

ber 14, 1974 (2 days), at New York, N.Y., in a hearing room to be later designated. MC 139645, Service Motor Freight, Inc., now being assigned hearing October 9, 1974 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC-106603 Sub 131, Direct Transit Lines, Inc., now being assigned hearing October 1, 1973 (1 day) in Room 228, Federal Bldg., & U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio.

MC-107295 Sub 700, Pre-Fab Transit Co., now being assigned hearing October 8, 1974 (1 day), in Room 235, Fed. Bldg., & U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-18394 Filed 8-9-74;8:45 am]

#### FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 7, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before August 27, 1974.

FSA No. 42862—Chemicals from Sarnia, Ontario, Canada. Filed by Southwestern Freight Bureau, Agent, (No. B-479), for interested rail carriers. Rates on chemicals, in tank-car loads, as described in the application, from Sarnia, Ontario, Canada, to Freeport, Texas, Plaquemine and Port Allen, Louisiana.

Grounds for relief—Market competition.

Tariff—Supplement 17 to Southwestern Freight Bureau, Agent, tariff, 12-I, I.C.C. No. 5132. Rates are published to become effective on September 2, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-18395 Filed 8-9-74;8:45 am]

#### FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 7, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before August 27, 1974.

FSA No. 42861<sup>1</sup>—Pipeline Rates—Petroleum Products from the Southwest. Filed by Williams Pipe Line Company (No. 1), for interested rail carriers. Rates on petroleum products, as described in the application, from points in Kansas, Oklahoma, and Texas, to specified points in Iowa, Illinois, and Missouri.

Grounds for relief—Market and carrier competition.

Tariffs—Williams Pipe Line Company tariffs 3 and 4, I.C.C. Nos. 4 and 5, respectively. Rates are published to become effective on September 1, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-18396 Filed 8-9-74;8:45 am]

[Notice No. 136]

#### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

AUGUST 12, 1974.

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 September 3, 1974. 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-75221. By order of July 25, 1974, the Motor Carrier Board approved the transfer to Max V. Moffit and Kenneth W. Moffit, doing business as Moffit Bros. School Transportation Contractors, Lostine, Oreg., of Certificate No. MC-113390 issued July 28, 1952, to Wallowa Valley Stages, Inc., Joseph, Oreg., authorizing the transportation of passengers and their baggage, and express, mail, and newspapers between La Grande, Joseph, and Wallowa Lake, Oreg. Donald A. Ericson, Esq., Richter, Wimberley & Ericson, 708 Old National Bank Building, Spokane, Wash. 99201.

No. MC-FC-75282. By order of July 25, 1974, the Motor Carrier Board approved the transfer to Conley Truck Lines, Inc., Gandy, Nebr., of the operating rights in Certificate No. MC-18080, issued June 10,

<sup>1</sup> Amended to show the effective date, which was omitted in FEDERAL REGISTER notice of August 6, 1974.

1969, to A. S. Conley, doing business as Conley Truck Lines, Gandy, Nebr., authorizing the transportation of various commodities from, to and between specified points and areas in Missouri, Colorado, Nebraska, Kansas, and Iowa. Patrick E. Quinn, 605 South 14th St., Lincoln, Nebr. 68501, Attorney for applicants.

No. MC-FC-75283. By order of July 25, 1974, the Motor Carrier Board approved the transfer to Billie G. Peterson, doing business as Salmon River Stages, P.O. Box 806, Salmon, Idaho, 83467, of the operating rights in Certificates Nos. MC-1578 and MC-1578 (Sub-No. 2) issued March 24, 1958, and April 29, 1964, respectively to Owen W. Peterson and Billy G. Peterson, a partnership, doing business as Salmon River Stages, Blackfoot, Idaho, authorizing the transportation of passengers and their baggage, over regular routes between specified points in Idaho.

No. MC-FC-75285. By order entered July 26, 1974, the Motor Carrier Board approved the acquisition by Clare M. Moyer, Pennsburg, Pa. 18073, of control of Perkiomen Tours, Inc., East Greenville, Pa. 18041, which holds a license under No. MC-12581, issued March 4, 1954, authorizing operations as a broker at Greenville, Pa., in connection with transportation by motor vehicle in interstate or foreign commerce, of passengers and their baggage, in round-trip tours, beginning and ending at points within 25 miles of East Greenville, Pa., except (Conshohocken, West Conshohocken, Norristown, Bridgeville, Collegeville, and Trappe, Pa., and extending to points in the United States. S. Berne Smith, 100 Pine St., P.O. Box 1166, Harrisburg, Pa. 17108, attorney for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-18397 Filed 8-9-74;8:45 am]

#### IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

##### Elimination of Gateway Letter Notices

AUGUST 7, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before August 22, 1974. 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-1117 (Sub-No. E1), filed May 8, 1974. Applicant: M.G.M. TRANSPORT CORP., 70 Maltese Drive, Totowa, N.J. 07511. 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: (1) *New furniture*, uncrated, as described in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Orange, Rockland, Suffolk, Ulster, Dutchess, Nassau, Putnam, Sullivan, and Westchester Counties, N.Y., and New York, N.Y., to points in Pennsylvania, Maryland, Delaware, Virginia, and the District of Columbia which are within 350 miles of Paterson, N.J. (except from New York, N.Y., to Newcastle County, Del., and Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties and except from Orange, Rockland, Ulster, Dutchess, Westchester, Putnam, and Sullivan Counties to that portion of Pennsylvania east of a line beginning at the New York-Pennsylvania State line, and extending along Interstate Highway 81 to its junction with Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to Reading, Pa., thence along Interstate Highway 176 to its junction with Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to the Pennsylvania-Maryland State line, and except from Orange and Sullivan Counties to Kent and Newcastle Counties, Del., points in Maryland and points in Pennsylvania).

(2) *New furniture*, uncrated, and *furniture frames*, uncrated, from Philadelphia County, Pa., to points in Massachusetts, Connecticut, Rhode Island, Vermont, and New Hampshire which are within 350 miles of Paterson, N.J. (3) *New furniture*, uncrated, from ports of entry in New York on and east of New York Highway 87 and west of U.S. Highway 9, to points in Delaware and points in Maryland south of the Chesapeake and Delaware Canal and east of the Chesapeake Bay. (4) *New furniture*, crated, as described in Appendix II of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Philadelphia County, Pa., to points in Fairfield County, Conn. (5) *New furniture*, crated, as described in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except articles listed as store fixtures and office fixtures, and kitchen equipment in Appendices III and IV to the same report), from points in Philadelphia County, Pa., to points in Connecticut and Rhode Island, and those in Berkshire, Hampshire, Hampden, and Franklin Counties, Mass. (6) (a) *New furniture*, from ports of entry on the United States-Canada In-

ternational Boundary line located in Vermont, to points in Philadelphia County, Pa., and (b) *Returned shipments* of new furniture, from the above-named destination points to the above-named origin points. The purpose of this filing is to eliminate the gateways of (a) in (1), (2), and (3) above, points in Passaic County, N.J., (b) in (4) and (5) above, Paterson, N.J., and (c) in (6) above points in that part of New Jersey on and north of New Jersey Highway 33.

No. MC-2368 (Sub-No. E2), filed May 29, 1974. Applicant: BRALLEY-WILLET TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fuming nitric acid*, and *nitric acid propellant*, in bulk, in tank vehicles, from Hopewell, Va., to Vandenberg Air Force Base, Sunnyvale, Santa Cruz, Edwards Air Force Base, Santa Susana, San Juan Capistrano, and Huntington Beach, Calif., and Holloman Air Force Base, N. Mex. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-14552 (Sub-No. E1), filed May 20, 1974. Applicant: J. V. McNICHOLAS TRANSPORTATION CO., P.O. Box 749, Youngstown, Ohio 44501. Applicant's representative: James R. Grace (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe, conduit, metallic tubing and fittings* for the above described commodities, from points in Pennsylvania within 35 miles of Youngstown, Ohio, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Wisconsin, Missouri, Minnesota, and points in West Virginia on and south of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 60, thence to its intersection with U.S. Highway 19, thence along U.S. Highway 19 to the intersection of U.S. Highway 19 and West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Youngstown, Ohio.

No. MC-14552 (Sub-No. E2), filed May 20, 1974. Applicant: J. V. McNICHOLAS TRANSPORTATION CO., P.O. Box 749, Youngstown, Ohio 44501. Applicant's representative: James R. Grace (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A & B explosives, household goods defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Pennsylvania located within 35 miles of Youngstown, Ohio, and east of a line beginning at the Ohio-Pennsylvania State line, and extending along Pennsylvania Highway 58, thence along Pennsylvania Highway 58 to its intersection with Pennsylvania Highway 18, thence along Pennsylvania Highway 18

to its intersection with Pennsylvania Highway 551, thence along Pennsylvania Highway 551 to its intersection with Pennsylvania Highway 168, thence along Pennsylvania Highway 168 to its intersection with U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-West Virginia State line, to points in Ohio within 35 miles of Youngstown, Ohio. The purpose of this filing is to eliminate the gateway of Youngstown, Ohio.

No. MC-14552 (Sub-No. E3), filed May 20, 1974. Applicant: J. V. McNICHOLAS TRANSPORTATION CO., P.O. Box 749, Youngstown, Ohio 44501. Applicant's representative: James R. Grace (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pipe and tubing*, from points in Pennsylvania within 35 miles of Youngstown, Ohio, to points in New York, Rhode Island, New Jersey, Massachusetts, Delaware, and points in Connecticut on, north, and east of a line beginning at the New York-Connecticut State line and extending along Connecticut Highway 102, thence along Connecticut Highway 102 to its intersection with U.S. Highway 7, thence along U.S. Highway 7 to its intersection with Connecticut Highway 33, thence along Connecticut Highway 33 to its intersection with Connecticut Highway 15, thence along Connecticut Highway 15 to its intersection with Connecticut Highway 58, thence along Connecticut Highway 58 to Bridgeport, Conn., and points in Maryland on and south of a line beginning at the Maryland-Delaware State line and extending along U.S. Highway 301 to its intersection with U.S. Highway 50, thence along U.S. Highway 50 to the Maryland-Virginia State line and points in Virginia on and north of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 250, to its intersection U.S. Highway 15, thence along U.S. Highway 15, to its intersection with Virginia Highway 20, thence along Virginia Highway 20 to its intersection with Virginia Highway 218, thence along Virginia Highway 218 to the Potomac River. The purpose of this filing is to eliminate the gateway of Youngstown, Ohio.

No. MC-25798 (Sub-No. E24), filed May 2, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, in containers, in vehicles equipped for temperature control, from points in Monroe, and Wayne Counties, N.Y., to points in Georgia and those in South Carolina on, west, and south of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 601 to its intersection with U.S. Highway 521, thence along U.S. Highway 521 to Winyah Bay, and the

Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Hendersonville, N.C.

No. MC-52054 (Sub-No. E3), filed May 10, 1974. Applicant: S & C TRANSPORT COMPANY, INC., 65 State Street, Hutchinson, Kans. Applicant's representative: D. S. Hult, P.O. Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, not frozen (except fresh meats and dairy products), from La Junta, Colo., to points in Missouri, Arkansas, those in North Dakota and South Dakota on and east of U.S. Highway 281, those in Oklahoma and Nebraska on and east of U.S. Highway 81, and those in Texas on and east of a line beginning at the Oklahoma-Texas State line, and extending along Interstate Highway 35 to its junction with Texas Highway 123, thence along Texas Highway 123 to its intersection with U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Hutchinson, Kans.

No. MC-52657 (Sub-No. E5), filed May 9, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New foreign-made automobiles*, by the truckaway method, in secondary movements, (a) from Toledo, Ohio, to points in Arkansas on and west of U.S. Highway 65 commencing at the Missouri-Arkansas State line near Harrison, Ark., thence south on U.S. Highway 65 to Little Rock, Ark., thence south on U.S. Highway 167 to the Arkansas-Louisiana State line near Junction City, Ark.; (b) from Monroe, Mich., to points in Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming; (c) from Monroe, Mich., to points in Arkansas on and west of U.S. Highway 65 commencing at the Missouri-Arkansas State line near Harrison, Ark., thence south on U.S. Highway 65 to Little Rock, Ark., thence south on U.S. Highway 167 to the Arkansas-Louisiana State line near Junction City, Ark. (2) *New foreign-made automobiles*, in secondary movements, in truckaway service, (a) from Memphis, Tenn., to points in Nebraska and South Dakota, restricted to shipments having a prior movement by rail, water, or motor carrier; (b) from Memphis, Tenn., to points in Kansas (except that portion south and east of a line commencing at the Missouri-Kansas State line near Trading Post, going west on Kansas Highway 52 to the junction Kansas Highway 31 at Lone Elm, thence north on Kansas Highway 31 to junction U.S. Highway 169, thence south on U.S. Highway 169 to junction Kansas Highway 57 near Colony, thence west on Kansas Highway 57 to junction Kansas Highway 99 near Madison, thence south on Kansas Highway 99 to junction U.S. Highway 54 near

Eureka, thence west on U.S. Highway 54 to junction U.S. Highway 77 at El Dorado, thence south on U.S. Highway 54 and 77 to junction Kansas Highway 96 near Haverhill, thence west on Kansas Highway 96 to junction Interstate Highway 35, thence south on Interstate Highway 35 to junction U.S. Highway 160 near Wellington, thence west on U.S. Highway 160 to junction Kansas Highway 179 near Harper, thence south on Kansas Highway 179 to the Oklahoma-Kansas State line near Anthony), restricted to shipments having a prior movement by rail, water, or motor carrier.

(3) *New foreign-made automobiles*, by truckaway method, in secondary movements, from Bloomington, Ill., to points in Montana, North Dakota, and South Dakota (except that portion south and east of a line commencing at the South Dakota-Minnesota State line near Valley Springs, going west on U.S. Highway 16 to junction South Dakota Highway 45, thence south on South Dakota Highway 45 to junction South Dakota Highway 44 near Platte, thence west on South Dakota Highway 44 to junction South Dakota Highway 47 near Dixon, thence south on South Dakota Highway 47 to the Nebraska-South Dakota State line.

(4) *New foreign-made automobiles*, in secondary movements, in truckaway service, from Bloomington, Ill., to points in Kansas, restricted to shipments having a prior movement by rail, water or motor carrier. (5) *New foreign-made automobiles*, in secondary movements, in truckaway service, from Bloomington, Ill., to points in Nebraska (except those east and north of a line commencing with U.S. Highway 183 at the South Dakota-Nebraska State line near Wewela, S. Dak., thence south on U.S. Highway 183 to junction Nebraska Highway 91, thence east over Nebraska Highway 91 to junction Nebraska Highway 11, thence south on Nebraska Highway 11 to junction Nebraska Highway 92, thence east of Nebraska Highway 92 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction Nebraska Highway 41, thence east on junction Nebraska Highway 41 to the junction of U.S. Highway 136, thence east on U.S. Highway 136 to the Missouri-Nebraska State line, near Brownville, Nebr., restricted to shipments having a prior movement by rail, water, or motor carrier.

(6) *New foreign-made automobiles*, by truckaway method, in secondary movements, from South Bend, Ind., to points in Montana, Nebraska, North Dakota, and South Dakota. (7) *New foreign-made automobiles*, by truckaway method, in secondary movements, from Deerfield, Ill., to points in Montana, Nebraska, North Dakota, and South Dakota. (8) *New foreign-made automobiles*, in secondary movements, in truckaway service, from South Bend, Ind., to points in Kansas, restricted to shipments having a prior movement by rail, water, or motor carrier. (9) *New foreign-made automobiles*, in secondary movements, in truckaway service, from Deerfield, Ill., to

points in Kansas, restricted to shipments having a prior movement by rail, water, or motor carrier. The purpose of this filing is to eliminate the gateways of Kenosha, Wis., in (1), (3), (6), and (7) above; and Kansas City, Mo., in (2), (4), (5), (8), and (9).

No. MC-52657 (Sub-No. E6), filed May 9, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Communication shelters* either unequipped or equipped with mobile transmitting and receiving sets and accessories thereof, from York, Pa., to points in Iowa; (2) *Communication shelters* either unequipped or equipped with mobile transmitting and receiving sets and accessories thereof, from York, Pa., to points in Wisconsin; (3) *Equipped and unequipped communication shelters*, from York, Pa., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, and Mississippi; (4) *Communication shelters* either unequipped or equipped with mobile transmitting and receiving sets and accessories thereof, from York Township, Windsor Township and East Manchester Township, Pa., to points in Iowa; (5) *Communication shelters* either unequipped or equipped with mobile transmitting and receiving sets and accessories thereof, from York Township, Windsor Township and East Manchester Township, Pa., to points in Wisconsin; (6) *Communication shelters* either unequipped or equipped, from York Township, Windsor Township and East Manchester Township, Pa., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, and Mississippi; (7) *Equipped or unequipped communication shelters*, from York Township, Windsor Township and East Manchester Township, Pa., to points in Alaska, Arizona, California, Colorado, Delaware, Idaho, Kansas, Maryland, Minnesota, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wyoming, and the District of Columbia; (8) *New foreign-made automobiles* by truckaway method, in secondary movements, from Louisville, Ky., to points in Montana, North Dakota, and South Dakota; (9) *New foreign-made automobiles*, in secondary movements, in truckaway service, from Louisville, Ky., to points in Kansas and Nebraska, restricted to shipments having a prior movement by rail, water, or motor carrier.

(10) *New foreign-made automobiles* by the truckaway method, in secondary movements, from Indianapolis, Ind., to points in Montana, North Dakota, and South Dakota; (11) *New foreign-made automobiles*, in secondary movements, in truckaway service, from Indianapolis, Ind., to points in Kansas and Nebraska, restricted to shipments having a prior movement by rail, water, or motor carrier; (12) *New foreign-made automobiles*

by truckaway method, in secondary movements, from Evansville, Ind., to points in Montana, North Dakota, and South Dakota; (13) *New foreign automobiles*, in secondary movements, in truckaway service, from Evansville, Ind., to points in Kansas and Nebraska, restricted to shipments having a prior movement by rail, water, or motor carrier; (14) *New foreign-made automobiles* by truckaway method, in secondary movements, from Effingham, Ill., to points in Montana, North Dakota, and South Dakota; (15) *New foreign automobiles*, in secondary movements, in truckaway service, from Effingham, Ill., to points in Kansas and Nebraska, restricted to shipments having a prior movement by rail, water, or motor carrier; (16) *New foreign-made automobiles* by truckaway method, in secondary movements, from Nashville, Tenn., to points in Montana, North Dakota, and South Dakota; (17) *New foreign automobiles*, in secondary movements, in truckaway service, from Nashville, Tenn., to points in Kansas and Nebraska, restricted to shipments having a prior movement by rail, water, or motor carrier.

(18) *New foreign-made automobiles* by truckaway method, in secondary movements, from Ft. Wayne, Ind., to points in Montana, North Dakota, and South Dakota; (19) *New foreign automobiles*, in secondary movements, in truckaway service, from Ft. Wayne, Ind., to points in Kansas, restricted to shipments having a prior movement by rail, water, or motor carrier; (20) *New foreign automobiles*, in secondary movements, in truckaway service, from Ft. Wayne, Ind., to points in Nebraska (except those north of a line beginning at the junction of the Platte River with the Missouri River, west along the Platte River to junction Nebraska Highway 92, thence over Nebraska Highway 92 to junction Nebraska Highway 58, thence north over Nebraska Highway 58 to junction Nebraska Highway 70, thence west over Nebraska Highway 70 to junction Nebraska Highway 2, thence west over Nebraska Highway 2 to junction Nebraska Highway 61, thence north over Nebraska Highway 61 to the Nebraska-South Dakota State line near Merriman, Nebr.), restricted to shipments having a prior movement by rail, water, or motor carrier; (21) *New foreign-made automobiles*, by truckaway method, in secondary movements, from Detroit, Mich., to points in Arkansas (except that part of Arkansas north and east of a line beginning at the Mississippi River and U.S. Highway 49 near Helena), thence west on U.S. Highway 49 to junction Arkansas Highway 1 near Barton, thence north on Arkansas Highway 1 to junction U.S. Highway 63 near Jonesboro (but including Jonesboro, Ark.), thence north on U.S. Highway 63 to junction U.S. Highway 67 near Hoxie (but including Hoxie, Ark.), thence north on U.S. Highway 67 to junction Arkansas Highway 115 near Pochontas (but including Pochontas, Ark.), thence north on Arkansas Highway 115 to the Missouri-Arkansas State line (including Middlebrook,

Ark.), and points in Kansas, Louisiana, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

(22) *New foreign-made automobiles*, by truckaway method, in secondary movements, from Detroit, Mich., to points in Mississippi (except those in the Counties of Alcorn, Benton, De Soto, Marshall, Tate, Tippah, and Lunica; those in Panola County on and north of Mississippi Highway 315; and those east of a line beginning at the Mississippi-Tennessee State line over U.S. Highway 45 to junction Natchez Trace National Parkway to junction Mississippi Highway 35, thence over Mississippi Highway 35 to junction Mississippi Highway 13, thence over Mississippi Highway 13 to junction Mississippi Highway 26, thence east over Mississippi Highway 26 to junction U.S. Highway 98, thence east over U.S. Highway 98 to the Mississippi-Alabama State line); and (2) *New foreign automobiles*, in secondary movements, in truckaway service, (a) from East St. Louis, Ill., to points in Kansas, Nebraska, and South Dakota, restricted to shipments having a prior movement by rail, water, or motor carrier; and (b) from Lewisburg, W. Va., to points in Kansas, Nebraska, and South Dakota, restricted to shipments having a prior movement by rail, water, or motor carrier.

The purpose of this filing is to eliminate the gateways of DeKalb, Ill., in (1) and (4) above; Hanover, Pa., in (2) and (5); Pikesville, Md., in (3); York, Pa., and Pikesville, Md., in (6); York, Pa., in (7); Kenosha, Wis., in (8), (10), (12), (14), (16), (18), (21), and (22); and Kansas City, Mo., in (9), (11), (13), (15), (17), (19), (20), and (23).

No. MC-73165 (Sub-No. E17), filed May 14, 1974. Applicant: EAGLE MOTOR LINES INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, valves, hydrants, and gaskets* (except those requiring special equipment), (1) from points in Mississippi on and south of U.S. Highway 78 to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, and Maryland; (2) points in Mississippi to points in Pennsylvania on and east of U.S. Highway 219, and points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, and Maryland; (3) from points in Tennessee on and west of a line beginning at the Alabama-Tennessee State line and extending along U.S. Highway 45 to its junction with U.S. Highway 45W, thence along U.S. Highway 45W to the Tennessee-Kentucky State line, to points in the United States on and east of a line beginning at Philadelphia, Pa., thence over Pennsylvania Turnpike Extension to Scranton, thence over U.S. Highway 11 to Maple View, N.Y., thence over New York Highway 104 to Oswego, N.Y.; (4)

from points in Tennessee and Georgia on and west of U.S. Highway 41 to points in Maine; and (5) from points in Georgia on and west of U.S. Highway 27 to points in the United States on and east of Interstate Highway 87. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC-75840 (Sub-No. E23), filed May 20, 1974. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 1105, Birmingham, Ala. Applicant's representative: Guy H. Postell, 3384 Peachtree Road, N.E., Suite 713, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, and livestock), (1) from points in that part of Ohio west of a line beginning at Timberlake, thence along Ohio Highway 91 to junction Interstate Highway 76, thence west on Interstate Highway 76 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line and that part of West Virginia west of a line beginning at the Ohio-West Virginia State line, thence along Interstate Highway 77 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Virginia-West Virginia State line, to Birmingham, Ala., and points on and south of U.S. Highway 22 within 65 miles thereof; and (2) from points in that part of Ohio west and south of a line beginning at Huron, thence along Ohio Highway 13 to junction Ohio Highway 256, thence along Ohio Highway 256 to junction Ohio Highway 664, thence along Ohio Highway 664 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction U.S. Highway 35, thence along U.S. Highway 35 to the Ohio-West Virginia State line, and that part of West Virginia west of a line beginning at the Ohio-West Virginia State line, thence along Interstate Highway 77 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Virginia-West Virginia State line, to Montgomery, Ala. The purpose of this filing is to eliminate the gateway of points in North Carolina.

No. MC-76661 (Sub-No. E1), filed June 4, 1974. Applicant: SMITH TRUCK SERVICE, INC., P.O. Box 373, Perry, Okla. 73107. Applicant's representative: Rufus H. Lawson, P.O. Box 78124, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies, and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, (1) between points in Kansas, on the one hand, and, on the other, points in Louisiana and

Arkansas; (2) between points in that part of Texas on and west of U.S. Highway 281, on the one hand, and, on the other, points in Arkansas; (3) between points in that part of Texas, on, north, and east of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 281 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Texas-Louisiana State line, on the one hand, and, on the other, points in that part of Arkansas on and north of Interstate Highway 40; (4) between points in Texas, on the one hand, and, on the other, points in Benton, Washington, Crawford, Sebastian, Logan, Franklin, Johnson, Madison, Carroll, Boone, Marion, Newton, Searcy, Van Buren, Pope, Conway, and Faulkner Counties, Ark.; (5) between points in that part of Texas on and north of U.S. Highway 82, on the one hand, and, on the other, points in Louisiana; and (6) between points in Lubbock, Lynn, Terry, Dawson, Martin, Gaines, Andrews, Midland, Ector, Upton, Crane, Pecos, Winkler, Loving, Ward, Reeves, Jeff Davis, Culberson, Hudspeth, and El Paso Counties, Tex., on the one hand, and, on the other, points in that part of Louisiana on and north of U.S. Highway 84. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC-85881 (Sub-No. E1), (CORRECTION), filed May 6, 1974, published in the FEDERAL REGISTER, June 19, 1974. Applicant: AMSCO TRANSPORTATION, INC., P.O. Box 33280, Houston, Tex. 77033. Applicant's representative: A. M. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, (1) from Corpus Christi, Galveston, and Houston, Tex., to points in Mississippi, Arkansas, and Oklahoma; points in Louisiana (except from Galveston to points in the Parishes of Vernon, Rapides, Beauregard, Allen, Evangeline, St. Landry, Calcasieu, Jefferson, Acadia, St. Martin, Cameron, Vermilion, Iberia, and Lafayette); and points in New Mexico (except from Corpus Christi to points in Dona Ana and Eddy Counties; those in Otero County south and east of U.S. Highway 82; and those in Chaves and Lea Counties south of U.S. Highway 380); and (2) from Corpus Christi, Galveston, and points in Fort Bend County, Tex., to points in Colorado, Illinois, Kansas, Kentucky, Missouri, Tennessee, and Utah; and points in Arizona (except from Corpus Christi to points in Cochise, Graham, and Greenlee Counties; those points in Pima and Santa Cruz Counties east of U.S. Highway 89; those points in Pinal County both east of U.S. Highway 89 and south of U.S. Highway 60; those points in Gila County east of a line beginning at the western County line and extending over U.S. Highway 60 to Claypool, Ariz., thence over Arizona Highway 88 to junction Salt River, thence along the Salt River to junction U.S. Highway 60, thence over U.S. Highway 60 to the northern boundary of Gila County, and

those points in Navajo and Apache Counties south of U.S. Highway 60). The purpose of this filing is to eliminate the gateway of points in Fort Bend County, Tex., in (1) above; and Houston, Tex., in (2) above. The purpose of this correction is to correct the spelling of Fort Bend County, Tex., and applicant's name and to set forth the correct exceptions in the destination territories.

No. MC-95540 (Sub-No. E356), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pittsburgh and Saltsburg, Pa., to points in Texas on and south of Interstate Highway 10. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-95540 (Sub-No. E358), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212-5299, Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen fruits and vegetables*, in vehicles equipped with mechanical refrigeration (except in bulk), from points in Texas on and south of a line beginning at the Texas-New Mexico State line and extending along Texas Highway 116 to Lubbock, thence on U.S. Highway 82 to its junction with Texas Highway 199, thence along Texas Highway 119 to its junction with U.S. Highway 380, thence along U.S. Highway 380 to its junction with Interstate Highway 30, thence along Interstate Highway 30 to its junction with Texas Highway 49, thence along Texas Highway 49 to its junction with Texas Highway 11, thence along Texas Highway 11 to its junction with Texas Secondary Highway 125 to the Texas-Louisiana State line, to points in New Jersey. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC-95540 (Sub-No. E359), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen dairy products*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Walton, N.Y., to points on and southwest of a line beginning at the Kansas-Oklahoma State line, and extending along U.S. Highway 83 to its junction with U.S. Highway 270, thence along U.S. Highway 270 to its junction with Oklahoma Highway 15, thence along Oklahoma Highway 15 to its junction with U.S. Highway 81, thence along U.S.

Highway 81 to its junction with Oklahoma Highway 51, thence along Oklahoma Highway 51 to its junction with U.S. Highway 62, thence along U.S. Highway 62 to the Arkansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of the plant site and warehouse sites of the Commercial Cold Storage, Inc., located at or near Doraville, Ga.

No. MC-95540 (Sub-No. E375), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212-5299, Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, not coldpack or frozen, from Red Creek, Waterloo, Rushville, Penn Yan, Egypt, Fairport, Lyons, Newark, and Syracuse, N.Y., to points in Louisiana on, east and south of a line beginning at the Texas-Louisiana State line, and extending along Louisiana Highway 12 to its junction with U.S. Highway 190, thence along U.S. Highway 190 to its junction with Louisiana Highway 21, thence along Louisiana Highway 21 to the Louisiana-Mississippi State line. The purpose of this filing is to eliminate the gateways of points in Delaware (except those south of the Chesapeake and Delaware Canal) and Pike and Spaulding Counties, Ga.

No. MC-95540 (Sub-No. E452), filed May 16, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in Virginia south and east of a line beginning at the Virginia-North Carolina state line and extending along Interstate Highway 85 to Petersburg, thence along Interstate Highway 95 to Richmond; thence along Interstate Highway 64 to its junction with Virginia Highway 33; thence along Virginia Highway 33 to the Chesapeake Bay, thence along the Chesapeake Bay to the Atlantic Ocean; points in Texas on and south of a line beginning at the Texas-New Mexico state line and extending along U.S. Highway 180 to Lamesa; thence along U.S. Highway 87 to its junction with Texas Highway 158; thence along Texas Highway 158 to Balinger; thence along U.S. Highway 67 to Brownwood; thence along U.S. Highway 84 to Waco; thence along Texas Highway 164 to Buffalo; thence along U.S. Highway 75 to its junction with Texas Highway 7, thence along Texas Highway 7 to Ratcliff; thence along Texas Highway 103 to Lufkin; thence along U.S. Highway 69 to its junction with Texas Highway 63; thence along Texas Highway 63 to Jasper; thence along U.S. Highway 190 to the Texas-Louisiana state line. The purpose of this filing is to eliminate the gateways of Jacksonville, Florida, and Gulfport, Miss.

No. MC-95540 (Sub-No. E459), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Arkansas, to points in Massachusetts. The purpose of this filing is to eliminate the gateway of points in New York.

No. MC-95540 (Sub-No. E481), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsites and warehouse facilities used by One-Ida Foods, Inc., in Montcalm County, Mich., to points in South Carolina on and east of a line, beginning at the Savannah River, and extending along U.S. Highway 321 to Chester, thence along South Carolina Highway 72/121 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateway of Crozet, Va.

No. MC-95540 (Sub-No. E486), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd., NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Prattville, N.Y., to points in Arizona. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis, Tennessee, and points in the Commercial Zone thereof).

No. MC-95540 (Sub-No. E489), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd., NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk, in tank vehicles), from Buffalo, N.Y., to points in Arizona. The purpose of this filing is to eliminate the gateways of points in Tennessee (except Memphis, Tenn., and points in the Commercial Zone thereof).

No. MC-95540 (Sub-No. E490), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd., NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plant site of Morton Frozen Foods, Division of Continental

Baking Company, located at or near Russellville, Ark., to points in California on and north of a line beginning at the California-Nevada State line, and extending along Interstate Highway 80 to San Francisco. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis, Tenn., and points in the Commercial Zone thereof).

No. MC-95540 (Sub-No. E551) (Correction), filed May 9, 1974, published in the FEDERAL REGISTER July 8, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd., NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, not coldpack or frozen, from Red Creek, Waterloo, Rushville, Penn Yan, Egypt, Fairport, Lyons, Newark, and Syracuse, N.Y., to points in Georgia on and south of a line beginning at the Georgia-Alabama State line and extending along Georgia Highway 8 to its junction with Georgia Highway 100, thence along Georgia Highway 100 to its junction with Georgia Highway 120, thence along Georgia Highway 120 to its junction with Georgia Highway 92, thence along Georgia Highway 92 to its junction with Georgia Highway 5, thence along Georgia Highway 5 to its junction with Georgia Highway 108, thence along Georgia Highway 108 to its junction with an unnumbered Georgia Highway, thence along an unnumbered Georgia Highway to its junction with Georgia Highway 52, thence along Georgia Highway 52 to its junction with an unnumbered Georgia Highway, thence along an unnumbered Georgia Highway to its junction with Georgia Highway 60, thence along Georgia Highway 60 to its junction with U.S. Highway 76, thence along U.S. Highway 76 to its junction with Georgia Highway 69, thence along Georgia Highway 69 to the Georgia-North Carolina State line. The purpose of this filing is to eliminate the gateway of points in Virginia on the Del-Mar-Va Peninsula south of the Chesapeake and Delaware Canal. The purpose of this correction is to redescribe a portion of the route description.

No. MC-100666 (Sub-No. E95), filed May 12, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aluminum windows and doors* from Broken Bow, Okla., to points in Michigan, Ohio, and Wisconsin. The purpose of this filing is to eliminate the gateways of points within 250 miles of Texarkana, Tex., and Tap City, Ark.

No. MC-100666 (Sub-No. E96), filed May 12, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as

above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Composition board* from the Flakeboard plant site of the Crossett Lumber Company, at Crossett, Ark., to points in California, Idaho, Montana, Nevada, Oregon, Utah, and Washington, and points in Arizona in Mohave, Coconino, Yavapai, and Yuma Counties, and points in Apache and Navajo Counties, north of U.S. Highway 160. The purpose of this filing is to eliminate the gateway of Pittsburg, Kans.

No. MC-100666 (Sub-No. E97), filed May 12, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Windows and doors* complete with glass panes from Broken Bow, Okla., to points in Colorado and New Mexico. The purpose of this filing is to eliminate the gateways of points within 250 miles of Texarkana, Tex., and Duke, Okla.

No. MC-100666 (Sub-No. E98), filed May 12, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Composition roofing and composition building slabs* from Terry, Miss., to points in Arizona (except Greenlee, Graham, Pinal, Cochise, Santa Cruz, and Pima Counties), and points in California, Idaho, Montana, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Pittsburg, Kans.

No. MC-100666 (Sub-No. E99), filed May 12, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aluminum doors and windows* complete with glass panes from Dierks and Mountain Pine, Ark., and Broken Bow and Wright City, Okla., to points in Minnesota on and west of a line from the Minnesota-Iowa State line along the Mississippi River to its junction with the western boundary of Itasca County, thence along the western boundaries of Itasca and Koochiching Counties to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateways of points within 250 miles of Texarkana, Tex., and Tap City, Ark.

No. MC-100666 (Sub-No. E100), filed May 12, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a common carrier, by motor vehicle, over

irregular routes, transporting: (1) *Composition boards and accessories* from the plant site of the Celotex Corporation at Marrero, La., to points in North Dakota and South Dakota (Pittsburg, Kans.)\*. (2) *Fiberboard, particleboard, composition wallboard, and composition roofing, insulating, sheathing, and gypsum plastic products* from the plant site of the Celotex Corporation at Marrero, La., to points in Tennessee on and west of Tennessee Highway 69 (West Memphis, Tenn.)\*, and points in Wyoming (West Memphis, Tenn.), and points in Henry County, Tenn.)\*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC-106274 (Sub-No. E20), filed May 10, 1974. Applicant: RAEFORD TRUCKING COMPANY, P.O. Box 219, Sanford, N.C. 27330. Applicant's representative: Edward G. Villalon, Suite 1032, Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), (1) from points in Alamance, Bladen, Chatham, Columbus, Cumberland, Duplin, Durham, Edgecombe, Franklin, Granville, Greene, Halifax, Harnett, Hoke, Johnston, Lee, Lenoir, Montgomery, Nash, Northampton, Orange, Person, Pitt, Randolph, Robeson, Sampson, Vance, Wake, Warren, Wayne, and Wilson Counties, N.C., points in those parts of Beaufort, Craven, Jones, Martin, and Onslow Counties, N.C., on and west of U.S. Highway 17, points in that part of Pender County, N.C., on and west of U.S. Highway 117, to points in West Virginia, and (2) from points in Cabarrus, Guilford, and Rowan Counties, N.C., to points in that part of West Virginia on and north of a line beginning at the West Virginia-Virginia State line, thence along West Virginia 39 to junction U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Ohio State line. RESTRICTION: The operations authorized herein are restricted to traffic originating at points in the above-named origin territory. The purpose of this filing is to eliminate the gateway of points in Chatham County, N.C.

No. MC-106274 (Sub-No. E21), filed May 10, 1974. Applicant: RAEFORD TRUCKING COMPANY, P.O. Box 219, Sanford, N.C. 27330. Applicant's representative: Edward G. Villalon, Suite 1032, Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), (1) from points in Alamance, Bladen, Cabarrus, Chatham, Columbus, Cumberland, Davidson, Davie, Duplin, Durham, Forsyth, Guilford, Harnett, Hoke, Johnston, Lee, Lenoir, Montgomery, Orange, Randolph, Robeson, Rowan, Sampson, Wake, and Wayne Counties, N.C., points in that part of Craven, Jones, and Onslow Counties, N.C., on and west of U.S. Highway 17, and points in that part of Pender County, N.C., on and west of U.S. Highway

117, to points in that part of Maryland north and west of a line beginning at the Maryland-District of Columbia State line, thence along U.S. Highway 29 to junction Maryland Highway 650, thence along Maryland Highway 650 to junction Maryland Highway 108, thence along Maryland Highway 108 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 111, thence along U.S. Highway 111 to junction Maryland Highway 45, thence along Maryland Highway 45 to the Maryland-Pennsylvania State line. RESTRICTION: The operations authorized herein are restricted to traffic originating at points in the above-named described origin territory. The purpose of this filing is to eliminate the gateway of points in Chatham County, N.C.

No. MC-107295 (Sub-No. E137), filed May 12, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from the facilities of Evans Products Company at Chicago, Ill., (a) to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Maryland, and the District of Columbia (Ann Arbor, Mich.)\*; and (b) to points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Idaho, Louisiana, Mississippi, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Virginia, and Washington, restricted in (a) and (b) above to the transportation of traffic having a prior movement by water. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-107403 (Sub-No. E246), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk (except petroleum, petroleum products, coal tar, and coal tar products), from points in Pennsylvania, within 100 miles of Philadelphia, Pa., to points in Wisconsin. (2) *Liquid chemicals*, in bulk, from Philadelphia, Pa., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa., Natrum, W. Va., and the plant site of the B. F. Goodrich Company, in Milan Township (Allen County), Ind. (approximately 13 miles east of Fort Wayne, Ind.), in proposals (1) and (2) above.

No. MC-107496 (Sub-No. E129), filed May 31, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Composition fiberboard*, from Lockport, N.Y., (1) to points in Colorado, Kansas, New Mexico, North Dakota, and South Dakota (Ft. Dodge, Iowa)\*; (2) to points in Arizona, California, Louisiana, and Nevada, (Truman, Ark.)\*; and (3) to points in Alabama, Mississippi, Oklahoma, and Texas (points in Henry County, Tenn.)\*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-107496 (Sub-No. E193), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, stains, varnishes, paint materials, and plastics*, in bulk, in tank vehicles, from points in New York, to points in Arkansas, Kansas, and Oklahoma. The purpose of this filing is to eliminate the gateway of Circleville, Ohio.

No. MC-107496 (Sub-No. E577), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Scottsbluff, Nebr., to points in Iowa. The purpose of this filing is to eliminate the gateway of Norfolk, Nebr.

No. MC-107496 (Sub-No. E578), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (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 Nebraska to points in Ohio. The purpose of this filing is to eliminate the gateway of Omaha, Nebr., and the plant site of Hawkeye Chemical Co., at or near Clinton, Iowa.

No. MC-107496 (Sub-No. E579), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from La Platte, Nebr., to points in Michigan. The purpose of this filing is to eliminate the gateway of Morris, Ill.

No. MC-107496 (Sub-No. E580), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irreg-

ular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from Valley Park, Mo., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC-107496 (Sub-No. E612), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (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 Wyoming to points in Kentucky. The purpose of this filing is to eliminate the gateways of Omaha, Nebr., Ottumwa, Iowa, and the plant site of Ashland Chemical Co., at or near Mapleton, Ill.

No. MC-107496 (Sub-No. E665), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (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 Wood River, Ill., and Roxana, Ill., and points within 3 miles thereof, to points in Wisconsin on and south of U.S. Highway 16 and on and west of U.S. Highway 51. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC-107496 (Sub-No. E671), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Kansas to points in South Dakota west of the Missouri River. The purpose of this filing is to eliminate the gateway of points in Nebraska.

No. MC-107496 (Sub-No. E672), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wax and lube oil*, in bulk, in tank vehicles, from Casper, Wyo., to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Eau Claire, Wis., and points within 20 miles thereof.

No. MC-107496 (Sub-No. E674), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lube oil*, in bulk, in tank vehicles, from Casper, Wyo., to points in Ohio. The purpose of

this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC-107496 (Sub-No. E699), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry phosphate*, in bulk, in tank vehicles, from the plant and storage facilities of Arkla Chemical Corporation, in Phillips County, Ark., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Lawrence, Kans.

No. MC-107496 (Sub-No. E758), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (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 Albany, Ill., and points within 5 miles thereof, to points in Ohio. The purpose of this filing is to eliminate the gateway of the plant site of Hawkeye Chemical Co., at or near Clinton, Iowa.

No. MC-107496 (Sub-No. E758), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonedible oils*, in bulk, in tank vehicles, from points in South Dakota to points in Ohio. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC-107496 (Sub-No. E759), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonedible animal oils*, in bulk, in tank vehicles, from points in South Dakota (except points in south of U.S. Highway 16 and east of U.S. Highway 83). The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC-107496 (Sub-No. E760), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (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 Milan, Ill., to points in Iowa west of U.S. Highway 69. The purpose of this filing is to eliminate the gateway of Davenport, Iowa.

No. MC-107496 (Sub-No. E761), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *com-*

*mon carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, in bulk, in tank vehicles, from Albany, Ill., and points within 5 miles thereof to points in Missouri. The purpose of this filing is to eliminate the gateway of the plant site of Hawkeye Chemical Co., at or near Clinton, Iowa.

No. MC-107496 (Sub-No. E762), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 85, Des Moines, Iowa 50409. Applicant's representative: E. Check (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 Albany, Ill., and points within 5 miles thereof to points in Illinois. The purpose of this filing is to eliminate the gateway of the plant site of Hawkeye Chemical Co., at or near Clinton, Iowa.

No. MC-107496 (Sub-No. E769), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50308. Applicant's representative: E. Check (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 Colorado (except points south of U.S. Highway 24 and east of U.S. Highway 85), to points in Missouri (except points in Atchison, Nodaway, and Hall Counties). The purpose of this filing is to eliminate the gateway of the plant site of Williams Brothers Pipeline Company in Doniphan County, Kans.

No. MC-107496 (Sub-No. E770), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unsymmetrical dimethyl hydrazine*, in bulk, in tank vehicles, from Baltimore, Md., to points in Wyoming. The purpose of this filing is to eliminate the gateway of the plant site of Rocky Mountain Arsenal at or near Denver, Colo.

No. MC-107496 (Sub-No. E771), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). 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, from points in Colorado to points in South Dakota. The purpose of this filing is to eliminate the gateways of Sidney and Norfolk, Nebr.

No. MC-107496 (Sub-No. E772), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above).

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed supplement*, in bulk, from Denver, Colo., to points in Oklahoma (except points west of U.S. Highway 83). The purpose of this filing is to eliminate the gateway of Leoti, Kans.

No. MC-107496 (Sub-No. E773), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (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 Colorado, to points in Kentucky east of U.S. Highway 41. The purpose of this filing is to eliminate the gateways of the plant site of Williams Brothers Pipeline Co., in Doniphan County, Kans., Alexandria, Mo., and the plant site of Ashland Chemical Co., at or near Mapleton, Ill.

No. MC-107496 (Sub-No. E802), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonedible animal oils*, in bulk, in tank vehicles, from points in Wisconsin on and north of U.S. Highway 10 to points in Missouri. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC-107496 (Sub-No. E803), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonedible animal oils*, in bulk, in tank vehicles, from points in Wisconsin on and north of U.S. Highway 10 to points in Texas. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC-110420 (Sub-No. E16), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied hard fat*, from Waterloo, Cedar Rapids, and Des Moines, Iowa, Cudahy, Wis., and Hammond, Ind., to Mount Joy, Pa. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC-110420 (Sub-No. E17), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible fish oils*,

in bulk, in tank vehicles, from Waterloo, Cedar Rapids, and Des Moines, Iowa, Cudahy, Wis., to points in Georgia. The purpose of this filing is to eliminate the gateway of Chicago or Bedford Park, Ill.

No. MC-110420 (Sub-No. E18), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied hard fat*, from Waterloo, Cedar Rapids, and Des Moines, Iowa, Cudahy, Wis., and Hammond, Ind., to Mount Joy, Pa. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC-110420 (Sub-No. E19), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard and shortening*, in bulk, in tank vehicles, from Madison, Wis., to Rochester, Downingtown, and Lititz, Pa., Hamilton, Ohio, Buffalo, Syracuse, and New York, N.Y., Trenton, N.J., and points in that part of New Jersey north of New Jersey Highway 33, that part of Massachusetts north of Interstate Highway 80 and west of Massachusetts Highway 12, Virginia, West Virginia, Delaware, Georgia, Maine, Maryland, and New Hampshire. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC-110420 (Sub-No. E20), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrolyzed fats*, in bulk, in tank vehicles, from Waterloo, Iowa, and Cudahy, Wis., to Buffalo, N.Y. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC-110420 (Sub-No. E21), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable fats*, in bulk, in tank vehicles, (1) from points in Iowa and Minnesota, to Buffalo, New York and New York, N.Y., (2) from points in that part of Illinois in, east, and north of Boone, De Kalb, La Salle, Grundy, Kankakee Counties, to New York, N.Y., (3) from points in that part of Illinois in, west and north of Winnebago, Ogle, Lee, Bureau, Putnam, Marshall, Stark, Knox, Warren, and Henderson Counties, to Buffalo, N.Y., and New

York, N.Y. The purpose of this filing is to eliminate the gateway of Cudahy, Wis., and Decatur, Ind.

No. MC-110525 (Sub-No. E506), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials, hydrofluosilic acid, such 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 North Carolina to points in Texas. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC-110525 (Sub-No. E507), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 North Carolina to points in Utah. The purpose of this filing is to eliminate the gateways of South Charleston, W. Va., and Addyston, Ohio.

No. MC-110525 (Sub-No. E508), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from points in North Carolina to points in Vermont. The purpose of this filing is to eliminate the gateways of Hopewell, Va., and Syracuse, N.Y.

No. MC-110525 (Sub-No. E517), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and liquid coal tar products*, in bulk, in tank vehicles, from points in that part of Ohio east of U.S. Highway 23 (except points in Lake, Mahoning, Trumbull, and Wayne Counties), to points in Delaware. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC-110525 (Sub-No. E518), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and liquid coal tar products*, in bulk, in tank vehicles, from points in that part

of Ohio east of U.S. Highway 23 (except points in Lake, Mahoning, Trumbull, and Wayne Counties), to the District of Columbia. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC-110525 (Sub-No. E519), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19336. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63, M.C.C. 677, in bulk, in tank vehicles, from points in Ohio to points in Florida. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC-111545 (Sub-No. E94) (Correction), filed May 22, 1974, published in the *FEDERAL REGISTER* July 8, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Alabama within 175 miles of Chattanooga, Tenn., to points in that part of New Mexico, on, north, and west of a line beginning at the New Mexico-Texas State line thence along U.S. Highway 66 to Albuquerque, thence along U.S. Highway 85 to the New Mexico-Texas State line. The purpose of this filing is to eliminate the gateway of Piedmont, Ala., and Arkoma, Okla. The purpose of this correction is to define the route description.

No. MC-111545 (Sub-No. E314), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Oklahoma on, east and south of a line beginning at the Oklahoma-Kansas State line, thence along Interstate Highway 35 to Oklahoma City, thence along U.S. Highway 66 to Elk City, thence along Oklahoma Highway 6 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Oklahoma-Texas State line, to points in that part of Minnesota on and east of a line beginning at the Minnesota-Iowa State line, thence along Minnesota Highway 15 to St. Cloud, thence along Minnesota Highway 23 to junction U.S. Highway 61, thence along U.S. Highway 61 to Duluth, thence along Interstate Highway 535 to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateways of Fayetteville, Ark., and Des Moines, Iowa.

No. MC-111545 (Sub-No. E333), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, between points in that part of Tennessee within 175 miles of Chattanooga, Tenn., and on and west of a line beginning at the Tennessee-Kentucky State line, thence along U.S. Highway 27 to Spring City, thence along Tennessee Highway 68 to the Tennessee-Georgia State line, on the one hand, and, on the other, points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line, thence along U.S. Highway 220 to Larrys Creek, thence along Pennsylvania Highway 287 to Tloga, thence along U.S. Highway 15 to the Pennsylvania-New York State line, restricted to the transportation of commodities which are transported on trailers, and restricted against the transportation of knitting machines. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC-111545 (Sub-No. E334), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse-treatment equipment, and parts, attachments, and accessories*, for incinerators and refuse-treatment equipment, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Alabama on, east, and north of a line beginning at the Alabama-Tennessee State line, thence along U.S. Highway 231 to Arab, thence along Alabama Highway 69 to Cullman, thence along U.S. Highway 31 to Montgomery, thence along U.S. Highway 80 to the Alabama-Georgia State line, to points in South Dakota. The purpose of this filing is to eliminate the gateways of Cedartown, Ga., and Springfield, Mo.

No. MC-111545 (Sub-No. E335), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse-treatment equipment, and parts, attachments, and accessories*, for incinerators and refuse-treatment equipment, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Tennessee within 175 miles of Chattanooga, Tenn., and treatment equipment, the transportation on and east of U.S. Highway 127, to points in New Mexico. The purpose of

this filing is to eliminate the gateways of Ringgold, Ga., and Springfield, Mo.

No. MC-111545 (Sub-No. E338), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Ohio, on the one hand, and, on the other, points in that part of Wisconsin on and west of a line beginning at the Wisconsin-Illinois State line, thence along U.S. Highway 151 to Platteville, thence along Wisconsin Highway 80 to Marshfield, thence along Wisconsin Highway 13 to Mellen, thence along Wisconsin Highway 77 to the Wisconsin-Michigan State line. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC-111545 (Sub-No. E501), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which because of size or weight, requires the use of special equipment, from points in Maryland to points in New Mexico. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and Hugo, Okla.

No. MC-113828 (Sub-No. E2), filed June 4, 1974. Applicant: O'BOYLE TANK LINES INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used in, or incidental to, the preparation, packing, and shipment of processed foods, in bulk, from points in Bucks, Montgomery, Philadelphia, Chester, and Delaware Counties, Pa., to points in New York (except points in, south and east of Sullivan, Ulster, Greene, and Columbia Counties, N.Y.). The purpose of this filing is to eliminate the gateway of Atlantic County, N.J.

No. MC-113828 (Sub-No. E3), filed June 4, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used in, or incidental to, the preparation, packing, and shipment of processed foods, in bulk, from points in Washington, D.C., to points in New York, Rhode Island, Connecticut, and Massachusetts. The purpose of this filing is to eliminate the gateway of Atlantic County, N.J.

No. MC-113828 (Sub-No. E4), filed June 4, 1974. Applicant: O'BOYLE TANK LINES INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used in, or incidental to, the preparation, packing, and shipment of processed foods, in bulk, from points in Virginia, to points in New York, Rhode Island, Connecticut, Massachusetts, and points in Pennsylvania on, south, and east of a line beginning at the New York-Pennsylvania State line, and extending along U.S. Highway 220 to its intersection with Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to its intersection with Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to its intersection with Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Atlantic County, N.J.

No. MC-113828 (Sub-No. E6), filed June 4, 1974. Applicant: O'BOYLE TANK LINES INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Baltimore, Md., to Terre Haute, Ind. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC-113828 (Sub-No. E7), filed June 4, 1974. Applicant: O'BOYLE TANK LINES INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Pittsburgh, Pa., to points in Delaware, Massachusetts, Connecticut, Rhode Island, and those in New York east of Interstate Highway 87. The purpose of this filing is to eliminate the gateway of Salem County, N.J.

No. MC-113828 (Sub-No. E10), filed June 4, 1974. Applicant: O'BOYLE TANK LINES INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petro acids and chemicals and asphalt and asphalt products), in bulk, in tank vehicles, (1) from terminals off the Plantation Pipeline at or near Newington, Va., to points in Delaware, North Carolina, Virginia, those in Huntington, Blair, Cambria, Somerset, Bedford, Fulton, Franklin, Cumberland, and Adams Counties, Pa., and Philadelphia, Pa., Clarksburg and Fairmont, W. Va., and those points in West Virginia, on and east of a line beginning at the Pennsylvania-West Virginia State line, and extending along U.S. Highway 119 to Philippi, W. Va., thence on, east, and north of

U.S. Highway 250 to the West Virginia-Virginia State line; (2) from terminals of the Plantation Pipeline at or near Newington, Va., to points in, south, and east of Pendleton, Tucker, Randolph, Upshur, Webster, Nicholas, Clay, Kanawha, Lincoln, and Mingo Counties, W. Va. The purpose of this filing is to eliminate the gateways of St. Marys County, Md., and Washington, D.C., in (1) above, and St. Marys County, Md., and Roanoke, Va., in (2) above.

No. MC-113828 (Sub-No. E11), filed June 4, 1974. Applicant: O'BOYLE TANK LINES INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petro acids and chemicals and asphalt and asphalt products), in bulk, in tank vehicles, (1) from terminals off the Colonial Pipelines at or near Fairfax, Va., to points in Delaware, North Carolina, Virginia, and Philadelphia, Pa., Clarksburg and Fairmont, W. Va., and points in that part of West Virginia on and east of a line beginning at the Pennsylvania-West Virginia State line, and extending along U.S. Highway 119 to Philippi, thence on, east, and north of U.S. Highway 250 to the West Virginia-Virginia State line; (2) from terminals off the Colonial Pipeline at or near Fairfax, Va., to points in, south, and east of Pendleton, Tucker, Randolph, Upshur, Webster, Nicholas, Clay, Kanawha, Lincoln, and Mingo Counties, W. Va. The purpose of this filing is to eliminate the gateway of St. Marys County, Md., and Washington, D.C., in (1) above, and St. Marys County, Md., and Roanoke, Va., in (2) above.

No. MC-113828 (Sub-No. E12), filed June 4, 1974. Applicant: O'BOYLE TANK LINES INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petro acids and chemicals and asphalt and asphalt products), in bulk, in tank vehicles, from points in the District of Columbia, commercial zone, to points in Virginia, Delaware, North Carolina, Huntington, Blair, Cambria, Somerset, Bedford, Fulton, Franklin, Cumberland, and Adams Counties, Pa., and Philadelphia, Pa., and those in, south, and east of Pendleton, Tucker, Randolph, Upshur, Webster, Nicholas, Clay, Kanawha, Lincoln, and Mingo Counties, W. Va. The purpose of this filing is to eliminate the gateways of St. Marys County, Md., Fairfax, Rosslyn, and Roanoke, Va.

No. MC-113828 (Sub-No. E29), filed June 4, 1974. Applicant: O'BOYLE TANK LINES INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used in, or incidental to, the

preparation, packing, and shipment of processed foods, in bulk, from points in New York, to points in the District of Columbia, and those in Maryland, on, south, and east of a line beginning at the Pennsylvania-Maryland State line, and extending south along Interstate Highway 83 to its intersection with Interstate Highway 95, thence along Interstate Highway 95 to the Maryland-District of Columbia State line. The purpose of this filing is to eliminate the gateway of points in Atlantic County, N.J.

No. MC-113828 (Sub-No. E30), filed June 4, 1974. Applicant: O'BOYLE TANK LINES INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used in, or incidental to, the preparation, packing, and shipment of processed foods, in bulk, from points in New York, to points in Delaware, and Washington, D.C. The purpose of this filing is to eliminate the gateway of points in Atlantic County, N.J.

No. MC-113828 (Sub-No. E33), filed June 4, 1974. Applicant: O'BOYLE TANK LINES INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and invert vinegar*, in bulk, in tank vehicles, from points in Massachusetts, Rhode Island, Connecticut, New York, and Pennsylvania (except those points west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 219, to its intersection with Interstate Highway 80, thence along Interstate Highway 80 to its intersection with Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to its intersection with Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to its intersection with Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to the Pennsylvania-Maryland State line, to points in Tennessee (except from points in New York west of Interstate Highway 81, and those in Pennsylvania west of a line beginning at the New York-Pennsylvania State line and extending along Interstate Highway 81 to its intersection with Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to its intersection with Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to the Pennsylvania-Maryland State line, and points in South Carolina. The purpose of this filing is to eliminate the gateways of Atlantic County, N.J., Baltimore, Md., and Richmond, Va.

No. MC-113843 (Sub-No. E75), filed May 3, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shells (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Frozen foods*, (1) from points in New York within 75 miles of and including Rochester to points in Illinois; (2) from points in that part of Livingston County, N.Y., south of Alternate U.S. Highway 20 and points in that part of New York on, north, and west of a line beginning at Lake Erie and extending along New York Highway 16 to junction Alternate U.S. Highway 20, thence along U.S. Highway 11, thence along U.S. Highway 11 to Syracuse, thence along U.S. Highway 57 to Lake Ontario to points in that part of 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 34, thence along Kentucky Highway 34 to junction U.S. Highway 27, thence along U.S. Highway 27 to Lexington, thence along U.S. Highway 25 to the Kentucky-Ohio State line. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC-113843 (Sub-No. E76), filed May 3, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, 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 points in New York within 75 miles of and including Rochester to points in Missouri and Wisconsin and points in that part of Tennessee on and west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 431 to Nashville, thence along U.S. Highway 31 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC-113843 (Sub-No. E115), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, 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) from points in Massachusetts to points in that part of Tennessee on and west of Interstate Highway 65; (2) from Fitchburg and North Adams, Mass., to Cookesville and Murfreesboro, Tenn. The purpose of this filing is to eliminate the gateways of Elmira, N.Y., and Detroit, Mich. (via Canada).

No. MC-113843 (Sub-No. E619), filed May 20, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, 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 seafoods*, from points in that part of Virginia east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal to points in Wisconsin. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC-113843 (Sub-No. E623), filed May 15, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, 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: *Fresh poultry*, from points in those portions of Delaware, Maryland, and Virginia east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Holley, N.Y.

No. MC-113843 (Sub-No. E626), filed May 14, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, 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: *Dairy products*, as defined by the Commission, from Detroit, Mich., to Buffalo, Syracuse, Rochester, Albany, and Schenectady, N.Y., Harrisburg, Reading, Allentown, Johnstown, Butler, Scranton, McKeesport, Charlevoix, New Castle, and Beaver Falls, Pa., Camden, Passaic, and Atlantic City, N.J., Baltimore and Cumberland, Md., Roanoke, Richmond, and Lynchburg, Va., North Haverhill, Concord, and Nashua, N.H., Bangor, Deering Junction, and Portland, Maine, Charleston and Parkersburg, W. Va., and the District of Columbia. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC-113843 (Sub-No. E627), filed May 14, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, 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: *Dairy products*, as defined by the Commission, from Detroit, Mich., to points in Vermont and New Hampshire, and points in that part of Maine on and south of Maine Highway 25. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio, and Syracuse, N.Y.

No. MC-113843 (Sub-No. E628), filed May 14, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, 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: *Preserved foodstuffs* (except frozen foods and dairy products), from points in the Lower Peninsula of Michigan to Providence, R.I., and points in Connecticut and Massachusetts. The purpose of this filing is to eliminate the gateway of East Syracuse, N.Y.

No. MC-113843 (Sub-No. E629), filed May 22, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, 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 Allentown, Pa.,

cant'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 Baltimore, Md., and Hampton, Va., to points in Minnesota. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC-113843 (Sub-No. E630), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, 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: *Canned foodstuffs*, from points in that part of Virginia east of the Chesapeake Bay to points in the Upper Peninsula of Michigan and points in that part of the Lower Peninsula of Michigan on and north of Michigan County Highway C66. The purpose of this filing is to eliminate the gateway of Holley, N.Y.

No. MC-113843 (Sub-No. E631), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, 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: *Canned foodstuffs*, from points in that part of Delaware on and south of U.S. Highway 40 and east of the Susquehanna River and the Chesapeake Bay to points in that part of the Upper Peninsula of Michigan on and west of a line beginning at the Michigan-Wisconsin State line and extending along U.S. Highway 45 to junction Michigan Highway 26, thence along Michigan Highway 26 to Lake Superior. The purpose of this filing is to eliminate the gateway of Holley, N.Y.

No. MC-113843 (Sub-No. E632), filed May 15, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, 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 poultry, frozen seafood, and frozen fruits and vegetables*, from points in that part of Virginia east of the Chesapeake Bay to points in Colorado, Wisconsin, and points in that part of Minnesota on and north of a line beginning at the North Dakota-Minnesota State line and extending along U.S. Highway 10 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC-113843 (Sub-No. E633), filed May 22, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, 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 Allentown, Pa.,

to points in Kansas. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC-113843 (Sub-No. E634), filed May 22, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, 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 Allentown, Pa., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC-113843 (Sub-No. E635), filed May 22, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, 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 Allentown, Pa., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC-113843 (Sub-No. E636), filed May 22, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, 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 Allentown, Pa., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC-113843 (Sub-No. E638), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, 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 fruits and berries, and frozen fruit and berry concentrates*, from Pocomoke City, Cambridge, and Crisfield, Md., to points in Arkansas, Colorado, Kansas, Minnesota, Missouri, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Westfield, N.Y.

No. MC-123048 (Sub-No. E93), filed June 13, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used agricultural machinery* (except commodities the transportation of which because of size or weight require the use of special equipment or special handling) from points in Kentucky to points in California on and north of Interstate Highway 80, points in Nevada on and north of U.S. Highway 6, points in Oregon, South Dakota, Washington, Wyoming, Idaho, Montana, and North Dakota. The purpose of this filing is to eliminate the gateway of the plant site of Helix Corporation at Crown Point, Ind.

No. MC-123048 (Sub-No. E94), filed June 13, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used agricultural machinery* (except commodities the transportation of which because of size or weight require the use of special equipment or special handling), from points in Kentucky on and east of Interstate Highway 65 to points in California, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of the plant site of Helix Corporation at Crown Point, Ind.

No. MC-123048 (Sub-No. E95), filed June 13, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural equipment* designed for use in conjunction with tractors from Rockford, Ill., to points in California, Idaho, Montana, Nevada, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Fargo, N. Dak.

No. MC-123048 (Sub-No. 96), filed June 13, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used agricultural machinery* (except commodities the transportation of which because of size or weight require the use of special equipment or special handling), from points in Illinois on and east of U.S. Highway 51 and on and north of Interstate Highway 80 to points in Colorado on, south, and west of a line from the Colorado-Utah State line along U.S. Highway 50 to Montrose thence along U.S. Highway 50 to the Colorado-New Mexico State line, points in Idaho, New Mexico, Texas, Utah, and points in Wyoming on and south of U.S. Highway 287. The purpose of this filing is to eliminate the gateway of the plant site of Helix Corporation at Crown Point, Ind.

No. MC-123048 (Sub-No. E97), filed June 13, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used agricultural machinery* (except commodities the transportation of which because of size or weight require special equipment or special handling) from points in Illinois on and north of Interstate Highway 80 to points in Idaho on and north of U.S. Highway 12 and points in Montana on and west of U.S. Highway 93. The purpose of this filing

is to eliminate the gateway of the plant site of Helix Corporation at Crown Point, Ind.

No. MC-123048 (Sub-No. E98), filed June 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used agricultural machinery* (except commodities the transportation of which because of size or weight require the use of special equipment in special handling) from points in Illinois on and south of Interstate Highway 70 to points in California on and north of Interstate Highway 80, points in Idaho, and Montana, points in Nevada on and north of Interstate Highway 80 and points in Utah on and north of Interstate Highway 80. The purpose of this filing is to eliminate the gateway of the plant site of Helix Corporation at Crown Point, Ind.

No. MC-124802 (Sub-No. E16), filed May 21, 1974. Applicant: ACE MOTOR FREIGHT, INC., P.O. Box 127, Summer-ville, Pa. 15864. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products* used in the manufacture of clay products (except in bulk), from points in New Jersey, to points in Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Richie, Wirt, Jackson, Mason, Putnam, Cabell, Wayne, Mingo, Lincoln, Logan, Kanawha, Boone, Roane, and Calhoun Counties, W. Va. The purpose of this filing is to eliminate the gateway of Summerville, Pa.

No. MC-124802 (Sub-No. E17), filed May 21, 1974. Applicant: ACE MOTOR FREIGHT, INC., P.O. Box 127, Summer-ville, Pa. 15864. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products* used in the manufacture of clay products (except in bulk), from points in Illinois, to points in Massachusetts. The purpose of this filing is to eliminate the gateway of the plant site of the New Bethlehem Tile Company at Porter Township (Clarion County), Pa.

No. MC-124802 (Sub-No. E18), filed May 21, 1974. Applicant: ACE MOTOR FREIGHT, INC., P.O. Box 127, Summer-ville, Pa. 15864. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products* used in the manufacture of clay products (except in bulk), from points in Illinois to points in Rhode Island. The purpose of this filing is to eliminate the gateway of the plant site of the New Bethlehem

Tile Company at Porter Township (Clarion County), Pa.

No. MC-124802 (Sub-No. E19), filed May 21, 1974. Applicant: ACE MOTOR FREIGHT, INC., P.O. Box 127, Summerville, Pa. 15864. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products* used in the manufacture of clay products (except in bulk), from points in Illinois to points in Connecticut. The purpose of this filing is to eliminate the gateway of the plant site of the New Bethlehem Tile Company at Porter Township (Clarion County), Pa.

No. MC-124802 (Sub-No. E32), filed May 21, 1974. Applicant: ACE MOTOR FREIGHT, INC., P.O. Box 127, Summerville, Pa. 15864. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, firebrick, refractory products, ground fire clay, and structural tile*, from points in that part of New York on, west, and north of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 15 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 13, thence along New York Highway 13 to junction U.S. Highway 81, thence along U.S. Highway 81 to the St. Lawrence River, to points in that part of Virginia on and west of U.S. Highway 220. The purpose of this filing is to eliminate the gateway of Summerville, Pa.

No. MC-124802 (Sub-No. E33), filed May 21, 1974. Applicant: ACE MOTOR FREIGHT, INC., P.O. Box 127, Summerville, Pa. 15864. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, firebrick, refractory products, ground fire clay, and structural tile*, from points in that part of New York on and west of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 15 to junction New York Highway 414, thence along New York Highway 414 to junction New York Highway 14, thence along New York Highway 14 to Sodus Point, to points in Virginia. The purpose of this filing is to eliminate the gateway of Summerville, Pa.

No. MC-124802 (Sub-No. E34), filed May 21, 1974. Applicant: ACE MOTOR FREIGHT, INC., P.O. Box 127, Summerville, Pa. 15864. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, firebrick, refractory products, ground fire clay, and structural tile* (except in bulk), from points in that part of New York on and west of New York Highway 14, to points in North

Carolina. The purpose of this filing is to eliminate the gateway of Summerville, Pa.

No. MC-124802 (Sub-No. E36), filed May 21, 1974. Applicant: ACE MOTOR FREIGHT, INC., P.O. Box 127, Summerville, Pa. 15864. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, firebrick, refractory products, ground fire clay, and structural tile* (except in bulk), from points in that part of West Virginia on and west of U.S. Highway 219, to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Summerville, Pa.

No. MC-124802 (Sub-No. E37), filed May 21, 1974. Applicant: ACE MOTOR FREIGHT, INC., P.O. Box 127, Summerville, Pa. 15864. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, firebrick, refractory products, ground fire clay, and structural tile* (except in bulk), from points in that part of West Virginia on and west of U.S. Highway 219, to points in Rhode Island. The purpose of this filing is to eliminate the gateway of Summerville, Pa.

No. MC-124802 (Sub-No. E39), filed May 21, 1974. Applicant: ACE MOTOR FREIGHT, INC., P.O. Box 127, Summerville, Pa. 15864. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, firebrick, refractory products, ground fire clay, and structural tile*, from points in that part of West Virginia on and west of a line beginning at the West Virginia-Pennsylvania State line, thence along U.S. Highway 19 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 19 near Weston, thence along U.S. Highway 19 to the West Virginia-Tennessee State line, to points in New Jersey on and north of U.S. Highway 78. RESTRICTION: The operations authorized herein are restricted against the transportation of commodities in bulk to points in Bergen, Passaic, Essex, Hudson, Union, Middlesex, Morris, Somerset, and Warren Counties, N.J. The purpose of this filing is to eliminate the gateway of the plant site of The Hanley Company at or near Summerville, Pa.

No. MC-124802 (Sub-No. E40), filed May 21, 1974. Applicant: ACE MOTOR FREIGHT, INC., P.O. Box 127, Summerville, Pa. 15864. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, firebrick, refractory products, ground fire clay, and structural tile*, from points in Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Ritchie, Wirt, Jackson, Mason,

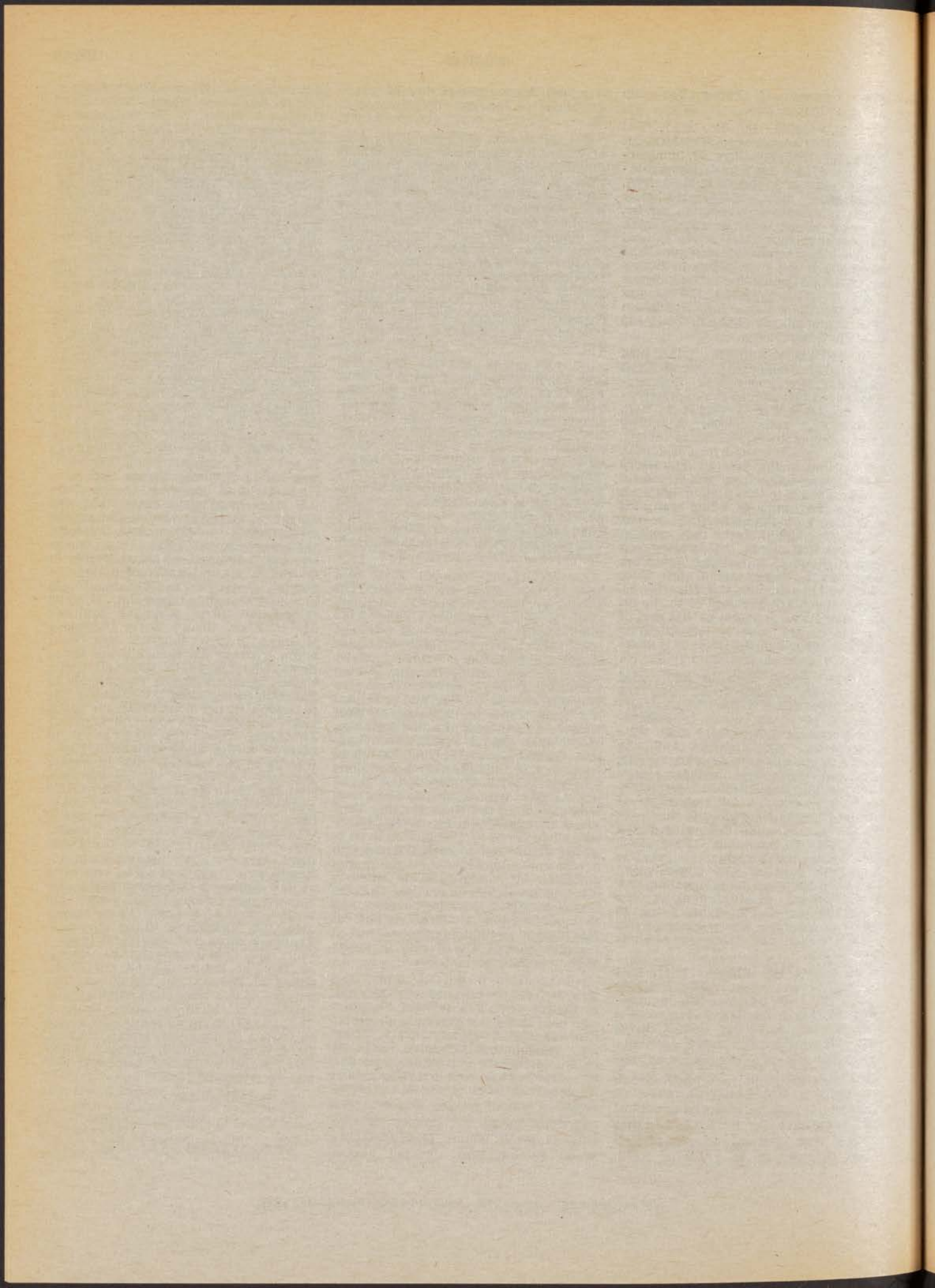
Putnam, Cabell, Wayne, Mingo, Lincoln, Logan, Kanawha, Boone, Roane, and Calhoun Counties, W. Va., to points in New Jersey. RESTRICTION: The operations authorized herein are restricted against the transportation of commodities in bulk to points in Bergen, Passaic, Essex, Hudson, Union, Middlesex, Morris, Somerset, and Warren Counties, N.J. The purpose of this filing is to eliminate the gateway of the plant site of the Hanley Company at or near Summerville, Pa.

No. MC-134025 (Sub-No. E1), filed May 12, 1974. Applicant: BRUCE & SON VAN & STORAGE CO., Amarillo, Tex. 79109. Applicant's representative: Wesley L. Bruce (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) between points in Texas on, east, and north of a line beginning at Galveston, Tex., and extending along U.S. Highway 75 to Buffalo, thence along Texas Highway 164 to Waco, thence along U.S. Highway 81 to Ft. Worth, thence along U.S. Highway 287 to Childress, thence along U.S. Highway 83 to Canadian, thence along U.S. Highway 60 to the Texas-Oklahoma State line, on the one hand, and, on the other, points in Arizona and Colorado, (b) between points in New Mexico, on the one hand, and, on the other, points in Oklahoma on and north of a line beginning at the Texas-Oklahoma State line, and extending along U.S. Highway 66 to Sayre, thence along U.S. Highway 283 to Blair, thence along Oklahoma Highway 19 to its junction with Oklahoma Highway 54, thence along Oklahoma Highway 54 to Richland Store, thence, along Oklahoma Highway 49 to Fort Sill, thence along U.S. Highway 281 to Lawton, thence along Oklahoma Highway 7 to its junction with U.S. Highway 81, thence along U.S. Highway 81 to Marlow, thence along Oklahoma Highway 29 to its junction with Interstate Highway 35, thence along Interstate Highway 35 to its junction with Oklahoma Highway 19, thence along Oklahoma Highway 19 to Ada, thence along Oklahoma Highway 1 to Calvin, thence along U.S. Highway 270 to the Oklahoma-Arkansas State line, points in Arkansas on and north of a line beginning at the Arkansas-Oklahoma State line and extending along U.S. Highway 270 to Hot Springs National Park, thence along U.S. Highway 70 to the Arkansas-Tennessee State line, and points in Missouri, and (c) between points in Arizona, on the one hand, and, on the other, points in Kansas and Oklahoma. The purpose of this filing is to eliminate the gateways of (1) in (a) above, Pampas, Tex., and (2) in (b) and (c) above, points in Carson, Hutchinson, Moore, Hartley, Gray, Wheeler, Dallam, Sherman, Hansford, Ochiltree, Roberts, Lipscomb, and Hemphill Counties, Tex.

By the Commission

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 74-18393 Filed 8-9-74; 8:45 am]



# **federal register**

MONDAY, AUGUST 12, 1974

WASHINGTON, D.C.

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PART II



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## **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**Assistant Secretary for  
Housing Production and  
Mortgage Credit**

■

### **MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT**

**Nursing Homes and Intermediate Care  
Facilities Mortgage Insurance**

# Title 24—Housing and Urban Development

## CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

[Docket No. R-74-272]

#### PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

##### Supplemental Loans; Contract Rights and Obligations

On June 6, 1974, the Department of Housing and Urban Development's proposed regulations, relating to the insurance of supplemental loans to finance the purchase and installation of fire safety equipment necessary to meet the fire safety requirements of the Department of Health, Education, and Welfare for providers of services under Titles XVIII and XIX of the Social Security Act for both conventionally-financed and federally-insured nursing homes and intermediate care facilities, were published in the FEDERAL REGISTER.

Interested persons were given the opportunity to participate in the rule making through the submission of comments. The Department received twelve responses, containing several comments each, all of which were seriously considered. Several persons commented on expanding the definition of fire safety equipment to include improvements and modernization of the physical facility. Public Law 93-204 provides authority for loans to cover the purchase and installation of fire safety equipment only. Section 232.500(c) of the regulations also includes those improvements which are necessary in order for the fire safety equipment to be installed. It does not include major rehabilitation, additions, or capital improvements to a facility beyond those related to fire safety equipment. In order to finance these types of major improvements, a conventionally-financed facility could refinance under section 232 of the National Housing Act (See Part 232 of this Title); and a facility the mortgage on which is already insured under section 232 could finance the needed major improvements under a section 241 loan. (See Part 241 of this Title.) Several persons suggested that safety loans be permitted to finance retroactively previously purchased and installed equipment. The statute confers authority to insure loans on a prospective basis only, i.e., "to provide for the purchase and installation" and not on a retroactive basis.

A suggestion was made by several persons that "equipment cost" in § 232.500(e) be determined upon the basis of the lowest of three bids. This was rejected as a mandatory requirement because of the possibility that it will be difficult to obtain three bids in some outlying areas or that the lowest bid may

be deficient in some area other than cost and that the three-bid requirement would thus eliminate otherwise qualified facilities.

Several comments were made about the processing procedure and steps involved in obtaining a loan. The regulations were formulated with the objective of processing applications as speedily, and with as little paperwork, as possible. If our experience indicates that changes can be made to make the process more efficient, the regulations will be amended accordingly.

Comments were received by several parties regarding the amounts of the various fees, loan insurance premium and interest rate. The amounts for these items are within the statutory maximums permitted and were arrived at based upon an evaluation of the insurance underwriting risk and mortgage market yield requirements. If program experience indicates a change in these amounts is warranted, the regulations will be amended.

One correspondent commented negatively on § 232.545 which contains a prohibition against additional liens on the property, except as approved in advance by the Commissioner. Negative comments were also received regarding § 232.555 to the effect that no additional security, beyond a lien, should be required. It should be noted that the same section permits the Commissioner to accept some form of security other than a lien. These sections were written to allow the greatest flexibility possible consistent with the insurance risks incurred by the Commissioner. Because this program contemplates insurance of loans which may be junior in priority to other debts of the borrower, it is considered desirable to provide for the possibility of taking additional security in situations of marginal risks.

A comment was received that § 232.600 should not require a new title policy in addition to an existing one required by the holder of the first mortgage. The section, as written, would permit an existing policy or other evidence of title to be updated and amended to reflect the priority of a loan to be insured under this new program and otherwise to meet usual title evidence requirements.

Because mortgage money market conditions have changed since the regulations were published on June 6, 1974, § 232.560(a) has been amended to substitute nine and one-quarter percent for nine percent in the regulation as promulgated. Several comments were received suggesting that § 232.590(b) be amended to require that the unexpired lease term should, for mortgage loans secured by a leasehold interest, only be slightly longer than the maximum amortization period of twenty years. Accordingly, § 232.590(a)(3) is amended to substitute twenty-five years for fifty years.

It has been brought to our attention that HEW does not have the authority to require a plan of corrections from a facility for participation under Titles XVIII and XIX of the Social Security Act in all instances and that the respon-

sibility for determining compliance with HEW requirements in those instances in which HEW does not have the requisite authority rests with the appropriate state agency. The regulations in §§ 232.615 and 232.620 are amended to require, as a condition for consideration of a loan to be insured by HUD, that a list of deficiencies from the appropriate state agency and a plan to correct those deficiencies be submitted to HEW by the applicant for acceptability by HEW of its requirements before HUD will consider a loan application in those cases where a facility does not meet other pertinent health and safety requirements necessary for providers of services under Title XVIII and Title XIX at the time of application.

The regulations are therefore amended and adopted as follows:

#### Subpart C—Eligibility Requirements—Supplemental Loans to Finance Purchase and Installation of Fire Safety Equipment

##### Sec.

##### 232.500 Definitions.

##### FEES AND CHARGES

- 232.505 Application and application fee.
- 232.510 Commitment and commitment fee.
- 232.515 Refund of fees.
- 232.520 Maximum fees and charges by lender.
- 232.522 Inspection fee.

##### ELIGIBILITY SECURITY INSTRUMENTS

##### Sec.

- 232.525 Note and security form.
- 232.530 Disbursement of proceeds.
- 232.535 Loan multiples — minimum principal.
- 232.540 Method of loan payment and amortization period.
- 232.545 Covenant against liens.
- 232.550 Accumulation of next premium.
- 232.555 Security instrument and lien.
- 232.560 Maximum interest rate.
- 232.565 Maximum loan amount.
- 232.570 Endorsement of credit instrument.
- 232.580 Application of payments.
- 232.585 Prepayment privilege and prepayment charge.

##### PROPERTY REQUIREMENTS

##### 232.590 Eligibility of property.

##### TITLE

- 232.595 Eligibility of title.
- 232.600 Title evidence.

##### FORM OF CONTRACT

- 232.605 Contract requirements.

##### COST CERTIFICATION REQUIREMENTS

- 232.610 Certification of cost requirements.

##### ELIGIBLE BORROWERS

- 232.615 Eligible borrowers.

##### SPECIAL REQUIREMENTS

- 232.620 Determination of compliance by HEW.
- 232.625 Discrimination prohibited.
- 232.630 Assurance of completion.

#### Subpart D—Contract Rights and Obligations

##### 232.800 Definitions.

##### PREMIUMS

- 232.805 Insurance premiums.
- 232.815 Termination of insurance.
- 232.825 Pro rata refund of insurance premium.

##### RIGHTS AND DUTIES OF LENDER UNDER THE CONTRACT OF INSURANCE

- 232.830 Definition of default.

|         |                                               |
|---------|-----------------------------------------------|
| Sec.    |                                               |
| 232.840 | Date of default.                              |
| 232.850 | Notice of default.                            |
| 232.860 | Commissioner's right to require acceleration. |
| 232.865 | Election by lender.                           |
| 232.875 | Maximum claim period.                         |
| 232.880 | Items to be delivered on submitting claim.    |
| 232.885 | Insurance benefits.                           |
| 232.890 | Characteristics of debentures.                |
| 232.893 | Cash adjustment.                              |

#### ASSIGNMENTS

232.895 Assignment of insured loans.

#### EXTENSION OF TIME

232.897 Actions to be taken by lender.

**AUTHORITY:** Sec. 211, 52 Stat. 23, as amended; sec. 232, 73 Stat. 663 (12 U.S.C. 1715b, 1715w); as further amended by Pub. L. 93-204 (Dec. 28, 1973).

### Subpart C—Eligibility Requirements—Supplemental Loans to Finance Purchase and Installation of Fire Safety Equipment

#### § 232.500 Definitions.

In addition to the definitions contained in Subpart A, incorporated herein by reference, the following terms, as used in §§ 232.500 et seq., shall have the meaning indicated:

(a) "Insured loan" means a loan insured by the endorsement of the credit instrument by the Commissioner.

(b) "Insurance premium" means the loan insurance premium paid by the financial institution to the Commissioner in consideration of the contract of insurance.

(c) "Fire safety equipment" means equipment purchased, installed, and maintained in nursing homes and intermediate care facilities, which is necessary for compliance by such home or facility with the applicable requirements for institutional occupancy under the 1967 edition of the Life Safety Code of the National Fire Protection Association, or other such code or requirements approved by the Secretary of Health, Education, and Welfare for providers of services under title XVIII and title XIX of the Social Security Act. In addition to those requirements approved by the Secretary of Health, Education, and Welfare as necessary for institutional occupancy, "fire safety equipment" may also include those fire safety-related improvements which are not mandatory under the requirements of the Secretary of Health, Education, and Welfare but which he considers desirable for protection against the hazards of fire and which the borrower agrees to install. For the purposes of this definition, the terms "nursing home" and "intermediate care facilities" shall include those facilities designated as skilled nursing facilities or intermediate care facilities by HEW.

(d) "Fire safety loan" means any form of secured or unsecured obligation as may be determined by the Commissioner to be eligible for insurance under this subpart.

(e) "Equipment cost" means the reasonable cost of "fire safety equipment" fully installed as estimated by the Sec-

retary of Health, Education, and Welfare and as determined by the Commissioner.

(f) "Insured loan maturity" means the date on which the loan indebtedness would be extinguished if paid in accordance with periodic payments provided for in the loan instrument or instruments.

(g) "Approved lender" means a financial institution or other mortgagee approved by the Commissioner as eligible for insurance under section 2 of the National Housing Act, or a mortgagee approved under section 203(b)(1) of the National Housing Act.

#### FEES AND CHARGES

#### § 232.505 Application and application fee.

(a) *Prior approval.* An application for insurance of a fire safety loan under this part shall be considered only in connection with a proposal which has been approved by the Secretary of Health, Education, and Welfare, or his designee, based upon (1) his determination of need for such equipment to be installed in the facility as a condition for participation for providers of services under Title XVIII and Title XIX of the Social Security Act, and (2) his determination that upon installation of such equipment the project will meet the fire safety requirements prescribed by the Secretary of HEW for participation under Titles XVIII and XIX of the Social Security Act, and (3) his judgment that the cost estimate for purchase and installation of the equipment is a reasonable cost estimate.

(b) *Filing of application.* An application for insurance of a fire safety loan for a nursing home or intermediate care facility shall be submitted on an approved FHA form by an approved lender and by the owners of such project through the local FHA office.

(c) *Application fee.* An application fee of \$2.00 per thousand dollars of the amount of the fire safety loan applied for shall accompany the application. The minimum application fee shall be \$50.00.

#### § 232.510 Commitment and commitment fee.

(a) *Issuance of commitment.* Upon approval of an application for insurance, a commitment shall be issued by the Commissioner setting forth the terms and conditions upon which the fire safety loan will be insured.

(b) *Type of commitment.* The commitment will provide for the insurance of the loan after satisfactory completion of installation of the fire safety equipment, as determined by the Secretary of HEW.

(c) *Term of commitment.* (1) If the commitment fee is paid as required, a commitment shall have a term within which the borrower is required to begin construction, and if construction is begun as required, for such additional period as the Commissioner deems necessary for satisfactory completion of installation.

(2) The term of a commitment may be extended in such manner as the Commissioner may prescribe.

(d) *Commitment fee.* A commitment fee which, when added to the application fee, will aggregate \$4.00 per thousand of the amount of the fire safety loan (with a minimum total of \$50.00 for both fees) set forth in the commitment, and shall be paid prior to issuance of the commitment.

(e) *Reopening of expired commitments.* An expired commitment may be reopened if a request for reopening is received by the Commissioner within 10 days of the expiration of the commitment. The reopening request shall be accompanied by a fee of 50 cents per thousand dollars of the amount of the expired commitment. If the reopening request is not received by the Commissioner within the required 10-day period, a new application, accompanied by the required application and commitment fee, must be submitted.

(f) *Increase in commitment prior to endorsement.* An application, filed prior to endorsement, for an increase in the amount of an outstanding firm commitment shall be accompanied by a combined additional application and commitment fee. The combined additional fee shall be in an amount which will aggregate \$4.00 per thousand dollars of the amount of the requested increase. If an inspection fee was required in the original commitment, an additional inspection fee shall be paid in an amount computed at the same dollar rate per thousand dollars of the amount of increase in commitment as was used for the inspection fee required in the original commitment. The additional inspection fee shall be paid prior to the date installation of fire safety equipment, is begun or, if installation has begun, it shall be paid with the application for increase.

#### § 232.515 Refund of fees.

If the amount of the commitment issued or an increase in loan prior to endorsement is less than the amount applied for, the Commissioner shall refund the excess amount of the application and commitment fees submitted by the applicant. If an application is rejected before it is assigned for processing, or in such other instances as the Commissioner may determine, the entire application and commitment fees or any portion thereof may be returned to the applicant. Commitment and reopening fees may be refunded, in whole or in part, if it is determined by the Commissioner that the installation of fire safety equipment for the project has been prevented because of condemnation proceedings or other legal action taken by a governmental body or public agency, or in such other instances as the Commissioner may determine.

#### § 232.520 Maximum fees and charges by lender.

The lender may collect from the borrower the amount of the fees provided for in this subpart. The lender may also collect from the borrower an initial serv-

ice charge in an amount not to exceed one and one-half of one percent of the original principal amount of the loan to reimburse the lender for the cost of originating and closing the transaction. Any additional charges shall be subject to the prior approval of the Commissioner.

#### § 232.522 Inspection fee.

The commitment shall provide for the payment of an inspection fee in an amount not to exceed \$5.00 per thousand dollars of the commitment. The minimum inspection fee shall be \$50.00 paid prior to the date construction is begun. *Provided, however,* That in no case shall the combined total of the fees provided for in §§ 232.505, 232.510 and this section exceed one percent of the original principal face amount of the loan.

#### ELIGIBLE SECURITY INSTRUMENTS

#### § 232.525 Note and security form.

The lender shall present for insurance a note and security instrument, if required, on form: approved by the Commissioner for use in the jurisdiction in which the property to be improved is located.

#### § 232.530 Disbursement of proceeds.

At the time of endorsement for insurance of the note by the Commissioner, the entire principal amount of the note shall have been disbursed to the borrower or to his creditors for his account and with his consent.

#### § 232.535 Loan multiples—minimum principal.

The loan shall involve a principal obligation in multiples of \$100, and the minimum principal obligation shall be \$5,000.

#### § 232.540 Method of loan payment and amortization period.

(a) *Monthly payments.* The loan shall provide for monthly payments on the first day of each month on account of interest and principal and shall provide for payment in accordance with the amortization plan as agreed upon by the borrower, the lender and the Commissioner.

(b) *Amortization period.* (1) The loan shall have an amortization of either 5, 10, or 15 years by providing for either 60, 120, or 180 monthly amortization payments. No fire safety loan shall have an amortization period in excess of 15 years unless the amount of the loan exceeds \$50,000.00, in which event the amortization period may be increased to 20 years, with a provision for 240 monthly amortization payments.

(2) In any event, the loan shall have a maturity satisfactory to the Commissioner of not less than 5 or more than 20 years from the date of the beginning of amortization or the Commissioner's estimate of the remaining economic life of the structure, whichever is the lesser.

(3) The Commissioner shall establish the date of the first payment to the principal.

#### § 232.545 Covenant against liens.

The security instrument shall contain a covenant against the creation by the borrower of additional liens against the property superior or inferior to the lien of such instrument, except with the prior approval of the Commissioner.

#### § 232.550 Accumulation of next premium.

The security instrument shall provide for payments by the borrower to the lender on each interest payment date of an amount sufficient to accumulate in the hands of the lender one payment period prior to its due date the next annual insurance premium payable by the lender to the Commissioner.

#### § 232.555 Security instrument and lien.

The security instrument shall cover the entire property included in the project, shall be a lien on the real property of the project under the laws of the jurisdiction in which the project is located, and may be junior to such prior liens or mortgage indebtedness as the Commissioner may approve. The Commissioner may from time to time require such other security, in lieu of, or in addition to, a lien on real property as he may prescribe.

#### § 232.560 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed nine percent.

(b) Interest shall be payable in monthly installments on the principal amount of the loan outstanding on the due date of each installment.

#### § 232.565 Maximum loan amount.

The principal amount of the loan shall not exceed the Commissioner's estimate of the cost of the fire safety equipment, including the cost of installation. The sum of the liens against the property which are superior in priority to the fire safety loan and the fire safety loan shall not exceed ninety percent of the Commissioner's estimate of the value of the project upon completion of installation of the fire safety equipment. The cost of installation may include the cost of such other work to be performed on the project as is necessary to meet the requirements of the Secretary of Health, Education, and Welfare and the Commissioner to enhance the fire safety of the project, and such costs incidental to installation as may be approved by the Commissioner.

#### § 232.570 Endorsement of credit instrument.

The Commissioner shall indicate his insurance of the loan by endorsing the credit instrument and identifying the section of the Act and regulations under which the loan is insured and the date of insurance, subject to the presentation and approval by him of the following:

(a) Certification of full disbursement of loan proceeds as provided for in § 232.530.

(b) Certification of costs as required by § 232.610.

(c) Statement by the Secretary of Health, Education, and Welfare that the fire safety equipment noted in the determination required by § 232.620 has been satisfactorily installed.

#### § 232.580 Application of payments.

(a) The security instrument shall provide that all monthly payments to be made by the borrower shall be added together and this aggregate amount shall be paid by the borrower upon each monthly payment date in a single payment. The lender shall apply the payment to the following items in the order set forth:

- (1) Premium charges under the contract of insurance;
- (2) Interest on the loan;
- (3) Amortization of the principal of the loan;

(b) Any deficiency in the amount of any monthly payments required under paragraph (a) of this section shall constitute an event of default and the loan shall further provide for a grace period of 30 days within which time the default must be cured.

#### § 232.585 Prepayment privilege and prepayment charge.

The security instrument shall contain a provision permitting prepayment of the loan in whole or in part upon any interest payment date after giving to the lender 30 days' advance written notice and it may contain a provision, with the approval of the Commissioner, for a reasonable charge in the event of prepayment.

#### PROPERTY REQUIREMENTS

#### § 232.590 Eligibility of property.

(a) A loan to be eligible for insurance shall be on real estate held:

- (1) In fee simple; or
- (2) On the interest of the lessee under a lease for not less than ninety-nine years which is renewable; or
- (3) Under a lease having a period of not less than fifty years to run from the date the loan is executed.

(b) The property constituting security for the loan transaction must be held by an eligible borrower as herein defined and must at the time the loan is insured be free and clear of all liens other than those specifically approved by the Commissioner.

#### TITLE

#### § 232.595 Eligibility of title.

In order for the property which is to be the security for a loan to be insured under this subpart to be eligible for insurance, the Commissioner shall determine that the title to the property is vested in the borrower as of the date the security instrument is filed for record. The title evidence will be examined by the Commissioner and the endorsement of the credit instrument for insurance shall be evidence of its acceptability.

**§ 232.600 Title evidence.**

The lender, without expense to the Commissioner, shall furnish to the Commissioner a policy of title insurance, or if the lender is unable to furnish such policy for reasons satisfactory to the Commissioner, the lender without expense to the Commissioner, shall furnish an abstract of title. The following are the requirements covering the title insurance and abstract of title:

(a) The policy of title insurance shall be issued by a company and in a form satisfactory to the Commissioner. The policy shall name as the insureds the lender and the Secretary of Housing and Urban Development, as their respective interests may appear. The policy shall provide that upon acquisition of title by the lender or the Secretary, it will become an owner's policy running to the lender or the Secretary, as the case may be.

(b) The abstract of title shall be satisfactory to the Commissioner, prepared by an abstract title company or an individual engaged in the business of preparing abstracts of title, accompanied by a legal opinion satisfactory to the Commissioner, as to the quality of such title, signed by an attorney at law experienced in the examination of titles.

**FORM OF CONTRACT**

**§ 232.605 Contract requirements.**

(a) The contract between the mortgagor and the general contractor may be in the form of either a lump sum contract or a cost plus contract. Either form of contract shall include the cost of fire safety equipment, its installation, and such other work to be performed by the contractor as necessary to meet the requirements of the Secretary of Health, Education, and Welfare and the Commissioner. A lump sum contract shall provide for the payment of a specified amount. A cost plus contract shall provide for the payment of the contractor's actual cost of compliance with the requirements of the contract, plus such allowance for overhead and profit as may be approved by the Commissioner and shall provide that the total cost under the contract shall not exceed an upset price as approved by the Commissioner.

(b) If agreed to by the general contractor and borrower, a lump sum form of contract between the borrower and the general contractor may be used unless the Commissioner determines that a cost plus contract with a maximum upset price is necessary to protect the interests of the borrower or the Commissioner.

**COST CERTIFICATION REQUIREMENTS**

**§ 232.610 Certification of cost requirements.**

(a) *Certificate and adjustment.* No loan shall be insured unless:

- (1) A certification of actual cost is made by the contractor in cases in which a cost plus form of contract is used; and
- (2) The amount of the loan is ad-

justed to reflect the actual cost to the borrower of the improvements when either a cost plus or lump sum form of contract is used.

(b) *Cost computation.* The term "actual cost of the improvements" shall mean the cost to the borrower of the improvements, after deducting the amount of any kickbacks, rebates, or trade discount received in connection with the improvements, and including the amounts paid under any contract for the improvements, labor, materials, and for any other items of expense approved by the Commissioner.

(c) *Statement of facts.* Any agreement, undertaking, statement or certification required in connection with cost certification shall specifically state that it has been made, presented and delivered for the purpose of influencing an official action of the Commissioner and may be relied upon as a true statement of the facts contained therein.

(d) *Incontestability.* Upon the Commissioner's approval of the cost certification, such certification shall be final and incontestable except for fraud or material misrepresentation on the part of the borrower.

(e) *Records.* The borrower shall keep and maintain adequate records of all costs of any construction improvements or other cost items not representing work under the general contract and shall require the builder to keep similar records and, upon request by the Commissioner, shall make available for examination such records, including any collateral agreements.

**ELIGIBLE BORROWERS**

**§ 232.615 Eligible borrowers.**

In order to be eligible as a borrower under this subpart the applicant shall be a profit or non-profit entity, which owns a nursing home or intermediate care facility for which the Secretary of Health, Education, and Welfare has determined that the installation of fire safety equipment in such facility is necessary to meet the applicable requirements of the Secretary of Health, Education, and Welfare for providers of services under Title XVIII and Title XIX of the Social Security Act and that upon completion of the installation of such equipment the nursing home or intermediate care facility will meet not only the applicable fire safety requirements of HEW but will meet other pertinent health and safety requirements of HEW for providers of such services. At the time of application, a nursing home or intermediate care facility need not be providing such services if upon completion of installation such home or facility will meet other pertinent health and safety requirements of HEW for providers of such services. In lieu of a facility being able to meet HEW's requirements for other pertinent health and safety requirements at the time of application, HEW may accept a list of deficiencies from the State Agency responsible for determining compliance with HEW's requirements for other per-

tinent health and safety requirements for providers of such services along with a plan prepared by the applicant for correcting those deficiencies. In such event, HEW will inform HUD that, if the facility complies with such plan, the facility will meet the applicable health and safety requirements of HEW for providers of services under Titles XVIII and XIX of the Social Security Act upon the installation of the fire safety equipment. Until the termination of all obligations of the Commissioner under an insurance contract under this subpart and during such further period of time as the Commissioner shall be the owner; holder, or reinsurer of the loan, the borrower shall be regulated or restricted by the Commissioner as to methods of operation including requirements for maintenance of fire safety equipment.

**SPECIAL REQUIREMENTS**

**§ 232.620 Determination of compliance by HEW.**

An application under this subpart must be accompanied by a statement from the Secretary of Health, Education, and Welfare, or his designee, that the Secretary has determined that the physical plant of the facility, when the fire safety equipment has been installed, will be in compliance with the HEW requirements for fire safety and will meet other pertinent health and safety requirements of HEW for providers of services under Title XVIII and XIX of the Social Security Act (Medicare and Medicaid). In lieu of a facility being able to meet HEW's requirements for other pertinent health and safety requirements at the time of application, HEW may accept a list of deficiencies from the State Agency responsible for determining compliance with HEW's requirements for other pertinent health and safety requirements for providers of such services along with a plan prepared by the applicant for correcting those deficiencies. In such event, HEW will inform HUD that, if the facility complies with such plan, the facility will meet the applicable health and safety requirements of HEW for providers of services under Titles XVIII and XIX of the Social Security Act upon the installation of the fire safety equipment. The architectural exhibits, as approved by HEW, together with any commitment requirements HEW deems appropriate, must accompany the statement. In the case of Intermediate Care Facilities, the statement by HEW to HUD will be based upon a determination that the facility has been approved in accordance with applicable HEW statutes and regulations, subject to the proper installation of the proposed equipment.

**§ 232.625 Discrimination prohibited.**

Any contract or subcontract executed for the installation of equipment, or construction of improvements to the project shall provide that there shall be no discrimination against any employee or applicant for employment because of sex, religion, race, color, creed or national origin.

**§ 232.630 Assurance of completion.**

If the property upon which the fire safety equipment is to be installed is subject to a mortgage insured or held by the Commissioner pursuant to Subpart B of this part, the Commissioner may require such assurance of completion of the contract for installation as he may from time to time prescribe.

**Subpart D—Contract Rights and Obligations****§ 232.800 Definitions.**

All of the definitions contained in § 232.500 shall apply to this subpart. In addition, as used in this subpart, the following term shall have the meaning indicated:

(a) "Contract of insurance" means the agreement evidenced by the endorsement of the Commissioner upon the note given in connection with an insured loan and includes the provisions of this subpart and the applicable provisions of the Act.

(b) "Maturity" means the date on which the loan indebtedness would be extinguished if paid in accordance with periodic payments provided for in the loan.

**PREMIUMS****§ 232.805 Insurance premiums.**

(a) *First premium.* The lender, upon the endorsement of the loan for insurance, shall pay to the Commissioner a first loan insurance premium equal to one percent of the original face amount of the note.

(b) *Second premium.* The lender, on the date of the first principal payment, shall pay a second premium equal to one percent of the average outstanding principal obligation of the loan for the year following such first principal payment date which shall be adjusted as of that date so that the aggregate of the first and second premiums shall equal the sum of one percent per annum of the average outstanding principal obligation of the loan for the period from the date of the insurance endorsement to one year following the date of the first principal payment.

(c) *Annual insurance premium.* Until the note is paid in full, or until the loan is assigned to the Commissioner, or until the contract of insurance is otherwise terminated with the consent of the Commissioner, the lender, on each anniversary of the date of the first principal payment shall pay an annual loan insurance premium equal to one percent of the average outstanding principal obligation of the loan for the year following the date on which such premium becomes payable.

(d) *Method of premium payment.* Premiums shall be payable in cash or in debentures of the General Insurance Fund at par plus accrued interest. All premiums are payable in advance and no refund can be made of any portion thereof except as provided in § 232.800 et seq.

(e) *Calculation of premiums.* The premiums payable on and after the date of the first principal payment shall be calculated in accordance with the amorti-

zation provisions without taking into account delinquent payments or prepayments.

**§ 232.815 Termination of insurance.**

(a) *Prepayment in full.* The contract of insurance shall be terminated if the loan is paid in full prior to its maturity. Notice of the prepayment shall be given to the Commissioner, on a form prescribed by the Commissioner, within 30 days from the date of the prepayment. The insurance termination shall become effective as of the date of the prepayment, or 30 days prior to the Commissioner's receipt of the prepayment notice, whichever is later.

(b) *Voluntary termination.* The contract of insurance shall be voluntarily terminated upon receipt by the Commissioner of a written request, on a form prescribed by the Commissioner, by the borrower and the lender for such termination, accompanied by a submission of the original credit instrument for cancellation of the insurance endorsement and the remittance of all sums to which the Commissioner is entitled. The termination shall become effective as of the date these requirements are met.

**§ 232.825 Pro rata refund of insurance premium.**

Upon termination of a loan insurance contract by a payment in full or by a voluntary termination, the Commissioner shall refund to the lender for the account of the borrower an amount equal to the pro rata portion of the current annual loan insurance premium theretofore paid which is applicable to the portion of the year subsequent to the effective date of the termination.

**RIGHTS AND DUTIES OF LENDER UNDER THE CONTRACT OF INSURANCE****§ 232.830 Definition of default.**

(a) If the borrower fails to make any payments due under or provided to be paid by the terms of the note or security instrument, the note shall be considered in default for the purposes of this subpart.

(b) The failure to perform any other covenant under the note or security instrument shall be considered a default, provided the lender, because of such default, has exercised its rights under the note or security instrument and accelerated the debt.

(c) If such defaults as defined in paragraphs (a) and (b) of this section continue for a period of 30 days, the lender shall be entitled to receive the benefits of insurance hereinafter provided.

**§ 232.840 Date of default.**

In computing loan insurance benefits, the date of default shall be considered as:

(a) The date of the lender's acceleration of the debt because of the borrower's uncorrected failure to perform a covenant or obligation under the note or security instrument; or

(b) The date of the first failure to make a monthly payment which subsequent payments by the borrower are in-

sufficient to cover when applied to the overdue monthly payments in the order in which they become due.

**§ 232.850 Notice of default.**

(a) If the default is not cured within the 30 day grace period, as defined in § 232.830(c), the lender shall, within 30 days thereafter, notify the Commissioner in writing of such default.

(b) The lender shall give notice in writing to the Commissioner of the failure of the borrower to comply with any covenant or obligation under the security instrument or note regardless of the fact that the lender may not have elected to accelerate the debt.

**§ 232.860 Commissioner's right to require acceleration.**

Upon receipt of notice of the failure of the borrower to comply with any covenant or obligation under the security instrument or note, or otherwise being apprised thereof, the Commissioner may require the lender to accelerate payment of the outstanding principal balance due.

**§ 232.865 Election by lender.**

Where a real estate mortgage, or other security instrument has been used to secure the payment of a loan made under the provisions of this subpart and Subpart C of this part, the lender may either elect to assign the loan to the Commissioner in exchange for the payment of insurance benefits or may exercise its rights under the note and security instrument in lieu of making a claim for insurance benefits. If the lender elects the latter course, the Commissioner shall be so notified and the contract of insurance shall be deemed terminated upon the date of receipt of such notification.

**§ 232.875 Maximum claim period.**

Notice of intention to file claim on a form prescribed by the Commissioner shall be filed within 45 days after the lender becomes eligible for the benefits of the loan insurance, or within such later time as may be agreed upon by the Commissioner in writing.

**§ 232.880 Items to be delivered on submitting claim.**

Within 30 days after the filing of the notice of intention to file claim, or within such further period as may be agreed upon by the Commissioner in writing, the lender shall deliver to the Commissioner:

(a) The fiscal data pertaining to the loan transactions;

(b) Receipts covering all disbursements as required by the fiscal data form;

(c) The original note and any security instrument or instruments which shall be assigned to the Commissioner without recourse or warranty, except that the lender must warrant that no act or omission of the lender has impaired the validity and priority of such security instrument or instruments, that the security instrument or instruments are prior to all mechanics' and material-men's liens filed of record subsequent to the recording of such security instrument or instru-

ments regardless of whether such liens attached prior to such recording date, and prior to all liens and encumbrances which may have attached or defects which may have arisen subsequent to the recording of such security instrument or instruments, except such liens or other matters as may be approved by the Commissioner, that the amount stated in the instrument of assignment is actually due and owing under the security instrument or instruments, that there are no offsets or counterclaims thereto, and that the lender has a good right to assign such note and security instrument or instruments;

(d) The assignment to the Commissioner of all rights and interests arising under the note and security instrument or instruments so in default and all claims of the lender against the borrower or others arising out of the loan transaction;

(e) All policies of title or other insurance or surety bonds, or other guarantees and any and all claims thereunder; including evidence satisfactory to the Commissioner that the original title coverage has been extended to include the assignment of the note and security instrument or instruments to the Commissioner.

(f) All records, ledger cards, documents, books, papers and accounts relating to the loan transaction;

(g) Any additional information or data which the Commissioner may require.

(h) The following cash items, held in connection with the loan insured under this subpart, shall either be retained by the lender or delivered to the Commissioner in accordance with instructions to be issued by the Commissioner at the time the insurance claim is filed.

(1) Any cash held by the lender or its agents or to which it is entitled including deposits made for the account of the borrower and which have not been applied in reduction of the principal of the loan indebtedness.

(2) All funds held by the lender for the account of the borrower received pursuant to any other agreement.

#### § 232.885 Insurance benefits.

(a) *Method of payment.* Payment of claim shall be made in the following manner:

(1) *Payment in cash.* Unless a written request for payment in debentures is

filed with the application, payment shall be made in cash.

(2) *Optional payment in debentures.* Payment shall be made in debentures upon filing a written request with the application.

(b) *Amount of payment.* Upon an acceptable assignment of the note and security instrument, the Commissioner shall pay the claim of the lender in an amount equal to the unpaid principal balance of the loan as of the date of default determined as follows:

(1) By adding the following items:

(i) Any accrued interest due as of the date of execution of the assignment of the loan to the Commissioner.

(ii) Any advances approved by the Commissioner made previously by the lender under the provisions of the note or security instrument or instruments.

(iii) Reimbursement for such reasonable collection costs, court costs, and attorney's fees as may be approved by the Commissioner.

(iv) Any loan insurance premiums paid after default.

(v) If payment is made in cash, an amount equivalent to the debenture interest which would have been earned thereon, as of the date such cash payment is made, except when the lender fails to meet any one of the applicable requirements of §§ 232.850, 232.875, and 232.880, within the specified time and in a manner satisfactory to the Commissioner (or within such further time as the Commissioner may approve in writing), the interest allowance in such cash payment shall be computed only to the date on which the particular required action should have been taken or to which it was extended.

(2) By deducting from the total of the items computed under paragraph (b) (1) of this section the following items:

(i) Any amount received by the lender on account of the loan after the date of default.

(ii) Any net income received by the lender from the property covered by the note or security instrument and not applied to prior debts held by that lender.

(iii) The sum of the cash items retained by the lender pursuant to § 232.880 (h) (i) (ii).

#### § 232.890 Characteristics of debentures.

Debentures issued in settlement of insurance claims under this subpart shall

have the same characteristics and the same requirements for registration and redemption as those issued pursuant to Subpart B of this part except that debentures shall bear interest at the rate in effect as of the date the commitment was issued, or as of the date the loan was first endorsed for insurance, whichever rate is higher and shall mature 10 years from the date of issue which date shall be the date of execution of the assignment of the loan to the Commissioner.

#### § 232.893 Cash adjustment.

Any difference of less than \$50 between the amount of debentures to be issued to the lender and the total amount of the lender's claim, as approved by the Commissioner, shall be adjusted by the issuance of a check in payment thereof.

#### ASSIGNMENTS

#### § 232.895 Assignment of insured loans.

(a) An insured loan may be transferred only to a transferee who is a lender approved by the Commissioner. Upon such transfer and the assumption by the transferee of all obligations under the contract of insurance the transferor shall be released from its obligations under the contract of insurance.

(b) The contract of insurance shall terminate with respect to loans described in paragraph (a) of this section upon the happening of either of the following events:

(1) The transfer or pledge of the insured loan to any person, firm, or corporation, public or private, other than an approved lender.

(2) The disposal by a lender of any partial interest in the insured loan to other than an approved lender.

#### EXTENSION OF TIME

#### § 232.897 Actions to be taken by lender.

With respect to any action required of the lender within a period of time prescribed by this subpart, the Commissioner may extend such period.

*Effective date.* This amendment is effective as of September 11, 1974.

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