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PART I

(Part II begins on page 15469)

HIGHLIGHTS OF THIS ISSUE

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

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FEDERAL REGISTER

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List of CFR Parts Affected

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

Rules and Regulations

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

In § 212.8 *Certification requirement of section 212(a)(14), paragraph* (b) *Aliens not required to obtain labor certifications* is amended by substituting a period for the semicolon immediately following the word "capital" at the end of item (4), and by deleting the remainder of the paragraph.

PART 238—CONTRACTS WITH TRANSPORTATION LINES

The listing of transportation lines in paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by adding the following transportation line in alphabetical sequence: "Sterling Airways A/S."

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

In § 242.17 *Ancillary matters, applications,* paragraph (a) *Creation of the status of an alien lawfully admitted for permanent residence* is amended by inserting between the existing first and second sentences thereof a new sentence to read as follows: "In conjunction with such applications, if the respondent is inadmissible under any provision of section 212(a) of the Act and believes he meets the eligibility requirements for a waiver of the ground of inadmissibility, he may apply to the special inquiry officer for such waiver."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER (8-2-72). Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendment to § 212.8(b) is made to conform to the Department of State regulations published July 22, 1972 (37 F.R. 14693); the amendment to § 238.3(b) adds a transportation line to the listing; and the amendment to § 242.17(a) is clarifying in nature.

Dated: July 27, 1972.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.72-12015, Filed 8-1-72; 8:48 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

[Docket No. 72-535]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraphs (e), (f), and (g) are amended to read:

§ 76.2 Notice relating to existence of the contagion of hog cholera and other swine diseases; prohibition of movement of any hog cholera virus, exceptions; spread of disease through raw garbage; regulations; quarantines; Eradication States; Free States.

* * * * *

(e) *Notice of quarantine.* Notice is hereby given that because of the existence of the contagion of hog cholera and the nature and extent of such contagion, the following areas are quarantined:

(1) *Nebraska.* That portion of Adams Conuty bounded by a line beginning at the junction of the Adams-Kearney County line and U.S. Highway 6, 34; thence, following U.S. Highway 6, 34 in an eastern direction to Roseland Road; thence, following Roseland Road in a southern direction to Highline Road; thence, following Highline Road in a western direction to the Adams-Kearney County line; thence, following the Adams-Kearney County line in a northern direction to its junction with U.S. Highways 6, 34.

(2) *New Jersey.* (i) That portion of Burlington County comprised of Evesham and Medford Townships.

(ii) That portion of Camden County comprised of Voorhees Township.

(iii) The adjacent portions of Burlington and Ocean Counties bounded by a line beginning at the junction of State Highway 530 and U.S. Highway 206 in Burlington County; thence, following State Highway 530 in a generally southeasterly direction to State Highway 70; thence, following State Highway 70 in a northeasterly direction to State Highway 539 in Ocean County; thence, following State Highway 539 in a southeasterly direction to State Highway 72; thence, following State Highway 72 in a northwesterly direction to State Highway 532 in Burlington County; thence, following State Highway 532 in a southwesterly, then northwesterly direction to U.S. Highway 206; thence, following U.S. Highway 206 in a northerly direction to its junction with State Highway 530.

(3) *North Carolina.* That portion of Johnston County bounded by a line beginning at the junction of Polecat Branch and the Neuse River; thence, following the north bank of the Neuse River in a generally northeasterly direction to Secondary Road 1201; thence, following Secondary Road 1201 in a southwesterly direction to Secondary Road 1200; thence, following Secondary Road 1200 in a southwesterly direction to the north bank of the Mill Creek; thence, following the north bank of the Mill Creek in a generally northwesterly, then southerly direction to Secondary Road 1009; thence, following Secondary Road 1009 in a generally southeasterly direction to Secondary Road 1136; thence, following Secondary Road 1136 in a southwesterly, then northwesterly direction to Secondary Road 1139; thence, following Secondary Road 1139 in a northwesterly direction to Secondary Road 1140; thence, following Secondary Road 1140 in a northwesterly direction to Secondary Road 1143; thence, following Secondary Road 1143 in a westerly direction to State Highway 96; thence, following State Highway 96 in a northeasterly direction to Secondary Road 1153; thence, following Secondary Road 1153 in a northeasterly direction to Secondary Road 1179; thence, following Secondary Road 1179 in a northeasterly direction to Secondary Road 1009; thence, following Secondary Road 1009 in a northwesterly direction to Secondary Road 1184; thence, following Secondary Road 1184 in a northeasterly direction to dirt road extension of Secondary Road 1184; thence, following the dirt road extension of Secondary Road 1184 in a northeasterly direction to the Neuse River; thence, crossing the

Neuse River in a northeasterly direction to its north bank; thence, following the north bank of the Neuse River in a northeasterly direction to its junction with the Polecat Branch.

(4) *Texas.* (i) That portion of the State of Texas comprised of all of Dawson, Harris, Moore, Nueces, Terry, and Webb Counties.

(ii) That portion of Bexar County bounded by a line beginning at the junction of the Bexar-Atascosa County line and Old Pearsall Road; thence, following Old Pearsall Road in a northeasterly direction to Interstate Highway 410, State Highway 16; thence, following Interstate Highway 410, State Highway 16, in a southeasterly, then northeasterly direction to State Highway 422; thence, following State Highway 16 in a southwesterly direction to the Bexar-Atascosa County line; thence, following the Bexar-Atascosa County line in a northwesterly direction to its junction with Old Pearsall Road.

(iii) The adjacent portions of Mitchell and Nolan Counties bounded by a line beginning at the junction of State Highway 208 and Farm-to-Market Road 2319 in Mitchell County; thence, following Farm-to-Market Road 2319 in a northeasterly direction to Farm-to-Market Road 608 in Nolan County; thence, following Farm-to-Market Road 608 in a northwesterly direction to the Nolan-Fisher County line; thence, following the Nolan-Fisher County line in a westerly direction to the junction of the Nolan-Fisher-Scurry-Mitchell County lines; thence, following the Mitchell-Scurry County line in a westerly direction to State Highway 208 in Mitchell County; thence, following State Highway 208 in a southeasterly direction to its junction with Farm-to-Market Road 2319.

(f) Notice is hereby given that systematic procedures have been in effect for at least 3 months in the States listed below to detect and eradicate the disease of hog cholera; that a period of more than 3 months has passed since there has been clinical evidence that the contagion of the disease exists within such States; and that such States are hereby designated as hog cholera Eradication States. Once designated as a hog cholera Eradication State, the State will retain such status so long as there is no clinical evidence that the contagion of hog cholera exists within such State, other than in primary unrelated instances where the infected herd is promptly depopulated, or until such State is listed in paragraph (g) of this section. Any State which is removed from listing in paragraph (f) because of this secondary spread of the contagion of hog cholera within such State may requalify for such listing when systematic procedures to detect and eradicate the disease have been in effect for 3 consecutive months following herd depopulation of the last positive case, and no clinical evidence of the contagion of the disease has been detected within such State. The following States are classified as Eradication States:

New Jersey.
South Carolina.
Commonwealth of Puerto Rico.

(g) Notice is hereby given that systematic procedures have been in effect for at least 1 year in the States listed below to detect and eradicate the disease of hog cholera; that a period of more than 1 year has passed since there has been clinical evidence that the contagion of the disease exists within such States; and that such States are hereby designated as hog cholera Free States. Once designated as a hog cholera Free State, the State will retain such status so long as there is no clinical evidence that the contagion of hog cholera exists within such State, other than in primary unrelated instances where the infected herd is promptly depopulated. A State removed from listing in this paragraph because of secondary spread of the contagion of hog cholera within such State may requalify for listing when systematic procedures to detect and eradicate the disease have been in effect for 6 consecutive months following herd depopulation of the last positive case, and no clinical evidence of the contagion of the disease has been detected. The following States are hereby classified as hog cholera Free States:

Alabama.
Alaska.
Arizona.
Arkansas.
California.
Colorado.
Connecticut.
Delaware.
Florida.
Georgia.
Hawaii.
Idaho.
Illinois.
Indiana.
Iowa.
Kansas.
Kentucky.
Louisiana.
Maine.
Maryland.
Massachusetts.
Michigan.
Minnesota.
Mississippi.
Missouri.
Montana.
Nebraska.
Nevada.
New Hampshire.
New Mexico.
New York.
North Dakota.
Ohio.
Oklahoma.
Oregon.
Pennsylvania.
Rhode Island.
South Dakota.
Tennessee.
Utah.
Vermont.
Virginia.
Washington.
West Virginia.
Wisconsin.
Wyoming.
District of Columbia.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments exclude Jim Wells County in Texas from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded area. No other changes are made in § 76.2(e), but all presently effective provisions of § 76.2(e) are set forth above for convenient reference.

The amendments add South Carolina to the list of hog cholera Eradication States in § 76.2(f), and the special provisions pertaining to the interstate movement of swine and swine products from Eradication States are applicable to South Carolina.

The amendments delete Rhode Island from the list of hog cholera Eradication States in § 76.2(f) and add Rhode Island to the list of hog cholera Free States in § 76.2(g). The special provisions pertaining to the interstate movement of swine and swine products from Eradication and Free States remain applicable to Rhode Island.

No other changes are made in § 76.2 (f) and (g), but all presently effective provisions of § 76.2 (f) and (g) are set forth above for convenient reference.

The amendments relieve restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera and must be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department.

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

Done at Washington, D.C., this 28th day of July 1972.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.72-12071 Filed 8-1-72;8:52 am]

[Docket No. 72-536]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, in paragraph (e) (4) relating to the State of Texas, a new subdivision (iv) relating to Parker County is added to read:

(e) * * *

(4) *Texas.* * * *

(iv) That portion of Parker County bounded by a line beginning at the junction of the Parker-Palo Pinto County

line and Interstate Highway 20, U.S. Highway 80; thence, following Interstate Highway 20, U.S. Highway 80 in a northeasterly direction to Interstate Highway 20; thence, following Interstate Highway 20 in a northeasterly direction to the east boundary of the Weatherford City limits; thence, following the east boundary of the Weatherford City limits in a generally northwesterly direction to Farm-to-Market Road 51; thence, following Farm-to-Market Road 51 in a northeasterly direction to the Agnes-Weillan County Road; thence, following the Agnes-Weillan County Road in a generally northerly direction to the Parker-Wise County line; thence, following the Parker-Wise County line in a western direction to the junction of the Parker-Wise-Jack County lines; thence, following the Parker-Jack County line in a western direction to the junction of the Parker-Jack-Palo Pinto County lines; thence, following the Parker-Palo Pinto County line in a southern direction to its junction with Interstate Highway 20, U.S. Highway 80.

* * * * *

2. In § 76.2, paragraph (e)(3) relating to the State of North Carolina is deleted.

3. In § 76.2, in paragraph (e)(2) relating to the State of New Jersey, subdivisions (i) relating to Burlington County and (ii) relating to Camden County are deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132, 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505)

Effective date. The foregoing amendments shall become effective uopn issuance.

The amendments quarantine a portion of Parker County in Texas because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined area.

The amendments exclude a portion of Johnston County, N.C., and portions of Burlington and Camden Counties in New Jersey from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the areas excluded from quarantine. No areas in North Carolina remain under guarantine.

Insofar as the amendments impose certain further restrictions necessary to prevent the spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 28th day of July 1972.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.72-12072 Filed 8-1-72;8:52 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. T]

PART 220—CREDIT BY BROKERS AND DEALERS

Credit for Combined Acquisition of Mutual Fund Shares and Insurance

By notice of proposed rule making published in the FEDERAL REGISTER of June 13, 1972 (37 F.R. 11734), the Board of Governors proposed to amend § 220.4(k) of Regulation T, "Credit by Brokers and Dealers", pursuant to section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78g). Following consideration of the comments received, the Board has decided that the amendment should be adopted.

The amendment eliminates from section 220.4(k) the requirement that, in order to be eligible for the provisions of that section, a creditor must be the issuer, or a subsidiary, or affiliate of the issuer, of programs which combine the acquisition of mutual fund shares and insurance. § 220.4(k) is also amended to permit creditors who arrange credit for the acquisition of mutual fund shares and insurance to sell mutual fund shares without insurance under the provisions of § 220.4(c)—Special Cash Account—of Regulation T.

The designation of § 220.4(k) is changed to "Special insurance premium funding account".

To implement its decision in this matter, the Board has amended § 220.4(k) to read as follows:

§ 220.4 Special accounts.

* * * * *

(k) *Special insurance premium funding account.* In a special insurance premium funding account a creditor may arrange for the extension or maintenance of credit, not in excess of the premiums on the insurance policy (plus any applicable interest), on a security issued by an investment company registered pursuant to section 8 of the Investment Company Act of 1940 (15 U.S.C. 80a–8) that serves as collateral under a plan, program, or investment contract, registered with the Securities and Exchange Commission under the Securities Act of 1933 (15 U.S.C. 77), that provides for the acquisition both of a security issued by such investment company and of insurance: *Provided,* That such credit is extended or maintained by a lender subject to Part 207 of this chapter (regulation G) or a bank subject to Part 221 of this chapter (Regulation U). A creditor arranging credit in a special insurance premium funding account shall not extend, arrange, or maintain credit in the general account or any other special account in § 220.3 and this section, except for transactions involving the purchase of shares, in the special cash account described in paragraph (c) of this section, in investment companies which are so registered.

Effective date: September 5, 1972.

By order of the Board of Governors, July 25, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-12040 Filed 8-1-72;8:50 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 72-WE-8-AD, Amdt. 39-1494]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Beech Aircraft With Tricycle Landing Gear

Beech Models C-45G, TC-45G, C-45H, TC-45H, TC-45J (SNB-5), RC-45J (SNB-5P), D18C, D18S, E18S, E18S-9700, G18S, H18, JRB-6, 3N, 3NM, and 3TM Aircraft with Volpar Tricycle Landing Gear (STC SA4-1531, STC SA111WE, STC SA1832WE, or any other STC modification incorporating the provisions of this installation).

There have been cracks and failures of the following components:

1. Nose landing gear fork—Volpar P/N 347,

2. Nose landing gear trunnion—Volpar P/N 271 with outside boss diameter of 1.01±0.01 inch (color coded clear),

3. Main landing gear cylinder and top brace assembly—Beech P/N 404-188406 which do not incorporate the Volpar P/N 859 strap reinforcement,

on Beech 18/C-45 Series Aircraft with Volpar Tri-Gear installed. Since this condition is likely to exist or develop in other airplanes with this modification,

an airworthiness directive is being issued to require:

1. Inspection of the nose landing gear fork for cracks and replace with redesigned part, Volpar P/N 884, if necessary,

2. Inspection of the nose landing gear trunnion for cracks and replace with redesigned part, Volpar P/N 271 with outside boss diameter of 1.12±0.01 inch (color coded green), if necessary,

3. Inspection of the main landing gear cylinder and top brace assembly for cracks and modify with cross brace reinforcement, Volpar P/N 859 strap,

on Beech Models C–45G, TC–45G, C–45H, TC–45H, TC–45J (SNB–5), RC–45J (SNB–5P), D18C, D18S, E18S, E18S–9700, G18S, H18, JRB–6, 3N, 3NM and 3TM Aircraft with STC SA4–1531, STC SA111WE, STC SA1832WE or any other STC modification incorporating the provisions of the Volpar Tri-Gear installation.

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

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

BEECH. Applies to Beech Models C–45G, TC–45G, C–45H, TC–45H, TC–45J (SNB–5), RC–45J (SNB–5P), D18C, D18S, E18S–9700, G18S, H18, JRB–6, 3N, 3NM and 3TM Aircraft certificated in all categories with STC SA4–1531, STC SA111WE, STC SA1832WE or any other STC modification incorporating the provisions of the Volpar Tri-Gear installation.

Compliance required as indicated.

1. *Nose Landing Gear Fork.* a. For airplanes incorporating Volpar nose landing gear fork P/N 347 within the next 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 50 hours' time in service, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection, inspect the fork for cracks using dye penetrant or fluorescent penetrant inspection methods in accordance with Volpar Service Bulletin No. 7, as revised June 29, 1966, or later FAA-approved revision, or an equivalent inspection approved by the Chief, Aircraft Engineering Division, FAA Western Region, until modified in accordance with paragraph 1b below.

b. If cracks are found by the inspections per paragraph 1a above, replace fork prior to further flight with Volpar P/N 884.

c. The inspections required per paragraph 1a may be discontinued upon accomplishment of paragraph 1b above.

2. *Nose Landing Gear Trunnion.* a. For airplanes incorporating Volpar nose landing gear trunnion P/N 271 with outside boss diameter of 1.01±0.01 inch (color coded clear), within the next 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 950 hours' time in service, and thereafter at intervals not to exceed 1,000 hours' time in service from the last inspection, inspect the trunnion for cracks using dye penetrant or fluorescent penetrant inspection methods in accordance with Volpar Service Bulletin No. 19, dated January 16, 1970, or later FAA-approved revision, or an equivalent inspection approved by the Chief, Aircraft Engineering Division, FAA Western Region, until modified in accordance with paragraph 2b below.

b. If cracks are found by the inspection per paragraph 2a above, replace trunnion prior to further flight with Volpar P/N 271 with outside boss diameter of 1.12±0.01 inch (color coded green).

c. The inspections required per paragraph 2a may be discontinued upon accomplishment of paragraph 2b above.

3. *Main Landing Gear Cylinder and Top Brace Assembly.* a. For airplanes with Volpar Tri-Gear which do not incorporate the Volpar P/N 859 strap reinforcement on Beech main landing gear cylinder and top brace assembly P/N 404–188406, within the next 50 hours' time in service after the effective date of this AD, unless already accomplished, inspect the cylinder and top brace assembly for cracks using magnetic particle inspection method per MIL–6868. For inspection purposes, disassemble shock strut as follows:

(1) Support aircraft on jacks.

(2) Remove main wheel and brake assembly from aircraft.

(3) Caution: Release air charge and remove AN6286 valve from main landing gear shock strut assembly.

(4) Remove main landing gear shock strut assembly from the aircraft.

(5) Remove the following components from shock strut:

(a) Cylinder cap assembly P/N 414 188438.

(b) Bracket P/N 709.

(c) Torque links P/N 738 and 706.

(6) Drain oil from the cylinder.

(7) Remove the AN365–820 nut from the lower end of the piston at the P/N 426 fork. NOTE: Care must be taken to avoid shearing the roll pin installed on the E–G–H18 aircraft metering rod assembly. Use a ¾-inch socket to hold the upper end of the metering rod. On C45 and D18 aircraft, a slotted screw driver is used to hold the metering rod.

(8) Remove the P/N 426 fork from the piston by pressing off. Heat may be used on the fork to facilitate removal. Heat to a maximum of 300–350° F.

(9) Remove the P/N 275 stud from the bottom of the piston and slide piston, metering rod, inner cylinder, and seals from the outer cylinder assembly.

(10) Inspect the cylinder truss by magnetic particle inspection per MIL–I–6868 and modify per attached drawing.

(11) Reverse the above procedure for the assembly of shock strut.

(12) Complete a landing gear operational check before returning the aircraft to service.

CAUTION: (a) the AN936–816 lockwasher should be installed on to the threaded portion of the metering rod between the P/N 275 stud and the base of the piston.

(b) The "O" ring AN6227–7 should be installed in groove on metering rod before installation in the piston.

(c) The 426 fork should not be driven or pressed on to piston with the AN365 nut. Heat should be used on the P/N 426 fork. Cool piston with ice to allow a slide fit, then torque AN365 nut in place on stud.

b. If cracks are found by the inspections per paragraph 3a above, repair in accordance with FAR Part 43 prior to accomplishing modification per paragraph 3c below.

c. If no cracks are found by the inspections per paragraph 3a above, modify cylinder and top brace assembly with Volpar P/N 859 strap reinforcement prior to further flight in accordance with the attached drawing.

NOTE: For bulletins, parts, or service information contact:

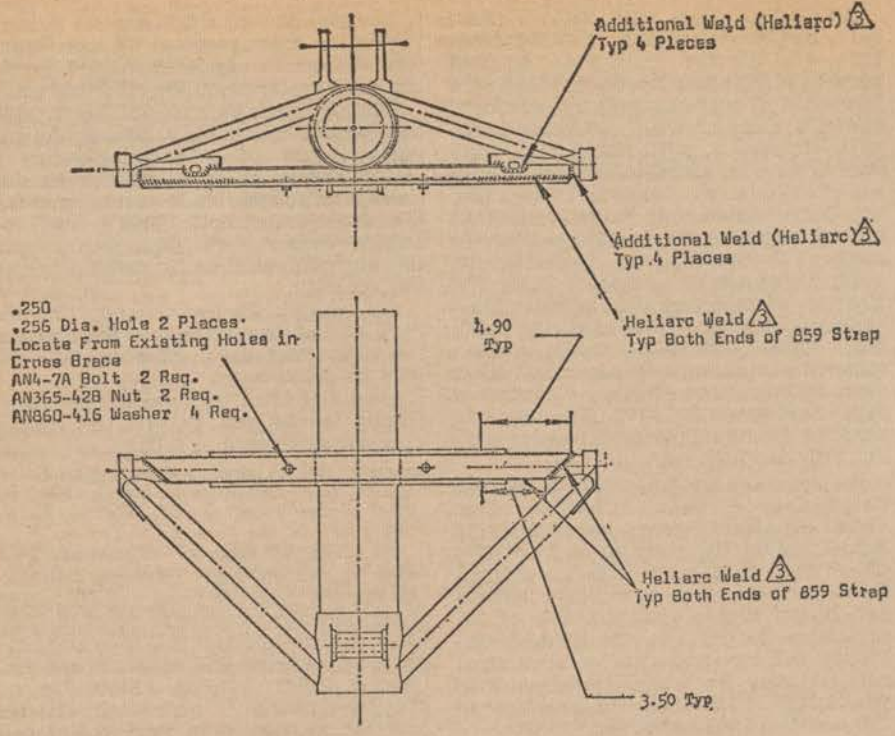
Volpar Inc., 16300 Stagg Street, Van Nuys, CA 91406, Phone 213—787–4393.

This amendment becomes effective August 3, 1972.

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

Issued in Los Angeles, Calif., on July 24, 1972.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.



5. After Welding; Paint Non-Plated Weld Areas with Zinc Chromate and then Aluminum Lacquer.
4. Heliarc Weld in accordance with the requirements of PAR 43.
3. Before Welding, Remove Cadmium Plating in Areas to be Welded.
2. Magnetic Particle Inspect 404-188406 Cylinder & Top Brace Asst Per Mil-I-6868 Before and After Welding.
1. Disassemble Beech 414-188400-1 or 404-188400-600/-601 Shock Absorber Assy to Obtain 404-188406 Cylinder Top Brace Assy.
Part of Original Airplane. Not Furnished with Kit.

[FR Doc.72-11909 Filed 8-1-72;8:45 am]

[Docket No. 72-NE-7, Amdt. 39-1496]

PART 39—AIRWORTHINESS DIRECTIVE

Sikorsky Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Sikorsky S61 type rotorcraft.

As a result of surveillance of S61 helicopter operations, inspection of the a.c. circuit breaker panels disclosed the presence of incorrect wiring. Since it is believed that the situation may exist in other helicopters of similar type design, an airworthiness directive is being issued which will require an inspection and alteration when necessary of the subject panels. As the existence of the deficiency can cause a hazard to air safety, expeditious adoption of the amendment is required. Thus notice and public procedure hereon are impractical and cause exists for making the rule effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SIKORSKY. Applies to all S61A, S61L, S61N and S61R type helicopters.

Compliance required as indicated after the effective date of this airworthiness directive.

To assure the proper electrical feeder wiring gage in the a.c. circuit breaker panel, accomplish the following:

1. Within the next 25 hours time in service from the effective date of the airworthiness directive comply with Sikorsky Service Bulletin 61B55-27A, paragraph 2A or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region.

2. Within 250 hours time in service from the effective date of this airworthiness directive:

(a) Conduct a conformity inspection in accordance with the aircraft drawing effectivity list shown in Sikorsky Service Bulletin 61B55-27A, paragraph 2.B(5) or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region.

(b) Conduct an inspection of all alterations performed on, or affecting the a.c. circuit breaker panel and substantiate feeder wire sizes affected are adequate for the alterations performed. Changes required as a result of this airworthiness directive must be approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region. (Ref. Sikorsky S.B. 61B55-27A dated 9 May 1972 for list of Sikorsky Service Bulletins which modified drawings all listed in paragraph 2.B(5)).

Upon request with substantiating data submitted through an FAA maintenance inspector, the compliance times specified in this airworthiness directive may be increased by the Chief, Engineering and Manufacturing Branch, FAA, New England Region.

This amendment is effective August 10, 1972.

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

Issued in Burlington, Mass., on July 25, 1972.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.72-11983;Filed 8-1-72;8:46 am]

[Airspace Docket No. 72-AL-23]

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

Alteration of Reporting Points

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to redescribe the Crab, Alaska, high altitude reporting point and designate the Cold Bay, Alaska, VORTAC as a low- and high-altitude reporting point.

The compulsory reporting fixes described for Crab and Cold Bay are required by Air Traffic Control to provide an additional safety factor for en route aircraft. These changes do not alter the existing airway/jet route structure.

Since these amendments are minor in nature and no substantive change in the regulations is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 12, 1972, as hereinafter set forth.

1. Section 71.211 (37 F.R. 2323) is amended as follows: "Cold Bay, Alaska, RR" is deleted and "Cold Bay, Alaska" is substituted therefor.

2. Section 71.213 (37 F.R. 2325) is amended as follows:

a. In Crab INT: "227° bearing King Salmon RR," is deleted and "King Salmon, Alaska, 226° radial" is substituted therefor.

b. "Cold Bay, Alaska, RR" is deleted and "Cold Bay, Alaska" is substituted therefor.

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

Issued in Washington, D.C., on July 27, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-11977 Filed 8-1-72;8:45 am]

[Airspace Docket No. 72-EA-54]

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

Extension of VOR Federal Airway Segment

On May 25, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 F.R. 10577) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend a segment of VOR Federal Airway No. 312 from Coyle, N.J., via the intersection of the Coyle 264° T (274° M) and Woodstown 065° T (074° M) radials, to Woodstown, N.J., and establish the maximum authorized altitude for the airway segment at 8,000 feet MSL.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No objections were received in response to the notice.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 12, 1972, as hereinafter set forth.

Section 71.123 (37 F.R. 2009) is amended as follows: V-312 is amended as follows:

V-312 From Woodstown, N.J., INT Woodstown 065° and Coyle, N.J., 264° radials; Coyle; INT Coyle 090° and Sea Isle, N.J., 050° radials. The airspace within R-5002, the airspace below 2,000 feet MSL outside the United States, and the airspace above 8,000 feet MSL between Woodstown and Coyle is excluded.

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

Issued in Washington, D.C., on July 27, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-11976 Filed 8-1-72;8:45 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-750; Amdt. 5]

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

Performance of Overseas Military Personnel Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of July 1972.

By SPR-54 (Part 372), ER-734 (Part 207), ER-735 (Part 208), ER-736 (Part 212), and ER-737 (Part 214), adopted May 18, 1972[1] the Board established a new class of overseas military personnel charters, and authorized air carriers and, until October 1, 1972, foreign air carriers to perform flights in connection with such charters. In adopting these rules, the Board stated that its determination not to authorize foreign air carriers to perform the flights after September 30, 1972, was tentative; and accordingly, the Board contemporaneously issued a Supplemental notice of proposed rule making, EDR-173F/SPDR-25C,[2] inviting comments on the specific issue of whether such authorization should be continued after September 30, 1972. Comments in response to the supplemental notice were due July 18, 1972.

By petition filed June 20, 1972,[3] British Caledonian Airways (Charter) Ltd. (BCAL Charter) has requested that the Board amend the rules so as to extend the foreign air carriers' interim authority to perform overseas military personnel charter flights until the later of (a) November 30, 1972, or (b) 90 days following the effective date of such final rule as may be adopted pursuant to EDR-173F/SPDR-25C. No answers to the petition have been filed.

In support of its petition, BCAL Charter states that the planning and marketing of overseas military personnel charters require at least a 2- to 3-month lead time, and arrangements between a direct carrier and a charter operator cannot be made unless there is reasonable assurance that the former will have the authority to perform the flights. Consequently, failure to extend the foreign carriers' interim authority could force the charter operators to curtail their operations for the month of October, in light of the possibility that U.S. carriers might be unable to meet the needs of the market. BCAL Charter contends further that certain foreign governments might withhold the grant of traffic rights to U.S. carriers for overseas military personnel charter flights after September 30, 1972, pending the outcome of the rule making proceeding; and, aware of that contingency, United States as well as foreign air carriers might be disinclined to commit their equipment for such flights after that date.

Upon consideration, we have determined to grant BCAL Charter's petition. We indicated in SPR-54 that the grant of interim authority to foreign air carriers to perform overseas military personnel charter flights pending a final determination as to whether they should be granted permanent authority was intended to avoid disruption of arrangements for charter transportation of eligible persons which may have already been made for the 1972 summer season. We are now persuaded that, by the same token, an extension of the interim authority of foreign air carriers to continue to perform this class of charters is warranted, so that operation of such charters will not be unduly disrupted, pending our final determination of this issue.

Since this rule imposes no burden upon any person, and merely extends a temporary grant of authority pending a determination as to whether such authority should be made permanent, the Board finds that notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

Accordingly, the Board hereby amends Part 212 of the Economic Regulations (14 CFR Part 212), effective July 27, 1972, as follows:

Amend § 212.8 by modifying paragraphs (a)(6) and (b)(4), the section as amended to read as follows:

§ 212.8 Charter flight limitations.

* * * * *

(a) * * *

(6) Until the later of (i) November 30, 1972, or (ii) 90 days following publication of the Board's final determination of the question whether to adopt the rule proposed by Supplemental notice of proposed rule making EDR-173F/SPDR-25C (Docket 21666, 37 F.R. 11190), by an overseas military personnel charter operator as defined in Part 372 of this chapter; or

(b) * * *

(4) Until the later of (i) November 30, 1972, or (ii) 90 days following publication of the Board's final determination of the question whether to adopt the rule proposed by Supplemental notice of proposed rule making EDR-173F/SPDR-25C (Docket 21666, 37 F.R. 11190), by an overseas military personnel charter operator as defined in Part 372 of this chapter:

(Secs. 204(a), 402 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757; 49 U.S.C. 1324 and 1372)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-12066 Filed 8-1-72;8:53 am]

[Reg. ER-751, Amdt. 8]

PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

Performance of Overseas Military Personnel Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of July 1972.

For the reasons set forth in ER-750 (Part 212), published contemporaneously herewith, the Board hereby amends Part 214 of the Economic Regulations (14 CFR Part 214), effective July 27, 1972, as follows:

Amend § 214.7 by modifying paragraphs (a)(4) and (b)(4), the section as amended to read as follows:

[1] 37 F.R. 11156, 11159.
[2] 37 F.R. 11190, Docket 21666.
[3] Docket 24560.

§ 214.7 Charter flight limitations.

* * * * *

(a) * * *

(4) Until the later of (i) November 30, 1972, or (ii) 90 days following publication of the Board's final determination of the question whether to adopt the rule proposed by Supplemental notice of proposed rule making EDR–173F/SPDR–25C (Docket 21666, 37 F.R. 11190), by an overseas military personnel charter operator as defined in Part 372 of this chapter; or

(b) * * *

(4) Until the later of (i) November 30, 1972, or (ii) 90 days following publication of the Board's final determination of the question whether 'o adopt the rule proposed by Supplemental notice of proposed rule making EDR–173F/SPDR–25C (Docket 21666, 37 F.R. 11190), by an overseas military personnel charter operator as defined in Part 372 of this chapter:

* * * * *

(Secs. 204(a), 402 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757; 49 U.S.C. 1324 and 1372)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72–12067 Filed 8–1–72;8:53 am]

[Reg. ER–749, Amdt. 43]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Reporting of Newly Established Class of Overseas Military Personnel Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of July 1972.

Section 25, schedule T–6, paragraph (i), and section 35, schedule T–6, paragraph (h), of Part 241, require that certain information be supplied concerning charter flights, and the two paragraphs prescribe symbols to be used to represent each of the various types of charter group which is reported.

By ER–738, effective June 3, 1972, and published at 37 F.R. 11157, the Board amended schedule T–6 in sections 25 and 35 so as to provide for the reporting of the newly established class of overseas military personnel charters. However, through inadvertence, no new symbol was assigned for use in reporting the new class of charters. This editorial amendment corrects the omission.

Since this amendment is editorial in nature and imposes no burden upon any person, the Board finds that notice and public procedure hereon are unnecessary and the rule may be made effective immediately.

Accordingly, the Board hereby amends Part 241 of the Economic Regulations (14 CFR Part 241), effective July 27, 1972, as follows:

1. Amend section 25, Schedule T–6, by revising paragraph (i) to read as follows:

Section 25—Traffic and Capacity Elements

* * * * *

Schedule T–6—Summary of Civil Aircraft charters.

* * * * *

(i) Columns 4 and 5 shall reflect, respectively, the aggregate number of seats and the aggregate cargo capacity in tons contracted for on flights reported in column 3. Column 4 on the split-charter report shall reflect a breakdown of the aggregate number of seats contracted for (on flights reported in column 3) by type of charter group. The following symbols shall be used: A—single entity; B—pro rata; C—study group, and D—overseas military personnel.

* * * * *

2. Amend section 35, Schedule T–6, by revising paragraph (h) to read as follows:

* * * * *

Section 35—Traffic and Capacity Elements

* * * * *

Schedule T–6—Summary of Civil Aircraft Charters.

* * * * *

(h) Columns 4 and 5 shall reflect, respectively, the aggregate number of seats and the aggregate cargo capacity in tons contracted for on flights reported in column 3. Column 4 on the split-charter report shall reflect a breakdown of the aggregate number of seats contracted for (on flights reported in column 3) by type of charter group. The following symbols shall be used: A—single entity; B—pro rata; C—study group; D—inclusive tour, and E—overseas military personnel.

* * * * *

(Sec. 204(a) Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72–12065 Filed 8–1–72;8:53 am]

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR–56, Amdt. 1]

PART 372—OVERSEAS MILITARY PERSONNEL CHARTERS

Performance of Flights by Foreign Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of July 1972.

For the reasons set forth in ER–750 (Part 212), published contemporaneously herewith, the Board hereby amends Part 372 of the Special Regulations (14 CFR Part 372), effective July 27, 1972, as follows:

Amend § 372.1 to read as follows:

§ 372.1 Applicability.

This part establishes the terms and conditions governing the furnishing of overseas military personnel charters in air transportation by direct air carriers (and, until the later of (a) November 30, 1972, or (b) 90 days following publication of the Board's final determination of the question whether to adopt the rule proposed by Supplemental notice of proposed rule making EDR–173F/SPDR–25C (Docket 21666, 37 F.R. 11190), by foreign air carriers) and by overseas military charter operators. This part also relieves charter operators from the provisions of section 401 of the Act, for the purpose of enabling them to provide overseas military personnel charters utilizing aircraft chartered from such direct air carriers (and, until the later of (1) November 30, 1972, or (2) 90 days following publication of the Board's final determination of the question whether to adopt the rule proposed by Supplemental notice of proposed rule making EDR–173F/SPDR–25C (Docket 21666, 37 F.R. 11190), from foreign air carriers). Nothing contained in this part shall be construed as repealing or amending any provisions of any of the Board's regulations, unless the context so requires.

(Sec. 204(a) Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72–12068 Filed 8–1–72;8:53 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER G—APPROVED FORMS, NATURAL GAS ACT

[Docket No. R–335; Order No. 360–C]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Order Suspending Detailed Reporting Requirements; Correction

JUNE 21, 1972.

Annual reports to the Commission of Class A and B natural gas companies.

In the order suspending detailed reporting requirements of FPC Form No. 2 "Natural Gas Reserves Available From Purchase Agreements", issued June 13, 1972 and published in the FEDERAL REGISTER June 24, 1972 (37 F.R. 12490): Paragraph 2, line 4, between "reporting" and "requirements" insert "in Form 15 and also not to modify the remaining limited reporting".

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72–12030 Filed 8–1–72;8:49 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

Diethyl Pyrocarbonate

In the FEDERAL REGISTER of February 11, 1972 (37 F.R. 3060), the Commissioner of Food and Drugs proposed that Part 121 be amended by revoking § 121.1117 *Diethyl pyrocarbonate* (21 CFR 121.1117) because the additive was shown to be theoretically capable of combining with other ingredients in beverages to form a byproduct that may present a health hazard. The byproduct is urethan (synonyms: ethyl urethan and ethyl carbamate).

Comments concurring in the proposal were received from 36 consumers, the Government of Venezuela, the Center for Science in the Public Interest, and the Environmental Defense Fund.

Industrial Bio-Research Laboratories Inc., a firm conducting research on detection of urethan in beverages jointly with ColTec Division of Nutrico, Inc., requested that the period for comment be extended for 15 days. The extension was not granted. ColTec, however, subsequently submitted data reflecting this joint research effort that has been fully considered by the Commissioner.

The two manufacturers of diethyl pyrocarbonate, Metachem, Inc. (a subsidiary of Farbenfabriken Bayer AG, West Germany), and ColTec Division of Nutrico, Inc., submitted comments with data that indicate the potential presence of low levels of urethan when acidic beverages (wine, beer, fruit-based drinks) are treated with diethyl pyrocarbonate. However, the Commissioner finds that deficiences in the various analytical methods employed by the two firms do not permit an unequivocal conclusion that the data submitted establish the presence or absence of urethan in either treated or untreated beverages.

In its laboratories, the Food and Drug Administration has developed an analytical method which is suitable for detection of urethan in grapefruit juice and research is continuing towards developing methodology for other beverages. FDA has unequivocally found low levels of urethan in grapefruit juice treated in the laboratory with diethyl pyrocarbonate at a permitted level. However, the Commissioner has no information that grapefruit juice has been treated commercially with diethyl pyrocarbonate.

Asserting that there is continuing research into analytical methodology for detection of urethan in treated beverages, Metachem requested, as part of its comment, an extension of time to submit further data before any decision is reached on the proposal. Considering all of the data now available the Commissioner is of the opinion that a decision should not be further delayed.

The Commissioner, having evaluated the data provided in comments submitted and other relevant material and in the absence of more complete data to resolve the safety question, concludes that the usage of diethyl pyrocarbonate as a preservative in beverages can no longer be regarded as safe.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409, 701(a), 52 Stat. 1055, 72 Stat. 1785–88; 21 U.S.C. 348, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by revoking § 121.1117 *Diethyl pyrocarbonate.*

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (8–2–72).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 25, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-11941 Filed 8-1-72;8:45 am]

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–72–203]

DEBENTURE INTEREST RATES

Miscellaneous Amendments

The following amendments have been made to this chapter to change the debenture interest rate. The Secretary has determined that advance publication and notice and public procedure are unnecessary since the debenture interest rate is set by the Secretary of the Treasury in accordance with a procedure established by statute and that said cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

Accordingly, Subchapter B of Chapter II is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart B—Contract Rights and Obligations

1. Section 203.405 is amended to read as follows:

§ 203.405 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
6¼	Jan. 1, 1971	July 1, 1971
5⅞	July 1, 1971	Jan. 1, 1972
5⅝	Jan. 1, 1972	July 1, 1972
5½	July 1, 1972	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

2. Section 203.479 is amended to read as follows:

§ 203.479 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
6¼	Jan. 1, 1971	July 1, 1971
5⅞	July 1, 1971	Jan. 1, 1972
5⅝	Jan. 1, 1972	July 1, 1972
5½	July 1, 1972	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies to sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

In § 207.259 paragraph (e)(6) is amended to read as follows:

§ 207.259 Insurance benefits.

* * * * *

(e) *Issuance of debentures.* * * *

(6) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
6¼	Jan. 1, 1971	July 1, 1971
5⅞	July 1, 1971	Jan. 1, 1972
5⅝	Jan. 1, 1972	July 1, 1972
5½	July 1, 1972	

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart D—Contract Rights and Obligations—Projects

Section 220.830 is amended to read as follows:

§ 220.830 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually

on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
6¼	Jan. 1, 1971	July 1, 1971
5⅞	July 1, 1971	Jan. 1, 1972
5⅝	Jan. 1, 1972	July 1, 1972
5½	July 1, 1972	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

Effective date. These amendments are effective as of July 1, 1972.

Issued at Washington, D.C., July 21, 1972.

HARRY T. MORLEY,
Assistant Secretary for Administration.

[FR Doc.72-11950 Filed 8-1-72;8:45 am]

SUBCHAPTER D—PUBLICLY FINANCED HOUSING PROGRAMS

[Docket No. R-72-184]

PART 275—LOW RENT PUBLIC HOUSING

Prototype Cost Limits for Public Housing

REVISION OF CERTAIN COST SCHEDULES

On Wednesday, May 17, 1972 (37 F.R. 9902), the Department of Housing and Urban Development published Prototype Per Unit Cost Schedules for Low Rent Public Housing pursuant to section 15(5) of the U.S. Housing Act of 1937.

Subsequently, it was discovered the schedules for Lubbock, Amarillo, El Paso, Midland, and Odessa, Tex., were published in the May 17, 1972 issue of the FEDERAL REGISTER unadjusted. Accordingly, Part 275—Low Rent Public Housing, Prototype Cost Limits for Public Housing is hereby amended in accordance with the following schedule.

JOHN L. GANLEY,
Deputy Assistant Secretary for Housing Production and Mortgage Credit.

PROTOTYPE PER UNIT COST SCHEDULE

REGION VI

	Number of bedrooms						
	0	1	2	3	4	5	6
Lubbock, Tex.:							
Detached and semidetached	8,050	9,700	12,050	14,350	17,300	19,250	20,050
Row dwellings	7,700	9,250	11,500	13,700	16,400	18,300	19,150
Walk-up	6,600	8,250	10,400	12,300	14,300	15,700	16,450
Elevator-structure	11,850	13,750	17,400				
Amarillo, Texas:							
Detached and semidetached	8,500	10,250	12,700	15,150	18,300	20,350	21,200
Row dwellings	8,150	9,800	12,150	14,450	17,350	19,350	20,200
Walk-up	6,950	8,700	11,600	13,000	15,100	16,600	17,400
Elevator-structure	12,150	14,150	17,900				
El Paso, Tex.:							
Detached and semidetached	8,050	9,650	12,000	14,300	17,200	19,200	20,000
Row dwellings	7,700	9,200	11,450	13,650	16,350	18,300	19,100
Walk-up	6,600	8,200	10,400	12,250	14,250	15,650	16,400
Elevator-structure	11,450	13,350	16,850				
Midland, Tex.:							
Detached and semidetached	7,750	9,300	11,550	13,750	16,550	18,450	19,250
Row dwellings	7,350	8,900	11,000	13,100	15,750	17,550	18,350
Walk-up	6,300	7,900	10,000	11,800	13,700	15,050	15,800
Elevator-structure	11,350	13,150	16,650				
Odessa, Tex.:							
Detached and semidetached	7,750	9,300	11,550	13,750	16,550	18,450	19,250
Row dwellings	7,350	8,900	11,000	13,100	15,750	17,550	18,350
Walk-up	6,300	7,900	10,000	11,800	13,700	15,050	15,800
Elevator-structure	11,350	13,150	16,650				

[FR Doc.72-11949 Filed 8-1-72;8:45 am]

Chapter X—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Eligible Communities

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table. This entry differs from prior entries to the table in that a complete chronology of effective dates appear for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or under the regular insurance program. The entry reads as follows:

§ 1914.4 List of eligible communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Maryland	Prince Georges	Except Laurel	I 24 033 0000 10 through I 24 033 0000 79	Department of Water Resources, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, MD 21201.	Department of Inspections and Permits, County Service Bldg., Hyattsville, Md. 20781.	Aug. 12, 1970. Emergency; Aug. 4, 1972. Regular.
Massachusetts	Norfolk	Dedham				Aug. 4, 1972; Emergency.

List of Eligible Communities—Continued

State	County	Location	Map. No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
New Jersey	Ocean	Brick Township	I 34 029 0416 03 through I 34 029 0416 14	Division of Water Resources, Department of Environmental Protection, Post Office Box 1390, Trenton, NJ 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Town Hall, Brick Township, 609 Brick Blvd., Laurelton, Brick Town, NJ 08723.	July 1, 1970. Emergency. Aug. 4, 1972. Regular.
Do.	do.	Lakewood Township.				Aug. 4, 1972. Emergency.
Oklahoma	Creek	Sapulpa				Do.
Pennsylvania	Cambria	Johnstown				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: July 28, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72–12069 Filed 8–1–72;8:52 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Maryland	Prince Georges	Except Laurel	H 24 033 0000 10 through H 24 033 0000 79	Department of Water Resources, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, MD 21201.	Department of Inspections and Permits, County Service Bldg., Hyattsville, Md. 20781.	Aug. 12, 1970.
Massachusetts	Norfolk	Dedham				Aug. 4, 1972.
New Jersey	Ocean	Brick Township	H 34 029 0416 03 through H 34 029 0416 14	Division of Water Resources, Department of Environmental Protection, Post Office Box 1390, Trenton, NJ 08625. New Jersey Department of Insurance, State House Annex, Trenton, NJ 08625.	Town Hall, Brick Township, 609 Brick Blvd., Laurelton, Brick Town, NJ, 08723.	July 1, 1970.
Do.	do.	Lakewood Township.				Aug. 4, 1972.
Oklahoma	Creek	Sapulpa				Do.
Pennsylvania	Cambria	Johnstown				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: July 28, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72–12070 Filed 8–1–72;8:52 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 72–647]

PART 0—COMMISSION ORGANIZATION

Delegation of Authority to Chief, Cable Television Bureau

Order. 1. Since the adoption of new cable television service rules in the cable television report and order, FCC 72–108 (37 F.R. 3252 1972), an unprecedented number of applications for certificates of compliance have been filed with the Commission, pursuant to Part 76 of the rules.[1] While many of these applications have been opposed, a substantial number have not. In our "Letter of Intent" of August 5, 1971, the commission proposal for regulation of cable television, FCC 71–787, 31 FCC 2d 115, we stated that "our basic objective is to get cable moving so that the public may receive its benefits, and to do so without, at the same time, jeopardizing the basic structure of over-the-air television." Accordingly, in the cable television report and order, supra, we decided that action on applications for certificates of compliance would proceed on the following basis:

Absent special situations or showings, requests consistent with our rules will receive prompt certification. The rules will operate on a "go-no-go" basis—i.e., the carriage rules reflect our determination of what is, at this time, in the public interest with respect to cable carriage of local and distant signals (paragraph 112).

Later, in the reconsideration of the cable television report and order, FCC 72–530 (37 F.R. 13848, 1972), we noted that some delegations of authority to the Cable Television Bureau were contemplated after we had obtained experience with the new processing procedures (See paragraph 121 of the reconsideration, supra). The hundreds of applications now on file

[1] With the issuance of the 10th public notice of applications filed, 840 applications will have been placed on public notice in only 3½ months. This contrasts with the 631 petitions for waiver of former § 74.1107 which were filed over a 6-year period.

threaten to overwhelm the orderly processes of certification we had painstakingly contrived. Therefore, we have decided to give the Chief, Cable Television Bureau, the authority to act on all applications for certificates of compliance which conform to the applicable rules and regulations and are either unopposed or whose disposition is governed by policies the Commission has established. Section 0.289 of the rules will be amended to reflect this new delegation.

2. In delegating this authority to the Cable Television Bureau, we will facilitate prompt action on unopposed applications for certificates of compliance, and, as stated above, those applications for which the Commission has acted to establish standards and policy in the certificating process. Thus, in Docket 19417, the Commission determined that objections which professional sports interests had lodged against individual applications for certification should be considered in that docket, and not in the certificating process itself.[2] Henceforth, these and similar objections can be disposed of by the staff of the Cable Television Bureau pursuant to delegated authority. We believe this action will allow the staff to make significant inroads into a rapidly increasing backlog of applications, to "get cable moving", and "bring to the American people an effective and diverse communications system, in accordance with the mandate of the Communications Act of 1934".[3]

3. The present delegation now found at § 0.289(c)(12) is obsolete and will be deleted, to be replaced by this new delegation of authority. Because these changes relate to internal Commission organization and practice, the prior notice provisions of section 4 of the Administrative procedure Act, 5 U.S.C. 553 do not apply. For the same reason, these amendments will be made effective immediately.

Accordingly, it is ordered, Effective July 27, 1972, that Part O of the rules and regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: July 19, 1972.

Released: July 27, 1972.

FEDERAL COMMUNICATIONS COMMISSION[4]

[SEAL] BEN F. WAPLE, *Secretary.*

In Part O of Chapter I of Title 47 of the Code of Federal Regulations, § 0.289 (c)(12) is deleted, and a new subparagraph is added, to read as follows:

§ 0.289 Authority delegated.

* * * * *

(c) * * *

(12) To act on applications for certificates of compliance which conform to applicable rules and regulations, and are either unopposed or whose disposition is governed by established Commission policy.

[FR Doc.72-12039 Filed 8-1-72;8:50 am]

[2] See in the matter of Amendment of Part 76 of the Commission's Rules and Regulations relative to Cable Television Systems and the Carriage of Sports Programs on Cable Television Systems and In the Matter of Applications for Certificates of Compliance, FCC 72-646, — FCC 2d — (1972). There we stated that "* * * /W/e feel that the proper forum for disposition of these petitions is in this proceeding where the matter can be dealt with as a whole, and not in the certificating process on a case-by-case basis."

[3] Commission Proposals for Regulation of Cable Television, supra, at page 141.

[4] Commissioner Hooks not participating.

Title 6—ECONOMIC STABILIZATION

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

Modification of Provisions Relating to Productivity

The purpose of this amendment is to revise § 300.11a "Calculation of productivity gains by manufacturers and construction contractors" of the Price Commission regulations, to provide that productivity gains are to be taken into account, to the extent provided in Appendix III to this part, in the calculation of all price increases whether or not the increase is based on increases in allowable labor costs. This change is required to correct the problem caused by the previous language in the former last sentence of § 300.11a(a) which provided that productivity gains were to be taken into account "only in cases involving price increases based in whole or in part, on increases in allowable labor costs." That provision, which has been deleted in this revision, operated to require a productivity offset from a price increase justified by a firm sustaining a labor cost increase, no matter how minimal, and, for that reason, served as motivation for firms not to use labor cost increases as justification for price increases even if they were incurred. This modification will alleviate that problem.

A new sentence is added to § 300.11a(a) to provide that, to the extent provided in Appendix III, productivity gains will be taken into account in the calculation of all price increases during the firm's fiscal year until the full productivity offset has been used within that fiscal year. The purpose of this change is to set the time period during which the use of the offset is to be measured, a provision not contained in the original section.

Paragraph (b) of § 300.11a is amended to provide for an increase in the total productivity offset for the fiscal year under certain circumstances when the sum of all actual labor costs as a percentage of total costs changes or when changes occur in the ratio which expected sales by certain standard industrial categories bears to total expected sales within a single product line at different points in time. These changes are designed to provide a productivity offset more truly reflective of the firm's actual status during the fiscal year in which the productivity offset is to be used.

Paragraph (b) is further amended to provide that data used in price increase computations after the first price increase in any fiscal year may not be used to reduce the total productivity offset for the fiscal year. The purpose of this provision is to encourage accurate and realistic price increase computations in the first instance and to discourage basic changes in computation procedures designed to avoid or reduce the productivity offset. Paragraph (b) has also been divided into subparagraphs to facilitate comprehension.

Because the purpose of this amendment is to provide clarification and amplification of a section of the price stabilization provisions, and to provide immediate guidance and information as to the price stabilization program, it is hereby found that notice and public procedure thereon is impracticable and that good cause exists for making it effective less than 30 days after publication.

In consideration of the foregoing, § 300.11a of Title 6 of the Code of Federal Regulations is revised to read as set forth below, effective August 2, 1972.

Issued in Washington, D.C., on August 1, 1972.

C. JACKSON GRAYSON JR., *Chairman, Price Commission.*

§ 300.11a Calculation of productivity gains by manufacturers and construction contractors.

(a) *General.* For the purposes of determining whether a price may be increased by any manufacturer or construction contractor under any provision of this part, except § 300.31, productivity gains shall be calculated on the basis of the average percentage gain in the applicable industrial category, as set forth in the table in Appendix III to this part. To the extent provided in the table in Appendix III, productivity gains shall be taken into account in the calculation of all price increases during any fiscal year of a manufacturer or construction contractor but only until the full productivity offset, derived from Appendix III and calculated under paragraph (b) of this section, has been used within that fiscal year.

(b) *Calculation.* (1) For the purposes of determining whether a price increase is justified, each manufacturer or construction contractor shall calculate the sum of all of its actual labor costs (of the type required to be included under Part IV of Form PC-1, whether or not the form is required to be filed) as a percentage of total costs, and shall multiply that percentage by the average annual rate of productivity gain for the applicable industrial category, as set forth in the table in Appendix III to this part. The result is the productivity gain, stated as a percentage, by which the total cost increase must be reduced in order to be an allowable cost for the purposes of a price increase under this part.

(2) If the business of the manufacturer or construction contractor extends to more than one industrial category, the average percentage gain in productivity in each category must be weighted in proportion to the ratio which its expected sales (at present prices for the 12-month period following the proposed date of the increase) in each industrial category bears to the total sales for that period affected by the price increase.

(3) A productivity offset calculated under subparagraphs (1) or (2) of this paragraph during any fiscal year of a manufacturer or construction contractor which is greater than a productivity offset previously calculated during that fiscal year must be used by the manufacturer or construction contractor as the total productivity offset for that fiscal year. A productivity offset calculated under subparagraphs (1) or (2) of this paragraph during any fiscal year of a manufacturer or construction contractor which is lower than a productivity offset previously calculated during that fiscal year may not be used by the manufacturer or construction contractor as the total productivity offset for that fiscal year.

(4) The percentage of unit cost decrease in nonvariable costs that results from an increased volume shall be treated as provided in Parts IV and V of the instructions to Form PC–1. Negative volume may not be shown.

(c) *Subsidiaries, etc., not included.* This section does not apply to a wholesaling, retailing, or service organization (other than a construction contractor), public utility, insurer, regulated seller of milk or milk products, or health provider subsidiary, devision, affiliate, or similar entity that is a part of, or is directly or indirectly controlled by, a manufacturer or construction contractor.

(d) *Filings received before August 12, 1972.* In the case of a Form PC–1 received from a prenotification or reporting firm by the Price Commission before August 12, 1972, the Price Commission will revise the form as required to conform to this section. A Form PC–1 received after August 11, 1972, which does not comply with this section will be returned to the person making the submission for revision.

[FR Doc.72-12164 Filed 8-1-72;10:44 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 72–18; Notice 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires, Tire Selection, and Rims for Passenger Cars

This amendment adds certain tire sizes and accompanying values, and amends values for existing tire size designations in Motor Vehicle Safety Standard No. 109 (49 CFR 571.109), and adds alternative rim sizes and test rims to Motor Vehicle Safety Standard No. 110 (49 CFR 571.110).

On October 5, 1968, guidelines were published in the FEDERAL REGISTER (33 F.R. 14964) by which routine additions could be added to Appendix A, Standard No. 109, and to Appendix A, Standard No. 110. Under these guidelines the additions become effective 30 days from the date of publication in the FEDERAL REGISTER, if no objections are received. If objections are received, rule making pursuant to the procedures for motor vehicle safety standards (49 CFR Part 553) is followed.

Beginning in January 1972, the NHTSA inaugurated a procedure whereby amendments to the tables of Appendix A of Standard No. 109 and Appendix A of Standard No. 110 would be published approximately 4 times per year: on, or about January 1, April 1, July 1, and October 1. Amendments to the tables were not published April 1 or July 1, 1972, and this notice publishes the amendments that would normally have been published on those dates.

Accordingly, Appendix A of Motor Vehicle Safety Standard No. 109 (49 CFR 571.109), and Appendix A of Motor Vehicle Safety Standard No. 110 (49 CFR 571.110), are amended, subject to the 30-day provision indicated above, as specified below.

A. The following changes are to be made to Appendix A of § 57.109 *Standard No. 109; New Pneumatic Tires:*

(Amendments requested by the Rubber Manufacturers Association.)

1. In Table I–C, the minimum size factors for the listed tire size designations are amended as follows:

Tire size designation	Change	
	From—	To—
165–14	31.22	30.79
175–14	32.13	31.65
185–14	33.15	32.66
195–14	34.18	33.67
205–14	35.36	34.84
215–14	36.30	35.75
225–14	37.25	36.69
165–15	32.16	31.73
185–15	34.09	33.56
195–15	35.12	34.61
205–15	36.30	35.79
215–15	37.24	36.69

2. In Table I–G, the following new-tire size designations and corresponding values are added:

TABLE I–G

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "70 SERIES" TYPE "R" RADIAL TIRES

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressure (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
BR70–13	780	840	890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	5½	31.04	7.60
MR70–15	1,420	1,520	1,610	1,700	1,780	1,860	1,940	2,020	2,090	2,160	2,230	2,300	2,370	7	38.93	10.15

3. In Table I–H, the load values at 34 p.s.i., 36 p.s.i., 38 p.s.i., and 40 p.s.i. are corrected for the tire size designations listed below, as follows:

	34 p.s.i.		36 p.s.i.		38 p.s.i.		40 p.s.i.	
	Change		Change		Change		Change	
	From—	To—	From—	To—	From—	To—	From—	To—
185R13			1,360	1,350				
165R14	1,160	1,170						
175R14	1,270	1,280						
185R14	1,400	1,410			1,490	1,500		
195R14	1,550	1,540	1,600	1,590	1,650	1,640		
205R14	1,670	1,680						
215R14							2,000	2,010
225R14					2,050	2,040		
165R15							1,270	1,280
175R15	1,270	1,280						
185R15	1,440	1,430			1,530	1,520		
215R15					1,620	1,910		
235R15	2,030	2,040			2,160	2,170		

4. In Table I–K, the minimum size factor for tire size designation H60–14 is changed from "36.41" to "36.20", and the minimum size factor for tire designation F60–15 is changed from "34.94" to "34.75."

In addition, the following new-tire size designations and corresponding values are added to Table I–K:

TABLE I–K

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "60 SERIES" BIAS PLY TIRES

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
A60–13	720	770	810	860	900	940	980	1,020	1,060	1,090	1,130	1,160	1,200	5½	30.00	7.85
C60–13	840	890	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	6	31.58	8.00
D60–13	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	6	32.20	8.85
D60–14	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	6	32.72	8.65
D60–15	840	890	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	6	32.66	8.25

5. A new Table I–U, with the following new-tire size designation and corresponding values, is added as follows:

TABLE I–U

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "60 SERIES" CANTILEVERED TIRES

Tire size designation[1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width[2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
C60C–15	840	890	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	4	31.92	7.35

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "Dash."

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

6. In Table I–R, the test rim width, minimum size factor, and section width for the FR60–15 and GR60–15 tire size designations are corrected as follows:

	Test rim width		Minimum size factor		Section width	
	Change		Change		Change	
	From—	To—	From—	To—	From—	To—
FR60–15	7	6½	35.02	34.75	9.30	9.20
GR60–15	7	6½	35.81	35.52	9.60	9.50

In addition, the following new tire size designation and corresponding values are added to Table I–R:

TABLE I–R

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "60 SERIES" RADIAL PLY TIRES

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
ER60–13	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	6	32.81	9.05

(Amendments requested by the European Tyre and Rim Technical Organization.)

7. In Table I–D, for the 230–15 tire size designation, the test rim width is changed from "6" to "6½", and the section width is changed from "8.60" to "8.80."

In addition, the following tire size designations and corresponding values are added to Table I–D:

TABLE I–D

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR DASH (–) RADIAL PLY TIRES

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
220–15	1,320	1,420	1,520	1,610	1,695	1,785	1,875	1,960	2,050	2,135	2,225			6	36.49	8.35
240–15	1,455	1,570	1,680	1,790	1,890	1,990	2,090	2,190	2,280	2,380	2,40			6½	3 .28	9.05

8. In Table I–N, the following tire size designation and corresponding values are added:

TABLE I–N

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "70" SERIES" RADIAL PLY TIRES

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
175/70 R14			880	905	925	950	975	1,000	1,025	1,050	1,075	1,100	1,125	5	30.33	6.92

9. In Table I–O, the load at 38 p.s.i. for the 17OR13 tire size designation is changed from "1060" pounds to "1080" pounds.
10. In Table I–S, the following tire size designations and corresponding values are added:

TABLE I–S

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "60" SERIES" RADIAL FLY TIRES

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
265/60 R14	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	7	36.20	10.25
215/60 R15	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	6	33.25	8.50

11. In Table I–T, the following tire size designations and corresponding values are added:

TABLE I–T

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "70 SERIES" PLY RADIAL PLY TIRES

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressure (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
205/70 R13	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5½	32.29	8.05
225/70 R15	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.65	8.65

(MISCELLANEOUS CORRECTIONS.)

12. In Table I–D, the test rim width for the 230–15 tire size designation is changed from "6" to "6½."
13. In Table I–E, the section width for the 5.9–10 tire size designation is changed from "5.86" to "5.80," and the section width for the 6.2–12 tire size designation is changed from "6.00" to "6.06."
14. In Table I–J, the load at 34 p.s.i. for the F78–15 tire size designation is changed from "1500" to "1550."
15. In Table I–M, the load at 38 p.s.i. for the JR78–14 tire size designation is changed from "1040" to "2040."
16. In Table I–O, the load at 36 p.s.i. for the 15OR13 tire size designation is changed from "780" to "870," the load at 38 p.s.i. for the 17OR13 tire size designation is changed from "1060" to "1080," the section width for the 17OR13 tire size designation is changed from "6.65" to "6.60," and the section width for the 15OR14 tire size designation is changed from "5.70" to "5.75."
17. In Table I–R, footnote No. 1 is amended to read, "The letters 'HR', 'SR', or 'VR' may be included in any specified tire size designation adjacent to or in place of the 'dash'."

B. The following changes are to be made to Appendix A of § 571.110 *Standard No. 110; Tire Selection and Rims:*

(Amendments requested by the Rubber Manufacturers Association.)

1. In Table I–G, the 7–JJ alternative rim size is added for the GR70–14 tire size designation, the 8–JJ alternative rim size is added for the GR70–15 tire size designation, the 5½–JJ test rim size and the 6–JJ alternative rim size are added for the BR70–13 tire size designation, and the 7–JJ test rim size is added for the MR70–15 tire size designation.

2. In Table I–H, the 6–JJ alternative rim size is added for the 175R13 tire size designation.

3. In Table I–K, the 5½–JJ test rim size is added for the A60–13 tire size designation, the 6–JJ test rim size is added for the C60–13 tire size designation, the 6–JJ test rim size is added for the D60–13 tire size designation, the 6–JJ test rim size is added for the D60–14 tire size designation, the 6–JJ test rim size and the 5½–JJ and 7–K alternative rim sizes are added for the C60–15 tire size designation, and the 8–K alternative rim size is added for the H60–15 tire size designation.

4. In Table I–M, the 5–JJ, 5½–JJ, and 6–JJ alternative rim sizes are added for the BR–78–13 tire size designation, the 5½–JJ alternative rim size is added for the GR78–14 tire size designation, the 5½–JJ alternative rim size is added for the HR78–14 tire size designation, the 5½–JJ and 6½–JJ alternative rim sizes are added for the GR78–15 tire size designation, and the 6½–JJ alternative rim size is added for the HR78–15 tire size designation.

5. In Table I–R, the 7–JJ test rim size and the 8–JJ alternative rim size are added for the LR60–15 tire size designation, the 6–JJ test rim size is added for the ER60–13 tire size designation, the 6–JJ test rim size and the 7–JJ alternative rim size are added for the ER60–15 tire size designation, and the 6½–JJ test rim size and the 7–JJ alternative rim size are added for the FR60–14 tire size designation. In addition, the test rim size for the FR60–15 and GR60–15 tire size designations is changed from "7–JJ" to "6½–JJ". The 7–JJ rim size is retained as an alternative rim size for both tire size designations.

6. A new table I–U is added, listing the 4–JJ test rim size and the 4½–JJ alternative rim size for the C60C–15 tire size designation.

(Amendments requested by the European Tyre and Rim Technical Organisation.)

7. In Table I–D, the 6–JJ test rim size and the 5½–JJ and 6½–JJ alternative rim sizes are added for the 220–15 tire size designation, and the 6½–JJ test rim size and the 6–JJ and 7–JJ alternative rim sizes are added for the 240–15 tire size designation. In addition, the test rim size for the 230–15 tire size designation is changed from "6–JJ" to "6½–JJ". The 6–JJ rim size is retained as an alternative rim size for the 230–15 tire size designation.

8. In Table I–N, the 5–JJ test rim size and the 5½–JJ alternative rim size are added for the 175/70R14 tire size designation.

9. In Table I–S, the 7–JJ test rim size and the 9–JJ alternative rim size are added for the 265/60R14 tire size designation, and the 6–J test rim size and the 7–J alternative rim size are added for the 215/60R15 tire size designation.

10. In Table I–T, the 6½–K test rim size and the 7–K alternative rim size are added for the 225/70R15 tire size designation, and the 5½–JJ test rim size and the 6–J and 6½–JJ alternative rim sizes are added for the 205/70R13 tire size designation.

Following is a tabulation of the changes made by this amendment.

FMVSS NO. 110—APPENDIX A

TABLE I

(Changes Made By This Amendment Only)

Table I–D:	
220–15	5½–JJ, *6–JJ*, 6½–JJ
230–15	6–JJ, 6½–JJ
240–15	6–JJ, 6½–JJ, 7–JJ
Table I–G:	
BR70–13	5½–JJ, 6–JJ
GR70–14	7–JJ
GR70–15	8–JJ
MR70–15	7–JJ
Table I–H:	
175R13	6–JJ
Table I–K:	
A60–13	5½–JJ
C60–13	6–JJ
D60–13	6–JJ
D60–14	6–JJ
C60–15	5½–JJ, 6–JJ, 7K
H60–15	8K
Table I–M:	
BR78–13	5–JJ, 5½–JJ, 6–JJ
GR78–14	5½–JJ
HR78–14	5½–JJ
GR78–15	5½–JJ, 6½–JJ
HR78–15	6½–JJ
Table I–N:	
175/7014	5–JJ, 5½–JJ

TABLE I—continued

Table I–R:	
ER60–13	6–JJ
ER60–15	6–JJ, 7–JJ
FR60–14	6½–JJ, 7–JJ
FR60–15	6½–JJ, 7–JJ
GR60–15	6½–JJ, 7–JJ
LR60–15	7–JJ, 8–JJ
Table I–S:	
265/60 R14	7–JJ, 9–JJ
215/60 R15	6–JJ, 7–JJ
Table I–T:	
205/70 R13	5½–JJ, 6–JJ, 6½JJ
225/70 R15	6½–K, 7–K
Table I–U:	
C60C–15	4–JJ, 4½–JJ

[1] Italic designations denote test rims.
[2] Where JJ rims are specified in the above tables J and JK rim contours are permissible.
[3] Table designations refer to tables listed in Appendix A of Standard No. 109 (§ 571.109).

(Sec. 103, 119, 201, 202, National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407, 1421, 1422; delegations of authority at 49 CFR 1.51, 49 CFR 501.8)

Issued on July 27, 1972.

ROBERT L. CARTER,
Associate Administrator
for Motor Vehicle Programs.

[FR Doc.72–11975 Filed 7–27–72;4:18 pm]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1105]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of July 1972.

It appearing, that an acute shortage of plain boxcars with inside length of 50 feet or longer exists on the Maine Central Railroad Co.; that shippers located on lines of this carrier are being deprived of such cars required for loading, resulting in a severe emergency; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of boxcars owned by this railroad are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That

§ 1033.1105 Service Order No. 1105.

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owner empty, except as otherwise authorized in subparagraphs (4), (5), and (6) of this paragraph, all plain boxcars which are listed in the Official Railway Equipment Register, I.C.C. R.E.R. 384, issued by W. J. Trezise, or reissues thereof, as having mechanical designation XM, with inside length 50 feet or longer, bearing reporting marks issued to the Maine Central Railroad Company.

(2) Plain boxcars described in subparagraph (1) of this paragraph include both plain boxcars in general service and plain boxcars assigned to the exclusive use of a specified shipper.

(3) Except as otherwise authorized in subparagraphs (5) and (6) of this paragraph, boxcars described in subparagraph (1) of this paragraph, located in States other than Maine, Massachusetts, or New Hampshire, may be loaded to any station located in the States of Maine, Massachusetts, or New Hampshire. After unloading at a junction with the car owner, such cars shall be delivered to the car owner at that junction, either loaded or empty.

(4) Boxcars described in subparagraph (1) of this paragraph, located at stations in the States of Maine, Massachusetts, or New Hampshire, may be loaded only to stations on the lines of the car owner or to any station which is a junction with the car owner. After unloading at a junction with the car owner, such cars shall be delivered to the car owner at that junction, either loaded or empty.

(5) Boxcars described in subparagraph (1) of this paragraph, located at a point other than a junction with the car owner shall not be back-hauled empty, except for the purpose of loading to a junction with the car owner or to a station on the lines of the car owner.

(6) Boxcars described in subparagraph (1) of this paragraph, shall not be back-hauled empty from a junction with the car owner.

(7) The return to the owner of a boxcar described in subparagraph (1) of this paragraph shall be accomplished when it is delivered to the car owner, either empty or loaded.

(8) Junction points with the car owner shall be those listed by the car owner in its specific registration in the Official Railway Equipment Register, I.C.C. R.E.R. No. 384, issued by W. J. Trezise, or successive issues thereof, under the heading "Freight Connections and Junction Points."

(9) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of subparagraphs (3), (4), or (5) of this paragraph.

(b) *Application.* The provisions of this section shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This section shall become effective at 11:59 p.m., August 1, 1972.

(d) *Expiration date.* This section shall expire at 11:59 p.m., October 31, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, 17(2); 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, 17(2). Interprets or applies secs. 1(10–17), 15(4), 17(2); 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), 17(2))

It is further ordered, That a copy of this section and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this section be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–12060, Filed 8–1–72;8:51 am]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

CARRAGEENAN, SALTS OF CARRAGEENAN, AND CHONDRUS EXTRACT (CARRAGEENIN)

Proposed Revision of Food Additive Regulations and Deletion of Chondrus Extract (Carrageenin) From Generally Recognized as Safe (GRAS) List

The Food and Drug Administration is conducting a comprehensive study of the individual substances listed in § 121.101 *Substances that are generally recognized as safe* of the food additive regulations (21 CFR 121.101).

Chondrus extract (carrageenin) was listed on the original generally recognized as safe (GRAS) list. Carrageenin has been used in food for at least two centuries, and in may ports of the world is commonly referred to as Irish moss. Housewives along the coasts of Ireland and France have cooked the sunbleached seaweed with milk to make a pudding called blancmange. Subsequently, a petition was received requesting a regulation permitting the use in food of the chondrus extract along with extracts of certain other varieties of red seaweeds, and §§ 121.1066 and 121.1067 were promulgated to include chondrus extract with other chemically similar extracts in the terms carrageenan, and sales of carrageenan, respectively. The existing regulation for all uses of chondrus and other extracts provides for a broader use of carrageenan than the GRAS list entry. Accordingly, the listing of chondrus extract (carrageenin) on the GRAS list is no longer appropriate.

Sodium carrageenan and calcium carrageenan with average molecular weights exceeding 100,000 represented to be the articles of commerce for food use, have been subjected to teratological screening tests in rats, mice, hamsters, and rabbits. These tests are identical with those being utilized in screening many GRAS compounds. Both samples showed fetal toxicity when administered by stomach tube to rats and mice daily in corn oil at one-tenth the median lethal dose (oral LD–50). In hamsters, with sodium carrageenan at this same dosage, a true teratogenic effect cannot be ruled out; however, neither teratogenic effect nor fetal toxicity was produced by calcium carrageenan at this same dosage or by lower dosages of either sodium or calcium carrageenan. Since the observed toxic effects occurred at high test levels only, these findings indicate no need for restriction on present levels of usage.

Another form of chemically degraded carrageenan having a very low average molecular weight of 10,000 has been used for medical purposes in countries other than the United States. Recently completed 15-month feeding studies on this compound have shown toxic changes in the cells of the intestinal tract and livers of essentially 100 percent of test rats, while concurrent studies with a regulated food grade carrageenan did not show adverse effects.

Based upon the above and other relevant information including the estimated daily intake of carrageenan, the Commissioner of Food and Drugs has concluded:

1. No undue risk to the public health will accrue if the use of carrageenan is continued, with additional specifications to limit the amount of very low molecular weight material.

2. An adequate margin of safety exists to continue safe use of carrageenan on the basis of studies to date.

3. Teratology studies will be continued to determine the significance of the finding in the screening tests.

Accordingly, the Commissioner of Food and Drugs proposes to amend the food additive regulations by deleting from § 121.101(d)(7) the entry "chondrus extract (carrageenin)," and by adding a new minimum viscosity to § 121.1066.

Therefore, pursuant to provisions of the Federal Food, Drug and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788, as amended; 21 U.S.C. 321(s), 348) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that the food additive regulations be amended as follows:

§ 121.101 [Amended]

1. In § 121.101(d)(7) by deleting the item "Chondrus extract (carrageenin)."

2. In § 121.1066(b) by adding a new subparagraph (3), as follows:

§ 121.1066 Carrageenan.

* * * * *

(b) * * *

(3) It has a minimum viscosity in 1.5-percent-by-weight aqueous solution of 5 centipoises at 75° C., as determined by LVF-series Brookfield viscometer using a UL (ultra low) adapter at 30 r.p.m. (or by other equivalent method), representing an average molecular weight exceeding 100,000.

* * * * *

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 27, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–12130 Filed 8–1–72;8:53 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 72–SO–74]

CONTINENTAL MODELS IO–470 AND TSIO–470 ENGINES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an Airworthiness Directive (AD) applicable to certain Teledyne Continental Model IO–470 and TSIO–470 engines. This AD would supersede AD 67–31–5, Amendment 39–509, published in the FEDERAL REGISTER on November 17, 1967. AD 67–31–5 requires repetitive inspection of "non-H" cylinders for oil leaks and/or combustion products stains which are indicative of impending failure of the cylinder barrel.

Subsequent to the issuance of AD 67–31–5, service and accident reports have been received which indicate that the AD has not been totally effective in precluding in-flight cylinder barrel failures and resulting accident and/or incidents. It has also been established that a group of "H" cylinders manufactured prior to April 1963 which do not have shot-peened thread runout areas have failed in the same manner as the "non-H" cylinders. Analysis of the factors contributing to these failures leads the Agency to conclude that endless continuation of the present inspection procedures will not provide an adequate level of safety and would be more burdensome on the industry than the mandatory retirement of affected cylinders. Therefore, the FAA is proposing to issue a new AD, superseding AD 67–31–5, which will require retirement at next overhaul of all P/N 626820 "non-H" cylinders and those "H" cylinders manufactured or remanufactured (rebarreled) prior to April 1963 and retaining the inspection procedures of AD 67–31–5 on the affected engines only so long as necessary to facilitate the orderly retirement of these cylinders.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Docket Number and be submitted in duplicate to the Director, Southern Region, Attention: Regional Counsel, Airworthiness Rules Docket, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of the notice in the FEDERAL REGISTER will be considered before action is taken upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new AD.

CONTINENTAL. Applies to Models IO-470-D, IO-470-E, IO-470-F, IO-470-H, IO-470-L, IO-470-M, IO-470-N, IO-470-S, IO-470-U, IO-470-V, and TSIO-470-B, TSIO-470-C, TSIO-470-D engines which have installed "non-H" cylinder assemblies, P/N 626820, and "H" cylinder assemblies manufactured or remanufactured prior to April 1963.

NOTE 1: "H" type cylinders are those having the letter H impression stamped on the top edge of the rocker box flange over the exhaust valve. "Non-H" type cylinders do not have this identification.

Compliance: Required as indicated unless already accomplished.

To preclude additional inflight failures of P/N 626820 "non-H" type cylinder assemblies and "H" type cylinder assemblies manufactured or remanufactured prior to April 1963, accomplish the following or an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, Southern Region, Atlanta, Ga.:

A. Within the next 25 hours' time in service after the effective date of this AD and thereafter at intervals not exceeding 25 hours' time in service from the last inspection:

(1) Visually inspect the circumference of these cylinder assemblies at the junction of the aluminum head and steel barrel for oil leaks and/or combustion product stains. Engine permanent maintenance record entry must be made to reflect AD compliance.

NOTE 2: In order to perform the inspection required by paragraph A(1) of this AD, it may be necessary to remove engine cowling or access doors to permit visual examination with mirrors or other visual aids of the prescribed area of the cylinder. If the engine is clean and free of oil in the area to be inspected, the inspection required by paragraph A(1) may be performed without further cleaning of the engine. If oil leakage from an unknown source has caused a generally oily condition, the engine should be washed down and run up to normal operating conditions prior to the inspection required by paragraph A(1). During the inspection it may also be helpful to rotate the propeller to detect significant differences in compression between cylinders or audible compression leakage through a crack in the cylinder barrel.

(2) The inspection(s) required by paragraph A(1) must be performed by those persons authorized to perform inspections under Federal Aviation Regulation 43.3 except that on aircraft not utilized in air carrier services the inspection(s) may be performed by the holder of a pilot's certificate issued under Part 61 of the Federal Aviation Regulations on any aircraft owned or operated by him.

(3) If oil leaks and/or combustion product stains are found at the junction of the cylinder head and barrel during any inspection required by Paragraph A(1), before further flight, a certificated powerplant mechanic shall investigate and establish the source of these conditions. If a cylinder barrel crack is found, the cracked cylinder must be replaced with an airworthy part.

B. At next engine overhaul replace P/N 626820 "Non-H" cylinder assemblies and "H" cylinder assemblies manufactured or remanufactured prior to April 1963 (as identified by the date of manufacture impression stamped in the machined area beneath the valve rocker shaft supports with P/N 626820 cylinder assemblies manufactured or remanufactured after April 1963 and having the letter "H" impression stamped on the top edge of the rocker box flange over the exhaust valve).

NOTE 3. On engines manufactured or remanufactured during 1964 or later, as indicated by the year suffix on the serial number, it may be assumed without further verification that "H" type cylinders installed were manufactured subsequent to April 1963 if the maintenance records do not indicate a cylinder exchange.

On other engines having "H" type cylinders installed, it will be necessary to establish the cylinder's date of manufacture by removing the rocker box cover and inspecting the area beneath the rocker arms for the impression stamped manufacture date. Information on the location of this stamp was given on page 115 of the August 1971 General Aviation Inspection Aids Summary.

C. Inspections as outlined in paragraph A(1) are no longer required when paragraph B has been accomplished.

This AD supersedes AD 67-31-5.

Issued in East Point, Ga., on July 24, 1972.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.72-11979 Filed 8-1-72;8:45 am]

[14 CFR Parts 61, 63, 121, 123, 127, 135, 141]

[Docket No. 10594; Reference Notice 70-37]

TIME SHARING SCAN TRAINING

Withdrawal of Advance Notice of Proposed Rule Making

The purpose of this notice is to withdraw Advance Notice 70-37 published in the FEDERAL REGISTER September 25, 1970 (35 F.R. 14934), in which the Federal Aviation Administration proposed to amend Parts 61, 63, 121, 123, 127, 135, and 141 of the Federal Aviation Regulations to require flight crew time sharing scan training as a means of reducing midair collisions.

Numerous comments were received from interested persons in response to the Advance Notice. The majority of the comments did not favor the amendment as proposed for several reasons. As a result of the comments received, the Federal Aviation Administration has reevaluated the Advance Notice and has concluded that there is a definite need for additional research and development before specific rule making can be undertaken on the proposal. Therefore, the Federal Aviation Administration has decided by this action to withdraw Advance Notice 70-37.

The withdrawal of this advance notice does not, however, preclude the Federal Aviation Administration from issuing similar notices in the future nor does it commit the FAA to any course of action.

In consideration of the foregoing, the Advance Notice of proposed rule making published in the FEDERAL REGISTER, September 25, 1970 (35 F.R. 14934), and circulated as Advance Notice 70-37 entitled "Time Sharing Scan Training," is hereby withdrawn.

This withdrawal is issued under the authority of section 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 27, 1972.

C. R. MELUGIN Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.72-11978 Filed 8-1-72;8:45 am]

[14 CFR Part 91]

[Docket No. 10759; Reference Notice No. 71-1]

TAKEOFF WEATHER MINIMUMS

Withdrawal of Notice of Proposed Rule Making

The purpose of this notice is to withdraw Notice 71-1 published in the FEDERAL REGISTER January 9, 1971 (36 F.R. 325), in which the FAA proposed to amend Part 91 of the Federal Aviation Regulations to apply the takeoff weather minimums in Part 91 to all aircraft, except U.S. military aircraft, operating under instrument flight rules.

Several hundred comments were received from interested persons in response to the notice. Most of the comments expressed the opinion that the proposal was unjustified or unnecessary. Specifically, many commentators objected to the 1-mile visibility minimum proposed for aircraft having two engines or less as being too restrictive, since an IFR approach to a landing could be made, in many instances, with a lesser visibility minimum on the same runway.

In the light of the comments received, and after further consideration, the FAA has concluded that the subject should receive further study and that Notice 71-1 should be withdrawn at this time.

The withdrawal of this notice does not, however, preclude the FAA from issuing similar notices in the future nor

does it commit the FAA to any course of action.

In consideration of the foregoing, the notice of proposed rule making published in the FEDERAL REGISTER, January 9, 1971 (36 F.R. 325), circulated as Notice 71–1 entitled "Takeoff weather minimums," is hereby withdrawn.

This withdrawal is issued under the authority of section 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a)), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 25, 1972.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.72–11980 Filed 8–1–72;8:45 am]

[14 CFR Part 91]

[Docket No. 11451; Reference Notice No. 71–33]

FLIGHT PLANS

Withdrawal of Notice of Proposed Rule Making

The purpose of this notice is to withdraw Notice No. 71–33, published in the FEDERAL REGISTER October 22, 1971 (36 F.R. 20444), in which the FAA proposed to amend Part 91 of the Federal Aviation Regulations to require, with certain exceptions, the use of flight plans for all operations with large U.S. registered civil airplanes and all multiengine turbine powered U.S. registered civil airplanes when operated within the United States, and which are not subject to Part 121, 123, 135, or 137.

Over 100 comments were received from interested persons in response to the notice. The majority of the comments did not favor the amendment as proposed for several reasons.

The main objective to the proposed amendment was that the concept of a flight plan tends to destroy the flexibility which prompted many corporations to utilize the type of airplane that is the subject of this notice. Furthermore, the majority of corporate operations are excellent as evidenced by their good safety record, thereby demonstrating little need for the proposed rule.

In light of all the comments received in response to Notice 71–33, the FAA has determined that the proposal is not appropriate and that Notice 71–33 should be withdrawn.

Withdrawal of this notice constitutes only such action, and does not preclude the FAA from issuing other notices in the future or commit the FAA to any course of action in the future.

In consideration of the foregoing, the notice of proposed rule making published in the FEDERAL REGISTER October 22, 1971 (36 F.R. 20444), and circulated as Notice No. 71–33 entitled "Flight Plans" is hereby withdrawn.

This withdrawal is issued under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 26, 1972.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[FR Doc.72–11981 Filed 8–1–72;8:46 am]

[14 CFR Part 121]

[Docket No. 12115; Notice No. 72–20]

INSPECTION OF EMERGENCY EQUIPMENT

Notice of Proposed Rule Making

The Federal Aviation Administration is considering an amendment to Part 121 of the Federal Aviation Regulations to require an inspection period for all emergency equipment carried aboard any airplane operated under that part.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC–24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before October 31, 1972, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket, for examination by interested persons.

In addition to the emergency equipment described in § 121.309 of the Federal Aviation Regulations, Part 121 certificate holders are required to equip their aircraft with the equipment deemed necessary for passenger evacuation in the event of an emergency. This equipment is described in § 121.310. Additionally, § 121.339 describes the equipment required for extended over-water operations. Items such as life rafts, portable radio signaling devices, and life preservers are required by that section. Although the basic emergency equipment required by § 121.309, such as fire extinguishers, first-aid equipment, a crash ax, and megaphones, is required to be inspected regularly in accordance with inspection periods established in the operations specifications of the Part 121 certificate holder, that requirement does not extend to the emergency evacuation equipment nor to the equipment required for an emergency ditching on water as required by §§ 121.339 and 121.340.

As a consequence, the FAA deems it appropriate to extend the requirement for regular inspection of the additional emergency equipment to assure its condition for continued serviceability and immediate readiness to perform its intended use. Further, in an effort to clarify the nature of the equipment described in § 121.339 as equipment to be used for ditching in the event of an emergency in an over-water operation, the FAA is proposing to change the title of that section.

In consideration of the foregoing, it is proposed to amend Part 121 of the Federal Aviation Regulations as follows:

1. By amending paragraphs (a) and (b) in § 121.309 to read as follows:

§ 121.309 Emergency equipment.

(a) General: No person may operate an airplane unless it is equipped with the emergency equipment listed in this section and in § 121.310.

(b) Each item of emergency and flotation equipment listed in this section and in §§ 121.310, 121.339, and 121.340—

(1) Must be inspected regularly in accordance with inspection periods established in the operations specifications to insure its condition for continued serviceability and immediate readiness to perform its intended emergency purposes;

(2) Must be readily accessible to the crew and passengers;

(3) Must clearly indicate its method of operation; and

(4) When carried in a compartment or container, must have that compartment or container marked as to contents and date of last inspection.

* * * * *

2. By amending § 121.339 by changing the title to read as follows:

§ 121.339 Emergency equipment for extended over-water operations.

* * * * *

These amendments are proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 26, 1972.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.72–11982 Filed 8–1–72;8:46 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 73]

[Docket No. 19530]

INTERNATIONAL BROADCASTING STATIONS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 1.574 and Part 73, Subpart F, of the Commission's rules and regulations relating to International Broadcasting Stations, Docket No. 19530.

1. The notice of proposed rule making in the above-entitled proceeding, adopted June 21, 1972, and published in

the FEDERAL REGISTER on June 30, 1972, 37 F.R. 12969, specified dates of August 4 and August 18, 1972, as the deadline dates for filing comments and reply comments.

2. On July 19, 1972, a request for an extension of time for the filing of comments and reply comments was filed by Paul Bartlett, Broadcasting Consultant. Mr. Bartlett requests a month's extension for the filing of comments, an extension to and including September 4, 1972. He states that in order to comment in a complete and constructive manner the additional time is necessary.

3. We are of the view that the requested time is warranted and would serve the public interest: *Accordingly, it is ordered,* That the time for filing comments in the above docket is extended to and including September 4, and for the filing of reply comments to and including September 18, 1972.

4. This action is taken pursuant to authority found in sections 4(i) and 303 (r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted and released: July 26, 1972.

[SEAL] HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau.

[FR Doc.72-12042 Filed 8-1-72;8:53 am]

[47 CFR Parts 73, 76]

[Docket No. 19513]

SPONSORSHIP IDENTIFICATION

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Commission's "Sponsorship Identification" rules. Sections 73.119, 73.289, 73.654, 73.789, and 76.221, Docket No. 19513.

1. The notice of proposed rule making in the above-entitled proceeding was adopted May 17, 1972, and published in the FEDERAL REGISTER on May 25, 1972, 37 F.R. 10583, specified dates for filing comments and reply comments. The dates for filing comments and reply comments are July 26 and August 10, 1972, respectively.

2. On July 26, 1972, Friends of the Earth (FOE) filed a request for an extension of time to and including August 2, 1972. FOE states that due to unforeseen circumstances, namely being called out of town unexpectedly and a rash of pleadings in FCC matters, it has been unable to devote the significant time comments in this proceeding require and deserve.

3. We are of the view that the requested extension of time is warranted and would serve the public interest: *Accordingly, it is ordered,* That the time for filing comments and reply comments in the above docket is extended to and including August 2, 1972, and August 16, 1972, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: July 26, 1972.

Released: July 27, 1972.

[SEAL] HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau.

[FR Doc.72-12043 Filed 8-1-72;8:53 am]

[47 CFR Part 76]

[Docket No. 19417; FCC 72-646]

CABLE TELEVISION SYSTEMS

Memorandum Opinion and Order Regarding Applications for Certificates of Compliance

In the matter of amendment of Part 76 of the Commission's rules and regulations relative to Cable Television Systems and the Carriage of Sports Programs on Cable Television Systems, Docket No. 19417, and in the matter of applications for certificates of compliance, CAC-1 through CAC-382.

1. Section 76.17 of the Commission's rules provides that a timely filed petition challenging the service proposed in an application for certificate of compliance for cable operations will be acted on in the certificating process. Pursuant to that section, the Commissioner of Baseball has objected to each application placed on public notice to date (for which the time to file an objection has expired), and the National Basketball Association and the National Hockey League both have objected to a large proportion of these applications (see FCC 72-652 (37 F.R. 15173)).

2. The objections do not challenge the service proposed by each applicant, but generally request that the Commission impose a requirement, over and above those cable television regulations which we recently adopted,[1] which would result in prohibiting carriage of an otherwise permissible distant signal when the distant station is carrying a live professional sports event. Because the captioned rule making proceeding has been instituted to deal specifically with that issue, we feel that the proper forum for disposition of these petitions is in this proceeding where the matter can be dealt with as a whole, and not in the certificating process on a case-by-case basis. Therefore, we are treating the objections in this proceeding and will not consider them further in the certificating process. Similar objections filed to additional certificate applications will be treated the same way. We believe that this procedure will be equitable to all parties. The Commission has previously stated its intention to conclude this proceeding expeditiously, and final action in this proceeding is expected to be taken before a significant number of new cable television operations commence. That final action will in any event govern any such new system operation.

Accordingly, it is ordered, That the objections described herein, filed on behalf of the Commissioner of Baseball, the National Basketball Association, and the National Hockey League, to the applications for cable television certificates of compliance will be considered in this rule making proceeding and not in connection with particular applications for certification.

Adopted: July 19, 1972.

Released: July 26, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-12044 Filed 8-1-72;8:53 am]

[1] See Cable Television Report and Order, FCC 72-108, ——— FCC 2d ——— (1972).

[2] Commissioner Hooks not participating.

POSTAL RATE COMMISSION

[39 CFR Part 3001]

[Docket No. RM 73-1]

EVIDENTIARY AND FILING REQUIREMENTS IN RATE AND CLASSIFICATION CASES

Supplemental Notice of Proposed Rule Making

JULY 28, 1972.

On July 17, 1972, the Postal Rate Commission adopted an advance notice of proposed rule making which was published in the FEDERAL REGISTER on July 18, 1972 (37 F.R. 14243). In that notice the Commission advised the public that it had "under consideration rulemaking action to amend its regulations governing evidentiary and filing requirements in rate and classification cases."

After outlining the reasons for its action, the Commission stated:

> * * * The Commission has requested a staff task force to develop a draft of proposed rules. The staff task force's proposal will be available in the office of the Commission's Secretary on or about July 31, 1972, and will be published in the FEDERAL REGISTER soon thereafter.
>
> At the time it publishes the task force proposal, the Commission will not have determined the appropriateness of that proposal. By publishing this advance notice, the Commission wishes to give the Postal Service and the public ample time to prepare to comment on the task force proposal and to submit their own proposals.

The staff task force's proposed amendments to the Commission's rules are attached to this notice.

The staff task force advises us that: The proposed rules should reduce the time required for evaluating a filing and for obtaining information during the course of a proceeding; the proposed rules will provide us with more adequate information in a timely fashion than could be obtained during the course of a proceeding without such rules; and the proposed rules will provide updated data which will aid the Commission in keeping abreast of developing circumstances

which will affect its functioning and will satisfy the information needs of the public and thereby assist in protecting the public's interest.

The proposed rules cover three basic areas: Changes in the rules applicable to the Postal Service at the time the Service files for changes in rates or fees or establishing or changing the mail classification schedule; rules applicable to the filing of testimony by intervenors; and an amendment to the rules of evidence which delineates the form and content of studies, analyses and statistical matter being offered into evidence.

Accompanying the staff task force's proposed amendment is a set of proposed PRC forms which are presented for illustrative purposes. They are intended to convey the detailed nature of the information which the task force thinks the Commission should have.

A copy of the draft forms referred to in the staff task force's proposed rules may be obtained by writing to the Secretary, Postal Rate Commission, Washington, D.C. 20268.

The Commission invites all interested persons to submit their comments on the staff task force's proposal, as well as their counterproposals and suggestions.

Comments may be filed on or before August 31, 1972. An original and 19 fully conformed copies of written data, views or arguments pertaining thereto must be filed with the Commission. In reaching its decision in this matter, the Commission may also take into account any other relevant information before it in addition to the comments invited in this notice.

Authority for this rulemaking proceeding is contained in sections 3603, 3622, and 3623 of Title 39, United States Code.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

Part 3001 of Chapter 3 of Title 39 of the Code of Federal Regulations is amended as follows:

1. In § 3001.54 paragraph (b) is revised as follows:

§ 3001.54 Contents of formal requests.

* * * * *

(b) *Specific information.* Subject to the right of the Commission to request additional information, each formal request shall include, but need not be limited to, the following:

(1) The then effective rate or rates of postage and fee or fees for postal service and the rate or rates of postage and fee or fees for postal service as proposed to be changed or adjusted by the Postal Service. Such schedules shall identify and define all classes and subclasses of mail and service, specifying the conditions of mailability and all other rules, regulations, practices, and standards of service applicable to each class and subclass. A statement identifying the degree of substitutability between the various classes and subclasses, and an identification of all nonpostal services, shall be included;

(2) The identification of the characteristics of the mailer and recipient, and a description of the contents of items mailed within the various classes and subclasses of mail and service;

(3) The identification of the physical attributes of the items mailed by class and subclass, including shape, weight, and distance;

(4) The identification of the characteristics of the postal service offered each specific class and subclass, including mailer preparation, nature of pickup and delivery, speed of processing, and special services performed within the various classes and subclasses of mail and service;

(5) The total actual accrued costs during the most recent 12-month period for which they are reasonably available and estimated total accrued costs of the Postal Service, as specified in section 3621 of the Act which form the basis for proposed changes in rates or fees. Estimated accrued costs shall be for a 12-month period beginning not more than 9 months subsequent to the filing date of the formal request. Operating expenses included in such costs shall be shown in sufficient detail as to the accounting and functional classifications and with such reasonable explanation so that the actual or estimated amount for each item of expense may be readily understood. The amounts included for depreciation on capital facilities and equipment, debt service, contingencies, and extraordinary or nonrecurring expenses shall be stated and fully explained. The submission should include the identification of costs by the major accounting categories, the identification of costs by functional category, the assignment and distribution of the costs by account to the functional categories on PRC Form FF–1 [1] (Cost distribution, by accounting classifications, to operating functions), and an explanation of the method by which the costs by accounts are assigned and distributed to the functional categories. Estimated accrued costs shall be accompanied by an explanation of the methods and procedures used for cost projections. The analyses of estimated costs shall include, but need not be limited to, the projection of total volumes; the estimation of the relationship between total volumes and total costs; the specification of the cost savings which will be realized from gains and improvements in productivity, managerial efficiency, and technological innovation; and the identification of abnormal costs which are expected to be incurred during the forecasted test period;

(6) The total actual accrued costs, on a 12-month basis, for each year since the last filing pursuant to this section. Such submission should be in a form consistent with the filing under subparagraph (5) of this paragraph;

(7) An analysis of the actual and estimated accrued costs applicable to each class and subclass of mail and service. The analysis shall separate the direct costs, the indirect costs, and all other costs of the Postal Service to be apportioned to a class and subclass of mail and service, in such a way as to account for the total costs of the Postal Service. Costs applicable to mail classes and services including international mail shall be separated from those costs applicable to nonpostal services. The submission shall identify the methodology and procedures used to separate and allocate costs. It shall include the allocation of all costs by function, as derived in accordance with subparagraph (5) of this paragraph, to each class and subclass of mail and service on PRC Forms FF–2 (Cost distribution, by operating functions, to class and subclass of mail) and FF–3 (Cost distribution, by operating functions, to special services). An apportionment shall be made of accrued costs of postal operations (by craft), transportation, and other activity to subclasses of mail and services, consistent with FF–2 and FF–3 on PRC Form FF–4 (Apportionment of Accrued Cost of postal operations (by craft), transportation, and other activity to subclasses of mail and services). Actual and estimated costs shall be for the same 12-month periods for which costs were submitted pursuant to subparagraph (5) of this paragraph. Analysis of actual and estimated accrued costs by class and subclass of mail or service shall include, but need not be limited to, the effect on cost of: volume, peaking patterns, priority of handling, mailer preparation, the quality of service, the physical nature of the item mailed, and expected gains in productivity, managerial efficiency, and technological innovation;

(8) Actual and estimated revenues of the Postal Service, from the then effective postal rates and fees, and for the 12-month periods which coincide with the periods selected for the cost data submitted pursuant to subparagraphs (5), (6), and (7) of this paragraph. Also, the estimated revenues based on the proposed rates and fees for the most recent 12-month period and for the future 12-month period which coincide with the period selected for the cost data submitted pursuant to subparagraphs (5) and (7) of this paragraph. Actual and estimated revenues shall be shown in total and separately by each class and subclass of mail and service and for all other sources from which the Postal Service collects revenues. Revenue estimates shall be supported by an identification of the methods and procedures employed in determining the total revenues and revenues by class and subclass of mail and service. Analysis shall include, but need not be limited to, the identification of the relationship of total mail volume to: Population, income, price, substitutable services, business activity, and any other variable affecting volume. A demand analysis shall be presented for each class and subclass of mail and service, including: The identification of the variables relevant to customer demand; the estimation of the price elasticity of demand for each class and

[1] Forms filed as part of the original document. Copies may be obtained from the Secretary, Postal Rate Commission, Washington, D.C. 20268.

subclass of mail and service; the identification of the cross-elasticity of demand for the various classes and subclasses of mail and services; and the identification of the peaking patterns of postal usage. The presentation shall also include the actual and estimated volumes of mail for each class and subclass and service for both the then effective schedule of rates and fees and for the proposed changes in rates and fees. These volume estimates shall be for the 12-month periods concurrent with the actual and estimated revenue and cost figures submitted pursuant to subparagraphs (5) and (7) of this paragraph;

(9) A statement of the criteria, and the relative importance of each criterion, employed in constructing the proposed rate schedule. The submission shall include the identification of the relationship between the rates and fees for a particular class and subclass of mail or service and the costs associated with that class and subclass or service, the identification of the procedures and methods used to relate the residual costs which have not been directly associated with any class and subclass of mail or service or groups thereof, and such other studies, information and data relevant to the criteria established by section 3622 of the Act with appropriate explanations as will assist the Commission in determining whether or not the proposed rates or fees are in accordance with such criteria;

(10) The Balance Sheet, the Statement of Income and Expense, basic statistical information and the Statement of Income and Expense by budget categories of the Postal Service, for the two most recent fiscal years. A reconciliation of the budgetary information with actual accrued costs shall be provided for the most recent fiscal year. The information shall be filed on the Postal Rate Commission forms indicated below:

	PRC Form
Balance Sheet	A
Cash	A-1
Investments	A-2
Accounts Receivable—U.S. Government Agencies.	A-3a
Accounts Receivable—Other	A-3b
Allowances for Uncollectible Accounts.	A-3c
Advances	A-4
Prepayments and Deferred Charges	A-5
USPS—Titled Capital Assets—Nondepreciable Items.	A-6
USPS—Titled Capital Assets—Buildings and Depreciation.	A-7
USPS—Titled Capital Assets—Equipment and Depreciation.	A-8
Construction Work in Progress	A-9
Leasehold Improvements and Amortization.	A-10
Analysis of Accrued Depreciation and Amortization.	A-11
Outstanding Money Orders—Domestic.	A-12
Estimated Prepaid Postage in the Hands of the Public.	A-13
Prepaid Permit Mail	A-14
Prepaid Box Rentals	A-15
Analysis of Changes in Equity	A-16
Public Service Appropriation	A-17
Revenue Foregone Appropriation	A-18
Contingent Liabilities and Commitments.	A-19
Commitments—Buildings and Equipment.	A-19a
Commitments—Supplies and Material.	A-19b
Commitments—R&D Projects	A-19c
USPS Statement of Sources and Application of Funds.	A-20
Statement of Income and Expense	B
Detail of Income	B-1
Income Reconciliation	B-2
Revenue by Classes of Mail	B-3
Revenue From Special Services	B-4
Special Services, Notes	B-4a
Revenue Reimbursements	B-5
Other Income	B-6
Gain or (Loss) on Sale of USPS—Titled Capital Assets.	B-6a
Administration and Regional Operation Expense.	B-7
Research, Development, and Engineering Expense.	B-8
Operations Expense	B-9
Transportation Expense	B-10
Highway Transportation Expense	B-10a
Railway Mail Transportation Expense.	B-10b
Domestic Air Mail Transportation Expense.	B-10c
Building Occupancy Expense	B-11
Supplies and Services Expense	B-12
Plant and Equipment Expense	B-13
Other Expenses	B-14
Depreciation and Other Writeoffs	B-15
Expenses Incurred or Funded by Other Agencies.	B-16
Revenue, Pieces, Weight, Size, Volume, and Distance Statistics.	C-1
Pieces of Mail by Weight and Zone for Each Class—"Billing Determinants."	C-2
Postal Service Growth	C-3
Number of Employees	C-4
Employee Complement and Organization Data.	C-5
Payroll Analysis Showing Regular and Other Employee Utilization and Premium Payments.	C-6
Work Hour and Paid Hour Productivity.	C-7
Classes of Post Offices Showing Numbers and Class Changes.	C-8
City Services Showing Number of Delivery and Collection Routes, Patrons, and City Delivery Offices.	C-9
Rural Delivery Service, Showing Routes, Mileage, Families and Cost (including Highway Services, Showing Routes, Mileage, Families, and Cost).	C-10
Postal Space	C-11
Summary Reports (Accounting Period 13 or Annual) of the Work Load Recording System for the Latest Two Fiscal Years.	C-12
Statement of Income and Expense by Budget Categories.	D
Reconciliation of Costs, by Budget Categories, with Costs by Accounting Classification.	E

The information filed pursuant to this subparagraph shall be reconciled with the information filed pursuant to subparagraphs (1)–(9) of this paragraph where applicable.

(11) A copy of every quarterly issue of the National Service Index which has not previously been filed with the Commission pursuant to this paragraph.

(12) Eight sets of workpapers, six for use by the Commission staff and two which shall be available for use by the public at the Commission's offices. Workpapers shall be neat and legible. They shall contain the information underlying the data and submissions for subparagraphs (1)–(10) of this paragraph. A clear indication shall be made as to how the workpapers relate to the data and submissions supplied in response to subparagraphs (1)–(10) of this paragraph. Workpapers shall include a description of the methods used in collecting, summarizing and expanding the data used in the various submissions. Workpapers shall also include summaries of sample data and other data used for the various submissions, and the expansion ratios used (where applicable), and any special studies used to modify, expand, or audit routinely collected data. When supporting data are not supplied, a clear indication shall be made of the data so that they might be easily retrievable upon request. All studies will be submitted and supported in the form prescribed in § 3001.31(f).

2. Section 3001.54 is amended by adding paragraphs (c) and (d) as follows:

§ 3001.54 Contents of formal requests.

* * * * *

(c) *Representation of chief accounting officer.* The filing shall include a narrative statement executed by the chief accounting officer or other authorized accounting representative of the Postal Service verifying that the cost statements and supporting data submitted as a part of the filing, as well as working papers required herein, which purport to reflect the books of the Postal Service do, in fact, set forth the results shown by such books.

(d) *Opinion of independent public accountants.* The filing shall include an opinion obtained from independent public accountants showing that an independent examination of the book accounts and accounting adjustments of the Postal Service has been made and the results thereof for the base period.

3. Subpart B is amended by adding § 3001.56 reading as follows:

§ 3001.56 Rejection, provisional acceptance, or other action.

If the Postal Service fails to comply with any provision of this part, the Commission reserves the right to take one of the following actions:

(a) The Commission may reject the Service's request and supporting materials and refuse to accept them for filing.

(b) The Commission may provisionally accept the Service's request and supporting materials for filing; and the Commission may direct that additional information be filed within not more than 90 days after the date on which the Service's request was originally filed. Unless the Commission specifies otherwise, the Postal Service's request, if supplemented as directed, shall be deemed to have been filed on the date on which the request was originally filed. If the Service fails to submit additional information as directed by the Commission, the Commission may rescind its provisional acceptance and reject the Service's request and supporting materials.

(c) The Commission may take such other action with regard to the Service's request and supporting information as it deems appropriate.

4. Section 3001.64 paragraph (b) is revised to read as follows:

§ 3001.64 Contents of formal requests.

* * * * *

(b) *Specific information.* Subject to the right of the Commission to request additional information, each formal request shall include, but need not be limited to, the following:

(1) The then effective mail classification schedule and the proposed changes in the then effective mail classification schedule. Such schedules shall identify and define all classes and subclasses of mail and service, specifying the conditions of mailability and all other rules, regulations, practices and standards of service applicable to each class and subclass. A statement identifying the degree of substitutability between the various classes and subclasses, and an identification of all nonpostal services, shall be included.

(2) Such studies, information and data on the characteristics of the users of the postal service, the nature of the items mailed, and the nature of methods of mailing, which will assist the Commission in determining whether or not the proposed mail classification schedule or the proposed changes therein are in accordance with the policies and the applicable criteria of the Act. The studies shall include the following:

(i) The identification of the characteristics of the mailer and the recipient, and a description of the contents of items mailed within the various classes and subclasses of mail and service;

(ii) The identification of the physical attributes of the items mailed by class and subclass, including shape, weight, and distance;

(iii) The identification of the characteristics of the postal service offered each specific classification, including mailer preparation, nature of pickup and delivery, speed of processing, and special services performed within the various classes and subclasses of mail and service.

(3) A showing of the effects of the proposed changes in the then effective classification schedule upon:

(i) The costs associated with each class and subclass of mail or service;

(ii) The total accrued costs of the Postal Service;

(iii) The total revenues of the Postal Service and upon the revenues of each class and subclass of mail or service.

(4) When it is proposed that a portion of one existing class or subclass of mail or service be reassigned to another existing class or subclass of mail or service, the submission shall include a comparison of the costs associated with handling the relevant classes or subclasses of mail or service and the costs of handling the portion which is to be reassigned.

(5) A complete statement of the reasons and bases for the Postal Service's proposed mail classification schedule or proposed changes therein.

(6) Eight sets of workpapers, six for use by the Commission staff and two which shall be available for use by the public at the Commission's offices. Workpapers shall be neat and legible. They shall contain the information underlying the data and submissions for subparagraphs (1)–(5) of this paragraph. A clear indication shall be made as to how the workpapers relate to the data and submissions supplied in response to subparagraphs (1)–(5) of this paragraph. Workpapers shall include a description of the methods used in collecting, summarizing, and expanding the data used in the various submissions. Workpapers shall also include summaries of sample data and other data used for the various submissions, and the expansion ratios used, where applicable, and any special studies used to modify, expand, or audit routinely collected data. When supporting data are not supplied, a clear indication shall be made of the source of the data so that they might be easily retrievable upon request. All studies will be submitted and supported in the form prescribed in § 3001.31(f).

5. Section 3001.64 is amended by adding paragraph (c) reading as follows:

§ 3001.64 Contents of formal requests.

* * * * *

(c) *Matters affecting rates and fees.* (1) This paragraph applies to any proposed change in the then effective classification schedule which would result:

(i) In a change in the rates or fees for any existing class or subclass of mail and service, or

(ii) In the establishment of a new class or subclass of mail or service for which rates or fees are to be established, or

(iii) In a change in the relationship of the costs associated with any class or subclass of mail or service to the revenues of that class or subclass of mail or service, or

(iv) In a change in the relationship of the total costs of the Postal Service to the total revenues.

(2) In the case of any proposed change in the then effective classification schedule covered by subparagraph (1) of this paragraph, the Postal Service shall also submit:

(i) The information required by paragraphs (b)(1)–(8) and (10)–(12) of § 3001.54, together with the statement and opinion required by paragraphs (c) and (d) of § 3001.54.

(ii) A statement explaining to what extent the Postal Service has considered the criteria of section 3622 of the Act as justifying the rate consequences of the proposed classifications. The statement shall also explain the relative importance which the Service has accorded to each such criterion. The submission shall also include the identification of the relationship between the rates and fees for a particular class and subclass or service, the identification of the procedures and methods used to relate the residual costs which have not been directly associated with any class and subclass of mail or service or groups thereof, and such other studies, information and data relevant to the criteria established by section 3622 of the Act with appropriate explanations.

6. Subpart C is amended by adding § 3001.66 reading as follows:

§ 3001.66 Rejection, provisional acceptance, or other action.

If the Postal Service fails to comply with any provision of this part, the Commission may take the same alternative actions enumerated in § 3001.56.

7. Add a new Subpart F reading as follows:

Subpart F—Rules Applicable to the Filing of Testimony by Intervenors

Sec.
3001.91 Applicability.
3001.92 Submissions by intervenors.

AUTHORITY: The provisions of this Subpart F issued under 39 U.S.C. 3603, 3622, 3623.

Subpart F—Rules Applicable to the Filing of Testimony by Intervenors

§ 3001.91 Applicability.

The rules in this subpart identify those areas in which intervenors in rate and classification proceedings could assist the Commission. Intervenors are free to file any relevant and material evidence which is not unduly repetitious or cumulative in accordance with § 3001.31. The rules of general applicability in Subpart A of this part are also applicable to filings subject to this subpart.

§ 3001.92 Submissions by intervenors.

In addition to any other direct testimony submitted by an intervenor in a rate or classification proceeding, and in addition to further requests for information by the Commission, the Commission requests that the following information be submitted where applicable and within the ability of the intervenor to produce it:

(a) A statement as to the nature of the business and operations of the intervenor. If the intervenor is an association, the names of the members of the association and a description of their business and operations.

(b) An identification of the extent to and method by which the postal services are used, including an itemization of the postage costs by class and rate.

(c) A description of the mailing and handling operations of the intervenor for items which are to pass through the Postal Service. Descriptions of premailing operations shall include the details as to any special arrangements with the Postal Service. Also, a statement as to the total mail handling costs exclusive of Postal Service payments.

(d) A statement of the relative importance of postage costs to other expenses.

(e) An estimate of the financial impact of the proposed rate changes on the intervenor, together with details of the basis of estimates and supporting data.

(f) An analysis as to the ability or inability of the intervenor to absorb, avoid,

or pass on postal rate increases to customer groups (or advertisers or sponsoring organizations, if any). The analysis shall include an analysis of the intervenor's customers' demand for the product of the intervenor's industry.

(g) An indication of the demand of the intervenor's industry for postal services including an estimate of the elasticity of such demand.

(h) If the intervenor is a competitor of the Postal Service, a definition of the areas of competition between the intervenor and the Postal Service and a demonstration of the intervenor's ability or inability to meet postal competition. Include a brief historical description of the company's operations during the past 10 years, showing growth in each major segment of the company's business and a statement of the current rates and all conditions of service applicable to the portion of the intervenor's operations which is affected by comparable service of the Postal Service.

(i) If the intervenor is a manufacturer or supplier of goods or services provided to users of the Postal Service, a statement of the impact on expenses and revenues resulting from postage increases.

(j) For all intervenors, a certified statement of the total revenue, costs, and profits for each of the last 10 years together with an estimate of the impact of the proposed postal changes on total revenues, costs, and profits. Also the intervenor's volume of mail passing through the Postal Service (by class and subclass) and the comparable volume of traffic moving by competitive services (or the volume of services performed in competition with the Postal Service, or the volume of materials manufactured or supplied to the Postal Service or users of the Postal Service). Volume data shall be presented for each of the 10 years for which total revenues, costs, and profits are reported. An estimate of the impact on volume resulting from the proposed postal increases shall be included.

(k) Any studies of the Postal Service's costs, revenues, or operations which would be of help to the Commission in evaluating the merits of the Postal Service's request.

(l) Eight sets of workpapers, six for use by the Commission staff and two which shall be available for use by the public at the Commission offices. Workpapers shall be neat and legible. They shall contain the data and analysis underlying the submissions. Workpapers shall include a description of the methods used in collecting, summarizing and expanding the data and a clear indication of how the workpapers relate to the various submissions. Workpapers shall also include summaries of sample data and other data used and any special studies made. When supporting data are not supplied, a clear indication shall be made of the source of the data so that they might be retrieved easily upon request. All studies will be submitted and supported in the form prescribed in § 3001.31(f).

8. Section 3001.31 is amended by adding paragraph (f–1) reading as follows:

§ 3001.31 Evidence.

* * * * *

(f–1) *Introduction of studies and analyses.* (1) In the case of all studies and analyses offered in evidence in hearing proceedings, other than the kinds described in subparagraph (2) of this paragraph, there shall be a clear statement of the study plan, all relevant assumptions and a description of the techniques of data collection, estimation and/or testing. In addition, there shall be a clear statement of the facts and judgments upon which conclusions are based and a statement of the relative weights given to the various factors in arriving at each conclusion, together with an indication of the alternative courses of action considered. Lists of input data shall be made available upon request at the offices of the Commission.

(2) All statistical studies offered in evidence in hearing proceedings, including, but not limited to, sample surveys, econometric analyses, and experiments, and those parts of other studies involving statistical methodology shall be described in a summary statement with supplementary details added in appendices so as to give a comprehensive delineation of the assumptions made, the study plan utilized and the procedures undertaken. In the case of sample surveys, there shall be a clear description of the survey design including the definition of the universe under study, the sampling frame, the sampling units, and the validity and confidence limits that can be placed on each segment of data used; an explanation of the method of selecting the sample and the characteristics measured or counted. In the case of econometric investigations, the econometric model shall be completely described and the reasons shall be given for each assumption and statistical specification. The effects on the final results of changes in the assumptions shall be made clear. When alternative models and variables have been employed, a record shall be kept of these alternative studies, so as to be available upon request. In the case of experimental analyses, a complete description of the experimental design shall be set forth, including a specification of the controlled conditions and how the controls were realized. In addition, the methods of making observations and the adjustments, if any, to observed data shall be described. In the case of every kind of statistical study, the following items shall be set forth clearly: the formula used for statistical estimates, standard errors of each component estimated, test statistics, the description of statistical tests, and all related computations, computer programs and final results. Summary descriptions of input data shall be submitted. Upon request, the actual input data shall be made available at the offices of the Commission.

* * * * *

[FR Doc.72-12062 Filed 8-1-72;8:52 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filing of Plat of Survey

1. Plat of survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10 a.m., September 5, 1972.

SEWARD MERIDIAN, ALASKA

T. 29 N., R. 5 W.,
Sec. 20, lots 1 and 2, NE¼SE¼;
Sec. 21, SW¼, S½SE¼;
Sec. 28, lot 1, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 29, lots 1 through 7, E½NE¼NE¼, SW¼SE¼;
Sec. 32, lots 1, 2, 3, 4, W½E½;
Sec. 33, lots 1 through 7, E½, E½W½;
Sec. 34, SW¼;
Tract A.
Containing 22,547.88 acres.

2. The center of this township is about 19 miles northwest of Talkeetna, Alaska. The Chulitna River cuts across the western part, flowing from north to south. The ground west of the river is generally level and about one-third swampy and open at an elevation of around 750 feet. The drier areas are covered with spruce and birch timber and alder and willow brush. There are three medium sized lakes, one completely within and two partially within the area west of the river. The ground on the eastern side of the river, which covers about two-thirds of this township, rises up to sort of a plateau at around 2,000-foot elevation and a high point of 2,500 feet. The ground from 1,800- to 2,000-foot elevation is generally open and grassy to mossy to rocky. Below 1,800 feet the ground is generally heavily covered with spruce, birch, alder, and willow.

At the time of survey, the Anchorage-Fairbanks Highway, along the eastern side of the Chulitna River, was under construction.

3. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules, and regulations.

4. Inquiries concerning the lands should be addressed to the Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, AK 99501.

Dated: July 24, 1972.

CLARK R. NOBLE,
Land Office Manager.

[FR Doc.72-12001 Filed 8-1-72;8:47 am]

Bureau of Reclamation

WASATCH NATIONAL FOREST, UTAH

Order of Transfer of Administrative Jurisdiction of Land at Meeks Cabin Reservoir, Lyman Project, Utah

By virtue of the authority vested in the Secretary of the Interior by section 7(c) of the Act of July 9, 1965 (79 Stat. 217), and his delegation of authority to the Commissioner of Reclamation dated February 25, 1966, published March 4, 1966 (31 F.R. 3426), jurisdiction over the following described lands, aggregating some 60.06 acres which lie within or adjacent to exterior boundaries of the Wasatch National Forest, Utah, and which were acquired by the Bureau of Reclamation in the development of the Meeks Cabin Reservoir, Lyman Project, is hereby transferred to the Secretary of Agriculture for recreation and other National Forest System purposes:

SALT LAKE MERIDIAN

T. 3 N., R. 12 E., section 16:
Beginning at the southeast corner of section 16, T. 3 N., R. 12 E., Salt Lake Meridian, being the common corner of sections 15, 16, 21, and 22 of said township and range; thence North 88°17' West along the south section line of said section 16, 1,000.49 feet; thence North 1°00' East 3,041.20 feet; thence South 89°52'30" East 555.52 feet; thence South 1°00' West 990.00 feet; thence South 89°52'30" East 445.00 feet to the east line of said Section 16; thence South 1°00' West 2,079.00 feet along the section line to the point of beginning.

Pursuant to said section 7(c) of the aforesaid Act of July 9, 1965, the above lands shall become National Forest Lands provided lands and waters within the Meeks Cabin Reservoir area needed or used for the operation of the project or for other reclamation purposes shall continue to be administered by the Commissioner of Reclamation to the extent he determines to be necessary for such operation.

This order shall be effective upon publication in the FEDERAL REGISTER (8-2-72).

Dated: July 26, 1972.

G. G. STAMM,
Acting Commissioner of Reclamation.

[FR Doc.72-11997, Filed 8-1-72;8:47 am]

National Park Service

[Order 4]

GRAND TETON NATIONAL PARK, MOOSE, WYO.; ADMINISTRATIVE OFFICER ET AL.

Delegation of Authority Regarding Contracts and Purchase Orders

SECTION. 1 *Administrative Officer.* The Administrative Officer may execute and approve contracts and/or purchase orders not in excess of $100,000 for construction, supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised on behalf of any office or area under the supervision of the Superintendent of Grand Teton National Park.

SEC. 2. *Procurement and Property Management Officer.* The Procurement and Property Management Officer may execute and approve contracts and/or purchase orders not in excess of $50,000 for construction, supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised on behalf of any office or area under the supervision of the Superintendent of Grand Teton National Park.

SEC. 3. *Revocation.* This order supersedes Order No. 3, Grand Teton National Park, published May 9, 1963 (28 F.R. 4681).

(National Park Service Order No. 66, 36 F.R. 21218, as amended 37 F.R. 4001, dated 2/25/72, Midwest Region Order No. 5, 37 F.R. 6324)

Dated: June 23, 1972.

GARY E. EVERHARDT,
Superintendent,
Grand Teton National Park.

[FR Doc.72-11998 Filed 8-1-72;8:47 am]

Office of the Secretary

[DES 72-73]

PROPOSED SPECIAL USE PERMIT, AERIAL TRAMWAY, GREAT SMOKY MOUNTAINS NATIONAL PARK, TENN.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement concerning issuance of a proposed special use permit to the Smoky Mountain Utility District of Sevier County, Tenn., for construction of an aerial tramway.

The environmental statement considers the effects of an aerial crossing of the entrance road to Great Smoky Mountains National Park. It also considers the effects of constructing a 2.1-mile tramway route between the city of Gatlinburg, Tenn. and the Gatlinburg Ski Lodge.

Written comments on the environmental statement are invited and will be accepted for a period of forty-five (45) days following publication of this notice. Comments should be addressed to

the Superintendent, Great Smoky Mountains National Park (address given below).

Copies of the draft environmental statement are available from or for inspection at:

Southeast Regional Office, National Park Service, 3401 Whipple Avenue, Atlanta, GA 30344.
Superintendent, Great Smoky Mountains National Park, Gatlinburg, TN 37738.

Dated: July 26, 1972.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.72-11999 Filed 8-1-72;8:47 am]

[DES 72-74]

SQUAW FLAT—CONFLUENCE OVERLOOK ROAD, CANYONLANDS NATIONAL PARK

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for a proposed Squaw Flat—Confluence Overlook Road in Canyonlands National Park.

The environmental statement considers construction of a road approximately 9.7 miles long, a low standard paved access road within the Needles District of Canyonlands National Park, San Juan County, Utah. The road will provide visitor access to outstanding panoramic views of the canyons and other interesting weathered formations.

Written comments on the environmental statement are invited and will be accepted for a period of forty-five (45) days following publication of this notice. Comments should be addressed to the Superintendent, Canyonlands National Park (address given below).

Copies of the draft environmental statement are available from or for inspection at the following locations:

Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 68102.
Superintendent, Canyonlands National Park, Moab, Utah 84532.

Dated: July 26, 1972.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.72-12000 Filed 8-1-72;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 1M2640]

PPG INDUSTRIES, INC.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued.

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), PPG Industries, Inc., Drawer A, Delaware, Ohio 43015, has withdrawn its petition (FAP 1M2640), notice of which was published in the FEDERAL REGISTER of June 30, 1971 (36 F.R. 12320), proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use in contact with food of an electron-beam cured coating prepared with spermaceti wax, acrylic acid, butyl acrylate, ethyl acrylate, hydroxyethyl acrylate, methacrylic acid, methyl methacrylate, and trimethylolpropane triacrylate.

Dated: July 19, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-12010 Filed 8-1-72;8:47 am]

[FAP 2A2810]

NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2A2810) has been filed by Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Washington, D.C. 20235, proposing that § 121.1202 *Whole fish protein concentrate* (21 CFR 121.1202) be amended in paragraph (c)(4) by raising the limit on the level of residue of isopropyl alcohol that may be present in whole fish protein concentrate from 250 p.p.m. to 1,500 p.p.m. when used as a solvent in the extraction process.

Dated: July 19, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-12011 Filed 8-1-72;8:58 am]

[FAP 2B2806]

ROHM AND HAAS CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2B2806) has been filed by Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, proposing that § 121.2597 *Polymer modifiers in semirigid and rigid vinyl chloride plastics* (21 CFR Part 121) be amended to provide for the safe use of copolymers produced by copolymerizing one or more of the monomers listed in paragraph (a)(1)(i) with styrene, provided that such copolymers contain no more than 75 weight-percent of polymer units derived from styrene; such copolymers being used alone or blended with currently regulated polymers, as modifiers in semirigid and rigid vinyl chloride plastic food-contact articles.

Dated: July 24, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-12012 Filed 8-1-72;8:48 am]

[FAP 2B2788]

PENNWALT CORP.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2B2788) has been filed by Pennwalt Corp. Plastics Department, 900 First Avenue, King of Prussia, Pa. 19406 proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of copolymers of vinylidene fluoride and tetrafluoroethylene as articles or components of articles used in contact with food.

Dated: July 24, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-12013 Filed 8-1-72;8:48 am]

[FAP 2B2809]

AIR PRODUCTS AND CHEMICALS, INC.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2B2809) has been filed by Air Products and Chemicals, Inc., 5 Executive Mall, Swedesford Road, Wayne, Pa. 19087 proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of vinyl acetate-ethylene-N-methylol acrylamide terpolymers as a flexible binder coating for paper and paperboard intended to contact food.

Dated: July 24, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-12014 Filed 8-1-72;8:48 am]

Health Services and Mental Health Administration

NIMH COMMUNICATIONS ADVISORY COMMITTEE

Announcement of Meeting

Pursuant to Executive Order 11671, the Administrator, Health Services and

Mental Health Administration, announces the meeting date and other required information for the following National Advisory body scheduled to assemble the month of July, 1972, in accordance with provisions set forth in section 13(a) (1) and (2) of that Executive order:

Committee name	Date/Time/Place	Type of meeting and/or contact person
NIMH Communications Advisory Committee.	7/31-8/1, 9:30 a.m., Room 14-105, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open, Contact Edwin M. Long, Jr., Code 301-443-3783.

Purpose: The Committee is charged with providing advice on matters of general policy concerning the fields of mental health scientific and publication information, communications, and public health education and makes recommendations on policies and areas of need for activity of the National Institute of Mental Health communications programs, as well as related goals and program objectives and suggests priorities for program implementation.

Agenda: Agenda items will include a report on the activities of the Office of Communications; Communications objectives for Fiscal Year 1973; discussions on Federal-State-local mental health information activities and a progress report on information and education projects supporting priorities of the National Institute of Mental Health.

Items for discussion are subject to change due to priorities as directed by the President of the United States, or the Secretary of Health, Education, and Welfare.

A roster of members may be obtained from the contact person listed above.

Dated: July 25, 1972.

ANDREW J. CARDINAL,
Acting Associate Administrator for Management, Health Services, and Mental Health Administration.

[FR Doc.72-11996 Filed 8-1-72;8:47 am]

Office of the Secretary

COMPUTER CONTROLLED METHOD FOR AUTOMATIC VISUAL FIELD EXAMINATION

Notice of Proposed Issuance of Exclusive License

Pursuant to § 6.3, 45 CFR Part 6, notice is hereby given of intent to issue a limited-term, revocable, exclusive patent license in and to an invention of John R. Lynn and George W. Tate, Jr., entitled "Computer Controlled Method for Automatic Visual Field Examination."

Any objection thereto together with request for opportunity to be heard, if desired, should be directed to Dr. Merlin K. DuVal, Assistant Secretary for Health and Scientific Affairs, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, within thirty (30) days of the date of publication of this notice. Interested parties may obtain a copy of the patent application directed to this invention upon request to the party hereinabove named.

(45 CFR 6.3)

Dated: July 25, 1972.

MERLIN K. DUVAL,
Assistant Secretary for Health and Scientific Affairs.

[FR Doc.72-12061 Filed 8-1-72;8:52 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-72-191]

ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT AND FEDERAL HOUSING COMMISSIONER

Authority To Redelegate

The delegation of authority to the Assistant Secretary for Housing Production and Mortgage Credit and Federal Housing Commissioner (herein called the Assistant Secretary-Commissioner) with respect to redelegation effective March 8, 1971 (36 F.R. 5006, March 16, 1971) is amended as follows:

I. Revise section D to read:

SEC. D. *Authority to redelegate.* The Assistant Secretary-Commissioner and the Deputy Assistant Secretary-Commissioner and the Deputy Assistant Secretary-Commissioner, each is further authorized to redelegate to employees of the Department and to agents any of the authority delegated under section A. *Provided,* That the authority redelegated under section A.9 shall be redelegated only to Regional Administrators, Deputy Regional Administrators, Area Directors, Deputy Area Directors, and the Director and Deputy Director of the Honolulu Insuring Office.

(Sec. 7(d) Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This delegation of authority is effective upon publication in the FEDERAL REGISTER (8-2-72).

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.72-12007 Filed 8-1-72;8:47 am]

ATOMIC ENERGY COMMISSION

NORTHERN INDIANA PUBLIC SERVICE CO.

Order Granting Joint Intervenors' Motion To Reset Prehearing Conference

In the matter of Northern Indiana Public Service Co. (Bailly Generating Station, Nuclear 1), Docket No. 50-367.

On July 14, 1972, the joint intervenors served on the instant Atomic Safety and Licensing Board (Board) a motion requesting that the prehearing conference scheduled for August 9, 1972, be reset to September 6, 1972, at the same hour and place stated in the Board's notice and order of June 26, 1972. The motion is supported by an affidavit executed by Edward W. Osann, Jr., counsel for the joint intervenors. Responses to said motion have been filed by both the applicant and the regulatory staff. The former opposes the motion and the latter raises no objection.

The affidavit of Mr. Osann cites as a ground for the continuance his inability to be present at the prehearing conference due to prior legal commitments. Since the Board did not seek the advice of the parties when setting the date for the prehearing conference, the assertion of prior commitments is a valid basis for granting the motion, especially, in the instant matter where the rescheduling of the conference would not unduly delay the ultimate decision in this proceeding. Accordingly, the motion is granted.

It is ordered, That the prehearing conference scheduled for August 9, 1972, be canceled, and that it be reset for September 6, 1972, at the same place and time as cited in the Board's notice and order for prehearing conference, dated June 26, 1972. The matters outlined in the June 26, 1972, notice and order as topics for discussion are incorporated herein by reference and will be the topics for discussion at the September 6, 1972, prehearing conference.

In addition, the parties are on notice that the hearing for the reception of evidence on radiological safety and health issues will commence on October 10, 1972. The exact time, place, and length of hearing will be determined at the prehearing conference.

It is so ordered.

Issued at Washington, D.C., this 27th day of July 1972.

For the Atomic Safety and Licensing Board.

JEROME GARFINKEL,
Chairman.

[FR Doc.72-12023 Filed 8-1-72;8:49 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24122, etc.]

AUTOMOTIVE CARGO INVESTIGATION

Notice of Reassignment of Examiner

This proceeding, heretofore assigned to Examiner Stodola (37 F.R. 7411, April 14, 1972), is hereby reassigned to Examiner Ross I. Newmann. Future communications should be addressed to Examiner Newmann.

Dated at Washington, D.C., July 28, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-12063 Filed 8-1-72;8:52 am]

[Docket No. 24384]

DONALDSON INTERNATIONAL AIRWAYS

Notice of Hearing Regarding Enforcement Proceeding

Donaldson Line (Air Services), Ltd., d.b.a. Donaldson International Airways, Enforcement Proceeding.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on August 28, 1972, at 10 a.m. (local time), in Room 1031, Universal Building North, 1875 Connecticut Avenue NW., Washington, DC, before Examiner Frank M. Whiting.

Dated at Washington, D.C., July 28, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-12064 Filed 8-1-72;8:52 am]

CIVIL SERVICE COMMISSION

MEDICAL RADIOLOGY TECHNICIAN, SUFFOLK COUNTY, N.Y.

Notice of Establishment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has established special minimum salary rates and rate ranges as follows:

GS—647 MEDICAL RADIOLOGY TECHNICIAN SERIES

Geographic coverage: Suffolk County, N.Y.
Effective date: First day of the first pay period beginning on or after August 6, 1972

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-4	$8,070	$8,288	$8,506	$8,724	$8,942	$9,160	$9,378	$9,596	$9,814	$10,037
GS-5	8,539	8,783	9,027	9,271	9,515	9,759	10,003	10,247	10,491	10,732
GS-6	8,969	9,241	9,513	9,785	10,057	10,329	10,601	10,873	11,145	11,415
GS-7	9,657	9,959	10,261	10,563	10,865	11,167	11,469	11,771	12,073	12,375

All new employees in the specified occupational levels will be hired at the new minimum rates.

As of the effective date, all agenices will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory rates shall receive basic compensation at the corresponding numbered rate authorized by this notice on or after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

Under the provisions of section 3-2b, chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty, under 5 U.S.C. 5723, of new appointees to positions cited.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-11984 Filed 8-1-72;8:46 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MALAYSIA

Entry or Withdrawal from Warehouse for Consumption

On September 1, 1971, there was published in the FEDERAL REGISTER (36 F.R. 17534), a letter dated August 26, 1971, from the Chairman, President's Cabinet Textile Advisory Committee, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in Malaysia and exported to the United States during the 12-month period beginning September 1, 1971. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to the provisions of the bilateral agreement of September 8, 1970, as amended, between the Governments of the United States and Malaysia, which provide in part that within the aggregate and applicable group limits, limits on specific categories may be exceeded by not more than 5 percent and for the limited carryover of shortfalls in certain categories to the next agreement year.

Pursuant to the provisions of the bilateral agreement referred to above, the Government of Malaysia has requested certain adjustments to the current 12-month level of restraint applicable to cotton textile products in Categories 50 and 55. Accordingly, there is published below a letter of July 31, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, amending the level of restraint applicable to cotton textiles and cotton textile products in Categories 50 and 55 for the 12-month period which began on September 1, 1971.

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: On August 26, 1971, the Chairman, President's Cabinet Textile Advisory Commitee, directed you to prohibit entry of cotton textiles and cotton textile products in certain specified categories produced or manufactured in Malaysia during the 12-month period beginning September 1, 1971, in excess of designated levels of restraint. The Chairman further advised you that in the event that there were any adjustments[1] in the levels of restraint, you would be so informed by letter.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraphs 5 and 8 of the bilateral cotton textile agreement of September 8, 1970, as amended, between the Governments of the United States and Malaysia, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible, the levels of restraint established in the aforesaid directive of August 26, 1971, for cotton textile products in Categories 50 and 55, produced or manufactured in Malaysia, as set forth below:

Category		*12-Month level of restraint*
50	dozen	28,813
55	do	20,745

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textiles and cotton textile products from Malaysia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

[FR Doc.72-12137 Filed 8-1-72;8:51 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19549, FCC 72-634]

GENERAL BROADCASTING CO. (KOBO)

Order Designating Application for Hearing on Stated Issues

In re application of General Broadcasting Co. (KOBO), Yuba City, Calif.,

[1] The term "adjustments" refers to those provisions of the bilateral cotton textile agreement of September 8, 1970, as amended, between the Governments of the United States and Malaysia which provide in part that, within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

Docket No. 19549, File No. BP-18880; Has: 1450 kHz, 250 W, U, Requests: 1450 kHz, 250 W, 500 W-LS, U, for a construction permit.

1. The Commission has before it the above-captioned and described application, and a petition to deny the application filed by Young Radio, Inc., licensee of station KVON, Napa, Calif.

2. Petitioner alleges that a grant of KOBO's application for an increase in power would result in objectionable interference (0.5 mv./m. overlap) to KVON's adjacent channel (1440 kHz) Class III operation. Petitioner requests that the application be denied or designated for hearing.

3. The Commission has examined the engineering data filed by both parties. Based on this data, objectionable interference would occur. Although it appears that the interference area is small, a grant would result in a modification of KVON's license within the purview of section 316 of the Communications Act. Thus, petitioner is entitled to show cause in a hearing why its license should not be modified. Federal Communications Commission v. National Broadcasting Company (KOA), 319 U.S. 239 (1943).

4. Except as indicated by the issues specified below, the applicant is qualified to construct and operate as proposed. In view of the foregoing, however, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

5. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KOBO and the availability of other primary (1 mv./m. or greater in the case of FM) aural service to such areas and populations.

2. To determine whether the above proposal would cause objectionable interference to station KVON and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience, and necessity.

6. *It is further ordered,* That Young Radio, Inc., licensee of station KVON, Napa, Calif., is made a party to the proceeding.

7. *It is further ordered,* That the petition to deny filed by Young Radio, Inc., is granted to the extent indicated above and is denied in all other respects.

8. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. *It is further ordered,* That the applicant herein, shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 19, 1972.

Released: July 27, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-12047 Filed 8-1-72;8:50 am]

[1] Commissioner Hooks not participating.

[Dockets Nos. 19556, 19557]

GERARDIN CORP. AND SPERRY AIR SERVICES, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of the Gerardin Corp., Docket No. 19556, File No. 169-A-L-32; Sperry Air Services, Inc., Docket No. 19557, File No. 121-A-L-22; for an aeronautical advisory radio station to serve the Torrance Municipal Airport, Torrance, Calif.

1. The Commission's rules (§ 87.251 (a)) provide that only one aeronautical advisory station may be authorized to operate at a landing area. The above-captioned applications both seek Commission authority to operate an aeronautical advisory station at the same landing area (Torrance Municipal Airport, Torrance, Calif.) and are, therefore, mutually exclusive. Accordingly, it is necessary to designate the applications for comparative hearing in order to determine which application should be granted. Except for the issues specified herein each applicant is otherwise qualified.

2. In view of the foregoing: *It is ordered,* That pursuant to the provisions of section 309(e) of the Communication Act of 1934, as amended, and § 0.331(b)(21) of the Commission rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order on the following issues:

a. To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications;

(5) Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators.

b. To determine in light of the evidence adduced on the foregoing issues which, if either, of the applications should be granted.

3. *It is further ordered,* That to avail themselves of an opportunity to be heard, the Gerardin Corp. and Sperry Air Services, Inc., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

Adopted: July 25, 1972.

Released: July 26, 1972.

[SEAL] JAMES E. BARR,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.72-12048, Filed 8-1-72;8:50 am]

COMPOSITE WEEK FOR PROGRAM LOG ANALYSIS

JULY 26, 1972.

The following dates will constitute the composite week for use in the preparation of program log analysis submitted with applications for AM, FM, and TV station licenses which have termination dates in 1973.

Sunday, October 17, 1971.
Monday, August 16, 1971.
Tuesday, February 1, 1972.
Wednesday, December 1, 1971.
Thursday, January 27, 1972.
Friday, April 28, 1972.
Saturday, March 18, 1972.

Action by the Commission July 26, 1972.[1]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-12045 Filed 8-1-72;8:50 am]

[1] Commissioners Robert E. Lee (Acting Chairman), Johnson, H. Rex Lee, Reid, and Wiley, with Commissioner Hooks not paticipating.

[Docket No. 19553; FCC 72-649]

SEDONA-OAK CREEK TV CABLE CO.

Order To Show Cause and Instituting a Hearing

1. Sedona-Oak Creek TV & Cable Co. operates cable systems at Sedona and Oak Creek Canyon, Ariz., which provide their subscribers with the following television signals: KTAR-TV (NBC), KOOL-TV (CBS), KPAZ-TV (Ind.), KPHO-TV (Ind.), KTVK (ABC), Phoenix, Ariz. These signals are all distant, but Station KOAI-TV (NBC), Phoenix, Ariz., places a predicted grade A contour over Sedona and Oak Creek Canyon, Ariz. On January 11, 1971, Grand Canyon Television Co., Inc., licensee of Station KOAI-TV, Flagstaff, Ariz., filed a "Petition For Issuance Of Order To Show Cause" directed against Sedona-Oak Creek TV & Cable Co. for failure to provide carriage and program exclusivity as provided by § 74.1103 of the Commission's rules.[1] Sedona-Oak Creek TV & Cable Co. thereafter submitted an informal request for waiver of § 74.1103. Sedona-Oak Creek's waiver request was denied by the Commission and the request for issuance of an Order To Show Cause was dismissed. Sedona-Oak Creek TV & Cable Co., 34 FCC 2d 288.

2. On June 5, 1972, Grand Canyon Television Co., Inc., filed a "Petition For Issuance Of Order To Show Cause" in which it alleges that Sedona-Oak Creek is not providing program exclusivity as required by the cited order. Sedona-Oak Creek has not responded to this petition. In these circumstances, we will issue the requested Order To Show Cause.

3. The public interest requires that the hearing process be conducted as expeditiously as possible. The Examiner is so directed and shall issue his initial decision as promptly as possible after the conclusion of the hearing.

Accordingly, it is ordered, That pursuant to section 312 (b) and (c) and 409(a) of the Communications Act of 1934, as amended, 47 U.S.C. 312 (b) and (c) and 409(a), Sedona-Oak Creek TV Cable Co. is directed to show cause why it should not be ordered to cease and desist from further violation of § 76.91 of the Commission's rules and regulations on its cable systems at Sedona and Oak Creek Canyon, Ariz.

It is further ordered, That Sedona-Oak Creek TV Cable Co. is directed to appear and give evidence with respect to the matters described above at a hearing to be held at Washington, D.C., at a time and place and before an Examiner to be specified by subsequent order, unless the hearing is waived in which event a written statement may be submitted.

It is further ordered, That Grand Canyon Television Co., Inc., and Chief, Cable Television Bureau are made parties to this proceeding.

It is further ordered, That the Examiner shall conduct the hearing expeditiously and issue an initial decision as promptly as possible in accordance with paragraph three above.

It is further ordered, That the Secretary of the Commission shall send copies of this order by certified mail to Sedona-Oak Creek TV Cable Co.

Adopted: July 19, 1972.

Released: July 26, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-12046 Filed 8-1-72;8:50 am]

[1] Section 74.1103 is now § 76.91 of the Commission's rules.

FEDERAL POWER COMMISSION

[Docket No. RP72-110]

ALGONQUIN GAS TRANSMISSION CO.

Order Accepting for Filing and Suspending Revised Tariff Containing Purchased Gas Adjustment Provision, Providing for Hearing Procedures, and Permitting Interventions; Correction

JUNE 15, 1972.

In the Order Accepting for Filing and Suspending Revised Tariff Containing Purchased Gas Adjustment Provision, Providing for Hearing Procedures, and Permitting Interventions, issued March 31, 1972, and published in the FEDERAL REGISTER April 7, 1972 (37 F.R. 7034): Paragraph 3, line 11, delete "(vi)".

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-12025, Filed 8-1-72;8:49 am]

[Docket No. CP73-5]

COLUMBIA GULF TRANSMISSION CO.

Notice of Application

JULY 28, 1972.

Take notice that on July 5, 1972, Columbia Gulf Transmission Co. (Applicant), Post Office Box 683, Houston, Tex. 77027, filed in Docket No. CP73-5 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the transportation of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to construct and operate 10.4 miles of 30-inch pipeline loop on its existing 30-inch Egan to Pecan Island, La., pipeline and approximately 5.4 miles of 30-inch pipeline loop on its West Lateral system between Egan and Rayne, La. Applicant states that these facilities will enable it to increase the capacity of its Western Shoreline by 91,000 M c.f. of natural gas per day. Applicant states that the increased capacity is needed to permit a potential increase in the amount of gas it receives from Humble Oil & Refining Co. in the Pecan Island, La., field and the transportation service it proposes to provide for Texas Gas Transmission Corp. (Texas Gas).

Applicant seeks authorization to render said transportation service to Texas Gas for natural gas produced in the Eugene Island and Vermilion areas, offshore Louisiana. Pursuant to their agreement, applicant would transport 35,700 Mcf per day of Texas Gas' Eugene Island gas from a point of receipt on a platform, jointly owned by the parties, in Eugene Island Block 250 through its 3.5-mile, 20-inch pipeline to a point of connection with the offshore header of the Blue Water Project in Eugene Island Block 227; 15,300 Mcf per day of Texas Gas' Vermilion gas would be received at facilities in Vermilion Block 248 on the offshore header to be constructed jointly by applicant, Texas Gas and Consolidated Gas Supply Corp. (Consolidated). Applicant states that it would then transport the total contract demand of 51,000 Mcf of gas from Eugene Island Block 227 and Vermilion Block 248 to the Egan, La., terminus of the Western Shore Line. In order to transport this gas for Texas Gas, applicant requests authorization to construct and operate in addition to the facilities necessary to increase the capacity of the Western Shore Line, a measuring station on its existing facilities near Egan.

Applicant states that Texas Gas has agreed to pay it a demand charge of 12 cents per month for each Mcf of contract demand transported from Block 250 to the offshore header in the Eugene Island area and a demand charge of $1.37 per month for each Mcf of contract demand for the transportation of all gas volumes through the Blue Water Project facilities to the delivery point near Egan. Applicant indicates that it will charge Texas Gas 17.5 cents per barrel for transportation of liquids.

Applicant states that Consolidated has requested it to transport 10,200 Mcf per day of offshore gas in addition to volumes already scheduled to be transported pursuant to the agreement on file with the Commission in Docket No. CP72-189. Applicant asserts that these additional volumes are within its transportation commitment as expressed in said agreement and will not require the provision of new capacity. The 10,200 Mcf of gas per day to be transported will be in addition to 45,900 Mcf per day which applicant has heretofore scheduled for delivery to Consolidated, commencing November 1, 1972. Applicant states that the total of 56,100 Mcf of gas per day will be delivered to Consolidated or to a party designated by Consolidated for further transportation at the Egan terminus of the Western Shore Line. Applicant indicates that upon installation of the proposed looping facilities it will be able to transport up to a total of 66,300 Mcf of gas per day for delivery to Consolidated

[1] Chairman Burch not participating; Commissioner Johnson concurring in the result; Commissioner Hooks not participating.

at the above point, should Consolidated elect to raise the firm deliveries to that level as permitted by the transportation agreement filed in Docket No. CP72-189.

Applicant states that the total cost of the proposed looping and measuring station is $3,864,300, including filing fees, which will be financed with retained earnings and other funds generated internally.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 16, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-12041 Filed 8-1-72;8:50 am]

[Docket No. RP72-104]

CONSOLIDATED GAS SUPPLY CORP.

Order Accepting for Filing and Suspending Revised Tariff Sheets Containing Purchased Gas Adjustment Provision, Providing for Hearing Procedures, and Permitting Interventions; Correction

JUNE 15, 1972.

In the Order Accepting for Filing and Suspending Revised Tariff Sheets Containing Purchased Gas Adjustment Provision, Providing for Hearing Procedures, and Permitting Interventions, issued March 14, 1972, and published in the FEDERAL REGISTER March 18, 1972 (37 F.R. 5724): Paragraph 2, lines 15 and 16—change "154.38(d)(VI)" to "154.38(d)(4)".

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-12031 Filed 8-1-72;8:49 am]

[Docket No. CP72-276]

DELHI GAS PIPELINE CORP.

Notice of Application; Correction

JUNE 21, 1972.

In the Notice of Application, issued June 9, 1972, and published in the FEDERAL REGISTER June 14, 1972 (37 F.R. 11801): End of first paragraph, change "Mcf at 14.65 p.s.i.a." to read "million B.t.u."

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-12027 Filed 8-1-72;8:49 am]

[Docket No. E-7687]

DETROIT EDISON CO.

Notice of Further Extension of Time and Postponement of Hearing

JULY 18, 1972.

On July 14, 1972, the Commission staff filed a request for postponement of the procedural dates set forth in the notice of extension of time and postponement of hearing issued May 4, 1972.

Upon consideration, notice is hereby given that the procedural dates set forth in the notice issued May 4, 1972, are further extended as follows:

September 14, 1972—Staff shall serve its direct case.
September 28, 1972—Intervenors shall serve their direct case.
October 18, 1972—Detroit Edison's rebuttal evidence shall be filed.
November 2, 1972—Cross examination of all evidence shall commence in a hearing room of the Federal Power Commission, 441 G Street NW., at 10 a.m. (e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-12024 Filed 8-1-72;8:49 am]

[Docket No. G-18337]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend; Correction

JUNE 21, 1972.

In the Notice of Application, issued May 11, 1972 and published in the FEDERAL REGISTER May 19, 1972 (37 F.R. 10101): Paragraph 3, lines 23 through 27: Delete "Petitioner also seeks authorization to increase the delivery pressures at the Ocotillo, Sarguaro, and Phoenix Power Plants from 100 p.s.i.g. to 250 p.s.i.g."

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-12026 Filed 8-1-72;8:49 am]

[Dockets Nos. RI72-274, RI72-277, etc.]

MOBIL OIL CORP. AND SKELLY OIL CO.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund; Correction

JULY 12, 1972.

In the Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund, issued June 29, 1972, and published in the FEDERAL REGISTER July 13, 1972 (37 F.R. 13737): Appendix A Docket No. RI72-277, Skelly Oil Co.: Delete all of the information listed in the second line under Supplement Nos. 18 and 5 to Rate Schedule Nos. 131 and 156, respectively, relating to proposed increases from 21.33 cents to 28 cents.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-12028 Filed 8-1-72;8:49 am]

[Docket No. CP73-16]

TENNESSEE GAS PIPELINE CO.

Notice of Application

JULY 25, 1972.

Take notice that on July 18, 1972, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Applicant), Tenneco Building, Houston, Tex. 77002, filed in Docket No. CP73-16 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas beginning on November 1, 1972, and ending on October 31, 1973, for Springfield Gas Light Co. (Springfield), Fitchburg Gas & Electric Light Co. (Fitchburg), Commonwealth Gas Co. (Commonwealth) and the Berkshire Gas Co. (Berkshire), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to an aggregate maximum daily quantity of 20,856 Mcf at 14.73 p.s.i.a. of natural gas, referred to as the Maximum Daily Transportation Quantity, beginning November 1, 1972, and ending October 31, 1973, for Springfield, Fitchburg, Commonwealth, and Berkshire from the Hopkinton LNG plant in Hopkinton, Mass., near Applicant's existing Compressor Station No. 267, to the existing points of interconnection between Applicant's and Springfield's, Fitchburg's, Commonwealth's, and Berkshire's facilities all located within the Commonwealth of Massachusetts. The application indicates that Applicant would render this proposed transportation service at a monthly transportation charge comprised of a demand charge of 29.41 cents per Mcf plus a volume charge of 4.9 cents per Mcf, subject to certain minimum bill

provisions. Applicant further proposes to render this service in accordance with the terms and conditions of the precedent agreements executed between it and the receiving companies and dated July 7, 1972.

The application indicates further that Springfield, Fitchburg, Berkshire, and Commonwealth will utilize the natural gas received under this transportation arrangement for winter peak shaving purposes in lieu of propane-air that would otherwise be used.

Applicant states that all deliveries will be made through existing facilities and no construction of new facilities is needed or contemplated.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 18, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become parties to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-12029 Filed 8-1-72;8:49 am]

[Dockets Nos. RI73-11, etc.]

SHELL OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JULY 26, 1972.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI73-11	Shell Oil Co.	41	28	El Paso Natural Gas Co. (Tubb-Blinebry Field, Lea County, N. Mex.) (Permian Basin).	$9,463	7-3-72		9-3-72	18.9253	19.4368	RI71-1095.
	do	341	9	do	61	7-3-72		9-3-72	18.9253	19.4368	RI71-1095.
	do	134	21	El Paso Natural Gas Co. (University Block 9 Field, Andrews County, Tex.) (Permian Basin).	4,287	7-3-72		9-3-72	17.2933	17.8019	RI71-1096.
	do	142	20	El Paso Natural Gas Co. (Spraberry Trend Field, Reagan County, Tex.) (Permian Basin).	117	7-3-72		9-3-72	20.3450	20.8536	RI71-1096.
	do	273	12	El Paso Natural Gas Co. (Yucca Butte Field, Pecos and Terrell Counties, Tex.) (Permian Basin).	3,150	7-3-72		9-3-72	18.8188	19.3277	RI71-1096.
	do	305	11	El Paso Natural Gas Co. (South Andrews Field, Andrews County, Tex.) (Permian Basin).	325	7-3-72		9-3-72	17.2933	17.8019	RI71-1096.
RI73-12	Skelly Oil Co.	136	[2] 8	El Paso Natural Gas Co. (Bisti Field, San Juan County, N. Mex.) (San Juan Basin).		7-3-72	8-3-72	Accepted [14]			
	do		9	do	4,365	7-3-72		9-3-72	(13) 13.0) [13] 15.0619	[13] 21.33	RI69-715.
RI73-13	Sun Oil Co.	487	[2] 6	Northern Natural Gas Co. (North Puckett Ellenburger, Pecos County, Tex.) (Permian Basin).	4,641	7-5-72		9-5-72	14.4485	16.06	RI70-679.
RI73-14	Hunt Industries	6	3	Montana-Dakota Utilities Co. (North Tioga Area, Burke County, N. Dak.).	1,550	6-30-72		8-31-72	17.0	18.0	RI68-60.
RI73-15	Gulf Oil Corp.	367	3	El Paso Natural Gas Co. (Payton-Simpson Field, Pecos County, Tex.) (Permian Basin).	(4)	6-29-72		8-30-72	15.2025	17.2933	
RI73-16	J. M. Huber Corp.	95	1	Montana-Dakota Utilities Co. (Pioson Creek Area, Fremont County, Wyo.) (Montana-Wyoming Area).	3,959	6-30-72		12-31-72	[4] [13] 22.75	[4] [13] 26.0	

Footnotes end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI73-17	Shell Oil Co	16	16	El Paso Natural Gas Co. (Monahans Field, Ward and Winkler Counties, Tex.) (Permian Basin).	3,780	7-3-72		9-3-72	18.8191	19.3278	RI71-1098
	do	17	25	do	4,578	7-3-72		9-3-72	17.8019	18.3105	RI71-1098.
	do	18	19	El Paso Natural Gas Co. (Ratcliff Bedford Field, Andrews County, Tex.) (Permian Basin).	3,998	7-3-72		9-3-72	17.8019	18.3105	RI71-1098.
	do	19	22	El Paso Natural Gas Co. (TXL Plant Residue, Ector and Winkler Counties, Tex.) (Permian Basin).	52,644	7-3-72		9-3-72	17.694	18.200	RI72-17.
	do	20	25	El Paso Natural Gas Co. (Wasson Plant, Yoakum and Gaines Counties, Tex.) (Permian Basin).	185,702	7-3-72		9-3-72	17.694	18.200	RI71-1098.
	do	34	20	El Paso Natural Gas Co. (Langmat Field, Lea County, N. Mex.) (Permian Basin).	1,079	7-3-72		9-3-72	18.4786	18.9901	RI71-1098.
	do	40	15	El Paso Natural Gas Co. (Tubb-Blinebry Field, Lea County, N. Mex.) (Permian Basin).	348	7-3-72		9-3-72	18.9253	19.4368	RI71-1095.
RI73-18	Gulf Oil Corp	436	1	Transwestern Pipeline Co. (Rock Tank Morrow Field, Eddy County, N. Mex.) (Permian Basin).	3,856	6-26-72		12-27-72	[5] 27.0	[5] 30.0	
RI73-19	Getty Oil Co	104	[2] 19	El Paso Natural Gas Co. (Dakota Field, San Juan County, N. Mex.) (San Juan Basin).		7-7-72	8-7-72	[14] Accepted			
	do		[11] 20	do	27,798	7-7-72		1-7-73	[11 13] 14.0578	[8 13] 22.0	RI69-542.
	do			do	[10]			[11 13] 14.0578	[9 13] 28.0		RI69-542.
	do	113	[2] 8	El Paso Natural Gas Co. (Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin).		7-7-72	8-7-72	[14] Accepted			
	do		9	do	622	7-7-72		1-7-73	[13] 14.0578	[8 13] 22.0	RI69-518.
	do			do	[10]	7-7-72		1-7-73	[13] 14.0578	[9 13] 28.0	RI69-518.
RI73-20	Skelly Oil Co	129	[2] 10	El Paso Natural Gas Co. (Basti Field, San Juan County, N. Mex.) (San Juan Basin).		7-3-72	8-3-72	[14] Accepted			
	do		11	do	415	7-3-72		9-3-72	[13] 15.0634	[13] 21.33	RI69-389.

*Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Applicable to acreage added by Supplements Nos. 3 and 5.
[2] Contract amendment.
[3] Casinghead gas only. Seller is receiving 16.0525 cents per Mcf for gas-well gas.
[4] No production at present.
[5] Subject to B.t.u. adjustment.
[6] Not used.
[7] Not used.
[8] Applicable to production from Wells completed prior to June 1, 1970.
[9] Applicable to production from Wells completed on or after June 1, 1970.
[10] No production at present.
[11] Applicable to sales from acreage added by Supplements Nos. 3-8 and Supplement No. 10.
[12] The pressure base is 14.73 p.s.i.a.
[13] The pressure base is 15.025 p.s.i.a.
[14] Accepted, to be effective on the dates shown in the "Effective Date" column.

The proposed increases, resulting from El Paso's renegotiation program in the San Juan Basin area, relate to add acreage amendments dated after October 1, 1968, and are suspended for 1 day because they do not exceed the ceiling for that vintage gas. All the remaining proposed renegotiated increases exceed the corresponding rate filing limitations imposed in Southern Louisiana and therefore are suspended for 5 months. The related amendatory agreements which, among other things, provide for the increased rates are accepted for filing 30 days after filing.

The proposed increase of Hunt Industries from 17 cents to 18 cents is for a sale of gas in Burke County, N. Dak., where no area increased ceiling rate has been announced. Consistent with Commission policy of suspending all proposed increased rates in this area which exceed 16 cents per Mcf, it is suspended for 1 day after the required 60-day notice period. The suspension period is limited to 1 day because the proposed rate does not exceed the 1-day ceiling.

With the exception of the proposed increases of J. M. Huber Corp., and Gulf Oil Corp. which are suspended for 5 months, the remaining proposed increases filed herein do not exceed the corresponding rate filing limitation imposed in Southern Louisiana and therefore are suspended for 1 day.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

CERTIFICATION OF ABBREVIATED SUSPENSION

Pursuant to § 300.16(i)(3) of the Price Commission rules and regulations, 6 CFR Part 300 (1972), the Federal Power Commission certifies as to the abbreviated suspension period in this order as follows:

(1) This proceeding involves producer rates which are established on an area rather than company basis. This practice was established by "Area Rate Proceeding, Docket No. AR61-1, et al.," Opinion No. 468, 34 FPC 159 (1965), and affirmed by the Supreme Court in "Permian Basin Area Rate Case," 390 U.S. 747 (1968). In such cases as this, producer rates are approved by this Commission if such rates are contractually authorized and are at or below the area ceiling.

(2) In the instant case, the requested increases do not exceed the ceiling rate for a 1-day suspension.

(3) By Order No. 423 (36 F.R. 3464) issued February 18, 1971, this Commission determined as a matter of general policy that it would suspend for only 1 day a change in rate filed by an independent producer under section 4(d) of the Natural Gas Act (15 U.S.C. 717c(d)) in a situation where the proposed rate exceeds the increased rate ceiling, but does not exceed the ceiling for a 1-day suspension.

(4) In the discharge of our responsibilities under the Natural Gas Act, this Commission has been confronted with conclusive evidence demonstrating a natural gas shortage. (See Opinions Nos. 595, 598, and 607, and Order No. 435.) In these circumstances and for the reasons set forth in Order No. 423, the Commission is of the opinion in this case that the abbreviated suspension authorized herein will be consistent with the letter and intent of the Economic Stabilization Act of 1970, as amended, as well as the rules and regulations of the Price Commission, 6 CFR Part 300 (1972). Specifically, this Commission is of the opinion that the authorized suspension is required to assure continued, adequate, and safe service and will assist in providing for necessary expansion to meet present and future requirements of natural gas.

[FR Doc.72-11921 Filed 8-1-72;8:45 am]

FEDERAL RESERVE SYSTEM

CHARTER NEW YORK CORP.

Acquisition of Bank

Charter New York Corp., New York, N.Y., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Hayes National Bank, Clinton, N.Y., the successor by merger to The Hayes National Bank of Clinton, Clinton, N.Y. The factors that are considered in acting on the application are set forth

in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 18, 1972.

Board of Governors of the Federal Reserve System, July 26, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-11989 Filed 8-1-72;8:46 am]

CONSOLIDATED BANKSHARES OF FLORIDA, INC.

Acquisition of Bank

Consolidated Bankshares of Florida, Inc., Fort Lauderdale, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire not less than 80 percent of the voting shares of Union Trust National Bank of St. Petersburg, St. Petersburg, Fla. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 18, 1972.

Board of Governors of the Federal Reserve System, July 26, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-11990 Filed 8-1-72;8:46 am]

EQUITABLE BANCORPORATION

Acquisition of Bank

Equitable Bancorporation, Baltimore, Md., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire not less than 80 percent of the voting shares of Farmers and Merchants Bank of Hagerstown, Hagerstown, Md. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 18, 1972.

Board of Governors of the Federal Reserve System, July 24, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-11991 Filed 8-1-72;8:46 am]

FIRST NATIONAL BANK IN DALLAS AND FIRST NATIONAL SECURITIES COMPANY IN DALLAS

Order Approving Acquisition of Bank

First National Bank in Dallas, Dallas, Tex., owns 26.41 percent of South Oak Cliff Bank, Dallas, Tex.,[1] is a bank holding company within the meaning of the Bank Holding Company Act, and has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire, through a rights offering, 1,036 of the voting shares of North Dallas Bank & Trust Co., Dallas, Tex. (Bank). Applicant states that the proposed acquisition will be made directly by First National Securities Company in Dallas, Dallas, Tex., applicant's trusteed affiliate, which now controls 24 percent of the outstanding shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant with its one subsidiary bank controls total deposits of $1.69 billion, representing 5.7 percent of the total commercial bank deposits in the State, and is the second largest banking organization in the Dallas SMSA and in Texas. Through its trusteed affiliate,[2] applicant now controls 24 percent of the shares of Bank ($23.9 million deposits), one of the smaller banks in the Dallas banking market. Applicant proposes to have its trusteed affiliate acquire 1,036 shares of Bank through a rights offering. Applicant's trusteed affiliate will be acquiring less than its proportionate interest in the offering, with the result that applicant's interest in Bank will drop to 23.7 percent of the outstanding shares. The transaction involves neither an expansion of applicant nor an increase in the banking resources controlled by it. Consummation of the proposal would eliminate neither existing nor potential competition nor does it appear that there would be any adverse effects on any bank in the area.

The financial and managerial resources and prospects of applicant, its subsidiaries, and Bank are regarded as satisfactory and consistent with approval of the application. The convenience and needs of the area involved would not be affected by consummation of applicant's proposal. It is the Board's judgment that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[3] effective July 25, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-11992 Filed 8-1-72;8:46 am]

[1] The interest in South Oak Cliff Bank was acquired in 1966 in satisfaction of a debt previously contracted.

[2] Applicant's trusteed affiliate controls more than 5 percent but less than 25 percent of each of 12 other Texas banks. The Board's action herein does not constitute a determination that any of the banks in which applicant's trusteed affiliate owns shares is or may become a subsidiary of applicant; nor does the action herein indicate that the Board would in the future permit applicant to acquire directly or indirectly any additional shares of any of said banks. However, the determination herein does not preclude the Board from determining that applicant exercises a controlling influence over the management or policies of any of said banks within the meaning of § 2(a)(2)(C) of the Act.

[3] Voting for this action: Chairman Burns and Governors Robertson, Daane, and Sheehan. Absent and not voting: Governors Mitchell, Brimmer, and Bucher.

INDEPENDENT BANKSHARES CORP.

Formation of Bank Holding Company

Independent Bankshares Corp., San Rafael, Calif., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the outstanding voting shares (less directors' qualifying shares) of Bank of Marin, San Rafael, Calif.; Bank of Sonoma County, Sebastopol, Calif.; and the First National Bank of Cloverdale, Cloverdale, Calif. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 18, 1972.

Board of Governors of the Federal Reserve System, July 26, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-11993 Filed 8-1-72;8:46 am]

MANUFACTURERS HANOVER CORP.

Order Approving Acquisition of Bank

Manufacturers Hanover Corp., New York, N.Y., a bank holding company within the meaning of the Bank Holding Company Act, as applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to First National Bank of Bay Shore, Bay Shore, N.Y. (FNB). The bank into which FNB is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of FNB. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of the shares of FNB.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls one bank, Manufacturers Hanover Trust Co. (MHTC), with deposits of $9.8 billion, representing 10.4 percent of total commercial bank deposits in the State of New York, and ranks as the third largest banking system in the State. (All banking data are as of December 31, 1971, adjusted to reflect holding company formations and acquisitions through June 30, 1972.) The acquisition of FNB with deposits of $59.9 million would not change Applicant's present rank among State banking organizations nor significantly increase the concentration of banking resources in any relevant areas.

FNB is located in the village of Bay Shore in southwestern Suffolk County; is the 13th largest of 32 banks headquartered in New York's First Banking District and ranks fourth largest among the 16 banks located in the Babylon-Islip market. Eight New York City-based holding companies are represented in the market. The nearest subsidiary banking office of MHTC to an FNB branch is the Massapequa office located in Nassau County, a distance of 9 miles from the West Islip office of FNB, and the offices of 22 financial institutions are located in the intervening area. These institutions compete in separate banking markets and consummation of the proposed acquisition would not eliminate any meaningful amount of existing competition between these or other offices of MHTC and FNB.

Although some potential competition could be eliminated by consummation of the present proposal, it appears that such competition would not be of a substantial nature. Applicant could enter Suffolk County de novo or by acquisition of a smaller bank. However, State banking laws restrict the branching operations of newly chartered banks by holding companies until January 1976, and it appears that the acquisition of one of the nine remaining, somewhat smaller, Suffolk County banks would not be significantly less anticompetitive than the present proposal. The proposed affiliation could serve to stimulate competition since consummation would remove home office protection afforded by State law to Bay Shore. Two applications are pending to establish new branches in Bay Shore at the present time subject to approval of this application. It appears that consummation of the proposed acquisition would not adversely affect any competing bank nor act as a deterrent to entry into the area by other banking institutions. Competitive considerations are consistent with approval of the application.

Considerations relating to the financial condition of Applicant, MHTC, and FNB are considered to be satisfactory, the managements of each are deemed capable, and their prospects appear favorable. Banking factors are consistent with approval of the application. Although the major banking needs of the area are satisfactorily served at the present time, Applicant proposes to assist FNB in providing new services in international banking and lease financing. Considerations relating to the convenience and needs of the communities to be served are consistent with and lend some support to approval of the application. It is the Board's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above.[1] The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York, pursuant to delegated authority.

By order of the Board of Governors,[2] effective July 25, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-11994 Filed 8-1-72;8:47 am]

Y.B. CORP.

Order Approving Formation of Bank Holding Company

Y.B. Corp., South Sioux City, Nebr., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 81 percent of the voting shares of Nebraska State Bank, South Sioux City, Nebr. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a newly organized corporation, was formed by the present management of Bank for the purpose of becoming a bank holding company through the purchase of shares of Bank. Upon acquisition of Bank ($11.9 million of deposits), Applicant would control approximately 0.3 percent of the commercial bank deposits in Nebraska. (All banking data are as of December 31, 1971.) As the proposed transaction represents a sale of shares of Bank by individuals to a presently nonoperating holding company, consummation of the proposal would not eliminate existing or potential competition and would not result in an increase in the concentration of banking resources in any relevant area.

Bank, located in South Sioux City, Nebr., is the largest of two banks in that city. Bank operates in the Sioux City, Iowa-Nebraska metropolitan area (which approximates its relevant market area).

For a number of years, prior to the assumption of active control by Bank's present management in February 1971, Bank's condition was adversely affected by frequent changes in management (four managing officers in 7 years) and unprofitable credit policies. Bank's financial condition has been substantially improved by the introduction of more profitable loan policies and effective management supervision by two individuals responsible for Applicant's organization. The director of banking for the State of Nebraska, in recommending approval of the proposed transaction, has expressed confidence in Bank's present management. He has stated, "* * * we feel that they are capable of successfully operating the bank involved."

Upon consummation of the proposed transaction, Applicant would begin operations with a relatively high acquisition debt. Applicant proposes to retire this debt within 10 years. Based upon projected future earnings of Bank and Applicant's proposals with respect to management and dividend policies of Bank, it appears probable that Applicant would be able to retire its acquisition debt within this period.

On the basis of the facts of record as summarized herein, the financial and managerial resources and future prospects of Bank and Applicant (which are entirely dependent on the earnings of Bank) appear satisfactory and lend some weight toward approval of the application. To the extent that formation of the proposed bank holding company will facilitate the continued provision of sound management policies and thereby enable

[1] Dissenting Statement of Governors Robertson and Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York.

[2] Voting for this action: Chairman Burns and Governors Sheehan and Bucher. Voting against this action: Governors Robertson and Brimmer. Absent and not voting: Governors Mitchell and Daane.

Bank to provide expanded banking services, considerations relating to the convenience and needs of the relevant community served by Bank lend weight toward approval of this application.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] effective July 25, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-11995 Filed 8-1-72;8:47 am]

OFFICE OF ECONOMIC OPPORTUNITY

[Contract BIC-5263]

WINDOWS ON DAY CARE

Notice of Reported Findings

Pursuant to section 606 of the Economic Opportunity Act, 1964, as amended, it is announced that as a result of OEO Contract No. BIC-5263, the National Council of Jewish Women, New York, N.Y., has furnished to the agency a final report entitled "Windows on Day Care."

The report presents an assessment of existing day care programs nationwide, and emphasizes visits to homes and centers, interviews with working mothers, and meetings with community leaders knowledgeable about day care needs and services.

The final report is available from the National Council Jewish Women, 1 West 47th Street, New York, NY 10036.

WESLEY L. HJORNEVIK,
Deputy Director.

[FR Doc.72-11988 Filed 8-1-72;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3183]

BAKER, FENTRESS & CO.

Notice of Filing of Application for Order of Exemption

JULY 26, 1972.

Notice is hereby given that Baker, Fentress & Co. (Baker), Room 2200, 208 South LaSalle Street, Chicago, IL. 60604, a closed-end, nondiversified management investment company registered under the Investment Company Act of 1940 (Act) has filed an application pursuant to section 6(c) of the Act for an order exempting Baker from the provisions of section 17(f) of the Act and Rule 17f-3 thereunder to the extent necessary to permit the following:

1. Maintenance of petty cash accounts of $1,000 in each of Baker's three existing offices;

2. Maintenance of a petty cash account of $1,000 in an office in New York City which Baker may establish in the future;

3. Maintenance of such an account in any office which is a successor to an office listed above, provided, however, that no more than one such office shall be extant in any one city.

All interested persons are referred to the application, as amended, on file with the Commission for a statement of the representations made therein.

Baker is internally managed and does not have an investment adviser. It has approximately 17 officers and other employees located or based in its principal office in Chicago and in offices in Wilmington, Del., and in San Francisco, Calif.

Baker presently has imprest petty cash accounts in its Chicago and Wilmington offices which are used for smaller disbursements in the normal operation of those offices such as advances and reimbursements of travel expenses of personnel, office supplies and other smaller purchases, postal and other shipping and delivery charges, and publications. Baker asserts that it may find it necessary to establish such an account in its San Francisco office and in a possible future office in New York City.

Baker represents that each account is maintained in accordance with the requirements prescribed by Rule 17f-3, except that there are two accounts, each of which is in an amount in excess of the $500 limit of the rule. Baker contends that limiting an internally managed company with several offices to one petty cash account of no more than $500 is unrealistic and inadequate to meet its reasonable business needs.

Baker asserts that it will continue to maintain custodianship of its assets with a bank as required by the Act and be covered by a fidelity bond.

Section 17(f) of the Act and Rule 17f-3 thereunder, taken together, provide that no investment company having a custodian bank shall hold free cash except, upon resolution of its board of directors, a petty cash account may be maintained in an amount not to exceed $500 provided that such account is operated under the imprest system and is maintained subject to adequate controls approved by the board of directors over disbursements and reimbursements including, but not limited to, fidelity bond coverage of persons having access to such funds. Rule 17f-3 became effective June 19, 1972.

Section 6(c) of the Act provides, in pertinent part, that the Commission by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 21, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-12034 Filed 8-1-72;8:49 am]

[File No. 812-3218]

HOME LIFE SEPARATE ACCOUNT C AND HOME LIFE INSURANCE CO.

Notice of Filing of Application for Exemptions

JULY 26, 1972.

In the matter of Home Life Separate Account C and Home Life Insurance Co.

Notice is hereby given that Home Life Separate Account C (Account C), a unit investment trust registered under the Investment Company Act of 1940, as amended (Act), and Home Life Insurance Co. (Home Life), 253 Broadway, New York, NY 10007, a mutual life insurance company incorporated under the laws of New York, (hereinafter collectively called Applicants) have filed an application pursuant to section 6(c) of the Act for an order exempting Applicants, to the extent noted below, from the provisions of sections 22(d), 26(a), and 27(c)(2) of the Act. All interested

[1] Voting for this action: Chairman Burns and Governors Robertson, Daane, and Sheehan. Absent and not voting: Governors Mitchell, Brimmer, and Bucher.

persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Account C is a separate account of Home Life established as the facility for issuing tax-qualified variable annuity contracts. Under New York insurance law and the variable annuity contracts, the assets maintained in Account C attributable to variable annuity contracts will not be charged with any liabilities arising out of any other business conducted by Home Life, and the income, gains or losses of Account C will be credited to or charged against the assets of Account C without regard to the other income, gains or losses of Home Life. All amounts credited to Account C pursuant to variable annuity contracts will be invested in shares of Home Life Equity Fund, Inc., a diversified open-end investment company registered under the Act.

Home Life has admitted assets in excess of $884 million and mandatory securities valuation reserves in excess of $75 million. Home Life is a registered broker-dealer under the Securities Exchange Act of 1934 and a member of the National Association of Securities Dealers, Inc., and will be the principal underwriter of variable annuity contracts participating in Account C.

Applicants request exemptions from the following provisions to the extent set forth below:

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to the public except at a current offering price described in the prospectus.

Applicants state that the periodic payment and single payment contracts provide for a sales charge of 7¼ percent and 4¼ percent of each payment respectively. The periodic payment contracts provide for an administration charge which ranges from 4½ to ½ percent of each payment depending upon the amount of payments scheduled to be made on an annual basis, and a collection fee of $1 deducted from each payment. The single payment contracts provide for an administration charge of either 2 percent or 1 percent depending upon the size of the single payment.

Applicants request exemptions from section 22(d) as follows:

(1) To permit the owner of a deferred variable annuity contract participating in Account C who is also the owner or beneficiary under another tax-qualified contract issued by Home Life to transfer without a sales charge amounts payable under such other contract to the deferred variable annuity contract. Such other contract may be either a fixed-dollar annuity contract or a life insurance or endowment contract which provides for a fixed-dollar annuity as a settlement option. If such other contract has been in force for 5 years, all or a portion of amounts payable under it (e.g., cash value, maturity value or death benefit) may be transferred without charge to the deferred variable annuity contract on the annuity commencement date: *Provided*, That a request for transfer is made to Home Life during the 60-day period prior to the annuity commencement date. Applicants state that grant of the requested exemption will not result in disruptive distribution patterns since it is not possible for a secondary market to exist for variable annuity contracts. Applicants further state that there is no unfair discrimination resulting from the proposed exemption inasmuch as a sales charge will have previously been included in the premiums on the other contracts from which transfers may be made and no substantial additional expense is expected to be incurred in connection with such transfers.

(2) To permit the crediting of divisible surplus without a sales charge to variable annuity contracts participating in Account C. Applicants assert that, as a mutual life insurance company, Home Life is obligated to ascertain, at least annually, divisible surplus accruing on such contracts. Applicants anticipate that such surplus will arise if actual expenses are less than the charges for such expenses or if actual mortality experience is more favorable than that assumed in the annuity purchase rates used in connection with making monthly annuity payments. Any distribution of divisible surplus will be made by crediting without charge additional units to the accounts maintained under variable annuity contracts or in such other manner as is provided in the contracts.

(3) To permit a beneficiary under a variable annuity contract participating in Account C to elect to have any death proceeds to which he is entitled applied to effect a variable annuity without a sales charge in lieu of payment in a single sum. In some instances the death proceeds may be an amount equal to the greater of the sum of all purchase payments received by Home Life or the accumulated contract value. Applicants assert that no significant selling expenses are anticipated in connection with the election of such option; any selling activity will be limited to delivery of a current prospectus and any necessary explanation of the available options.

Sections 26(a) and 27(c)(2) of the Act, in pertinent part, provide in substance that a registered unit investment trust and any depositor and underwriter for such trust are prohibited from selling periodic payment plan certificates unless the proceeds of all payments other than the sales load are deposited with a qualified bank as trustee or custodian and held under an indenture or agreement containing specified provisions. Sections 26(a) (2) and (3) of the Act require that such indenture or agreement must provide, inter alia, that the bank (i) shall have possession of all property of the unit investment trust and shall segregate and hold the same in trust, (ii) shall not resign until the trust has been liquidated or a successor has been appointed, (iii) may collect from the income and, if necessary, from the corpus of the trust such fees for services performed and reimbursement of expenses incurred as are provided for in the agreement, and (iv) shall not be allowed as an expense any payment to the depositor or principal underwriter except a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to the bank. Applicants assert that Home Life, as a life insurance company, may not properly place the assets of Account C in trust in the hands of another. Applicants request exemptions from sections 26(a) and 27(c)(2) to permit the net purchase payments under the contracts allocated to Account C to be held by Home Life rather than providing for the deposit of such payments with a bank as custodian or trustee for holding under an agreement or indenture containing, in substance, the provisions required by sections 26(a) (2) and (3) of the Act.

In support of these requested exemptions, Applicants state that Home Life is subject to extensive supervision and control by the New York insurance regulatory authorities. It files with such authorities annual statements of financial condition in the form prescribed by the National Association of Insurance Commissioners and is examined periodically as to its financial affairs by such authorities. The supervision and inspection to which Home Life is subject are applicable to Account C so as to afford protection to variable annuity contract owners and provide assurance of performance by Home Life of its obligations to such owners. All obligations under the variable annuity contracts participating in Account C are general obligations of Home Life, and Home Life may not abrogate its obligations under such contracts. The assets and surplus of Home Life provide assurance of its financial ability to meet its obligations under the variable annuity contracts participating in Account C.

Applicants have consented that any order granting the requested exemptions from sections 26(a) and 27(c)(2) may be made subject to the conditions (1) that the charges under the contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved to the Commission for such purpose, and (2) that the payment of sums and charges out of the assets of Account C shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payments of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Section 6(c) authorizes the Commission to exempt any person, security or transactions from the provisions of the

Act or any rule or regulation promulgated thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 21, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–12035 Filed 8–1–72;8:49 am]

[File No. 812–3219]

HOME LIFE SEPARATE ACCOUNT D AND HOME LIFE INSURANCE CO.

Notice of Filing of Application for Exemptions

JULY 26, 1972.

In the Matter of Home Life Separate Account D and Home Life Insurance Co.

Notice is hereby given that Home Life Separate Account D (Account D), a unit investment trust registered under the Investment Company Act of 1940 (Act), and Home Life Insurance Co. (Home Life), 253 Broadway, New York, NY 10007, a mutual life insurance company incorporated under the laws of New York (hereinafter collectively called Applicants), have filed an application pursuant to section 6(c) of the Act for an order exempting Applicants, to the extent noted below, from the provisions of sections 22(d), 26(a), and 27(c)(2) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Account D is a separate account of Home Life established as the facility for issuing certain variable annuity contracts. Under New York insurance law and the variable annuity contracts, the assets maintained in Account D attributable to variable annuity contracts will not be charged with any liabilities arising out of any other business conducted by Home Life, and the income, gains or losses of Account D will be credited to or charged against the assets of Account D without regard to the other income, gains or losses of Home Life. All amounts credited to Account D pursuant to variable annuity contracts will be invested in shares of Home Life Equity Fund, Inc., a diversified open-end investment company registered under the Act.

Home Life has admitted assets in excess of $884 million and mandatory securities valuation reserves in excess of $75 million. Home Life is a registered broker-dealer under the Securities Exchange Act of 1934 and a member of the National Association of Securities Dealers, Inc., and will be the principal underwriter of variable annuity contracts participating in Account D.

Applicants request exemptions from the following provisions to the extent set forth below:

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to the public except at a current offering price described in the prospectus.

Applicants state that the periodic payment and single payment contracts provide for a sales charge of 7¾ percent and 4¼ percent of each payment respectively. The periodic payment contracts provide for an administration charge which ranges from 4½ percent to ½ percent of each payment depending upon the amount of payments scheduled to be made on an annual basis, and a collection fee of $1 deducted from each payment. The single payment contracts provide for an administration charge of either 2 percent or 1 percent depending upon the size of the single payment.

Applicants request exemptions from section 22(d) as follows:

(1) To permit the owner of a deferred variable annuity contract participating in Account D who is also the owner or beneficiary under another contract issued by Home Life to transfer without a sales charge amounts payable under such other contract to the deferred variable annuity contract. Such other contract may be either a fixed-dollar annuity contract or a life insurance or endowment contract which provides for a fixed-dollar annuity as a settlement option. If such other contract has been in force for 5 years, all or a portion of amounts payable under it (e.g., cash value, maturity value or death benefit) may be transferred without charge to the deferred variable annuity contract on the annuity commencement date, provided that a request for transfer is made to Home Life during the 60-day period prior to the variable annuity commencement date. Applicants state that grant of the requested exemption will not result in disruptive distribution patterns since it is not possible for a secondary market to exist for variable annuity contracts. Applicants further state that there is no unfair discrimination resulting from the proposed exemption inasmuch as a sales charge will have previously been included in the premiums on the contracts from which transfers may be made and no substantial additional sales expense is expected to be incurred in connection with such transfers.

(2) To permit the crediting of divisible surplus without a sales charge to variable annuity contracts participating in Account D. Applicants assert that, as a mutual life insurance company, Home Life is obligated to ascertain, at least annually, any divisible surplus accruing on such contracts. Applicants anticipate that such surplus will arise if actual expenses are less than the charges for such expenses or if actual mortality experience is more favorable than that assumed in the annuity purchase rates used in connection with making monthly annuity payments. Any distribution of divisible surplus will be made by crediting without charge additional units to the accounts maintained under variable annuity contracts or in such other manner as is provided in the contracts.

(3) To permit a beneficiary under a variable annuity contract participating in Account D to elect to have any death proceeds to which he is entitled applied to effect a variable annuity without a sales charge in lieu of payment in a single sum. In some instances the death proceeds may be an amount equal to the greater of the sum of all purchase payments received by Home Life or the accumulated contract value. Applicants assert that no significant selling expenses are anticipated in connection with the election of such option; any selling activity will be limited to delivery of a current prospectus and any necessary explanation of the available options.

Sections 26(a) and 27(c)(2) of the Act, in pertinent part, provide in substance that a registered unit investment trust and any depositor and underwriter for such trust are prohibited from selling periodic payment plan certificates unless the proceeds of all payments other than the sales load are deposited with a qualified bank as trustee or custodian and held under an indenture or agreement containing specified provisions. Sections 26(a) (2) and (3) of the Act require that such indenture or agreement must provide, inter alia, that the bank (i) shall have possession of all property of the unit investment trust and shall segregate and hold the same in trust, (ii) shall not resign until the trust has been liquidated or a successor has been appointed, (iii) may collect from the income and, if necessary, from the corpus of the trust such fees for services performed and reimbursement of expenses incurred as are provided for in the

agreement, and (iv) shall not be allowed as an expense any payment to the depositor or principal underwriter except a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to the bank. Applicants assert that Home Life, as a life insurance company, may not properly place the assets of Account D in trust in the hands of another. Applicants request exemptions from sections 26(a) and 27(c)(2) to permit the net purchase payments under the contracts allocated to Account D to be held by Home Life rather than providing for the deposit of such payments with a bank as custodian or trustee for holding under an agreement or indenture containing, in substance, the provisions required by sections 26(a) (2) and (3) of the Act.

In support of these requested exemptions, Applicants state that Home Life is subject to extensive supervisions and control of the New York insurance regulatory authorities. It files with such authorities annual statements of financial condition in the form prescribed by the National Association of Insurance Commissioners and is examined periodically as to its financial affairs by such authorities. The supervision and inspection to which Home Life is subject are applicable to Account D so as to afford protection to variable annuity contract owners and provide assurance of performance by Home Life of its obligations to such owners. All obligations under the variable annuity contracts participating in Account D are general obligations of Home Life, and Home Life may not abrogate its obligations under such contracts. The assets and surplus of Home Life provide assurance of its financial ability to meet its obligations under the variable annuity contracts participating in Account D.

Applicants have consented that any order granting the requested exemptions from sections 26(a) and 27(c)(2) may be made subject to the conditions (1) that the charges under the contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved to the Commission for such purpose, and (2) that the payment of sums and charges out of the assets of Account D shall not be deemed to be exempted from regulation by the Commission by reason of the requested order: *Provided*, That the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payments of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Section 6(c) authorizes the Commission to exempt any person, security or transactions from the provisions of the Act or any rule or regulation promulgated thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 21, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-12036 Filed 8-1-72;8:49 am]

[File Nos. 2-37729, 2-41860]

MASSMUTUAL MORTGAGE AND REALTY INVESTORS

Notice of Application and Opportunity for Hearing

JULY 25, 1972.

Notice is hereby given that MassMutual Mortgage and Realty Investors (MassMutual) has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of Chemical Bank under two indentures heretofore qualified under the Act and the trusteeship of Chemical Bank under a new indenture which will not be qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chemical Bank from acting as trustee under any of such indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall within 90 days, after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under the qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of said indentures.

MassMutual alleges that:

1. MassMutual proposes to issue $25 million principal amount of Convertible Subordinated Debentures due July 1, 1987, pursuant to an indenture (1972 indenture) between it and Chemical Bank which will not be qualified under the Act. The debentures will not be registered under the Securities Act of 1933 and the indenture will not be qualified under the Act since the debentures will be sold outside the United States, its territories and possessions to persons who are not nationals or residents thereof.

2. Chemical Bank presently is acting as trustee under a trust indenture dated as of October 1, 1970 (1970 indenture) under which there are outstanding $10,413,500 principal amount of 6¾ percent Convertible Subordinated Debentures due 1990 and under a trust indenture dated as of October 1, 1971 (1971 indenture) under which there are outstanding $49,995,000 principal amount of 6¼ percent Convertible Subordinated Debentures due 1991. MassMutual is not in default under such indentures.

3. The 1970 indenture and the 1971 indenture are, and the 1972 indenture will be, wholly unsecured. The obligations of MassMutual under the 1970 indenture, the 1971 indenture and the 1972 indenture will rank on a parity with each other.

4. The differences in the provisions of the indentures are unlikely to involve the Chemical Bank in a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under such indentures.

MassMutual has waived notice of hearing and any and all rights to specify procedures under the rules and practices of the Commission with respect to the application.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application,

which is a public document on file in the offices of the Commission at 500 North Capitol Street, NW., Washington, DC 20549.

Notice is further given that any interested persons may, not later than August 18, 1972, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-12037 Filed 8-1-72;8:50 am]

[813-39]

ROBBINSDALE FEDERATION INVESTMENT FUND

Notice of and Order for Hearing on Application for Order of Exemption for Employees' Securities Company

JULY 25, 1972.

Notice is hereby given that an application on behalf of Robbinsdale Federation Investment Fund, Inc. (Fund), % Helgesen, Peterson, Engberg & Spector, 304 Title Insurance Building, Minneapolis, Minn. 55401, has been filed pursuant to section 6(b) of the Investment Company Act of 1940 (Act) by one of the Fund's organizers, Wilson Anderson, Jr. (Applicant), for an order exempting the Fund from all provisions of the Act or, alternatively, from the provisions of sections 5(b) (1), 7, 8, 14, 20, 24, and 30. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Shareholders in the Fund, which is to be formed by Applicant and the other organizers, will be limited to the approximately 900 school teachers employed by Independent School District No. 281, Robbinsdale, Minn. (District) and who are members of the Robbinsdale Federation of Teachers (Federation). The organizers of Fund are also teachers and members of both the District and the Federation.

The Fund is to be organized under the Minnesota Business Corporations Act and will purchase securities for investment. It will issue redeemable securities and will have no adviser, manager or underwriter. The application also states that there will be no sales load on the sale of the Fund's common stock, and that costs of administration of the Fund will be paid out of proceeds from the sale of its stock.

The exemptions requested by the Fund will, among other things, permit it to conduct its business without registration under the Act; to solicit proxies without compliance with the proxy rules under the Act and the Securities Exchange Act of 1934; and to utilize the exemption from registration of its securities under the Securities Act of 1933 contained in Regulation A thereunder. Investors would thus receive an offering circular under Regulation A rather than a prospectus filed as part of a Securities Act registration statement.

Applicant contends that the Fund meets the definition of an "employees' securities company" contained in section 2(a)(13) of the Act and should, as such, be exempted by the Commission pursuant to section 6(b) of the Act. Section 2(a)(13) of the Act provides that " 'Employees' securities company' means any investment company or similar issuer all of the outstanding securities of which (other than short-term paper) are beneficially owned (A) by the employees or persons on retainer of a single employer or of two or more employers each of which is an affiliated company of the other, (B) by former employees of such employer or employees, (C) by members of the immediate family of such employees, persons on retainer, or former employees, (D) by any two or more of the foregoing classes of persons, or (E) by such employer or employers together with any one or more of the foregoing classes of persons."

Section 6(b) of the Act provides that "Upon application by any employees' security company, the Commission shall by order exempt such company from the provisions of the Act and of the rules and regulations hereunder, if and to the extent that such exemption is consistent with the protection of investors. In determining the provisions to which such an order shall apply, the Commission shall give due weight, among other things, to the form of organization and the capital structure of such company, the persons by whom its voting securities, evidences of indebtedness, and other securities are owned and controlled, the prices at which securities issued by such company are sold and the sales load thereon, the disposition of the proceeds of such sales, the character of the securities in which such proceeds are invested, and any relationship between such company and the issuer of any such security."

It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the said application.

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be held on the 6th day of September, 1972, at 10 a.m. in the office of the Commission, 500 North Capitol Street NW., Washington, DC 20549. At such time the Hearing Room clerk will advise as to the room in which such hearing will be held. Any person, other than Applicant, desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission, on or before the 28th day of August 1972, his application pursuant to Rule 9(c) of the Commission's rules of practice. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address noted above, and proof of service (by affidavit, or, in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That any officer or officers of the Commission to be designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matter is presented for consideration without prejudice to its specifying additional matters upon further examination:

Whether the exemptions requested are consistent with the protection of investors.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matter.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this order by certified mail to Applicant and to the persons who have requested a hearing, and that notice to all persons shall be given by publication of this order in the FEDERAL REGISTER; and that a general release of the Commission in respect of this order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-12038 Filed 8-1-72;8:50 am]

DEPARTMENT OF LABOR

Office of the Secretary

CALIFORNIA, MICHIGAN, NEW YORK, AND OREGON

Notice of Determination of "Temporary Off" Indicator and Termination of Temporary Compensation Period in Four States

Pursuant to the provisions of section 202 of the Emergency Unemployment

Compensation Act of 1971 (Title II of Public Law 92-224), hereinafter referred to as the Act and 20 CFR 617.13(a), I hereby give notice of my determination that there is a "temporary off" indicator for the week ending July 8, 1972, in each of the following States: California, Michigan, New York, and Oregon.

As provided in section 202(c)(3)(A)(i)(II) of the Act and 20 CFR 617.5 (b) and (c), the temporary compensation period in each of these States shall end on July 29, 1972, the last day of the third week following the week for which there is a "temporary off" indicator. In each of the States listed above, temporary compensation is not payable under the Act for any week of unemployment which begins after July 29, 1972.

Signed at Washington, D.C., this 28th day of July 1972.

L. H. SILBERMAN,
Acting Secretary.

[FR Doc.72-12059 Filed 8-1-72;8:53 am]

INTERSTATE COMMERCE COMMISSION

[Notice 41]

ASSIGNMENT OF HEARINGS

JULY 26, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-135736 Sub 1, Fleet Services, Inc., now assigned August 16, 1972, at New York City, N.Y., is postponed indefinitely.

MC-91053 Sub 11, Trans-World Moves, Inc., now assigned September 12, 1972, MC 87720 Sub 124, Bass Transportation Co., Inc., now assigned September 20, 1972, MC 80428 Sub 74, McBride Transportation, Inc., MC 114123 Sub 36 and Sub 38, Herman R. Ewell, Inc., MC 126427 Sub 9, Palmer Transportation, Inc., MC 109397 Sub 266, Tri-State Motor Transit Co., now assigned September 21, 1972, MC 107615, Union News Transportation Co., Petition for Clarification and Modification of Certificate, now assigned September 26, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

AB 5 Sub 1, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees of the Property of Penn Central Transportation Co., Debtor, Abandonment between Williamsport, Pa. and Southport, N.Y., in Lycoming, Tioga, and Bradford Counties, Pa., and Chemung County, N.Y., now assigned August 7, 1972, at Williamsport, Pa., postponed to November 1, 1972, at Williamsport, Pa., in a hearing room to be later designated.

MC 123639 Sub 139, J. B. Montgomery, Inc., now assigned August 8, 1972, will be held in Room 1430, Federal Building, 1461 Stout Street, Denver, CO., now being assigned for further continued hearing August 22, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35533, Petroleum Products, Williams Brothers Pipe Line Co., No. 35533 Sub 1, Petroleum Products to Illinois, Iowa, and Missouri, Williams Brothers Pipe Line Co., No. 35533 Sub 2, Petroleum Products, Williams Brothers Pipe Line Co., No. 35540, Petroleum Products, Louisiana and Texas to Midwest, and fourth section Application No. 42327, Pipeline Rates—Petroleum Products from the Southwest, now being assigned hearing October 3, 1972, at Washington, D.C., in the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 51146 Sub 247, Schneider Transport, Inc., now being assigned hearing September 11, 1972 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 107295 Sub 595, Pre-Fab Transit Co., now being assigned hearing September 12, 1972 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 125708 Sub 125, Thunderbird Motor Freight Line, Inc., now being assigned hearing September 13, 1972 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 109612 Sub 31, Lee Motor Lines, Inc., now being assigned hearing September 14, 1972 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC-108649 Sub 5, Sturm Freightways, Inc., now assigned August 14, 1972, at Des Moines, Iowa, will be held in Room B, Iowa Commerce Commission Seventh Floor Valley Bank Building, Fourth and Walnut Streets, Des Moines, IA.

MC-C-7797, Coleman Transfer & Storage, Inc., now assigned August 17, 1972, at Omaha, Nebr., MC-107496 Sub 837, Ruan Transport Corp., now assigned August 23, 1972 at Omaha, Nebr. MC-115826 Sub 238, W. J. Digby, Inc. now assigned August 18, 1972 at Omaha, Nebr. will be held in Room 2404, New Federal Building, 215 North 17th Street.

MC 136428, Evanston Bus Co., now being assigned hearing September 18, 1972 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC 114211 Sub 160, Warren Transport, Inc., now being assigned September 11, 1972 (1 day), MC 114211 Sub 165, Warren Transport, Inc., MC 123048 Sub 208, Diamond Transportation System, Inc., now being assigned September 12, 1972 (1 day), MC 114273 Sub 109, Cedar Rapids Steel Transportation, now being assigned September 13, 1972 (1 day), MC 117815 Sub 181, Pulley Freight Lines, Inc., now being assigned September 14, 1972 (2 days), MC 124211 Sub 209, Hilt Truck Line, Inc., now being assigned September 18, 1972 (1 week), at Chicago, Ill., in hearing rooms to be later designated.

MC 120657 Sub 4, Dugan Truck Line, Inc., now assigned August 7, 1972, at Topeka, Kans., is canceled and reassigned October 2, 1972, at Hutchinson, Kans., hearing will be held in the Hilton Inn, 1 Hilton Place, Hutchinson, KS.

MC 117815 Sub 188, Pulley Freight Lines, Inc., now being assigned hearing September 11, 1972 (3 days), in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 117799 Sub 33, Best Way Frozen Express, Inc., now being assigned hearing September 14, 1972 (1 day), in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 103993 Sub 619, Morgan Drive-Away, Inc., now being assigned continued hearing September 15, 1972 (1 day), in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 134229 Sub 5, Richmond Transfer, Inc., now being assigned September 12, 1972 (2 days), at Jefferson City, Mo., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-12075 Filed 8-1-72;8:53 am]

[Notice 43]

ASSIGNMENT OF HEARINGS

JULY 28, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 123577 Sub 12, Warwick-Greenwood Lake and New York Transit, Inc., Donald A. Robinson, Trustee, now being assigned hearing September 11, 1972 (1 week), at Newark, N.J., in a hearing room to be later designated.

MC-F-11094, Navajo Freight Lines, Inc.—Investigation of Control—Garrett Freight Line, Inc., MC-F-11198, Navajo Freight Lines, Inc.—Control—Garrett Freightlines, Inc., now being assigned continued hearing September 18, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 114273 Sub 114, Cedar Rapids Steel Transportation, Inc., now being assigned hearing September 15, 1972, MC 114457 Sub 124, Dart Transit Co., now being assigned hearing September 19, 1972, MC 116273 Sub 152, D. & L. Transport, Inc., MC 124070 Sub 25, Chemical Haulers, Inc., now being assigned hearing September 11, 1972, MC 117119 Sub 448, Willis Shaw Frozen Express, Inc., now being assigned September 18, 1972, MC 118959 Sub 100, Jerry Lipps, Inc., now being assigned hearing September 13, 1972, MC 128256 Sub 9, O. W. Blosser doing business as Blosser Trucking, now being assigned hearing September 20, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 108531 Sub 14, Blue Bird Coach Lines, Inc., now being assigned hearing September 6, 1972 (3 days), at Erie, Pa., in a hearing room to be later designated.

AB-19 Sub 1, Baltimore & Ohio Railroad Co. and The Pittsburgh & Western Railroad Co., Abandonment between Bruin and Mount Jewett in Butler, Armstrong, Clarion, Forest, Elk, and McKean Counties, Pa., now being assigned hearing September 11, 1972 (1 week), at Kane, Pa., in a hearing room to be later designated.

MC-675 Sub 4, A & M Transit Lines, Inc., MC-C-7721 A & M Transit Lines, Inc.—Investigation and Revocation of Certificates—now being assigned hearing Sept. 11, 1972, at Akron, Ohio, MC-2890 Sub 44, American Buslines, Inc., now being assigned hearing September 18, 1972, at Columbus, Ohio, MC-133305 Sub 2, Davis Airport Limousine Service, Inc., now being assigned hearing September 13, 1972, at Akron, Ohio, in a hearing room to be later designated.

MC 98499 Subs 9 and 10, White Truck Line, Inc., continued to September 11, 1972, at Atlanta, Ga., hearing will be held in the Albert Pick Motor Inn, 1152 Spring Street NW., Atlanta, GA.

MC 117465 Sub 17, Beaver Express Service, Inc., doing business as Beaver Express, now being assigned hearing September 18, 1972 (1 week), at Amarillo, Tex., in a hearing room to be later designated.

MC 117799 Sub 25, Best Way Frozen Express, Inc., now assigned August 2, 1972, at Washington, D.C., hearing is canceled and application dismissed.

AB-12 Sub 2, Southern Pacific Transportation Co., Abandonment between Lake Charles and De Ridder, in Calcasieu and Beauregard Parishes, La., now being assigned hearing September 28, 1972 (2 days), at De Ridder, La., in a hearing room to be later designated.

MC 136222, Movers Port Service, Inc., now assigned August 14, 1972, at Washington, D.C., hearing is postponed indefinitely.

MC 119774 Sub 39, Mary Ellen Stidham, N. M. Stidham, A. E. Mankins (Inez Mankins, Executrix), and James E. Mankins, Sr., doing business as Eagle Trucking Co., now being assigned September 18, 1972 (1 day), MC 113651 Sub 148, Indiana Refrigerator Lines, Inc., now being assigned September 19, 1972 (1 day), MC 107295 Sub 555, Pre-Fab Transit Co., now being assigned September 20, 1972 (3 days), MC 61592 Sub 256, Jenkins Truck Lines, Inc., now being assigned September 25, 1972 (2 days), at New Orleans, La., in hearing rooms to be later designated.

MC C 7839, Yellow Freight System, Inc.—Investigation and Revocation of Certificates, now being assigned hearing September 25, 1972 (1 day), MC 66886 Sub 28, Belger Cartage Service, Inc., now being assigned hearing September 26, 1972 (1 day), MC 107496 Sub 825, Ruan Transport Corp., now being assigned hearing September 27, 1972 (3 days), MC 135153 Sub 9, Great Overland, Inc., now being assigned continued hearing October 2, 1972 (5 days), at Kansas City, Mo., in a hearing room to be later designated.

MC-98964 Sub 10 Palmer Brothers, Inc., now being assigned hearing September 19, 1972 (2 days), at Salt Lake City, Utah, in a hearing room later to be designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-12051 Filed 8-1-72;8:50 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 26, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 42482—*Asphalt from Casper, Wyo.* Filed by Western Trunk Line Committee, Agent (No. A-2670), for interested rail carriers. Rates on asphalt, in tank carloads, of 10 carlots, as described in the application, from Casper, Wyo., to Fargo, N. Dak.

Grounds for relief—Market competition.

Tariff—Supplement 110 to Western Trunk Line Committee, Agent, tariff ICC A-4572. Rates are published to become effective on August 28, 1972.

FSA No. 42483—*Newsprint Paper to Cleveland, Ohio.* Filed by Traffic Executive Association—Eastern Railroads Agent (E. R. No. 3021), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from Trois Rivieres, Quebec, Canada, to Cleveland, Ohio.

Grounds for relief—Water competition.

Tariff—Supplement 39 to Canadian Freight Association tariff ICC 341. Rates are published to become effective on August 28, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-12076 Filed 8-1-72;8:53 am]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 28, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 42485—*Corn and Grain Sorghums from Points on the N W in Iowa, Missouri, and Nebraska.* Filed by Southwestern Freight Bureau, Agent (No. B-332), for interested rail carriers. Rates on corn and grain sorghums, and related articles, in carloads, as described in the application, from points on the N W in Iowa, Missouri, and Nebraska, to points on the KCS, MKT, MP, SLSF, and TP in Oklahoma.

Grounds for relief—Market and carrier competition.

Tariff—Supplement 40 to Southwestern Freight Bureau, Agent, tariff ICC 4968. Rates are published to become effective on September 3, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-12052 Filed 8-1-72;8:50 am]

[Notice 23]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 28, 1972.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4 (d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4 (d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-29910 (Deviation No. 16), ARKANSAS-BEST FREIGHT SYSTEM, INC., 30 South 11th Street, Fort Smith, AR 72901, filed July 14, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, over a deviation route as follows: From Memphis, Tenn., over Interstate Highway 55 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction U.S. Highway 60 at or near Cabool, Mo., thence over U.S. Highway 60 to junction Missouri Highway 13, at or near Springfield, Mo., thence over Missouri Highway 13 to junction Missouri Highway 7, thence over Missouri Highway 7 to junction U.S. Highway 71 at or near Harrisonville, Mo., thence over U.S. Highway Bypass 71 to Kansas City, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From St. Louis, Mo., over U.S. Highway 67 to junction U.S. Highway 61, thence over U.S. Highway 61 via Crystal City, Perryville, and Jackson, Mo., to junction Missouri Highway 34, thence over Missouri Highway 34 to Cape Girardeau, Mo., thence over Missouri Highway 74 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction unnumbered highway near Sikeston, Mo., thence over unumbered highway via Sikeston to junction U.S. Highway 61, thence over U.S. Highway 61 to Blytheville, Ark., thence over U.S. Highway 61 to junction Arkansas Highway 77, thence over Arkansas Highway 77 via Turrell, Clarkedale, Jericho, and Marion, Ark., to West Memphis, Ark., thence over U.S. Highway 70 to junction U.S. Highway 61, thence over U.S. Highway 61 to Memphis, Tenn., thence over U.S. Highway 70 to Little Rock, Ark., (2) from Fort Smith, Ark., over Arkansas Highway 22 to Dardanelle, Ark., thence over Arkansas Highway 7 to Russellville, Ark., thence over U.S. Highway 64 to

Conway, Ark., thence over U.S. Highway 65 to Pine Bluff, Ark., and (3) from Fort Smith, Ark., over U.S. Highway 71 via Bentonville, Ark., to Lanagan, Mo. (also from Bentonville over Arkansas Highway 100 to the Arkansas-Missouri State line, thence over Missouri Highway 88 to Lanagan), thence over U.S. Highway 71 to Kansas City, Mo., thence over city streets to Kansas City, Kans., and return over the same routes.

No. MC–29910 (Deviation No. 17), ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901, filed July 14, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, over a deviation route as follows: From Texarkana, Ark.-Tex., over U.S. Highway 59 to junction Interstate Highway 20 near Marshall, Tex., thence over Interstate Highway 20 to Shreveport, La., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Shreveport, La., over U.S. Highway 71 to Texarkana, Ark.-Tex., and return over the same route with no transportation for compensation except as otherwise provided.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–12054 Filed 8–1–72;8:51 am]

[Notice 61]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 28, 1972.

The following publications[1] are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 72442 (Sub-No. 35) (Republication), filed July 29, 1971, published in the FEDERAL REGISTER issue of August 26, 1971, and republished this issue. Applicant: AKERS MOTOR LINES, INCORPORATED, Post Office Box 579, Gastonia, NC 28052. Applicant's representative: Alan E. Serby, Post Office Box 872, Atlanta, GA 30301. An order of the Commission, Operating Rights Board, dated May 25, 1972, and served June 26, 1972, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of general commodities (except household goods as defined by the Commission, articles of unusual value, classes A and B explosives, commodities requiring special equipment, and commodities in bulk), serving Fulton, Gwinnett, De Kalb, Rockdale, Henry, Clayton, Cobb, Cherokee, and Douglass Counties, Ga., as off-route points in connection with carrier's otherwise authorized regular routes, restricted against the transportation of traffic originating at or destined to Atlanta, Ga.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings herein a notice of the authority actually granted in this order will be published in the FEDERAL REGISTER and issuance of a certificate herein will be withheld for a period of 30 days from the date of such republication, during which period any proper party in interest may file an appropriate petition or other pleading.

NOTICES FOR FILING OF PETITIONS

No. MC 118518 (Sub-No. 3) (Notice of filing of petition for modification of certificate), filed May 30, 1972. Petitioner: MUKLUK FREIGHT LINES, INC., Anchorage, Alaska. Petitioner's representative: Joseph W. Sheehan, Post Office Box 2551, Fairbanks, AK 99707. Petitioner presently holds a certificate in No. MC–118518 (Sub-No. 3), issued February 10, 1971, authorizing, as pertinent, operation as a common carrier by motor vehicle, over irregular routes, of general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and commodities requiring special equipment, between points in the Kenai Peninsula south of an imaginary line extending through Whittier, Alaska, and the southern boundary of the Turnagain Arm. By the instant petition, petitioner seeks to modify this certificate to provide for the transportation of the above-described commodities between points in the Kenai Peninsula south of an imaginary line running east-west through Girdwood, Alaska. Any person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC–124211 (Sub-No. 118) (Notice of filing of petition to amend certificate so as to authorize the transportation of fresh meats), filed July 10, 1972. Petitioner: HILT TRUCK LINE, INC., Council Bluffs, Iowa. Petitioner's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Petitioner holds authority in No. MC–124211 (Sub-No. 118), authorizing, as here pertinent, the transportation of, among other things, "food products" (except frozen foods, dairy products, potato products, and commodities in bulk), between points in Kansas, on the one hand, and, on the other, Lincoln, Nebr. By the instant petition, petitioner seeks modification of its certificate to specifically include the transportation of "fresh meat." Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC–134806 (Sub-No. 1) (Notice of filing of petition to substitute a destination point), filed June 28, 1972. Petitioner: B–D–R TRANSPORT, INC., Post Office Box 813, Brattleboro, VT 05301. Petitioner's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, DC 20036. Petitioner holds authority in No. MC–134806 (Sub-No. 1), as here pertinent, to transport footwear over irregular routes from Wilton, Maine, and Brattleboro, Vt., to Cheyenne, Wyo., under a continuing contract, or contracts, with Dunham Bros. Co. and G. H. Bass & Co. The shippers have decided to discontinue their distribution depot in Cheyenne, Wyo., and to open a similar operation in Denver, Colo.

Premises considered, petitioner requests that its permit in No. MC–134806 (Sub-No. 1) be modified so as to substitute Denver, Colo., for Cheyenne, Wyo., as a destination point. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE.

No. MC 99019 (Sub-No. 5), filed July 5, 1972. Applicant: KILLIAN-BLACK TRUCKING, INC., Roseville and Hydraulic Streets, Buffalo, N.Y. 14210. Applicant's representative: Robert D. Gunderman, Suite 1708, Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, as defined in the contemporaneously effective order of the said Commission in case MT–4467, (A) between points in Erie County, N.Y.; (B) from points in Erie County to points in the following counties in New York: Allegany, Cattaraugus, Chautauqua, Chemung, Genesee, Monroe, Niagara, Onondaga, Ontario, Orleans, Oswego, Seneca, Steuben, Wayne, and Wyoming; and (C) from

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

points in Niagara County, N.Y., to points in Erie County, N.Y.; (2) *Iron, steel, machinery, and refrigeration equipment,* from points in Erie County, N.Y., to points in Cayuga, Tompkins, and Yates Counties, N.Y.; and (3) *machinery,* from points in Cattaraugus County, N.Y., to points in Erie County, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. This application is a matter directly related to MC–F–11147, published in the FEDERAL REGISTER issue of May 28, 1972. The instant application seeks to convert the certificate of registration of Richard L. Hunter doing business as Hunter Trucking under No. MC 121304 (Sub-No. 3) into a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant does not specify a location.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11590. (Amendment) (BRANCH MOTOR EXPRESS CO.—CONTROL—MOTOR FREIGHT CORPORATION), published in the July 6, 1972, issue of the FEDERAL REGISTER on page 13315. By amendment filed July 11, 1972, JESS K. BURTEN; GERTRUDE BENDER; GERTRUDE BENDER, Executrix for the Estate of SAUL BURTEN; RUTH PLATT; MARVIN F. BURTEN; LOIS BERLIN; ALMA BOGGIA; and MEYER BUTENSKY, all of 114 Fifth Avenue, New York, NY 10011, join in as party applicants to the proceeding.

No. MC–F–11610. Authority sought for purchase by STAR DELIVERY & TRANSFER, INC., Post Office Box 39, Canton, IL 61520, of a portion of the operating rights and property of KENOSHA AUTO TRANSPORT CORPORATION, 4200–39th Avenue, Kenosha, WI 53140, and for acquisition by GLENN A. WERRY, R.R. No. 1, Farmington, Ill. 61531, of control of such rights and property through the purchase. Applicants' attorney: Chester J. Claudon, 121 West Elm Street, Canton, IL 61520. Operating rights sought to be transferred: *Tractors* (not including highway tractors for hauling freight trailers), as a *common carrier* over irregular routes, from Louisville, Ky., to points in the United States (except Alaska and Hawaii). Vendee is authorized to operate as a *common carrier* in Illinois, Wisconsin, Michigan, Iowa, Missouri, Mississippi, Alabama, Georgia, Tennessee, Indiana, Ohio, Pennsylvania, Virginia, North Carolina, South Carolina, Kentucky, Minnesota, Nebraska, Connecticut, Delaware, Florida, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11611. Authority sought for purchase by VALLEY TRANSPORTATION & WAREHOUSE CO., INC., 1825 South Black Canyon, Phoenix, AZ 85009, of the operating rights of AMERICAN MOVING & STORAGE CO., 5747 West Missouri, Glendale, AZ 85301, and for acquisition by THOMAS W. MOFFITT, 8117 East Lewis, Scottsdale, AZ, of control of such rights through the purchase. Applicants' attorney: A. Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz. 85012. Operating rights sought to be transferred: *Use household goods,* as a *common carrier* over irregular routes, between points in Arizona, with restriction. Vendee is authorized to operate as a *common carrier* in Arizona. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11612. Authority sought for purchase by RISS INTERNATIONAL CORPORATION, 903 Grand Avenue (Box 2809), Kansas City, MO 64142, of the operating rights and property of R. D. TRUCK LINES, INC., 200 Washington Street, Auburn, MA 01501, and for acquisition by REPUBLIC INDUSTRIES, INC., and, in turn, by ROBERT B. RISS, also of Kansas City, MO 64142, of control of such rights and property through the purchase. Applicants' attorneys: Kenneth B. Williams, 111 State Street, Boston, MA 02109, and Ivan E. Moody, Post Office Box 2809, Kansas City, MO 64142. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC–120786 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Missouri, Kansas, Texas, Colorado, Iowa, Illinois, Nebraska, Oklahoma, Michigan, West Virginia, Massachusetts, New Jersey, Connecticut, Pennsylvania, Maryland, Virginia, New York, Ohio, Indiana, Rhode Island, Delaware, Kentucky, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE: MC–200 (Sub-No. 256), is a directly related matter.

No. MC–F–11613. Authority sought for control by BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, GA 30315, of HARPER MOTOR LINES, INC., Post Office Box 460, Elberton, GA 30635, and for acquisition by CLAUDE P. BROWN, also of Atlanta, Ga. 30315, of control of HARPER MOTOR LINES, INC., through the acquisition by BROWN TRANSPORT CORP. Applicants' attorneys: Harry C. Ames, Jr., and E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Operating rights sought to be controlled: *General commodities,* with certain specified exceptions, and numerous other specified commodities, as a *common carrier,* over regular and irregular routes, from, to, and between specified points in the States of Georgia, Maryland, South Carolina, Illinois, Ohio, Missouri, Delaware, Indiana, Kentucky, Michigan, New Jersey, New York, Pennsylvania, Tennessee, Virginia, West Virginia, Iowa, Wisconsin, North Carolina, Alabama, Connecticut, Rhode Island, Florida, Massachusetts, Maine, Mississippi, Vermont, New Hampshire, and the District of Columbia, with certain restrictions serving various intermediate and off-route points over two alternate routes for operating convenience only, as more specifically described in Docket No. MC–504 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. BROWN TRANSPORT CORP., is authorized to operate as a *common carrier* in Georgia, North Carolina, Tennessee, Colorado, Montana, Kentucky, Washington, Oregon, Idaho, Utah, Alabama, Florida, Texas, Louisiana, Delaware, Illinois, Indiana, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Virginia, West Virginia, Wisconsin, Michigan, Arizona, California, Iowa, Nebraska, Nevada, New Mexico, Oklahoma, Arkansas, Maryland, Minnesota, Kansas, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, and the District of Columbia.

Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–12055 Filed 8–1–72;8:51 am]

[Notice 102]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 25, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 26396 (Sub-No. 53 TA), filed July 11, 1972. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, Post Office Box 990, 201 West Park, Livingston, MT 59047. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Treated and untreated poles, posts, piling, ties, and lumber*, from points in Flathead County, Mont., to points in Colorado and Wyoming, and (2) *forest products*, from points in Montana to all States west of the Mississippi River and Michigan, Illinois, and Indiana, for 180 days. Supporting shipper: Kalispell Pole and Timber Co., Post Office Box 1039, Kalispell, MT 59901. Send protests to: Paul J. Labane, district supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, MT 59101.

No. MC 37398 (Sub-No. 1 TA), filed July 12, 1972. Applicant: MORRIS D. WEINSTEIN AND JAY H. WEINSTEIN, doing business as JOHN J. BOYCE & SON, 116 South Elberon Avenue, Atlantic City, NJ 08401. Applicant's representative: Don Weisberg, Suite 1920, 2 Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products, packinghouse products and byproducts, and commodities* used in the display and sale of packinghouse products and byproducts, from points in New York in the New York, N.Y., commercial zone as defined by the Commission, to points in Atlantic City, N.J., for 150 days. Supporting shippers: M. Wagenheim Sons, 601 Atlantic Avenue, Atlantic City, NJ 08401; Swift & Co., 300 North Missouri Avenue, Atlantic City, NJ 08404; Benj. Polakoff and Son, Inc., Deliah and Mill Road, Pleasantville, NJ 08232; M. C. Weiss and Son, Inc., 126 North Mississippi Avenue, tAlantic City, NJ 08401. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 96098 (Sub-No. 59 TA), filed July 11, 1972. Applicant: MILTON TRANSPORTATION, INC., Post Office Box 207, Rural Delivery 1, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk*, condensed or evaporated, or dry milk solids, powdered or flaked, from the facilities of Whitehouse Milk Division, Great Atlantic & Pacific Tea Co., located at Milton, Pa., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Louisiana, Michigan, Mississippi, North Carolina, South Carolina, Texas, and Wisconsin, for 180 days. Supporting shipper: The Great Atlantic & Pacific Tea Co., Inc., White House Milk Division, Milton, Pa. 17847. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, PA 17108.

No. MC 103993 (Sub-No. 723 TA), filed July 11, 1972. Applicant: MORGAN DRIVE AWAY, INC., 2800 Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements, from points in Tuscarawas County, Ohio. to points in Indiana, Kentucky, Maryland, Michigan, Pennsylvania, and West Virginia, for 180 days. Supporting shipper: Skyline Corp., 2520 By-Pass Road, Elkhart, IN 46514. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 115826 (Sub-No. 245 TA), filed July 12, 1972. Applicant: W. J. DIGBY, INC., 1960 31st Street (Mail: Post Office Box 5088) 80216; Terminal Annex, Denver, CO 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting, rugs, floor covering, textiles and textile products*, from points in Georgia and Tennessee to points in Colorado Wyoming, Idaho, and Utah, for 180 days. NOTE: Carrier does intend to interline with other carriers at Denver, Colo., to effect delivery of some LTL shipments, carrier advises authority is indentical to that issued in MC 115826 Sub 145 TA, except that authority to interline is sought. Supporting shippers: Young's Decorating, Cody, Wyo.; Raymar Carpets, 3415 North Prospect Street, Colorado Springs, CO 80907; Peterson's Carpets and Linoleum, Fort Collins, Colo.; Wallace Furniture Co., 855 Main Street, Durango, CO.; Sam's Floor Covering, Inc., 332 South Santa Fe, Pueblo, CO 81003; Donk's Furniture and Appliance, Inc., 408 South Main Street, Rocky Ford, CO 81067. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, 1961 Stout Street, Denver, CO 80202.

No. MC 115841 (Sub-No. 436 TA), filed July 11, 1972. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Birmingham, AL 35204; Post Office Box 168, Concord, TN 37720. Applicant's representative: Roger M. Shaner, Post Office Box 168, Concord, TN 37720. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery and confectionery products, cheese and cheese products, bakery goods, snack foods and advertising, promotional and display material* when moving in mixed loads with above commodities, singly or in combination, from Philadelphia, Pa., to points in Georgia, Florida, North Carolina, and South Carolina, for 180 days. Supporting shipper: Whitman's Chocolates Division Pet Inc., Post Office Box 688, Philadelphia, PA 19105. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 124658 (Sub-No. 5 TA), filed July 11, 1972. Applicant: BRADER HAULING SERVICE, INC., Post Office Box 655, Zillah, WA 98953. Applicant's representative: Douglas A. Wilson, 303 East D Street, Yakima, WA 98901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carbonated beverages*, in bottles and cans, from Yakima, Wash., to points in Oregon and Idaho, and (2) *empty bottles and cans*, from points in Oregon and Idaho to Yakima, Wash., for 90 days. Supporting shipper: Noel Canning Corp., 1001 South First Street, Yakima, WA 98901. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 319 Southwest Pine Street, 450 Multnomah Building, Portland, OR 97204.

No. MC 124964 (Sub-No. 15 TA), filed July 14, 1972. Applicant: JOSEPH M. BOOTH, doing business as J. M. BOOTH TRUCKING, Post Office Box 907, Eustis, FL 32726; Office: Highway 441 and Haines Creek Road, Tavares, FL 32778. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Juices, drinks, concentrates*, not frozen (except in bulk), and (2) *fruit salads*, in mixed loads with the commodities in (1) above, from the facilities of Doric Foods Corp. at Mount Dora, Fla., to points in Nebraska, North Dakota, and South Dakota, under continuing contract or contracts with Doric Foods Corp., Mount Dora, Fla., for 180 days. Supporting shipper: Doric Foods Corp., Post Office Box 986, Mount Dora, FL 32757. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 127505 (Sub-No. 51 TA), filed July 13, 1972. Applicant: RALPH H. BOELK, doing business as BOELK TRUCK LINES, Route 2, Mendota, IL 61342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances*, in containers, from Louisville, and Appliance Park, Ky., to points

in Iowa, for 180 days. Supporting shipper: General Electric Co., Appliance Park, Louisville, Ky. 40225. Send protests to: District Supervisor William J. Gray, Jr., Bureau of Operations, Interstate Commerce Commission, 219 South Dearborn Street, Room 1086, Everett McKinley Dirksen Building, Chicago, Ill. 60604.

No. MC 134574 (Sub-No. 9 TA), filed July 14, 1972. Applicant: FIGOL DISTRIBUTORS, LIMITED, 9727 110th Street, Edmonton, AB, Canada. Applicant's representative: Eldon M. Johnson, 105 Montgomery Street Suite 1100, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Seattle, Wash., to points along the United States-Canadian border in Washington, Idaho, and Montana, restricted to shipments having a destination in the provinces of Alberta and Saskatchewan, realm of Canada, for 180 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 136629 TA (Amendment), filed April 17, 1972, published in the FEDERAL REGISTER issue of May 6, 1972, amended and republished in part as amended this issue. Applicant: LUNN-BRUNO TRUCKING, INC., Margaretville, N.Y. 12455. Applicant's representative: Julius Braun, Port Administration Building, Albany, N.Y. 12203. NOTE: The purpose of this partial republication is to include New York as a destination State in Part (1) above. The rest of the publication remains the same.

No. MC 136873 (Sub-No. 1 TA), filed July 13, 1972. Applicant: ARTHUR HAEFNER, Rural Delivery No. 1, Harding Avenue, Box 214A, Pittston, PA 18643. Applicant's representative: Emanuel Laster, Mears Building, Scranton, Pa. 18503. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household detergents, laundry supplies, window cleaners, cleansing supplies, insecticides, disinfectants, polishes, and supplies, materials, and machinery* used or useful in the manufacture thereof, between Dunmore, Pa., on the one hand, and, on the other, points in Connecticut, Maine, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and the District of Columbia, and return shipments from various points in above States, for 180 days. Supporting shipper: Trager Manufacturing Co., 1200 Wheeler Avenue, Scranton, PA 18510. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 136878 TA, filed July 12, 1972. Applicant: MELVIN E. GANDEE, doing business as MEL GANDEE, 9510 Southeast 78th Street, Milwaukie, OR 97222. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and plywood*, from points in Oregon, Washington, and California to points in Oregon, Washington, California, Colorado, and Nevada; and (2) *foundry supplies*, from points in Oregon, Washington, California, Nevada, Illinois, Michigan, Pennsylvania, and Ohio to Portland, Oreg., for 180 days. Supporting shippers: Goodrich Forest Products, Post Office Box 25154, Portland, OR 97225; LaGrand Industrial Supply Co., Post Office Box 8053, Portland, OR 97202. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-12074 Filed 8-1-72;8:52 am]

[Notice 103]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 26, 1972.

The following are notices of filing of applications [1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 26396 (Sub-No. 54 TA), filed July 14, 1972. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, Post Office Box 990, 201 West Park, Livingston, MT 59047. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forest products*, from Laramie, Wyo., to points in North Dakota, for 180 days. Supporting shipper: St. Regis Paper Co., Wheeler Division, Post Office Box 657, Laramie, WY 82070. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 51146 (Sub-No. 282 TA), filed July 13, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Post Office Box 2298 54306, Green Bay, WI 54304. Applicant's representative: Neil Du Jardin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty plastic containers*, from Jerseyville, Ill., to points in Minnesota, Wisconsin, Iowa, Missouri, Kansas, Oklahoma, Texas, Georgia, Tennessee, Kentucky, Ohio, Indiana, Michigan, and North Carolina, for 180 days. Supporting shipper: Roper Plastics, Inc., Jerseyville Industrial Park County Road, Post Office Box 388, Jerseyville, IL 62052 (William R. Johnson, Plant Manager, Jerseyville). Send protests to: District Supervisor John Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 96098 (Sub-No. 60 TA), filed July 14, 1972. Applicant: MILTON TRANSPORTATION, INC., Post Office Box 207, Rural Delivery No. 1, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, from Coshocton, Ohio, to points in New York, New Jersey, and Pennsylvania, for 180 days. Supporting shipper: St. Regis Paper Co., 150 East 42d Street, New York, NY 10017. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, PA 17108.

No. MC 96098 (Sub-No. 61 TA), filed July 14, 1972. Applicant: MILTON TRANSPORTATION, INC., Post Office Box 207, Rural Delivery No. 1, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, building, and wrapping*, from Attleboro, Mass., to points in New York, New Jersey, Pennsylvania, Ohio, and Maryland, for 180 days. Supporting shipper: St. Regis Paper Co., 150 East 42d Street, New York, NY 10017. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, PA 17108.

No. MC 117883 (Sub-No. 170 TA), filed July 10, 1972. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Post Office Box 62, Versailles, OH 45380. Applicant's representative: Edward Subler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products,*

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

meat byproducts, and articles distributed by meat packinghouses as described in sections A and C of Appendix I to the report in 61 M.C.C. 209 and 766, from Coldwater, Mich., to Baltimore and Landover, Md., New York, N.Y., and Philadelphia, Pa., for 180 days. Supporting shipper: Walter Packing Co., 70 Clyde Drive, Coldwater, MI 49036. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 126727 (Sub-No. 4 TA), filed July 17, 1972. Applicant: GARDNER CARTAGE COMPANY, 2662 East 69th Street, Cleveland, OH 44104. Applicant's representative: Bernard S. Goldfarb, 1625 The Illuminating Building, Cleveland, Ohio 44113. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed and precast structural concrete products*, from Cleveland, Ohio, on the one hand, to points in New York, Pennsylvania, West Virginia, Indiana, Michigan, Virginia, Kentucky, and Ohio; on the other, *damaged and rejected products on return*, for 180 days. Supporting shipper: The Cleveland Builders Supply Co., 2100 West Third Street, Cleveland, OH 44113. Send protests to: Franklin D. Bail, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 126899 (Sub-No. 55 TA), filed July 13, 1972. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Post Office Box 3051, Paducah, KY 42001. Applicant's representative: W. A. Usher (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising material*, from Memphis, Tenn., to Newport, Ky., and Centralia, Ill., and *empty malt beverage containers on return*, for 180 days. Supporting shippers: John Berger Distributing Co., Post Office Box 701, Centralia, IL 62801; Pharo Distributing Co., Inc., 729 East Ninth Street, Newport, KY 41071. Send protests to: Floyd A. Johnson, district supervisor, Interstate Commerce Commission, Bureau of Operations, Room 933, Federal Office Building, 167 North Main Street, Memphis, TN 38103.

No. MC 128652 (Sub-No. 8 TA), filed July 12, 1972. Applicant: LARSON TRANSFER & STORAGE CO., INC., 9450 Bloomington Freeway, Minneapolis, MN 55431. Applicant's representative: W. D. Larson (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal stampings*, from North Branch, Minn., to Horicon, Wis., for 150 days. Supporting shipper: Branch Manufacturing Co., Box 68, North Branch, MN 55056. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 129086 (Sub-No. 16 TA) (Amendment), filed May 15, 1972, published in the FEDERAL REGISTER issue of May 31, 1972, amended and republished in part as amended this issue. Applicant: SPENCER TRUCKING CORP., Post Office Box 254A, Route No. 2, Keyser, WV 26726. Applicant's representative: Charles E. Creager, 816 Easley Street, Silver Spring, MD 20910. NOTE: The purpose of this partial republication is to show the correct origin point in part (1) above as *Montpelier, Va.*, in lieu of Beaver Dam, Va., shown erroneously in previous publication. The rest of the notice remains the same.

No. MC 136801 TA (Amendment), filed June 5, 1972, published in the FEDERAL REGISTER issue of July 1, 1972, amended and republished in part as amended this issue. Applicant: A & T TRUCKING, INC., Nez Perce, Idaho 83543. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, ID 83701. NOTE: The purpose of this partial republication is to reflect that applicant does intend to interline with other carriers, at Lewiston, Idaho. The rest of the notice remains the same.

No. MC 135804 (Sub-No. 2 TA), filed July 12, 1972. Applicant: DIRKS EXPRESS, INC., 802 Black Hawk, Reinbeck, IA. Applicant's representative: Larry D. Knox, 910 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bottles*, from Chicago, and Itasca, Ill., to points in Iowa, for 180 days. Supporting shipper: Packaging Systems, Inc., 751 North Hilltop Drive, Itasca, IL 60143. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 136877 TA, filed July 11, 1972. Applicant: P & G MOTOR EXPRESS, INC., 601 Collinsville Avenue, East St. Louis, IL 62201. Applicant's representative: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles* manufactured and/or dealt in by wholesale and retail grocery houses, from Galesburg, Ill., to points in Missouri, for 180 days. Supporting shipper: C. F. Zeman, Traffic Manager, United Facilities, Inc., Post Office Box 539, Peoria, IL 61601. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–12056 Filed 8–1–72;8:51 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JULY 28, 1972.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Nevada Docket No. CPC A–732 (Sub-No. 1), filed June 12, 1972. Applicant: WHOLESALE SERVICE, INC., doing business as R & R TRANSPORTATION COMPANY, 2190 Yuma Lane, Reno, NV 89502. Applicant's representative: Reese H. Taylor, Jr., Post Office Box 646, Carson City, NV 89701. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except household goods and petroleum products or liquids in bulk, in tank vehicles, between Wendover, Nev., and Reno, Nev., via Wendover, Nev., over U.S. Highway 40 (Interstate 80) to Reno, Nev., and return over the same route serving all intermediate points. Both intrastate and interstate authority sought.

HEARING: Date, time and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Public Service Commission of Nevada, 222 East Washington Street, Carson City, NV 89701 and should not be directed to the Interstate Commerce Commission.

Iowa Docket No. H–5082, filed June 29, 1972. Applicant: ARNIE'S MOTOR FREIGHT, INC., 200 Sixth Street, Altoona, IA. Applicant's representative: Russell Wilson, 3839 Merle Hay Road, Des Moines, IA. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between Des Moines and Nevada, Iowa, and serving the intermediate point of Colo, Iowa, and the points of Alleman, Haverhill, St. Anthony, Clemons, and Shipley, Iowa, and between these points and points presently held by applicant. Both intrastate and interstate authority sought.

HEARING: September 19, 1972, 10 a.m. at the office of the Commission, Des Moines, Iowa. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Iowa State

Commerce Commission, State Capitol, Des Moines, IA 50319 and should not be directed to the Interstate Commerce Commission.

Indiana Docket No. 6405–A, 3 (Correction), filed June 6, 1972, published in the FEDERAL REGISTER issue of July 12, 1972, and republished in part as corrected this issue. Applicant: SCHNEPPER TRUCK LINE, INC., 1900 North Kentucky Avenue, Evansville, IN. Applicant's representative: Michael V. Gooch and Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. NOTE: The sole purpose of this partial republication is to reflect Stevenson, Ind., in lieu of Stevenson, Inc., which was erroneously shown in the previous publication. The rest of the application remains as previously published.

California Docket No. 53468, filed July 19, 1972. Applicant: S & C FREIGHT LINES, INC., 395 East Court, San Jose, CA 95116. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, San Francisco, CA 94104. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities,* except the following: (a) Used household goods and personal effects not packed in accordance with the crated property requirements; (b) livestock; (c) commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment; (d) liquids, compressed gases. commodities in semiplastic form, and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles; (e) commodities when transported in bulk in dump trucks, or in hopper-type trucks; (f) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (g) logs; (h) fresh fruits and vegetables; and (i) articles for extraordinary value. Between all points and places in the San Francisco territory, as described hereafter, and all points within 10 miles of any point therein: Between all points on and within 10 miles of the points on the following routes: (a) Interstate Highway 680 between Mission San Jose and Martinez, inclusive; (b) State Highway 4 between junction with Interstate Highway 680, near Pacheco and Pittsburg, inclusive. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performances of said service.

San Francisco territory includes all the city of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along and imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Co. right of way at Arastradero Road; southeasterly along the Southern Pacific Co. right of way to Pollard Road, including industries served by the Southern Pacific Co. spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to West Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to East Parr Avenue; easterly along East Parr Avenue to the Southern Pacific Co. right-of-way; southerly along the Southern Pacific Co. right-of-way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Nile to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive to Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the city of Richmond; southwesterly along the highway extending from the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning. Both intrastate and interstate authority sought.

HEARING: Date, time and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the California Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, CA 94102 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-12053 Filed 8-1-72;8:51 am]

[No. MC-C-7836]

TUCKER FREIGHT LINES, INC.

Notice of Filing of Petition for Interpretation

Petition for interpretation of certain provisions of Ex Parte No. MC-65. Petitioner: Tucker Freight Lines, Inc. (South Bend, Ind.). Petitioner's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603.

By petition dated June 9, 1972, petitioner seeks a ruling as to whether it can serve Lafayette, Ind., under the Superhighway Rules—Motor Common Carriers of Property, 49 CFR 1042.3.

Petitioner holds regular-route general commodities with the usual exceptions authority, to operate between South Bend, Ind., and Louisville, Ky., serving all intermediate points between South Bend and Indianapolis and Austin, Columbus, Edinburg, Franklin, Greenwood, Jeffersonville, New Albany, Scottsburg, Seymour, Southport, and Whiteland, Ind., as follows: From South Bend over U.S. Highway 31 through Rochester, Ind., to junction unnumbered highway, thence over unnumbered highway to Peru, Ind., thence over U.S. Highway 24 to junction U.S. Highway 31, thence over U.S. Highway 31 to Indianapolis (also from Rochester, Ind., over Indiana Highway 25 to Logansport, Ind., thence over Indiana Highway 29 to junction U.S. Highway 421 to Indianapolis), thence over U.S. Highway 31 to Sellersburg, Ind., thence over U.S. Highway 31E through Jeffersonville, Ind., to Louisville (also from Sellersburg over U.S. Highway 31W through New Albany, Ind., to Louisville), and return over the same routes.

Petitioner contends that service at the 10 above-named intermediate points is tantamount to all-intermedate-point authority on its service route between Indianapolis and Louisville, since the combined total population of the 10 intermediate points equals 127,666 persons, compared to the total population of the non-authorized intermediate points between these termini of 10,000.

It is petitioner's position that it can serve Lafayette, Ind., over the following routes pursuant to the above-cited superhighway rules: From (1) Indianapolis, Ind., or (2) Louisville, Ky., over Interstate Highway 65 to Lafayette, thence over (access routes) Indiana Highway 25 to Delphi, Ind., thence over Indiana Highway 39 to junction Indiana Highway 18, thence over Indiana Highway 18 to junction (service route) Indiana Highway 29 near Sharon, Ind., allegedly because Lafayette is located on a superhighway (Interstate Highway 65), located wholly within 25 miles of, and running in the same general direction as, its authorized service route, and since (1) above-described access routes constitute 15 percent of the total deviation-route mileage between Louisville, Ky., and the point of departure from or return to its regular service route near Sharon, Ind., and (2) the distance over Interstate Highway 65 between Indianapolis and Lafayette is 58 miles and the above-described access route between

Lafayette and the point of departure from or return to its service route near Sharon is 30.9 miles (or 33.6 percent of the total deviation mileage on operations between Indianapolis and Sharon).

Petitioner now serves Lafayette in the following manner:

(1) Northbound truckload shipments from Lafayette, are loaded on spotted trailers which are picked up by tractors operating over Interstate Highway 65 which have been dispatched from Indianapolis with empty trailer units for exchange. The full truckload then moves from Lafayette to its South Bend bulk-break or reconsolidation terminal, thusby: From Lafayette over (access routes) Indiana Highway 25 to Delphi, Ind., thence over Indiana Highway 39 to junction Indiana Highway 18, thence over Indiana Highway 18 to junction (service route) Indiana Highway 29 near Sharon, Ind., thence over Indiana Highway 29 to Logansport, Ind., thence over Indiana Highway 25 to Rochester, Ind., thence over U.S. Highway 31 to South Bend. Likewise, southbound shipments to Lafayette are consolidated into truckload shipments at South Bend, which move in the reverse direction over the above-described routes to Fayette. Following exchange for an empty trailer at Fayette, the tractor proceeds to Indianapolis over Interstate Highway 65.

(2) Less than truckload shipments destined to or originating at Lafayette are delivered or picked up by vehicular units departing from South Bend or Indianapolis, which then proceed to the Indianapolis or South Bend bulk-break reconsolidation, or interchange points, over the above-described routes.

(3) Truckload or near truckload shipments between Lafayette and Louisville, Ky., move over Interstate Highway 65 bypassing, although moving through, Indianapolis, and over the above-described access routes between Lafayette and junction with the service route near Sharon, Ind. (at junction Indiana Highways 18 and 29).

Petitioner requests a formal ruling of the Commission that these above-described operations are within the scope of the Suberhighway Rules. Petitioner states that the ruling requested will have no effect of any kind on the quality of the human environment.

Any person (including petitioner) desiring to participate in this proceeding shall file an original and 15 copies of written representations, views, and arguments in the matter within 30 days of the date of publication in the FEDERAL REGISTER. A copy of each representation shall be filed on petitioner's representative.

Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution, Washington, DC, during regular business hours.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-12057 Filed 8-1-72;8:51 am]

[Ex Parte No. MC-19; Sub-No. 19]

MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

Consumer Protection; Filing of Petition Seeking Institution of Rulemaking Proceeding

JULY 28, 1972.

Petitioner: Department of Transportation. Petitioner's representative: John W. Barnum, Robert E. Freer, Jr., William A. Kutzke, Stuart G. Meister, 400 Seventh Street SW., Washington, DC 20590.

By petition filed July 24, 1972, the Department of Transportation (DOT) requests the Commission to institute a rulemaking proceeding to investigate the following matters concerning consumer problems relating to the for-hire motor transportation, in interstate or foreign commerce, of household goods:

1. DOT states its belief that the Commission's regulations may not provide a sufficient remedy for consumers who are inconvenienced by late pickup or delivery of their household goods.

2. DOT is concerned about the practice of paying estimators or salesmen on a commission basis. It believes that this practice is likely to encourage underestimation of the total cost of the move and misrepresentation of the moving company's ability to meet promised pickup and delivery dates.

3. DOT questions the present practice of cost estimation. Although it states that the Commission's recently revised regulations may have done much to alleviate this problem, it is DOT's position that new and innovative efforts to protect the consumer should be considered.

4. DOT advocates a revision of consumer information practices. It represents that the consumer is often unable to obtain reliable information about household goods moving companies; and that, as a result, the consumer may be unable to make an informed choice of the carrier which will provide the type of service he desires at a price he can afford to pay.

DOT suggests that the Commission adopt regulations requiring household goods motor common carriers (1) to pay penalties for unexcused late pickups and deliveries or to file alternate rates which provide for rate reductions each day a shipment is late; (2) to pay salesmen and estimators on a straight salary basis or to pay salesmen and estimators on a commission basis with a provision for reduction in commissions on estimates which are exceeded by the total charges to the consumer by a certain stated percent; and (3) to charge not more than 10 percent above an estimate. DOT further suggests that the Commission publish annually for distribution to consumers a comparative listing of overestimates and underestimates issued by household goods motor carriers and in addition, a comparative service chart, comparing the performances of such carriers.

It is not believed that the relief sought in the DOT petition will have an adverse effect upon the environment.

No oral hearing is contemplated at this time, but any interested person (including petitioner which is asked to supply further record the information and data upon which its petition is based), wishing to make representations in favor of, or against, the relief sought in the petition may do so by the submission of written data, views, or arguments. An original and 15 copies of such data, views, or arguments shall be filed with the Commission on or before September 11, 1972. A copy of each representation should be served upon petitioner's representatives. Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution, Washington, DC, during regular business hours.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-12058 Filed 8-1-72;8:51 am]

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PART II

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

■

Rules of Procedure

Notice of Proposed Rule Making

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

[29 CFR Part 2200]

RULES OF PROCEDURE

Notice of Proposed Rule Making

Pursuant to section 12(g) of the Occupational Safety and Health Act of 1970 (29 U.S.C.A. 661(f)), the Occupational Safety and Health Review Commission has by official action proposed the following rules of procedure under authority of section 10 of the Act to supersede interim rules adopted by the Commission on August 25, 1971 (36 F.R. 169, Aug. 31, 1971), and set forth in § 2200.1, et seq., of this title.

At the time of publication of the interim rules, the Commission requested written comments, suggestions, or objections from all interested persons. Many have been received, and each has been carefully considered.

Though no notice of proposed rule making is required since the exemption under 5 U.S.C. 553(b)(A) applies, the Commission will allow a period of 30 days during which all interested persons are invited to submit comments, suggestions, or objections with respect to the proposed rules. Submissions should be made at the earliest possible date and should be directed to Executive Secretary, Occupational Safety and Health Review Commission, 1825 K Street, NW., Washington, DC 20006.

Final rules will be published after the Commission has reviewed timely submissions.

By the Commission.

Dated: July 27, 1972.

[SEAL] ROBERT D. MORAN, *Chairman.*
JAMES F. VAN NAMEE, *Commissioner.*
ALAN F. BURCH, *Commissioner.*

Subpart A—General Provisions

Subpart B—Parties and Representatives

Subpart C—Pleadings and Motions

Subpart D—Prehearing Procedures and Discovery

Subpart E—Hearings

Subpart F—Posthearing Procedures

Subpart G—Miscellaneous Provisions

AUTHORITY: The provisions of this Part 2200 issued under 29 U.S.C.A. 661(f).

Subpart A—General Provisions

§ 2200.1 Definitions.

As used herein:

(a) "Act" means the Occupational Safety and Health Act of 1970, 84 Stat. 1590, 29 U.S.C.A. 651, et seq.

(b) "Commission," "person," "employer," and "employee" have the meanings set forth in section 3 of the Act.

(c) "Secretary" means the Secretary of Labor or his duly authorized representative.

(d) "Executive Secretary" means the Executive Secretary of the Commission.

(e) "Affected employee" means an employee of a cited employer who is exposed to the alleged hazard described in the citation, as a result of his assigned duties.

(f) "Judge" means a Hearing Examiner appointed by the Chairman of the Commission pursuant to section 12 of the Act.

(g) "Authorized employee representative" means a labor organization which has a collective bargaining relationship with the cited employer and which represents affected employees.

(h) "Representative" means any person, including an authorized employee representative, authorized by a party or intervenor to represent him in a proceeding.

(i) "Citation" means a written communication issued by the Secretary to an employer pursuant to section 9(a) of the Act.

(j) "Notification of proposed penalty" means a written communication issued by the Secretary to an employer pursuant to section 10 (a) or (b) of the Act.

(k) "Day" means a calendar day.

(l) "Working day" means all days except Saturdays, Sundays, or Federal holidays.

(m) "Proceeding" means any proceeding before the Commission or before a Judge.

§ 2200.2 Scope of Rules; applicability of Federal Rules of Civil Procedure.

(a) These rules shall govern all proceedings before the Commission and its Judges.

(b) In the absence of a specific provision, procedure shall be in accordance with the Federal Rules of Civil Procedure.

§ 2200.3 Use of gender and number.

(a) Words importing the singular number may extend and be applied to the plural and vice versa.

(b) Words importing the masculine gender may be applied to the feminine gender.

§ 2200.4 Computation of time.

(a) In computing any period of time prescribed or allowed in these rules, the day from which the designated period begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or Federal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or Federal holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and Federal holidays shall be excluded in the computation.

(b) Where service of a pleading or document is by mail pursuant to § 2200.7, 3 days shall be added to the time allowed by these rules for the filing of a responsive pleading.

§ 2200.5 Extensions of time.

Requests for extensions of time for the filing of any pleading or document must

be received in advance of the date on which the pleading or document is due to be filed.

§ 2200.6 Record address.

The initial pleading filed by any person shall contain his name, address, and telephone number. Any change in such information must be communicated promptly in writing to the Judge or the Commission, as the case may be, and to all other parties and intervenors. A party or intervenor who fails to furnish such information shall be deemed to have waived his right to notice and service under these rules.

§ 2200.7 Service and notice.

(a) At the time of filing pleadings or other documents a copy thereof shall be served by the filing party or intervenor on every other party or intervenor.

(b) Service upon a party or intervenor who has appeared through a representative shall be made only upon such representative.

(c) Unless otherwise ordered, service may be accomplished by postage prepaid first-class mail or by personal delivery. Service is deemed effected at the time of mailing (if by mail) or at the time of personal delivery (if by personal delivery).

(d) Proof of service shall be accomplished by a written statement of the same which sets forth the date and manner of service. Such statement shall be filed with the pleading or document.

(e) Where service is accomplished by posting, proof of such posting shall be filed not later than the first working day following the posting.

(f) Service and notice to employees represented by an authorized employee representative shall be deemed accomplished by serving the representative in the manner prescribed in paragraph (c) of this section.

(g) In the event that there are any affected employees who are not represented by an authorized employee representative, the employer shall, immediately upon receipt of notice of the docketing of the notice of contest or petition for modification of the abatement period, post, where the citation is required to be posted, a copy of the notice of contest and a notice informing such affected employees of their right to party status and of the availability of all pleadings for inspection and copying at reasonable times. A notice in the following form shall be deemed to comply with this paragraph:

[Name of employer.]

Your employer has been cited by the Secretary of Labor for violation of the Occupational Safety and Health Act of 1970. The citation has been contested and will be the subject of a hearing before the Occupational Safety and Health Review Commission. Affected employees are entitled to participate in this hearing as parties under terms and conditions established by the Occupational Safety and Health Review Commission in its rules of procedure. Notice of intent to participate should be sent to:

Occupational Safety and Health Review Commission, 1825 K Street NW., Washington, DC 20006.

All papers relevant to this matter may be inspected at:

[Place reasonably convenient to employees, preferably at or near workplace.]

(h) The authorized employee representative, if any, shall be served with the notice set forth in paragraph (g) of this section and with a copy of the notice of contest.

(i) A copy of the notice of the hearing to be held before the Judge shall be served by the employer on affected employees who are not represented by an authorized employee representative by posting a copy of the notice of such hearing at or near the place where the citation is required to be posted.

(j) A copy of the notice of the hearing to be held before the Judge shall be served by the employer on the authorized employee representative of affected employees in the manner prescribed in paragraph (c) of this section, if the employer has not been informed that the authorized employee representative has entered an appearance as of the date such notice is received by the employer.

(k) Where a notice of contest is filed by an affected employee who is not represented by an authorized employee representative and there are other affected employees who are represented by an authorized employee representative, the unrepresented employee shall, upon receipt of the statement filed in conformance with § 2200.35, serve a copy thereof on such authorized employee representative in the manner prescribed in paragraph (c) of this section and shall file proof of such service.

(l) Where a notice of contest is filed by an affected employee or an authorized employee representative, a copy of the notice of contest and response filed in support thereof shall be provided to the employer for posting in the manner prescribed in paragraph (g) of this section.

(m) An authorized employee representative who files a notice of contest shall be responsible for serving any other authorized employee representative whose members are affected employees.

§ 2200.8 Filing.

Prior to assignment of a case to a Judge, all papers shall be filed with the Executive Secretary at 1825 K Street NW., Washington, DC 20006. Subsequent to the assignment of the case to a Judge, and before the issuance of his report, all papers shall be filed with the Judge at the address given in the notice informing of such assignment. Subsequent to the issuance of the report of the Judge, all papers shall be filed with the Executive Secretary. Unless otherwise ordered, all filing may be accomplished by first class mail.

§ 2200.9 Consolidation.

Cases may be consolidated on the motion of any party, on the Judge's own motion, or on the Commission's own motion, where there exist common parties, common questions of law or fact, or both, or in such other circumstances as justice and the administration of the Act require.

§ 2200.10 Severance.

Upon its own motion, or upon motion of any party or intervenor, the Commission or the Judge may, for good cause, order any proceeding severed with respect to some or all issues or parties.

§ 2200.11 Protection of trade secrets.

(a) Upon application by any person, in a proceeding where trade secrets (as that term is defined in 18 U.S.C. 1905) may be divulged, the Judge shall issue such orders as may be appropriate to protect the confidentiality of the trade secret.

(b) Interlocutory appeal from an adverse ruling shall be granted as of right.

Subpart B—Parties and Representatives

§ 2200.20 Party status.

(a) Affected employees may elect to participate as parties at any time before the commencement of the hearing before the Judge, unless, for good cause shown, the Commission or the Judge allows such election at a later time. See also § 2200.21.

(b) Where a notice of contest is filed by an employee or by an authorized employee representative with respect to the reasonableness of the period for abatement of a violation, the employer charged with the responsibility of abating the violation may elect party status at any time before the commencement of the hearing before the Judge. See also § 2200.21.

§ 2200.21 Intervention; appearance by nonparties.

(a) The petition for leave to intervene may be filed at any stage of a proceeding before commencement of the hearing before the Judge.

(b) The petition shall set forth the interest of the petitioner in the proceeding and show that the participation of the petitioner will assist in the determination of the issues in question, and that the intervention will not unnecessarily delay the proceeding.

(c) The Commission or the Judge may grant a petition for intervention to such an extent and upon such terms as the Commission or the Judge shall determine.

§ 2200.22 Representatives of parties and intervenors.

(a) Any party or intervenor may appear in person or through a representative.

(b) A representative of a party or intervenor shall be deemed to control all matters respecting the interest of such party or intervenor in the proceeding.

(c) Affected employees who are represented by an authorized employee representative may appear only through such authorized employee representative.

(d) Nothing contained herein shall be construed to require any representative to be an attorney at law.

(e) A representative of any party or intervenor, other than an attorney at law or authorized employee representative, shall file with his initial pleading or

the entry of his appearance (whichever is earlier) an appropriate power of attorney.

(f) Withdrawal of appearance of any representative may be effected by filing a written notice of withdrawal and by serving a copy thereof on all parties and intervenors.

Subpart C—Pleadings and Motions

§ 2200.30 Form.

(a) Except as provided herein, there are no specific requirements as to the form of any pleading. A pleading is simply required to contain a caption sufficient to identify the parties in accordance with § 2200.31, which shall include the Commission's docket number, if assigned, and a clear and plain statement of the relief that is sought, together with the grounds therefor.

(b) Pleadings and other documents (other than exhibits) shall be typewritten, double spaced, on letter size opaque paper (approximately 8½ inches by 11 inches). The left margin shall be 1½ inches and the right margin 1 inch. Pleadings and other documents shall be fastened at the upper left corner.

(c) Pleadings shall be signed by the party filing or by his representative. Such signing constitutes a representation by the signer that he has read the document or pleading, that to the best of his knowledge, information, and belief the statements made therein are true, and that it is not interposed for delay.

(d) The Commission may refuse for filing any pleading or document which does not comply with the requirements of paragraphs (a), (b), and (c) of this section.

§ 2200.31 Caption; titles of cases.

(a) Cases initiated by a notice of contest shall be titled:

Secretary of Labor, Complainant v. (Name of Contestant), Respondent.

(b) Cases initiated by a petition for modifiation of the abatement period shall be titled:

(Name of Employer), Petitioner v. Secretary of Labor, Respondent.

(c) The titles listed in paragraphs (a) and (b) of this section shall appear at the left upper portion of the initial page of any pleading or document (other than exhibits) filed.

(d) The initial page of any pleading or document (other than exhibits) shall show, at the upper right of the page, opposite the title, the docket number, if known, assigned by the Commission.

§ 2200.32 Notices of contest.

The Secretary shall, within 7 days of receipt of a notice of contest, transmit the original to the Commission, together with copies of all relevant documents.

§ 2200.33 Employer contests.

(a) Complaint:

(1) The Secretary shall file a complaint with the Commission no later than 20 days after his receipt of the notice of contest.

(2) The complaint shall set forth all alleged violations and proposed penalties, stating with particularity:

(i) The basis for jurisdiction;

(ii) The time, location, place, and circumstances of each alleged violation; and

(iii) The considerations upon which the period for abatement and the proposed penalty are based.

(3) Where the Secretary seeks in his complaint to amend his citation or notification of proposed penalty, he shall set forth the reasons for amendment and shall state with particularity the change sought.

(b) Answer:

(1) Within 15 days after service of the complaint, the party against whom the complaint was issued shall file an answer with the Commission.

(2) The answer shall contain a short and plain statement of the allegations in the complaint which the party intends to contest.

§ 2200.34 Petitions for modification of abatement period.

(a) An employer may file with the Secretary a petition for modification of an abatement period no later than the close of the next working day following the date on which abatement is required to be completed.

(b) The Secretary shall transmit such petition to the Commission within 3 days after its receipt.

(c) The Secretary shall file a response to the petition within 10 days of receipt of the petition.

(d) The burden of proving the need for modification of the abatement period shall rest with the petitioner.

§ 2200.35 Employee contests.

(a) Where an affected employee or authorized employee representative files a notice of contest with respect to the abatement period, the Secretary shall, within 10 days from his receipt of the notice of contest, file a clear and concise statement of the reasons the abatement period prescribed by him is not unreasonable.

(b) Within 10 days from receipt of the statement referred to in paragraph (a) of this section, the contestant shall file a response to the Secretary's statement.

§ 2200.36 Statement of position.

At any time prior to the commencement of the hearing before the judge, any person entitled to appear as a party, or any person who has been granted leave to intervene, may file a statement of position with respect to any or all issues to be heard.

§ 2200.37 Response to motions.

Any party or intervenor upon whom a motion is served shall have 10 days from service of the motion to file a response.

§ 2200.38 Failure to file.

Failure to file any pleading or other document when due may, in the discretion of the Commission or the Judge, constitute a waiver of the right to file that pleading or document.

Subpart D—Prehearing Procedures and Discovery

§ 2200.50 Withdrawal of notice of contest.

At any stage of a proceeding, a party may withdraw his notice of contests, subject to the approval of the Commission.

§ 2200.51 Prehearing conferences.

(a) At any time before a hearing, the Commission or the Judge, on their own motion or on motion of a party, may direct the parties or their representatives to exchange information or to participate in a prehearing conference for the purpose of considering matters which will tend to simplify the issues or expedite the proceedings.

(b) The Commission or the Judge may issue a prehearing order which recites the matters discussed and the agreements reached by the parties. Such order shall be served on all parties and shall be a part of the record.

§ 2200.52 Requests for admissions.

(a) At any time after the filing of responsive pleadings, any party may serve on any other party requests for admissions of facts to be made under oath. Each admission requested shall be set forth separately. The matter shall be deemed admitted unless, within 15 days after service of the request, or within such shorter or longer time as the Commission or the Judge may prescribe, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter.

(b) Copies of all requests and answers shall be filed with the Commission within the time allotted and shall be a part of the record.

§ 2200.53 Discovery depositions and interrogatories.

(a) Except by special order of the Commission or the Judge, discovery depositions of parties, intervenors, or witnesses, and interrogatories directed to parties, intervenors, or witnesses shall not be allowed.

(b) In the event the Commission or the Judge grants an application for the conduct of such discovery proceedings, the order granting the same shall set forth appropriate time limits governing the discovery.

§ 2200.54 Failure to comply with orders for discovery.

If any party or intervenor fails to comply with an order of the Judge or the Commission to permit discovery in accordance with the provisions of these rules, the Commission or the Judge may issue appropriate orders.

§ 2200.55 Issuance of subpenas; petitions to revoke or modify subpenas; right to inspect or copy data.

(a) Any member of the Commission shall, on the application of any party

directed to the Commission, forthwith issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence, including relevant books, records, correspondence, or documents, in his possession or under his control. Applications for subpenas, if filed subsequent to the assignment of the case to a Judge, shall be filed with the Judge. A Judge shall grant the application on behalf of any member of the Commission. Applications for subpenas may be made ex parte. The subpena shall show on its face the name and address of the party at whose request the subpena was issued.

(b) Any person served with a subpena, whether ad testificandum or duces tecum, shall, within 5 days after the date of service of the subpena upon him, move in writing to revoke or modify the subpena if he does not intend to comply. All motions to revoke or modify shall be served on the party at whose request the subpena was issued. The Judge or the Commission, as the case may be, shall revoke or modify the subpena if in its opinion the evidence whose production is required does not relate to any matter under investigation or in question in the proceedings or the subpena does not describe with sufficient particularity the evidence whose production is required, or if for any other reason sufficient in law the subpena is otherwise invalid. The Judge or the Commission, as the case may be, shall make a simple statement of procedural or other grounds for the ruling on the motion to revoke or modify. The motion to revoke or modify, any answer filed thereto, and any ruling thereon shall become a part of the record.

(c) No postponement in excess of 30 days shall be allowed without Commission approval.

(c) Persons compelled to submit data or evidence at a public proceeding are entitled to retain, or on payment of lawfully prescribed costs, to procure copies of transcripts of the data or evidence submitted by them.

(d) Upon the failure of any person to comply with a subpena issued upon the request of a party, the Commission by its counsel shall initiate proceedings in the appropriate district court for the enforcement thereof, if in its judgment the enforcement of such subpena would be consistent with law and with policies of the Act. Neither the Commission nor its counsel shall be deemed thereby to have assumed responsibility for the effective prosecution of the same before the Court.

Subpart E—Hearings

§ 2200.60 Notice of hearing.

Notice of the time, place, and nature of a hearing shall be given to the parties and intervenors at least 10 days in advance of such hearing, except as otherwise provided in § 2200.101.

§ 2200.61 Postponement of hearing.

(a) Postponement of a hearing ordinarily will not be allowed.

(b) Except in the case of an extreme emergency or in unusual circumstances, no such request will be considered unless received in writing at least 3 days in advance of the time set for the hearing.

(c) No postponement in excess of 30 days shall be allowed without Commission approval.

§ 2200.62 Failure to appear.

(a) Subject to the provisions of paragraph (b) of this section, the failure of a party to appear at a hearing shall be deemed to be a waiver of all rights except the rights to be served with a copy of the report of the Judge and to request Commission review pursuant to § 2200.91.

(b) The Commission or the Judge, upon a showing of good cause, may excuse such failure to appear and reschedule the hearing at a suitable time thereafter. Requests for reinstatement must be made, in the absence of extraordinary circumstances, within 5 days after the scheduled hearing date.

§ 2200.63 Payment of witness fees and mileage; fees of persons taking depositions.

Witnesses summoned before the Judge or the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witness appears, and the person taking a deposition shall be paid by the party at whose instance the deposition is taken.

§ 2200.64 Reporter's fees.

Reporter's fees shall be borne by the Commission, except as provided in § 2200.63.

§ 2200.65 Transcript of testimony.

Hearings shall be transcribed verbatim. A copy of the transcript of testimony taken at the hearing, duly certified by the reporter, shall be filed with the Judge before whom the matter was heard. The Judge shall promptly serve notice upon each of the parties and intervenors of such filing.

§ 2200.66 Duties and powers of Judges.

It shall be the duty of the Judge to inquire fully into the facts and to take all steps necessary to avoid delay. The Judge shall have authority with respect to cases assigned to him, between the time he is designated and the time he issues his report, subject to the rules and regulations of the Commission, to:

(a) Administer oaths and affirmations;

(b) Issue authorized subpenas;

(c) Rule upon petitions to revoke subpenas;

(d) Rule upon offers of proof and receive relevant evidence;

(e) Take or cause depositions to be taken whenever the needs of justice would be served;

(f) Regulate the course of the hearing and, if appropriate or necessary, exclude persons or counsel from the hearing for contemptuous conduct and strike all related testimony of witnesses refusing to answer any proper questions;

(g) Hold conferences for the settlement or simplification of the issues;

(h) Dispose of procedural requests or similar matters, including motions referred to the Judge by the Commission and motions to amend pleadings; also to dismiss complaints or portions thereof, and to order hearings reopened or, upon motion, consolidated prior to issuance of his report;

(i) Make decisions in conformity with section 557 of title 5, United States Code;

(j) Call and examine witnesses and to introduce into the record documentary or other evidence;

(k) Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;

(l) Adjourn the hearing as the needs of justice and good administration require;

(m) Take any other action necessary under the foregoing and authorized by the published rules and regulations of the Commission.

§ 2200.67 Disqualification of Judge.

(a) A Judge may withdraw from a proceeding whenever he deems himself disqualified.

(b) Any party may request the Judge, at any time following his designation and before the filing of his report, to withdraw on ground of personal bias or disqualification, by filing with him promptly upon the discovery of the alleged facts an affidavit setting forth in detail the matters alleged to constitute grounds for disqualification.

(c) If, in the opinion of the Judge, the affidavit referred to in paragraph (b) of this section is filed with due diligence and is sufficient on its face, the Judge shall forthwith disqualify himself and withdraw from the proceeding.

(d) If the Judge does not disqualify himself and withdraw from the proceeding, he shall so rule upon the record, stating the grounds for his ruling and shall proceed with the hearing, or, if the hearing has closed, he shall proceed with the issuance of his report, and the provisions of § 2200.90 shall thereupon apply.

§ 2200.68 Examination of witnesses.

Witnesses shall be examined orally under oath. Opposing parties shall have the right to cross-examine any witness whose testimony is introduced by an adverse party.

§ 2200.69 Affidavits.

An affidavit may be admitted as evidence in lieu of oral testimony if the matters therein contained are otherwise admissible and the parties agree to its admission.

§ 2200.70 Deposition in lieu of oral testimony; application; procedures; form; rulings.

(a) An application to take the deposition of a witness in lieu of oral testimony shall be in writing and shall set forth

the reasons such deposition should be taken, the name and address of the witness, the matters concerning which it is expected he will testify and the time and place proposed for the taking of the deposition, together with the name and address of the person before whom it is desired that the deposition be taken (for purposes of this section, hereinafter referred to as "the officer"). Such application shall be filed with the Commission or the Judge, as the case may be, and shall be served on all other parties and intervenors not less than 7 days (when the deposition is to be taken within the continental United States) and not less than 15 days (if the deposition is to be taken elsewhere) prior to the time when it is desired that the deposition be taken. Where good cause has been shown, the Commission or the Judge shall make and serve on the parties and intervenors an order which specifies the name of the witness whose deposition is to be taken and the time, place, and designation of the officer before whom the witness is to testify. Such officer may or may not be the officer specified in the application.

(b) Such deposition may be taken before any officer authorized to administer oaths by the laws of the United States or of the place where the examination is held. If the examination is held in a foreign country, it may be taken before any secretary of embassy or legation, consul general, consul, vice consul, or consular agent of the United States.

(c) At the time and place specified in the order, the officer designated to take such deposition shall permit the witness to be examined and cross-examined under oath by all parties appearing, and the testimony of the witness shall be reduced to typewriting by the officer or under his direction. All objections to questions or evidence shall be deemed waived unless made at the examination. The officer shall not have power to rule upon any objection, but he shall note them upon the deposition. The testimony shall be subscribed by the witness in the presence of the officer who shall attach his certificate stating that the witness was duly sworn by him, that the deposition is a true record of the testimony and exhibits given by the witness, and that the officer is not of counsel or attorney to any of the parties nor interested in the proceeding. If the deposition is not signed by the witness because he is ill, dead, cannot be found, or refuses to sign it, such fact shall be included in the certificate of the officer and the deposition may be used as fully as though signed. The officer shall immediately deliver an original and two copies of the transcript, together with his certificate, in person or by registered mail to the Executive Secretary at 1825 K Street NW., Washington, DC 20006.

(d) The Judge shall rule upon the admissibility of the deposition or any part thereof.

(e) All errors or irregularities in compliance with the provision of this section shall be deemed waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is, or with due diligence might have been, discovered.

(f) If the parties so stipulate in writing, depositions may be taken before any person at any time or place, upon any notice and in any manner, and when so taken may be used as other depositions.

§ 2200.71 Exhibits.

(a) All exhibits offered in evidence shall be numbered and marked with a designation identifying the party or intervenor by whom the exhibit is offered.

(b) In the absence of objection by another party or intervenor, exhibits shall be admitted into evidence as a part of the record, unless excluded by the Judge pursuant to § 2200.72.

(c) Unless the Judge finds it impractical, a copy of each such exhibit shall be given to the other parties and intervenors.

(d) All exhibits offered, but denied admission into evidence, shall be identified as in paragraph (a) of this section and shall be placed in a separate file designated for rejected exhibits.

§ 2200.72 Rules of evidence.

Hearings before the Commission and its Judges shall be in accordance with section 554 of Title 5 U.S.C. and insofar as practicable shall be governed by the rules of evidence applicable in the Federal District Courts.

§ 2200.73 Burden of proof.

(a) In all proceedings commenced by the filing of a notice of contest, the burden of proof shall rest with the Secretary.

(b) In proceedings commenced by a petition for modification of the abatement period, the burden of establishing the necessity for such modification shall rest with the petitioner.

§ 2200.74 Objections.

(a) Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence or a ruling by the Judge, may be stated orally or in writing, accompanied by a short statement of the grounds for the objection, and shall be included in the record. No such objection shall be deemed waived by further participation in the hearing.

(b) Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the record of the proceeding.

§ 2200.75 Interlocutory appeals; special; as of right.

(a) Unless expressly authorized by these rules, rulings by the Judge may not be appealed directly to the Commission except by its special permission. Unless otherwise provided by these rules, all such rulings shall become a part of the record.

(b) Request to the Commission for special permission to appeal from such ruling shall be filed in writing within 5 days following receipt of the ruling and shall state briefly the grounds relied on.

(c) Interlocutory appeal from a ruling of the Judge shall be allowed as of right where the Judge certifies that: (1) The ruling involves an important question of law concerning which there is substantial ground for difference of opinion; and (2) an immediate appeal from the ruling will materially expedite the proceedings. Such appeal shall also be allowed in the circumstances set forth in § 2200.11.

(d) Neither the filing of a petition for interlocutory appeal, nor the granting thereof as provided in paragraphs (b) and (c) of this section, shall stay the proceedings before the Judge unless such stay is specifically ordered by the Commission.

§ 2200.76 Filing of briefs and proposed findings with the Judge; oral argument at the hearing.

Any party shall be entitled, upon request, to a reasonable period at the close of the hearing for oral argument, which shall be included in the stenographic report of the hearing. Any party shall be entitled, upon request made before the close of the hearing, to file a brief, proposed findings of fact and conclusions of law, or both, with the Judge. The Judge may fix a reasonable period of time for such filing, but such initial period may not exceed 20 days from the receipt by the party of the transcript of the hearing.

Subpart F—Posthearing Procedures

§ 2200.90 Reports of Judges.

(a) The report of the Judge shall consist of findings of fact, conclusions of law, and a proposed order.

(b) The Judge shall sign and date the report. Upon issuance of the report, jurisdiction shall rest solely in the Commission, and all motions, petitions, and other pleadings filed subsequent to such issuance shall be addressed to the Commission.

§ 2200.91 Discretionary review; petition.

(a) At any time during the 30-day review period, parties aggrieved by the report of a Judge may submit a petition for discretionary review. Failure to act on such petition within the review period shall be deemed a denial thereof.

(b) A petition should contain a concise statement of each portion of the report and order to which exception is taken and may be accompanied by a brief of points and authorities relied upon. The original and three (3) copies shall be filed with the Commission.

§ 2200.92 Stay of final order.

(a) Any party aggrieved by a final order of the Commission may, while the matter is within the jurisdiction of the Commission, file a motion for a stay.

(b) Such motion shall set forth the reasons a stay is sought and the length of the stay requested.

(c) The Commission may order such stay for the period requested or for such longer or shorter period as it deems appropriate.

§ 2200.93 Oral argument before the Commission.

(a) Oral argument before the Commission ordinarily will not be allowed.

(b) In the event the Commission desires to hear oral argument with respect to any matter it will advise all parties to the proceeding of the date, hour, place, time allotted, and scope of such argument at least 10 days prior to the date set.

Subpart G—Miscellaneous Provisions

§ 2200.100 Settlement.

(a) Settlement is encouraged at any stage of the proceedings where such settlement is consistent with the provisions and objectives of the Act.

(b) Settlement agreements submitted by the parties shall be accompanied by an appropriate proposed order.

§ 2200.101 Expedited proceeding.

(a) Upon application of any party or intervenor, or upon his own motion, any member of the Commission may order an expedited proceeding.

(b) When such proceeding is ordered, the Executive Secretary shall notify all parties and intervenors.

(c) The Judge assigned in an expedited proceeding shall make necessary rulings with respect to time for filing of pleadings and with respect to all other matters, without reference to times set forth in these rules, shall order daily transcripts of the hearing, and shall do all other things necessary to complete the proceeding in the minimum time consistent with fairness.

§ 2200.102 Standards of conduct.

All persons appearing in any proceeding shall conform to the standards of ethical conduct required in the courts of the United States.

§ 2200.103 Ex parte communication.

(a) There shall be no ex parte communication between the Commission, including any member, officer, employee, or agent of the Commission who is employed in the decisional process, and any of the parties or intervenors.

(b) In the event such ex parte communication occurs, the Commission or the Judge may make such orders or take such action as fairness requires. Upon notice and hearing, the Commission may take such disciplinary action as is appropriate in the circumstances against any person who knowingly and willfully makes or solicits the making of a prohibited ex parte communication.

§ 2200.104 Restrictions as to participation by investigative or prosecuting officers.

In any proceeding notice pursuant to the rules in this part, the Secretary shall not participate or advise with respect to the report of the Judge or the Commission decision.

§ 2200.105 Inspection and reproduction of documents.

(a) Subject to the provisions of law restricting public disclosure of information, any person may, at the offices of the Commission, inspect and copy any document filed in any proceeding.

(b) Costs shall be borne by such person.

§ 2200.106 Restrictions with respect to former employees.

(a) No former employee of the Commission or the Secretary (including a member of the Commission or the Secretary) shall appear before the Commission as an attorney or other representative for any party in any proceeding or other matter, formal or informal, in which he participated personally and substantially during the period of his employment.

(b) No former employee of the Commission or the Secretary (including a member of the Commission or the Secretary) shall appear before the Commission as an attorney or other representative for any party in any proceeding or other matter, formal or informal, for which he was personally responsible during the period of his employment, unless 1 year has elapsed since the termination of such employment.

§ 2200.107 Amendments to rules.

The Commission may at any time upon its own motion or initiative, or upon written suggestion of any interested person setting forth reasonable grounds therefor, amend or revoke any of the rules contained herein. Such suggestions should be addressed to the Commission at 1825 K Street, NW., Washington, DC 20006.

§ 2200.108 Special circumstances; waiver of rules.

In special circumstances not contemplated by the provisions of these rules, or for good cause shown, the Commission may, upon application by any party or intervenor, or on its own motion, after 3 days notice to all parties and intervenors, waive any rule or make such orders as justice or the administration of the Act requires.

§ 2200.109 Penalties.

(a) All penalties assessed by the Commission are Civil.

(b) The Commission has no jurisdiction under sections 17 (e), (f), and (g) of the Act and will conduct no proceeding thereunder.

§ 2200.110 Official Seal, Occupational Safety and Health Review Commission.

The seal of the Commission shall consist of: A gold eagle outspread, head facing dexter, a shield with 13 vertical stripes superimposed on its breast, holding an olive branch in its claws, the whole superimposed over a plain solid white Greek cross with a green background, encircled by a white band edged in black and inscribed "Occupational Safety and Health Review Commission" in black letters.

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