., restricted to traffic originating at and destined to the above origin and destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Pittsburgh, Pa., or Washington, D.C.

No. MC 35628 (Sub-No. 374), filed June 16, 1975. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Bldg., Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site and facilities of Soundesign Corp., located at Santa Claus, Ind., as an off-route point in conjunction with applicant's regular-route operations to and from Evansville, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or Chicago, Ill.

No. MC 41404 (Sub-No. 120), filed June 13, 1975. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, P.O. Box 440, Fulton Highway, Martin, Tenn. 38237. Applicant's representative: Mark L. Horne (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Belvidere, Ill., to points in Tennessee, points in Alabama, on and north of U.S. Highway 72 alternate, and on and west of U.S. Highway 31, points in Arkansas on and east of a line beginning at the Arkansas-Missouri State line and extending south along U.S. Highway 63 to the junction of Arkansas Highway 1, thence along Arkansas Highway 1 to the junction of U.S. Highway 49, and points on and north of the junction of Arkansas Highway 1 and U.S. Highway 49, thence along U.S. Highway 49 to the Mississippi River and points in Mississippi on and north of U.S. Highway 82, restricted to shipments originating at the named origin and destined to the named destination.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 41406 (Sub-No. 50), filed June 16, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plantsite and storage facilities of North Star Steel Company, located at or near Wilton, Iowa, to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin; (2) *materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles, from the destination points named in part (1) above, to the plantsite and storage facilities of North Star Steel Company located at or near Wilton, Iowa, restricted to traffic originating at and destined to the above-named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary the applicant requests it be held at St. Paul, Minn.

No. MC 42710 (Sub-No. 11), filed June 20, 1975. Applicant: BEN'S TRANSFER & STORAGE CO., INC., P.O. Box 190, Baker, Oreg. 97814. Applicant's representative: Earle V. White, 2400 SW. Fourth Ave., Portland, Oregon 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pozzolan*, in bulk, in hopper-type vehicles, from Lime, Oreg., to points in Douglas and Okanogan Counties, Wash.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 51146 (Sub-No. 430), filed May 27, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, P.O. Box 2298, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise as is dealt in by discount and variety stores* (except foodstuffs, furniture, and commodities in bulk), and (2) *foodstuffs* (except in bulk) and *furniture*, in mixed loads with the commodities in (1) above, from the facilities of U.S. Packing and Shipping Company, Inc., located at Jersey City, N.J., to points in Tennessee, Mississippi, Louisiana, Arkansas, Texas, and Oklahoma, restricted to traffic originating at the facilities of U.S. Packing and Shipping Company located at Jersey City, N.J., and destined to the above-named destination points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 433), filed June 20, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by discount and variety stores (except foodstuffs, furniture, and commodities in bulk); and (2) *foodstuffs* (except in bulk) and *furniture*, in mixed loads with the commodities in (1) above, from points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, and West Virginia to the facilities of S. S. Kresge Company located at points in Illinois, Indiana, Ohio, Minnesota, and Wisconsin, restricted to traffic originating at the named origins and destined to the facilities of S. S. Kresge Company located at points within the described destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 57257 (Sub-No. 3), filed June 10, 1975. Applicant: CARR TRUCK SERVICE, INC., P.O. Box 297, Sulphur, La. 70663. Applicant's representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and (2) *machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main pipe lines, between points in Louisiana, and points in Texas, on and east of U.S. Highway 81, from Ringgold to Fort Worth, Interstate Highway 35W from Fort Worth to its junction with Interstate Highway 35E, North of Hillsboro, Interstate Highway 35 from the said junction of Interstate Highway 35W and 35E to Laredo, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 59457 (Sub-No. 29), filed June 17, 1975. Applicant: SORENSEN TRANSPORTATION COMPANY, INC., Old Amity Road, Bethany, Conn. 06525. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and animal and poultry ingredients, fertilizer, fertilizer materials and pesticides* (except commodities in bulk, in tank vehicles), from Salem, Guilderland Center, and Oneonta, N.Y.; and Yardville, Bordentown, and Camden, N.J.; to points in Connecticut.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Hartford, Conn., or Albany, N.Y.

No. MC 61592 (Sub-No. 359), filed June 16, 1975. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. #3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood products, millwork, and molding* (except commodities in bulk, in tank vehicles), from points in California, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 76032 (Sub-No. 310), filed June 23, 1975. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Eldon E. Bresee (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of Western Electric Company, at the junction of New York Highway 422 and Maple Street, Elma Township, Erie County, N.Y., in connection with carrier's regular route operation to and from Buffalo, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Buffalo or New York City, N.Y.

No. MC 82509 (Sub-No. 3), filed June 18, 1975. Applicant: RICHARD C. NOERR, JR., doing business as METAL TRANSPORT, R.D. #3, Box 492, Lewistown, Pa. 17044. Applicant's representative: John E. Fullerton, 407 N. Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste or scrap materials, metals, and metal articles*, between the facilities of Sitkin Smelting and Refining, Inc., located at or near Lewistown, Pa., on the one hand, and, on the other, points in Arkansas, Missouri, and Minnesota, restricted to traffic originating at or destined to said facilities.

NOTE.—Applicant holds contract carrier authority in MC 8957, and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 88285 (Sub-No. 4), filed June 3, 1974. Applicant: BRUCE & SON VAN & STORAGE CO., a Corporation, 6035 Canyon Expressway, P.O. Box 7280, Amarillo, Tex. 79109. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Texas, New Mexico, Oklahoma, Kansas, Colorado, Louisiana, Arkansas,

Arizona, Nebraska, Missouri, California, Nevada, Utah, Wyoming, Montana, Iowa, Illinois, Kentucky, Tennessee, and Mississippi.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 99427 (Sub-No. 21), filed June 12, 1975. Applicant: ARIZONA TANK LINE, INC., 4150 E. Magnolia, Phoenix, Ariz. 85034. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Solvents*, in bulk, in tank vehicles, (a) from Phoenix, Ariz., to Grandview, Tex.; and (b) from Grandview, Tex., to Los Angeles, Calif; and (2) *ammonia*, in bulk, from Carlsbad, N. Mex., to points in Texas, Arizona, and Louisiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., or Chicago, Ill.

No. MC 95876 (Sub-No. 176), filed June 23, 1975. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber tires and tubes* (except for use on automobiles, highway trucks and buses), from the plant and warehouse site of Uniroyal, Inc., at Eau Claire, Wisc., to points in Illinois, Michigan, Minnesota, and points in the United States in and west of the Mississippi River, restricted to shipments originating at the plant and warehouse site of Uniroyal, Inc., at Eau Claire, Wisc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 105457 (Sub-No. 84) (Correction), filed May 27, 1975, and published in the FEDERAL REGISTER issue of June 26, 1975, as MC 10547 (Sub-No. 84), and republished as corrected this issue. Applicant: THURSTON MOTOR LINES, INC., 600 oJhnston Road, P.O. Box 10638, Charlotte, N.C. 28234. Applicant's representative: J. V. Luckadoo (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, and those which require the use of special equipment): (1) Between Columbus, Ga., and Meridian, Miss.: From Columbus, Ga., over U.S. Highway 80 to Meridian, and return over the same route, serving all intermediate points; (2) Between Montgomery, Ala., and Tupelo, Miss.: From Montgomery over U.S. Highway 82 to Columbus, Miss., thence over U.S. Highway 45 to Tupelo, and return over the same route, serving all intermediate points in Alabama; (3) Between Montgomery, Ala., and Pulaski, Tenn.: From Montgomery over U.S. Highway 31 to Pulaski, and return over the same route, serving all intermediate points; (4) Between Montgomery, Ala., and the junction of Interstate Highway 65 and U.S. Highway 64: From Montgomery over Interstate Highway 65 to junction U.S. Highway 64, and return over the same route, serving all intermediate points; (5) Between Altanta, Ga., and Birmingham, Ala.: From Atlanta over U.S. Highway 78 (also over Interstate Highway 20) to Birmingham, and return over the same route, serving all intermediate points; (6) Between Chattanooga, Tenn., and Meridian, Miss.: From Chattanooga over U.S. Highway 11 (also over Interstate Highway 59) to Meridian, and return over the same route, serving all intermediate points; (7) Between Atlanta, Ga., and Tuskegee, Ala.: From Atlanta over U.S. Highway 29 to Tuskegee, and return over the same route, serving all intermediate points; (8) Between Atlanta, Ga., and Montgomery, Ala.: From Atlanta over Interstate Highway 85 to Montgomery, and return over the same route, serving all intermediate points; (9) Between Decatur, Ala., and Fayettesville, Tenn.: From Decatur over U.S. Highway Alternate 72 to Huntsville, Ala., thence over U.S. Highway 231 to Fayetteville, and return over the same route, serving all intermediate points;

(10) Between Birmingham, Ala., and Tupelo, Miss.: From Birmingham over U.S. Highway 78 to Tupelo, and return over the same route, serving all intermediate points in Alabama; (11) Between Tuscaloosa, Ala., and Lawrenceburg, Tenn.: From Tuscaloosa over U.S. Highway 43 to Lawrenceburg, and return over the same route, serving all intermediate points; (12) Between Columbus, Ga., and Birmingham, Ala.: From Columbus over U.S. Highway 280 to Birmingham and return over the same route, serving all intermediate points; (13) Between Centre, Ala., and Gadsden, Ala.: From Centre over U.S. Highway 411 to Gadsden, and return over the same route, serving all intermediate points; (14) Between Hamilton, Ala., and Gadsden, Ala.: From Hamilton over U.S. Highway 278 to Gadsden, and return over the same route, serving all intermediate points; (15) Serving points in Alabama north of U.S. Highway 80 as off-route points in connection with the routes described in (1) through (14) above.

NOTE.—The purpose of this correction is to indicate that the correct docket Number is MC 105457 (Sub. No. 84) in lieu of MC 0547 (Sub-No. 84). Common control may be involved. If a hearing is deemed necessary, applicant requests it begin at Birmingham, Ala., and end at Charlotte, N.C.

No. MC 107715 (Sub-No. 7), filed June 16, 1975. Applicant: DUQUAL, LTD., 3308 Bandini Boulevard, Los Angeles, Calif. 90023. Applicant's representative: David P. Christianson, 606 South Olive Street, Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer chemicals, potting soil, pesticides, and pottery*, in mixed loads with feeds and fertilizers, from points in California to points in Arizona.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 109064 (Sub-No. 30), filed June 23, 1975. Applicant: TEX-O-KA-N TRANSPORTATION COMPANY, INC., 3301 SE. Loop 820, P.O. Box 8367, Fort Worth, Tex. 76112. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Liberty County, Tex., to points in Oklahoma, Louisiana, and Arkansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas or Houston, Tex.

No. MC 109847 (Sub-No. 22), filed June 17, 1975. Applicant: BOSS-LINCO LINES, INC., One West Genesee Street, Buffalo, N.Y. 14240. Applicant's representative: Harold G. Hernly, 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk commodities which because of their size or weight require special equipment, and household goods as defined by the Commission), between Albany, N.Y., and Springfield, Mass.: From Albany, N.Y., over Interstate Highway 87 to its junction with Interstate Highway 90; thence over Interstate Highway 90 to its junction with Interstate Highway 91; thence over Interstate Highway 91 to Springfield, Mass., and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 110525 (Sub-No. 1123), filed June 18, 1975. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the facilities of Nalco Chemical Company, at or near Garyville, La., to points in the United States (except Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee, Texas, Alaska, and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either New Orleans or Baton Rouge, La.

No. MC 112595 (Sub-No. 60), filed June 20, 1975. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton, Ohio 45638. Applicant's representative: James W. Muldoon, 50 West Broad Street, Suite 1022, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over ir-

regular routes, transporting: (1) *Rolling processing fluids and lubricating oils,* in bulk, in tank vehicles, and shipper owned containers, from the plantsite of The Ironsides Company, at Columbus, Ohio, to points in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Texas, Tennessee, Virginia, West Virginia, and Wisconsin; and (2) *ingredients and raw materials,* used in the manufacture of rolling processing fluids and lubricating oils, in bulk, in tank vehicles, and shipper owned containers, from Smackover, Ark.; Savannah, Ga.; Itasca, McCook, Cicero, and Chicago, Ill.; Ft. Wayne, Hammond, Jeffersonville, and Plymouth, Ind.; Ashland, Ky.; Elkridge, Md.; Austin, Minn.; St. Louis, Mo.; Weehauken, N.J.; Buffalo, N.Y.; Bradford, Marcus Hook, Petrolia, Franklin, and Philadelphia, Pa.; Houston, Tex.; Norfolk, Va.; Milwaukee, Cudahy, and Madison, Wisc.; and Lake Charles, La., to the plantsite of The Ironsides Company, at Columbus, Ohio, restricted (1) from, and (2) to the plantsite of The Ironside Company, at Columbus, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112713 (Sub-No. 183), filed June 17, 1975. Applicant: YELLOW FREIGHT SYSTEM, INC., 10990 Roe Avenue, Shawnee Mission, Kans. 66207. Applicant's representative: David B. Schneider (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those of unusual value, and those requiring special equipment), serving the plantsite and warehouse facilities of Tennant Company, located at or near Maple Grove, Minn., as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, St. Paul, Minn.

No. MC 112822 (Sub-No. 382), filed June 23, 1975. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs, when moving in mixed loads with animal litter, bleaching, cleaning, laundry and scouring compounds, and related materials and supplies* (except commodities in bulk, in tank vehicles), (1) from the facilities of The Clorox Company, at or near Oakland, Calif., to points in Montana, Oregon, Utah, Washington, and Wyoming; (2) from the facilities of The Clorox Company, at or near Atlanta, Ga., to points in Arkansas, Kansas, Louisiana, Missouri, and Texas; and (3) from the facilities of The Clorox Company, at or near Houston, Tex., to points in Arkansas, Louisiana, Mississippi, New Mexico, and Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either San Francisco or Los Angeles, Calif.

No. MC 114457 (Sub-No. 238), filed June 16, 1975. Applicant: DART TRANSIT COMPANY, a Corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such products as are dealt in by wholesale and retail grocers,* from Northlake, Ill., to points in Minnesota, North Dakota, and South Dakota, and points in Buffalo, Dunn, Eau Claire, Jackson, Juneau, La Crosse, Pepin, Pierce, St. Croix, Sauk (except Baraboo), Trempealeau, and Vernon Counties, Wis., restricted to traffic originating at Northlake, Ill., and destined to the points named.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114533 (Sub-No. 324), filed June 18, 1975. Applicant: BANKERS DISPATCH CORPORATION, 1106 W. 35th Street, Chicago, Ill. 60609. Applicant's representative: Warren W. Wallin (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) (a) *Audi media* and *other business records,* (b) *graphic arts materials,* between Warsaw, Ind., on the one hand, and, on the other, Fort Wayne and Indianapolis, Ind., restricted to traffic having a prior or subsequent movement by air, and (2) *graphic arts materials,* between Menesha, Wis., on the one hand, and, on the other, points in Cook and Du Page Counties, Ill., restricted against the transportation of shipments having an immediate prior or subsequent movement by air.

NOTE.—Applicant holds motor contract carrier authority in MC 128616 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 115311 (Sub-No. 179), filed June 18, 1975. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Sand and sand products,* from the facilities of Georgia Marble Company, in Marion County, Ga., to points in Alabama, Florida, Tennessee, North Carolina, South Carolina, Mississippi, Louisiana, Kentucky, Virginia, and West Virginia; (2) *industrial sand,* from points in Crawford County, Ga., to points in Crawford County, Ga., to points in Alabama, Florida, South Carolina, North Carolina, and Tennessee; and (3) *sulphate of alumina clay; bauxite ore; and clay,* from points in Sumter and Macon Counties, Ga., to points in Alabama, Florida, Georgia, Mississippi, Louisiana, Tennessee, Kentucky, South Carolina, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 116077 (Sub-No. 367), filed June 19, 1975. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: Pat H. Robertson, 500 West Sixteenth Street, P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals,* in bulk, from the facilities of Nalco Chemical Company located at or near Garyville, La., to points in the United States (except Alabama, Alaska, Arkansas, Florida, Georgia, Hawaii, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas).

NOTE.—If a hearing is deemed necessary, the applicant requests a consolidated hearing with Groendyke Transport, Inc., Younger Brothers, Inc., The Mason & Dixon Tank Lines, Inc., Chemical Leaman Tank Lines, Inc., and Matlack, Inc. at New Orleans, La., or Dallas, Tex.

No. MC 116877 (Sub-No. 7), filed June 11, 1975. Applicant: GARMENT CARRIERS, INC., 2645 Nevin Avenue, Los Angeles, Calif. 90011. Applicant's representative: Daniel W. Baker, 100 Pine Street, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Hanging or cartoned clothing and wearing apparel and component parts* used in the manufacture thereof, as defined in 61 M.C.C. 288 and 289 (except natural furs and natural fur or fur-trimmed garments), *handbags and costume jewelry,* (1) Between Sacramento, Calif., and Sparks, Nev.: From Sacramento over U.S. Highway 80 to Sparks, and return over the same route, serving points in Washoe County, Nev. on and south of a line 10 miles north of Interstate Highway 80 as intermediate and off-route points; and (2) Between San Bernardino, Calif., and Reno, Nev.: From San Bernardino, over U.S. Highway 395 to Reno, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.; San Francisco, Calif. or Reno, Nev.

No. MC 118846 (Sub-No. 11), filed June 9, 1975. Applicant: DALE JESSUP, R.R. #1, P.O. Box 252, Camby, Ind. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Paper and plastic articles,* from Mooresville, Ind., to St. Louis, Mo.; Columbus, Ohio; Three Rivers, Mich.; Cocoa, Fla.; Houston, Tex.; and Chicago, Ill.; and (2) *materials, equipment and supplies* used in the manufacture, dis-

tribution and sale of paper and plastic articles, from Pelham Manor, Little Falls, and Mt. Vernon, N.Y.; Worchester, Mass.; Leominster, Mass.; Mosinee, Wis. and Murphysboro, Ill., under a continuing contract or contracts with Nice Pak Products, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or Indianapolis, Ind.

No. MC 119710 (Sub-No. 26), filed June 20, 1975. Applicant: SHUPE BROS. CO., a Corporation, P.O. Box 929, Greeley, Colo. 80631. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt, salt products, pepper, mineral mixtures, and packaged individual servings of jams, jellies, honey, syrups, sugar, condiments, sauces, and salad dressings*, from Saltair, Utah, to points in Kansas, Nebraska, and South Dakota east of U.S. Highway 83, restricted to service performed under a continuing contract with Morton Salt Co., a division of Morton-Norwich Products, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 119880 (Sub-No. 68), filed June 16, 1975. Applicant: DRUM TRANSPORT, INC. (NEBR. CORP.), 617 Chicago St., East Peoria, Ill. 61611. Applicant's representative: Arlyn L. Westergren, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, (1) from Pekin, Ill., to Boston, Mass.; and (2) from points in Kentucky, to St. Louis, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 121658 (Sub-No. 6), filed June 20, 1975. Applicant: STEVE D. THOMPSON, P.O. Drawer 149, Winnsboro, La. 71295. Applicant's representative: Lawrence A. Winkle, 4645 N. Central Expressway, Dallas, Tex. 75205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the plantsite and warehouse facilities of International Paper located at or near Natchez, Miss., as an off-route point in connection with carriers authorized regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jackson, Miss.

No. MC 123407 (Sub-No. 248), filed June 19, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture and distribution of fabricated steel, from Vicksburg, Miss., New Orleans, La., Memphis and Harriman, Tenn., Bethlehem, Pa., Birmingham, Ala., and points in the Chicago, Ill., Commercial Zone, to the facilities of Henderson Steel Corporation in Lauderdale County, Miss.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 123407 (Sub-No. 249), filed June 20, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass and glass glazing units*, from Jeannette, Pa., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123407 (Sub-No. 250), filed June 16, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flat glass and glass glazing units*, from the facilities of Fourco Glass Company Float Plant, at Jerrys Run, and Flemington District (Taylor County), W. Va., to points in the United States (except Alaska and Hawaii); and (2) *equipment, materials, and supplies*, used in the manufacture, sales and distribution of the commodities described in Part (1) above, from points in the United States (except Alaska and Hawaii), to the facilities of Fourco Glass Company Float Plant, at Jerrys Run, and Flemington District (Taylor County), W. Va.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va., or Washington, D.C.

No. MC 123407 (Sub-No. 251), filed June 23, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Duluth, Minn., to points in Illinois, Indiana, Iowa, Montana, North Dakota, Ohio, South Dakota, Wyoming, and Nebraska.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 123787 (Sub-No. 3), filed June 2, 1975. Applicant: LAFFERTY-SMITH EXPRESS LINES LTD., Highway 401 and Wallbridge Clover Leaf, Belleville, Ontario, Canada K8N 5B3. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood products*, from ports of entry along the International Boundary line between the United States and Canada located at points in Vermont, New York, and Michigan, to points in New York, Vermont, Pennsylvania, Michigan, and Ohio; and (2) *supplies and equipment* used or useful in the production of wood products, from points in Pennsylvania, New York, Vermont, Michigan, and Ohio, to ports of entry along the International Boundary line of the United States and Canada located at points in New York, Vermont, and Michigan, restricted to foreign commerce only, and further restricted to traffic originating at the plants and warehouses of the Domtar Chemicals Limited, under a continuing contract or contracts with Domtar Chemicals Limited.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or New York, N.Y.

No. MC 124004 (Sub-No. 29), filed June 3, 1975. Applicant: RICHARD DAHN, INC., 620 West Mountain Road, Sparta, N.J. 07871. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed; animal, poultry, and pet feed ingredients and cracklings*, (a) from points in Maine, to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Connecticut, Virginia, North Carolina, Ohio, Indiana, and Michigan; and (b) from points in North Carolina, Virginia, Delaware, and Maryland, to points in New York, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, and Vermont; (2) *quarry products and stone*, from points in Virginia, to points in Pennsylvania, New Jersey, and New York; and (3) *dry fertilizer and fertilizer ingredients, and calcium sulfate*, (a) from Baltimore, Md., and Philadelphia, Pa., to points in Delaware, New Jersey, New York, and Pennsylvania; and (b) from Philadelphia, Pa., Wilmington, Del., and Paulsboro, N.J., to points in New Jersey, New York, Pennsylvania, Delaware, Maryland, and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 124083 (Sub-No. 50), filed June 23, 1975. Applicant: SKINNER MOTOR EXPRESS, INC., 1035 S. Keystone Avenue, Indianapolis, Ind. 46203. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulverized coal*, from Greenup, Ky., to points in Alabama, Georgia, Illinois, Indiana,

Michigan, Missouri, Mississippi, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Louisville, Ky.

No. MC 126159 (Sub-No. 9), filed May 1, 1975. Applicant: ROC-SALT TRANSPORT, INC., W234 S5502 Big Bend Road, Waukesha, Wis. 53186. Applicant's representative: Richar C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, in bulk and in packages, and *materials and supplies* used in agricultural, water treatment, food processing, wholesale grocery and institutional supply industries, when shipped in mixed loads with salt and salt products, from the plantsite and loading facilities of Domtar Chemicals, Inc., Sifto Salt Division at or near Milwaukee, Wis., to points in Illinois, Indiana, Iowa, Michigan, and Minnesota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Milwaukee, Wis. or Chicago, Ill.

No. MC 126709 (Sub-No. 9), filed June 19, 1975. Applicant: SABER, INC., 514 South Floyd Blvd., Sioux City, Iowa 51101. Applicant's representative: Davey E. Delaney (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal blood*, in tank vehicles, (1) from points in Nebraska, South Dakota, North Dakota, and Minnesota, to Sioux City, Iowa; (2) from Spencer, Iowa, to Sioux Falls, S. Dak.; and (3) from Spencer, Iowa, to Schuyler, Nebr.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 127064 (Sub-No. 6), filed June 20, 1975. Applicant: E. J. PETER TRUCKING, INC., Route 2, Box 21, Athens, Wisc. 54411. Applicant's representative: F. H. Kroeger, 1745 University Ave., St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal and linseed meal*, in bulk (except in tank vehicles), from Red Wing, Minn., to points in Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either St. Paul or Minneapolis, Minn.

No. MC 127824 (Sub-No. 6), filed June 18, 1975. Applicant: RONE TRUCKING, INC., U.S. Highway 231 South, Morgantown, Ky. 42261. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in dump vehicles, (a) from points in Butler, Warren, Grayson, Ohio, and Edmonson Counties, Ky., to points in Warren, Ohio, Logan, Edmonson, Grayson, Daviess, and Muhlenberg Counties, Ky., restricted to the transportation of traffic having a subsequent movement by rail; (b) from the origin points in (a) above, to points in Kentucky, restricted to the transportation of traffic having a subsequent movement by water; and (c) from the origin points in (a) above, to points in Tennessee, Indiana, Illinois, and Ohio, (a), (b), and (c) restricted to a transportation service to be performed under a continuing contract or contracts with R. E. Summers Construction Company, Inc., of Bowling Green, Ky., or Rone and McGuyer Lumber Company, Inc., of Morgantown, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Bowling Green, Ky., Nashville, Tenn., or Louisville, Ky.

No. MC 128988 (Sub-No. 65), filed June 18, 1975. Applicant: JO/KEL, INC., 159 South Seventh Avenue, P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lamps*, from Charleroi, Pa., to points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, restricted against the transportation of commodities which by reason of size or weight require the use of special equipment, and commodities in bulk, and further restricted to a transportation service to be performed under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Pittsburgh, Pa., or Washington, D.C.

No. MC 129171 (Sub-No. 17), filed June 20, 1975. Applicant: ARTHUR SHELLEY, INC., R.D. #2, Dallas, Pa. 18612. Applicant's representative: Kenneth R. Davis, 121 S. Main Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical equipment* (except commodities which, because of their size or weight, require the use of special equipment), from Bristol, Pa., to points in Montana, California, Oregon, Washington, Idaho, Arizona, Colorado, Utah, and New Mexico.

NOTE.—Applicant holds contract carrier authority in MC 126381 Sub-No. 2, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 133035 (Sub-No. 23), filed June 18, 1975. Applicant: DILTS TRUCKING, INC., Route 1, Crescent, Iowa 51526. Applicant's representative: Donald L. Stern, 350 Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from Port Neal, Iowa, to points in Minnesota, Nebraska, and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 133655 (Sub-No. 84), filed June 19, 1975. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 4168, Amarillo, Tex. 79105. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy confectionery, confectionery, and related confectionery products and by-products;* and (2) *advertising material, premium and display material*, when shipped in the same vehicle with the above-named commodities, in vehicles equipped with mechanical refrigeration, from the plantsites of Cadbury Corporation, at Hazelton, Pa., to points in Alabama, Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134287 (Sub-No. 1), filed June 6, 1975. Applicant: BELLEVUE TRUCKING COMPANY, a Corporation, P.O. Box 146, Warren, Ohio 44482. Applicant's representative: Paul F. Beery, 8 East Broad Street, Ninth Floor, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machines*, and (2) *commodities* the transportation of which, because of size or weight, requires the use of special equipment (except boats), between points in New Jersey, New York, and Pennsylvania within two hundred (200) miles of Newark, N.J., on the one hand, and, on the other, points in Connecticut, Rhode Island, Massachusetts, Delaware, and Maryland within two hundred (200) miles of Newark, N.J., restricted against the handling of traffic moving to or from the plantsite of The Elliott Company, Division of Carrier Corporation at Jeannette, Pa.

NOTE.—The purpose of this application is to eliminate a gateway at Newark, N.J. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 134386 (Sub-No. 4), filed June 18, 1975. Applicant: LOOMIS COURIER SERVICE, INC., 808 Burlway Road, Burlingame, Calif. 94010. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial documents, business, records, accounting and audit media, automated processing media, and related records and materials* (except cash letters), between points in King, Snohomish, and Spokane Counties, Wash., on the one hand, and, on the other, points in Boundary, Bonner, Kootenai, Bene-

wah, Shoshone, Latah, Clearwater, Nez Perce, Lewis, and Idaho Counties, Idaho, and Spokane, Whitman, Garfield, and Asotin Counties, Wash.

NOTE.—Applicant holds contract carrier authority in MC 129034 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Spokane, Wash., or Boise, Idaho.

No. MC 134599 (Sub-No. 130), filed June 9, 1975. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic rubber* (except commodities in bulk or which because of size or weight require special handling or equipment), from Port Neches, Beaumont, and Port Arthur, Tex.; to Chicopee Falls, Mass.; Conyers, Ga.; Detroit, Mich.; Eau Claire, Wis.; Indianapolis, Ind.; Opelika, Ala.; Thomson, Ga.; Naugatuck, Beacon Falls, Waterbury, and Waterville, Conn.; and Misawaka, Ind., under contract with Uniroyal, Inc.

NOTE.—Applicant holds common carrier authority in MC 139906, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Salt Lake City, Utah.

No. MC 134599 (Sub-No. 131), filed June 20, 1975. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires, rubber and rubber products, synthetic rubber, plastic powder and granules* (except commodities in bulk, or which because of size or weight require special handling or special equipment), between the Uniroyal facilities, located at Detroit, Mich., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract with Uniroyal, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Salt Lake City, Utah.

No. MC 134959 (Sub-No. 5), filed June 18, 1975. Applicant: GEORGE BENNETT AND WILLIAM A. WHITE, doing business as BENNETT AND WHITE, P.O. Box 1049, Greeley, Colo. 80631. Applicant's representative: Charles M. Williams, 1612 Court Place, Suite 646, Metropolitan Bldg., Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat scraps, meat and bone meal, and blood meal*, in bulk, from Denver, Colo., to Flagstaff, Ariz.; Sparks, Nev.; and Pocatello, Idaho, restricted against the transportation of the above commodities in bulk, in tank vehicles, under a continuing contract or contracts with National By-Products, Inc., located at or near Denver, Colo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 135384 (Sub-No. 14), filed June 20, 1975. Applicant: SPECIALIZED TRUCK SERVICE, INC., Highway 81 and I–75, McDonough, Ga. 30253. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, related advertising material, and empty malt beverage containers*, between Pabst (Houston County), Ga., and points in West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 135945 (Sub-No. 3), filed June 20, 1975. Applicant: BOB HILDEBRANDT, Prescott, Wis. 54021. Applicant's representative: F. H. Kroeger, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal and linseed meal*, in bulk (except in tank vehicles), from Red Wing, Minn., to points in Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 136008 (Sub-No. 60), filed June 16, 1975. Applicant: JOE BROWN COMPANY, INC., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: G. Timothy Armstrong, 280 Nat'l Foundation Life Bldg., 3535 NW. 58th St., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, (1) between points in Arizona, California, Colorado, Idaho, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming; (2) between points in Arizona, California, Colorado, Idaho, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, on the one hand, and, on the other, points in Alabama, Arkansas, Kansas, Kentucky, Louisiana, Missouri, Oklahoma, Tennessee, and Texas; (3) between points in Kansas, Missouri, Oklahoma, and Texas, on the one hand, and, on the other, points in Alabama, Kentucky, Louisiana, and Tennessee; and (4) between points in Arkansas, restricted to traffic having a prior or subsequent movement by rail or water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 136008 (Sub-No. 62), filed June 20, 1975. Applicant: JOE BROWN COMPANY, INC., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: G. Timothy Armstrong, Suite 200, 6161 North May Avenue, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke* (except in bulk in tank vehicles), (1) from Texas City, Port Arthur, and Houston, Tex., to points in Calcasieu Parish, La.; and (2) from Houston, Tex., to Port Arthur, Tex., restricted in (2) above to traffic having a subsequent out of state movement.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla., or Houston, Tex.

No. MC 136035 (Sub-No. 4), filed June 11, 1975. Applicant: W. S. DUNNING & SON, INC., 131 D South Balmar St., West Chester, Pa. 19380. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Food and food products*, from West Chester and Kennett Square, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Indiana, Illinois, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (b) *rejected and returned shipments*, from the destination territory in (1)(a) above, to West Chester and Kennett Square, Pa.; (2) *materials and supplies*, (except commodities in bulk), used in the manufacture, production, distribution, and sale of commodities above, from the destination territory in (1)(a) above, to the facilities of Grocery Store Products Company, at West Chester and Kennett Square, Pa.; and (3) *food and food products*, from Bartlett, Ill., to the plantsites and storage facilities of The Clorox Company, at or near Atlanta, Ga.; Cincinnati, Ohio; Kansas City, Mo.; Minneapolis, Minn.; West Chester, Pa.; Tampa, Fla.; Frederick, Md.; Winchester, Mass.; Charlotte, N.C.; Jersey City, N.J.; Houston, Tex.; and Cleveland, Ohio, under a continuing contract or contracts with Grocery Store Products Company, and The Clorox Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 136213 (Sub-No. 4), filed June 16, 1975. Applicant: MIDCO DISTRIBUTING, INC., P.O. Box 910, Middlebury, Ind. 46540. Applicant's representative: Thomas R. Bontreger (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine and related advertising material* (except in bulk, in tank vehicles), from Elkhart, Ind.; Paw Paw, and Buchanan, Mich., to points in the United States (except Alaska, Hawaii, and Michigan), under a contract or contracts with Michigan Wines Limited, Inc.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 136711 (Sub-No. 22), filed June 18, 1975. Applicant: DAVID G. MCCORKLE, doing business as MCCORKLE TRUCK LINE P.O. Box 95181, Oklahoma City, Okla. 73109. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Bldg., 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, (1) between points in Arizona, California, Colorado, Idaho, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming; (2) between points in Arizona, California, Colorado, Idaho, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, on the one hand, and, on the other, points in Alabama, Arkansas, Kansas, Kentucky, Louisiana, Missouri, Oklahoma, Tennessee, and Texas; (3) between points in Kansas, Missouri, Oklahoma, Tennessee, and Texas on the one hand, and, on the other, points in Alabama, Kentucky, and Louisiana; and (4) between points in Arkansas, restricted to traffic having a prior or subsequent movement by rail or water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No MC 136786 (Sub-No. 77), filed June 13, 1975. Applicant: ROBCO TRANSPORTATION, INC., 309 Fifth Avenue Northwest, New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, Jr., 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Imported wool, wool tops and noils, wool waste and synthetic fiber;* (2) *domestic wool*, when moving the same vehicle at the same time with the commodities in (1) above; and (3) *materials and supplies*, used in the manufacture and treatment of (1) and (2) above (except commodities in bulk), from Albany, NY.; Milford, Del., and points in Massachusetts, North Carolina, Pennslyvania, and South Carolina, to Faribault, Minn., and Two Rivers, Wisc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis Minn.

No. MC 138018 (Sub-No. 21), filed June 16, 1975. Applicant: REFRIGERATED FOODS, INC., 1420 33d Street, Denver, Colo. 80205. Applicant's representative: J. W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Glover Packing Company, at or near Roswell, New Mex., to points in Arizona, California, Colorado, Kansas, Nebraska, Nevada, Oklahoma, Utah, and Wyoming.

NOTE.—Applicant holds contract carrier authority in MC 124377 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 138144 (Sub-No. 6), filed June 9, 1975. Applicant: FRED OLSON CO., INC., 6022 W. State Street, Milwaukee, Wis. 53213. Applicant's representative: Allan B. Torhorst, 217 E. Jefferson Street, P.O. Box 190, Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, (1) from Centerville, Iowa, to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, and Wisconsin; (2) from Kokomo, Ind., to points in Illinois, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin; (3) from Joliet, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin; and (4) from Chicago, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Chicago, Ill., to provide service from Milwaukee, Wis., to the additional destinations in part (4) of the application. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 138469 (Sub-No. 16), filed June 23, 1975. Applicant: DONCO CARRIERS, INC., 641 N. Meridian, P.O. Box 75354, Oklahoma City, Okla. 73107. Applicant's representative: Wm. L. Peterson, Jr., P.O. Box 917, Oklahoma City, Okla. 73101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, petroleum products, petroleum wax and antifreeze* in containers and drums (except commodities in bulk in cars), from Oklahoma City, Okla., to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—Applicant holds contract carrier authority in MC 136375 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 139905 (Sub-No. 3), filed June 23, 1975. Applicant: R. B. STUCKY AND N. M. STUCKY, a partnership doing business as S & S DAIRIES, Route 2, Moundridge, Kans. 67107. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ice cream mix, sherbert mix, ice milk, popsicle mix and fudgsicle mix*, in bulk, from Hutchinson, Kans., to Denver, Colo.; and (2) *corn syrup, liquid sugar and blends of liquid sugar and corn syrup*, in bulk, between Denver, Colo., on the one hand, and, on the other, Hutchinson, Kans.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 140260 (Sub-No. 1), filed June 4, 1975. Applicant: MERRY SHIPPING COMPANY, INC., 310 Bay Street, Savannah, Ga. 31402. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in the Jacksonville, Fla. Commercial Zone, including Jacksonville, Fla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Savannah, Ga.

No. MC 140484 (Sub-No. 5), filed June 18, 1975. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, Fla. 33902. Applicant's representative: Lester A. Coggins, Sr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric motors, electric welders, and parts and accessories thereof welding supplies and hand truck parts*, from the facilities of The Lincoln Electric Company located in Cuyahoga and Lake Counties, Ohio, to points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Louisiana, Texas, North Dakota, South Dakota, and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Cleveland, Ohio, or Tampa, Fla.

No. MC 140615 (Sub-No. 4), filed June 10, 1975. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1064, Wisconsin Rapids, Wis. 54494. Applicant's representative: Dennis C. Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Balsa wood*, in vehicles equipped with mechanical refrigeration equipment, from Northvale, N.J., to Pulaski and Wausaukee, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Green Bay or Madison, Wis.

No. MC 140913 (Sub-No. 2), filed June 18, 1975. Applicant: CLARK D. ROTHGEB, Rt. 2, Box 122, Broadway, Va. 22815. Applicant's representative: (Same as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and stone*, in bulk, in dump vehicles, (1) from Broadway, Va., to points in Hardy County, W. Va.; and (2) from Timberville, Va., to points in Hardy County, W. Va., under a continuing contract or contracts with C. S. Mundy Quarries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Broadway, Va.

No. MC 140921 (Sub-No. 5), filed June 20, 1975. Applicant: WIN-LINE, INC., 4850 Briarbend Drive, Houston,

Tex. 77035. Applicant's representative: Bazil O. Penney (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compounds, insecticides, chemicals, and cleaning compounds* (except commodities in bulk, in tank vehicles), from Milford and Kenton, Del., and points in New Hampshire on and south of U.S. Highway 25, to points in California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Los Angeles, Calif.

No. MC 140942 (Correction), filed May 9, 1975 and published in the FEDERAL REGISTER issue of June 12, 1975, and republished as corrected this issue. Applicant: CLOVERDALE TRANSPORTATION COMPANY, a Corporation, 103 Fourth Avenue NW., Mandan, N. Dak. 58554. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, and meat by-products*, and *articles distributed by meat packinghouses*, as described in Section A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Mandan, N. Dak., to points in California, Idaho, Minnesota, Montana, Oregon, South Dakota, Washington, and Wyoming; and (2) *such commodities* as are dealt in by wholesale and retail grocery and food business houses and food processors, and *materials and supplies* used by wholesale and retail grocery and food business houses and food processors (except commodities in bulk), from points in California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Ohio, Oregon, South Dakota, Washington, and Wisconsin, to Dickenson, Mandan, and Minot, N. Dak., under a continuing contract or contracts with Cloverdale Foods Company, restricted to traffic originating at and destined to the plantsites and facilities of Cloverdale Foods Company.

NOTE.—The purpose of this correction is to indicate that applicant intends to carry materials and supplies used by wholesale and retail grocery and food business houses and food processors in (2) above. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Bismarck, N. Dak.

No. MC 140962 (Correction), filed May 14, 1975, published in the FEDERAL REGISTER issue of June 12, 1975, and republished as corrected this issue. Applicant: PHILIP ANTONUCCI, doing business as ANTY TRUCKING, 150 Linwood Ave., Paterson, N.J. 07502. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mine and quarry drilling machinery, compressors, loaders, bars, tools, and parts;* and (2) *materials, equipment, and supplies*, used or useful in the manufacture and sale of the foregoing commodities in (1) above (except commodities in bulk), between Wayne, N.J., on the one hand, and, on the other, points in the United States east of, and including Minnesota, Iowa, Missouri, Arkansas, and Texas, under a continuing contract with Atlas Copco, Inc., at Wayne, N.J.

NOTE.—The purpose of this republication is to correct the commodity description in this proceeding. Applicant holds common carrier authority in MC 6974, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 141036 (Sub-No. 2), filed June 20, 1975. Applicant: JAMES SIMMONS, doing business as J & V DELIVERY CO., 600 Jones Road, Suite 117-C, Hoffman Estates, Ill. 60172. Applicant's representative: Donald S. Mullins, 4704 W. Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Medical isotopes, medical test kits, radioactive drugs, and radiopharmaceuticals*, from the plant site and warehouse facilities of Medi-Physics, Inc., located at or near Rosemont, Ill., to points in Indiana, Iowa, and Wisconsin, under a continuing contract with Medi-Physics, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 141068, filed June 19, 1975. Applicant: JOHNNY R. SWANNER, doing business as AAA ASSOCIATES MOVING & STORAGE, 1045 Wilbanks Street, Montgomery, Ala. 36108. Applicant's representative: Johnny R. Swanner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, between points in Autauga, Montgomery, Butler, Crenshaw, Macon, Elmore, Bullock, Chilton, Coosa, Lowndes, Perry, Tallapoosa, and Wilcox Counties, Ala., restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Montgomery, Ala.

No. MC 141069, filed June 16, 1975. Applicant: PHILIP R. BERNSTEIN, doing business as PHIL BERSTEIN TRUCKING CO., 2101 Epps Street, Fort Worth, Tex. 76104. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, loaded or empty, between railroad ramping facilities located in the Dallas-Fort Worth Commercial Zone, on the one hand, and, on the other, Wichita, Clay, Fannin, Archer, Montague, Cooke, Grayson, Lamar, Red River, Titus, Jack, Wise, Denton, Collin, Hopkins, Young, Hunt, Rockwall, Camp, Palo Pinto, Parker, Rains, Upshur, Stevens, Wood, Kaufman, Van Zandt, Hood, Gregg, Ellis, Smith, Eastland, Johnson, Erath, Henderson, Hill, Comanche, Bosque, Navarro, Anderson, Brown, Hamilton, Freestone, Cherokee, McLennan, Limestone, Mills, Coryell, Leon, Falls, Bell, Tarrant, and Dallas Counties, Tex., restricted to traffic having a prior or subsequent movement by rail in TOFC service.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 141073 (Sub-No. 1), filed June 20, 1975. Applicant: TRIPLE H TRUCK COMPANY, INC., Box 34, White Plains, Ky. 42464. Applicant's representative: Rudy Yessin, 314 Wilkinson Street, P.O. Box B, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Hopkins County, Ky., on the one hand, and, on the other, points in Hopkins, Webster, Daviess, McCracken, and Henderson Counties, Ky., and points in Vanderburgh County, Ind., under contract with South Hopkins Coal Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Frankfort or Louisville, Ky.

No. MC 141081, filed June 13, 1975. Applicant: TRAILER CAR CORP., 79-25 150th Street, Kew Garden Hills, N.Y. 11367. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles* in truckaway service, in secondary movements, with or without baggage or personal effects, between points in Florida, on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, and New York.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Boston, Mass.

PASSENGER APPLICATIONS

No. MC 114571 (Sub-No. 2), filed May 29, 1975, published in the FEDERAL REGISTER issue of July 3, 1975 and republished this issue. Applicant: YODER TOURWAYS, INC., P.O. Box 8, Route 103, Mattawana, Pa. 17054. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in (1) special operations, in round-trip sightseeing and pleasure tours, and (2) round-trip charter operations, begining and ending at points in Mifflin County, Pa., and extending to points in Florida, Georgia, Maryland, North Carolina, South Carolina, Ten-

nessee, the District of Columbia, and Mt. Vernon, Va.

NOTE.—The purpose of this republication is to provide sufficient notice to the Public of this filing by publishing it within the "Passenger" section of the application notices. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 127733 (Sub-No. 2), filed June 19, 1975. Applicant: FITCHBURG AND LEOMINSTER STREET RAILWAY COMPANY, a Corporation, R 1427 Water Street, Fitchburg, Mass. 01420. Applicant's representative: David M. Marshall, 135 State Street, Suite 200, Springfield, Mass. 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter and special operations, beginning and ending at points in Worcester and Middlesex Counties, Mass., and Cheshire and Hillsboro Counties, N.H., and extending to points in the United States excluding Alaska and Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass., or Concord, N.H.

No. MC 141002 (Correction), filed May 23, 1975, published in the FEDERAL REGISTER issue of June 26, 1975 and republished as corrected this issue. Applicant: NATIONWIDE COACHES, INC., 229 Peachtree Street NE., Suite 1413, Atlanta, Ga. 30303. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special and charter operations, from points in Fulton, De Kalb, Clayton, Douglas, Cobb, and Gwinnett Counties, Ga., to points in the United States, including Alaska but excluding Hawaii, and return.

NOTE.—The purpose of this republication is to indicate that applicant also seeks authority to provide return movements. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 141063 (Sub-No. 1), filed June 19, 1975. Applicant: THE CITY CONTRACT BUS SERVICE, INC., P.O. Box 77396, Atlanta, Ga. 30309. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, with or without their baggage*, who are employees of Seaboard Coast Line Railroad Company, between points in Alabama, Florida, Georgia, North Carolina, and South Carolina, along the line of Seaboard Coast Line Railroad Company, under a continuing contract or contracts with Seaboard Coast Line Railroad Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 141082, filed June 16, 1975. Applicant: DOOR-TO-DOOR LIMOUSINE, INC., 293 Alden Street, Fairfield, Conn. 06430. Applicant's representative: Lawrence A. French (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage* in the same vehicle with passengers, in door-to-door service in vehicles limited to eleven passengers, including the driver thereof, between Milford, Straford, Bridgeport, Easton, Trumbull, Fairfield, and Westport, Conn., on the one hand, and, on the other, the New York, N.Y. Commercial Zone as defined by the Commission, and the Newark Airport, Newark, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

WATER CARRIER APPLICATION

No. W1294, filed June 18, 1975. Applicant: SHORELINE BOATING SERVICE, INC., 144 Water Street, South Norwalk, Conn. 06854. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier*, by water in the transportation of *Passengers and their baggage, by self-propelled vessels*, in scheduled, special and charter operations, between Norwalk, Conn., and Northport, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New Haven, Conn., or any place in this area.

FREIGHT FORWARDER APPLICATION

No. FF473, filed June 13, 1975. Applicant: ALLSTATES WORLDWIDE MOVERS, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water and express, in the transportation of (a) *Used household goods and unaccompanied baggage;* and (b) *used automobiles*, between points in the United States including Hawaii, but excluding Alaska, restricted in (b) to import-export traffic.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y. or Washington, D.C.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-18474 Filed 7-16-75;8:45 am]

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PART II

DEPARTMENT OF TRANSPORTATION

National Transportation Safety Board

■

REDESIGNATION AND REVISION OF REGULATIONS

Title 49—Transportation

CHAPTER VIII—NATIONAL TRANSPORTATION SAFETY BOARD

Redesignation and Revision of Regulations

The National Transportation Safety Board (Board) became an independent agency on April 1, 1975, under the Independent Safety Board Act of 1974 (Act) (Pub. L. 93-633, 88 Stat. 2166, 49 U.S.C. 1901 et seq.). Prior to that date the Board's regulations were under Title 14—Aeronautics and Space. As an interim measure, revisions and retention of miscellaneous rules and regulations under Title 14 were authorized to provide for an orderly changeover to an independent agency (40 FR 14572).

Simultaneously herewith, there is submitted a document transferring the Board's regulations from Chapter III of Title 14 to Chapter VIII of Title 49. The regulations which follow have been redesignated in accordance with the transfer and will be referred to by their new part designations.

Part 800—Statement of organization and functions of the Board and delegations of authority, Part 801—Public availability of information, and Part 825—Rules of procedure for merchant marine appeals from decisions of the Commandant, U.S. Coast Guard, were revised on April 1, 1975, to comply with changes in the Board's functions under the Act, and the amendments to the Freedom of Information Act, 5 U.S.C. 552. These three parts appear in the following revision as they were promulgated on April 1, 1975, subject only to editorial changes and redesignations.

Part 803 is a new regulation covering the custody, control, and use of the Board's official seal, whose adoption was authorized by the Act.

Part 805—Employee responsibilities and conduct,[1] Part 821—Rules of practice in air safety proceedings, Part 830—Rules pertaining to the notification and reporting of aircraft accidents, incidents, and overdue aircraft, and preservation of aircraft wreckage, mail, cargo, and records, and Part 845—Rules of practice in surface transportation accident hearings, contain only minor editorial changes.

Part 831—Rules of practice in aircraft accident/incident investigations has also been subjected to minor changes. In addition, however, it now employs the term "investigation" rather than "inquiries" in order to comply with a recent amendment to Annex 13 of the Chicago Convention of the International Civil Aviation Organization.

Part 835—Testimony of Board employees has been substantially modified to reflect recent statutory changes in the Board's authority and court decisions concerning such testimony. This part is now limited to testimony, and all prior provisions applicable to release of information, other than by testimony, have been deleted and are now included in Part 801. Also, the scope of the part is now extended to employees of the Board involved in both aviation and surface accident investigations. With the enactment of section 304(c) of the Act, limitations on use and admissibility of Board reports now apply to all accident investigation reports of the Board.

Under Part 835, as revised, the manner in which testimony is to be given and the procedure for requesting testimony of Board employees remain the same, subject to approval of depositions by the Board's General Counsel. However, the scope of permissible testimony and the use that may be made of Board reports have been substantially modified. The previous restriction against the use of Board reports in presenting testimony is now limited to the Board's accident report, as defined in Part 835. The limitation on the use of an investigator's factual accident report has been removed, since such report is no longer deemed to be a report of the Board.

The scope of permissible testimony also has been modified to reflect recent court decisions. Although the Board continues its prohibition against Board employees acting as expert witnesses in litigation, the previous limitation of such testimony to factual information has been relaxed. The only opinions proscribed are those which reflect the ultimate determination of cause or probable cause determined by the Board and expressed in the Board's reports. The Board considers its revised policy to be consistent with existing law, relying in particular on *Kline* v. *Martin*, 345 F. Supp. 31 (D.C. Va., 1972). Although it may appear to be inconsistent with *Falk* v. *United States*, 53 F.R.D. 113 (D.C. Conn., 1971) wherein an investigator was required to express an opinion as to the cause of an accident, it is the position of the Board that the rationale for this decision was clearly in error and any doubt thereon has been removed by the repeal of section 5 of the Department of Transportation Act of 1966 and the enactment of the Independent Safety Board Act of 1974. The Board continues its prohibition against the requirement that investigators should testify on matters beyond the scope of their investigation.

Since the designation and revision of the following parts are accomplished for the purpose of compliance with new Federal enactments, and essentially involve Board procedures and delegations, notice of proposed rulemaking and public procedure thereon are unnecessary and good cause exists for making the redesignations and revisions effective on July 17, 1975.

Chapter III of 14 CFR is hereby revised and redesignated as chapter VIII of 49 CFR, reading as follows:

Part
- 800 Statement of organization and functions of the Board and delegations of authority.
- 801 Public availability of information.
- 803 Official seal.
- 805 Employee responsibilities and conduct.
- 821 Rules of practice in air safety proceedings.
- 825 Rules of procedure for merchant marine appeals from decisions of the Commandant, U.S. Coast Guard.
- 830 Rules pertaining to the notification and reporting of aircraft accidents or incidents and overdue aircraft, and preservation of aircraft wreckage, mail, cargo, and records.
- 831 Rules of practice in aircraft accident/incident investigations.
- 835 Testimony of Board employees.
- 845 Rules of practice in surface transportation accident hearings.

PART 800—STATEMENT OF ORGANIZATION AND FUNCTIONS OF THE BOARD AND DELEGATIONS OF AUTHORITY

Subpart A—Organization and Functions

Sec.
- 800.1 Purpose.
- 800.2 Organization.
- 800.3 Functions.
- 800.4 Operation.
- 800.5 Public hearings.
- 800.6 Formal and informal submissions.
- 800.7 Offices.
- 800.8 Availability of information and materials.

Subpart B—Delegation of Authority to Staff Members

- 800.21 Purpose.
- 800.22 Delegation to the General Manager.
- 800.23 Delegation to the administrative law judges, Office of Administrative Law Judges.
- 800.24 Delegation to the General Counsel.
- 800.25 Delegation to the Director, Bureau of Aviation Safety.
- 800.26 Delegation to the Director, Bureau of Surface Transportation Safety.
- 800.27 Delegations to officers and employees of the Board designated as hearing officers.

APPENDIX—REQUEST TO THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION TO INVESTIGATE CERTAIN AIRCRAFT ACCIDENTS FOR A TEMPORARY PERIOD

AUTHORITY: Independent Safety Board Act of 1974, Pub. L. 93-633, 88 Stat. 2166 (49 U.S.C. 1901 et seq.).

Subpart A—Organization and Functions

§ 800.1 Purpose.

This part, together with Part 801 of this chapter, describes generally the organization, functions, and operation of the National Transportation Safety Board (Board) and the places at which, the employees from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions. More detailed information is available in Part 801 of this chapter and in other sources listed herein with respect to obtaining records and information.

§ 800.2 Organization.

The Board shall consist of five Members appointed by the President with the advice and consent of the Senate. One of the members is designated by the President as Chairman and one as Vice Chairman with the advice and consent of the Senate. The Members shall exercise the functions, powers, and duties of Title VII of the Federal Aviation Act of 1958 (49 U.S.C. 1441), transferred to the Board under section 6 of the Department of Transportation Act (49 U.S.C.

[1] This part received the approval of the Civil Service Commission on July 16, 1968.

1651 et seq.) and the Independent Safety Board Act of 1974 (88 Stat. 2166 et seq. (49 U.S.C. 1901 et seq.)). The Board is an independent agency of the United States. A detailed description of the Board and its components is published in the Board's internal orders, which are available for inspection and copying in the public reference room in the Washington office of the Board. The various delegations of authority from the Board to the staff units are set forth in Subpart B of this part. The Board's staff is comprised of the following principal units:

(a) The Office of the General Manager, which assists the Chairman in the discharge of his functions as executive and administrative head of the Board, coordinates and directs the activities of the entire staff, is responsible for day-to-day operation of the Board, and recommends and develops plans to achieve the Board's program objectives. Within the Office of the General Manager are the activities which deal with: general management, personnel, financial management; administrative support services; program analysis; legislative affairs; executive secretariat activities; the receipt, maintenance, and service of docket material; the recording, indexing, and processing of formal Board actions; and the authentication of Board records for any official purposes.

(b) The Office of Public Affairs, which is responsible for supplying the public, the news media, and the transportation industry with current, accurate information concerning the work, programs, and objectives of the Board.

(c) The Office of the General Counsel, which is responsible for providing legal advice and assistance to the Board and its staff offices and bureaus, including policy matters, preparation of Board rules, opinions and/or orders, and advice to all offices and bureaus on matters of legal significance; and is responsible for representing the Board in court actions to which the Board is a party or in which the Board is interested.

(d) The Office of the Administrative Law Judges, which is responsible for the conduct of all formal proceedings arising under Title VI of the Federal Aviation Act of 1958, including proceedings involving suspension or revocation of airman certificates and appeals from actions of the Administrator, Federal Aviation Administration, in refusing to issue airman certificates.

(e) The Bureau of Aviation Safety, which is responsible for the aviation safety activities of the Board, including the investigation and analysis of civil aircraft accidents that occur within the United States and U.S. civil aircraft occurrences in international waters. It recommends to the Board the determination of cause or probable cause of such accidents and of any accidents investigated for the Board by the Department of Transportation. (See Appendix.) It also investigates or participates in the investigation of accidents involving U.S.-registered aircraft and U.S.-manufactured aircraft, where appropriate, which occur in foreign countries. It conducts special studies and investigates matters pertaining to safety in air navigation and the prevention of accidents, and it records statistics and prepares reports on aircraft accidents. It develops regulations and procedures governing notification, investigation, and the reporting of aircraft accidents. It formulates recommendations which will tend to prevent aircraft accidents, and it makes recommendations to the Board regarding international aviation safety activities and interdepartmental aviation safety activities. It operates the National Aircraft Accident Investigation School.

(f) The Bureau of Surface Transportation Safety, which is responsible for marine, railroad, highway, pipeline, and hazardous materials activities of the Board. Its personnel investigate all railroad accidents in which there is a fatality or substantial property damage or which involve a passenger train, pipeline accidents in which there is a fatality or substantial property damage, highway accidents selected for investigation in cooperation with the States, and certain selected marine casualties. It recommends to the Board the determination of cause or probable cause for such accidents, makes recommendations to prevent future transportation accidents, and conducts special studies and special investigations. It is responsible for the assessment of accident investigation techniques, for the evaluation of the effectiveness of transportation safety consciousness of other Government agencies, for the evaluation of safeguards and procedures concerning the transportation of hazardous materials, and for the establishment of procedures for surface transportation accident notification.

§ 800.3 Functions.

(a) The primary function of the Board is to promote safety in transportation. The Board is responsible for the investigation, determination of facts, conditions, and circumstances and the cause or probable cause of: All accidents involving civil aircraft; highway accidents, including railroad grade-crossing accidents, the investigation of which is selected in cooperation with the States; railroad accidents in which there is a fatality, substantial property damage, or which involve a passenger train; pipeline accidents in which there is a fatality or substantial property damage; and certain major marine casualties. The Board makes transportation safety recommendations to Federal, State, and local agencies, and interested persons, which recommendations are calculated to reduce the likelihood of recurrence of transportation accidents. It initiates and conducts special studies and special investigations on matters pertaining to safety in transportation, assesses techniques and methods of accident investigation, evaluates the effectiveness of transportation safety consciousness and efficacy in preventing accidents of other Government agencies, and evaluates the adequacy of safeguards and procedures concerning the transportation of hazardous materials.

(b) Upon the request of aggrieved parties, the Board reviews in quasi-judicial proceedings, conducted pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 551 et seq., denials by the Administrator of the Federal Aviation Administration of applications for airman certificates and orders of the Administrator modifying, amending, suspending, or revoking any airman certificates. The Board also reviews on appeal the decisions of the Commandant, U.S. Coast Guard, on appeals from orders of administrative law judges suspending, revoking, or denying licenses, certificates, or documents.

(c) The Board, as provided in Part 801 of this chapter, issues reports, orders, rules, and regulations pursuant to its duties to determine the cause or probable cause of transportation accidents; to report the facts, conditions, and circumstances relating to such accidents; and to review on appeal the suspension, amendment, modification, revocation, or denial of any certificate or license issued by the Secretary or an Administrator of the Department of Transportation. The Board also makes available to the public safety recommendations, special studies, and reports of special investigations.

§ 800.4 Operation.

In exercising its functions, duties, and responsibilities, the Board utilizes:

(a) The Board's staff, consisting of specialized bureaus dealing with particular areas of transportation safety and offices performing administrative and technical work for the Board. The staff advises the Board and performs duties for the Board that are inherent in the staff's position in the organizational structure or that the Board has delegated to it. The staff is described more fully in § 800.2.

(b) Rules published in the FEDERAL REGISTER and codified in this Title 49 of the Code of Federal Regulations. These rules may be inspected in the Board's public reference room, or purchased from the Superintendent of Documents, Government Printing Office. The published rules include:

(1) Regulations which govern the formal methods whereby persons dealing with the Board can present information to the Board to enable it to make the decisions for which the Board is responsible under sections 602 and 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1422 and 1429).

(2) Regulations which govern the reporting and investigation of aircraft accidents, including public hearings held in the course of such investigations.

(3) Regulations, including Subpart B of this part, which delegate matters to the Board's staff, and Part 801 of this chapter describing how the public may deal with the Board in obtaining information.

§ 800.5 Public hearings.

The Board holds public hearings in connection with transportation accident investigations and holds public hearings

and hears oral arguments in proceedings concerned with certificates or licenses issued by the Secretary or an Administrator of the Department of Transportation. They are held at the time and place announced in the notices thereof which are served on the parties to the proceedings or published in the FEDERAL REGISTER.

§ 800.6 Formal and informal submissions.

(a) All formal submissions required or permitted to be made in air safety proceedings should be addressed to the Office of the General Manager, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594, unless specifically provided otherwise in the provision requiring or permitting such submission. Requirements as to the form and content of such submissions are set forth in the Board's procedural regulations.

(b) Other instructions concerning the use of forms, and the scope or content of material required or permitted to be filed or maintained, are set forth in the Board's regulations in this Title 49 of the Code of Federal Regulations. If the form of any document required or permitted to be filed is not prescribed, such document shall be in writing. Any other request to the Board of any kind shall be directed to the General Manager.

§ 800.7 Offices.

The principal offices of the National Transportation Safety Board are located at 800 Independence Avenue, S.W., Washington, D.C. 20594. The Board maintains field offices in selected cities throughout the United States.

§ 800.8 Availability of information and materials.

Part 801 of this chapter provides detailed information concerning the availability of Board documents and records. That part also provides a fee schedule and information concerning inspection and copying.

Subpart B—Delegation of Authority to Staff Members

§ 800.21 Purpose.

The purpose of this Subpart B is to publish all delegations of authority to staff members which do not appear in other Board regulations.

§ 800.22 Delegation to the General Manager.

The Board hereby delegates to the General Manager the authority to:

(a) Determine initially the withholding of a Board record from inspection or copying, pursuant to Part 801 of this chapter.

(b) Settle claims for money damages of $2,500 or less against the United States arising under section 2672 of 28 United States Code (the Federal Torts Claims Act) because of acts or omissions of Board employees.

(c) Approve for publication in the FEDERAL REGISTER notices concerning issuance of accident reports and safety recommendations and responses to safety recommendations, as required by sections 304(a)(2) and 307 of the Independent Safety Board Act of 1974. (49 U.S.C. 1903(a)(2) and 1906.)

§ 800.23 Delegation to the administrative law judges, Office of Administrative Law Judges.

The Board has delegated to the administrative law judges the authority generally detailed in procedural regulation, Part 821, of this chapter.

§ 800.24 Delegation to the General Counsel.

The Board hereby delegates to the General Counsel the authority to:

(a) Approve, disapprove, or request further information concerning requests for testimony of Board employees with respect to their participation in the investigation of accidents, and, upon receipt of notice that an employee has been subpoenaed, to make arrangements with the court either to have the employee excused from testifying or to give the employee permission to testify in accordance with the provisions of Part 835 of this chapter.

(b) Approve or disapprove in safety enforcement proceedings, for good cause shown, requests for changes in procedural requirements subsequent to the initial decision, grant or deny requests to file additional briefs pursuant to § 821.35 of this chapter, and raise on appeal any issue the resolution of which he deems important to the proper disposition of proceedings under § 821.35 of this chapter.

(c) Approve or disapprove, for good cause shown, requests to extend the time for filing comments on proposed new or amended regulations.

(d) Issue regulations for the purpose of making editorial changes or corrections in the Board's rules and regulations.

(e) Issue orders staying, pending judicial review, orders of the Board suspending or revoking airman certificates, and consent to the entry of judicial stays with respect to such orders.

(f) Compromise civil penalties in the case of violations arising under Title VII of the Federal Aviation Act of 1958, or any rule, regulation, or order issued thereunder.

(g) Issue orders dismissing appeals from initial decisions of Board administrative law judges pursuant to the request of the appellant.

(h) Correct Board orders by eliminating typographical, grammatical, and similar errors, and make editorial changes therein not involving matters of substance.

§ 800.25 Delegation to the Director, Bureau of Aviation Safety.

The Board hereby delegates to the Director, Bureau of Aviation Safety, the authority to:

(a) Order an investigation, by depositions, or otherwise, into the facts, conditions, circumstances, and probable cause of all occurrences involving civil aircraft.

(b) Disclose factual information pertinent to an aircraft accident or incident as provided for in Parts 801 and 831 of this chapter.

§ 800.26 Delegation to the Director, Bureau of Surface Transportation Safety.

The Board hereby delegates to the Director, Bureau of Surface Transportation Safety, the authority to:

(a) Order an investigation, by depositions, or otherwise, into the facts, conditions, circumstances, and probable cause of all accidents involving surface transportation for which the Board has authority to conduct such investigations.

(b) Disclose factual information pertinent to a surface accident or incident as provided for in Part 801 of this chapter.

§ 800.27 Delegations to officers and employees of the Board designated as hearing officers.

The Board hereby delegates to any officer or employee of the Board who is designated by the Chairman of the Safety Board as a hearing officer, the authority to sign and issue subpoenas, and administer oaths and affirmations, and to take depositions or cause them to be taken in connection with the investigation of transportation accidents.

APPENDIX—REQUEST TO THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION TO INVESTIGATE CERTAIN AIRCRAFT ACCIDENTS FOR A TEMPORARY PERIOD

The Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2166, 49 U.S.C. 1901 et. seq.), effective April 1, 1975, rescinds the former authority of the National Transportation Safety Board (Board) to delegate investigative authority to the Federal Aviation Administration (FAA) with respect to certain aviation accidents, formerly contained in § 400.45 (14 CFR Part 400). In lieu thereof the following request is issued.

(a) Acting pursuant to the authority vested in it by Title VII of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1441) and section 304(a)(1) of the Independent Safety Board Act of 1974, the Board hereby requests the Secretary of the Department of Transportation to exercise his authority, subject to the terms, conditions, and limitations of Title VII and section 304(a)(1) of the Independent Safety Board Act of 1974, and as set forth below, to investigate the facts, conditions, and circumstances surrounding certain fixed-wing and rotorcraft aircraft accidents and to submit a report to the Board from which the Board may make a determination of the probable cause.

(b) The authority to be exercised hereunder shall include the investigation of all civil aircraft accidents involving rotorcraft, aerial application, amateur-built aircraft, restricted category aircraft, and all fixed-wing aircraft which have a certificated maximum gross takeoff weight of 12,500 pounds or less except:

(1) Accidents in which fatal injuries have occurred to any occupant of such aircraft, but shall include accidents involving fatalities incurred as a result of aerial application operations, amateur-built aircraft operations, or restricted category aircraft operations.

(2) Accidents involving aircraft operated in accordance with the provisions of Part 135 of the Federal Aviation Regulations (14 CFR Part 135) entitled "Air Taxi Operators and Commercial Operators of Small Aircraft."

(3) Accidents involving aircraft operated by an air carrier authorized by a certificate of public convenience and necessity to engage in air transportation.

(4) Accidents involving midair collisions.

(c) *Provided*, That this authority shall not be construed to authorize the Secretary to hold public hearings or to determine the probable cause of the accident, and *Provided further*, That the Secretary shall report to the Board, in a form acceptable to the Board, the facts, conditions, and circumstances surrounding each accident from which the Board may determine the probable cause.

(d) *And Provided further*, That this request includes authority to conduct autopsies and such other tests of the remains of deceased persons aboard the aircraft at the time of the accident, who die as a result of the accident, necessary to the investigations requested hereunder, and such authority may be delegated and redelegated to any official or employee of the Federal Aviation Administration. For the purpose of this provision, designated aviation examiners are not deemed to be officials or employees of the FAA.

(e) If at any time the Board shall determine, either upon request of the Secretary or upon its own initiative, that the circumstances of a particular accident being investigated by the Secretary pursuant to this request are of sufficient public interest, the Board may, upon written notice to the Secretary, terminate his authority as to such accident and assume full responsibility for the investigation of the accident in the same manner as an accident not covered by this request.

(f) Invoking the provisions of section 701(f) of the Federal Aviation Act of 1958, as amended, and section 304(a)(1) of the Independent Safety Board Act of 1974, is necessary inasmuch as sufficient funds have not been made available to the Board to provide adequate facilities and personnel to investigate all accidents involving civil aircraft. This request, therefore, is considered to be temporary in nature and may be modified or terminated by written notice to the Secretary.

PART 801—PUBLIC AVAILABILITY OF INFORMATION

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Appendix—Fee Schedule

AUTHORITY: Freedom of Information Act, Pub. L. 93-502, November 21, 1974, amending 5 U.S.C. 552; Independent Safety Board Act of 1974, Pub. L. 93-633, 88 Stat. 2166 (49 U.S.C. 1901 et seq.), 31 U.S.C. 483a, and 18 U.S.C. 641 and 2071(a).

Subpart A—Applicability and Policy

§ 801.1 Applicability.

(a) This part implements the provisions of the Freedom of Information Act (5 U.S.C. 552) as amended by Pub. L. 93-502, November 21, 1974, and the publication and public access requirements embodied in Title III of the Independent Safety Board Act of 1974 (88 Stat. 2166 (49 U.S.C. 1901 et seq.)). In addition, it provides for document services and the charges therefor, pursuant to 31 U.S.C. 483a.

(b) This part applies only to records existing when the request for the information is made. The National Transportation Safety Board (Board) is not required to compile or procure records for the sole purpose of making them available hereunder.

(c) Subpart F of this part describes records which are exempt from public disclosure.

§ 801.2 Policy.

In implementing 5 U.S.C. 552, it is the policy of the Board to make information available to the public to the greatest extent possible. Accordingly, all records of the Board, except those that the Board specifically determines must not be disclosed in the national interest, or for the protection of private rights, or for the efficient conduct of public business to the extent permitted by the Freedom of Information Act, are declared to be available for public inspection and copying, as provided in this part. Records are to be made available to the public promptly and to the fullest extent consistent with this policy. No record may be withheld from the public solely because its release might indicate administrative error or embarrass an officer or employee of the Board.

§ 801.3 Definitions.

"Record" includes any writing, drawing, map, recording, tape, film, photo, or other documentary material by which information is preserved, and this definition also applies to section 306(a) of the Independent Safety Board Act of 1974, which requires public access to any information. In this part, "document" and "record" shall have the same meaning.

"Chairman" means the Chairman of the Board.

"General Manager" means the General Manager of the Board.

Subpart B—Administration

§ 801.10 General.

(a) The Board delegates to the General Manager custody and control of all Board records required to be preserved under directives of the General Services Administration, issued pursuant to 44 U.S.C. 3102.

(b) The General Manager shall be solely responsible for the initial determination of whether to release records within the 10 working days' limit, or the extension specified in the Freedom of Information Act.

(c) The duties of the Accident Inquiry Unit, Office of the General Manager, shall include:

(1) Maintenance for public access and commercial reproduction of all accident files containing aviation and surface investigators' reports, factual accident reports or group chairman reports, documentation and accident correspondence files, transcripts of public hearings, if any, and exhibits.

(2) Maintenance of a public reference room (with self-service duplicator) and, on request, permission to the public to inspect public documents during normal working hours.

(d) The General Manager's office shall maintain copies of public documents, specified in the Appendix, for inspection and copying in the public reference room. Instructions for access and copying and fees for copying are provided in the Appendix to this part.

(e) Requests for documents in the General Manager's office must be addressed to the Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. All requests must reasonably identify the record requested, must be accompanied by the fee or agreement (if any) to pay the reproduction costs shown in the fee schedule (see Appendix), and must contain the address and telephone number of the person making the request. The envelope in which the request is sent should be marked prominently with the letters "FOIA." The General Manager's office, if there is a failure to comply fully, will attempt to contact the requester immediately to rectify the omission. However, the 10-working-day limit for processing shall not commence until the General Manager's office receives a totally correct request.

(f) The field offices of the Board shall not maintain, for public access, records maintained by the General Manager. If

requests are made to field offices, advice will be promptly given as to how to make such requests.

(g) The General Manager shall maintain a contract with a commercial reproduction firm to accommodate requests for reproduction of accident records. The reproduction charges may be subject to change with each contract renewal.

(h) Requests for documents generated by other agencies or entities will not be processed unless they are contained in the Board's accident files.

(i) Requests for records not yet issued will be held in abeyance until issuance and then processed. The person making the request will be so notified.

(j) Requests for records which are not in the General Manager's office should be addressed with reasonable record identification as follows:

(1) Aviation—Director, Bureau of Aviation Safety.

(2) Surface—Director, Bureau of Surface Transportation Safety.

(3) Initial decisions, safety enforcement—Chief Administrative Law Judge.

(4) Final decisions, safety enforcement, and other legal documents—Office of General Counsel.

(5) Board Members—individually by name and title.

(k) No charge will be made by the Board for notices, decisions, orders, etc., required by law to be served on a party to any proceeding or matter before the Board.

(l) Upon approval of the General Manager, subscriptions to Board publications may be entered without charge for States, organizations, or other entities specified in the fee schedule set forth in the Appendix.

§ 801.11 Segregability of records.

The General Manager's initial decision shall include a determination of segregability. If it is reasonable to do so, the exempt portions will be deleted and the nonexempt portions will be sent to the requester.

§ 801.12 Protection of records.

(a) No person may, without permission, remove from the place where it is made available any record made available to him for inspection or copying. Stealing, altering, mutilating, obliterating, or destroying, in whole or in part, such a record shall be deemed a crime.

(b) Section 641 of Title 18 of the United States Code provides, in pertinent part, as follows:

"Whoever * * * steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record * * * or thing of value of the United States or of any department or agency thereof * * * Shall be fined not more than $10,000 or imprisoned not more than ten years or both; but if the value of such property does not exceed the sum of $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both. * * *"

(c) Section 2071(a) of Title 18 of the United States Code provides, in pertinent part, as follows:

"(a) Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited * * * in any public office, or with any * * * public officer of the United States, shall be fined not more than $2,000 or imprisoned not more than three years, or both."

§ 801.13 Production of records on demand of courts or other authorities.

(a) No Board employee or Member, other than the General Manager or the General Counsel, may respond to a demand of a court or other authority for the production of any Board records.

(b) Whenever an employee or Board Member is served with a court order or other record order, or subpoena duces tecum, he shall immediately advise the General Counsel's office, and the General Counsel shall determine the course of action to be taken.

(c) Subpoenas and requests for oral testimony will be processed pursuant to Part 835 of this chapter.

Subpart C—Time Limits

§ 801.20 Initial determination.

An initial determination as to whether to release a record shall be made by the General Manager within 10 working days (excluding Saturdays, Sundays, and legal public holidays) after the request is received, except that this time limit may be extended up to 10 additional working days in accordance with § 801.22, below. The person making the request will be notified immediately in writing of such determination. If such determination is to release the requested record, such record shall be made available promptly. If such determination is made not to release the record, the person making the request shall, when he is notified of such determination, be advised of (a) the reason for the determination, (b) the right to appeal the determination, and (c) the name and titles or positions of each person responsible for the denial of the request.

§ 801.21 Final determination.

A determination with respect to any appeal made pursuant to § 801.20, above, shall be made by the Chairman within 10 working days (excluding Saturdays, Sundays, and legal public holidays) after receipt of such appeal, except that this time limit may be extended for as many as 10 additional working days, in accordance with § 801.22, below.

§ 801.22 Extension.

In unusual circumstances as specified in this section, the time limits prescribed in either, but not both, § 801.20 or § 801.21, above, may be extended by written notice to the person making a request and setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. Such notice shall not specify a date that would result in an extension for more than 10 working days. As used in this subparagraph, "unusual circumstances," to the extent reasonably necessary to the proper processing of the particular request, means—

(a) The need to search for and collect the requested records from field facilities or other establishments that are separate from the General Manager's office;

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

(c) The need to consult with another agency which has a substantial interest in the disposition of the request or with two or more components of the agency having substantial subject-matter interest therein.

Subpart D—Accident Investigation Records

§ 801.30 Field aircraft accident investigations.

Upon completion of the field investigation (normally 60 days after the accident), the Board's investigator-in-charge shall complete a factual report (with documentation) and send it to the General Manager, who shall then make the record available to the public for inspection or commercial copy order (see Appendix).

§ 801.31 Major aircraft accident investigations.

Upon completion of the investigation by a team of Board investigators (normally 60 days after the accident), the report of each investigator (group chairman), with documentation, shall be sent to the General Manager, who shall make these records available to the public for inspection and commercial copy order (see Appendix).

§ 801.32 Aircraft accident public hearings.

Within approximately 2 weeks after a public hearing concerning an aviation accident, the General Manager shall make available to the public for inspection or commercial copy order, the hearing transcript and the exhibits introduced at the hearing (see Appendix).

§ 801.33 Surface transportation accident investigations.

Upon completion of the Board's investigation of these accidents (normally 60 days after the accident), the investigators shall send to the General Manager a file of the documentation obtained. This file shall then be made available, by the General Manager, for public access or commercial copy order (see Appendix).

§ 801.34 Surface accident public hearings.

Within approximately 2 weeks after a surface accident public hearing, the General Manager shall make available for public inspection and commercial copy order, the hearing transcript and exhibits introduced at the hearing.

§ 801.35 General aviation and major accident (narrative) reports.

(a) For general aviation and minor accidents, the Board reports of the facts, conditions, and circumstances and de-

termination of probable cause shall be issued approximately 6 months after each accident in computer format entitled "Briefs of Accidents."

(b) For major accidents, the Board's determination of probable cause and its report of the facts, conditions, and circumstances, shall be set forth in a narrative report.

(c) After notice of issuance in the FEDERAL REGISTER, reports shall be made available for inspection in the General Manager's office, or by copy or subscription (see Appendix).

§ 801.36 Surface transportation accident reports (narrative).

For those accidents which are investigated (including certain marine accidents investigated by the United States Coast Guard), the Board reports of the facts, conditions, and circumstances and its determination of the cause or probable cause shall be issued approximately 6 months after the accident. After notice of issuance in the FEDERAL REGISTER, these reports shall be available for public inspection in the General Manager's office, or by copy or subscription (see Appendix).

Subpart E—Publication in the "Federal Register," Adjudicatory Decisions, Staff Manual and Instructions, Reports to Congress, and Other Board Documents Which Are Available to the Public (See Appendix)

§ 801.40 The Board's rules.

The Board's procedural rules are published in the Code of Federal Regulations as Parts 800 through 899.

§ 801.41 Transportation safety recommendations.

All transportation safety recommendations issued by the Board (and responses thereto, if any) shall be noticed in the FEDERAL REGISTER and thereafter made available for public inspection in the General Manager's office or by ordering a copy (see Appendix).

§ 801.42 Indexes to aviation and maritime enforcement cases.

(a) The quarterly index to the initial decisions of the Board's administrative law judges shall be available in the General Manager's office for public access. (See Appendix for subscription.)

(b) The quarterly index to Board decisions and orders in safety enforcement cases shall be available in the General Manager's office for public access. (See Appendix for subscription and bound volumes.)

§ 801.43 Administrative staff manuals and instructions, and indexes that affect the public.

The index to staff manuals which are not exempt from public disclosure, as set forth in Subpart F, shall be available in the General Manager's office (see Appendix).

§ 801.44 Reports to Congress.

The Board's annual report to Congress, which is required under section 305 of the Independent Safety Board Act of 1974, shall be submitted on July 1 of each year. It may be purchased from the Government Printing Office or inspected in the General Manager's office. All other reports or comments to Congress shall be available in the General Manager's office for inspection or by ordering a copy after issuance.

§ 801.45 Other records.

The working files of the Board contain a limited number of records which may not be exempt, in whole or in part, from public disclosure as set forth in Subpart F. Such records shall be made available upon request. Requests for such documents should be made directly to the head of the unit concerned, as set forth in § 801.10(j), and should contain a reasonable description of the specific record desired.

§ 801.46 Special document services.

(a) Although not required by the Freedom of Information Act, the Board provides document services at charges required by 31 U.S.C. 483a, as described in the Appendix.

Subpart F—Exemption From Public Disclosure

§ 801.50 General.

This subpart implements section 552 (b) of Title 5, United States Code. Sections 552(a) and (b) exempt certain records from public inspection. The Board will, however, release a record authorized to be withheld under 552(b) unless it determines that the release of that record would be inconsistent with the purpose of the exemption concerned. Examples of records given in §§ 801.51 through 801.58 included within a particular statutory exemption are not necessarily illustrative of all types of records covered by the exemption.

§ 801.51 National defense and foreign policy secrets.

National defense and foreign policy secrets established by Executive Order, and properly classified, are exempt from public disclosure. Requests to the Board for such records will be transferred to the source agency as appropriate. (Executive Orders 11652, March 8, 1972; 10865, February 20, 1960; and 10404, February 1, 1950.)

§ 801.52 Internal personnel rules and practices of the Board.

(a) Records relating solely to internal personnel rules and practices that are within the statutory exemptions include memoranda pertaining to personnel matters such as staffing policies, and procedures for the hiring, training, promotion, demotion, or discharge of employees, and management plans, records, or proposals relating to labor-management relations.

(b) The purpose of this section is to protect any records relating to internal personnel rules and practices dealing with the relations between Board management and employees.

§ 801.53 Records exempt by statute from public disclosure.

(a) Information obtained under section 306(b) of the Independent Safety Board Act of 1974 "... which concerns or relates to a trade secret referred to in 18 U.S.C. 1905." This includes commercial or financial information which is privileged or confidential.

(b) Minutes and all other documents concerning proceedings closed by the Board for national security reasons.

(c) Board determination of nondisclosure pursuant to 49 U.S.C. 1504 (section 1104 of the Federal Aviation Act of 1958, as amended). When any person objects to public disclosure of information in a Board document and the Board determines that disclosure would adversely affect the interest of such person, and is not required in the public interest, that information shall be withheld from public disclosure. For example, the Board has determined that it is not in the public interest to disclose (1) any information or documents in the Board's possession dealing with or related to the Board's position or construction of the provisions of the Annexes to the Chicago Convention (61 Stat. 1180), (2) any information obtained by the Board or the Board personnel as a result of participation by the Board and its personnel in accident investigations in foreign countries, unless the country of occurrence notifies the Board in writing that it has no objection to a disclosure of such information, and (3) any cockpit voice recorder tape or transcription thereof, in the custody of the Board, except for a transcription of those communications determined by the Board to be pertinent and relevant to the accident and which will be placed in the Board's public docket of such accident.

§ 801.54 Interagency and intra-agency exchanges.

(a) Any record prepared by a Board employee for internal Government use is within the statutory exemption to the extent that it contains—

(1) Opinions made in the course of developing official action by the Board but not actually made a part of that official action, or

(2) Information concerning any pending Board proceeding, or similar matter, including any claim or other dispute to be resolved before a court of law, administrative board, hearing officer, or contracting officer.

(b) The purpose of this section is to protect the full and frank exchange of ideas, views, and opinions necessary for the effective functioning of the Government. These resources must be fully and readily available to those officials upon whom the responsibility rests to take official Board action. Its purpose is also to protect against the premature disclosure of material that is in the developmental stage, if premature disclosure would be detrimental to the authorized and appropriate purposes for which the material is being used, or if, because of its tentative nature, the material is likely to be revised or modified before it is officially presented to the public.

(c) Examples of materials covered by this section include staff papers containing advice, opinions, or suggestions preliminary to a decision or action; advance

information on such things as proposed plans to procure, lease, or otherwise hire and dispose of materials, real estate, or facilities; documents exchanged preparatory to anticipated legal proceedings; material intended for public release at a specified future time, if premature disclosure would be detrimental to orderly processes of the Board; records of inspections, investigations, and surveys pertaining to internal management of the Board; and matters that would not be routinely disclosed in litigation but which are likely to be the subject of litigation.

§ 801.55 Unwarranted invasion of personal privacy.

Any personal, medical, or similar file is within the statutory exemption if its disclosure would harm the individual concerned or would be a clearly unwarranted invasion of his personal privacy. This also applies to financial statements furnished by Board Members and employees and to commercial or financial information customarily subjected to an attorney-client or similar privilege.

§ 801.56 Records compiled for law enforcement purposes.

This exemption from public disclosure applies to records compiled for law enforcement, but only to the extent that disclosure would interfere with enforcement, would be an unwarranted invasion of privacy, would disclose the identity of a confidential source, would disclose investigative procedures and practices, or would endanger the life or security of law enforcement personnel.

§ 801.57 Records for regulation of financial institutions.

Records compiled for agencies regulating or supervising financial institutions are exempt from public disclosure.

§ 801.58 Geological records.

Records concerning geological wells are exempt from public disclosure.

APPENDIX—FEE SCHEDULE

1. Special services fees (pursuant to 31 U.S.C. 483a). Upon request, services relating to public documents are available at the following fees:

(a) Subscriptions (calendar year):

(1) Initial decisions of the administrative law judges—$40.00.

(2) Board safety enforcement opinions and orders—$20.00.

(3) Board aircraft accident (probable cause) reports, brief format—$40.00 (U.S.) and $50.00 (foreign).

(4) Aircraft accident reports, narrative—$27.50 (U.S.) and $34.50 (foreign).

(5) Surface accident reports, narrative—$27.50 (U.S.) and $34.50 (foreign).

(6) Board safety recommendations—$60.00.

NOTE.—Subscription orders for (a)(3), (4), and (5) above, should be forwarded to the National Technical Information Service, P.O. Box 1551, Springfield, Virginia 22151.

(b) Document certification under the Board's seal—$4.00.

(c) Computer tapes and services for aviation accidents. Duplication of computer tapes (or a fraction thereof)—$40.00.

NOTE.—Computer tape requests should be addressed to the Chief, Information Systems Branch, Bureau of Aviation Safety, National Transportation Safety Board, Washington, D.C. 20594.

(d) The basic fees set forth provide for ordinary first-class postage prepaid. If registered, certified, air, or special delivery mail is used, postal fees therefor will be added to the basic fee. Also, if special handling or packaging is required, such costs will be added to the basic fee.

(e) Subscription fees for (a) above are waived for qualifying foreign countries, international organizations, nonprofit public safety entities, State and Federal transportation agencies, and colleges and universities, after approval by the Board's General Manager. In addition, subscription fees may be waived or reduced for other recipients not in any of the foregoing categories, when determined by the General Manager to be appropriate in the interest of and contributing to the Board's program.

2. Commercial reproduction fees and search fees. Pursuant to 5 U.S.C. 552, as amended, reproduction of the documents listed below is accomplished by commercial contract, and the reproductions are mailed from the contractor together with a billing for the costs. Requests must be forwarded to the Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594, together with an agreement to pay the reproduction cost. For search fee, see note appearing under 2(e)(2) of this Appendix. Fees are subject to change depending upon the Board's annual contract award.

Current fees are:

(a) Photocopy:

Size (in inches):	Per page
8½ by 11	$0.12
8½ by 14	.24
10 by 14	.30
14 by 18	.60
18 by 24	.90

(b) Photographic prints:

Size (in inches):	Unit price
8 by 10 black/white	$1.05
5 by 7 color	3.25
8 by 10 color	6.50
2 by 2 color slide	1.50
2 by 2 black/white slide	1.25
4 by 10 X-ray	6.50

(c) Minimum charge for reproduction—$4.00.

(d) Special expedite service—80 percent surcharge for 24-hour service and 50 percent surcharge for 48-hour service.

(e) Document search fee—The Board has determined that it is in the public interest to limit search fees to documents which require commercial reproduction. Further, the fee has been reduced to the labor cost for a minimum time-search. Therefore, a $4.00 search fee is required only for:

(1) Factual accident investigation reports, statements, photographs, and other material contained in the Board's accident investigation files.

(2) Accident investigation information not in the Board's public files.

(3) Responses to safety recommendations from recipients of such recommendations.

NOTE: The $4.00 search fee will be included in the commercial reproduction firm's invoice.

(f) Documents requiring commercial reproduction for copies:

(1) Transcripts of public hearings.

(2) Factual accident investigation reports and information (see (e) (1) and (2) above).

3. Reproduction fees. All documents in the Board's public files may be examined, without charge, in the Board's public reference room, located in the Public Inquiries Section. There is a self-service duplicator in the reference room, which is available to the public for reproduction at a nominal cost.

4. Documents available without commercial reproduction cost until limited supplies are exhausted:

(1) Press releases.

(2) Aircraft accident reports, narrative, and brief format probable cause reports (on request for specific accidents).

(3) Surface accident reports.

(4) Special studies.

(5) Safety Board regulations (49 CFR 800 through 845).

(6) Indexes to initial decisions, Board orders, opinions and orders, and staff manuals and instructions.

(7) Statistical data published by the Board.

(8) Safety recommendations.

5. Documents for sale by the Government Printing Office:

(1) Board's annual report.

(2) Volume I, National Transportation Safety Board Decisions (1967–1972).

PART 803—OFFICIAL SEAL

Sec.
803.1 Description.
803.3 Authority to affix Seal.
803.5 Use of the Seal.

AUTHORITY: Sec. 303(c)(2) of the Independent Safety Board Act of 1974, Pub. L. 93-633, 88 Stat. 2168 (49 U.S.C. 1902(c)(2)).

§ 803.1 Description.

The official Seal of the National Transportation Safety Board (Board) is described as follows: A triskelion, the legs of which are composed of two bars, red and blue on a white field. The legs appear to move about a central point, which is an inverted triangular shield with a gold star. The design is encircled by the words "National Transportation Safety Board" in gold letters. The official Seal of the Board is modified when reproduced in black and white and when embossed. As so modified it appears below:



§ 803.3 Authority to affix Seal.

(a) The Seal shall be in the custody and control of the Director of Administration of the Board.

(b) The Director of Administration may delegate and authorize redelegations of this authority.

§ 803.5 Use of the Seal.

(a) The Seal is the official emblem of the Board and its use is therefore permitted only as provided in this part.

(b) Use by any person or organization outside of the Board may be made only with the Board's prior written approval.

(c) Requests by any person or organization outside of the Board for permission to use the Seal must be made

in writing to the Director of Administration, National Transportation Safety Board, 800 Independence Avenue S.W., Washington, D.C. 20594. The request must specify in detail the exact use to be made. Any permission granted shall apply only to the specific use for which it was granted.

(d) Use of the Seal shall be essentially for informational purposes. The Seal may not be used on any article or in any manner which may discredit the Seal or reflect unfavorably upon the Board, or which implies Board endorsement of commercial products or services, or of the user's or users' policies or activities. Specifically, permission may not be granted under this section for nonofficial use—

(1) On souvenir or novelty items of an expendable nature;

(2) On toys, gifts, or premiums;

(3) As a letterhead design;

(4) On menus, matchbook covers, calendars, or similar items;

(5) To adorn civilian clothing; or

(6) On athletic clothing or equipment.

(e) Where necessary to avoid any prohibited implication or confusion as to the Board's association with the user or users, an appropriate legend will be prescribed by the Board for prominent display in connection with the permitted use.

(f) Falsely making, forging, counterfeiting, mutilating, or altering the Seal, or knowingly using or possessing with fraudulent intent any altered Seal is punishable under section 506 of Title 18, United States Code.

PART 805—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Sec.

805.735–1 Purpose.
805.735–2 Definitions.
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805.735–4 Financial interests of Members and employees.
805.735–5 Receipt of gifts, entertainment, and favors by members or employees.
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805.735–16 Statements of employment and financial interests.
805.735–17 Supplementary statements.
805.735–18 Interests of employees' relatives.
805.735–19 Information not known by employees.
805.735–20 Information not required of employees.
805.735–21 Confidentiality of statements.
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805.735–27 Disciplinary or remedial action.
Appendix I—Miscellaneous statutory provisions.
Appendix II—Employees required to submit statements.

AUTHORITY: E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR 1965 Supp.; 5 CFR 735.101 et seq., and 5 CFR 735.404.

§ 805.735–1 Purpose.

This part sets forth the standards of ethical and other conduct required of all Board Members and employees, in implementation of Executive Order 11222, May 8, 1965 (30 F.R. 6469), and Part 735 of the Civil Service Commission Regulations adopted pursuant thereto (5 CFR Part 735). It also contains references to the several applicable statutes governing employee conduct, particularly Pub. L. 87–849, 76 Stat. 119 (18 U.S.C. 201 et seq.), and the "Code of Ethics for Government Service," House Concurrent Resolution 175, 85th Congress, 2d Session (72 Stat. B12).

§ 805.735–2 Definitions.

As used in this part:

"Members and employees" means the Board Members and employees of the National Transportation Safety Board (Board) and active duty officers or enlisted members of the Armed Forces detailed to the Board, but does not include special Government employees.

"Person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

"Special Government employee" means an employee of the Board who is retained, designated, appointed, or employed to perform temporary duties, with or without compensation, for a period not to exceed 120 days during any period of 365 consecutive days, on either a full-time or intermittent basis.

"Executive order" means Executive Order 11222 of May 8, 1965 (30 F.R. 6469).

§ 805.735–3 Policy.

(a) The maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by its Members and employees and special Government employees is essential to assure the proper performance of the Board's business and the maintenance of confidence by citizens in their Government. Therefore, the Board requires that its Members and employees and special Government employees adhere strictly to the highest standard of ethical conduct in all of their social, business, political and other off-the-job activities, relationships, and interests, as well as in their official actions.

(b) All Members and employees and special Government employees shall avoid situations which might result in actual or apparent misconduct or conflicts of interest.

(c) Members and employees shall avoid any action, whether or not specifically prohibited by the regulations in this part which might result in, or create the appearance of:

(1) Using public office for private gain;

(2) Giving preferential treatment to any person;

(3) Impeding Government efficiency or economy;

(4) Losing complete independence or impartiality;

(5) Making a Government decision outside official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Government.

§ 805.735–4 Financial interests of Members and employees.

(a) A Member or employee shall not:

(1) Have direct or indirect financial interests which conflict, or appear to conflict, with his assigned duties and responsibilities within the Board; or

(2) Engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his employment by the Board.

(b) This section does not preclude a Member or an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government, so long as it is not prohibited by law, the Executive order, 5 CFR Part 735, or the regulations in this part.

§ 805.735–5 Receipt of gifts, entertainment, and favors by Members or employees.

(a) Except as provided in paragraphs (b) and (g) of this section, a Member or employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with the Board;

(2) Conducts operations or activities that are subject to Board jurisdiction; or

(3) Has interests that may be substantially affected by the performance or nonperformance of his official duty.

(b) The prohibitions of paragraph (a) of this section do not apply to:

(1) Obvious family or personal relationships such as those between the employee and his parents, children, or spouse, when the circumstances make it clear that those relationships rather than the business of the persons concerned are the motivating factors;

(2) Acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting, other meetings, or inspection tours where a Member or employee may properly be in attendance;

(3) Acceptance of unsolicited advertising or promotional material, such as

pens, pencils, note pads, calendars, and other items of nominal intrinsic value;

(4) Acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans;

(5) Utilization by Members or employees of the services offered to the public by any of the persons specified in paragraph (a) of this section: *Provided*, That full value, as published in a carrier's tariffs, or as is customarily charged to the public, is paid therefor;

(6) Carriage without charge by a carrier, of Members or employees engaged in official duties, for safety purposes, as provided for in the Civil Aeronautics Board's regulations;

(7) Acceptance of invitations, when approved by the Chairman or the General Manager, with respect to meals and accommodations when on official business outside the continental United States; where commercial accommodations are unavailable or inappropriate; or where refusal of the offer would be otherwise inappropriate in light of all circumstances involved; and

(8) Acceptance of an invitation addressed to the Board, when approved by the Chairman or the General Manager, by an employee (including, where applicable, his wife or a member of his immediate family), to participate in an inaugural flight or similar ceremonial event related to transportation, and accept food, lodging, and entertainment incident thereto.

(c) Members and employees shall not solicit contributions from another Member or employee for a gift, or make a donation as a gift, to a Member or employee in a superior official position.

(d) A Member or an employee in a superior official position shall not accept a gift from an employee or employees receiving less salary than himself. However, paragraph (c) of this section and this paragraph (d) do not prohibit a voluntary gift of nominal value or a donation in a nominal amount made on a special occasion, such as marriage, illness, retirement, or transfer.

(e) Members and employees shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7342.

(f) Members and employees may not be directly reimbursed by a person for travel on official business under agency orders. However, reimbursement in the form of a donation may be made to the Board. The Member or employee involved will be paid by the Board in accordance with applicable laws and regulations relating to reimbursement for official travel. If the Member or employee is furnished accommodations, goods, or services in kind they may be treated as a donation to the Board, and either no per diem and other travel expenses will be paid or an appropriate reduction will be made in the per diem or other travel expenses payable, depending upon the extent of the donation. No Member or employee may be reimbursed, or payment made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits.

(g) Members and employees are not precluded from receiving bona fide reimbursement, unless prohibited by law, for expenses of nonofficial travel and such other necessary subsistence as is compatible with this part for private personal interests for which no Government payment or reimbursement is authorized.

§ 805.735–6 Misuse of information by members and employees.

For the purpose of furthering private interest, Members and employees shall not, except as provided in § 805.735–7(c), directly or indirectly, use, or allow the use of, official information obtained through or in connection with his employment within the Board which has not been made available to the general public.

§ 805.735–7 Outside activities of Members and employees.

(a) A Member or employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of his duties and responsibilities as an officer or employee of the Board. Before an employee can engage in outside employment or activity for profit, he shall obtain the approval of the Board's General Manager by requesting written authorization from the General Manager prior to engaging in such activity. Board Members desiring to engage in outside employment or activity for profit may request prior written authorization from the Chairman. Should such authorization be granted, the Member or employee has a continuing responsibility to confine himself to the scope of the authorization. If the circumstances change so as to involve a possible incompatible activity, the Member or employee must seek further authorization in order to continue in his outside employment or activity for profit. Authorization granted in specific cases may be deemed subsequently to involve an incompatible activity, and in such cases the Member or employee concerned shall be notified in writing of the cancellation of the authorization with instructions to modify or terminate the outside activity at the earliest practicable time.

(b) Incompatible activities by Members or employees include, but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, a conflict of interest; or

(2) Outside employment or activity which tends to impair his mental or physical capacity to perform in an acceptable manner his duties and responsibilities within the Board.

(c) Employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law, the Executive order, 5 CFR Part 735, or the regulations in this part. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, that is dependent on information obtained as a result of his employment by the Board, except when that information has been made available to the general public or will be made available on request, or when the Chairman gives written authorization for the use of nonpublic information on the basis that the use is in the public interest.

(d) Board Members, as Presidential appointees covered by section 401(a) of the Executive order, are specifically precluded by 5 CFR 735.203(c) from receiving compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of their agency, or which draws substantially on official data or ideas which have not become part of the body of public information.

(e) If an activity covered by paragraphs (c) and (d) of this section is to be undertaken as official duty, expenses will be borne by the Board, and the Member or employee may not accept compensation or allow his expenses to be paid for by the person or group under whose auspices the activity is being performed. If it is determined that the activity is to be undertaken in a private capacity, the Member or employee may not use duty hours or Government facilities, but he may accept compensation, and he may use his official title if he makes it clear that he does not represent the Board.

(f) Members and employees shall not receive any salary or anything of monetary value from a private source as compensation for his services to the Board (18 U.S.C. 209).

(g) This section does not preclude a Member or employee from:

(1) Participating in the activities of national or State political parties not prohibited by law;

(2) Participating in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational or recreational, public service, or civic organization.

§ 805.735–8 Employment of family members in transportation and related enterprises.

(a) No individual will be employed or retained in employment by the Board if a member of his immediate family (blood relations who are residents of the employee's household) is employed by a carrier, a person or firm representing a carrier, or a transportation trade association.

(b) Members and employees may request a waiver, modification, or postponement of the implementation of this

prohibition from the Chairman and General Manager, respectively, on the grounds of undue hardship to himself or the family member involved. The request must contain an agreement to forego any privilege to which the Board Member or employee would be entitled as a relative of the family member.

§ 805.735–9 Use of Government property.

Members and employees shall not, directly or indirectly, use, or allow the use of, Board property of any kind, including property leased to the Board, for other than officially approved activities. A Member or employee has a positive duty to protect and conserve Board property, including equipment, supplies, and other property entrusted to or issued to him.

§ 805.735–10 Member and employee indebtedness.

Members and employees shall pay each just financial obligation in a proper and timely manner, especially one imposed by law, such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or one reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the Board determines does not, under the circumstances, reflect adversely on the Board as his employer.

§ 805.735–11 Gambling, betting, and lotteries.

Members and employees shall not participate, while on Board-owned or leased property or while on duty for the Board, in any gambling activity, including the operation of a gambling device, conducting a lottery or pool, a game for money or property, or in selling or purchasing a numbers slip or ticket. However, this section does not preclude activities regarding solicitations conducted by an employee recreation and welfare organization among its members, for organizational support, or for benefit or welfare funds for its members, these activities having been approved under section 3 of Executive Order 10927, dated March 18, 1961.

§ 805.735–12 Coercion.

Members and employees shall not use their employment by the Board to coerce, or give the appearance of coercing, a person to provide financial benefit to themselves or another person, particularly one with whom they have family, business, or financial ties.

§ 805.735–13 Conduct prejudicial to the Government.

Members and employees shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Board or to the Government.

§ 805.735–14 Specific regulations for special Government employees.

(a) *Use of Board affiliation.* A special Government employee of the Board shall not use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties.

(b) *Use of inside information.* (1) A special Government employee shall not use inside information obtained as a result of his employment by the Board for private gain for himself or another person, either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For this purpose of this section, "inside information" means information obtained under Government authority which has not become part of the body of public information.

(2) Special Government employees may teach, lecture, or write in a manner not inconsistent with § 805.735–7(c) for employees.

(c) *Receipt of gifts, entertainment, and favors.* (1) A special Government employee, while employed by the Board or in connection with his employment, shall not receive or solicit from a person having business with the Board, anything of value such as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business, or financial ties.

(2) The exception as set forth in § 805.735–5(b) for employees will apply with equivalent force and effect to special Government employees with regard to the prohibitions of paragraph (a) of this section.

(d) *Applicability of other provisions.* The provisions of § 805.735–9 (Use of Government property), § 805.735–11 (Gambling, betting, and lotteries), § 805.735–12 (Coercion), § 805.735–13 (Conduct prejudicial to the Government) and § 805.735–15 (Miscellaneous statutory provisions) apply to special Government employees in the same manner as to employees.

§ 805.735–15 Miscellaneous statutory provisions.

Each Member and employee shall acquaint himself with the statutory provisions in Appendix I, attached hereto and made a part thereof, which relate to his ethical and other conduct as a Member and employee of the Board and the Government.

§ 805.735–16 Statements of employment and financial interests.

(a) All employees in the positions specified in Appendix II, attached hereto and made a part thereof, shall submit a statement of employment and financial interests under the regulations in this part in triplicate to the Personnel Officer not later than:

(1) Ninety days after the effective date of the regulations in this part if he is employed on or before that effective date; or

(2) Thirty days after he becomes subject to the reporting requirements by occupying a position covered under paragraph (a) of this section, if he occupies the position after that effective date.

(b) An employee required to submit a statement of employment and financial interests shall submit that statement in the format prescribed by the General Manager.

(c) Board Members are subject to separate reporting requests under section 401 of the Executive order, and are not required to file statements pursuant to this section.

§ 805.735–17 Supplementary statements.

Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported in supplementary statements, in the format prescribed by the General Manager, as of June 30th of each year. If there are no changes or additions, a negative report is not required. Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflict-of-interest provisions, 18 U.S.C. 208, or the provisions of this part.

§ 805.735–18 Interests of employees' relatives.

The interest of a spouse, minor child, or other members of an employee's immediate household is considered to be an interest of the employee. For the purpose of this section, "member of an employee's household" means those blood relations who are residents of the employee's household.

§ 805.735–19 Information not known by employees.

If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall require that other person to submit information in his behalf.

§ 805.735–20 Information not required of employees.

An employee is not required to submit on a statement of employment and financial interests or supplementary statement, any information relating to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization, or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work, involving grants of money from or contracts with the Government, are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

§ 805.735–21 Confidentiality of statements.

Subject to the provisions of § 805.735–24 concerning review of employee statements, each statement of employment

and financial interests, and each supplementary statement, shall be held in confidence. The Personnel Officer is personally responsible for the retention of employee statements in confidence and may not disclose information from a statement or allow access to a statement, except to carry out the purpose of this part, or as the Civil Service Commission or the Chairman may determine for good cause shown.

§ 805.735–22 Effect of statements on other requirements.

The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

§ 805.735–23 Submission of statements by special Government employees.

(a) A special Government employee shall submit a statement of employment and financial interests which reports:

(1) All other employment; and

(2) The financial interests of the special Government employee which the Chairman determines are relevant in the light of the duties he is to perform.

(b) A special Government employee who is a consultant or expert shall submit a statement of employment and financial interests to the Personnel Officer, in the format prescribed by the General Manager, at the time of his employment, and shall keep his statement current throughout his period of employment by submission of supplementary statements.

(c) The Chairman may waive the requirement in paragraph (a) of this section for the submission of a statement of employment and financial interests in the case of a special Government employee who is not a consultant or an expert when it has been determined that the duties of the position held by the special Government employee are of a nature, and at such a level of responsibility, that the submission of the statement by the incumbent is not necessary to protect the integrity of the Board. For the purpose of paragraphs (b) and (c) of this section, the following are examples of special Government employees who are not consultants and experts:

(1) A physician, dentist, or allied medical specialist whose services are procured to provide care and service to patients; or

(2) A veterinarian whose services are procured to provide care and service to animals.

§ 805.735–24 Review of financial statements.

(a) The Personnel Officer shall review each statement of employment and financial interests submitted under the regulations in this part (other than his own, which is reviewed by the General Manager) to determine whether conflicts of interest or apparent conflicts of interest exist. If the review, or other information from other sources, indicates a conflict between the interests of an employee or special Government employee and the performance of his services for the Board, the Personnel Officer shall forward the statement, together with a position description of the employee involved, to the General Counsel of the Board.

(b) The employee or special Government employee whose statement has been referred under the provisions of paragraph (a) of this section will receive, from the General Counsel, advice and guidance regarding the matters questioned by the Personnel Officer. He will be afforded an opportunity to explain the conflict or appearance of conflict. It is expected that most problems will be settled at this informal stage. However, if an agreement cannot be reached after consultation, the matter shall be reported by the General Counsel, after consulting with the General Manager, to the Chairman for resolution.

(c) The Chairman may provide the employee or special Government employee concerned with an additional opportunity to explain the conflict or appearance of conflict. If the matter cannot be resolved, the Chairman may invoke the disciplinary provisions of § 805.735–27, or may decide that remedial steps shall be taken with regard to such employee or special Government employee. When the questions of conflict of interest are resolved at one of the stages of review, the reviewing official shall sign and date a copy of the employee's statement to evidence his clearance, and this statement shall thereafter be kept as provided in § 805.735–21.

§ 805.735–25 Publication and interpretation.

(a) The Personnel Officer of the Board shall be responsible for making the regulations in this part and all revisions thereof, and the formats for statements of employment and financial interests available to:

(1) Each Member, employee, and special Government employee at the time of issuance and at least annually thereafter;

(2) Each new Member, employee, and special Government employee of the Board at the time of his entrance on duty; and

(3) Each Member, employee, and special Government employee of the Board at such other times as circumstances warrant.

(b) The Personnel Officer shall have available for review by Members, employees, and special Government employees of the Board, copies of such laws, Executive orders, Civil Service Commission regulations and instructions, and Board regulations as may currently appertain to their standards of ethical and other conduct.

(c) The General Counsel of the Board is designated to provide counseling and assistance to interpret the regulations in this part and matters relating to ethical conduct, particularly matters subject to the provisions of the conflict-of-interest laws and other matters covered by the Executive order. These counseling services are available to all Members, employees, and special Government employees at the General Counsel's office, by appointment for consultation or by written communication.

§ 805.735–26 Employee's complaint on filing requirements.

An employee who believes that his position has been improperly included under the regulations in this part, as one requiring the submission of a statement of employment and financial interests, may request review through the Board's grievance procedure.

§ 805.735–27 Disciplinary or remedial action.

(a) A violation of the regulations in this part by an employee or special Government employee may be cause for disciplinary action in addition to any penalty prescribed by Federal statute or regulation, except for active duty officers or enlisted members of the Armed Forces detailed to the Board in which cases disciplinary actions may be effected against such military personnel by the parent military service. Disciplinary action may take the form of a warning, suspension, demotion, or removal, depending upon the gravity of the offense.

(b) Any employee or special Government employee who is charged with a violation of the regulations in this part shall be provided an opportunity to explain the violation, or appearance of violation, to the charging authority. The charging authority shall be the General Manager of the Board.

(c) When, after consideration of the explanation, the charging authority decides that disciplinary action is not required, he may take appropriate remedial action. Remedial action may include, but is not limited to:

(1) Changes in assigned duties;

(2) Divestment by the employee or special Government employee of any financial interest that conflicts, or appears to conflict, with the performance of his official duties; or

(3) Disqualification for a particular assignment.

(d) Remedial or disciplinary action shall be effected in accordance with any applicable laws, Executive orders, and regulations.

APPENDIX I

MISCELLANEOUS STATUTORY PROVISIONS

Each Member and employee and each special Government employee has a positive duty to acquaint himself with each statute which relates to his ethical and other conduct as an officer or employee of the National Transportation Safety Board and of the Government. Therefore, each Member and employee and each special Government employee shall acquaint himself with the following statutory and nonstatutory provisions which relate to his ethical and other conduct:

(a) House Concurrent Resolution 175, 85th Congress, 2d Session (72 Stat. B12), the "Code of Ethics for Government Service."

(b) Chapter 11 of Title 18, United States Code, relating to bribery, graft, and conflicts of interest (18 U.S.C. 201 through 209).

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(e) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(f) The prohibition against:

(1) The disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and

(2) The disclosure of confidential information (18 U.S.C. 1905, 49 U.S.C. 1472(f)).

(g) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 8352).

(h) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(i) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(j) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(k) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(l) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) The prohibition against:

(1) Embezzlement of Government money or property (18 U.S.C. 641);

(2) Failing to account for public money (18 U.S.C. 643); and

(3) Embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(p) The prohibition against political activities in subchapter III of chapter 73 of Title 5, United States Code, and 18 U.S.C. 602, 603, 607, and 608.

(q) The prohibition against an employee's acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

APPENDIX II

EMPLOYEES REQUIRED TO SUBMIT STATEMENTS

Statements of employment and financial interests are required of the following:

(a) Employees in grades GS-16 or above, or in positions not subject to the Classification Act paid at a rate at or above the entrance rate for GS-16.

(b) Administrative law judges.

(c) Special assistants to the Members.

(d) Attorneys in grade GS-15.

(e) Office of Public Affairs:

(1) Director.

(2) Deputy Director.

(f) Office of the General Manager:

(1) Director of Administration.

(2) Personnel Officer.

(3) Chief, Administrative Operations Staff.

(4) Contracting Specialist.

(5) Comptroller.

(6) Budget Officer.

(7) Accounting Officer.

(8) Legislative Affairs Officer.

(9) Program Analysis Officer.

(g) Division chiefs, Bureau of Surface Transportation Safety.

(h) Bureau of Aviation Safety:

(1) Administrative Officer.

(2) Division chiefs.

(3) Accident investigation managers.

(4) Branch chiefs.

(5) Area Supervisors.

(6) Chief or senior investigators, field offices.

NOTE: The above regulation and its appendices were approved by the Civil Service Commission on July 16, 1968, and September 13, 1972, respectively, prior to submission to the Office of the Federal Register.

PART 821—RULES OF PRACTICE IN AIR SAFETY PROCEEDINGS

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AUTHORITY: Title VI, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1421 et seq., and Independent Safety Board Act of 1974, Pub. L. 93-633, 88 Stat. 2166 (49 U.S.C. 1901 et seq.).

Subpart A—General Provisions

§ 821.1 Definitions.

As used in this part:

"Act" means the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301 et seq.);

"Administrator" means the Administrator of the Federal Aviation Administration (FAA);

"Airman certificate" means any certificate issued by the FAA to an airman and shall include medical certificates required for an airman;

"Appeal from an initial decision" means a request to the Board to review a law judge's decision;

"Appeal to the Board" means a request to the Board for the review by a law judge of an order of the Administrator;

"Board" means the National Transportation Safety Board;

"Certificate" means any certificate issued by the Administrator under Title VI of the Act;

"Chief Law Judge" means the administrative law judge in charge of the Office of Administrative Law Judges.

"Complaint" means an order of the Administrator from which an appeal to the Board has been taken pursuant to section 609 of the Act;

"Emergency order" means an order of the Administrator issued pursuant to section 609 of the Act, which recites that an emergency exists and that safety in air commerce or air transportation and the public interest require the immediate effectiveness of such order;

"Initial decision" means the law judge's decision on the issue remaining for disposition at the close of a hearing before him and/or an order granting a motion to dismiss in lieu of an answer, as provided in § 821.17, and terminating the proceeding, except that "initial decision" does not include cases where the record is certified to the Board, with or without a recommended decision, or orders partly granting a motion to dismiss and requiring an answer to any remaining allegation, or rulings by the law judge on interlocutory matters appealed to the Board under § 821.16;

"Law judge" means the administrative law judge assigned to hear and preside over the respective proceedings;

"Petition for review" means a petition filed pursuant to section 602(b) of the Act for review of the Administrator's denial of an application for issuance or renewal of an airman certificate;

"Petitioner" means a person who has filed a petition for review;

"Respondent" means the holder of a certificate who has appealed to the Board from an order of the Administrator amending, modifying, suspending, or revoking any certificate.

Terms defined in the Act are used as so defined.

§ 821.2 Applicability and description of part.

The provisions of this part shall govern all air safety enforcement proceedings before a law judge upon petition for review, or upon appeal from any order of the Administrator amending, modifying, suspending, or revoking any certificate, and upon appeal to the Board from any order or decision of a law judge.

Subpart B—General Rules Applicable to Petitions for Review, Appeals to the Board, and Appeals From Initial Decisions

§ 821.6 Appearances and rights of witnesses.

(a) Any party to a proceeding may appear and be heard in person or by attorney or other representative designated by him. No register of persons who may practice before the Board is maintained, and no application for admission to practice is required. Upon hearing, and for good cause shown, the Board may suspend or bar any person from practicing before it.

(b) Any person appearing in person in any proceeding governed by this part, may be accompanied, represented, and advised by counsel and may be examined by his own counsel or representative.

(c) Any person who submits data or evidence in a proceeding governed by this part, may by timely request procure a copy of any document submitted by him, or a copy of any transcript made of his testimony on payment of reasonable costs. Original documents or data or evidence may be retained by a party upon permission of the law judge or the Board, upon substitution of a copy therefor.

§ 821.7 Filing of documents with the Board.

(a) *Filing address, date of filing, and airmail.* Documents to be filed with the Board shall be filed with the Office of Administrative Law Judges, National Transportation Safety Board, Washington, D.C. 20594, by personal delivery or by mail and shall be deemed to be filed on the date of actual personal delivery or on the date as shown on the postmark, as the case may be. Documents mailed to the Board from a point in the United States more than 800 miles from Washington, D.C., shall be sent by airmail.

(b) *Number of copies.* Unless otherwise specified, an executed original and three true copies of each document shall be filed with the Office of Administrative Law Judges. Copies need not be signed, but the name of the person signing the original shall be shown.

(c) *Form.* Petitions for review or appeals to the Board and appeals from initial decisions may be in the form of a letter to the Board signed by the petitioner or the party appealing and shall be typewritten or in legible handwriting.

(d) *Contents.* Each document shall contain a concise and complete statement of the facts relied upon and the relief sought.

(e) *Subscription.* The original of every document filed shall be signed by the person filing it or his duly authorized representative.

(f) *Designation of person to receive service.* The initial document filed shall state on the first page the name and post office address of the person or persons who may be served with documents in the proceeding.

(g) *Motions, requests, and documents.* All motions, requests, and documents in connection with petitions for review and appeals to the Board shall be filed with the chief law judge, until such time as he assigns a law judge to preside over the proceeding.

§ 821.8 Service of documents.

(a) *Service by the Board.* The Board will serve orders, notices of hearing, initial decisions, rulings on motions, and similar documents which it issues, upon all parties to the proceeding by registered or certified mail.

(b) *Service by others.* Copies of all documents filed with the Board must be served upon all parties to the proceeding by the person filing them.

(c) *How service may be made.* Service may be made by personal delivery, by regular mail, by registered mail, or by certified mail, except as provided in paragraph (a) of this section. When service is made by mail upon a party located more than 800 miles distant from the party effecting service (from Washington, D.C., in the case of service effected by the Board) airmail shall be used.

(d) *Who may be served.* Service upon a party or person may be made upon a person designated in accordance with § 821.7(f) to receive service. If no such person is designated, service may be made upon the party himself, if he is an individual, or upon an officer of a corporation or association, a member of a partnership, or an agent of an air carrier designated under section 1005(b) of the Act.

(e) *Where service may be made.* Service by regular or registered or certified mail shall be made at the address of the person designated in accordance with § 821.7(f) to receive service, or, if no such person is designated, at the usual residence or principal place of business of the party, or, if not known, at the address last furnished by him to the Federal Aviation Administration, except that an agent designated by an air carrier under section 1005(b) of the Act shall be served only at his office or usual place of residence. Service by mail on the Administrator shall be made at the office of his designee to receive service, or, if none, at the Federal Aviation Administration, Office of the General Counsel, AGC-32, Washington, D.C. 20591. Personal service may be made on any of the persons described in paragraph (d) of this section wherever they may be found, except that an agent designated by an air carrier under section 1005(b) of the Act may be served only at his office or usual place of residence.

(f) *Certificate of service.* A certificate of service shall accompany all documents when they are tendered for filing and shall consist of a certificate of mailing executed by the person mailing the document.

(g) *Presumption of service.* There shall be a presumption of lawful service in the following instances:

(1) Where acknowledgment of receipt is made by a person who customarily receives mail or receives it in the ordinary course of business at either the residence or principal place of business of a person designated in accordance with § 821.7 (f) to receive service; or

(2) Where there is no designee, acknowledgment of receipt at the residence or principal place of business of the party himself, by a person who customarily receives mail or receives it in the ordinary course of business; or

(3) Where a properly addressed envelope, indicating that it had been sent by regular, registered, or certified mail, has been returned marked "undelivered," "unclaimed," or "refused."

(h) *Date of service.* Whenever proof of the service by mail is made, the date of mailing or the date as shown on the postmark shall be the date of service, and where personal service is made, the date of personal delivery shall be the date of service.

§ 821.9 Intervention.

Any person may move for leave to intervene in a proceeding and may become a party thereto, if the law judge finds that such person may be bound by the order to be entered in the proceeding, or that such person has a property or financial interest which may not be adequately represented by existing parties: *Provided*, That such intervention will not unduly broaden the issues or delay the proceedings. Except for good cause shown, no motion for leave to intervene will be entertained if filed less than 10 days prior to hearing.

§ 821.10 Computation of time.

In computing any period of time prescribed or allowed by this part, by notice or order of the Board or a law judge, or by any applicable statute, the date of the act, event, or default after which the designated period of time begins to run is not to be included in the computation. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or legal holiday for the Board, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday. Saturdays, Sundays, and legal holidays for the Board shall be computed in the calculation of time in all emergency cases under Subpart I of this part and shall be counted in the computation of time in all nonemergency cases where the period of time involves 7 days or more.

§ 821.11 Extension of time.

Upon written request filed with the Board and served upon all parties, and for good cause shown, the chief law judge, the law judge, or the Board, may grant an extension of time to file any document except a petition for reconsideration. Extensions of time to file

petitions for reconsideration will be granted only in extraordinary circumstances.

§ 821.12 Amendment and withdrawal of pleadings.

(a) *Amendment.* At any time more than 15 days prior to the time of hearing, a party may amend his pleadings by filing the amended pleading with the Board and serving copies on the other parties. After that time, amendment shall be allowed only at the discretion of the law judge. Where amendment to an answerable pleading has been allowed, the law judge shall allow the adverse party a reasonable opportunity to answer.

(b) *Withdrawal.* A party may withdraw his pleadings only upon approval of the law judge or the Board.

§ 821.13 Waivers.

Waivers of any rights provided by statute or regulation shall either be in writing, or by stipulation made at a hearing and entered into the record, and shall set forth their precise terms and conditions.

§ 821.14 Motions.

(a) *General.* An application to the Board or to a law judge for an order or ruling not otherwise specifically provided for in this part shall be by motion. Prior to the assignment of a law judge, all motions shall be addressed to the chief law judge. Thereafter, and prior to the expiration of the period within which an appeal from the law judge's initial decision may be filed, or the certification of the record to the Board, all motions shall be addressed to the law judge. At all other times, motions shall be addressed to the Board. All motions not specifically provided for in any other section of this part shall be made at an appropriate time, depending upon the nature thereof and the relief requested.

(b) *Form and contents.* Unless made during a hearing, motions shall be made in writing, shall state with particularity the grounds for the relief sought, and the relief sought, and shall be accompanied by affidavits or other evidence relied upon. Motions introduced during hearings may be made orally on the record, unless the law judge directs otherwise.

(c) *Answers to motions.* Except when a motion is made during a hearing, any party may file an answer in support of or in opposition to a motion, accompanied by such affidavits or other evidence as he desires to rely upon, provided that the answer is filed within 7 days after the motion has been served upon him, or such other period as the Board or a law judge may fix. Where a motion is made during a hearing, the answer and the ruling thereon may be made at the hearing, or orally or in writing within such time as the law judge may fix.

(d) *Oral argument; briefs.* No oral argument will be heard on motions unless the Board or the law judge directs otherwise. Written memoranda or briefs may be filed with motions or answers to motions, stating the points and authorities relied upon in support of the positions taken.

(e) *Disposition of motions.* Except as provided in paragraph (c) of this section for rulings on motions made at a hearing, the law judge shall pass upon all motions properly addressed to him, unless he finds that a prompt decision by the Board is essential to the proper conduct of the proceeding, in which case he may refer such motion to the Board for decision.

(f) *Effect of pendency of motions.* Except as provided in §§ 821.17(a) and 821.18, the filing or pendency of a motion shall not automatically alter or extend the time fixed in this part (or any extension granted thereunder) to take action by the parties.

§ 821.15 Motion to disqualify a Board Member.

A motion requesting a Board Member to disqualify himself shall be filed with the Board, supported by an affidavit setting forth grounds for disqualification. In nonemergency proceedings, where an appeal from an initial decision is filed, such motion shall be filed on or before the date on which the reply brief is due, pursuant to § 821.48(d). In emergency proceedings, where a notice of appeal has been filed, such motion shall be filed on or before the date the reply brief is due, pursuant to § 821.57(b). Failure to file a timely motion shall be deemed a waiver of any claim of disqualification. Application for leave to file an untimely motion may be made, accompanied by an affidavit setting forth in detail why the facts relied upon as grounds for disqualification were not known and could not have been discovered with reasonable diligence within the prescribed time.

§ 821.16 Appeals from law judge's interlocutory rulings and motions.

Rulings of law judges on motions may not be appealed to the Board prior to its consideration of the entire proceeding, except in extraordinary circumstances and with the consent of the law judge who made the ruling. An appeal shall be disallowed unless the law judge finds, either on the record or in writing, that to allow such an appeal is necessary to prevent substantial detriment to the public interest or undue prejudice to any party. If an appeal is allowed, any party may file a brief with the Board within such time as the law judge directs. No oral argument will be heard unless the Board directs otherwise. The rulings of the law judge on motion may be reviewed by the Board in connection with its appellate action in the proceeding, irrespective of the filing of an appeal from the motion or any action taken thereon.

§ 821.17 Motions to dismiss.

(a) *General.* Motions to dismiss may be filed within the time limitation for filing an answer, except as otherwise provided in paragraph (c) of this section. In case the motion is not granted in its entirety, the answer shall be filed within 10 days of service of the order on the motion.

(b) *Appeal of dismissal orders.* Where a law judge grants a motion to dismiss in lieu of an answer and terminates the proceeding without a hearing, an appeal of such order to the Board may be filed pursuant to the provisions of § 821.47. Where a law judge grants a motion to dismiss in part, § 821.16 is applicable.

(c) *Motions to dismiss for lack of jurisdiction.* A motion to dismiss on the ground that the Board lacks jurisdiction may be made at any time.

§ 821.18 Motion for more definite statement.

The parties, in lieu of an answer, may file a motion requesting that the allegations in the complaint or the petition, as the case may be, be made more definite and certain. Such motion shall point out the defects complained of and the details desired. If the motion is granted and the law judge's order is not complied with within 15 days after notice, the law judge shall strike the allegation or allegations in any complaint or petition to which the motion is directed. If the motion is denied, the moving party shall file his answer within 10 days after the denial.

§ 821.19 Depositions.

After a petition for review or a complaint is filed, any party may file with the Office of the Administrative Law Judges a motion requesting permission to take the testimony of any person, including a party, by deposition, upon oral examination or written interrogatories. Service of a copy of the motion shall be made upon all other parties to the proceeding on 7 days' notice. If the motion is granted, the taking of the deposition shall be in compliance with the provisions of section 1004 of the Act.

§ 821.20 Subpoenas, witness fees, and appearances of Board Members, officers, or employees.

(a) *Subpoenas.* Subpoenas requiring the attendance of witnesses or the production of documentary or tangible evidence for the purpose of taking depositions or at a hearing may be issued by the chief law judge prior to the assignment of a law judge, or by the law judge to whom the case is assigned, upon application by any party. The application shall show the general relevance and reasonable scope of the evidence sought. Any person upon whom a subpoena is served may, within 7 days after service but in any event prior to the return date thereof, file with the chief law judge or the law judge, as the case may be, a motion to quash or modify the subpoena, and such filing shall stay the subpoena pending final action by the chief law judge or the law judge on the motion.

(b) *Witness fees.* Witnesses shall be entitled to the same fees and mileage as are paid to witnesses in the courts of the United States. The fees shall be paid by the party at whose instance the witness is subpoenaed or appears.

(c) *Board Members, officers, or employees.* The provisions of paragraph (a) of this section are not applicable to

Board Members, officers, or employees, or to the production of documents in their custody. Applications for the attendance of such persons or the production of such documents at a hearing or deposition shall be addressed to the chief law judge or the law judge, as the case may be, in writing, and shall set forth the need of the moving party for such evidence and its relevancy to the issues in the proceeding.

§ 821.21 Official notice.

Where the law judge or the Board intends to take official notice of a material fact not appearing in the evidence in the record, notice shall be given to all parties, who may within 10 days file a petition challenging such fact. Upon the filing of such petition, the party or parties shall be given reasonable opportunity to controvert the fact.

Subpart C—Special Rules Applicable to Proceedings Under Section 602(b) of the Act

§ 821.24 Initiation of proceedings.

(a) *Petition for review.* Where the Administrator has denied an application for the issuance or renewal of an airman certificate, the applicant may file with the Board a petition for review of the Administrator's action. Such petition shall be filed within 60 days from the time of service on the petitioner of the Administrator's action. The petition shall contain a short, plain statement of the facts on which petitioner's case rests and a statement of the action requested. The petition may be filed in the form of a letter to the Board signed by the aggrieved party.

(b) *Filing petition with the Board.* In accordance with the provisions of § 821.7(a), a petition for review mailed to the Board shall be deemed timely if postmarked before the end of the time limitation therefor, provided that it is sent by airmail if mailed from a point in the United States more than 800 miles from Washington, D.C.

(c) *Answer to petition.* The Administrator shall file an answer to the petition for review within 20 days of service upon him by the petitioner of the petition for review. Failure to deny the truth of any allegation or allegations of the petition may be deemed an admission of the truth of the allegation or allegations not answered.

§ 821.25 Burden of proof.

In proceedings under section 602(b) of the Act, the burden of proof shall be upon the petitioner.

§ 821.26 Motion to dismiss petition for review for lack of standing.

Upon motion by the Administrator within the time limitation for filing an answer, a petition for review shall be dismissed for lack of standing in either of the following instances:

(a) If the petitioner's certificate at the time of the denial or renewal thereof was under an order of suspension; or

(b) If the petitioner's certificate had been revoked within one year of the date of the denial or renewal thereof, unless the order revoking such certificate provided otherwise.

Subpart D—Special Rules Applicable to Proceedings Under Section 609 of the Act

§ 821.30 Initiation of proceedings.

(a) *Appeal.* A certificate holder may file with the Board an appeal from an order of the Administrator amending, modifying, suspending, or revoking a certificate. Such appeal shall be filed with the Board within 20 days from the time of service of the order, along with proof of service upon the Administrator.

(b) *Contents.* Each appeal shall contain a concise but complete statement of the facts relied upon and the relief sought. It shall identify the Administrator's order and the certificate affected and shall recite the Administrator's action from which the appeal is sought. It shall likewise contain proof of service upon the Administrator.

(c) *Effect of timely appeal with the Board.* Timely filing with the Board of an appeal from an order of the Administrator shall postpone the effective date of the order until final disposition of the appeal by the law judge or the Board, except in emergency proceedings.

§ 821.31 Complaint.

(a) *Filing, time of filing, and service upon respondent.* The order of the Administrator from which an appeal has been taken shall serve as the complaint. The complaint shall be filed by the Administrator with the Board within 5 days after the notice of appeal has been filed upon the Administrator. The complaint shall be accompanied by the Administrator's proof of service upon respondent.

(b) *Contents of complaint.* If the Administrator claims that respondent lacks qualification as an airman, the order filed as the complaint, or an accompanying statement shall recite on which of the facts pleaded this contention is based.

(c) *Answer to complaint.* The respondent shall file an answer to the complaint within 20 days of service of the complaint upon him by the Administrator. Failure to deny the truth of any allegation or allegations of the complaint may be deemed an admission of the truth of the allegation or allegations not answered.

§ 821.32 Burden of proof.

In proceedings under section 609 of the Act, the burden of proof shall be upon the Administrator.

§ 821.33 Motion to dismiss stale complaint.

Where the complaint states allegations of offenses which occurred more than 6 months prior to the Administrator's advising respondent as to reasons for proposed action under section 609 of the Act, respondent may move to dismiss such allegations pursuant to the following provisions:

(a) In those cases where a complaint does not allege lack of qualification of the certificate holder:

(1) The Administrator shall be required to show by answer filed within 7 days of service of the motion that good cause existed for the delay, or that the imposition of a sanction is warranted in the public interest, notwithstanding the delay or the reasons therefor.

(2) If the Administrator does not establish good cause for the delay or for imposition of a sanction notwithstanding the delay, the law judge shall dismiss the stale allegations and proceed to adjudicate only the remaining portion, if any, of the complaint.

(3) If the law judge wishes some clarification as to the Administrator's factual assertions of good cause, he shall obtain this from the Administrator in writing, with due service made upon the respondent, and proceed to an informal determination of the good cause issue without a hearing. A hearing to develop facts as to good cause shall be held only where the respondent raises an issue of fact in respect of the Administrator's good cause issue allegations.

(b) In those cases where the complaint alleges lack of qualification of the certificate holder:

(1) The law judge shall first determine whether an issue of lack of qualification would be presented if any or all of the allegations, stale and timely, are assumed to be true. If not, the law judge shall proceed as in paragraph (a) of this section.

(2) If the law judge deems that an issue of lack of qualification would be presented by any or all of the allegations, if true, he shall proceed to a hearing on the lack of qualification issue only, and he shall so inform the parties. The respondent shall be put on notice that he is to defend against lack of qualification and not merely against a proposed remedial sanction.

Subpart E—Law Judges

§ 821.35 Assignment, duties, and powers.

(a) *Assignment of law judge and duration of assignment.* The chief law judge shall assign a law judge to preside over the proceeding. Until such assignment, motions, requests, and documents shall be addressed to the chief law judge. Thereafter, all such motions, requests, and documents shall be addressed to the law judge assigned. The authority of the law judge shall terminate upon certification of the record to the Board, or upon expiration of the period within which appeals from initial decisions may be filed, or upon the law judge's withdrawal from the proceeding upon considering himself disqualified.

(b) *Powers of law judges.* Law judges shall have the following powers:

(1) To give notice of and to hold prehearing conferences and hearings and to consolidate proceedings which involve a common question of law or fact;

(2) To administer oaths and affirmations;

(3) To examine witnesses;

(4) To issue subpoenas and to take or cause depositions to be taken;

(5) To receive evidence and rule upon objections and offers of proof;

(6) To rule upon motions in assigned cases;

(7) To regulate the conduct of the hearing;

(8) To hold conferences, before or during the hearing for the settlement or simplification of issues;

(9) To dispose of procedural requests or similar matters; and

(10) To make initial decisions, and, if so directed by the Board, to certify records with or without recommended decisions.

(c) *Disqualification of a law judge.* A law judge shall withdraw from the proceedings if at any time he deems himself disqualified. If, prior to the initial decision, there is filed an affidavit of personal bias or disqualification, with substantiating facts, and the law judge does not withdraw, the Board will determine the matter as a part of the record and decision in the proceeding, if an appeal from the law judge's initial decision is filed. The Board will not otherwise consider any claim of bias or disqualification as to the law judge's assignment to conduct the hearing. The Board, in its discretion, may order a hearing on a charge of bias or disqualification.

Subpart F—Hearings

§ 821.37 Notice of hearing.

(a) *Notice.* The chief law judge or the law judge to whom the case is assigned shall set the date, time, and place for the hearing, at a reasonable date, time, and place, and shall give the parties adequate notice thereof and of the nature of such hearing. Due regard shall be given to the convenience of the parties with respect to the place for the hearing.

(b) *Hearings in several sessions.* Where appropriate, the law judge may determine that a hearing will be held in one or more sessions at the same or different places.

§ 821.38 Evidence.

Every party shall have the right to present his case or defense by oral or documentary evidence, to submit evidence in rebuttal, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

§ 821.39 Argument and submissions.

At the hearing, the law judge shall give the parties adequate opportunity for the presentation of arguments in support of, or in opposition to, motions, objections, and rulings. Prior to the initial decision, the parties shall be afforded a reasonable opportunity to submit for consideration proposed findings and conclusions and supporting reasons therefor.

§ 821.40 Record.

The transcript of testimony and exhibits, together with all papers, requests, and rulings filed in the proceeding shall constitute the exclusive record of the proceeding. The record shall also include any proceeding upon an affidavit of personal bias or disqualification of a law judge. Copies of the transcript may be obtained by any party upon payment of the reasonable cost thereof. A copy may be examined at the National Transportation Safety Board Public Reference Room No. 806D, at 800 Independence Ave., S.W., Washington, D.C. 20594.

§ 821.41 Certification to the Board.

At any time prior to the close of the hearing, the Board may direct the law judge to certify any question or the entire record in the proceeding to the Board for decision, except an interlocutory ruling. In cases where the record is certified to the Board, the law judge shall not render an initial decision but shall only recommend to the Board a decision as provided in 5 U.S.C. 557 (Administrative Procedure).

Subpart G—Initial Decision

§ 821.42 Initial decision by law judge.

(a) *Written or oral decision.* The law judge may render his initial decision orally at the close of the hearing, or he may render such decision in writing at a later date, except as provided in § 821.56(b).

(b) *Contents.* The initial decision shall include a statement of findings and conclusions, and the grounds therefor, upon all material issues of fact, credibility of witnesses, law, or discretion presented on the record, the appropriate order, and the reasons therefor.

(c) *Service of written decision and extension of time for appeal.* If the initial decision is in writing, it shall be served upon the parties. At any time before the date for filing an appeal from the initial decision has passed, the law judge or the Board may, for good cause shown, extend the time within which to file an appeal from the initial decision, and the law judge may also reopen the case for good cause upon notice to the parties.

(d) *Furnishing copy of oral decision and issuance date.* If the initial decision is rendered orally, a copy thereof, excerpted from the transcript of the record, shall be furnished the parties by the Office of Administrative Law Judges. Irrespective of the date of mailing of such copy, the issuance date of the decision shall be the actual date of the rendering of the oral decision.

§ 821.43 Effect of law judge's initial decision, and filing an appeal therefrom.

If an appeal from the initial decision is not timely filed with the Board by either party, or the Board on its own initiative does not decide within 20 days after the issuance of the initial decision to review it, the initial decision shall become final. However, the initial decision shall not be deemed to be a precedent binding on the Board. The timely review by the Board or the filing of such an appeal or motion shall stay the order in the initial decision.

Subpart H—Appeals from Initial Decisions

§ 821.47 Notice of appeal.

A party may appeal from a law judge's order or from the initial decision by filing with the Board and serving upon the other parties (pursuant to § 821.8) a notice of appeal within 10 days after an oral initial decision has been rendered or a written decision or an order has been served.

§ 821.48 Briefs and oral argument.

(a) *Appeal briefs.* Each appeal must be perfected within 40 days after an oral initial decision has been rendered, or 30 days after service of a written initial decision, by the filing with the Board and the serving on the other party of a brief in support of the appeal. Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief.

(b) *Contents of appeal brief.* Each appeal brief shall set forth in detail the objections to the initial decision, and shall state whether such objections are related to alleged errors in the law judge's findings of fact and conclusions or alleged errors in his order. It shall also state the reasons for such objections and the relief requested.

(c) *Waiver of objections on appeal.* Any error contained in the initial decision which is not objected to may be deemed to have been waived. Where any objection is based upon evidence of record, such objection need not be considered by the Board unless specific record citations to the pertinent evidence are furnished in the appeal brief.

(d) *Reply brief.* A brief in reply to the appeal brief may be filed by the other party within 30 days after the appeal brief has been served upon him. A copy of the reply brief shall be served upon the party who has appealed from the initial decision. Where the reply brief relies upon evidence of record, specific record citations to the pertinent evidence shall be furnished in the reply brief.

(e) *Other briefs.* No further briefs may be filed, except upon specific leave of the Board upon a showing of good cause therefor.

(f) *Number of copies.* Five copies of briefs shall be filed with the Board.

(g) *Oral argument.* Oral argument before the Board will normally not be held in proceedings under this part. However, when need therefor appears, the Board may permit oral argument, either on its own initiative or on motion of a party.

§ 821.49 Issues on appeal.

On appeal, the Board will consider only the following issues:

(a) Are the findings of fact each supported by a preponderance of reliable, probative, and substantial evidence?

(b) Are conclusions made in accordance with precedent and policy?

(c) Are the questions on appeal substantial?

(d) Have any prejudicial errors occurred?

If the Board determines that the law judge erred in any respect or that his order in his initial decision should be changed, the Board may make any necessary findings and may issue an order in lieu of the law judge's order, or may remand the case for such purposes as the

Board may deem necessary. The Board on its own initiative may raise any issue, the resolution of which it deems important to a proper disposition of the proceedings, in which event a reasonable opportunity shall be afforded to the parties to submit argument thereon.

§ 821.50 Petitions for rehearing, reargument, reconsideration, or modification of an order of the Board.

(a) *General.* Any party to a proceeding may petition for rehearing, reargument, reconsideration, or modification of a Board order on appeal from an initial decision. Initial decisions which have become final because they were not appealed from shall not be deemed orders for this purpose.

(b) *Form and number of copies.* The petition shall be in writing. Five copies shall be filed with the Board and a copy shall be served upon each of the parties within 30 days after service of the Board's order on appeal from the initial decision.

(c) *Contents.* The petition shall state briefly and specifically the matters of record alleged to have been erroneously decided, the ground or grounds relied upon, and the relief sought. If the petition is based, in whole or in part, on allegations as to the consequences that would result from the order of the Board, the basis of such allegations shall be set forth. If the petition is based, in whole or in part, upon new matter, it shall set forth such new matter and shall contain affidavits of prospective witnesses, authenticated documents, or both, or an explanation why such substantiation is unavailable, and shall explain why such new matter could not have been discovered by the exercise of due diligence prior to the date of the hearing.

(d) *Grounds for dismissal.* Repetitious petitions will not be entertained by the Board and will be summarily dismissed.

(e) *Reply to petition.* Within 10 days after the service of the petition upon an adverse party, he may reply thereto by filing a copy of the reply with the Board, with proof of service upon the petitioner.

(f) *Stay of effective date of order.* The filing of a petition under this section shall operate to stay the effective date of the Board order, unless otherwise ordered by the Board.

Subpart I—Rules Applicable to Emergency Proceedings

§ 821.54 General.

(a) *Applicability.* These rules shall apply to any order issued by the Administrator as an emergency order, or any order issued by the Administrator not designated as an emergency order, which is later amended to be an emergency order, as provided in section 609 of the Act, in cases where the respondent appeals or has appealed to the Board therefrom.

(b) *Effective date of emergency.* The procedure set forth herein shall apply as of the date when the Administrator's written advice of the emergency character of his order has been received by the Office of Administrative Law Judges or by the Board.

(c) *Computation of time.* Time shall be computed in accordance with § 821.10, including the provision that Saturdays, Sundays, and legal holidays of the Board shall always be counted in the computation.

§ 821.55 Appeal, complaint, answer to the complaint, and motions.

(a) *Time within which to appeal.* Within 10 days after the service of the Administrator's emergency order on the certificate holder, he may file an appeal therefrom to the Board.

(b) *Form and content of appeal.* The appeal may be in the form of a letter to the Board signed by the aggrieved party. It shall identify the Administrator's order and the certificate affected, shall recite the Administrator's action from which the appeal is taken, and shall identify the issues of fact or law on which the appeal is based and the relief sought.

(c) *Complaint.* Within 3 days after receipt of the appeal by the Board, the Administrator shall file with the Board his emergency order as his complaint and serve a copy upon the respondent.

(d) *Answer to the complaint.* Within 5 days after service of the complaint upon respondent, he shall file his answer thereto. Failure to deny any allegation or allegations of the complaint may be deemed an admission of the allegation or allegations not answered.

(e) *Motion to dismiss and motion for more definite statement.* No motion to dismiss or for a more definite statement shall be made, but the substance thereof may be stated in the respondent's answer. The law judge may permit or require a more definite statement or other amendment to any pleading at the hearing, upon good cause shown and upon just and reasonable terms.

§ 821.56 Hearing and initial decision.

(a) *Notice of hearing.* Immediately upon notification by the Administrator to the Board that an emergency exists, the date and place for hearing shall be set upon notice to the parties. The hearing shall be set for a date no later than 7 days after the issuance of the notice of hearing.

(b) *Initial decision.* The initial decision shall be made orally on the record at the termination of the hearing and after opportunity for oral argument. The provisions of § 821.42 (b) and (d) shall be applicable, (covering content, furnishing a copy of the initial decision excerpted from the record, and issuance date).

(c) *Conduct of hearing.* The provisions of §§ 821.38, 821.39, and 821.40, covering evidence, argument and submissions, and record, shall be applicable.

(d) *Effect of law judge's initial decision.* If no appeal to the Board by either party, by motion or otherwise, is filed within the time allowed, the law judge's initial decision shall become final but shall not be deemed to be a precedent binding on the Board.

§ 821.57 Procedure on appeal.

(a) *Time within which to file a notice of appeal and content.* Within 2 days after the initial decision has been orally rendered, either party to the proceeding may appeal therefrom by filing with the Board and serving upon the other parties a notice of appeal.

(b) *Briefs and oral argument.* Within 5 days after the filing of the notice of appeal, the appellant shall file a brief with the Board and serve a copy upon the other parties. Within 5 days after service of the appeal brief, a reply brief may be filed with the Board and a copy served upon the other parties. The briefs shall comply with the requirements of § 821.48 (b), (c), (d), (e), (f), and (g), covering contents, waiver of objections on appeal, reply brief, other briefs, number of copies, and oral argument. Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief. Where oral argument is granted, the Board will give 3 days' notice of such oral argument.

(c) *Issues on appeal.* The provisions of § 821.49 shall apply to issues on appeal. However, the Board may on its own initiative raise any issue, the resolution of which it deems important to a proper disposition of the proceeding. In such case, not more than 2 days shall be afforded to the parties to submit argument thereon.

(d) *Petitions for reconsideration, rehearing, reargument, or modification of order.* The only petitions for reconsideration, rehearing, reargument, or modification of an order which the Board will entertain are petitions based on the ground that new matter has been discovered. Such petitions must set forth the following:

(1) The new matter;

(2) Affidavits of prospective witnesses, authenticated documents, or both, or an explanation of why such substantiation is unavailable; and

(3) A statement that such new matter could not have been discovered by the exercise of due diligence prior to the date the case was submitted to the Board.

PART 825—RULES OF PROCEDURE FOR MERCHANT MARINE APPEALS FROM DECISIONS OF THE COMMANDANT, U.S. COAST GUARD

Sec.

825.1 Applicability.
825.5 Notice of appeal.
825.10 Referral of record.
825.15 Issues on appeal.
825.20 Briefs in support of appeal.
825.25 Oral argument.
825.30 Action by the Board.
825.35 Action after remand.

AUTHORITY: Section 304(a)(9)(B) of the Independent Safety Board Act of 1974, Pub. L. 93-633, 88 Stat. 2169 (49 U.S.C. 1903(a)(9)(B)).

§ 825.1 Applicability.

The provisions of this part govern all proceedings before the National Transportation Safety Board (Board) on ap-

peals taken from decisions, on or after April 1, 1975, of the Commandant, U.S. Coast Guard, sustaining orders of an administrative law judge, revoking, suspending, or denying a license, certificate, document, or register in proceedings under:

(a) R.S. 4450, as amended (46 U.S.C. 239);

(b) Act of July 15, 1954 (46 U.S.C. 239 a–b); or

(c) Section 4, Great Lakes Pilotage Act (46 U.S.C. 216(b)).

§ 825.5 Notice of appeal.

(a) A party may appeal from the Commandant's decision sustaining an order of revocation, suspension, or denial of a license, certificate, document, or register in proceedings described in § 825.1, by filing a notice of appeal with the Board within 10 days after service of the Commandant's decision upon the party or his designated attorney. Upon good cause shown, the time for filing may be extended.

(b) Notice of appeal shall be addressed to the Docket Clerk, National Transportation Safety Board, Washington, D.C. 20594. At the same time, a copy shall be served on the Commandant (GL), U.S. Coast Guard, Washington, D.C. 20590.

(c) The notice of appeal shall state the name of the party, the number of the Commandant's decision, and, in brief, the grounds for the appeal.

§ 825.10 Referral of record.

Upon receipt of a notice of appeal, the Commandant shall immediately transmit to the Board the complete record of the hearing upon which his decision was based. This includes the charges, the transcript of testimony, and hearing proceedings (including exhibits), briefs filed by the party, the decision of the administrative law judge, and the Commandant's decision on appeal. It does not include intra-agency staff memoranda provided as advice to the Commandant to aid in his decision.

§ 825.15 Issues on appeal.

The only issues that may be considered on appeal are:

(a) A finding of a material fact is erroneous;

(b) A necessary legal conclusion is without governing precedent or is a departure from or contrary to law or precedent;

(c) A substantial and important question of law, policy, or discretion is involved, or

(d) A prejudicial procedural error has occurred.

§ 825.20 Briefs in support of appeal.

(a) Within 20 days after the filing of a notice of appeal, the appellant must file, in the same manner as prescribed for the notice in § 825.5, a brief in support of the appeal.

(b) This document shall set forth:

(1) The name and address of the appellant;

(2) The number and a description of the license, certificate, document, or register involved;

(3) A summary of the charges affirmed by the Commandant as proved;

(4) Fact findings by the Commandant disputed by the appellant;

(5) Specific statements of errors of law asserted;

(6) Specific statements of any abuse of discretion asserted; and

(7) The relief requested.

(c) Objection based upon evidence of record need not be considered unless the appeal contains specific record citation to the pertinent evidence.

(d) When a brief has been filed by appellant under this section, the Coast Guard may, within 15 days of service of the brief on the Commandant, submit to the Board a reply brief.

(e) If a party who has filed a notice of appeal does not perfect the appeal by the timely filing of an appeal brief, the Board may dismiss the appeal on its own initiative or on motion of the Coast Guard.

§ 825.25 Oral argument.

(a) If any party desires to argue a case orally before the Board, he should request leave to make such argument in his brief filed pursuant to § 825.20.

(b) Oral argument before the Board will normally not be granted unless the Board finds good cause for such argument. If granted, the parties will be advised of the date.

§ 825.30 Action by the Board.

(a) On review by the Board, if no reversible error is found in the Commandant's decision on appeal, that decision will be affirmed.

(b) On review by the Board, if reversible error is found in the Commandant's decision on appeal, the Board may:

(1) Set aside the entire decision and dismiss the charges if it finds the error incurable; or

(2) Set aside the order, or conclusions, or findings of the Commandant and remand the case to him for further consideration if it finds the error curable.

(c) When a matter has been remanded to the Commandant under paragraph (b) of this section, the Commandant may act in accordance with the terms of the order of remand, or he may, as appropriate, further remand the matter to the administrative law judge of the Coast Guard who heard the case, or to another administrative law judge of the Coast Guard, with appropriate directions.

§ 825.35 Action after remand.

When a case has been remanded under § 825.30, a party shall retain all rights of review under 46 CFR Part 5 and this part, as applicable.

PART 830—RULES PERTAINING TO THE NOTIFICATION AND REPORTING OF AIRCRAFT ACCIDENTS OR INCIDENTS AND OVERDUE AIRCRAFT, AND PRESERVATION OF AIRCRAFT WRECKAGE, MAIL, CARGO, AND RECORDS

Subpart A—General

Sec.
830.1 Applicability.
830.2 Definitions.

Subpart B—Initial Notification of Aircraft Accidents, Incidents, and Overdue Aircraft

Sec.
830.5 Immediate notification.
830.6 Information to be given in notification.

Subpart C—Preservation of Aircraft Wreckage, Mail, Cargo, and Records

830.10 Preservation of aircraft wreckage, mail, cargo, and records.

Subpart D—Reporting of Aircraft Accidents, Incidents, and Overdue Aircraft

830.15 Reports and statements to be filed.

AUTHORITY: Title VII, Federal Aviation Act of 1958, as amended, 72 Stat. 781, as amended by 76 Stat. 921 (49 U.S.C. 1441 et seq.), and the Independent Safety Board Act of 1974, Pub. L. 93-633, 88 Stat. 2166 (49 U.S.C. 1901 et seq.).

Subpart A—General

§ 830.1 Applicability.

This part contains rules pertaining to:

(a) Providing notice of and reporting, aircraft accidents and incidents and certain other occurrences in the operation of aircraft when they involve civil aircraft of the United States wherever they occur, or foreign civil aircraft when such events occur in the United States, its territories or possessions.

(b) Preservation of aircraft wreckage, mail, cargo, and records involving all civil aircraft in the United States, its territories or possessions.

§ 830.2 Definitions.

As used in this part the following words or phrases are defined as follows:

"Aircraft accident" means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, and in which any person suffers death or serious injury as a result of being in or upon the aircraft or by direct contact with the aircraft or anything attached thereto, or in which the aircraft receives substantial damage.

"Fatal injury" means any injury which results in death within 7 days of the accident.

"Operator" means any person who causes or authorizes the operation of an aircraft, such as the owner, lessee, or bailee of an aircraft.

"Serious injury" means any injury which (1) requires hospitalization for more than 48 hours, commencing within 7 days from the date the injury was received; (2) results in a fracture of any bone (except simple fractures of fingers, toes, or nose); (3) involves lacerations which cause severe hemorrhages, nerve, muscle, or tendon damage; (4) involves injury to any internal organ; or (5) involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface.

"Substantial damage":

(1) Except as provided in subparagraph (2) of this paragraph, substantial damage means damage or structural failure which adversely affects the structural strength, performance, or flight charac-

teristics of the aircraft, and which would normally require major repair or replacement of the affected component.

(2) Engine failure, damage limited to an engine, bent fairings or cowling, dented skin, small punctured holes in the skin or fabric, ground damage to rotor or propeller blades, damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered "substantial damage" for the purpose of this part.

Subpart B—Initial Notification of Aircraft Accidents, Incidents, and Overdue Aircraft

§ 830.5 Immediate notification.

The operator of an aircraft shall immediately, and by the most expeditious means available, notify the nearest National Transportation Safety Board (Board), Bureau of Aviation Safety field office [1] when:

(a) An aircraft accident or any of the following listed incidents occur:

(1) Flight control system malfunction or failure;

(2) Inability of any required flight crewmember to perform his normal flight duties as a result of injury or illness;

(3) Turbine engine rotor failures excluding compressor blades and turbine buckets;

(4) In-flight fire; or

(5) Aircraft collide in flight.

(b) An aircraft is overdue and is believed to have been involved in an accident.

§ 830.6 Information to be given in notification.

The notification required in § 830.5 shall contain the following information, if available:

(a) Type, nationality, and registration marks of the aircraft;

(b) Name of owner, and operator of the aircraft;

(c) Name of the pilot-in-command;

(d) Date and time of the accident;

(e) Last point of departure and point of intended landing of the aircraft;

(f) Position of the aircraft with reference to some easily defined geographical point;

(g) Number of persons aboard, number killed, and number seriously injured;

(h) Nature of the accident, the weather and the extent of damage to the aircraft, so far as is known; and

(i) A description of any explosives, radioactive materials, or other dangerous articles carried.

[1] The National Transportation Safety Board field offices are listed under U.S. Government in the telephone directories in the following cities: Anchorage, Alaska; Chicago, Ill.; Denver, Colo.; Fort Worth, Tex.; Kansas City, Mo.; Los Angeles, Calif.; Miami, Fla.; New York, N.Y.; Oakland, Calif.; Seattle, Wash.; Washington, D.C.

Subpart C—Preservation of Aircraft Wreckage, Mail, Cargo, and Records

§ 830.10 Preservation of aircraft wreckage, mail, cargo, and records.

(a) The operator of an aircraft is responsible for preserving to the extent possible any aircraft wreckage, cargo, and mail aboard the aircraft, and all records, including tapes of flight recorders and voice recorders, pertaining to the operation and maintenance of the aircraft and to the airmen involved in an accident or incident for which notification must be given until the Board takes custody thereof or a release is granted pursuant to § 831.17.

(b) Prior to the time the Board or its authorized representative takes custody of aircraft wreckage, mail, or cargo, such wreckage, mail, or cargo may not be disturbed or moved except to the extent necessary:

(1) To remove persons injured or trapped;

(2) To protect the wreckage from further damage; or

(3) To protect the public from injury.

(c) Where it is necessary to disturb or move aircraft wreckage, mail or cargo, sketches, descriptive notes, and photographs shall be made, if possible, of the accident locale including original position and condition of the wreckage and any significant impact marks.

(d) The operator of an aircraft involved in an accident or incident as defined in this part, shall retain all records and reports, including all internal documents and memoranda dealing with the accident or incident, until authorized by the Board to the contrary.

Subpart D—Reporting of Aircraft Accidents, Incidents, and Overdue Aircraft

§ 830.15 Reports and statements to be filed.

(a) *Reports.* The operator of an aircraft shall file a report as provided in paragraph (c) of this section on Board Form 6120.1 or Board Form 6120.2 [2] within 10 days after an accident, or after 7 days if an overdue aircraft is still missing. A report on an incident for which notification is required by § 830.5(a) shall be filed only as requested by an authorized representative of the Board.

(b) *Crewmember statement.* Each crewmember, if physically able at the time the report is submitted, shall attach thereto a statement setting forth the facts, conditions, and circumstances relating to the accident or incident as they appear to him to the best of his knowledge and belief. If the crewmember is incapacitated, he shall submit the statement as soon as he is physically able.

(c) *Where to file the reports.* The operator of an aircraft shall file with the field office of the Board nearest the accident or incident any report required by this section.

NOTE: The reporting and recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

[2] Forms are obtainable from the Board field offices (see footnote 1), the National Transportation Safety Board, Washington, D.C. 20594, and the Federal Aviation Administration, Flight Standards District Office.

PART 831—RULES OF PRACTICE IN AIRCRAFT ACCIDENT/INCIDENT INVESTIGATIONS

Subpart A—General Provisions

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Subpart E—Public Record

831.40 Public docket.
831.41 Investigation to remain open.

AUTHORITY: Title VII, Federal Aviation Act of 1958, as amended, 72 Stat. 781, as amended by 76 Stat. 921 (49 U.S.C. 1441 et seq.); and the Independent Safety Board Act of 1974, Pub. L. 93-633, 88 Stat. 2166 et seq. (49 U.S.C. 1901 et seq.).

Subpart A—General Provisions

§ 831.1 Applicability of part.

Unless otherwise specifically ordered by the National Transportation Safety Board (Board), the provisions of this part shall govern all aircraft accident investigations, including the field inves-

tigation, public hearing, and report phases thereof, conducted under the authority of Title VII of the Federal Aviation Act of 1958, as amended, and the Independent Safety Board Act of 1974.

§ 831.2 Responsibility of Board.

(a) The Board is solely responsible for the investigation of all accidents involving civil aircraft, or civil and military aircraft, within the United States, its territories and possessions. It is also responsible for investigation of those accidents involving U.S. civil aircraft, or civil and military aircraft, which occur outside the United States, or its territories and possessions, to the extent such investigations are permitted by international policy and agreements.

(b) The organization, conduct, and control of all accident investigations within the Board's jurisdiction shall be the sole responsibility of the Board. Certain field investigations are conducted by the Federal Aviation Administration (FAA), pursuant to a request to the Secretary of the Department of Transportation, effective April 1, 1975 (see appendix to Part 800 of this chapter),[1] but determination of the probable cause of such accidents shall be made by the Board. Under no circumstances shall investigations conducted by the Board be considered joint investigations in the sense of sharing responsibility. However, in the case of an accident involving civil aircraft of U.S. registry or manufacture where the foreign state is not bound by the provisions of Annex 13 to the Chicago Convention of the International Civil Aviation Organization, the conduct of the investigation shall be in consonance with any agreement entered into between the United States and the foreign state.

§ 831.3 Authority of Director.

The Director, Bureau of Aviation Safety, subject to the provisions of § 831.2, shall have the authority to (a) order an investigation into any accident involving a civil aircraft and (b) designate an accident investigation manager, when considered appropriate in view of the nature of the accident, and a technical panel, when a public hearing has been ordered.

§ 831.4 Accident investigation manager.

The accident investigation manager is the Bureau of Aviation Safety project manager responsible for the overall direction of investigations into major aircraft accidents (catastrophic air carrier accidents or other accidents involving unique public or official attention). Such investigations shall be conducted by a team of Washington-based and/or field office personnel, may include a public hearing, and will culminate in the issuance of a detailed narrative accident report.

§ 831.5 Nature of investigation.

Aircraft accident investigations are conducted by the Board in order to determine the facts, conditions, and circumstances relating to each accident and the probable cause thereof and to ascertain measures which will best tend to prevent similar accidents in the future. The investigation is the overall process leading to causal determination and shall include the field investigation, report preparation, and, where ordered, the public hearing.

§ 831.6 Parties to field investigations and parties to hearings.

(a) No party to the field investigation designated under § 831.16 nor any party to the hearing phase of an accident investigation designated under § 831.27, shall be represented by any person who also represents claimaints or insurers. Failure to comply with this provision shall result in loss of status as a party.

(b) Section 701(g) of the Federal Aviation Act of 1958, as amended, provides for the appropriate participation of the Administrator in Board investigations. Thus, the FAA will normally be a party to field investigations and a party to hearings conducted under this subpart and will have the same rights and privileges and be subject to the same limitations as other parties.

§ 831.7 Request to withhold information.

Any person may make written objection to the public disclosure of information contained in any report or document filed, or of information obtained by the Board, pursuant to this part or the provisions of the Federal Aviation Act of 1958, as amended, or the Independent Safety Board Act of 1974, stating the grounds for such objection. The Board, on its own initiative, or whenever such objection is made, shall order such information withheld from public disclosure when, in its judgment, disclosure thereof would adversely affect the interests of any person and is not required in the interest of the public.

§ 831.8 Right of representation.

Any person interrogated by an authorized representative of the Board during the field investigation, or who appears in order to testify at a public hearing, shall be accorded the right to be accompanied, represented, or advised by counsel or by any other duly qualified representative.

§ 831.9 Recommendations.

In any accident investigation under this subpart, any person, Government agency, company, or association whose employees, functions, activities, or products were involved in the accident may submit to the Board, prior to its determination of probable cause, recommendations as to the proper conclusions to be drawn from the evidence produced during the course of the accident investigation.

Subpart B—Field Investigation

§ 831.13 Scope of field investigation.

The field investigation consists of all factfinding activities exclusive of those associated with the hearing and report phases of the investigation.

§ 831.14 Investigator-in-charge.

The designated investigator-in-charge is authorized to organize, conduct, and control the onsite investigation. He shall assume responsibility for the supervision and coordination of all resources and of the activities of all personnel, both Board and non-Board, involved in the onsite investigation.

§ 831.15 Authority of Board representatives.

Upon demand of an authorized representative of the Board and presentation of credentials issued to such representative, any Government agency, air carrier, airman, or person engaged in air commerce or in any phase of aeronautics, and any other person having possession or control of any aircraft, aircraft engine, propeller, appliance, air navigation facility, equipment, or any pertinent records and memoranda, including all documents, papers, and correspondence now or hereafter existing and kept or required to be kept, shall forthwith permit inspection, photographing, or copying thereof by such authorized representative for the purpose of investigating an aircraft accident, overdue aircraft, study, or investigation pertaining to safety in air navigation or the prevention of accidents. Authorized representatives of the Board may interrogate any person having knowledge relevant to an aircraft accident, overdue aircraft, study, or investigation.

§ 831.16 Parties to the field investigation.

(a) The investigator-in-charge may, on behalf of the Director, Bureau of Aviation Safety, designate parties to participate in the field investigation. Parties to the field investigation shall include those persons, Government agencies, companies, and associations whose employees, functions, activities, or products were involved in the accident and who can provide suitably qualified personnel who will actively assist in the field investigation.

(b) Participants in the field investigation shall be responsive to the direction of the appropriate Board representative and may be relieved from participation if they do not comply with their assigned duties or if they conduct themselves in a manner prejudicial to the investigation.

§ 831.17 Access to and release of aircraft wreckage, records, mail, and cargo.

(a) Only the Board's accident investigation personnel and persons authorized by the investigator-in-charge or the Director, Bureau of Aviation Safety, to participate in any particular investigation, examination or testing shall be permitted access to aircraft wreckage, records, mail, or cargo which is in the Board's custody.

(b) Aircraft wreckage, records, mail, and cargo in the Board's custody shall be released by an authorized representative of the Board when it is determined that the Board has no further need of such wreckage, mail, cargo, or records.

[1] The authority of a representative of the Federal Aviation Administration during such field investigations shall be the same as that of a Board investigator under this part.

§ 831.18 Flow and dissemination of accident information.

(a) Release of information during the field investigation, particularly at the accident scene, shall be limited to factual developments, and shall be made only through the Board Member present at the accident scene, the representative of the Board's Office of Public Affairs, or the investigator-in-charge.

(b) All information concerning the accident obtained by any personnel participating in the field investigation shall be passed to the investigator-in-charge through appropriate channels. Upon approval of the investigator-in-charge, parties to the investigation may relay to their respective organizations information which is necessary for purposes of prevention or remedial action. Under no circumstances shall accident information be released to, or discussed with, unauthorized persons whose knowledge thereof might adversely affect the investigation.

Subpart C—Public Hearings

§ 831.20 Nature of hearing.

A public hearing may be held by the Board following the field investigation for the purpose of creating a public record of the facts, conditions, and circumstances relating to the accident. Such hearings are purely factfinding proceedings, and there are no formal pleadings or issues and no adverse parties. Aircraft accident hearings are not adjudicatory hearings and therefore are not subject to the provisions of the Administrative Procedure Act. (Pub. L. 89-554, 80 Stat. 384, (5 U.S.C. 554)).

§ 831.21 Determination to hold hearing.

The Board may order a hearing as part of an accident investigation whenever the Board deems it necessary in the public interest; provided that, should a quorum of the Board not be immediately available in the event of a catastrophic accident, the determination to hold a public hearing may be made by the Chairman.

§ 831.22 Board of inquiry.

The board of inquiry shall consist of a Board Member who, when present, will be chairman of the board of inquiry, the hearing officer, the Director of the Bureau of Aviation Safety or his designee, and the General Counsel or his designee. Assignments of Members to serve as chairmen of boards of inquiry shall be determined by the board. In the absence of the chairman during the conduct of the hearing, a member of the board of inquiry designated by him shall act as chairman. It shall be the duty of the board of inquiry to secure in the form of a public record all known facts pertaining to the accident and surrounding circumstances and conditions from which probable cause may be determined and recommendations of corrective action formulated.

§ 831.23 Powers of chairman of board of inquiry.

The Board Member acting as chairman of the board of inquiry, or, in the absence of the Board Member, his designee, shall have the following powers as the presiding officer:

(a) To designate parties to the hearing and to revoke such designations;

(b) To open, continue, or adjourn the hearing;

(c) To determine the admissibility of and to receive evidence and to regulate the course of the hearing;

(d) To dispose of procedural requests or similar matters; and

(e) To take any other action necessary or incident to the orderly conduct of the hearing.

§ 831.24 Hearing officer.

The hearing officer, upon designation by the Chairman of the Board, shall have the following powers:

(a) To give notice concerning the time and place of hearing;

(b) To administer oaths and affirmations to witnesses; and

(c) To issue subpoenas requiring the attendance and testimony of witnesses and the production of documents.

§ 831.25 Technical panel.

The Director, Bureau of Aviation Safety, shall designate members of the Board's technical panel who shall participate in the hearing in order to develop the testimony of the witnesses.

§ 831.26 Notice of hearing.

The hearing officer shall designate a time and place for the hearing which meets the needs of the Board and gives due consideration to the convenience of the witnesses. The time and place of the hearing will be noticed in the FEDERAL REGISTER prior to the date of the hearing, unless such notice is impractical or unnecessary.[2]

§ 831.27 Parties to the hearing.

(a) The chairman of the board of inquiry may designate parties to the hearing from among those persons, Government agencies, companies, and associations who participated in the field investigation or whose special knowledge and aeronautical skills will contribute to the development of pertinent evidence. Participation as party to the field investigation shall not automatically qualify a person, agency, company, or association as a party to the hearing.

(b) Prior to the prehearing conference, provided by § 831.28, the parties to the hearing will be furnished copies of the available exhibits to be offered in evidence at the hearing, a list of the witnesses to be examined at the hearing and a statement of the areas in which each witness will be examined. At a time specified by the hearing officer prior to the prehearing conference, the parties may request of the hearing officer any amendment, correction, or addition to the exhibits that they propose be made or furnish such officer with copies of additional exhibits they propose to enter in the record, as well as a list of any additional witnesses they propose to examine and a statement of the areas in which they propose to examine such witnesses.

(c) A party who has failed to request the hearing officer to amend or correct proposed exhibits, or to advise him of additional exhibits he proposes to offer in evidence, or additional witnesses whom he proposes to examine, as required by paragraph (b) of this section, will be precluded from having such evidence or testimony introduced at the hearing unless the chairman of the board of inquiry determines that, for good cause shown, such evidence or testimony should be admitted.

§ 831.28 Prehearing conference.

The chairman of the board of inquiry or his designee will hold a prehearing conference with the board of inquiry, the parties to the hearing, and the technical panel at a convenient time and place prior to the hearing. At such conference, the conferees shall review the witnesses to be called at the hearing, the areas in which they will be examined and the exhibits to which the witnesses will be referred during their examination. Parties will be precluded during the hearing from exceeding the scope of inquiry delineated for each witness at the prehearing conference, unless permission to do so is granted by the chairman of the board of inquiry.

§ 831.29 Examination of witnesses.

(a) After being duly sworn, each witness will be examined initially by the technical panel, following which the parties to the hearing shall be given an opportunity to question the witness.

(b) Materiality, relevancy, and competency of witnesses' testimony, exhibits, or physical evidence will not be the subject of legal objections for record purposes by a party to the hearing or any other person. However, parties may bring to the attention of the chairman of the board of inquiry any line of questioning which lies outside of the designated area of questioning or which is clearly irrelevant, immaterial, or incompetent. Such matters shall be controlled by rulings of the chairman of the board of inquiry on his own motion, or on request of any party to the hearing. If the examination of a witness by a party to the hearing is interrupted by a ruling of the chairman of the board of inquiry, opportunity will be given to show materiality, relevancy, or competency of the testimony sought to be elicited from the witness.

§ 831.30 Evidence.

The chairman of the board of inquiry shall receive all evidence which may be of assistance in determining the cause of the accident. He may exclude any testimony or exhibits which are not pertinent to the inquiry or which are merely cumulative, as well as evidence which a party is precluded from introducing by § 831.27 or § 831.28, unless he determines that for good cause shown such evidence should be admitted.

[2] The Board usually gives personal notice to all known interested persons and also publicizes the hearing by a press release to aviation trade journals and to local newspapers near the scene of the accident.

§ 831.31 Recommendations to the Board.

Any person, particularly parties to the field investigation and parties to the hearing, may submit recommendations as to the proper conclusions to be drawn from the testimony and exhibits submitted at the hearing. Fifteen (15) copies of such recommendations shall be submitted within the time specified by the chairman of the board of inquiry at the close of the hearing, and shall be made a part of the docket. Copies of recommendations submitted to the Board by a party to the hearing shall be served upon each of the remaining parties to the hearing. The specified period for submitting recommendations will be extended by the chairman of the board of inquiry only if he deems it necessary in the public interest.

§ 831.32 Stenographic transcript.

A verbatim transcript of the hearing shall be taken. Copies of the transcript may be obtained from the Board upon payment of the fees fixed therefor. (See Part 801, Appendix—Fee Schedule.)

Subpart D—Board Report

§ 831.35 Aircraft accident report.

(a) The Board will issue a detailed narrative accident report in connection with the investigation into those aircraft accidents which the Board determines to warrant such a report. The report will set forth the facts, conditions, and circumstances relating to the accident and the probable cause thereof, along with any appropriate recommendations formulated on the basis of the investigation.

(b) The probable cause and facts, conditions, and circumstances of all other aircraft accidents will be reported in a manner and form prescribed by the Board.

§ 831.36 Requests for reconsideration or modification.

(a) Requests for reconsideration or modification of the Board's determination of probable cause by parties to an investigation or hearing or other persons having a direct interest in the accident investigation will be entertained only if based on the discovery of new evidence or on a showing that the Board's findings, as to the facts, conditions, and circumstances of the accident, are erroneous. Such requests shall be in writing. Requests which are repetitious of recommendations made pursuant to § 831.9 or § 831.31, or of positions previously advanced, and requests by parties to the hearing who fail to submit recommendations pursuant to § 831.31, will not be entertained. Any such requests based on the discovery of new matter shall identify the new matter; shall contain affidavits of prospective witnesses, authenticated documents, or both, or an explanation of why such substantiation is unavailable; and shall state why such new matter was not available prior to the Board's adoption of its findings. Requests based on the claim of erroneous findings shall set forth in detail the grounds relied upon.

(b) If a request for reconsideration or modification is filed by a party to a hearing, designated under § 831.27, copies of such request and any supporting documentation shall be served on all other parties similarly designated.

Subpart E—Public Record

§ 831.40 Public docket.

(a) The public docket shall include all factual information concerning the accident except information which the Board has ordered withheld from public disclosure pursuant to § 831.7. With respect to an investigation which includes a hearing, the docket shall contain the transcript of hearing, exhibits, and all other factual information. Recommendations submitted pursuant to § 831.9 or § 831.31 by interested persons, and requests for reconsideration and modification submited pursuant to § 831.36, and the Board's rulings thereon, shall be placed in the public docket.

(b) The docket shall be established as soon as practicable following the accident, and material shall be added thereto as it becomes available. Where a hearing is held, the exhibits will be introduced into the record at the hearing.

(c) A copy of the docket shall be made available to any person for review at the Washington office of the Board. Copies of the material in the docket may be obtained, upon payment of the cost of reproduction, from the Public Inquiries Section, Office of the General Manager, National Transportation Safety Board, Washington, D.C. 20594.

§ 831.41 Investigation to remain open.

Accident investigations are never officially closed but are kept open for the submission of new and pertinent evidence by any interested person. If the Board finds that such evidence is relevant and probative, it shall be made a part of the docket and, where appropriate, parties will be given an opportunity to examine such evidence and to comment thereon unless the Board orders it to be withheld from public disclosure.

PART 835—TESTIMONY OF BOARD EMPLOYEES

Sec.

835.1 Purpose.
835.2 Definitions.
835.3 Scope of permissible testimony.
835.4 Use of reports.
835.5 Manner in which testimony is given.
835.6 Request for testimony.
835.7 Testimony of former Board employees.
835.8 Procedure in the event of a subpoena.
835.9 Testimony in State or local investigations.

AUTHORITY: Independent Safety Board Act of 1974, Pub. L. 93-633, 88 Stat. 2166 (49 U.S.C. 1901 et seq.); and Title VII, Federal Aviation Act of 1958, as amended (49 U.S.C. 1441).

§ 835.1 Purpose.

This part prescribes the policies and procedures regarding the testimony of employees of the National Transportation Safety Board (Board) in suits or actions for damages and criminal proceedings arising out of transportation accidents.

§ 835.2 Definitions.

(a) "The Board's accident report" means the report containing the Board's determinations, including the probable cause of an accident, issued either as a narrative report or in a computer format (briefs of accidents). Pursuant to section 701(e) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1441(e)) (FA Act) and section 304(c) of the Independent Safety Board Act of 1974 (49 U.S.C. 1903(c)) (Safety Act), no part of these reports may be admitted as evidence or used in any suit or action for damages growing out of any matter mentioned in such reports.

(b) "Factual accident report" means an investigator's report of his investigation of the accident.

(c) "Accident," for purposes of this part, includes "incident."

§ 835.3 Scope of permissible testimony.

(a) Section 701(e) of the FA Act and section 304(c) of the Safety Act preclude the use or admission into evidence of Board accident reports in any suit or action for damages arising from accidents. The purpose of these sections would be defeated if expert opinion testimony of Board employees, which is reflected in the ultimate views of the Board expressed in its report concerning the cause of an accident, were admitted in evidence or used in private litigation arising out of an accident. The Board relies heavily upon its investigators' opinions in determining the cause or probable cause of an accident, and the investigators' opinions thus become inextricably entwined in the Board's determination. Furthermore, the use of Board employees as experts to give opinion testimony would impose a serious administrative burden on the Board's investigative staff. Litigants should obtain their expert witnesses from other sources.

(b) Consistent with paragraph (a), Board employees may testify as to the factual information they obtained during the course of the accident investigation, including factual evaluations embodied in their factual accident reports. However, they shall decline to testify regarding matters beyond the scope of their investigation, or to give opinion testimony concerning the cause of the accident.

§ 835.4 Use of reports.

(a) A Board employee may use a copy of his factual accident report as a testimonial aid, and may refer to that report during his testimony or use it to refresh his memory.

(b) Consistent with section 701(e) of the FA Act and section 304(c) of the Safety Act, a Board employee may not use the Board's accident report for any purpose during his testimony.

§ 835.5 Manner in which testimony is given.

(a) Testimony of Board employees may be made available for use in actions or suits for damages arising out of acci-

dents through depositions or written interrogatories. Board employees are not permitted to appear and testify in court in such actions.

(b) Normally, depositions will be taken and interrogatories answered at the Board's office to which the employee is assigned, and at a time arranged with the employee reasonably fixed to avoid substantial interference with the performance of his duties.

(c) Board employees are authorized to testify only once in connection with any investigation they have made of an accident. Consequently, when more than one lawsuit arises as a result of an accident, it shall be the duty of counsel seeking the employee's deposition to ascertain the identity of all parties to the multiple lawsuits and their counsel, and to advise them of the fact that a deposition has been granted, so that all interested parties may be afforded the opportunity to participate therein.

(d) Upon completion of the deposition of a Board employee, a copy of the transcript of the testimony will be furnished, at the expense of the party requesting the deposition, to the Board's General Counsel for the Board's files.

§ 835.6 Request for testimony.

(a) A request for testimony of a Board employee relating to an accident by deposition or interrogatories shall be addressed to the General Counsel, who may approve or deny the request. Such request shall set forth the title of the case, the court, the type of accident (aviation, railroad, etc.), the date and place of the accident, the reasons for desiring the testimony, and a showing that the information desired is not reasonably available from other sources.

(b) The General Counsel shall attach to his approval such reasonable conditions as he may deem appropriate in order that the testimony will be limited to the matters delineated in § 835.3, will not interfere with the performance of the duties of the employees as set forth in § 835.5, and will otherwise conform to the policies of this part.

(c) A subpoena shall not be served upon a Board employee in connection with the taking of his deposition.

§ 835.7 Testimony of former Board employees.

It is not necessary to request Board approval for testimony of a former Board employee. However, the scope of testimony of former Board employees is limited to the matters delineated in § 835.3, and use of reports as prescribed by § 835.4.

§ 835.8 Procedure in the event of a subpoena.

(a) If a Board employee has received a subpoena to appear and testify, a request for his deposition shall not be approved until the subpoena has been withdrawn.

(b) Upon receipt of a subpoena, the employee shall immediately notify the General Counsel and provide the data identifying the accident; the title of the case, the name of the judge, if available, and the title and address of the court; the type of accident (aviation, railroad, etc.); the date on which the employee is directed to appear; the name, address, and telephone number, if available, of the attorney representing the party who caused the issuance of the subpoena; the scope of the testimony, if known; and a statement as to whether a prior deposition on the same accident has been given.

(c) The General Counsel shall determine the course of action to be taken and will so advise the employee.

§ 835.9 Testimony in State or local investigations.

Board employees may testify at a coroner's inquest, grand jury, or criminal proceeding conducted by a State or local government. Testimony shall be limited to the matters delineated in § 835.3.

PART 845—RULES OF PRACTICE IN SURFACE TRANSPORTATION ACCIDENT HEARINGS

Sec.

845.1 Applicability.
845.2 Nature of hearing.

Subpart A—Initial Procedure

845.10 Determination to hold hearing.
845.11 Board of inquiry.
845.12 Technical panel.
845.13 Notice of hearing.
845.14 Designation of parties.

Subpart B—Conduct of Hearing

845.20 Powers of chairman of board of inquiry.
845.21 Prehearing conference.
845.22 Sessions open to public.
845.23 Examination of witnesses.
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845.25 Recommendations by parties.
845.26 Stenographic transcript.
845.27 Public docket.
845.28 Payment of witnesses.

AUTHORITY: Sec. 304(b) of the Independent Safety Board Act of 1974, Pub. L. 93-633, 88 Stat. 2169 (49 U.S.C. 1903(b)).

§ 845.1 Applicability.

Unless otherwise specifically ordered by the National Transportation Safety Board (Board), the provisions of this part shall govern all surface transportation accident investigation hearings conducted under the authority of section 304(b) of the Independent Safety Board Act of 1974 (49 U.S.C. 1903(b)).

§ 845.2 Nature of hearing.

Surface transportation accident hearings are convened to assist the Board in determining cause or probable cause of an accident, in reporting the facts, conditions, and circumstances of the accident, and in ascertaining measures which will tend to prevent accidents and promote transportation safety. Such hearings are factfinding procedures with no formal issues and no adverse parties and are not subject to the provisions of the Administrative Procedure Act (Pub. L. 89-554, 80 Stat. 384 (5 U.S.C. 554).

Subpart A—Initial Procedure

§ 845.10 Determination to hold hearing.

The Board may order a public hearing as part of a surface accident investigation whenever such hearing is deemed necessary in the public interest; provided that if a quorum of the Board is not immediately available in the event of a catastrophic accident, the determination to hold a public hearing may be made by the Chairman.

§ 845.11 Board of inquiry.

The board of inquiry shall consist of a Member of the Board who shall be chairman of the board of inquiry, a hearing officer when assigned, the Director of the Bureau of Surface Transportation Safety or his designee, and, where appropriate, the General Counsel or his designee. Assignment of a Member to serve as the chairman of each board of inquiry shall be determined by the Board. It shall be the duty of the board of inquiry to examine witnesses and to secure, in the form of a public record, all known facts pertaining to the accident and surrounding circumstances and conditions from which cause or probable cause may be determined and recommendations for corrective action may be formulated.

§845.12 Technical panel.

The Director, Bureau of Surface Transportation Safety, shall designate members of the Bureau's technical staff to participate in the hearing and initially develop the testimony of witnesses.

§ 845.13 Notice of hearing.

The chairman of the board of inquiry shall designate a time and place for the hearing which meets the needs of the Board. Notice to all known interested persons shall be given.

§ 845.14 Designation of parties.

(a) The chairman of the board of inquiry shall designate as parties to the hearing those persons, agencies, companies, and associations whose participation in the hearing is deemed necessary in the public interest and whose special knowledge will contribute to the development of pertinent evidence.

(b) Persons representing claimants or insurers will not be designated as parties to the hearing.

(c) Prior to the prehearing conference, as provided in § 845.21, the board of inquiry shall furnish the parties a list of witnesses and the areas in which they will be examined, and a list of all available exhibits (or copies as available) that the Board intends to introduce at the hearing. Following receipt of designation, and no later than the date established by the chairman of the board of inquiry, said parties shall furnish the board of inquiry with names of any additional witnesses they desire to examine, a statement of the areas in which such witnesses should be examined, and copies of any additional exhibits they may desire to offer in evidence.

Subpart B—Conduct of Hearing

§ 845.20 Powers of chairman of board of inquiry.

The Board Member acting as chairman of the board of inquiry, or, in his absence, his designee, shall have the following powers:

(a) To open, continue, or adjourn the hearing;

(b) To issue subpoenas;

(c) To administer oaths and affirmations;

(d) To determine the admissibility of and to receive evidence and to regulate the course of the hearing;

(e) To dispose of procedural requests or similar matters; and

(f) To take any other action necessary or incident to the orderly conduct of the hearing.

§ 845.21 Prehearing conference.

(a) The chairman of the board of inquiry shall hold a prehearing conference with the parties to the hearing at a convenient time and place prior to the hearing. At such prehearing conference, the presiding officer shall advise the parties of the witnesses to be called at the hearing, the areas in which they will be examined, and the exhibits which will be offered in evidence.

(b) Parties shall submit at the prehearing conference copies of any additional documentary exhibits they desire to offer. (Copies of all exhibits proposed for admission by the board of inquiry and the parties shall be furnished to the board of inquiry and to all parties, insofar as available at that time.)

(c) A party who, at the time of the prehearing conference, fails to advise the chairman of the board of inquiry of additional exhiibts he intends to submit, or additional witnesses he desires to examine, shall be precluded from introducing such evidence unless the chairman of the board of inquiry determines for good cause shown that such evidence should be admitted.

§ 845.22 Sessions open to public.

(a) All hearings shall normally be open to the public (subject to the provision that any person present shall not be allowed at any time to interfere with the proper and the orderly function of the board of inquiry).

(b) Sessions shall not be open to the public when evidence of a classified nature or which affects national security is to be received.

§ 845.23 Examination of witnesses.

(a) Witnesses shall be initially examined by the board of inquiry or its staff. Following such examination, parties to the hearing shall be given the opportunity to examine such witnesses.

(b) Materiality, relevancy, and competency of witnesses' testimony, exhibits, or physical evidence shall not be the subject of objections in the legal sense by a party to the hearing or any other person. Such matters shall be controlled by rulings of the chairman of the board of inquiry on his own motion. If the examination of a witness by a party is interrupted by a ruling of the chairman of the board of inquiry, opportunity shall be given to show materiality, relevancy, or competency of the testimony or evidence sought to be elicited from the witness.

§ 845.24 Evidence.

The chairman of the board of inquiry shall receive all testimony and evidence which may be of aid in determining the cause of accident. He may exclude any testimony or exhibits which are not pertinent to the investigation or are merely cumulative, as well as testimony which a party is precluded from introducing by § 845.21(c), unless he determines that for good cause shown such testimony should be admitted.

§ 845.25 Recommendations by parties.

Any party may submit proposed conclusions and recommendations to be drawn from the testimony and exhibits submitted at the hearing. Such recommendations shall be submitted within the time specified by the presiding officer at the close of the hearing, and shall be made a part of the docket. Parties to the hearing shall serve copies of such recommendations on all other parties to the hearing.

§ 845.26 Stenographic transcript.

A verbatim report of the hearing shall be taken. Copies of the transcript may be obtained by any interested person from the Board upon payment of the fees fixed therefor. (See Part 801, Appendix—Fee Schedule.)

§ 845.27 Public docket.

The public docket shall include the transcript, exhibits, briefs, and all other pertinent information concerning the accident. A copy of the docket shall be made available to any person for review at the Washington office of the Board. Photographic copies of exhibits in the public docket may be obtained, upon payment of the cost of reproduction, from the Public Inquiries Section, Office of the General Manager, National Transportation Safety Board, Washington, D.C. 20594.

§ 845.28 Payment of witnesses.

Any witness subpoenaed to attend the hearing under this part shall be paid such fees for his travel and attendance as shall be certified by the chairman of the board of inquiry.

Approved by the National Transportation Safety Board on June 24, 1975, to be effective July 17, 1975.

Signed at Washington, D.C., July 11, 1975.

[SEAL] JOHN H. REED,
Chairman.

[FR Doc.75-18603 Filed 7-16-75;8:45 am]

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PART III

FEDERAL ELECTION COMMISSION

■

ADVISORY OPINION REQUESTS

FEDERAL ELECTION COMMISSION

[Notice 1975–13; AOR 1975–13—AOR 1975–17]

ADVISORY OPINION REQUESTS

In accordance with the procedures set forth in the Commission's Notice 1975–4, published on June 24, 1975 (40 FR 26660), Advisory Opinion Requests 1975–13 through 1975–17 are published today. Some of the Requests consist of similar inquiries from several sources which have been consolidated in cases where appropriate.

Interested persons wishing to comment on the subject matter of any Advisory Opinion Request may submit written views with respect to such requests on or before July 28, 1975. Such submission should be sent to the Federal Election Commission, Office of General Counsel, Advisory Opinion Section, 1325 K Street, NW., Washington, D.C. 20463. Persons requiring additional time in which to respond to any Advisory Opinion Request will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered by the Commission before it issues an advisory opinion. The Commission recommends that comments on pending Advisory Opinion Requests refer to the specific AOR number of the Request commented upon, and that statutory references be to the United States Code citations, rather than to the Public Law Citations.

AOR 1975–13: Bentsen in '76 Committee (Reimbursement of Travel Expenses from Corporate Funds) (Request Edited by the Commission).

"Dear Commissioners: This is a request for an advisory opinion on behalf of the Bentsen in '76 political committee as to the legality under Section 610 of Title 18, U.S. Code, of a Presidential candidate receiving travel expenses for a speaking engagement at a Chamber of Commerce, where the Chamber has money contributed by corporations in its general treasury.

"Senator Lloyd Bentsen was invited to address a luncheon meeting of a Chamber of Commerce in the State of New York. The Chamber has offered to pay from its general treasury travel expenses for the Senator and Mrs. Bentsen from Washington, D.C. to New York State, and back. Like other Chambers of Commerce, this Chamber is supported by contributions from dues-paying members, many of whom are corporations. The Senator addressed the Chamber on the state of our nation's economy and on the crisis of confidence in government.

"Senator Bentsen is a declared candidate for the Democratic nomination for President of the United States. He has been filing personal Reports of Receipts and Expenditures with the appropriate supervisory offices for some time under the Federal Election Campaign Act. Moreover, he has a registered political committee working actively on his behalf.

"Our specific question is whether or not Senator Bentsen may legally receive a reimbursement from the Chamber of Commerce for air fare and other travel expenses under the circumstances noted above. We refer you specifically to Section 610 which prohibits corporations from making contributions or expenditures in connection with Federal elections, and prohibits any person from accepting or receiving any such contributions.

* * *"

ROBERT N. THOMSON,
Counsel for Bentsen in '76.

Source: Bentsen in '76 by Robert N. Thomson, Counsel, Preston, Thorgrimson, Ellis, Holman, Fletcher, 1776 F Street, NW., Washington, D.C. 20006 (June 6, 1975).

AOR 1975–14: Contributions by Banks, Corporations, and Labor Unions to Defray Constituent Service Expenses.

A. Request of Congressman Moore (Contribution of Corporation's Computer to Analyze Response to Constituent Survey) (Request Edited by the Commission).

"Dear Mr. Chairman: I plan in the near future to send out a franked questionnaire to my constituents in an attempt to learn their feelings on various issues. My question is this:

" 'If a corporation donates the use of its computer to analyze the results of this questionnaire, is this considered a corporate contribution to my campaign?' "

W. HENSON MOORE,
Member of Congress.

Source: Congressman W. Henson Moore, 427 Cannon House Office Building, Washington, D.C. 20515 (June 23, 1975).

B. Machinists Non-Partisan Political League (Contributions from Union Dues, to Congressional Office, Constituency or Newsletter Funds) (Request Edited by the Commission).

"Dear Sir: As provided for under Title II USC, Section 437F, I am requesting an advisory opinion in regards to donating monies out of our educational fund (which is dues monies from our various local lodges) to incumbent United States Senators and Representatives for their Office, Constituency or Newsletter funds. Specifically, I would like to know if there is any restriction that would prevent us from making such contributions to these or similar funds under the present or any previous election law that is still in existence."

WILLIAM J. HOLAYTER,
Director, MNPL.

Source: William J. Holayter, Director, Machinists Non-Partisan Political League, 1300 Connecticut Ave. NW., Washington, D.C. 20036 (June 23, 1975).

C. Request of Congressman Butler (Contributions by Banks to Defray Expenses of Conference with Constituents) (Request Edited by the Commission).

"* * * It is my intent to hold my fourth annual Farm Conference this August for the purpose of giving the farmers and other agricultural interests in the Sixth Congressional District the opportunity to present their views and concerns to me, as well as, to the various heads of the Federal and State agricultural agencies.

* * * * *

"(My question is whether) this conference would be considered official business (so) that * * * any contribution made by a bank or bank holding company to defray the expenses of the conference would not come under the coverage of the Federal Election Laws.

"I would greatly appreciate a written advisory on this matter. * * *"

M. CALDWELL BUTLER,
Member of Congress.

Source: Congressman M. Caldwell Butler, 109 Cannon House Office Building, Washington, D.C. 20515 (June 23, 1975).

AOR 1975–15: Payment of Royalties by Campaign Committee to Candidate (Request Edited by the Commission).

"Dear Mr. Curtis:

* * * * * *

"There is * * * enclosed a copy of the contract that this Corporation has with George C. Wallace and we ask you for a written opinion as to whether or not there is any prohibition against receiving payments under this contract. When we advertise these articles we intend to state that George C. Wallace receives a royalty and have previously advertised that royalties are being paid."

* * * * *

CHARLES S. SNIDER,
Executive Director.

The Wallace contract provides as follows:

"THIS AGREEMENT made and entered into this ____ day of _____, 1974, by and between The Wallace Campaign, a non-profit corporation, hereinafter called Campaign; and George C. Wallace, hereinafter called Wallace;

"Witnesseth:

"1.) Wallace does hereby grant unto the Campaign the sole and exclusive right to use his photograph, facsimile signature, a photo biograph and a minted likeness of himself on the following items:

"In a book, on a watch, on specially minted medallion or coin like replicas.

"Said right to the exclusive use thereof shall be for a period of ten (10) years.

"2.) In consideration of such exclusive use which the Campaign may copyright or trade-mark, if necessary, in the name of Wallace but sill owning only the license above granted, the Campaign shall retain a royalty for Wallace in the following portions:

	Each
Photo biograph	$1
Watches	7
Gold coin or medal	5
Silver coin or medal	3
Bronze coin or medal	2

"All such royalties to be net to Wallace, the Campaign to bear the full cost of sale, mailing, promotion and distribution.

"3.) As the Campaign collects funds from the above items, it shall maintain and keep an account of all such items above referred to and furnish Wallace with an accounting thereof. It shall pay Wallace the sum of Fifteen Thousand Dollars ($15,000.00) per annum and no more. Same may be paid whenever

Wallace shall choose, whether it be in one sum, quarterly or however, but it shall not exceed Fifteen Thousand Dollars ($15,000.00) per year regardless of the amount collected, and Wallace may not draw nor have access to any funds so collected.

"4.) At the termination of this Agreement, it may be extended by the parties hereto for additional five year periods by mutual consent and if not extended, then any funds remaining in said account shall be paid to Wallace at the termination hereof.

"5.) This Agreement shall inure to the benefit of the heirs, executors, administrators or assigns of Wallace.

"IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on the day and year first hereinabove written."

THE WALLACE CAMPAIGN
GEORGE C. WALLACE
CHARLES S. SNIDER
Chairman.
F. ALTON DAUPHIN, JR.
Witness.

Source: The Wallace '76 Campaign, by Charles S. Snider, Executive Director, P.O. Box 1976, Montgomery, Alabama 36103 (May 15, 1975).

AOR 1975–16: Requests of Congressman John Dingell.

A. Interpretation of Principal Campaign Committee, Reporting Schedule, and Campaign Depository Provisions (Request Edited by the Commission).

"Dear Mr. Chairman: I would appreciate having answers to the following questions pertaining to the Federal Election Campaign Act Amendments of 1974 * * *

"(1) May I have a full interpretation of the one committee requirement? Under the new law, may more than one committee remain in existence, and if so, under what conditions?

"(2) Under the amended Act it is my understanding that no report is necessary to be filed provided that no more than $1,000 was received or expended in a reporting period. If no more than $1,000 was received or expended, is there any obligation to file a report? My specific question is, would a report be required stating 'no more than $1,000 received or expended?'

"(3) Is there a time limit which is imposed between the receipt of a campaign contribution and the deposit of such a contribution in a campaign account?"

JOHN D. DINGELL,
Member of Congress.

B. Corporate Contributions from Membership Organization (Request Edited by the Commission).

"Dear Mr. Chairman: I am writing to you in an effort to clarify a question with regard to a contribution to my Citizens for John D. Dingell Campaign Committee.

"The contributor is a VFW Post which is incorporated. Can a contribution be accepted from them, although they are incorporated, if a vote of the Executive Board is taken approving the contribution?"

* * * * *

JOHN D. DINGELL,
Member of Congress.

Source: Congressman John D. Dingell, 2210 Rayburn House Office Building, Washington, D.C. 20515, (June 25, 1975).

AOR 1975–17: Request by Congressman Neal (Campaign Contributions from a Partnership) (Request Edited by the Commission).

"Dear Sir: I would appreciate * * * an advisory opinion on the following question: 'How much money in campaign contributions may I accept from a two or three member partnership?'

"* * *"

STEPHEN L. NEAL,
Member of Congress.

Source: Congressman Stephen L. Neal, 502 Cannon House Office Building, Washington, D.C. 20515, (June 12, 1975).

Dated: July 11, 1975.

NEIL STAEBLER,
Vice Chairman for the Federal Election Commission.

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