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[Navel Orange Reg. 261]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.561 Navel Orange Regulation 261.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 21, 1972.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period March 24, 1972, through March 30, 1972, are hereby fixed as follows:

(i) District 1: 975,000 cartons;

(ii) District 2: 200,000 cartons;

(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 21, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72–4578 Filed 3–22–72;11:19 am]

[Valencia Orange Reg. 381]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.681 Valencia Orange Regulation 381.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 21, 1972.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period March 24, 1972, through March 30, 1972, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: Unlimited;

(iii) District 3: 131,576 cartons.

(2) As used in this section, "handler", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 21, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc. 72–4759 Filed 3–32–72;11:19 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

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

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

[Docket No. 72-506]

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:

In § 76.2, a new paragraph (e)(3) relating to the State of North Carolina is added to read:

(e) * * *

(3) *North Carolina.* That portion of Hoke County bounded by a line beginning at the junction of Secondary Road 1300 and the southern boundary of Fort Bragg Military Reservation; thence, following the southern boundary of Fort Bragg Military Reservation in a northeasterly direction to the Hoke-Cumberland County line; thence, following the Hoke-Cumberland County line in a southeasterly direction to the Hoke-Cumberland-Robeson County lines; thence, following the Hoke-Robeson County line in a southwesterly direction to State Highway 211; thence, following State Highway 211 in a northwesterly direction to Secondary Road 1300; thence, following Secondary Road 1300 in a northwesterly direction to its junction with the southern boundary of Fort Bragg Military Reservation.

(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; 36 F.R. 20707)

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

The amendment quarantines a portion of Hoke County, N.C., 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 portion of such county.

Since the amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera, it must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rule making procedure 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 amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C. this 17th day of March 1972.

G. H. WISE,
Acting Administrator,
Animal and Plant Health Service.

[FR Doc.72-4462 Filed 3-22-72;8:50 am]

[Docket No. 72-507]

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 Februrary 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, paragraph (e)(3) relating to the State of North Carolina is amended to read:

(e) * * *

(3) *North Carolina.* (i) That portion of Hoke County bounded by a line beginning at the junction of Secondary Road 1300 and the southern boundary of Fort Bragg Military Reservation; thence, following the southern boundary of Fort Bragg Military Reservation in a northeasterly direction to the Hoke-Cumberland County line; thence, following the Hoke-Cumberland County line in a southeasterly direction to the Hoke-Cumberland-Robeson County lines; thence, following the Hoke-Robeson County line in a southwesterly direction to State Highway 211; thence, following State Highway 211 in a northwesterly direction to Secondary Road 1300; thence, following Secondary Road 1300 in a northwesterly direction to its junction with the southern boundary of Fort Bragg Military Reservation.

(ii) That portion of Johnston County bounded by a line beginning at the junction of U.S. Highway 301 and U.S. Highway 70; thence, following U.S. Highway 301 in a southwesterly direction to Secondary Road 1162; thence, following Secondary Road 1162 in a northwesterly direction to Secondary Road 1350; thence following Secondary Road 1350 in a southwesterly direction to Secondary Road 1330; thence following Secondary Road 1330 in a northwesterly, then generally northeasterly, then southeasterly direction to Secondary Road 1010; thence, following Secondary Road 1010 in a southeasterly direction to Secondary Road 1562; thence, following Secondary Road 1562 in a generally northeasterly direction to Secondary Road 1563; thence, following Secondary Road 1563 in a southeasterly direction to U.S. Highway 70; thence, following U.S. Highway 70 in a southeasterly direction to its junction with U.S. Highway 301.

(iii) That portion of Robeson County bounded by a line beginning at the junction of the Robeson-Bladen County line and the Seaboard Coast Line Railroad; thence, following the Seaboard Coast Line Railroad in a northwesterly direction to Secondary Road 1002; thence, following Secondary Road 1002 in a northerly direction to State Highway 211; thence, following State Highway 211 in a southwesterly, then northwesterly direction to the Virginia and Carolina Southern Railroad; thence, following the Virginia and Carolina Southern Railroad in a northerly direction to Secondary Road 1005; thence, following Secondary Road 1005 in a northeasterly direction to Secondary Road 1006; thence, following Secondary Road 1006 in a northeasterly direction to the Robeson-Bladen County line; thence, following the Robeson-Bladen County line in a southeasterly, then southwesterly direction to its junction with the Seaboard Coast Line Railroad.

In § 76.2, paragraph (e)(2) relating to the Commonwealth of Puerto Rico is 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; 36 F.R. 20707)

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

The amendments quarantine portions of Johnston and Robeson Counties in North Carolina 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 portions of such counties.

The amendments exclude the entire Commonwealth of Puerto Rico 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 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 will apply to the area excluded from quarantine. No areas in the Commonwealth of Puerto Rico remain under the quarantine.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate 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 procedure 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, 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 17th day of March 1972.

G. H. WISE,
Acting Administrator,
Animal and Plant Health Service.

[FR Doc.72-4463 Filed 3-22-72;8:50 am]

[Docket No. 72-508]

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) (3) relating to the State of North Carolina, a new subdivision (iv) relating to Moore County is added to read:

(e) * * *

(3) *North Carolina.* * * *

(iv) That portion of Moore County bounded by a line beginning at the junction of Secondary Road 1006 and Secondary Road 1600; thence, following Secondary Road 1006 in a southeasterly direction, then southwesterly direction to Secondary Road 1642; thence, following Secondary Road 1642 in a northwesterly direction to Secondary Road 1640; thence, following Secondary Road 1640 in a southwesterly direction to Secondary Road 1665; thence, following Secondary Road 1665 in a southwesterly direction to State Highways 22, 24, 27; thence, following State Highway 22, 24, 27 in a northwesterly direction to Secondary Road 1490; thence, following Secondary Road 1490 in a northeasterly direction to Secondary Road 1477; thence, following Secondary Road 1477 in a northwesterly direction to Secondary Road 1479; thence, following Secondary Road 1479 in a northwestsserly direction to Secondary Road 1470; thence, following Secondary Road 1470 in a northeasterly, then southeastserly direction to State Highway 22; thence, following State Highway 22 in a northwesterly direction to Secondary Road 1606; thence, following Secondary Road 1606 in a northeasterly direction to Secondary Road 1600; thence, following Secondary Road 1600 in a southeasterly, then northeasterly direction to its junction with Secondary Road 1006.

2. In § 76.2, the references to the States of Virginia and Minnesota in paragraph (f) are deleted, and paragraph (g) is amended by adding thereto the names of the States of Virginia and Minnesota.

(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; 36 F.R. 20707)

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

The amendments quarantine a portion of Moore County, N.C., 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 portion of the county quarantined.

The amendments delete Virginia and Minnesota from the list of hog cholera Eradication States in § 76.2(f), and add Virginia and Minnesota 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 or Free States remain applicable to Virginia and Minnesota.

The amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to accomplish their purpose in the public interest. It does not appear that public participation in this rule making procedure 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, 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 17th day of March 1972.

G. H. WISE,
Acting Administrator,
Animal and Plant Health Service.

[FR Doc.72-4464 Filed 3-22-72;8:50 am]

[Docket No. 72-509]

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:

In § 76.2, in paragraph (e) (3) relating to the State of North Carolina, a new subdivision (v) relating to Greene and Lenoir Counties is added to read:

(e) * * *

(3) *North Carolina.* * * *

(v) The adjacent portions of Greene and Lenoir Counties bounded by a line beginning at the junction of State Highway 58 and U.S. Highway 13 northwest of Snow Hill in Greene County; thence, following State Highway 58 in a southeasterly direction to Secondary Road 1575 in Lenoir County; thence, following Secondary Road 1575 in a southwesterly direction to Secondary Road 1541; thence, following Secondary Road 1541 in a northwesterly direction to Secondary Road 1514; thence, following Secondary Road 1514 in a southwesterly direction to Secondary Road 1001; thence following Secondary Road 1001 in a northeasterly, then northwesterly direction to the Greene-Lenoir County line; thence, following the Greene-Lenoir County line in a southwesterly direction to Secondary Road 1002 in Greene County; thence, following Secondary Road 1002 in a northeasterly direction to Secondary Road 1146; thence, following Secondary Road 1146 in a northeasterly direction to U.S. Highway 13; thence, following U.S. Highway 13 in a northeasterly direction to its junction with State Highway 58.

(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; 36 F.R. 20707)

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

The amendment quarantines portions of Greene and Lenoir Counties in North Carolina 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 areas quarantined.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rule making procedure 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 amendment are impracticable, unnecessary and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of March 1972.

G. H. WISE,
Acting Administrator,
Animal and Plant Health Service.

[FR Doc.72-4465 Filed 3-22-72;8:50 am]

Title 12—BANKS AND BANKING

Chapter VII—National Credit Union Administration

PART 750—TORT CLAIMS AGAINST THE GOVERNMENT

On page 2594 of the FEDERAL REGISTER of February 3, 1972, there was published a proposed regulation of the procedure to be followed in tort claims against the Government. Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed regulation.

No comments have been received and the proposed regulation is hereby adopted without change as set forth below.

Effective date. This regulation shall be effective as of March 27, 1972.

HERMAN NICKERSON, Jr.,
Administrator.

MARCH 17, 1972.

Subpart A—General

Sec.
750.1 Scope of regulations.
750.2 Administrative claim; when presented; place of filing.

Subpart B—Procedures

750.3 Administrative claim; who may file.
750.4 Administrative claim; evidence and information to be submitted.
750.5 Investigation, examination, and determination of claims.
750.6 Final denial of claims.
750.7 Payment of approved claims.
750.8 Release.
750.9 Penalties.
750.10 Limitation of National Credit Union Administration's authority.

AUTHORITY: The provisions of this Part 750 issued pursuant to section 120, 73 Stat. 635, 12 U.S.C. 1766.

Subpart A—General

§ 750.1 Scope of regulations.

The regulations in this part shall apply only to claims asserted under the Federal Tort Claims Act, as amended, 28 U.S.C. sections 2671–2680, accruing on or after January 18, 1967, for money damages against the United States for damage to or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the National Credit Union Administration while acting within the scope of his office of employment.

Subpart B—Procedures

§ 750.2 Administrative claim; when presented; place of filing.

(a) For purposes of the regulations in this part, a claim shall be deemed to have been presented when the National Credit Union Administration receives, at a place designated in paragraph (b) of this section, an executed Standard Form 95 or other written notification of an incident accompanied by a claim for money damages in a sum certain for damage to or loss of property, for personal injury, or for death, alleged to have occurred by reason of the incident. A claim which should have been presented to the National Credit Union Administration but which was mistakenly addressed to or filed with another Federal agency, shall be deemed to be presented to the National Credit Union Administration as of the date that the claim is received by the National Credit Union Administration. A claim mistakenly addressed to or filed with the National Credit Union Administration shall forthwith be transferred to the appropriate Federal agency, if ascertainable, or returned to the claimant.

(b) A claim presented in compliance with paragraph (a) of this section may be amended by the claimant at any time prior to final action by the Office of General Counsel, National Credit Union Administration or prior to the exercise of the claimant's option to bring suit under 28 U.S.C. 2675(a). Amendments shall be submitted in writing and signed by the claimant or his duly authorized agent or legal representative. Upon the timely filing of an amendment to a pending claim, the National Credit Union Administration shall have 6 months in which to make a final disposition of the claim as amended and the claimant's option under 28 U.S.C. 2675(a) shall not accrue until 6 months after the filing of an amendment.

(c) Forms may be obtained and claims may be filed with the regional office of the National Credit Union Administration having jurisdiction over the employee involved in the accident or incident, or with the Office of General Counsel, National Credit Union Administration, Washington, D.C. 20456.

§ 750.3 Administrative claim; who may file.

(a) A claim for injury to or loss of property may be presented by the owner of the property interest which is the subject matter of the claim, his duly authorized agent, or his legal representative.

(b) A claim for personal injury may be presented by the injured person, his duly authorized agent, or his legal representative.

(c) A claim based on death may be presented by the executor or administrator of the decedent's estate or by any other person legally entitled to assert such a claim under applicable State law.

(d) A claim for loss wholly compensated by an insurer with the rights of a subrogee may be presented by the insurer. A claim for loss partially compensated by an insurer with the rights of a subrogee may be presented by the insurer or the insured individually, as their respective interests appear, or jointly. Whenever an insurer presents a claim asserting the rights of a subrogee, he shall present with his claim appropriate evidence that he has the rights of a subrogee.

(e) A claim presented by an agent or legal representative shall be presented in the name of the claimant, be signed by the agent or legal representative, show the title or legal capacity of the person signing, and be accompanied by evidence of his authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or other representative.

§ 750.4 Administrative claims; evidence and information to be submitted.

(a) *Death.* In support of a claim based on death, the claimant may be required to submit the following evidence or information:

(1) An authenticated death certificate or other competent evidence showing the cause of death, date of death, and age of the decedent.

(2) Decedent's employment or occupation at the time of death, including his monthly or yearly salary or earnings (if any), and the duration of his last employment or occupation.

(3) Full names, addresses, birthdates, kinship, and marital status of the decedent's survivors, including those survivors who were dependent for support upon the decedent at the time of his death.

(4) Degree of support afforded by the decedent to each survivor dependent upon him for support at the time of his death.

(5) Decedent's general physical and mental condition before death.

(6) Itemized bills for medical and burial expenses incurred by reason of the incident causing death, or itemized receipts or payments for such expenses.

(7) If damages for pain and suffering before death are claimed, a physician's detailed statement specifying the injuries suffered, duration of pain and suffering, any drugs administered for pain and the decedent's physical condition in the interval between injury and death.

(8) Any other evidence or information which may have a bearing on the responsibility of the United States for the death or the damages claimed.

(b) *Personal injury.* (1) A written report by his attending physician or dentist setting forth the nature and extent of the injury, nature and extent of the treatment, any degree of temporary or permanent disability, the prognosis, period of hospitalization, and any diminished earning capacity. In addition, the claimant may be required to submit to a physical and/or mental examination by a physician employed or designated by the National Credit Union Administration. A copy or report of the examining physician shall be made available to the claimant upon the claimant's written request provided that claimant has, upon request, furnished the report referred to in the first sentence of this subparagraph and has made or agrees to make available to the National Credit Union Administration any other physician's reports previously or thereafter made of the physical or mental condition which is the subject of his claim.

(2) Itemized bills for medical, dental, and hospital expenses incurred, or itemized receipts of payment for such expenses.

(3) If the prognosis reveals the necessity for future treatment, a statement of expected duration of and expenses for such treatment.

(4) If a claim is made for loss of time from employment, a written statement from his employer showing actual time lost from his employment, whether he is a full or part time employee, and wages or salary actually lost.

(5) If a claim is made for loss of income and the claimant is self-employed, documentary evidence showing the amount of earnings actually lost.

(6) Any other evidence or information which may have a bearing on the responsibility of the United States for the personal injury or the damages claimed.

(c) *Property damage.* In support of a claim for damages to or loss of property, real or personal, the claimant may be required to submit the following information or evidence:

(1) Proof of ownership.

(2) A detailed statement of the amount claimed with respect to each item of property.

(3) An itemized receipt of payment for necessary repairs or itemized written estimates of the cost of such repairs.

(4) A statement listing date of purchase, purchase price, market value of the property as of date of damage, and salvage value, where repair is not economical.

(5) Any other evidence or information which may have a bearing on the responsibility of the United States for the injury to or loss of property or the damages claimed.

(d) *Time limit.* All evidence required to be submitted by this section shall be furnished by the claimant within a reasonable time. Failure of a claimant to furnish evidence necessary for a determination of his claim within 3 months after a request therefor has been mailed to his last known address may be deemed an abandonment of the claim. The claim may be thereupon disallowed.

§ 750.5 Investigation, examination, and determination of claims.

When a claim is received, the constituent agency out of whose activities the claim arose shall make such investigation as may be necessary or appropriate for a determination of the validity of the claim and thereafter shall forward the claim, together with all pertinent material, and a recommendation based on the merits of the case, with regard to the allowance or disallowance of the claim, to the Office of General Counsel, National Credit Union Administration to whom authority has been delegated to adjust, determine, compromise and settle all claims hereunder.

§ 750.6 Final denial of claim.

(a) Final denial of an administrative claim shall be in writing and sent to the claimant, his attorney, or legal representative by certified or registered mail. The notification of final denial may include a statement of the reasons for the denial and shall include a statement that, if the claimant is dissatisfied with the action of the National Credit Union Administration, he may file suit in an appropriate U.S. District Court not later than 6 months after the date of mailing the notification.

(b) Prior to the commencement of suit and prior to the expiration of the 6-month period after the date of mailing, by certified or registered mail of notice of final denial of the claim as provided in 28 U.S.C. 2401(b), a claimant, his duly authorized agent, or legal representative, may file a written request with the National Credit Union Administration for reconsideration of a final denial of a claim under paragraph (a) of this section. Upon the timely filing of a request for reconsideration the National Credit Union Administration shall have 6 months from the date of filing in which to make a final disposition of the claim and the claimant's option under 28 U.S.C. 2675(a) to bring suit shall not accrue until 6 months after the filing of a request for reconsideration. Final National Credit Union Administration action on a request for reconsideration shall be effected in accordance with the provisions of paragraph (a) of this section.

§ 750.7 Payment of approved claims.

(a) Upon allowance of his claim, claimant or his duly authorized agent shall sign the voucher for payment, Standard Form 1145, before payment is made.

(b) When the claimant is represented by an attorney, the voucher for payment (S.F. 1145) shall designate both the claimant and his attorney as "payees." The check shall be delivered to the attorney whose address shall appear on the voucher.

§ 750.8 Release.

Acceptance by the claimant, his agent or legal representative, of any award, compromise or settlement made hereunder, shall be final and conclusive on the claimant, his agent or legal representative and any other person on whose behalf or for whose benefit the claim has been presented, and shall constitute a complete release of any claim against the United States and any employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

§ 750.9 Penalties.

A person who files a false claim or makes a false or fraudulent statement in a claim against the United States may be liable to a fine of not more than $10,000 or to imprisonment of not more than 5 years, or both (18 U.S.C. 287–1001), and, in addition, to a forefeiture of $2,000 and a penalty of double the loss or damage sustained by the United States (31 U.S.C. 231).

§ 750.10 Limitation on National Credit Union Administration's authority.

(a) An award, compromise or settlement of a claim hereunder in excess of $25,000 shall be effected only with the prior written approval of the Attorney General or his designee. For purposes of this paragraph, a principal claim and any derivative or subrogated claim shall be treated as a single claim.

(b) An administrative claim may be adjusted, determined, compromised or settled hereunder only after consultation with the Department of Justice when, in the opinion of the National Credit Union Administration:

(1) A new precedent or a new point of law is involved; or

(2) A question of policy is or may be involved; or

(3) The United States is or may be entitled to indemnity or contribution from a third party and the National Credit Union Administration is unable to adjust the third party claim; or

(4) The compromise of a particular claim, as a practical matter, will or may control the disposition of a related claim in which the amount to be paid may exceed $25,000.

(c) An administrative claim may be adjusted, determined, compromised or settled only after consultation with the Department of Justice when it is learned that the United States or any employee, agent or cost-plus contractor of the United States is involved in litigation based on a claim arising out of the same incident or transaction.

[FR Doc.72-4394 Filed 3-22-72;8:54 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-CE-10-AD, Amdt. 39-1411]

PART 39—AIRWORTHINESS DIRECTIVES

Marvel Schebler MA-3, MA-4, MA-4-5 and HA-6 Series Carburetors

A proposal to amend Part 39 of the Federal Aviation regulations to include

an Airworthiness Directive (AD) applicable to Marvel Schebler MA–8, MA–4, MA–4–5, and HA–6 series carburetors used on various Teledyne Continental, Franklin, and Lycoming model engines was published in the FEDERAL REGISTER on December 7, 1971 (36 F.R. 23237, 23238). The proposed AD would require throttle arms on the above mentioned carburetors now in service to be inspected, retorqued and safety wired to the throttle stop so that the safety wire retains the arm on the stop.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Five comments were received, two of which agreed with the proposal as written. The remaining three commentators, who are either engine or airframe manufacturers, objected to the torque requirements specified for those carburetors listed in paragraph 2 of the proposed AD on the grounds that the torque was inadequate. They recommended that their own service instructions pertaining to this problem be incorporated in the AD. The FAA agrees in principle with these objections and the AD will be modified accordingly. In addition, paragraph 2 will also be amended to include criteria for identifying acceptable throttle arms and will require replacement of those throttle arms not meeting this criteria. One airframe manufacturer expressed the opinion that a more positive means of retaining the throttle arm on the throttle stop is required on those carburetors listed in paragraph 2 of the proposed AD. The agency disagrees with this position because the service history indicates that the procedure required by paragraph 2 as now modified will accomplish the desired objective.

Since this amendment in part modifies the original proposal, but is in the interest of safety, further notice and public procedure hereon are unnecessary.

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

MARVEL SCHEBLER: Applies to Models MA–3, MA–3A, MA3–PA, MA–3SPA, MA4–SPA, MA4–5, MA4–5AA, MA–6AA, and HA–6 carburetors used on various Franklin (Aircooled), Continental, Lycoming, and Ranger engines.

Compliance: Required at next annual inspection, unless already accomplished.

To prevent looseness or separation of the throttle arm, accomplish the following or any equivalent procedure approved by Chief, Engineering and Manufacturing Branch, FAA, Central Region, Kansas City, Mo.:

(1) Inspect the throttle arm to verify that it is bottomed against the shoulder on the throttle stop and positioned so that full throttle travel is obtained, and if not, loosen clamping screw and reposition arm and/or rerig control system in accordance with airplane manufacturers' maintenance instructions to obtain these conditions.

(2) Inspect the throttle arm on Marvel Schebler MA–3, MA–3A, MA–3PA, MA3–SPA, and MA–4SPA carburetors to determine whether it has a spotfaced or milled flat for the head of the clamping screw. Replace any arm having a milled flat with one having a spot-faced flat. If not already installed, install a Marvel Schebler P/N A15–493 clamping screw (No. 10–24 x 5/8 slotted drilled fillister head) in the throttle arm. Torque the clamping screw to 20–28 in.-lb. and inspect the slot in the end of the arm for clearance. If the slot has closed so that no clearance remains, replace the arm and retorque to the above specifications. After the specified torque is established safety wire the throttle arm and clamping screw to the throttle stop as shown in illustration A.

(3) On Marvel Schebler MA–4–5, MA4–5AA, MA–6AA, and HA–6 series carburetors with throttle arms having a 10–32 bolt and nut clamping the arm on the throttle stop, torque the nut to 35 to 40 in.-lbs. and safety wire the throttle arm to the throttle stop as shown in illustration B. On these series carburetors having a throttle arm threaded for a 10–24 screw, if not already installed, install a Marvel Schebler P/N A15–493 clamping screw (No. 10–24 x 5/8 slotted drilled fillister head) in the throttle arm and torque the screw to 20 to 28 in.-lbs. Safety wire the throttle arm to the throttle stop as shown in illustration C or D.

NOTE: The procedures specified in American Aviation Corp. Service Letter No. 69–4, dated October 3, 1969, Cessna Service Letter SE71–17 revised February 25, 1972, and Lycoming Service Bulletin No. 330A, dated October 30, 1970, are approved as equivalent procedures to those prescribed in this AD for the applicable carburetors.

This amendment becomes effective March 24, 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 Kansas City, Mo., on March 14, 1972.

JOHN M. CYROCKI,
Director, Central Region.

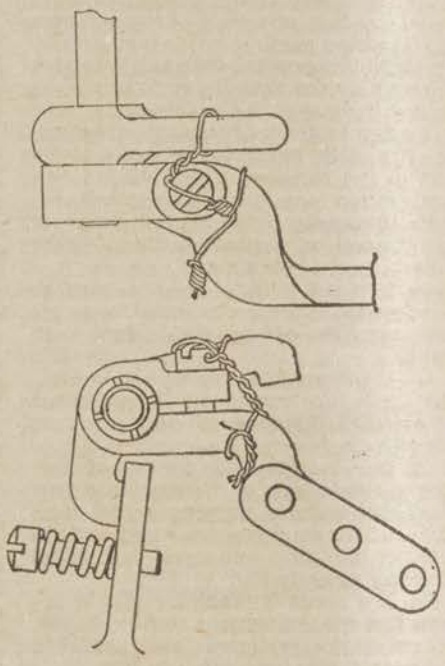

ILLUSTRATION A

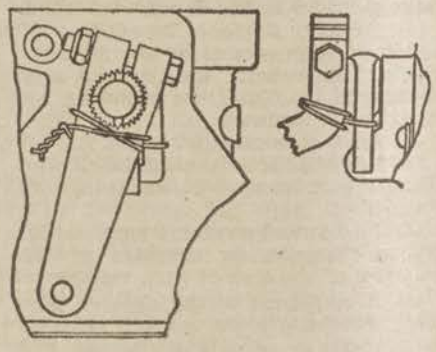

ILLUSTRATION B

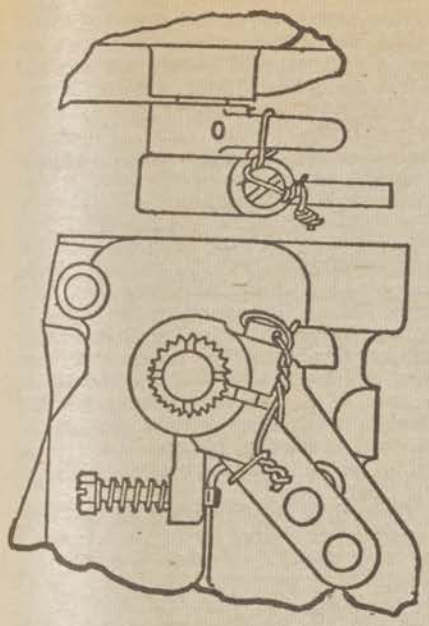

ILLUSTRATION C

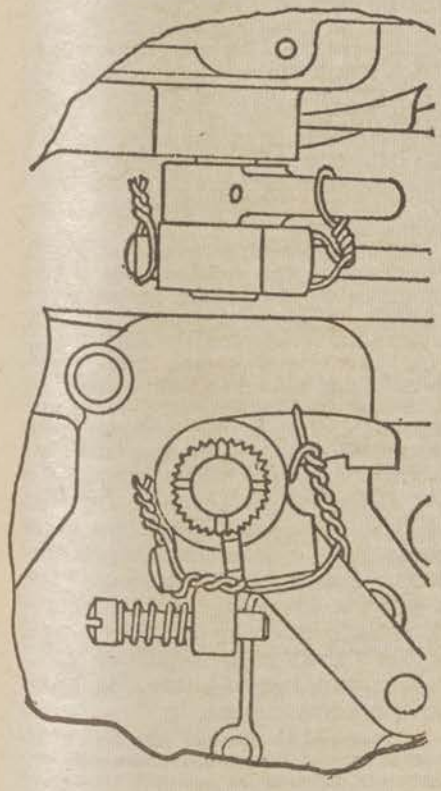

ILLUSTRATION D

[FR Doc.72-4317 Filed 3-22-72;8:45 am]

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-NE-1]

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

Alteration of Control Zone and Transition Area

On page 2587 of the FEDERAL REGISTER dated February 3, 1972, the Federal Aviation Administration published a notice of proposed rule making which would alter the Lebanon, N.H., control zone (37 F.R. 2100) and transition area (37 F.R. 2227).

Interested person were given 30 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

In view of the following, the proposed regulations are hereby adopted effective 0901 G.m.t., 25 May 1972.

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

Issued in Burlington, Mass., on March 8, 1972.

FERRIS J. HOWLAND,
Director,
New England Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Lebanon, N.H., control zone by deleting the coordinates "43°37'35" N., 72°18'10" W." and substituting "43°37'41" N., 72°18'21" W." in lieu thereof; and by adding at the end of the present description "within 2 miles each side of the centerline of runway 7 extending 6 miles from the end of the runway."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Lebanon, N.H., 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface, within an arc of a 23.5-mile-radius circle centered on the Lebanon, N.H., Regional Airport (43°37'41" N., 72°18'21" W.) extending clockwise between the 034° and 134° bearings from the Lebanon Airport; within an arc of an 18-mile-radius circle centered on the Lebanon Airport extending clockwise between the 134° and 231° bearings from the Lebanon Airport; within an arc of a 23.5-mile-radius circle centered on the Lebanon Airport extending clockwise between the 231° and 300° bearings from the Lebanon Airport; within an arc of a 19.5-mile-radius circle centered on the Lebanon Airport extending clockwise between the 300° and 034° bearings from the Lebanon Airport.

[FR Doc.72-4376 Filed 3-22-72;8:48 am]

[Docket No. 11801, Amdt. 801]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

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

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR–VOR/DME SIAP's, effective April 20, 1972.

Bluffton, Ohio—Bluffton Airport; VOR Runway 23, Amdt. 2; Revised.
Haleyville, Ala.—Haleyville Municipal Airport; VOR–A, Original; Established.

2. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective April 20, 1972.

Meriden, Conn.—Meriden Markham Municipal Airport; NDB Runway 36, Amdt. 1; Revised.
Wooster, Ohio—Wayne County Airport; NDB Runway 27, Amdt. 1; Revised.

3. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective April 20, 1972.

Lebanon, N.H.—Lebanon Regional Airport; ILS Runway 7, Original; Established.
Philadelphia, Pa.—Philadelphia International Airport; ILS Runway 9, Amdt. 21; Revised.
Richmond, Va.—Richmond Evelyn Byrd International Airport; ILS Runway 33, Amdt. 1; Revised.

4. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAP's, effective April 20, 1972.

Albany, Ga.—Albany-Dougherty County Airport; RNAV Runway 34, Original; Established.
Jacksonville, Fla.—Jacksonville International Airport; RNAV Runway 13, Amdt. 1; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on March 14, 1972.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

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

[FR Doc.72-4312 Filed 3-22-72;8:45 am]

[Docket No. 11805, Amdt. 157-3]

PART 157—NOTICE OF CONSTRUCTION, ALTERATION ACTIVATION AND DEACTIVATION OF AIRPORTS

Airport District Office

The purpose of this amendment is to make certain editorial changes to Part 157 of the Federal Aviation Regulations.

Part 157 exempts from its notice requirements any project for which Federal aid has been requested under the Federal Airport Act. On June 30, 1970, the Federal Airport Act was repealed by the enactment of the Airport and Airway Development Act of 1970 (Public Law 91-258). Part 157 is revised to reflect this change in legislation.

Sections 157.5 and 157.9 contain reference to "FAA Area Manager's Office." All FAA area offices were eliminated in April 1971, and their functions absorbed by either an FAA regional office or an Airport District Office. Part 157 is revised to reflect this change.

Since these amendments are editorial in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making these amendments effective on less than 30 days notice.

In consideration of the foregoing, Part 157 is amended effective March 23, 1972, as follows:

1. In § 157.1, after the words "Federal Airport Act" add ", the Airport and Airway Development Act of 1970," * * *.

2. In the introductory language to § 157.5, in § 157.5(e), and in § 157.9 strike out the words "FAA Area Manager's Office" and substitute therefor "FAA Airport District Office."

(Secs. 309, 313, Federal Aviation Act of 1958, 49 U.S.C. 1350, 1354; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 15, 1972.

J. H. SHAFFER,
Administrator.

[FR Doc. 72-4377 Filed 3-22-72;8:48 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-725]

PART 239—REPORTING DATA PERTAINING TO FREIGHT LOSS AND DAMAGE CLAIMS BY CERTAIN AIR CARRIERS AND FOREIGN ROUTE AIR CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of March 1972.

In a notice of proposed rule making, dated March 10, 1971 (EDR-197, 36 F.R. 4882), the Board proposed a new part to establish a system of reporting of freight loss and damage claims by certain air carriers and foreign route air carriers. The system was designed to enable the Board and numerous other organizations, both public and private, to be informed of current trends or problems relating to air freight loss and damage and to provide data whereby the Board may take appropriate action.

Pursuant to the subject notice, timely comments were received from: member carriers of the Air Transport Association (ATA) supplemented by individual carrier comments from Delta Air Lines, Inc., and Trans World Airlines, Inc. (TWA); nine foreign air carriers; [1] three air freight forwarders; [2] the Airport Security Council of New York; the Air Freight Forwarders Association; the National Industrial Traffic League, an industry trade association; one all-cargo carrier (The Flying Tiger Line Inc.); and the Pet Industry Joint Advisory Council, supported by 12 letters from members of the council.

A majority of the responses from domestic sources supported the proposed rule, either completely or partially. Some comments of domestic parties maintain that certain information requested is either of no concern to the Board or too difficult to obtain. The domestic air carriers generally feel that the stated objectives of the rule are laudable, but they disagree with some details. Foreign air carriers generally oppose the rule as being beyond the regulatory power of the Board.

Upon full consideration of the relevant matter contained in the comments, we have decided to adopt the rule substantially as proposed. Therefore, except as modified, the tentative findings set forth in the explanatory statement to the proposed rule are incorporated by reference and made final. The following are the most significant modifications to the rule, as it was proposed: (1) The substitution of the ATA commodity code for the ICC code for reporting purposes; and (2) narrowing the application of the rule as to foreign route air carriers by excluding them from the requirement to file Schedules A and C, so that they will be required to file only Schedules B and D. These and other matters will be discussed below.

Before proceeding to discuss specific objections to the proposed rule, a brief reference to the serious nature of the problem of loss and damage to freight shipments by air and the need for the rule seems appropriate. The Senate Select Committee on Small Business has estimated that for the year 1971 the total amount of freight loss and damage in all modes of public transportation was approximately $1.5 billion, comprised of the following: $900 million for truck theft and hijacking, $110 million for air cargo, $250 million for railroads, and $210 million for maritime shipping.[3] Also, a report of the Senate Select Committee on Small Business on the effect of cargo loss and theft in air commerce stated, in part, with respect to the need for the reporting requirement:

> It is axiomatic that the first step in arresting the upward trend in crime is the collection of information about it. To energize public agencies to action it is necessary to discover and reveal the actual magnitude of the loss as an actual cost to the public. To develop a sense of responsibility, it is necessary to establish at what point and under whose jurisdiction the bulk of the losses

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[1] Air Canada, China Airlines, El Al Israel Airlines, Ltd. (El Al), Japan Air Lines Co., Ltd. (JAL), KLM Royal Dutch Airlines (KLM), Lufthansa German Airlines (Lufthansa), Sabena Belgian World Airlines (Sabena), Swissair, Swiss Air Transport Co., Ltd. (Swissair), TAP Portuguese Airways (TAP).

[2] Jet Air Freight, United Parcel Service Co., Wings and Wheels Express, Inc. (Wings and Wheels).

[3] 117 Cong. Rec. (daily edition) E13815, Dec. 17, 1971.

occurred. To devise strategies of crime prevention, it is necessary to ascertain in detail the techniques used by the thieves and the circumstances surrounding the theft. Your committee found that the collection of reliable data on aircraft theft and pilferage is utterly inadequate for all these purposes.

Losses are not reported systematically. Standards of reporting have not been established. There is no good way of telling at what point in the sequence of many events from point of origin to ultimate destination the loss occurred. The relation between extent of protection and value of shipment is haphazard. No data are available on a systematic basis as to the circumstances surrounding events of loss. The techniques used by thieves can only be guessed at; all we can say at this time is that they are successfully practiced, at a rapidly increasing rate.[4]

Lawfulness of the Rule as to Foreign Air Carriers

Certain foreign air carriers[5] contend that the Board is without legal authority to impose the proposed rule on foreign air carriers; and that reliance on sections 204, 402, and 407 of the Act (as set forth in the notice) is misplaced. They maintain, inter alia, that the Board lacks power to require foreign air carriers to divulge trade secrets, financial information, or other proprietary data such as would be required to be made public under the rule. Moreover, the rule is alleged to be unlawful because it is contrary to provisions of the various bilateral air transport agreements between foreign countries and the United States. It is further argued that a foreign air carrier's permit may not be changed by rule making but only by following the specific amendatory procedures of sections 402 and 801 of the Act, which call for an evidentiary hearing, unless waived, so that the proposed rule unlawfully constitutes an amendment of such permits without the statutorily requisite hearing.

The foreign air carriers object to the rule also on policy grounds. They maintain, inter alia, that application of the rule to foreign air carriers would encourage other governments to require similar reporting of freight loss and damage claims, and thereby lead to a plethora of claims reporting requirements imposed by various authorities on international carriers. Some foreign air carriers state that the regulation would impose a substantial burden on them as handlers of small volumes of freight tonnage, and that the Board should exempt from the rule any foreign air carrier which accounts for one percent or less of total air freight tonnage in foreign air transportation. Others aver that the rule would require complete reorganization of their records system for freight transactions, and state that such reorganization would be prohibitively costly and would seriously disrupt normal freight operations. Whatever force these extra-legal arguments may have had with respect to the proposed rule, they do not persuade us to exclude foreign air carriers from the less burdensome reporting requirements which this final rule imposes. We are requiring foreign air carriers to file only those schedules (B and D) which all U.S. carriers must file, regardless of size.

The argument that the Board lacks legal power to impose reporting requirements on foreign air carriers was most recently rejected in the "Foreign Air Carrier Permit Terms Investigation," Orders 70–6–32 and 70–6–33. Indeed, as a result of that case, foreign carriers are now subject, by the very terms of their permits, to the regulation in Part 213, adopted by the Board with Presidential approval; and that regulation explicitly authorizes the Board to direct foreign air carriers to file traffic data in order to disclose the nature and extent of the carrier's engagement in transportation between points in the United States and points outside thereof. Thus, to the extent that data required here is "traffic data," within the meaning of the "Foreign Air Carrier Permit" case, supra, Part 213 affords a clear basis for the present rule.

Moreover, the Board has heretofore held that it has authority to promulgate rules requiring certain reports by foreign air carriers and those holdings are equally applicable to the present rule.[6] As indicated in the cited precedents, the permits held by the foreign air carriers expressly subject their activities to such further reasonable regulations as may be prescribed by the Board and this reservation of authority, coupled with the Board's power under section 204(a) of the Act, afford an ample basis for Board actions. Moreover, rule making proceedings are appropriate for the prescription of regulations of the type here involved. See "American Airlines, Inc. v. Civil Aeronautics Board."[7] In following these precedents, we emphasize that the Board is not attempting to require foreign air carriers to report financial data as to their general operations, but only to submit reports relating to their performance of those operations which have been authorized by permits granted to them by the Board.

However, as previously indicated, the Board has determined not to impose upon foreign carriers at this time all of the reporting requirements which we proposed. Rather, the final rule will impose upon all foreign air carriers, regardless of size, only the rather modest reporting requirements that we are imposing on small U.S. scheduled carriers and forwarders,[8] and on supplemental and commuter air carriers. These reports are designed to give the Board essential minimum information, such as data regarding paid claims based on theft, robbery, or pilferage of $100 or more (Schedule B), and the total volume of claims paid relative to freight revenue (Schedule D).

Schedule B is needed to provide basic minimum data (1) as a starting point for possible corrective action by the Board, other governmental agencies, and foreign carriers themselves, (2) for consumers to use in their selection of a carrier, and (3) to determine the specific impact of air cargo thefts on U.S. commerce.

Schedule D will give the Board data that will show for the first time the total revenues and related claim expense for each company's scheduled and nonscheduled freight separately. When compiled and published, these data will (1) permit an evaluation as to the need for possible future reporting requirements, (2) be the basis for possible future regulation as to claim settlements, (3) measure the total impact on the U.S. commerce resulting from all loss and damage payments by all air carriers, and (4) show the consumer the loss-claim ratio for each carrier so as to help the shipper determine the risk involved for any particular carrier.

Commodity Code To Be Used for Reporting Purposes

The principal opposition to the rule centers on the commodity code to be adopted for reporting purposes. The code proposed in the notice was basically the same as the code which has long been used by the ICC for reporting purposes,[9] and was developed from the Standard Transportation Commodity Code (STCC). It contained a list of 60 different categories of commodities to be used in reporting the various statistics in the forms of Schedules A, B, and C proposed in the notice. These 60 commodities apparently represent a majority of the traffic moving by Class I motor carriers as well as a majority of the traffic with respect to which claims were filed, and this code apparently imposes the least burden upon the reporting motor carriers. Therefore, in the notice the Board proposed the same code for reporting freight loss and damage claims in air transportation. However, upon further consideration, and in light of the comments filed, we are now of the view that the appropriate commodity code for reporting freight loss and damage claims in air transportation is that presently used by air carriers and the ATA in the recent voluntary air freight claims sta-

[4] 117 Cong. Rec. (daily edition) E13815/6, Dec. 17, 1971. "The Impact of Crime on Small Business—Part II," Report of the Select Committee on Small Business, U.S. Senate, on effect of cargo loss and theft in air commerce based on hearings before the Committee, May 23 and July 22, 1969, 91st Cong., first sess., S. Rept. No. 91–612, p. 5.

[5] Air Canada, JAL, KLM, Lufthansa, Swissair, and Sabena.

[6] See ER–615, adopted May 5, 1970, 35 F.R. 7295; ER–568, adopted Mar. 27, 1969, 34 F.R. 6772; ER–519, adopted Nov. 22, 1967, 32 F.R. 18020.

[7] 359 F. 2d 624 (D.C. Cir. 1966), cert. den. 385 U.S. 843 (1966).

[8] Those certificated route air carriers whose annual scheduled gross air freight revenues do not exceed $3 million and air freight forwarders or international air freight forwarders whose total annual air forwarding revenues do not exceed $3 million.

[9] The ICC adopted a rule, served July 21, 1971, for reporting freight loss and damage claims which embodies the ICC code. The rule is set forth in 49 CFR 1249.15, 36 F.R. 1438, (August 5, 1971).

tistics program. This code consists of 52 groupings and appears more descriptive of air transportation items than does the ICC code. For example, the code we are adopting (Appendix A attached below) deletes such ICC code items as ammunition and explosives, marble, petroleum and coal products, all of which are goods which move infrequently by air. The domestic direct air carriers use the ATA code and have had considerable experience with it.[10] Many items in the ATA code can be directly compared to those in the ICC code; and, indeed, 34 of these directly comparable traffic groupings comprise 73 percent of the revenue identifiable to specific commodities and 62 percent of all claims in air transportation.[11] On the other hand, the items from the ATA code which cannot be matched with the ICC code are particularly appropriate to air transportation, in that they may be generally described as very specific, relating to goods which are fragile and have a high ratio of value to weight.[12]

This code is being adopted on an interim basis. If at any future time the Board should adopt, through appropriate rule making or by an evidentiary proceeding, any commodity coding for general reporting purposes by carriers subject to the Federal Aviation Act of 1958, as amended, consideration will then be given to modifying the code contained herein. In this way we hope to minimize the likelihood of duplicative air freight commodity codes in air transportation.[13]

REQUIREMENT OF MAINTENANCE OF A CLAIMS REGISTER

In its comments, the Pet Industry Joint Advisory Council suggests that the proposed rule should require maintenance of a source document for claim facts, such as a claims register.

A claims register could serve as an audit base for all carrier reports to the Board. Also, it might facilitate the preparation of such reports when compiled manually. We note that the ICC requires a claims register in its rules.[14] However, the maintenance of a claims register was not included in the proposed rule and to require it now is beyond the scope of this proceeding. Moreover, the requirement might well be superfluous, since the preparation of reports under this rule would appear to entail maintenance of some sort of claims register.[15] If it develops in practice that claims registers are not being maintained, and that the Board is experiencing difficulty in auditing the schedules of the reports, or ascertaining in other respects whether or not there is compliance with the requirements of the part, we shall not hesitate to institute rule making to require the affected carriers to maintain a suitable claims register.

MODIFICATION OF SCHEDULE A

Schedule A (report of freight loss and damage claims paid) in the notice is the basic report required. As proposed, each carrier covered by the report[16] would break-out each commodity upon which claims were paid, showing whether it was domestic or international, air or ground, the number of claims reported and dollars paid for "shortage", "theft", "damage", "delay", etc., and the total number of all claims paid and dollar amount thereof. In addition, actual shipper loss and air freight revenue on each commodity would be shown. Several modifications in this schedule were requested, some of which we are adopting.

a. *Differentiation between domestic and international traffic.* As indicated above, Schedule A (§ 239.6(c), infra) requires differentiation between domestic and international shipments. The reason for this breakout, as set forth in the notice, is to reflect differences in domestic and international (Warsaw Convention) property liability limits. ATA objects to such differentiation, asserting that twice the number of reports will be required and that, while no useful purpose will be served thereby, increased costs will be imposed on the carriers by such reporting requirement.

We shall adopt this requirement, as set forth in the notice, without modification, because the value of the report would be impaired by combining domestic and international claims data reflecting liability limitations under different legal authorities.[17] Statistics combining claims paid at $7.52 per pound (international) with those paid on the basis of 50¢ per pound or $50 per shipment, whichever is greater (domestic) would not readily lend themselves to analysis seeking to determine the effects of either liability system.[18]

As to the alleged increased cost, we note that of the 26 carriers reporting in the voluntary claims reporting program of ATA for the first quarter of 1971, eleven presently report separate entity data for domestic and international traffic on the Form 41 reports filed with the Board.[19] According to accounting plans on file with the Board, these carriers allocate claim and insurance expenses to the separate reporting entities, or directly assign such expenses to the entity concerned. If the carrier experience is to breakout claim expenses into geographical areas, there should be little difficulty in breaking out the claim itself into such categories.

b. *Breakout of air shipments and ground shipments.* As indicated above, Schedule A requires that claims paid be broken out by each commodity as to shipments moving by air and shipments moving on the ground. ATA opposes this requirement as unnecessary and extremely burdensome to carriers. It states that it is virtually impossible for the airlines to comply with this requirement because of the number of claims involving pickup and delivery where responsibility cannot be determined. According to ATA, the airlines' present arrangement with Air Cargo, Inc.,[20] is that the airlines pay claims involving damage which occurs while shipments are in their possession and that Air Cargo is responsible for damages occurring during pickup and delivery. ATA further avers that statistics relating to damage on the ground could be secured from claims reports furnished by Air Cargo; also that, insofar as air/motor carrier-truck movements are concerned, claims statistics regarding truck movements could be secured from reports on freight loss and damage claims filed with the ICC.

We shall not accept the modification requested by ATA, and will adopt the requirement as proposed. Transportation rates in modes other than air are usually quoted door-to-door and represent a complete service. On the other hand, airport-to-airport rates are generally quoted in air transportation, with a separate rate quoted for optional pickup and delivery service to complete the door-

[10] Wings and Wheels, Inc., proposed adoption of a shorter list of only 20 groups; Flying Tiger requested adoption of an expanded ICC code with about 1100 categories. The former offers insufficient detail; the latter offers such great detail as to be made unwieldy and impractical in operation.

[11] These comparisons are made from data submitted to the Board by the ATA in the voluntary claims reporting program.

[12] The tables (Appendices B, C, and D), which are filed as part of the original document, indicate the comparison of the two codes. Thirty-six of the 58 commodity codes in the ICC list (2 items are subtotal and grand total) have comparable matches with ATA data, while 34 of the 52 ATA groups have correspondence with the ICC code. Appendix D indicates those items in the two codes which cannot be matched and which will appear in total transport statistics (compilation of intermodal claims statistics of several federal agencies) as "all other commodities."

[13] Various air carriers or groups of carriers have on occasion, with the Board's permission, attempted to adopt by agreement certain specific commodity codes. These efforts have so far not been successful. See Orders 70-2-32, 70-8-17, 71-4-38, dated February 9, 1970, August 5, 1970, and April 7, 1971, respectively.

[14] 49 CFR 1207.22(a).

[15] We note that 14 of the 17 carriers in Docket 19923, Air Freight Liability and Claims rules and practices, a pending proceeding, maintain some form of claims register for their internal use.

[16] Schedule A, as provided for herein, will be required of all certificated route air carriers, whose annual scheduled gross air freight revenues exceed $3 million a year, and by each forwarder whose annual air forwarding revenues exceed such amount. As initially proposed, this schedule would also have been required of all foreign route air carriers, but will not now be required.

[17] Liability limitations on claims in international air commerce are generally governed by the Warsaw Convention. On the other hand, domestic air freight liability limitations are prescribed by tariffs filed with the Board, but carriers are not required by statute to adopt any limitations on liability.

[18] TWA requests that data concerning international movements be accorded confidential treatment until all foreign air carriers have submitted similar data, thereby vitiating any claim of unfair competition. The issue as to confidentiality of treatment of data filed is discussed subsequently, pp. 20–23.

[19] Several of these carriers further delineate their international traffic into geographical areas such as Pacific, Atlantic, and Latin American.

[20] A wholly owned subsidiary of the scheduled certificated airlines, which administers air freight pickup and delivery service for the airlines. See Order 70-3-160, dated Mar. 31, 1970, p. 2, footnote 3.

to-door transportation.[21] We believe that pickup and delivery claims statistics are necessary for a proper appraisal of air claims data. For example, in the New York/Newark airport terminal area, it is clear that the surface portion of the door-to-door air freight shipments has become costly due to an inordinate amount of thefts or hijackings, and that some air carriers have sought to discontinue, or restrict their pickup and delivery service with respect to certain high-risk items.[22] If the cargo security problem is sufficiently serious to warrant carrier attempts to provide separate tariff treatment of air and ground movements, it would seem sufficiently serious to warrant separate claims statistics.

c. *Reporting interline claims.* Schedule A, as proposed in the notice, would have required the reporting of paid interline claims, as follows: (1) Where all carriers participating in the interline movement are certified route air carriers or foreign route carriers serving the United States, a report would have been made by all carriers sharing in the claim settlement, whether carriage is domestic or international; and (2) in the case of international carriage, where a carrier participating in the interline shipment is a foreign route carrier not serving the United States, the report of the entire claim settlement would have been made by the certificated route carrier or foreign route carrier which originated the shipment in the United States or effected delivery thereof in the United States. In those cases in which liability or responsibility can be specifically assigned to a particular carrier, that carrier would have paid, and would have reported, the claim regardless of the fact that the movement may have been over the lines of several carriers. Only in those cases where precise liability cannot be determined (primarily in cases involving concealed loss or damage claims), would the claim have been prorated among the participating carriers in accordance with the formula set forth in the proposed rule.

ATA, Flying Tiger, and two foreign air carriers[23] oppose this requirement. ATA would have the U.S. carriers report only their portion of any claim. The foreign air carriers indicate that it would be difficult or impossible to obtain data where the foreign airline involved in a claim did not serve a point in the United States. Flying Tiger opposes prorating interline claims because, according to this carrier, prorating is a difficult problem for a carrier and involves only a minimal number of claims, i.e., about 2 percent of the total number of claims.[24] It would have the carrier which pays an interline claim report all of it.

Dealing first with domestic claims, we will finalize the reporting of claim amounts borne by each carrier. The difficulty in having the carrier which makes the settlement on an interline claim report the entire claim payment is that—on an individual carrier basis—such carrier's losses would be distorted. Similarly, the revenue by commodity would be equally distorted when computing a claim loss-to-revenue ratio. While we could require that interline recoveries be credited against such reported losses, as a gross amount, distortion would still result with respect to the separate causal categories. Further, in the event of a settlement by a carrier not required to file Schedule A, the settlement would not be reported at all. Accordingly, we will finalize the rule as proposed, wherein each carrier's dollar share of domestic claims will be reported by each carrier participating in the settlement, and the number of claims will be fractionally reported. It is recognized that, under this system, if one of such interline carriers is a nonreporting carrier, so that no Schedule A is received from such carrier, then the total dollars and the count of the number of claims will be fractionally incomplete.[25] Nonetheless, this is a lesser deficiency than would result from the reporting by one carrier of the total amount of an interline claim settlement.

Turning now to international claim losses, inasmuch as foreign-flag carriers will be excluded at this time from reporting Schedules A and C, interline claim reporting will to that extent be modified. Each reporting U.S. carrier participating in the settlement of an international interline claim will report only his own share of the settlement; thus, as in the case of a domestic interline settlement involving a nonreporting carrier, the U.S. reporting carrier will report a fractional number on an interline claim. The remainder of the claim losses borne by foreign-flag carriers and other carriers which are not required to file Schedule A, will be reflected, of course, in the annual system summary in Schedule D.

Though it may initially be a slow process to collect all the information on each interline claim from other carriers, it is necessary for the Board to have valid data for the entire spectrum of shipment types. Deletion of data concerning interline shipments would be inadvisable at this time, since we do not yet have information as to the characteristics of that traffic. However, the Board will be in a position to reassess the need for detailed information on interline traffic after the receipt of valid data for 2 or 3 years. With respect to the argument that only a small number of claims are interline, that may be so for Flying Tiger and other carriers having a relatively long length of haul, but local service carriers which have a preponderance of interline movements would be likely to have a parallel preponderance of interline claims for freight loss and damage.

d. *Reporting gross revenue by commodity.* Schedule A, as proposed in the notice, requires the reporting of the total amount of freight revenue received for each commodity on which claims were made. The primary purpose of reporting these data is to develop loss-to-revenue ratios and thereby more properly evaluate the claim experience on the various commodities moving in air transport. Without such knowledge, the assertion that a particular commodity has an unusual claim experience, and therefore warrants special handling or pricing, cannot be proven.[26]

ATA, Delta, Flying Tiger, Air Freight Forwarders Association, and United Parcel Service object to this proposed requirement. ATA maintains that this requirement would be particularly burdensome to the domestic carriers since only five of them have the capability for providing this information.[27] Delta, pointing to the pending "Domestic Air Freight Rate Investigation," Docket No. 22859, and to the Board's awareness of a lack of regularly reported statistics on air freight movements, objects to the costs involved in setting up what it states might be at best only an interim system. Flying Tiger asserts that reporting claim ratios by commodities would not be reliable, since some traffic is not identified by commodity, while all claims are so identified. The Air Freight Forwarders Association states that in order to comply with this requirement, the forwarders would have to break out their shipments by commodities, identify their total revenues by commodity, and phase these into their computer systems solely for this report. United Parcel Service claims it could not possibly comply with this request, since it specializes in shipments in

[21] Though pickup and delivery is not performed by individual air carriers, the rates are published, and service is held out, in their names. In such cases, standard airline liability covers the ground portion as well as the air portion of the journey.

[22] Orders 70-3-160, 70-5-124, and 71-7-116 dated Mar. 31, 1970, May 26, 1970, and July 21, 1971, respectively. Nineteen carriers proposed to cancel pickup and delivery service for furs at New York and Newark; following suspension of their filing, the carriers filed a maximum declared-value provision on such traffic American proposed to add furs and fur trimmed clothing to the list of articles of extraordinary value, thereby removing such items from pickup and delivery service. Thereafter, Eastern similarly proposed to add clocks, watches, and watch parts to the list of articles of extraordinary value. In all these instances, the carriers did not assert that the airport-to-airport portion of the journey was the source of the problem, but rather that the surface portion of the trip had become costly due to an inordinate amount of thefts or hijackings.

[23] El Al and KLM.

[24] Preliminary analysis of data filed by the carriers in Docket 19923, Investigation of Air Freight Liability and Claim rules and practices, indicates that interline claims substantially exceed the 2 percent portion alleged by Flying Tiger.

[25] We estimate that the direct air carriers subject to the filing of Schedule A represent approximately 95 percent of the total domestic industry freight revenues, and that the indirect air carriers subject to such filing represent approximately 94 percent of the total combined domestic and international industry freight forwarded revenues.

[26] We understand that six carriers now report such revenue data under the ATA voluntary claim statistics program. The identity of the carriers has not been made public.

[27] See preceding footnote.

small packages, for which it charges on a per-package and per-pound basis, without reference to the commodity being transported.

We shall not modify this proposed requirement. While we are aware of the current lack of suitable freight statistics, we cannot delay receipt of these data pending the outcome of that proceeding.[28] The interim nature of the coding system we are adopting has been discussed, supra, p. 9. The data requested are significant and the procedure proposed is reasonable. If individual carriers believe that the costs involved in providing these data are outweighed by their value to the Board and the public, they may request waivers, submitting an appropriate factual basis to support their contentions.

MISCELLANEOUS MODIFICATIONS

We shall make the following miscellaneous modifications in the proposed rule, as requested by various parties:

1. We shall amend the following definitions:

(a) The term "actual shipper loss" will include customs duty paid.

(b) The term "shortage" will include "loss" so as to cover all missing traffic whether or not the cause is known. As such, the term "shortage" is the all-encompassing combination of loss due to "theft", "pilferage", "known theft", and any other causes.

(c) The terms "theft" and "pilferage" will be defined separately, instead of together, as they were in the notice. Thus, theft (except in a context which indicates a broader meaning) will relate to known stealing without force of a whole shipping unit, whereas pilferage will relate to known stealing without force of a partial shipping unit. Separate reporting of these items in Schedule A will accordingly be required.

2. We shall add a definition of the term "delay" to mean monetary loss resulting from lack of timely movement; it will include consequential or special damages but it will not include physical damage to the property.[29]

3. On Schedule A the breakout at the bottom of the report shall be modified to read: "Claims presented to direct air carrier by forwarder(s)" and "Claims presented by other than forwarders." The latter item will be footnoted to indicate that it applies only to reports of direct air carriers. The purpose of this change is to prevent duplicative reporting when a shipper files a claim with a forwarder and the forwarder in turn refiles such claim with the direct air carrier.[30]

4. In Schedule C, we shall delete the vertical columns (1), (2), and (3), captioned "shortage, theft, and pilferage," "concealed and visible damage," and "all others," respectively, as several parties requested. It appears that the benefits to be derived from such a breakdown would not warrant the time and effort necessary to produce the data. Data about claims processed in terms of total number of claims and total dollars claimed seem adequate for the purpose intended, i.e., a measure of the responsiveness of carriers to the legitimate claims of shippers.

5. Again with respect to Schedule C, we shall delete item 9b entitled "Insurance recovery," as requested by ATA, as well as related Item 13. The primary reason for deletion of this item is because carriers have such a variety of liability coverages and deductibles that it is nearly impossible to make meaningful comparisons between carriers. Moreover, there may be some merit to ATA's contention that insurance data would raise a question of confidentiality. The objective of this rule is to evaluate the cargo environment, not the management decision as to the distribution of claim costs.[31]

CONFIDENTIAL TREATMENT OF DATA SUBMITTED

Two air freight forwarders request confidential treatment of data to be submitted. Wings and Wheels states that it does not object to dissemination of data by class of carriers, i.e., all-cargo carriers, trunklines, etc., but that the Board should limit dissemination of information to industry-wide figures, rather than publicize individual company figures. Jet Air Freight adds that access to the reported information should be limited to authorized governmental agencies and not be given to the public at large.

Upon consideration of the comments filed, the Board has determined to provide for limited confidential treatment of individual carrier data on two items in Schedule A, namely, carrier revenue by commodity and total dollar amount of paid claims by commodity (columns (20) and (21) of Schedule A). As to the remaining data, we shall not provide in the rule for confidential treatment thereof. These data do not seem to be of such proprietary nature as would warrant their confidential treatment by category. Nor do we anticipate any serious competitive disadvantage in international transportation resulting from the fact that not all carriers would report claims data.[32] As a general principle, of course, public policy favors disclosure of all data filed with the Board unless there are compelling reasons for withholding. However, we are persuaded that, at least for purposes of the present reports, carrier revenue by commodity (column (21) of Schedule A) is an item which should not be disclosed generally. It should be noted that the purpose of column (21) of Schedule A is not to develop commodity revenue data, as such, but rather to determine the ratio of claim loss to revenue. Since unrestricted disclosure of commodity revenue might adversely affect an individual carrier in relation to its competitors, we will provide for confidential treatment of such information. Moreover, since we intend to make full disclosure of the ratio of paid claims to revenue by commodity with respect to an individual carrier, it is also necessary to provide limited confidential treatment to the total dollar amount of claims paid by commodity by the reporting carrier (column (20) of Schedule A). Otherwise, applying the disclosed ratio of claim loss-to-revenue to a disclosed dollar amount of claim loss would effectively reveal the total revenue by commodity. Accordingly, we shall provide for restricted access to columns (20) and (21) of Schedule A for a period of 12 months following the close of the calendar year to which such data are applicable. We shall not, however, restrict their use in formal Board proceedings. Information pertinent to a particular proceeding would therefore be made available to individual parties under such

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[28] The prehearing conference was held on December 7, 1971, and this case will entail a complex evidentiary hearing.

[29] Columns (16) and (17) in Schedule A will be called "Delay" instead of "Delay, Heat, Cold, Water, and Other," as in the notice, because we now believe that the reference to "heat, cold, water, and other" is largely duplicative, since these causes would normally be included under the columns for concealed or visible damage, as a form of physical damage, to the property. On the other hand, claims resulting from "delay" would not necessarily result in physical damage to the cargo.

[30] This also necessitates a change in § 239.6(d).

[31] We shall require Schedule D, "Summary of Freight Loss and Damage Claims Paid," as proposed in the notice, despite the objection of Flying Tiger. We estimate that the $3 million cut-off in the rule relating to Schedules A and C will eliminate from the requirement to file such schedules five of the nine local service carriers, and all but 20 of the freight forwarders. Also, the supplementals, commuter air carriers, and foreign route air carriers are excluded from the mandate of filing Schedules A and C. Thus Schedules B and D are the only ones required of all carriers subject to the part, and both these schedules are needed in order to have some measure of the total claims universe. Schedule D is especially needed as the only report containing segregated data on nonscheduled operations.

We have also made one minor change in the instructions as to when commodity entries may be omitted from Schedule A. The proposed rule (§ 239.5) provided that if no claims exist during a given reporting period with respect to one or more of the particular commodities, such entry or entries may be omitted. The final rule (§ 239.5, infra, p. 28) retains this instruction, but conditions it also upon the existence of no air and/or ground movement revenue accruing with respect to such commodity during the respective quarter.

[32] Footnote 18, supra, refers to TWA's request that data concerning international movements be accorded confidential treatment until all foreign air carriers have submitted similar data. According to TWA, if foreign-flag carriers are not required to report their claims and loss experience, such adverse publicity as will result from the release of the proposed reports would reflect only against U.S.-flag carriers. As noted above, Schedules A and C will not be required of foreign air carriers at this time. We shall deny TWA's request for confidential treatment of data reported in international movements. No showing has been made that U.S.-flag carriers would be adversely affected by release of the data in Schedules A and C (other than the two items in Schedule A as to which we are affording limited confidentiality), nor that their release would not otherwise be in the public interest. As to Schedules B and D, foreign air carriers must file these schedules at the same time that U.S. carriers are required to do so.

circumstances and controls as are deemed necessary in the particular proceeding involved. In the past, information obtained in formal Board proceedings has generally been made available to the public as part of the record of the proceeding, and this will continue to be the practice with respect to columns (20) and (21) of Schedule A. The Board may also disclose such data to agencies and other components of the U.S. government and may make other disclosure, upon the Board's own motion or upon application of any interested person, when the Board finds the public interest so requires. Finally, the Board will reserve the right, from time to time, to publish summary information compiled from these data in a form which would not identify individual carrier data.

For the above reasons, we have determined that individual carrier data with respect to columns (20) and (21) of Schedule A of CAB Form 239 should be withheld from public disclosure on a limited basis as set forth above, since unlimited disclosure thereof would adversely affect the interests of such persons and is not required in the interest of the public.

The Board finds it necessary to have the quarterly reports (Schedules A, B, and C), as well as the annual report (Schedule D), cover all relevant data from April 1, 1972, which is less than 30 days from the date of publication of this rule. However, since the first reports will not be due to be filed with the Board until July 31, 1972—i.e., 30 days after the calendar quarter which commences on April 1, 1972—we do not believe that affected parties will be substantially burdened by the requirement that such report must relate to data concerning the entire calendar quarter. For the above reasons, the Board finds that good cause exists for making the rule effective April 1, 1972, on which date the carriers must begin to maintain suitable records of data required to be covered by all reports to be filed hereunder.

In consideration of the foregoing, the Civil Aeronautics Board hereby adopts new Part 239 (14 CFR Part 239) effective April 1, 1972, as follows:

Sec.

239.1 Definitions.
239.2 Applicability of part and CAB Form 239 filing requirements.
239.3 Extension of filing time.
239.4 Certification.
239.5 List of commodity descriptions and codes for use in reporting on CAB Form 239.
239.6 Schedule A—Report of freight loss and damage claims paid.
239.7 Schedule B—Analysis of theft.
239.8 Schedule C—Analysis of claims processed.
239.9 Schedule D—Summary of freight loss and damage claims paid.
239.10 Retention of records.
239.11 No effect upon carrier's liability as a common carrier.
239.12 Public disclosure of certain items in Schedule A.

AUTHORITY: The provisions of this Part 239 issued under sections 204(a), 402, and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757, 766; 49 U.S.C. 1324, 1372 and 1377.

§ 239.1 Definitions.

As used in this part, unless the context otherwise requires—

"Actual shipper loss" means the total dollar amount on each claim actually suffered by claimant because of loss, damage, delay, etc., based on the invoice value (per pound, per unit, etc.) at destination, or origin invoice value plus freight charges, and including customs duty paid where such amounts are properly included in the measure of damages. For claims involving shipments where no invoices exist, such as personal effects and used household goods, the actual loss to the shipper shall be the negotiated settlement, or the amount claimed less reasonable depreciation based upon prior use and age, whichever is greater.

"Air movement" means airport to airport.

"Concealed damage" means physical damage to freight discovered after delivery of shipment to consignee in apparent good order without evidence of irregularity.

"Delay" means monetary loss resulting from the lack of timely movement. This includes, but is not limited to, consequential or special damages; it does not include physical damage to the property.

"Ground movement" means pickup and delivery, and/or connecting or joint motor carrier service pursuant to interline air-surface agreements.

"Operations, domestic" means traffic among the 50 States of the United States and the District of Columbia.

"Operations, international" means traffic among the 50 States of the United States and the District of Columbia, on the one hand, and all points outside the United States, on the other hand.

"Other" means damage not elsewhere classified.

"Pilferage" means all known stealing, without use of force or threat of force, of a partial freight shipping unit.

"Robbery" means all stealing, including hijacking, with use of force or threat of force.

"Shortage" means failure to deliver all or part of shipment to consignees for unknown reasons. It includes loss for unknown reasons.

"Theft" means all known stealing, without use of force or threat of force, of any whole shipping unit or units of freight (not necessarily a complete shipment).

"Visible damage" means physical damage to freight observable by consignee at time of delivery.

§ 239.2 Applicability of part and CAB Form 239 filing requirements.

(a) This part applies to all certificated route carriers and certificated supplemental air carriers, commuter air carriers under Part 298 of the Board's Economic Regulations (14 CFR Part 298), air freight forwarders and international air freight forwarders under Parts 296 or 297 of the Board's Economic Regulations, respectively (14 CFR Parts 296, 297), and foreign route air carriers engaged in scheduled air services.

(b) CAB Form 239 entitled "Report of Freight Loss and Damage Claims," consisting of the certification and the following schedules, shall be filed by some or all of the classes of carriers designated in paragraph (a) of this section in accordance with the filing frequency specified below:

	Filing frequency
(1) Certification	Quarterly.
(2) Schedule A — Report of freight loss and damage claims paid	Quarterly.
(3) Schedule B — Analysis of theft	Quarterly.
(4) Schedule C — Analysis of claims processed	Quarterly.
(5) Schedule D — Summary of freight loss and damage claims paid	Annually.

(c) Schedules A and C shall be filed by each certificated route air carrier whose annual scheduled gross air freight revenues exceed three million dollars ($3,000,000) for the year ending on the close of the calendar quarter preceding the quarter covered by the report; and by each air freight forwarder or international air freight forwarder whose total annual air forwarding revenues exceed $3 million for the same period described above.

(d) Schedules B and D shall be filed by all certificated route air carriers, certificated supplemental air carriers, commuter air carriers, air freight forwarders and international air freight forwarders and foreign route air carriers.[38]

(e) The report shall be filed in duplicate (except that Schedule A shall be filed in triplicate) and addressed to the Civil Aeronautics Board, Washington, D.C. 20428, Attention: Bureau of Accounts and Statistics. It shall be filed so as to be received by the Civil Aeronautics Board within 30 days after the termination of each reporting period.

(f) Dollar amounts reported on all schedules of CAB Form 239[38] shall be rounded to the nearest whole number of U.S. dollars, omitting cents.

§ 239.3 Extension of filing time.

If circumstances prevent the filing of a report within the prescribed time limit, consideration will be given to the granting of an extension upon receipt of a written request therefor. Such a request must give good and sufficient reason to justify granting the extension, must set forth the date when the report can be filed, and be submitted sufficiently in advance of the due date to permit ample time for consideration and communication to the air carrier of the action taken. Except in cases of emergency, no such request will be entertained which is not received in sufficient time to enable the Board to pass thereon before the prescribed due date. If a request is denied, the air carrier remains subject

[38] Only foreign route air carriers serving the United States are required to file Schedules B and D of CAB Form 239 (filed as part of the original document). Data called for in such reports shall relate only to freight traffic from and/or to the United States and claims relating thereto.

to the filing requirements to the same extent as if no request for extension of time had been made.

§ 239.4 Certification.

The certificate of an officer of the reporting carrier shall be executed in duplicate, and shall accompany each Form 239 filed with the Board. This certificate is the cover sheet of Form 239 and applies to all schedules and documents filed therewith.

§ 239.5 List of commodity descriptions and codes for use in reporting on CAB Form 239.

The list of commodity descriptions in Appendix A below shall be used in reporting on CAB Form 239. In the event that no claims exist and if no revenue is accrued during a given reporting period with respect to one or more of the particular commodities on the air or ground movement thereof, such commodity entry or entries may be omitted.

§ 239.6 Schedule A—Report of freight loss and damage claims paid.

(a) This schedule shall be prepared for each quarter ending March 31, June 30, September 30, and December 31 of each calendar year.

(b) The data reported on this schedule shall relate to scheduled service only. For the purposes of this schedule, forwarders shall be considered scheduled carriers regardless of underlying transportation.

(c) Separate reports of this schedule shall be filed for domestic and international operations. Check the appropriate box provided on the form.

(d) Freight forwarders should report the details of only those claims made by their customers against the forwarder, and only a subtotal covering claims made by the forwarder against the direct air carriers. The total of claims against a forwarder which were in turn asserted against a direct carrier should be shown as claims presented to direct air carriers by the forwarder.

(e) Direct air carrier interline traffic and claim data—Each direct air carrier participating in an interline movement and sharing in the settlement shall separately report as to its own dollar portion of interline claims. For purposes of the "Number" columns in Schedule A, each interline carrier participating and sharing in the claim settlement shall count each claim on a percentage basis, as follows:

	Number of carriers participating in settlement			
	2	3	4	5
Claim-paying carrier	0.50	0.34	0.25	0.20
2d carrier	.50	.33	.25	.20
3d carrier		.33	.25	.20
4th carrier			.25	.20
5th carrier				.20

Note that if carrier A, for example, participated in an interline movement with carrier B, but carrier B bore the entire claim settlement, only carrier B would report the amount paid, as "1" claim.

(f) Columns (1) and (2)—Show each commodity for which loss and damage claims were paid during the reporting quarter. Use the commodity codes and descriptions provided for in appendix A below.

(g) Column (3)—For each commodity listed in column (2), show separately the amounts paid for claims relating to shipments while moving by air and while moving on the ground by inserting the letters "A" and "G", respectively, and "T" representing the total of these two modes.

(h) Columns (4) through (17)—For each line reported in column (3), show the number of claims paid and related whole-dollar amounts broken down among the various causal reasons which resulted in the payments.

(i) Column (18)—For each commodity reported in column (2), show the whole-dollar amounts of the actual losses incurred by the shipper.

(j) Columns (19) and (20)—For each line listed in column (3) show in column (19) the total number of claims paid reported in columns (4), (6), (8), (10), (12), (14), and (16), and in column (20) show the total whole-dollar amounts reported in columns (5), (7), (9), (11), (13), (15), and (17).

(k) Column (21)—For each line reported in column (3), show the gross revenue received during the reporting quarter.

(l) Following the last entry made on this schedule, show the grand totals for each of columns (4) through (21). Also, immediately below the grand totals, insert data for the two lines reading: "Claims presented to direct air carrier by forwarder(s)" and "Claims presented by other than forwarders." The second of these two lines will apply only to a report of a direct air carrier. Complete columns (4) through (21) for each of these lines, as applicable.

§ 239.7 Schedule B—Analysis of theft.

(a) This schedule shall be prepared for the quarters ending March 31, June 30, September 30, and December 31 of each calendar year.

(b) Separate reports of this schedule shall be filed for domestic and international operations. Check the appropriate box provided on the form.

(c) Columns (1) and (2)—List individually by commodity each claim payment during the reporting period in the amount of $100 or more as the result of theft. Use the commodity code numbers provided in Appendix A, but the commodity descriptions inserted should be the actual descriptions shown on the airbill or airwaybill.

(d) Columns (3), (4), and (5)—For each claim reported in column (2), show the dollar amounts borne by the reporting carrier which are attributable to "Theft," "Pilferage" and "Robbery."

(e) Column (6)—Identify the airport where the theft occurred using the three-letter airport codes shown in the Official Airline Guide. If the airport is not known, allocate claim amount in same proportion as used to allocate to other airports involved in the transportation of the shipment. For example, if Los Angeles and Philadelphia alone were involved, a single commodity entry would show 50 percent of the claim against each—

$_____ LAX.
$_____ PHL.

§ 239.8 Schedule C—Analysis of claims processed.

(a) This schedule shall be prepared for the quarters ending March 31, June 30, September 30, and December 31 of each calendar year.

(b) The data reported on this schedule shall relate to scheduled service only. For the purposes of this schedule, forwarders shall be considered scheduled carriers regardless of underlying transportation.

(c) Separate reports of this schedule shall be filed for domestic and international operations. Check the appropriate box provided on the form.

(d) Items 1, 2, and 3—The carrier receiving the claim shall show, respectively, the number and dollar amount of claims on hand at the beginning of the reporting quarter, the number of claims received during the quarter and the total number of claims to be processed during the reporting quarter; the number of claims shall be reported in column (a) and the dollar value of these claims shall be reported in column (b).

(e) Item 4(a)—Show the number and dollar amounts of claims paid during the reporting quarter.

(f) Item 4(b)—Show the number and dollar amounts of all claims denied or otherwise closed during the reporting quarter, distributed according to the reasons specified for denial (Items 4(b), 1–4).

(g) Item 5—Amounts reported should be carried forward as Item 1 in the next quarterly report; any differences should be explained in detail under "Remarks."

(h) Items 6 through 11—Self-explanatory.

(i) Item 12—Show the gross scheduled air freight revenue received during the reporting quarter. For certificated route air carriers this figure should agree with the amounts reported separately for domestic and international operations in account 3906 on Schedules P–1.1 or P–1.2 of CAB Form 41; for air freight forwarders and international air freight forwarders this figure refers to amounts reported separately for domestic and overseas/foreign operations in Item 4 on Schedule P of CAB Form 244. (However, Schedule P of CAB Form 244 calls for a semi-annual report whereas the subject item is reported quarterly.)

(j) Item 13—Show as a percentage carried to two decimal places.

§ 239.9 Schedule D—Summary of freight loss and damage claims paid.

(a) This schedule shall be prepared for each calendar year as of December 31.

(b) Data reported on this schedule shall separately cover domestic and international scheduled and nonscheduled

operations, but shall exclude military contract operations.

(c) For the purposes of this schedule, forwarders shall be considered scheduled carriers regardless of underlying transportation.

(d) Freight forwarders should report only those claims made by their customers against the forwarder, not claims by the forwarder against the direct air carriers.

§ 239.10 Retention of records.

The carrier which concludes disposition of the claim shall maintain a complete file of papers and correspondence relating to each claim. As a minimum, this file shall contain the following: copy of the original claim, a copy of the inspection report, if any, a copy of any and all correspondence distributing or reducing the liability arising from the claim, any and all correspondence subrogating the claim to another carrier or organization or party in the normal course of business. Should any of the above records not be maintained by the carrier upon his premises, the carrier's records shall contain an acknowledgement from the party retaining said records that the papers are in its possession and are available for inspection as if the record were retained by the carrier. Upon disposition of the claim, the complete file shall be maintained in accordance with Part 249 of the Board's regulations in this chapter.

§ 239.11 No effect upon carrier's liability as a common carrier.

Nothing in this part shall in any way diminish, reduce, abrogate or transfer any obligations, responsibilities, or liabilities incurred by the carrier in the course of business as a common carrier in air transportation.

§ 239.12 Public disclosure of certain items in Schedule A.

(a) Data submitted by air carriers to the Board in item (20)—dollar amounts of claims paid by commodity—and item (21)—dollar amounts of revenue by commodity—of Schedule A (Report of Freight Loss and Damage Claims Paid) of CAB Form 239 (Report of Freight Loss and Damage Claims) and in tabulations prepared by the CAB from such data shall not be disclosed prior to 12 months following the close of the calendar year to which the data relate, except as follows:

(1) To parties to any proceeding before the Board, to the extent that such data are determined to be relevant and material to the issues in the proceeding by the hearing examiner assigned to the case or by the Board. Any data to which access is granted pursuant to this section may be introduced into evidence, subject to the normal rules of admissibility of evidence.

(2) To agencies and other components of the U.S. government.

(b) The Board will make other disclosure of the subject data, upon its own motion or upon application of any interested person, when the Board finds the public interest so requires. The Board may, from time to time, publish summary information compiled from the data in items (20) and (21) above, in a form which would not identify individual carrier data.

NOTE: The reporting requirements herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

APPENDIX A

CAB code	*Commodity desription*
1	Aircraft, engines, parts.
2	Animals, live.
3	Art works, collectors items.
4	Auto parts and accessories.
5	Autos, bikes, farm machinery.
6	Baby poultry.
7	Baggage and personal effects.
8	Chemicals, elements, compounds.
9	Cosmetics, toiletries, perfumes.
10	Cut flowers, nursery stock, horticulture.
11	Display equipment, signs, advertising.
12	Eggs, hatching.
13	Electronic/electric equipment and parts including appliances.
14	Engines, combustion.
15	Fish—edible (except lobsters).
16	Fish—live—inedible.
17	Food preparations, miscellaneous bakery products.
18	Footware.
19	Fruits and vegetables.
20	Furniture, new.
21	Fur skins and pelts.
22	Glassware, ceramics, pottery.
23	Household goods (used).
24	Human remains.
25	Instruments, controlling, measuring, medical, optical.
26	Jewelry, gold, silver coins.
27	Leather products.
28	Lighting fixtures and fittings.
29	Lobsters.
30	Machinery and parts—[34] NES.
31	Machines, electronic data, storage/processing.
32	Machines, office—[34] NES.
33	Meat, fresh, chilled or frozen.
34	Metal products—[34] NES.
35	Medicines, pharmaceuticals, drugs.
36	Military stores and supplies.
37	Musical instruments.
38	Pigments, paints, varnishes.
39	Phonograph records, tapes, TV, radio, recorders.
40	Photographic equipment, parts and film.
41	Plastic materials and articles.
42	Printed matter.
43	Sporting goods, toys, games.
44	Textiles, carpeting.
45	Tools and hardware.
46	Tubes, electronic/X-ray.
47	Watches, clocks and parts.
48	Wearing apparel [34] NES (except fur or fur trimmed).
49	Wearing apparel (fur or fur trimmed).
50	Wigs and human hair products.
51	Mixed shipments.
52	All other miscellaneous.

[FR Doc.72-4471 Filed 3-22-72;8:51 am]

[34] NES—Not elsewhere specified.

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER E—REGULATIONS UNDER THE NATURAL GAS ACT

[Opinion 607-A, Docket No. AR67-1 etc.]

PART 154—RATE SCHEDULES AND TARIFFS

Just and Reasonable Rates for Natural Gas Produced in the Other Southwest Area

On January 17, 1972, the Commission issued Opinion No. 607-A, which, among other things, amended § 154.109a by adding a new subparagraph (4) at the end of paragraph (c) of § 154.109a, of the regulations under the Natural Gas Act, relating to the pricing of natural gas produced in the Other Southwest Area.

In the opinion, the Commission directed the Secretary to cause prompt publication to be made in the FEDERAL REGISTER of the findings and ordering paragraphs and a notice of availability of the entire opinion. Pursuant thereto, the findings and ordering paragraphs are set out below.

Excerpts from Federal Power Commission Opinion No. 607-A, Area Rate Proceeding, et al. (Other Southwest Area), FPC Docket No. AR67-1 et al., 47 FPC ____, issued January 17, 1972:

The Commission finds:

(1) The arguments, assignments of error, and grounds for rehearing set forth in the applications for rehearing or for special exemption or motions which would affect the result in Opinion No. 607 and its accompanying order present no facts or legal principles which would warrant any change in or modification of the Commission's Opinion No. 607 and its accompanying order except as specified below.

(2) In view of all the facts and circumstances in this case, the Commission's action herein is consistent with the Economic Stabilization Act of 1970, as amended, and regulations existing thereunder.

Acting pursuant to sections 4, 5, and 16 of the Natural Gas Act (52 Stat. 822, as amended, 823, 830, 15 U.S.C. 717c, 717d, 717o) and sections 553, 556, and 557 of title 5 of the United States Code (the Administrative Procedure Act, 60 Stat. 238, 239, 241, 242, as codified September 6, 1966, by 80 Stat. 383, 384, 386, 387), the Commission orders:

(A) Part 154 of the Commission's Regulations under the Natural Gas Act, Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations (18 CFR Part 154) is amended by adding a new subparagraph (4) at the end of paragraph (c) of § 154.109a, which new subparagraph reads as follows:

(c) * * *

(4) Notwithstanding the provisions of subparagraphs (1), (2), and (3) of this paragraph, the base area rates for gas produced on or after November 1, 1969, from a new reservoir on previously committed acreage shall be determined by utilizing the date of discovery of such reservoir in lieu of the contract date.

(B) Ordering paragraph (B) of Opinion No. 607 is amended by the addition of a new subparagraph (5), which subparagraph reads as follows:

(5) Notwithstanding the provisions of subparagraphs (1), (2), and (3) of this paragraph, the base area rates for gas produced on or after November 1, 1969, from a new reservoir on previously committed acreage shall be determined by utilizing the date of discovery of such reservoir in lieu of the contract date.

(C) The date of discovery of new reservoirs, whether the gas be casinghead or gas-well gas, shall be established in the manner provided in § 2.56(f)(2) of the Commission's rules of practice and procedure.

(D) Ordering paragraph (C) of Opinion No. 607 is amended by adding the following: "Or the rate established by a settlement approved by final order of the Commission still in full force and effect and governing the actions of all parties thereto."

(E) *Discharge of refund obligations by additional dedications.* Each producer who so elects may discharge its refund obligation in this proceeding through credits for dedication to sale to interstate pipelines, after the date of issuance of this order and prior to January 1, 1976, of gas reserves in the Other Southwest Area in addition to those already dedicated to interstate commerce on the effective date of this order. New reservoirs discovered after the date of issuance of this order on acreage committed by a contract for sale to an interstate pipeline shall be considered to be new dedications for the purpose of this paragraph. The amount of the credit shall be 1 cent for each Mcf so dedicated: *Provided,* That, except in case of a bona fide and rejected offer of new dedications as hereinafter set forth, not more than 50 percent of the refund obligation owed any one buyer may be discharged by new dedications to another buyer or buyers in amounts greater than necessary to discharge seller's existing refund obligation, if any, to such other buyer. New dedications, to the extent greater than necessary to discharge an existing refund obligation to the buyer, shall be used to reduce the producer's remaining refund obligations to all other buyers as to each in proportion that the obligation owed to each bears to the remaining total refund obligation of such producer, except that, if a buyer to whom a refund is owing by a producer rejects a bona fide written offer of new dedications from the producer, the producer may, if it dedicates the offered reserves to sale to another interstate pipeline, credit against its obligation to the prospective buyer which first rejected the offer any unused credit over and above that which can be used to reduce the producer's refund obligation to the actual buyer. In no event shall the producer's total refund obligations be reduced by more than 1 cent per Mcf of new dedications. If a producer's refund obligation has not been completely discharged by January 1, 1976, such producer shall be obligated to refund in cash plus 7 percent interest from the date of refund report, the outstanding refund obligation (including interest to the date of refund report).

(F) The first sentence of ordering paragraph (G) of the order accompanying Opinion 607 is amended to read as follows: "Each respondent, who does not elect to discharge its refund obligation (including interest) in the manner set forth in ordering paragraph (E) of the order accompanying Opinion No. 607–A, shall retain the amounts shown in the report required under ordering paragraph (E) hereof subject to further order of the Commission directing the disposition of those amounts."

(G) Section 154.109(a)(2)(vi) of the Commission's Regulations under the Natural Gas Act, as established in ordering paragraph (A) of the order accompanying Opinion No. 607 is amended to read as follows:

(vi) *Delivery pressure.* The gas shall be delivered at a pressure sufficient to enter the buyer's pipeline, except that when the natural flowing pressure of seller's wells declines to, or below, the level sufficient for such delivery nothing herein shall require seller to deliver gas at a pressure higher than specified by contract.

(H) Section 154.109a(c) of the Commission's regulations under the Natural Gas Act, as established in ordering paragraph (A) of the order accompanying Opinion No. 607, is amended by adding a new subparagraph (4) which reads: "(4) The applicable area rate shall be adjusted upward or downward to reflect, from the time of the change, 87.5 percent of any change in State or Federal production, severance, gathering or similar taxes effective on or after October 29, 1971."

(I) Ordering paragraph B subparagraph (4) of the order accompanying Opinion No. 607 is amended by adding "and to upward or downward adjustment to reflect, from the time of the change, 87.5 percent of any change in State or Federal production, severance, gathering or similar taxes effective on or after October 29, 1971."

(J) Where changes in the B.t.u. content of particular gas occur after the filing of a rate applicable to that gas pursuant to the orders now and previously issued in this proceeding, any B.t.u. adjustment to the applicable rate made pursuant to the terms of said orders may be computed and collected without further rate change filings: *Provided,* That their currently proper B.t.u. content rate adjustment shall be reflected in any later rate filing made with the Commission.

(K) The time for filing all refund reports and quality statements required in this proceeding is extended to April 1, 1972.

(L) Except as heretofore provided, all requests in the applications for rehearing, or for special exemption or motions which would affect the result in Opinion No. 607 and its accompanying order are denied.

(M) This opinion and order is subject to our Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91–379, 84 Stat. 799, as amended by Public Law 92–15, 85 Stat. 38), and Executive Order No. 11615, including such amendments as the Commission may require.

(N) This order shall constitute the certification of consistency with the purposes of the Economic Stabilization Act of 1970, as amended, as required by § 300.016(b) of Chapter III, Title 6 of the Code of Federal Regulations.

(O) The Secretary shall cause prompt publication of the findings and ordering paragraphs, together with notice of the availability of this entire Opinion, to be made in the FEDERAL REGISTER.

Copies of the complete text of Opinion No. 607–A may be obtained in person from the Office of Public Information of the Federal Power Commission, or by written request addressed to the Secretary, Federal Power Commission, 441 G Street NW., Washington, DC 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-4408 Filed 3-22-72;8:46 am]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.655]

PART 63—EXCHANGE-VISITOR PROGRAM

The exchange-visitor regulations are revised to codify present practices, amend certain restrictions, and provide procedure for additional bases for waiver requests. Accordingly, Part 63 of Title 22 of the Code of Federal Regulations is revised to read as follows:

Subpart A—General

Sec.
63.1 Definitions.
63.2 Types of participants.

Subpart B—Exchange-Visitor Programs

63.11 Application for Exchange-Visitor Program designation.
63.12 Sponsor obligations.
63.13 Duties of Responsible Officer.
63.14 Action on applications for Exchange-Visitor Program designation.
63.15 Assignment of serial number.
63.16 Revocation of designation.

Subpart C—Exchange Visitors

63.21 Notification to Exchange Visitors; summary of instruction to apply for J visas and entries.
63.22 Applications for change or adjustment of status to or from Exchange Visitor, for extensions, and for program transfers.
63.23 General limitations of stay.
63.24 Prohibition of employment not related to program; exception for students in certain circumstances; possible exception for immediate family.

Subpart D—Waiver Procedures in Certain Cases

Sec.

63.31 Requests for waivers of the home-country physical presence requirement of the Immigration and Nationality Act, as amended.

63.32 Action by the Secretary on requests for waivers.

AUTHORITY: The provisions of this Part 63 issued under sec. 4, 63 Stat. 111; secs. 102, 109(a)(b)(d), 75 Stat. 527, 534, 535; secs. 101(a)(15)(J), 104(a), 212(e), 66 Stat. 166, 174, 182, 184; sec. 2, 84 Stat. 116, 117 (22 U.S.C. 2658, 2452; 8 U.S.C. 1101(a)(15)(J), 1104(a), 1182(e), 1258)

Subpart A—General

§ 63.1 Definitions.

The following definitions shall be applicable to this part:

"Act" means the Mutual Educational and Cultural Exchange Act of 1961, as amended;

"Country of his nationality or his last residence" means either the country of which the exchange visitor was a national at the time he acquired status as an exchange visitor or the last foreign country in which he had permanent or legal residence before he acquired status as an exchange visitor;

"Department" means the Department of State of the United States of America;

"Exchange Visitor" means a "participant" and his "immediate family" as defined in this section;

"Exchange-Visitor Program" means a program of a sponsor designed to promote interchange of persons, knowledge and skills, and the interchange of developments in the field of education, the arts and sciences, and concerned with one or more categories of "participants" as defined in this section, which has been designated as such by the Secretary of State, to promote mutual understanding between the people of the United States and the people of other countries;

"Financed directly" means financed in whole or in part by the U.S. Government or the government of the participant's nationality or last residence with funds contributed directly to the alien or for his use in connection with his participation in an Exchange-Visitor Program;

"Financed indirectly" means (a) financed by an international organization, with funds contributed by either the United States or the participant's government for use in financing such exchanges, or (b) financed by an organization or institution, with funds made available by either government for the specific purpose of furthering such international exchange;

"Home-country physical presence requirement" means the requirement that a participant who is within the purview of section 212(e) of the Immigration and Nationality Act, as amended by section 2 of the Act of April 7, 1970, Public Law 91-225 (84 Stat. 116, 117), substantially quoted in § 63.31(a), must reside and be physically present in the country of his nationality or his last residence for an aggregate of at least 2 years following departure from the United States before he is eligible to apply for an immigrant visa or for permanent residence, or for a nonimmigrant H visa as a temporary worker or trainee, or for a nonimmigrant L visa as an intracompany transferee, or for a nonimmigrant H or L visa as the spouse or minor child of a person who is a temporary worker or trainee or an intracompany transferee.

"Immediate family" means the alien spouse and minor unmarried children of a participant who are accompanying or following to join him, and who are seeking to enter or have entered the United States temporarily on a J-2 visa or are seeking to acquire or have acquired such status after admission;

"Participant" means any foreign national who has been selected by a sponsor to participate in an Exchange-Visitor Program and who is seeking to enter or has entered the United States temporarily on a J-1 visa, or who is seeking to acquire or has acquired such status after admission, including, but not limited to the categories listed in § 63.2;

"Participant's government" means the government of the country of his nationality or his last residence;

"Person with required knowledge or skill" means a participant who has specialized or expects to specialize in a field of knowledge or skill which is clearly required by the country of his nationality or last residence, as designated by the Secretary in a separate schedule;

"Responsible Officer" means the official of an organization sponsoring an Exchange-Visitor Program who has been listed with the Department as being responsible for administering the program and carrying out the obligations which the organization assumes in undertaking to sponsor a program (see § 63.13). The designation of an alternate Responsible Officer is permitted and encouraged;

"Secretary" means either the Secretary of State of the United States of America or an officer duly designated by him;

"Sponsor" means any reputable U.S. agency or organization or recognized international agency or organization having U.S. membership and offices which makes application as hereinafter prescribed to the Secretary for designation of a program under its sponsorship as an Exchange-Visitor Program and whose application is approved.

§ 63.2 Types of participants.

Participants include, but are not limited to, the following types:

(a) A "student," for the purpose of pursuing formal courses, or any combination of courses, research, or teaching, leading to a recognized degree or certificate, in an established school or institution of learning; or

(b) A "trainee," for the purpose of obtaining practical training in a specialized field of knowledge and skill. An exchange visitor is considered a trainee (1) when he pursues a training program after receipt of a degree or recognized certificate from a U.S. educational institution, or (2) when he enters the United States initially for the purpose of training at a business or industrial institution; or

(c) A "teacher," for the purpose of teaching in established primary or secondary schools, or established schools offering specialized instruction; or

(d) A "professor," for the purpose of teaching or conducting advanced research, or both, in an established institution of higher learning; or

(e) A "research scholar" or "specialist," for the purpose of undertaking or participating in research; or

(f) An "international visitor," for the purpose of travel, observation, consultation, research, training, sharing, or demonstrating specialized knowledge or skills, or participating in organized people-to-people programs; or

(g) A "professional trainee," for the purpose of pursuing clinical training in the medical and allied fields.

Subpart B—Exchange-Visitor Programs

§ 63.11 Application for Exchange-Visitor Program designation.

Any intending sponsor may apply to the Secretary for designation of a program under its sponsorship as an Exchange-Visitor Program. Such application shall be made on Form DSP-37 "Exchange-Visitor Program Application." The application shall be completed in all details and shall be submitted to the Secretary with required supporting documentation. The officer who signs the application thereby indicates he will assume the duties of the responsible officer for administering its program if it is designated. Official correspondence concerning a designated program will be conducted only between the Department and the responsible officer or his alternate.

§ 63.12 Sponsor obligations.

Each sponsor shall assume in the application the obligation to:

(a) Notify the District Director of the Immigration and Naturalization Service having administrative jurisdiction over a participant's place of temporary residence if the sponsor terminates an alien's participation in the Exchange-Visitor Program or when a participant: (1) Remains in the United States beyond the period of stay authorized by the Immigration and Naturalization Service as shown on the alien's Form I-94, or (2) has ceased to maintain exchange-visitor status, or (3) has completed the activity and objective for which he entered the United States and is due to depart;

(b) Provide guidance to participants to enable them to complete the objective for which they sought entry into the United States and to return abroad in accordance with the general limits of stay contained in § 63.23;

(c) Instruct any participant requiring a temporary extension of stay to apply to the Immigration and Naturalization Service between 15 and 30 days before the expiration of the participant's stay and provide the participant requiring the extension with a fully completed Form DSP-66 showing the period and terms of the extension desired;

(d) Sign Part III of Form DSP-66 after Part I has been completed by the

responsible officer of the program to which an exchange visitor wishes to transfer if further participation under another Exchange-Visitor Program is considered necessary or desirable to enable the visitor to realize his stated objective;

(e) Submit an annual report to the Department which should cover the operations of its program for the 12-month period ending June 30 and which must be submitted to the Department within 30 days of that date. (The report should show the number of participants sponsored by the organization during the reporting period, broken down by authorized activities, and such other information as may be required by the Department.)

(f) Discharge such other obligations as the Department may inform the sponsor are required in the administration of his particular program.

§ 63.13 Duties of responsible officer.

It is the duty of the responsible officer to:

(a) Conduct all correspondence relating to his program with the Department, the Immigration and Naturalization Service or American consular officers. (Reference to the organization's Exchange-Visitor Program by its assigned serial number should always be made in such correspondence as required by § 63.15);

(b) Advise and assist all participants in his program or programs in their relations with the Department, the Immigration and Naturalization Service or American consular officers;

(c) Execute, sign and control the issuance of Form DSP–66 in accordance with instructions of the Department;

(d) Certify that the activity in which the exchange visitor will engage is one which is authorized under the terms of the official description of his program;

(e) Upon receiving a Form DSP–66, where Part I is completed by another sponsor to whose Exchange-Visitor Program the exchange visitor is transferring, complete Part III when his transfer to the other Exchange-Visitor Program is considered to be clearly within the objective for which the alien sought entry into the United States;

(f) Advise any exchange visitor whose program will extend beyond his authorized stay and/or who desires a transfer to another Exchange-Visitor Program as described in § 63.22 (b) and (c), that he must apply to the Immigration and Naturalization Service for permission, presenting to that Service a newly completed and executed Form DSP–66 for the accomplishment of his intentions, and the temporary entry permit Form I–94 (Arrival-Departure Record) inserted in his passport by that Service;

(g) Notify the District Director of the Immigration and Naturalization Service in accordance with paragraph (a) of § 63.12 if the sponsor terminates an alien's participation in the Exchange-Visitor Program or when a participant: (1) Remains in the United States beyond the period of stay authorized by the Immigration and Naturalization Service as shown on the alien's Form I–94; (2) has ceased to maintain exchange-visitor status (including the circumstances involved); or (3) has completed the activity and objective for which he entered the United States and is due to depart. The notification should include the alien's full name, date and place of birth, and, if known, the date and port of departure, identity of the transportation medium, and his alien registration number;

(h) Submit requests for supplies of Form DSP–66 to the Department and control supplies forwarded (requests from persons other than the Responsible Officer or his alternate will not be honored);

(i) Inform the Department when the Responsible Officer or the alternate listed in the Department's records will no longer act in this capacity and supply the name and title of the official who will henceforth assume such responsibility;

(j) Inform all interested personnel of his organization concerning its sponsorship of an Exchange-Visitor Program, with particular reference to the functions of the Responsible Officer;

(k) Inform the Department when the organization wishes to discontinue sponsorship of an Exchange-Visitor Program or when it wishes to amend its description;

(l) Prepare and submit the required annual report as described in paragraph (e) of § 63.12;

(m) Respond to requests from the Department and/or the Immigration and Naturalization Service for the views of the sponsor with regard to applications involving waivers of the 2-year home-country physical presence requirement for exchange visitors who are or were sponsored by his institution.

§ 63.14 Action on applications for Exchange-Visitor Program Designation.

(a) An application for program designation on Form DSP–37 submitted to the Secretary shall be examined to ascertain the adequacy of the information furnished. If sufficient information has not been furnished, the intending sponsor shall be requested to supply information in which the application is deficient. In addition to the information furnished on Form DSP–37, the Secretary may require an intending sponsor to present any evidence of a documentary nature, such as program reports, institutional catalogues, letters of recognition, accreditation, certification or approval, which he may consider necessary in making his determination of the eligibility of the program to be designated as an Exchange-Visitor Program.

(b) Upon receipt and consideration of the Form DSP–37, including any required additional evidence, the Secretary may in his discretion designate the sponsor's program as an Exchange-Visitor Program. The Secretary will notify the sponsor in writing of his decision. Any designation by the Secretary of an Exchange-Visitor Program other than a program sponsored by the Department's Bureau of Educational and Cultural Affairs will not obligate the Secretary or the Department of State in any way with respect to the financial operation of the program or imply any financial responsibility by the Secretary or the Department for participants in such a program.

§ 63.15 Assignment of serial number.

(a) If designation is made, the program will be assigned a number within one of the following series:

G–I—Programs sponsored by the Bureau of Educational and Cultural Affairs, Department of State.

G–II—Programs sponsored by the Agency for International Development.

G–III—Programs sponsored by the U.S. Information Agency.

G–IV—Programs sponsored by international agencies or organizations in which the U.S. Government participates.

G–V—Programs sponsored by other national, State, or local governmental agencies.

P–I—Programs sponsored by educational institutions such as schools, colleges, universities, seminaries, libraries, museums, and institutions devoted to scientific and technological research.

P–II—Programs sponsored by hospitals and related institutions.

P–III—Programs sponsored by nonprofit associations, foundations, and institutes.

P–IV—Programs sponsored by business and industrial concerns.

(b) The sponsor will thereafter refer to the assigned serial number in any correspondence with the Secretary, consular officers, or the Immigration and Naturalization Service concerning its Exchange-Visitor Program or any participant in such program.

§ 63.16 Revocation of designation.

The Secretary may in his discretion revoke the designation of any Exchange-Visitor Program for any sufficient cause, including, but not limited to:

(a) Failure to maintain educational or training standards as established by competent professional agencies;

(b) Failure to submit complete and accurate reports on program operations when requested by the Secretary;

(c) Misuse of the Exchange-Visitor Program.

Subpart C—Exchange Visitors

§ 63.21 Notification to Exchange Visitors; summary of instruction to apply for J visas and entries.

(a) The Responsible Officer or alternate shall execute a Form DSP–66, "Certificate of Eligibility for Exchange-Visitor (J–1) Status", and furnish it in a single original copy to each selected participant for presentation to the American consular officer abroad in applying for a J–1 visa. The Responsible Officer or alternate is required to furnish in the Form DSP–66 the time and terms of the proposed exchange visit which must be demonstrably within the activities contained in the duly authorized description of the Exchange-Visitor Program concerned. The Responsible Officer or alternate should also instruct the alien to read and complete the participant's

Certificate which is printed on the back of Form DSP–66 prior to presentation to a consular officer (or immigration officer, if exempt from visa requirements) and to sign and date it upon presentation to the officer.

(b) The Form DSP–66 which was presented to the consular officer for a visa will be returned to the participant, and, upon arrival at a U.S. port of entry, the participant must present and relinquish it to the examining immigration inspector of the Immigration and Naturalization Service.

(c) Members of the participant's immediate family accompanying him may apply for J–2 visas and entry into the United States on the basis of the Form DSP–66 issued to the participant. If members of the immediate family are following to join the participant, they must present to the American consular officer (unless exempt from visa requirements) and to the examining immigration inspector of the Immigration and Naturalization Service at the port of entry in the United States, a copy of the current Form DSP–66 issued to the participant, which has been prepared and authenticated by the Responsible Officer or alternate to show that the participant is currently sponsored under the respective Exchange-Visitor Program and to show the participant's authorized period of stay.

§ 63.22 Applications for change or adjustment of status to or from Exchange Visitor, for extensions, and for program transfers.

(a) *Change of status to Exchange Visitor.* An application for change of status to Exchange Visitor shall be made by the prospective exchange visitor who has been admitted into the United States as a nonimmigrant and is eligible for change of status in accordance with the provisions of section 248 of the Immigration and Nationality Act, as amended, to the office of the Immigration and Naturalization Service having administrative jurisdiction over his place of temporary residence. Such application must be accompanied by Form DSP–66 properly executed by the sponsor and the intending participant. Upon request of the Immigration and Naturalization Service officer to whom such application is made, the Department will furnish its views in any case in which the officer (1) cannot determine from the evidence submitted that the program proposed for the participant is clearly within the scope of the designation of the Exchange-Visitor Program concerned, or (2) has doubt, considering among other factors the applicant's length of stay and previous activities in the United States, as to whether the best interests of the international educational and cultural exchange program would be served by this change of status. The application of the immediate family, if not made on the same occasion as the participant's, must be accompanied by a copy of the Form DSP–66 issued to the participant, authenticated by the responsible officer for the Exchange-Visitor Program or by his alternate whose name has been recorded with the Department, to show that the participant is still under that program and to show the authorized period of stay of the participant.

(b) *Extension of stay.* (1) Application for extension of stay shall be made between 15 and 30 days before the expiration of the exchange visitor's authorized stay to the District Director of the Immigration and Naturalization Service having administrative jurisdiction over his place of temporary residence. The authorized period of stay is noted on Form I–94 (Arrival-Departure Record) inserted in the exchange visitor's passport by the Immigration and Naturalization Service.

(2) A participant applying for an extension of stay shall present Form DSP–66 properly completed and endorsed by the sponsor to show the time and terms of the extended stay for which application is made. As a general rule, applications for extensions of stay should be requested only for continuation of the activity for which the participant obtained status as an exchange visitor, not for a new activity. When the application, if approved, would extend the participant's stay beyond the limitation specified in § 63.23, it must be strongly supported by the sponsor with evidence that there are exceptional circumstances or that additional time is required to complete highly specialized training, and that the participant's future intentions clearly involve his departure from the United States in accordance with the objectives of the Exchange-Visitor Program. If the applicant is accompanied by his immediate family, the sponsor should attach to Form DSP–66: (i) A statement on the sponsor's letterhead giving for each accompanying family member for whom extension is requested his name, relationship to the exchange visitor, nationality, place and date of birth, passport number, passport expiration date and passport issuing country; and (ii) Form I–94 (Arrival-Departure Record) for each.

(3) Upon request of the Immigration and Naturalization Service, the Department will furnish its views in all cases in which an extension is sought to enable the participant to carry out a new activity under the sponsor's program.

(4) The application of the immediate family, if not made simultaneously with the participant's application, must be accompanied by a copy of the Form DSP–66 which was issued to the participant, properly endorsed by the sponsor to show the time and terms of the extended stay for which the participant has applied. The following should be attached to this copy of the Form DSP–66: (i) A statement on the sponsor's letterhead giving for each accompanying family member his relationship to the exchange visitor, nationality, place and date of birth, number, issuing country and expiration date of his passport; and, (ii) Form I–94 (Arrival-Departure Record) for each.

(c) *Program transfer.* (1) An application for permission to transfer from one designated Exchange-Visitor Program to another must be submitted to the District Director, Immigration and Naturalization Service, having administrative jurisdiction over the partcipant's place of temporary residence in the United States, by the participant concerned between 15 and 30 days before participation in the program to which he wishes to transfer is scheduled to begin. A participant applying for a program transfer shall present a duly executed Form DSP–66, Part I completed by the prospective sponsor, and Part III, by the releasing sponsor. The reverse side must also be completed in accordance with the instructions which are printed on the form.

(2) Before acting on the participant's application for permission to transfer, the District Director may request the views of the Department as to whether the best interests of the international educational and cultural exchange program will be served by the transfer in any case in which (i) the applicant is unable to present a Form DSP–66 with Part III duly executed by the current sponsor, (ii) it appears that the transfer is for the purpose of extending the stay of the participant in the United States beyond the completion of the objective for which he came, or (iii) the participant does not appear to be making clear progress toward a definite objective consistent with the intent and purposes of the Act.

(d) *Adjustment of status from exchange visitor to permanent resident or change to another nonimmigrant category.* (1) Adjustment of status from exchange visitor to permanent resident is possible only if the 2-year home-country physical presence requirement of section 212(e) of the Immigration and Nationality Act, as amended, is inapplicable or waived. (See § 63.31 for a substantial quotation of section 212(e) and for regulations regarding waivers.) Applications for adjustment of status must be made by the participant to the District Director, Immigration and Naturalization Service, having jurisdiction over his place of temporary residence in the United States.

(2) An application for change of status from exchange visitor to another nonimmigrant category must be made to the District Director, Immigration and Naturalization Service, having jurisdiction over his place of temporary residence in the United States. The Immigration and Naturalization Service has directed that the District Director will not grant a change to nonimmigrant status under section 101(a)(15)(A) or (G) of the Immigration and Nationality Act unless the Department advises him that the applicant is qualified for classification thereunder.

§ 63.23 General limitations of stay.

(a) To insure that exchange visitors remain in the United States only so long as is necessary to satisfy their stated objectives and the intent of the Act, the following general limits on the period of stay of exchange visitors are hereby established. Exceptions to these limitations will be permitted only in unusual circumstances:

(1) *Participants.* (i) Students—as long as they pursue substantial scholastic programs leading to recognized degrees or certificates. After receiving degrees or certificates from the U.S. institution, students whom the sponsor recommends for practical training may be permitted to remain for such purpose for an additional period of up to 18 months.

(ii) Teachers, professors, research scholars, and specialists—3 years.

(iii) International visitors—1 year.

(iv) Professional trainees—5 years for internships and residencies.

(v) Graduate nurses—2 years.

(vi) Medical technologists, medical record librarians, medical record technicians, radiologic technicians, nurse anesthetists, and other participants in similar categories—length of the approved training program plus a maximum of 18 months for practical training, not to exceed a total of 3 years.

(vii) Business and industrial trainees—18 months.

(2) *The immediate family.* As long as the participant remains.

(b) The limitations in this section prescribe, as a general rule, the maximum stays of exchange visitors in the categories cited. A participant who is able to complete his objective in less than the maximum lengths of time will be expected to return abroad to comply with the purposes of the Act. These limitations apply regardless of the number of Exchange-Visitor Programs in which he participates. Therefore, transfer from one Exchange-Visitor Program to another will not extend the stay of a participant beyond the limits set for his particular category. These limitations should not be construed as extending or changing in any way the authorized period of stay specified in the official description of an Exchange-Visitor Program.

§ 63.24 Prohibition of employment not related to program; exception for students in certain circumstances; possible exception for immediate family.

(a) *General.* Except as provided in paragraph (b) of this section for students in certain circumstances, an exchange visitor who engages in activities that both produce income from U.S. sources and are unrelated to his program ceases to maintain his lawful status in the U.S. as an exchange visitor. (See paragraph (e) of this section for exception in regard to immediate family.)

(b) *Exception for students.* An exchange-visitor students' status is not subject to curtailment as stated in paragraph (a) of this section if all the following conditions are met:

(1) Such employment is required by an urgent financial need which has arisen since the time of visa issuance;

(2) It does not cause the participant to reduce his preparation and studies below the full-time level; and,

(3) It has the written approval of the sponsor signed by the Responsible Officer or his alternate.

(c) *Limitation on workweek for students.* No full-time employment (40 hours per week) or employment approaching the nature of full-time employment may be approved for an exchange-visitor student by the sponsor, except during periods of school vacation.

(d) *Certain student employment exempted from paragraph (b)(1).* Remunerative employment of an exchange-visitor student who is otherwise taking a full course of study pursuant to the terms of a scholarship, fellowship, or assistantship, is considered to be a part of his academic program if the employment is both on-campus and is related to his course of study. Such employment is not subject to the provision of paragraph (b)(1) of this section.

(e) *Possible exception for immediate family.* Immediate family members may accept employment in the United States only if authorized to do so by the District Director of the Immigration and Naturalization Service having jurisdiction over the place where the participant is sojourning temporarily. (See 8 CFR 214.2(j)(1).)

Subpart D—Waiver Procedures in Certain Cases

§ 63.31 Requests for waivers of the home-country physical presence requirement of the Immigration and Nationality Act, as amended.

(a) *General provisions.* Section 212(e) of the Immigration and Nationality Act, as amended, provides substantially in part that:

(1) No person admitted under section 101(a)(15)(J) or acquiring such status after admission whose (i) participation in the program for which he came to the United States was financed in whole or in part, directly or indirectly, by an agency of the Government of the United States or by the government of the country of his nationality or his last residence, or (ii) who at the time of admission or acquisition of status under section 101(a)(15)(J) was a national or resident of a country which the Secretary of State, pursuant to regulations prescribed by him, had designated as clearly requiring the services of persons engaged in the field of specialized knowledge or skill in which the alien was engaged, shall be eligible to apply for an immigrant visa, or for permanent residence, or for a nonimmigrant visa under section 101(a)(15)(H) or section 101(a)(15)(L) until it is established that such person has resided and been physically present in the country of his nationality or his last residence for an aggregate of at least 2 years following departure from the United States as an exchange visitor;

(2) Upon the favorable recommendation of the Secretary of State, pursuant to the request of an interested United States Government agency, or of the Commissioner of Immigration and Naturalization after he has determined that departure from the United States would impose exceptional hardship upon the alien's spouse or child (if such spouse or child is a citizen of the United States or a lawfully resident alien), or that the alien cannot return to the country of his nationality or last residence because he would be subject to persecution on account of race, religion, or political opinion, the Attorney General may waive the requirement of such 2-year foreign residence abroad in the case of any alien whose admission to the United States is found by the Attorney General to be in the public interest.

(3) The Attorney General may, upon the favorable recommendation of the Secretary of State, waive such 2-year foreign residence requirement in any case in which the foreign country of the alien's nationality or last residence has furnished the Secretary of State a statement in writing that it has no objection to such waiver in the case of the alien.

(b) *Exceptional hardship to United States citizen or lawfully resident alien spouse or child or probable persecution for enumerated reason.* (1) An application for waiver on the basis that a 2-year period of residence abroad would impose exceptional hardship upon the exchange visitor's spouse or child (if such spouse or child is a citizen of the United States or a lawfully resident alien), or, on the basis that return to the country of his nationality or his last residence would subject the exchange visitor to persecution on account of race, religion, political opinion, nationality, or membership of a particular social group, shall be submitted by the exchange visitor to the office of the Immigration and Naturalization Service having administrative jurisdiction over his place of temporary residence in the United States, or if the exchange visitor is abroad, over his last place of residence in the United States.

(2) If the Commissioner of Immigration and Naturalization determines that compliance with the home-country physical presence requirement would impose exceptional hardship upon the spouse or child who is an American citizen or permanent resident alien, or, would subject the alien to persecution on account of race, religion, political opinion, nationality, or membership of a particular social group, the finding showing such determination together with a summary of the details of the expected hardship or persecution will be submitted to the Bureau of Educational and Cultural Affairs of the Department for the Secretary's recommendation.

(c) *Interested U.S. Government agency or statement of no objection by home country.* Applications for the favorable recommendation of the Secretary for a waiver on the basis of a request from an interested U.S. Government agency, or on the basis of a statement from the exchange visitor's country of nationality or last residence to the Secretary that it has no objection to a waiver, shall be initiated with the Bureau of Educational and Cultural Affairs of the Department in the following manners:

(1) *Interested U.S. Government agency.* When the application is supported by an interested U.S. Government

agency, the head of such agency or his designee must submit a statement in writing to the Bureau of Educational and Cultural Affairs of the Department, in which he determines and attests that, from the point of view of the agency, (i) the granting of the waiver would be in the public interest and (ii) the exchange visitor's compliance with the 2-year home-country physical presence requirement would be clearly detrimental to a program or activity of official interest to the agency. Further, the statement shall identify by name and location the organization which will use the exchange visitor's services, indicate his intended place of residence in the United States and include the views of each of his sponsors concerning his waiver application.

(2) *No objection by home country.* When the application is to be supported by a statement of no objection by the exchange visitor's country of nationality or last residence, this statement shall be directed to the Secretary through official channels, i.e., from the country's foreign office to the Department through the U.S. mission in the foreign country concerned, or through the country's head of mission or his designee to the Secretary in the form of a diplomatic note. In addition to the statement indicating that the country concerned has no objection to the waiver, the Exchange Visitor must submit the following information to the Director, Facilitative Services Staff, Bureau of Educational and Cultural Affairs: (i) Full name; (ii) place and date of birth; (iii) present address in the United States or last address in the United States prior to departure; (iv) list of Exchange-Visitor Programs (or Program) in which he participated; (v) Alien Registration Number, if known; (vi) name of foreign government official with whom the case can be discussed if necessary; (vii) specific reasons for not wishing to fulfill the 2-year home-country physical presence requirement; and (viii) the views of each of his sponsors concerning his waiver application.

§ 63.32 Action by the Secretary on requests for waivers.

Upon receipt of a request for a recommendation of waiver of the home-country physical presence requirement of section 212(e) of the Immigration and Nationality Act, as amended, the Secretary will review the policy, program, and foreign relations aspects of the case and will transmit his recommendation to the Attorney General for decision. The Exchange Visitor will be advised of the decision in his case by the Immigration and Naturalization Service.

Effective date. This revision shall be effective upon publication in the FEDERAL REGISTER (3-23-72).

For the Secretary of State.

[SEAL] WILLIAM B. MACOMBER, Jr.,
Deputy Under Secretary for Management.

MARCH 8, 1972.

[FR Doc.72-4372 Filed 3-22-72;8:54 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter IV—Saint Lawrence Seaway Development Corporation

PART 401—SEAWAY REGULATIONS AND RULES

Calling-in; Correction

In F.R. Doc. 72-3537, published at page 5026 in the issue dated March 9, 1972, the reference to "Capt Vincent—(after River Pilot boards).", appearing in the second column under § 401.103-5, No. 2 is incorrect and is hereby corrected to read "Cape Vincent—(after River Pilot boards).".

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] D. W. OBERLIN,
Administrator.

[FR Doc.72-4393 Filed 3-22-72;8:49 am]

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 220—SERVICE PROGRAMS FOR FAMILIES AND CHILDREN

Referrals to the Work Incentive Program

Notice of proposed rule making revoking the requirements for a specific order for referral of recipients of Aid to Families with Dependent Children to the Work Incentive Program was published in the FEDERAL REGISTER on November 20, 1971 (36 F.R. 22177). The few comments received were primarily requests for clarification of referral requirements. Accordingly, the proposed regulation is hereby adopted.

Public Law 92-223 expressly sets out statutory referral priorities which are significantly different from those that are being deleted. They are effective on July 1, 1972, and will be covered by future regulations.

Section 220.35 of Part 220 of Chapter II, Title 45, of the Code of Federal Regulations is amended by revoking paragraph (a) (3).

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Effective date. The regulations in this section shall be effective on the date of publication in the FEDERAL REGISTER (3-23-72).

Dated: March 10, 1972.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: March 19, 1972.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

[FR Doc.72-4431 Filed 3-22-72;8:52 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18861]

PART 74—EXPERIMENTAL, AUXILIARY, SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Television Broadcast Translator Stations; Correction

In the matter of amendment of Part 74, Subpart G, rules and regulations (television broadcast translator stations) to permit translator operation on Channels 14-69, in lieu of Channels 70-83; Docket No. 18861.

Appendix II of the Commission's Report and Order, FCC 71-1015, in the above-entitled proceeding, adopted September 29, 1971, published in the FEDERAL REGISTER on October 8, 1971, 36 F.R. 19588, is corrected with respect to § 74.-702. Paragraph (f) is revised to read as follows:

§ 74.702 Frequency assignment.

* * * * *

(f) Adjacent channel assignments will not be made to television broadcast translator stations intended to serve all or a part of the same area.

* * * * *

Released: March 17, 1972.

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

[FR Doc.72-4436 Filed 3-22-72;8:53 am]

[Docket No. 18643]

PART 89—PUBLIC SAFETY RADIO SERVICES

Operation of Mobile Relay Systems, Fixed Relay Stations, and Repeater Stations; Correction

In the matter of amendment of Parts 89 and 91 of the Commission's rules governing the operation of mobile relay systems, fixed relay stations, and repeater stations; Docket No. 18643.

The appendix to the Commission's Report and Order, FCC 71-1212 (36 F.R. 23567, December 10, 1971), released December 6, 1971, is corrected as follows:

1. In Part I, instruction number two, § 89.113, paragraph (e) (1) is corrected as follows:

§ 89.113 Transmitter control requirements.

* * * * *

(e) * * *

(1) A carrier operated device which will provide continuous visual indication when the transmitter is radiating, or, in lieu thereof, a pilot lamp or meter which will provide continuous visual indication when the transmitter circuits have been placed in a condition to produce radiation: *Provided, however,* That the provisions of this subparagraph shall not apply

to hand-carried or pack-carried transmitters or to transmitters installed on motorcycles. The control point for a transmitter utilized to activate another radio station may employ a single pilot lamp or meter as an indication of activation of the local and remote transmitters;

* * * * *

Released: March 17, 1972.

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

[FR Doc.72-4435 Filed 3-22-72;8:53 am]

[Docket No. 19086]

PART 89—PUBLIC SAFETY RADIO SERVICES

PART 91—INDUSTRIAL RADIO SERVICES

PART 93—LAND TRANSPORTATION RADIO SERVICES

Expanded Use of Nonvoice Emissions; Correction

In the matter of expanded use of nonvoice emission under Parts 89, 91, and 93 of the Commission's rules; Docket No. 19086.

Appendix II to the Commission's Report and Order, FCC 71-854, in the above-entitled proceeding, adopted August 18, 1971, and published in the FEDERAL REGISTER at August 26, 1971 (36 F.R. 16914) is corrected to read as follows:

1. The introductory material of amended §§ 89.105(d), 91.103(b), and 93.103(b) is corrected as follows:

Except for tone paging, telemetry, radioteleprinter, radiofacsimile, and automatic vehicle location systems, and except as otherwise provided in this part, use of A2, A9, F2, or F9 emission (audio frequency tone shift or tone phase shift) by stations in these services may be authorized only in accordance with the following limitations and requirements:

Released: March 17, 1972.

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

[FR Doc.72-4434 Filed 3-22-72;8:53 am]

PART 93—LAND TRANSPORTATION RADIO SERVICES

Railroad Radio Service; Correction

In the matter of amendment of Part 93 of the Commission's rules concerning frequency allocations and tone modulation in the Railroad Radio Service; RM Nos. 1101 and 1548.

The appendix to the Commission's memorandum opinion and order, FCC 72-57, to the above-entitled proceeding, adopted January 19, 1972, published at 37 F.R. 1235 (January 27, 1972), is corrected in the following respects:

1. An amended paragraph (a) of § 93.102, footnote 2, is corrected to read as follows:

[2] A frequency tolerance of 0.0005 percent is permitted in the Railroad Radio Service for base stations operating on the frequencies 452.925, 452.950, 457.925, and 457.950 MHz used for remote control purposes in railroad yard and terminal areas.

Released: March 17, 1972.

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

[FR Doc.72-4437 Filed 3-22-72;8:53 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-57, Amdts. 171-14, 172-14, 173-14, 173-61, 174-14, 175-7, 177-21]

CLASSIFICATION OF CORROSIVE HAZARDS

The purpose of this amendment to the Hazardous Materials Regulations is to amend § 173.240 to provide a quantitative definition for corrosive materials and to change several sections of the regulations now applicable only to acids and other corrosive liquids to make them applicable to shipments of corrosive solids.

On June 11, 1971, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-57; Notice No. 71-17 (36 F.R. 11304), which proposed this amendment. This notice was amended by a supplemental notice in the same docket published on August 18, 1971 (36 F.R. 15762). Interested persons were invited to give their views and many comments were received by the Board.

The very large majority of the comments were directed to the criteria in the definition for corrosive materials and to the proposal to include regulatory controls on shipments of corrosive solids.

Several persons objected to the proposed 8-hour duration period for the skin contact test. After reviewing the various arguments presented, mostly for a shorter duration period, the Board agrees that 8 hours duration is too lengthy an exposure to be reasonably related to transportation conditions. On the other hand, the Board believes that a 1-hour test as proposed by some commenters, although supportable in some aspects of actual expected exposure, would not provide a sufficient safety factor to account for variations in test conditions or the transportation environment. A few commenters claimed that the proposed test procedure would distort the results by the requirement for an impervious occlusion of the test material on the skin of a rabbit, thereby preventing evaporation of any volatile solvents. Upon review of the procedure, however, the Board finds that this claim is not correct. Impervious occlusion of the test material is not required. The test patches are held in position in such a manner that evaporation of the solvent may be retarded, but it is not prevented. Therefore, the Board concludes that a 4-hour exposure time, using the rabbit test as described in 21 CFR 191.11, is necessary.

The other area significantly commented upon was the proposed corrosion rate of 0.050 inch per year (IPY) on steel and aluminum. Commenters demonstrated that this portion of the proposed definition would result in the regulation of many commodities that are not regulated at present which do not present hazards that require regulations in the transportation environment. After careful consideration, the Board concludes that the corrosion rate proposed was too stringent. Therefore, the Board has decided to specify a corrosion rate criterion in excess of 0.250 inch per year (IPY) on a specific steel and aluminum. Also, under the same evaluation parameters, the Board concluded that dry materials could be adequately regulated by referring only to the contact hazard of the solid on skin. Using a solution for testing and the resultant data for classifying solids would result in the regulation of materials that do not have a significant hazard in transportation. Therefore, the Board has prescribed testing only for the material in the "as shipped" condition. Also, solids are not required to be evaluated in solution for skin contact, and are not required to be evaluated for compatibility with materials of construction for other than the packaging material as now prescribed under section 173.24, or under more specific sections of the regulations.

The Board received comments requesting that a qualifying term be added to the basic definition to cover those circumstances where animal testing does not significantly represent the results of human exposure. The Board agrees with this observation and has added a qualifying statement.

General observations and editorial suggestions were made on the applicability of §§ 173.245b, 173.286 (b) and (c), and 174.597(a). The Board has incorporated many of the suggested changes as improvements in language or safety and within its intent in this docket.

Although the Board proposed multiwall paper bags that would have to be tested by six drops, the Board agrees with several comments received that the current standard four-drop test should continue to be used for basic guidance in bag evaluation. The Board realizes that on the basis of studies now being conducted, this reference point may undergo change. But in line with its basic approach not to radically change packaging standards for corrosive solids, and to maintain a satisfactory packaging level, the Board has specified four 4-foot drops for bagged corrosive materials.

Objections were raised regarding compatibility requirements for corrosive solids with other hazardous materials as covered by §§ 174.538 and 177.848. The Board agrees that standards of compatibility for solids should be more closely evaluated for possible differences from

corrosive liquid loading and storage standards. Applying the same standards could very likely result in overregulation. Therefore, the Board is not making any change with respect to solids in these two sections of the regulations at this time.

A comment was made as to the correct classification for solid uranium hexafluoride. Future rule making will consider the problem of dual classifications. Meanwhile, present requirements for the packaging of this commodity are prescribed under the radioactive materials classification. However, as specified in §§ 173.2 and 173.402(a)(15) herein, both classifications and their appropriate label requirements apply.

Accordingly, 49 CFR Parts 171, 172, 173, 174, 175, and 177 are amended as follows:

PART 171—GENERAL INFORMATION AND REGULATIONS

In § 171.7, paragraph (c)(13) is added to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * *

(c) * * *

(13) NACE: National Association of Corrosion Engineers, 2400 West Loop South, Houston, TX 77027.

* * * * *

PART 172—COMMODITY LIST OF HAZARDOUS MATERIALS CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 170–189 OF THIS CHAPTER

(A) In § 172.4(a), "Cor. L.—Corrosive Liquid" is deleted and the following is inserted in place thereof:

§ 172.4 Explanation of signs and abbreviations.

(a) * * *

Cor.—Corrosive material.

* * * * *

(B) In § 172.5(a), all "Cor. L." entries in the column "Classed as" are changed to read "Cor."; All "White" entries in the column "Label required if not exempt" are changed to read "Corrosive"; the commodity list is further amended as follows:

§ 172.5 List of hazardous materials.

(a) * * *

Article	Classed as—	Exemptions and packaging (see sec.)	Label required if not exempt	Maximum quantity in one outside container by rail express.
Corrosive solid, n.o.s.	Corrosive	173.244 173.245b	Corrosive	100 pounds.

PART 173—SHIPPERS

(A) In Part 173 Table of Contents, §§ 173.240, 173.242, 173.244, 173.245, and 173.407 are amended; § 173.245b is added to read as follows:

Sec.
173.240 Corrosive materials; definition.
173.242 Bottles containing corrosive liquids.
173.244 Exemptions for corrosive materials.
173.245 Corrosive liquids not specifically provided for.
173.245b Corrosive solids not specifically provided for.
173.407 Corrosive materials.

(B) In § 173.25, paragraph (a) is amended to read as follows:

§ 173.25 Specification containers in outside containers.

(a) Outside specification shipping containers containing no corrosive liquids may be shipped when tightly packed in strong outside fiberboard boxes or drums, wooden boxes, barrels or crates, metal barrels or drums, or other enclosures. The outside shipping container must be marked with the prescribed name of contents and labeled as required. Packages required by the regulations in this part to be marked "THIS SIDE UP" or "THIS END UP" must be packed in the outside package with their filling holes up, and the outside package must be marked "THIS SIDE UP" or "THIS END UP". The outside container must also be marked "INSIDE PACKAGES COMPLY WITH PRESCRIBED SPECIFICATIONS" unless the specification markings on the inside packages are visible through openings in the outside package.

* * * * *

(C) In § 173.29, paragraph (d) is amended to read as follows:

§ 173.29 Empty containers.

* * * * *

(d) Empty bottles other than carboys previously used for the shipment of corrosive liquids must be securely stoppered.

* * * * *

(D) The heading of Subpart E is amended to read as follows:

Subpart E—Corrosive Materials: Definition and Preparation

(E) Section 173.240 is amended to read as follows:

§ 173.240 Corrosive materials; definition.

(a) For the purpose of Parts 170–189 of this chapter, a corrosive material is a liquid or solid that causes visible destruction or irreversible alterations in human skin tissue at the site of contact, or in the case of leakage from its packaging, a liquid that has a severe corrosion rate on other materials such as steel and aluminum.

(1) A material is considered to be destructive or to cause irreversible alteration in human skin tissue if when tested on the intact skin of the albino rabbit by the technique described in Title 21, Code of Federal Regulations, § 191.11, the structure of the tissue at the site of contact is destroyed or changed irreversibly after an exposure period of 4 hours or less.

(2) A liquid is considered to have a severe corrosion rate if its corrosion rate exceeds 0.250 inch per year (IPY) on steel (SAE 1020) or aluminum (nonclad 7075–T6) at a test temperature of 130° F. An acceptable test is described in NACE Standard TM–01–69.

(b) If human experience or other data indicate that the hazard of a material is greater or less than indicated by the results of the tests specified in paragraph (a) of this section, the Department may revise its classification or make the material subject to the requirements of Parts 170–189 of this chapter.

(F) In § 173.241, the introductory text of paragraph (a) and paragraph (a)(4) are amended to read as follows:

§ 173.241 Outage.

(a) Outage for containers of corrosive liquids for transportation by carriers by rail freight, rail express, highway, or water, must be as follows:

* * * * *

(4) *Outage requirements for cargo tanks or portable tanks.* No cargo tank or portable tank, or compartment thereof, used for the transportation of any corrosive liquid shall be completely filled. The outage for cargo tanks and portable tanks must be no less than 2 percent.

(G) Section 173.242 is amended to read as follows:

§ 173.242 Bottles containing corrosive liquids.

(a) Bottles containing corrosive liquids, as defined by § 173.240, may not be packed in the same outside container with any other article, except as specifically provided in paragraphs (b) and (c) of this section and §§ 173.25, 173.257, 173.258, 173.259, 173.260, 173.261, or 173.286.

(b) Bottles containing corrosive liquids cushioned by incombustible absorbent material and securely packed in tightly closed metal containers, except hydrofluoric acid which must be packed in a container other than a metal container, may be packed with other articles. This exception does not apply to nitric acid exceeding 40 percent concentration, perchloric acid, hydrogen peroxide exceeding 52 percent strength by weight, nitrohydrochloric acid, or nitrohydrochloric acid diluted, which must not be packed in the same outside container with any other article under any circumstances.

(c) Corrosive liquid solutions in securely closed bottles, in quantities necessary for preparing photographic processing mixtures and efficiently cushioned, may be packed in the same outside shipping container with required amounts of packaged dry chemicals not classed as

hazardous materials by these regulations, provided no dangerous reaction would occur should the contents of bottles be mixed with the dry chemicals. Marking prescribed in § 173.401(c) is not required.

(H) In § 173.244, the heading and paragraph (a) are amended; paragraph (c) is added to read as follows:

§ 173.244 Exemptions for corrosive materials.

(a) Corrosive liquids, except those for which no exemptions are provided as indicated by the "No exemption" statement in § 172.5 of this chapter, in inside bottles having a capacity not over 1 pound or 16 ounces by volume each inclosed in a metal can in the outside container are, unless otherwise provided in this part, exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 177 of this chapter, except § 177.817.

* * * * *

(c) Corrosive solids, except those for which no exemptions are provided as indicated by the "No exemption" statement in § 172.5 of this chapter, in inside earthenware, glass, or paper receptacles of not more than 5 pounds capacity each, or in inside metal, rigid fiber, or composition cans or cartons of not more than 10 pounds capacity each, in metal, wooden, or fiberboard outside containers not exceeding 25 pounds net weight each are, unless otherwise provided in this part, exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 177 of this chapter, except § 177.817.

(I) In § 173.245, the heading and the introductory text of paragraph (a) are amended to read as follows:

§ 173.245 Corrosive liquids not specifically provided for.

(a) Corrosive liquids, as defined in § 173.240, other than those for which special requirements are prescribed, must be packed in specification containers constructed of materials that will not react dangerously with or be decomposed by the chemical packed therein, as follows:

* * * * *

(J) Section 173.245b is added to read as follows:

§ 173.245b Corrosive solids not specifically provided for.

(a) Corrosive solids, as defined in § 173.240, other than those for which special requirements are prescribed, must be packaged in containers fully complying with § 173.24, as follows:

(1) Metal, wooden, or fiberboard box or case with inside containers which must be earthenware, glass, metal, plastic, or fiber or composition board of not more than 10 pounds net weight capacity each.

(2) Fiberboard box with one inside paper bag of not over 50 pounds net weight capacity.

(3) Fiberboard box with one inside plastic bag of not over 120 pounds net weight capacity.

(4) Metal drum not over 55-gallon capacity.

(5) Fiber drum not exceeding 550 pounds net weight and not over 55-gallon capacity.

(6) Plastic drum or pail not exceeding 80 pounds net weight and not over 6-gallon capacity.

(7) Multiwall paper bag not exceeding 110 pounds net weight, and of at least 4-ply construction including moisture-barrier ply. Completed package, filled to weight with product and closed for shipment, must be capable of withstanding four drops from a height of 4 feet onto a solid surface, one drop on each end and one drop on each face, without sifting or rupture.

(8) Burlap bag with inside plastic liner, made of not less than 7½ ounce burlap not exceeding 110 pounds net weight capacity. Completed package, filled to weight with product and closed for shipment, must be capable of withstanding four drops from a height of 4 feet onto a solid surface, one drop on each end and one drop on each face, without sifting or rupture.

(9) Plastic bag not exceeding 110 pounds net weight capacity. Completed package, filled to weight with product and closed for shipment, must be capable of withstanding four drops from a height of 4 feet onto a solid surface, one drop on each end and one drop on each face, without sifting or rupture.

(10) Metal portable tank of not over 660-gallon capacity and 7,000 pounds gross weight.

(11) Metal sift-proof cargo tanks, tank cars, or hopper-type or pneumatic bulk vehicles.

(K) In § 173.257, paragraph (c) is amended to read as follows:

§ 173.257 Electrolyte (acid) or corrosive battery fluid.

* * * * *

(c) Electrolyte acid or corrosive battery fluid contained in polyethylene containers not over 2 quarts capacity each and packaged not more than three containers in specification 15A, 15B, 15C, 16A, or 19A wooden boxes (§§ 178.168, 178.169, 178.170, 178.185, 178.190 of this chapter), or packaged as prescribed in paragraph (a)(6) of this section, and bearing a corrosive label, may be securely attached to self-propelled vehicles or mobile agricultural machinery, or securely braced on a railcar floor.

* * * * *

(L) In § 173.286, paragraphs (a) and (b), and the introductory text of paragraph (c) are amended to read as follows:

§ 173.286 Chemical kits.

(a) Chemical kits, except as otherwise provided in Parts 170–189 of this chapter, must be packed, marked, and labeled as prescribed by this part for the specific corrosive materials contained therein.

(b) Chemical kits containing corrosive liquids in inside containers not exceeding 6 fluid ounces capacity each and complying with all of the following requirements, are exempt from specification packaging, marking, other than name of contents, and labeling requirements. Shipments for transportation by highway carriers are exempt also from Part 177 of this chapter, except § 177.817.

(1) The kit may not contain any corrosive liquid for which no exemption from packaging requirements of this Part 173 is permitted by the commodity list in § 172.5(a) of this chapter.

(2) The kit must be a strong wooden or metal container, or must be packed in a strong wooden or metal container.

(3) The corrosive liquids must be cushioned with sufficient absorbent cushioning material to completely absorb the contents of the individual containers, and must be protected from injury by other materials in the kit.

(4) The contents of the kit must be of a nature and packed so there will be no possibility of the mixture of contents causing dangerous evolution of heat or gas.

(c) Chemical kits containing corrosive liquids and other chemicals not classed as hazardous materials used for photographic processing, except as otherwise provided for in Parts 170–189 of this chapter, must be packed in specification containers as follows:

* * * * *

(M) In § 173.399, paragraph (b)(2) is amended to read as follows:

§ 173.399 Labeling of packages of radioactive materials.

* * * * *

(b) * * *

(2) Packages containing nitric acid solutions of radioactive materials must bear both a "RADIOACTIVE" label and a "CORROSIVE" label.

* * * * *

(N) In § 173.401, the introductory text of paragraph (a) is amended to read as follows:

§ 173.401 Hazardous materials.

(a) Packages containing flammable liquids, flammable solids, oxidizing materials, corrosive materials, compressed gases, and poisons, as defined in this part, must be marked, unless exempted, with the proper shipping name as shown in the commodity list (see § 172.5 of this chapter). For tank cars this marking must appear either on the placards or commodity cards.

* * * * *

(O) In § 173.402, paragraphs (a)(3) and (15) are amended to read as follows:

§ 173.402 Labeling of hazardous materials.

(a) * * *

(3) "Corrosive" label as described in § 173.407(a) on packages of corrosive

materials, except when exempted from the labeling requirements by other regulations in this part.

* * * * *

(15) Packages containing materials which are either Class A poisons or radioactive materials, and are also flammable (gases, liquids, or solids), corrosive materials, class B poisons, oxidizing materials, or compressed gases, must also bear additional labels showing those other hazardous characteristics (see also § 173.2).

* * * * *

(P) In § 173.407, the heading, the introductory text of paragraph (a) and paragraph (b) are amended to read as follows:

§ 173.407 Corrosive materials labels.

(a) Labels for packages of corrosive materials must be diamond shape (10 cm.), measuring 4 inches on each side, white on the top half and black on the bottom half. Printing of the symbol on the top half must be in black inside of a black line border. Printing on the bottom half must be in white. Printing must be inside of a black border line ¼ inch (6 mm.) inside the edge and parallel to the edge as illustrated below:

(b) Labels for packages of corrosive materials shipped by air must be as follows: (White and black with black printing on white, as described in paragraph (a) of this section).

* * * * *

PART 174—CARRIERS BY RAIL FREIGHT

(A) In Part 174, Table of Contents, § 174.597 is amended to read as follows:

Sec.
174.597 Leaking packages of corrosive materials or poisons.

(B) In § 174.532, paragraph (c) and the introductory text of paragraph (h) are amended to read as follows:

§ 174.532 Loading other hazardous materials.

* * * * *

(c) Packages bearing labels must be loaded so they cannot fall and other packages cannot fall onto or slide against them. This requirement does not preclude the use of loading methods that are designed to permit limited movement of the load and that are approved in writing by the Federal Railroad Administrator. Packages bearing markings "This Side Up" or "This End Up" must be so loaded. Hazardous materials for which red, yellow, green, or corrosive labels (liquids only) are prescribed herein must not be loaded in the same car with explosives named in §§ 173.53 to 173.87 of this chapter. (See loading and storage chart § 174.538.) Packages bearing yellow labels must not be loaded in the same end of a car with packages bearing corrosive labels (liquids only), except that shippers loading carload shipments who have obtained prior approval from the Department, may load these articles together when it is known that the mixture of contents would not cause a dangerous evolution of heat or gas.

* * * * *

(h) Corrosive liquids: Carboys of corrosive liquids must not be loaded into container cars. They must be so blocked, braced, or stayed that they cannot change position during transit when being handled with reasonable care. Carboys of nitric acid must not be loaded into box cars or in truck bodies or trailers on flat cars more than two tiers high, except that completely boxed carboys, specification 1D (§ 178.4 of this chapter), may be loaded three tiers high. Car doors may be cleated in an open position if desired. Flat or stock cars may be used for loading carboys of acids.

* * * * *

(C) In § 174.541, paragraphs (a) (1) and (3) are amended to read as follows:

§ 174.541 "Dangerous" placards; "Dangerous—Radioactive material" placards; or "Caution—Residual phosphorus" placards.

(a) * * *

(1) Cars containing one or more packages bearing red, yellow, corrosive (liquids only), or poison labels, as prescribed by §§ 173.405 to 173.408 and 173.409(a)(2) of this chapter.

* * * * *

(3) Tank cars containing flammable liquids, flammable solids, oxidizing materials, corrosive liquids, poisonous liquids or solids, class B, flammable compressed gases, or nonflammable compressed gases.

* * * * *

(D) In § 174.584 paragraph (a), the table is amended as follows:

§ 174.584 Waybills, switching orders, or other billing.

(a) * * *

	Label notation to follow entry of the article on the billing	Placard notation to follow entry of the article on the billing	Placard endorsement must be ⅜" high and appear on the billing near the space provided for the car number
(change)			
For corrosive liquids	Corrosive	"Dangerous Placard"	"Dangerous".
(add)			
For corrosive solids	do	None	None.
* * *	* * *	* * *	* * *

* * * * *

(E) In § 174.586, paragraph (g) is amended to read as follows:

§ 174.586 Handling hazardous materials.

* * * * *

(g) Corrosive liquid carboys should be handled so as not to spill the contents. "Empty" carboys, so called, should be handled with necks up, and with sufficient care to prevent burns to clothing or person from leaking corrosive liquid.

* * * * *

(F) In § 174.597, the heading and paragraph (a) are amended to read as follows:

§ 174.597 Leaking packages of corrosive materials or poisons.

(a) Whenever a car bearing the "Dangerous" placard is discovered in transit with packages in leaking condition, all unnecessary movement of the car must cease and at the first opportunity an examination must be made of the lading, and if practicable any broken or leaking packages of nitric or mixed acids should be removed promptly to prevent fire. Any corrosive liquid remaining on the car floor or on surrounding packages should be washed away with a plentiful supply of water, or if not available, cleaned up with a liberal application of sand or earth. Care should be exercised to prevent inhalation of gases liberated through the application of water; when employees are injured by corrosive material, the material should be washed off immediately by a liberal application of water.

* * * * *

PART 175—CARRIERS BY RAIL EXPRESS

In § 175.655, paragraph (h) is amended to read as follows:

§ 175.655 Protection of packages.

* * * * *

(h) Carriers shall prevent contact of contents of packages bearing yellow or corrosive labels with combustible substances, such as sawdust, shavings, or sweepings, that may be present in express cars. The space should be swept or cleaned.

* * * * *

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

(A) In Part 177, Table of Contents, § 177.858 is amended to read as follows:

Sec.
177.858 Accidents; corrosive materials.

(B) In § 177.834, paragraphs (a) and (g) are amended to read as follows:

§ 177.834 General requirements.

(a) *Containers secured in vehicle.* Any tank, barrel, drum, or cylinder, not designed to be permanently attached to a motor vehicle, containing any flammable liquid, compressed gas, corrosive material, or poisonous article, must be reasonably secured against movement within the motor vehicle by which it is being transported.

* * * * *

(g) *Prevent relative motion between containers.* Containers of explosives, flammable liquids, flammable solids, oxidizing materials, corrosive materials, compressed gases, and poisonous liquids or gases, must be so braced as to prevent motion thereof relative to the vehicle while in transit. Containers having valves or other fittings must be so loaded that there will be the minimum likelihood of damage thereto during transportation.

* * * * *

(C) In § 177.839, paragraph (b) is amended to read as follows:

§ 177.839 Corrosive liquids.

* * * * *

(b) *Carboys and frangible containers.* In general, individual carboys and frangible containers of corrosive liquids, including charged electric storage batteries, must, when loaded by hand, be individually loaded into and unloaded from any motor vehicle in which they are to be, or have been, transported. All reasonable precautions must be taken to prevent, by all practicable means, the dropping of any such containers or batteries containing corrosive liquids. No such container or battery may be loaded into a motor vehicle having an uneven floor surface. It shall be permissible to load on or transport in any motor vehicle any authorized carboys or frangible shipping containers, containing corrosive liquids, more than one tier high above any floor only if such carboys or other containers are boxed or crated, or are in barrels or kegs, as required by Parts 170–189 of this chapter, and only if such containers are so stacked that the weight of each tier above the first is entirely supported by the boxes, crates, barrels, kegs, or other authorized means of enclosing the carboys or frangible containers. Only so many tiers as may adequately be so supported without danger of crushing or breaking, shall be permitted. Means must be provided to prevent by all practicable means, in all cases, the shifting of containers or batteries during transit. Nothing contained in this section shall be so construed as to prevent the use of cleats or other retaining means for the purpose of preventing shifting of containers or batteries. For the purposes of this section a false floor or platform, secured against relative motion within the body of the motor vehicle, shall be deemed to be a floor. (For recommendations for handling leaking or broken packages, see § 177.858 (a).)

* * * * *

(D) In § 177.854, the introductory text of paragraph (f) is amended to read as follows:

§ 177.854 Disabled vehicles and broken or leaking packages; repairs.

* * * * *

(f) *Stopped vehicles; other dangerous articles.* Whenever any motor vehicle transporting flammable liquids, flammable solids, oxidizing materials, corrosive materials, compressed gases, or poisons, is stopped for any cause other than necessary traffic stops upon the traveled portion of any highway, or a shoulder next thereto, the following requirements shall be complied with during the period of such stop:

* * * * *

(E) In § 177.858, the heading and paragraph (a) are amended to read as follows:

§ 177.858 Accidents; corrosive materials.

(a) *Accident to vehicle; other lading damaged; vehicle washed.* In the event of any accident involving any motor vehicle transporting corrosive materials in which has been involved the breakage, spillage, or leakage of containers of such materials, care shall be exercised in the handling of any other lading which may have become damaged thereby so as to minimize the hazard in handling such damaged lading during the unloading process. The interior or any other parts of the motor vehicle upon which a corrosive liquid may have become spilled shall be thoroughly washed with water as soon after the unloading process as feasible and prior, in any event, to the subsequent reloading of the motor vehicle. (See also § 177.814.)

* * * * *

This amendment is effective December 31, 1972, however, compliance with the regulations as amended herein is authorized on October 1, 1972.

(Secs. 831–835, title 18, United States Code; sec. 9, Department of Transportation Act, 49 U.S.C. 1657; title VI and sec. 902(h), Federal Aviation Act of 1968, 49 U.S.C. 1421–1430 and 1472(h))

Issued in Washington, D.C., on March 17, 1972.

JAMES F. RUDOLPH,
Board member for the Federal Aviation Administration.

ROBERT A. KAYE,
Board member for the Federal Highway Administration.

MAC E. ROGERS,
Board member for the Federal Railroad Administration.

[FR Doc.72-4370 Filed 3-22-72;8:48 am]

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

[Docket No. 1-8; Notice 7]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Retreaded Pneumatic Tires

The purpose of this notice is to reissue, with certain amendments, Motor Vehicle Safety Standard No. 117, "Retreaded Pneumatic Tires." Standard No. 117 was published April 17, 1971 (36 F.R. 7315). In response to petitions for reconsideration, the standard was amended October 30, 1971 (36 F.R. 20877). As a result of additional evidence which was presented to the agency regarding the requirements for labeling of retreaded tires and other issues, the standard was amended again on December 23, 1971 (36 F.R. 24814). On the same day a notice of proposed rule making was also published proposing new labeling requirements (36 F.R. 24825). This notice is issued both in response to two petitions for reconsideration concerning the amendment of December 23, and to incorporate amendments based on the notice of proposed rule making of December 23.

The issues raised by the two petitions, one from the National Tire Dealers and Retreaders Association and the other from the Rubber Manufacturers Association, concern the availability of casings, casing labeling, and the physical dimension requirements of the standard. Requirements for labeling retreaded tires, which are related to the requirements for casing labeling, are dealt with below in the discussion of the amendments that are based on the notice of proposed rule making.

Availability of casings. The petitions requested that additional casing sizes, namely 5.20, 6.40, 7.50, 8.00, 8.20, 8.50, 8.85, 9.50, 145, 155, 165, 175, 185, 195, and 205 be added to the list of usable casings. The request that sizes 5.20, 6.40, 7.50, 8.00, 8.20, 8.50, and 9.50 be added is denied. One purpose of Standard No. 117 is to limit usable casings to those manufactured within a limited period before the effective date of the standard. While

these sizes were in fact manufactured during the period 1965–67, unlike sizes presently allowed they were also manufactured in large numbers well before this period. It has not been demonstrated that these particular casing sizes are needed in order to ensure an adequate casing supply, and consequently they are not added to the list of usable casings. However, the remaining requested casing sizes, 8.85, 145, 155, 165, 175, 185, 195, and 205 are permitted to be used by this amendment as it appears that they were not in widespread use before the other sizes permitted to be used under the standard. In addition, the NHTSA has determined that some additional sizes, mostly radial sizes, may also be retreaded, and the proposed table I has been amended accordingly and made part of the standard.

Casing labeling. As amended December 23, 1971, paragraph S5.2.4 of the standard required retreaded tires to be manufactured using casings that were either labeled in accordance with S4.3 of Standard No. 109, or until January 1, 1974, of certain enumerated sizes manufactured before the effective date of Standard 109. They were to be labeled with: (1) The generic name of the cord material used in the plies of the tire, (2) the actual number of plies, (3) the size of the tire, and (4) whether the tire is tubeless or tube type. The petitions have requested that casings not be required to contain this information.

The reason for requiring the casing, whether manufactured before or after the effective date of Standard 109, to contain the specified information is to provide information that retreaders can retain or carryover for the purpose of labeling retreaded tires. The only reliable source for much of this information is the casing.

The petitions have indicated, however, that not all of the information appears on many of the pre-Standard No. 109 casings, or appears in such a way that it cannot practicably be used for purposes of relabeling. The NHTSA has accordingly decided to modify the labeling requirements for pre-Standard No. 109 casings, and to make requirements for "DOT" casings consistent with them. As amended in this issuance, casings need only be labeled with (a) the tire's size designation, and (b) its actual number of plies or ply rating. Information obtained by NHTSA has indicated that almost all casing sizes allowed to be used by the standard had this information permanently labeled onto the tire sidewall.

The standard requires the casing to contain its original size marking. It also requires that the designated size of the retreaded tire be no larger (although it may be smaller) than the size of the original casing. Size is the chief criterion for consumers in the purchase of tires. The NHTSA has concluded that retreaded tires' sizes must be related to original casing markings in order to provide assurance that the correct size is placed on the retreaded tire, and that retreaders should not be allowed to determine casing size or the size of retreaded tires by any other means. Both petitions for reconsideration requested that this item of information not be required, and in this regard they are denied.

Casings are also required by this amendment to be labeled with either the tire's actual number of plies, or its ply rating. This modifies the proposed requirement that the "actual number of plies" appear. This information is also being required by today's amendment to appear on the retreaded tire. Ply rating is the basic criterion for determining the tire's maximum permissible inflation pressure and its maximum load. It is required to be on the casing because it cannot be determined with assurance except from the original tire marking. Some tires manufactured before the effective date of Standard No. 109 were not labeled with the actual number of plies, but of those that were not, almost all contained the ply rating. Consequently, requiring either actual number of plies or ply rating to be on casings will not reduce significantly the number of otherwise retreadable casings, and insofar as the petitions requested complete deletion of this requirement, they are denied.

The standard is amended as requested by the petitions to eliminate the requirement that the generic name of the cord material, and whether the tire is tubeless or tube-type, appear on the casing. It appears that industry practice before the effective date of Standard No. 109 varied in the manner that information of this type was labeled on new tires, and that requiring the information to be on the casing would unnecessarily restrict the types of usable casings.

Mention was made in the petitions of the possibility of information appearing on new tires being rubbed off in service, making casing labeling requirements difficult to meet. The NHTSA is of the opinion that, while this is a possible occurrence, complete obliteration of the labeling is unlikely. More important, however, is the fact that casings where the labeling does not appear should not, from a safety standpoint, be retreaded. The NHTSA has concluded that despite any consequent reduction in the number of casings, retreaders should not be left to their own devices in determining casing size and ply rating on completed tires, but that such information, for the safety of consumers, must be based on the casing's original markings.

Physical dimension requirements. The petitions have asked that the physical dimension requirements be amended to allow for a 3 percent minus deviation from the minimum size factor specified for the tire's size designation and type. The standard presently allows a plus 10 percent, and minus 3 percent deviation from the maximum section width only. The requests are based on the tendency of certain retreaded tires to shrink temporarily as a result of the retreading process.

These requests are denied. Data obtained from NHTSA tests indicate that the present requirements are being met, and that further relief is unnecessary. However, as a result of a comment received, paragraph S5.1.2 is being rewritten for purposes of clarity.

Labeling. The notice of proposed rule making published December 23, 1971 (36 F.R. 24825), specified a system by which retreaded tires would be required to be labeled with certain safety information. The use of an affixed label would be allowed for a limited period following the standard's effective date, but after that period the information would be required to be permanently molded into or onto the tire sidewall. The final rule issued today adopts this system, with certain modifications in the information to be provided, resulting from the amendments to paragraph S5.2.4. The information is the same for both affixed and molded labeling, and consists of (a) the tire's size designation, (b) its maximum permissible inflation pressure, (c) its maximum load, (d) the actual number of plies, ply rating, or both, (e) the words "tubeless" or "tube type" as applicable, (f) the words "bias/belted" if the tire is of bias-belted construction, and (g) the word "radial" if the tire is of radial construction.

Size, maximum load, and maximum permissible inflation pressure are required because each is necessary for proper selection and use of passenger car tires. While the standard requires the size to be based on the original casing size, the values for maximum load and inflation pressure may, where necessary, be based on a table incorporated into the standard. The values in the table are based on the values for the tire's size designation and type as they appear in Standard No. 109 (§ 571.109), and are determined according to the tire's size and ply rating, both of which are required to be on the casing.

The words "bias/belted" and "radial" are required, where appropriate, in order to identify tires of different types of construction. There is presently a large body of opinion, supported by NHTSA, that mixing tires of differing construction types on the same vehicle or same axle of a vehicle is not in the best interests of safety. In the case of the requirement that the words "bias/belted" appear, while not proposed in the notice of December 23, the information would have been available if the proposed language, "actual number of plies in the sidewall and the actual number of plies in the tread area, if different," had been retained. The NHTSA does not believe labeling the words "bias/belted" will present significant problems for retreaders as most belted tires were manufactured after the effective date of Standard No. 109, and are consequently identified as such. Those that were not usually contained some similar identification. Moreover, it appears that after proper buffing, belted tires exhibit visible differences from pure bias construction.

The word "radial" is also being required, despite the fact that as proposed it would not have been required until permanent markings were required. At the time of the proposal, however,

NHTSA was not aware that radial tires were being retreaded. It appears now that they are, and in the interests of safety the term "radial" is required to be added to all retreaded radial tires.

The words "tubeless" or "tube type" are also required to be labeled onto completed retreaded tires. Almost all of the comments considered this information to be safety related. Even though not required to appear on the casing, the information will be available to retreaders, as (1) most tubeless casings were in fact so marked, and (2) a tube-type tire, in most cases, can be identified by the lack of inner lining that is present on tubeless tires. In those cases where identification is not possible, the casing should not be retreaded, as this information would likewise be unknown at time of sale.

The proposed requirement that the tire be labeled with the generic name of its cord material is not retained. The comments have argued, and NHTSA agrees, that in the case of retreaded tires this information is not substantially related to safety. This, combined with the fact that it appears only on certain casings, where it must if it is to be relabeled, has convinced the NHTSA that at present the requirement should not be included in the standard.

Many comments opposed the requirement that labeling be molded into or onto the tire sidewall until such a time as new tire labeling was required to be placed in a position where it would not be buffed off during retreading, and could thus be retained through the retreading process. These comments argued that permanent labeling of this type proposed was unreasonably difficult to apply to retreaded tires because tires that would require different labeling are retreaded in the same matrix. This would require constant, time consuming changing of the matrix, and a resultant high possibility of error.

Tires, however, may be subject to many applications during their useful life. They are transferred from wheel to wheel and from vehicle to vehicle, and each time this takes place the information on the tire sidewall becomes important. Permanent labeling is therefore required if the information is to perform its function, as it can be readily assumed that affixed labels will last little longer than the first time the tire is mounted. Affixed labels, as indicated in the preamble to the proposed rule of December 23, are to be permitted only because methods for permanent labeling are not immediately available to retreaders, and not as a viable substitute for permanent labeling. The NHTSA disagrees with industry claims that permanent labeling presents unreasonable technical problems. Methods for permanent labeling developed for compliance with the Tire Identification and Recordkeeping Regulations (49 CFR Part 574) can be readily adapted to meet these requirements. In fact, of all the information required in today's amendment, only the "size" and "maximum load rating" will vary to a significant amount from casing to casing. Each of the other items of required information can be applied uniformly to large groups of casings and need not be changed from tire to tire if proper sorting is done before retreading occurs.

In light of the above, Motor Vehicle Safety Standard No. 117, "Retreaded Pneumatic Tires," § 571.117 of Title 49, Code of Federal Regulations, is revised to read as set forth below.

Effective date. The standard's effective date of January 1, 1972, has been stayed as a result of court litigation, which is still pending. The NHTSA does not expect manufacturers to maintain a state of constant preparation so as to be able to comply with the standard as of the time the stay, should the court so decide, is lifted. It has determined, therefore, that additional leadtime will be necessary. Accordingly, the provisions of the standard, except those regarding labeling, shall become effective 30 days from the day the stay is lifted. The labeling requirements requiring the use of affixed labels shall become effective 90 days from that date, and those for permanent labeling, approximately 1 year from that date. Notice of exact dates will be published in the FEDERAL REGISTER at the time the stay is lifted.

(Secs. 103, 112, 113, 114, 119, 201, National Traffic and Motor Vehicle Safety Act, 15 U.S.C. secs. 1392, 1401, 1402, 1403, 1407, 1421; delegation of authority at 49 CFR 1.51)

Issued on March 17, 1972.

DOUGLAS W. TOMS,
Administrator.

§ 571.117 Standard No. 117: Retreaded pneumatic tires.

S1. *Scope.* This standard specifies performance, labeling, and certification requirements for retreaded pneumatic passenger car tires.

S2. *Purpose.* The purpose of this standard is to require retreaded pneumatic passenger car tires to meet safety criteria similar to those for new pneumatic passenger car tires.

S3. *Application.* This standard applies to retreaded pneumatic tires for use on passenger cars manufactured after 1948.

S4. *Definitions.*

S4.1 "Casing" means a used tire to which additional tread may be attached for the purpose of retreading.

"Retreaded" means manufactured by a process in which a tread is attached to a casing.

S4.2 All terms defined in §§ 571.109 and 571.110 are used as defined therein.

S5. *Requirements.*

S5.1 *Retreaded tires.*

S5.1.1 Except as specified in S5.1.3, each retreaded tire, when mounted on a test rim of the width specified for the tire's size designation in Appendix A of § 571.109 shall comply with the following requirements of § 571.109:

(a) S4.1 (Size and construction).

(b) S4.2.1 (General).

(c) S4.2.2.3. (Tubeless tire resistance to bead unseating).

(d) S4.2.2.4 (Tire strength).

(e) S4.2.2.5 (Tire endurance).

(f) S4.2.2.6 (High speed performance).

S5.1.2 Except as specified in S5.1.3, each retreaded tire, when mounted on a test rim of the width specified for the tire's size designation in Appendix A of § 571.109, shall comply with the requirements of S4.2.2.2 of § 571.109, except that the section width shall be at least 97 percent, but no more than 110 percent, of the section width specified for its size designation and type in Appendix A of § 571.109.

S5.1.3 Each retreaded tire shall be capable of meeting the requirement of S5.1.1 and S5.1.2 when mounted on any rim in accordance with those sections. However, a particular tire need not meet further requirements after having been subjected to, and having met the requirements of, one of the following test groups:

(a) The physical dimension (S5.1.2), bead unseating (S5.1.1.(c)), and strength (S5.1.1(d)) tests; or

(b) The endurance test (S5.1.1(e)); or

(c) The high speed performance test (S5.1.1(f)).

S5.1.4 No retreaded tire shall have a size designation, recommended maximum load rating, or maximum permissible inflation pressure that is greater than that originally specified on the casing pursuant to S4.3 of § 571.109, or specified for the casing in Table I.

S5.2 *Casings.*

S5.2.1 No retreated tire shall be manufactured with a casing—

(a) On which bead wire or cord fabric is exposed before processing.

(b) On which any cord fabric is exposed during processing, except that cord fabric that is located at a splice, i.e., where two or more segments of the same ply overlap, or cord fabric that is part of the belt material, may be exposed but shall not be penetrated or removed to any extent whatsoever.

S5.2.2 No retreaded tire shall be manufactured with a casing—

(a) From which a belt or ply, or part thereof, is removed during processing; or

(b) On which a belt or ply, or part thereof, is added or replaced during processing.

S5.2.3 Except as specified in S5.2.4, each retreated tire shall be manufactured with a casing that bears, permanently molded into or onto the tire sidewall, the symbol "DOT", and each of the following:

(a) The size of the tire,

(b) The actual number of plies or ply rating.

S5.2.4 Until August 1, 1974, a retreaded tire may be manufactured with a casing of a type and size designation listed in Table 1, that is permanently labeled on the sidewall with each of the following:

(a) The size of the tire; and

(b) The actual number of plies or ply rating.

S6. *Certification and labeling.*

S6.1 Except as specified in S6.2, each manufacturer of a retreaded tire shall certify that his product complies with this standard, pursuant to section 114 of the National Traffic and Motor Vehicle

Safety Act of 1966, by labeling the tire with the symbol DOT in the location specified in § 574.5 of this chapter.

S6.2 From _____, inclusive, a manufacturer may certify compliance by affixing to the tread of the tire, in such a manner that it is not easily removable, a label that states in letters not less than three thirty-seconds of an inch high:

This retreaded tire was manufactured after January 1, 1972, and conforms to all applicable Federal motor vehicle safety standards.

S6.3 *Labeling.*

S6.3.1 Each retreaded pneumatic tire manufactured on or after _____ shall be labeled, in at least one location on the tire sidewall in letters and numerals not less than three thirty-seconds of an inch high, with the following information:

(a) The tire's size designation;

(b) The tire's maximum permissible inflation pressure, either as it appears on the casing or as set forth in Table 1;

(c) The tire's maximum load, either as it appears on the casing or as set forth in Table 1;

(d) The actual number of plies, ply rating, or both;

(e) The word "tubeless" if the tire is a tubeless tire, or the words "tube-type" if the tire is a tube-type tire;

(f) The word "bias/belted" if the tire is of bias-belted construction;

(g) The word "radial" if the tire is of radial construction.

The information shall either be retained from the casing used in the manufacture of the tire, or may be labeled onto the tire, either permanently or by the addition of a label that is not easily removable, during the retreading process.

S6.3.2 Each retreaded pneumatic tire produced on or after _____ shall be permanently labeled in at least one location on the completed retreaded tire, in letters and numerals not less than three thirty-seconds of an inch high that are molded into or onto the tire sidewall, with the following information:

(a) The tire's size designation;

(b) The tire's maximum permissible inflation pressure, either as it appears on the casing or as set forth in Table I;

(c) The tire's maximum load, either as it appears on the casing or as set forth in Table I;

(d) The actual number of plies, ply rating, or both;

(e) The word "tubeless" if the tire is a tubeless tire, or the words "tube-type if the tire is a tube-type tire;

(f) The word "bias/belted" if the tire is of bias-belted construction;

(g) The word "radial" if the tire is of radial construction.

TABLE I—PLIES

Tire size	2 ply–4 ply (4 ply rating)		4 ply (6 ply rating)		4 ply (8 ply rating)	
	Maximum load	Maximum inflation pressure	Maximum load	Maximum inflation pressure	Maximum load	Maximum inflation pressure
6.00–13	1010	32	1080	36	1140	40
6.50–13	1150	32	1230	36	1300	40
7.00–13	1270	32	1360	36	1440	40
6.45–14	1120	32	1200	36	1270	40
6.95–14	1230	32	1310	36	1390	40
7.35–14	1360	32	1450	36	1540	40
7.75–14	1500	32	1600	36	1690	40
8.25–14	1620	32	1730	36	1830	40
8.55–14	1770	32	1890	36	2000	40
8.85–14	1860	32	1990	36	2100	40
5.60–15	970	32	1040	36	1105	40
5.90–15	1050	32	1130	36	1200	40
6.85–15	1230	32	1320	36	1390	40
7.35–15	1390	32	1480	36	1570	40
7.75–15	1490	32	1590	36	1690	40
8.15–15	1610	32	1720	36	1820	40
8.25–15	1620	32	1730	36	1830	40
8.45–15	1740	32	1860	36	1970	40
8.55–15	1770	32	1890	36	2000	40
8.85–15	1860	32	1980	36	2100	40
9.00–15	1900	32	2030	36	2150	40
9.15–15	1970	32	2100	36	2230	40
8.90–15	2210	32	2360	36	2500	40
A70–13	1060	32	1130	36	1200	40
D70–13	1320	32	1410	36	1490	40
D70–14	1320	32	1410	36	1490	40
E70–14	1400	32	1490	36	1580	40
F70–14	1500	32	1610	36	1700	40
G70–14	1620	32	1730	36	1830	40
H70–14	1770	32	1890	36	2010	40
J70–14	1860	32	1980	36	2100	40
L70–14	1970	32	2100	36	2230	40
C70–15	1230	32	1320	36	1390	40
D70–15	1320	32	1410	36	1490	40
E70–15	1400	32	1490	36	1580	40
F70–15	1500	32	1610	36	1700	40
G70–15	1620	32	1730	36	1830	40
H70–15	1770	32	1890	36	2010	40
J70–15	1860	32	1980	36	2100	40
K70–15	1900	32	2030	36	2150	40
L70–15	1970	32	2100	36	2230	40
165–13	1050	32	1130	36	1200	40
175–13	1150	32	1240	36	1350	40
185–13	1270	32	1390	36	1510	40
155R13	950	32	1015	36	1075	40
155R14	1010	32	1080	36	1140	40
155R15	1015	32	1085	36	1150	40
165R13	1010	32	1080	36	1140	40
165R14	1120	32	1200	36	1270	40
165R15	1130	32	1200	35	1270	40
175R14	1230	32	1310	26	1390	40
185R14	1360	32	1450	36	1540	40
185/70R13	1090	32	1140	36	1190	40
145–14 [1]	865	32	905	36	935	40
145–15	895	32	940	36	975	40
195–15	1550	32	1680	36	1820	40
205–15	1700	32	1840	36	2000	40

[1] Dash Radial—Not an "R" Radial

[FR Doc.72–4347 Filed 3–17–72;3:53 pm]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[MC–C–3 (Sub-No. 3)]

PART 1048—COMMERCIAL ZONES

Chicago, Ill., Commercial Zone

Order. At a session of the Interstate Commerce Commission, Review Board No. 3, held at its office in Washington, D.C., on the 1st day of March 1972.

It appearing, that on March 12, 1964, the Commission, division 1, made and entered its report, 94 M.C.C. 568, and order, in this proceeding specifically defining the zone adjacent to and commercially a part of Chicago, Ill.;

It further appearing, that by petition filed December 20, 1971, Cooper-Jarrett, Inc., seeks redefinition and extension in certain respects of the Chicago, Ill., commercial zone limits;

And it further appearing, that investigation of the matters and things involved in said petition having been made, and said board having made and filed a report herein containing its findings of fact and conclusions thereon, which report is hereby made a part hereof:

It is ordered, That § 1048.2 as prescribed in this proceeding on March 12, 1964, be, and it is hereby, vacated and set aside, and the following revision is hereby substituted in lieu thereof;

§ 1048.2 Chicago, Ill.

The zone adjacent to and commercially a part of Chicago, Ill., within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)), includes and is comprised of all points as follows:

The area within the corporate limits of Chicago, Evanston, Oak Park, Cicero, Berwyn, River Forest, Willow Springs, Bridgeview, Hickory Hills, Worth, Homewood, and Lansing, Ill.; the area within the township limits of Niles, Maine, Leyden, Norwood Park, Proviso, Lyons, Riverside, Stickney, Worth, Calumet, Bremen, and Thronton Townships, Cook County, Ill.; the area comprised of that part of Lemont Township, Cook County, and that part of Downers Grove Township, Du Page County, Ill., bounded by a line beginning at the intersection of Archer Avenue and the southern corporate limits of Willow Springs, Ill., and extending in a southwesterly direction along Archer Avenue to its junction with Chicago Joliet Road (Sag Lemont Highway), thence in a westerly direction over Chicago Joliet Road to its junction with Walker Road, thence directly north along an imaginary line to the southern shoreline of the Chicago Sanitary and Ship Canal, thence in a northeasterly direction along said shoreline to the corporate limits of Willow Springs, including points on the indicated portions of the highways specified; the area within Burr Ridge, Du Page County, bounded by a line beginning at the intersection of County Line Road and Frontage Road, thence southwesterly along Frontage Road to its intersection with Garfield Street, thence northerly along Garfield Street to its junction with 74th Street, thence westerly along an imaginary line to the junction of 74th Street and Grant Street, thence southerly along Grant Street to its junction with 75th Street, thence westerly along 75th Street to its junction with Brush Hill Road, thence southerly along Brush Hill Road to its junction with Frontage Road, thence northeasterly along Frontage Road to its junction with County Line Road; and the area within the corporate limits of Hammond, Whiting, East Chicago, and Gary, Ind. (49 Stat. 543, as amended, 544, as amended, 546, as amended; 49 U.S.C. 302, 303, 304.)

It is furthered ordered, That this order shall become effective on May 29, 1972, and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Review Board No. 3.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-4481 Filed 3-22-72;8:52 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Arrowwood National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (3-23-72).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Sport fishing on the Arrowwood National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 1,550 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport Fishing shall be in accordance with all applicable State regulations subject to the followng special conditions:

(1) The open season for sport fishing on the refuge shall extend from May 6, 1972 to September 15, 1972, daylight hours only.

(2) The use of boats, with motors is prohibited.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 15, 1972.

JAMES W. MATTHEWS,
Refuge Manager, Arrowwood National Wildlife Refuge, Edmunds, N. Dak.

MARCH 16, 1972.

[FR Doc.72-4391 Filed 3-22-72;8:49 am]

PART 33—SPORT FISHING

Tewaukon Natonal Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (3-23-72).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

TEWAUKON NATIONAL WILDLIFE REFUGE

Sport fishing on the Tewaukon National Wildlife Refuge, Cayuga, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas are Lake Tewaukon, Mann Lake, and Sprague Lake, comprising 1,440 acres, and are shown on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 6, 1972, through September 30, 1972, daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 30, 1972.

HERBERT G. TROESTER,
Refuge Manager, Tewaukon National Wildlife Refuge, Cayuga, N. Dak.

MARCH 14, 1972.

[FR Doc.72-4374 Filed 3-22-72;8:48 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 100]

COAL MINE SAFETY

Proposed Civil Penalty Assessment Procedures

The purpose of these amendments is to conform the regulations herein with procedural changes proposed in a document appearing in the FEDERAL REGISTER this date, with respect to Department Hearings and Appeals Procedures, 43 CFR Part 4, applicable to penalty assessment cases under the Federal Coal Mine Health and Safety Act of 1969.

In addition, notice is given that it is proposed to delete § 100.3 to eliminate superfluous and possibly confusing language. This amendment is proposed in light of experience gained under the Act. It insures that the regulations will clearly reflect that the seriousness or gravity of a violation and negligence or lack of negligence are criteria which must be considered in each proposed violation along with the other statutory criteria of section 109(a) of the Act.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations to the Director, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, within 45 days after date of publication of this notice in the FEDERAL REGISTER.

Dated: March 17, 1972.

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

Part 100 of Chapter I of Title 30 of the Code of Federal Regulations will be amended and revised as follows:

1. Section 100.3 is deleted in its entirety.

2. Section 100.4 is redesignated § 100.3, paragraph (h) of the redesignated section is revised and paragraph (i) is deleted in its entirety. As revised, paragraph (h) reads as follows:

§ 100.3 Procedures for assessment of civil penalties; protest procedures.

* * * * *

(h) The operator or miner charged shall have 20 days from the date of receipt of such amended or reissued order to accept the amended or reissued order, or to reject such order and petition for hearing and formal adjudication. Unless the operator or miner charged files a timely petition for hearing and formal adjudication, the amended or reissued assessment order shall become the final assessment order of the Secretary.

3. Sections 100.4 and 100.5 are added to read as follows:

§ 100.4 Hearing procedures.

An operator or miner who desires a hearing and formal adjudication shall file a petition for hearing with the Office of Hearings and Appeals in accordance with the procedures set forth in Title 43, Part 4, §§ 4.540 et seq. The address of the Office of Hearings and Appeals is 4015 Wilson Boulevard, Arlington, VA 22203.

§ 100.5 Formal penalty assessment.

(a) In accordance with the procedural rules provided in Part 4, Title 43, Code of Federal Regulations, a hearing examiner or the Board of Mine Operations Appeals (both in the Office of Hearings and Appeals) shall thereafter issue an order based on findings of fact and conclusions of law.

(b) In assessing a civil penalty against an operator or miner, a hearing examiner or the Board of Mine Operations Appeals shall determine de novo the amount of the civil penalty for each violation in any amount not to exceed in the case of an operator, $10,000, and in the case of a miner, $250.

(c) In determining the existence of a violation or assessing a civil penalty thereon, neither the hearing examiner nor the Board is bound by the provisions and guidelines in this part relating to the making of proposed assessments.

APPENDIX A

GUIDELINES FOR ASSESSMENT OF PENALTIES

Type of violations	*Penalty range (in dollars)*
1. Mine operators:	
A. Violations resulting in the issuance of imminent danger withdrawal orders	5,000–10,000
B. Violations resulting in the issuance of other withdrawal orders	1,000– 5,000
C. Other violations	25– 1,000
2. Miners: Smoking or the carrying of smoking materials, matches, or lighters	25– 250

NOTE: Consideration of all relevant circumstances in the case of a particular violation may warrant the Assessment Officer's proposing a civil penalty in an amount more than or less than the range set forth above.

[FR Doc.72-4456 Filed 3-22-72;8:50 am]

Office of the Secretary

[43 CFR Part 4]

COAL MINE SAFETY

Proposed Hearing Procedures in Penalty Assessment Cases

Notice is hereby given that, under the authority provided in section 508 of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173; 83 Stat. 742), it is proposed to amend regulations appearing in 30 CFR Part 100 (36 F.R. 779-781, January 16, 1971) and 43 CFR Part 4 (36 F.R. 17337-17344, August 28, 1971), relating to informal and formal assessment of civil penalties under section 109(a) of the Federal Coal Mine Health and Safety Act of 1969. Experience gained under the existing procedures and a growing caseload prompt the Department to propose amendments to these procedures for the purpose of expediting disposition of these cases.

These amendments will not alter any substantive legal rights. For example, the proposed changes do not alter the burden of proof or the order of proceeding, which lie with the Government in these cases. The amendments will, however, eliminate delays in filing of initial pleadings in penalty assessment cases and in the scheduling of the field hearings.

Under the proposed amendments a party will file a petition for hearing directly with the Office of Hearings and Appeals. The petition will contain a short statement of the reasons why the party opposes assessment of penalty including any claimed mitigating circumstances and will contain his request for a hearing site.

Nine regional hearing centers will be established under the proposed procedures. Arrangements have been made to provide adequate hearing facilities on a regular basis. All of these centers are in primary coal mining regions. Most have excellent road access and offer direct air service to and from Washington, D.C.

Procedures for hearings in penalty assessment cases are streamlined under the proposed regulations. Where operators or miners request a hearing but neither take affirmative action nor acknowledge correspondence, these cases may now be summarily dismissed under the proposed regulations and the proposed assessment order reinstated as the final order of the Department.

Under present practice scheduling hearings involves duplication of work in that a hearing may be set for one location but a party may desire another. Making arrangements for these hearings on an individual basis is cumbersome and time-consuming. In addition, present practice requires the Associate Solicitor for Mine Health and Safety to file a petition for assessment after a request for hearing has been received. In addition to eliminating delays and extra work in the scheduling of hearings, the proposed procedures expedite the operator's or miner's request for hearing and hearing location by having it filed directly with the Office of Hearings and Appeals.

It is the policy of the Department of the Interior, whenever practicable, to

afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons are invited to submit written comments, suggestions, or objections with respect to the proposed regulations to the Director, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, within 45 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: March 17, 1972.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

Subpart F of Part 4 of Subtitle A of Title 43 of the Code of Federal Regulations will be amended and revised as follows:

1. Sections 4.540 through 4.543 are revised to read as follows:

§ 4.540 Penalty assessment; how initiated.

(a) A proceeding for the assessment of civil penalty shall be initiated when the operator or miner files a petition for hearing and formal adjudication with the Office of Hearings and Appeals pursuant to § 100.3(h) of Title 30, Code of Federal Regulations.

(b) The petition shall be filed within 20 days of receipt of the amended or reissued proposed order of the Assessment Officer and shall operate as a rejection of the proposed order.

(c) A copy of the petition for hearing shall be served upon the Assessment Office, Bureau of Mines, which originated the proposed order of assessment; and on the Associate Solicitor—Mine Health and Safety, U.S. Department of the Interior, Washington, D.C. 20240.

§ 4.541 Contents of petition.

A petition for hearing and formal adjudication shall include:

(a) A request for hearing and formal adjudication which shall include the case number assigned by the Bureau of Mines;

(b) A list of the violations in issue which shall include the number and date of the notice or order in issue and the section of the Act or regulation which the Bureau has cited as violated;

(c) A short and plain statement of reason why a penalty should not be assessed or any alleged mitigating circumstances; additionally, in the case of an operator, a statement of reasons should state the operator's position as to the six statutory criteria of section 109 of the Act; and

(d) A request for hearing site chosen from those listed in § 4.542.

§ 4.542 Hearing sites.

(a) The Office of Hearings and Appeals has established arrangements for hearings at the following sites:

Morgantown, W. Va.	Kingsport, Tenn.
Evansville, Ind.	Pittsburgh, Pa.
Birmingham, Ala.	Harrisburg, Pa.
Charleston, W. Va.	Pikeville, Ky.
Knoxville, Tenn.	

These sites are in addition to headquarters of the Office of Hearings and Appeals located in Arlington, Va. 22203 (Washington, D.C.).

(b) Where a request is made for a hearing site, the Examiner assigned to the case shall consider the request and any opposition thereto and in his discretion shall set a hearing site which is convenient to the government and private parties. Where no request for a hearing site is made, the hearing will be held either in Arlington, Va. 22203, or at a site in the discretion of the Examiner. The Department reserves the right to schedule a hearing at an alternate location nearby a requested site.

(c) In cases west of the Mississippi River an operator or miner should list the areas where the hearing site is desired. Such cases will be assigned a hearing site convenient to the parties and witnesses which will be designated by order of the Examiner.

§ 4.543 Answer of Bureau.

The Bureau shall file an answer within 20 days of service of the petition for hearing.

2. Section 4.544 is redesignated as 4.546, and there is added new §§ 4.544 and 4.545 to read as follows:

§ 4.544 Preliminary statement.

(a) Within 40 days of filing of the petition for hearing, each party, either jointly or separately, shall file a preliminary statement which shall include the following information:

(1) Statement of the factual and legal issues each party will present at the hearing.

(2) A list of the witnesses and a brief statement of their testimony.

(3) Any stipulations which the parties have agreed to.

(4) Copies of exhibits which each party intends to introduce or if it is not practicable to provide copies, a list and brief description of the exhibits to be introduced.

(b) An Examiner may require any additional material he considers necessary to hear and decide the matter.

§ 4.545 Failure to respond.

(a) Where an operator or miner fails to file a preliminary statement or a response to a prehearing order, the Examiner may issue an order to show cause why the proceedings should not be summarily dismissed.

(b) Where an operator or miner fails to respond to such an order to show cause or fails to appear at a hearing, the Examiner shall order the proceedings summarily dismissed and remanded to the Assessment Officer, who shall enter the proposed order of assessment as the final order of the Department and institute collection procedures.

(c) Nothing in this section shall be construed to deprive an operator or a miner of his opportunity to have the Bureau prove the violations charged in open hearing with confrontation and cross-examination of witnesses, except where said operator fails to file a preliminary statement, makes no response to prehearing orders or fails to appear at the hearing.

3. A new § 4.583a is added, to read as follows:

§ 4.583a Discovery.

(a) Any discovery procedure must be initiated within 20 days after the initial pleading has been filed. For good cause shown, an Examiner may permit discovery procedures to be initiated after this date.

(b) Discovery and other prehearing requisites shall be completed 60 days after the initial pleading has been filed. For good cause shown, an Examiner may permit the time for discovery to be extended.

4. Section 4.587 is amended to read:

§ 4.587 Burden of proof.

In proceedings brought under the Act, the applicant, petitioner or other party initiating the proceedings shall have the burden of proving his case by a preponderance of the evidence except that (a) in a penalty proceeding the Bureau shall have the burden of proving its case by a preponderance of the evidence and (b) the Bureau shall have the burden of proving the violation of a mandatory health or safety standard by a preponderance of the evidence wherever the violation of a mandatory health and safety standards is in issue.

[FR Doc.72-4457 Filed 3-22-72;8:50 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 278]

BULK CARGO VESSELS ON WHICH A CONSTRUCTION-DIFFERENTIAL SUBSIDY HAS BEEN PAID

Operation in U.S. Foreign Commerce

In F.R. Doc. 71-7272, appearing in the FEDERAL REGISTER issue of May 22, 1971 (36 F.R. 9335) notice was given and the Maritime Subsidy Board/Maritime Administration, Department of Commerce, invited comments with respect to a proposed rule governing the "operation in U.S. foreign commerce of bulk cargo vessels on which a construction-differential subsidy has been paid." Comments were received and considered. Substantial changes have been made to the original proposed regulation making it desirable to seek additional comments on the following revised proposed regulation.

Therefore, notice is hereby given that the Maritime Subsidy Board proposes to add the following new Part 278 to Title 46, Chapter II, Code of Federal Regulations:

PART 278—OPERATION IN THE U.S. FOREIGN COMMERCE OF BULK CARGO VESSELS ON WHICH A CONSTRUCTION - DIFFERENTIAL SUBSIDY HAS BEEN PAID.

Sec.
278.1 Purpose.
278.2 Definitions.
278.3 Duration of restrictions.

Sec.
278.4 Operating restrictions.
278.5 Suspension of restriction period.
278.6 Approval of charters.
278.7 Transshipment of cargo.
278.8 Report of cargo carried.
278.9 Failure to comply.

§ 278.1 Purpose.

The purpose of this part is to prescribe regulations pursuant to section 905(a) of the Merchant Marine Act, 1936, as amended (Act), governing the extent to which U.S. flag liquid and dry bulk cargo vessels on which a construction-differential subsidy (CDS) has been paid may engage in trading between foreign ports.

§ 278.2 Definitions.

For purposes of this part:

(a) *United States.* Shall mean the United States, its Territories, possessions, and the District of Columbia.

(b) *Port.* Shall mean any facility at which a vessel may load or unload cargo.

(c) *Total cargo carried.* Shall mean at the option of the vessel owner, the total ton-miles of cargo carried or total gross revenue earned from such cargo in all trades whether foreign or domestic.

(d) *Ton-miles.* Shall mean the number of long tons (2,240 lbs.) of cargo discharged multiplied by the number of nautical miles such cargo was carried.

(e) *Foreign - to - foreign commerce.* Shall mean the carriage of cargo loaded at a foreign port and unloaded at a foreign port.

(f) *United States foreign commerce.* Shall mean the carriage of cargo loaded at a U.S. port and unloaded at a foreign port or cargo loaded at a foreign port and unloaded at a U.S. port.

(g) *Transshipment port.* Shall mean any port in a foreign country which is used for loading or unloading cargoes destined to a port other than the transshipment port.

§ 278.3 Duration of restrictions.

(a) The restriction in this part shall apply for twenty (20) years in the case of liquid bulk cargo vessels and twenty-five (25) years in the case of dry bulk cargo vessels.

(b) The twenty (20) or twenty-five (25) year aggregate period shall be divided into five (5) year periods for the purpose of determining compliance with these regulations.

(c) The restriction period shall commence to run upon commencement of the first loading of the vessel after delivery unless such restriction period is suspended under the provisions of § 278.5.

§ 278.4 Operating restrictions.

In each 5-year compliance period, liquid or dry bulk vessels on which CDS has been paid must operate as follows:

(a) In each of any 3 years, thirty-three (33) percent of the total cargo carried must be U.S. foreign commerce; or

(b) For the entire 5-year period, twenty (20) percent of the total cargo carried (computed on one of the options available under § 278.2(c)) must be U.S. foreign commerce.

§ 278.5 Suspension of restriction period.

(a) The restriction period in § 278.3 shall not commence to run on those vessels contructed with the aid of CDS if, upon request at the time of the CDS application, the Secretary of Commerce (the "Secretary") shall determine that there are not sufficient United States ports to permit safe and commercially feasible trading by the liquid or dry bulk cargo vessels in accordance with normal commercial bulk shipping practices.

(b) If subsequent to the Secretary's determination that sufficient U.S. ports are not available, the Secretary, in his discretion, determines that sufficient U.S. ports have become available, the restriction period shall commence to run immediately (or upon first loading) unless the vessel is operating under a charter approved under § 278.6 in which case the restriction period shall not commence to run until the original term of the charter expires.

§ 278.6 Approval of charters.

(a) Any charter, for a period in excess of 1 year, relating to a vessel whose restriction period has been suspended under § 278.5 or upon which an application has been made to suspend the restriction period shall be subject to the approval of the Secretary.

(b) The Secretary will not approve charters under this section which are for more than 5 years unless he shall determine, in his discretion, that special circumstances and good cause have been shown.

§ 278.7 Transshipment of cargo.

(a) Cargo loaded or unloaded at a transshipment port by a liquid or dry bulk cargo vessel on which CDS has been paid shall be considered to be U.S. foreign commerce if:

(1) The Secretary has determined under § 278.5 that sufficient U.S. ports are not available; and

(2) The owner agrees to waive the provisions of § 278.5 and agrees to treat the transshipment port as equivalent to a sufficient U.S. port; and

(3) The cargo originated in the United States and is destined to a foreign country or originated in a foreign country and is destined to the United States; and

(4) The exact cargo or its equivalent, without undergoing any material alteration in composition or form, is subsequently carried to its destination from the transshipment port; and

(5) Any waterborne carriage of the cargo from the United States to the transshipment port or from the transshipment port to the United States is in a U.S. flag vessel.

(b) For purposes of § 278.8, credit shall not be given for cargo carried in transshipment until the cargo has arrived at its final destination.

(c) A waiver of the provisions of § 278.5 may be withdrawn on any anniversary of the effective date of the waiver.

(d) Examples: The provision of paragraph (a) of this section may be illustrated by the following examples:

(1) *Example 1.* Assume that 10,000 barrels of crude oil are unloaded at a European port for transshipment to the United States. To meet the requirements of this section 10,000 barrels of crude oil, without undergoing any material alteration in composition or form, must subsequently be carried to the United States in U.S.-flag vessels if waterborne transportation is used between the transshipment port and the United States.

(2) *Example 2.* Assume the same facts as in example 1, but assume further that while the oil is at the transshipment port it is refined. The requirements of subparagraph (a)(4) of this section will not have been met because the cargo underwent a material change in composition at the transshipment port.

§ 278.8 Report of cargo carried.

Within ninety (90) days from the end of each year during the running of the twenty (20) or twenty-five (25) year restriction period, the owner of a liquid or dry bulk cargo vessel on which CDS has been paid, shall file a report with the Secretary, Maritime Administration, Washington, D.C. 20235, detailing the total cargo discharged in U.S. foreign commerce, foreign-to-foreign commerce, and all other commerce during such year. Such report shall show total cargo discharged by both gross revenues earned and ton-miles carried for each category of commerce.

§ 278.9 Failure to comply.

The restriction in this part shall run with the vessel while it is documented under the laws of the United States. Any owner whose acts or omissions rendered compliance with this part impossible shall be disqualified, along with any parent, subsidiary, affiliated or related corporation or person from receiving CDS under Title V of the Act unless the Secretary, in his discretion, determines that the acts or omissions are excusable.

While the construction-differential subsidy program is exempt from the requirements of 5 U.S.C. 553, the Maritime Subsidy Board invites all interested parties to submit written comments on the proposed regulation, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20235, within thirty (30) days from date of publication.

Dated: March 21, 1972.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.72-4472 Filed 3-22-72;8:51 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

[41 CFR Parts 60-1, 60-30]

EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

Hearing Rules for Sanction Proceedings

Pursuant to the authority of sections 201, 205, 208, 209, 301, 302(b), and 303(a) of Executive Order 11246, as amended,

notice is hereby given of a proposal to amend Chapter 60 of Title 41 of the Code of Federal Regulations by adding a new Part 60–30 and amending 41 CFR 60–1.26(b) as set forth below.

Interested persons are invited to file written comments, suggestions, or objections regarding the proposed amendments to Mr. George L. Holland, Director, Office of Federal Contract Compliance, Washington, D.C. 20210, within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

1. The amended § 60–1.26(b) of Part 60–1 would read as follows:

§ 60–1.26 Hearings.

* * * * *

(b) *Formal hearings*—(1) *General procedure.* In accordance with procedures prescribed by the Secretary or other agency head, the Director or an appropriate official of any agency, with the approval of the Director, may convene formal hearings pursuant to Subpart B of this part for the purpose of determining whether the sanctions set forth in section 209 of the order shall be invoked against any prime contractor or subcontractor. Reasonable notice of a hearing shall be sent by registered mail, return receipt requested, to the last known address of the prime contractor or subcontractor complained against. Such notice shall contain the time, place, and nature of the hearing and a statement of the legal authority pursuant to which the hearing is to be held. Copies of such notice shall be sent to all agencies. Hearings shall be held before a hearing officer designated by or under the direction of the Secretary or other agency head. Each party shall have the right to counsel; a fair opportunity to present evidence and argument and to cross-examine. Whenever a formal hearing is based in whole or in part on matters subject to the collective bargaining agreement and compliance may necessitate a revision of such agreement, any labor organization which is a signatory to the agreement shall have the right to participate as a party. Any other person or organization shall be permitted to participate upon a showing that such person or organization has an interest in the proceedings and may contribute materially to the proper disposition thereof. The hearing officer shall make his proposed findings and conclusions upon the basis of the record before him.

(2) *Cancellation, termination, and debarment.* No order for cancellation or termination of existing contracts or subcontracts or for debarment from further contracts or subcontracts pursuant to section 209 of the order shall be made without affording the prime contractor or subcontractor an opportunity for a hearing. When cancellation, termination, or debarment is proposed, the following procedure shall be observed:

(i) *Notice of proposed cancellation or termination.* Whenever the Director or his designate, or an appropriate official of any agency, upon prior notification to the Director, proposes to request the Secretary or other agency head to cancel or terminate, or cause to be canceled or terminated, in whole or in part, a contract or contracts, or to require cancellation or termination of a subcontract or subcontracts, a notice of the proposed action, in writing and signed by the Director or his designate, or an appropriate agency official, shall be sent to the last known address of the prime contractor or subcontractor. A copy of such notice shall be published in the FEDERAL REGISTER. The notice shall contain a concise jurisdictional statement, a short and plain statement of the matters furnishing a basis for the imposition of sanctions, an enumeration of the sanctions being requested, and a citation of the provisions of the order and regulations pursuant to which the requested action may be taken.

(ii) *Notice of proposed ineligibility.* Whenever the Director or his designate, or an appropriate official of any agency, upon prior notification to the Director, proposes to request the Secretary or other agency head to declare a prime contractor or subcontractor ineligible for further contracts or subcontracts under section 209 of the order, a notice of the proposed action, in writing and signed by the Director or his designate, or appropriate agency official, shall be sent to the last known address of the prime contractor or subcontractor. A copy of such notice shall be published in the FEDERAL REGISTER. The notice shall contain a concise jurisdictional statement, a short and plain statement of the matters furnishing a basis for the imposition of sanctions, a citation of the provisions of the order and regulations pursuant to which the requested action may be taken, and a statement that the debarment sanction is being sought.

(iii) *Answer and hearing request.* The prime contractor or subcontractor shall be afforded at least 14 days from receipt of the notice of proposed cancellation, termination, or ineligibility in which to file an answer to the notice and a request for a hearing with the Director or his designate, or the agency. The answer shall admit or deny specifically, and in detail, matters set forth in each allegation of the notice unless the prime contractor or subcontractor is without knowledge, in which case the answer shall so state, and the statement shall be deemed a denial. Matters not specifically denied shall be deemed admitted. Matters alleged as affirmative defenses shall be separately stated and numbered. The hearing request shall be included as a separate paragraph of the answer.

(iv) *Suspension during pendency of hearing.* Whenever the prime contractor or subcontractor requests a hearing in accordance with these provisions, his contracts or subcontracts may be suspended, in the discretion of the Director, during the pendency of the hearing.

(v) *Imposition of sanctions without a hearing.* If at the end of the 14-day period referred to in subdivision (iii) of this subparagraph, no answer including a hearing request has been filed, or the answer fails to allege disputed issues of fact or law, the Secretary or other agency head may cancel, suspend or terminate or cause to be canceled, suspended or terminated any one or more contracts or subcontracts, or parts thereof, held by the prime contractor or subcontractor complained against, or enter an order declaring such contractor or subcontractor ineligible for further contracts, subcontracts, or extensions of other modifications of existing contracts, until the contractor or subcontractor has satisfied the Secretary that he has established and will carry out personnel and employment policies and practices in compliance with the provisions of the equal opportunity clause and the order.

(vi) *Decision following hearing.* When the hearing is conducted by an agency, the hearing officer shall make recommendations to the head of the agency who shall make a decision whether sanctions will be invoked against the contractor or subcontractor. No decision by the head of the agency, or his representative, shall be final without the prior approval of the Director. When the hearing is conducted by a hearing officer appointed by or under the direction of the Secretary the hearing officer shall make recommendations to the Secretary, who shall make the final decision whether sanctions will be invoked against the contractor or subcontractor. Parties shall be furnished with copies of the hearing officer's recommendations, and shall be given an opportunity to submit their views.

2. The new Part 60–30 reads as follows:

PART 60–30—HEARING RULES FOR SANCTION PROCEEDINGS

Subpart A—General Information

Sec.
60–30.1 Applicability of rules, waiver, modification.
60–30.2 Definitions.
60–30.3 Computation of Time.

Subpart B—Form and Filing of Documents and Pleadings

60–30.4 Form.
60–30.5 Filing; service.

Subpart C—Prehearing Procedures

60–30.6 Notice of proposed cancellation, termination, or ineligibility.
60–30.7 Answer.
60–30.8 Amendments.
60–30.9 Notice of hearing.
60–30.10 Motions; disposition of motions.
60–30.11 Participation by interested persons.
60–30.12 Admissions as to facts and documents.
60–30.13 Production of documents and things and entry upon land for inspection and other purposes.
60–30.14 Depositions upon oral examination.
60–30.15 Prehearing conferences.

Subpart D—Designation and Responsibilities of Hearing Examiner

60–30.16 Designation.
60–30.17 Authority and responsibilities.

Subpart E—Hearing and Related Matters

60–30.18 Appearances.
60–30.19 Appearance of witnesses.
60–30.20 Evidence; testimony.
60–30.21 Objections; exceptions.
60–30.22 Offer of proof.
60–30.23 Public documents.
60–30.24 Ex parte communications.
60–30.25 Oral argument.
60–30.26 Official transcript.
60–30.27 Summary judgment.

Subpart F—Post Hearing Procedures

Sec.
60-30.28 Proposed findings of fact and conclusions.
60-30.29 Record for recommended decision.
60-30.30 Recommended decision.
60-30.31 Exceptions to recommended decision.
60-30.32 Record.
60-30.33 Final decision.

Subpart G—Miscellaneous

60-30.34 Cooperation by agencies.
60-30.35 Effect of this part on other rules and regulations.

AUTHORITY: The provisions of this Part 60-30 issued pursuant to secs. 201, 205, 208, 209, 301, 302(b), and 303(a) of Executive Order 11246, as amended, 30 F.R. 12319; 32 F.R. 14303; § 60-1.26 of Part 60-1 of this chapter.

Subpart A—General Information

§ 60-30.1 Applicability of rules, waiver, modification.

(a) *Applicability of rules.* These rules of procedure supplement the provisions of § 60-1.26(b) of this chapter. The rules govern the practice and procedure for hearings conducted by the Office of Federal Contract Compliance with respect to the imposition of sanctions under sections 208(b), 209(a) (1), (5), and (6) of Executive Order No. 11246, as amended.

(b) *Waiver, modification.* Upon notice to all parties, the hearing examiner or the Secretary may, with respect to matters pending before him modify or waive any rule herein upon a determination that no party will be prejudiced and that the ends of justice will be served thereby.

§ 60-30.2 Definitions.

As used in these rules:

(a) "Associate Solicitor" means the Associate Solicitor for Labor Relations and Civil Rights, U.S. Department of Labor, Washington, D.C. 20210, who has been designated to prosecute all actions under this part and § 60-1.26(b) of Part 60-1 of this chapter in the name of the Director.

(b) "Chief Hearing Examiner" means the Chief Hearing Examiner, U.S. Department of Labor, Washington, D.C. 20210.

(c) "Department" means the Department of Labor.

(d) "Director" means the Director of the Office of Federal Contract Compliance of the Department of Labor.

(e) "Hearing Examiner" means the hearing officer designated by the Chief Hearing Examiner, pursuant to section 208(b) of the Executive Order 11246, as amended, and § 60-1.26(b) of this chapter to conduct hearings under section 209 of the Order.

(f) "Notice" means, unless the context clearly indicates otherwise, the Notice of Proposed Cancellation, Termination, or Ineligibility.

(g) "The Order" means Executive Order 11246 of September 24, 1965 (30 F.R. 12319), as amended (32 F.R. 14303).

(h) "Party" means a respondent; the Director of the Office of Federal Contract Compliance of the Department of Labor; and any person or organization participating in a proceeding pursuant to § 60-30.11(a).

(i) "Respondent" means a person or organization against whom sanctions are proposed because of alleged violations of Executive Order 11246, and the rules, regulations, and orders thereunder.

(j) "Secretary" means Secretary of the Department of Labor.

§ 60-30.3 Computation of time.

In computing any period of time under these rules or in an order issued hereunder, the time begins with the day following the act, event, or default, and includes the last day of the period, unless it is a Saturday, Sunday, or legal holiday observed in the District of Columbia, in which event it includes the next following business day.

Subpart B—Form and Filing of Documents and Pleadings

§ 60-30.4 Form.

Documents and pleadings filed pursuant to a proceeding herein shall be dated, the original signed in ink, shall show the docket description and title of the proceeding, and shall show the title, if any, and address of the signatory. Copies need not be signed, but the name of the person signing the original shall be reproduced.

§ 60-30.5 Filing; service.

(a) *Manner of service.* Service upon any party shall be made by the party filing the document or pleading by delivering a copy or mailing a copy to the last known address: *Provided, however,* That the notice of hearing shall be sent by registered mail, return receipt requested, pursuant to § 60-1.26(b)(1) of this chapter.

(b) *Upon whom served.* All papers shall be served upon counsel of record and upon parties not represented by counsel, and upon the Associate Solicitor or his designate.

(c) *Proof of service.* A certificate of the person serving the pleading or other document by personal delivery or by mailing, setting forth the manner of said service shall be proof of the service.

(d) *Number of copies.* An original and 3 copies of all documents and pleadings shall be filed.

Subpart C—Prehearing Procedures

§ 60-30.6 Notice of proposed cancellation, termination or ineligibility.

Actions shall be commenced under this part and § 60-1.26(b)(2) of Part 60-1 of this chapter by service of a written notice signed by the Director, or by the Associate Solicitor in the name of the Director, on the contractor or subcontractor against whom the Director seeks the imposition of sanctions. The notice shall indicate whether the Director proposes to request the Secretary to cancel or terminate, or cause to be canceled or terminated, in whole or in part, any one or more contracts or subcontracts, or to declare the prime contractor or subcontractor ineligible for further contracts or subcontracts under section 209 of the order. The notice shall contain a concise jurisdictional statement, a short and plain statement of the matters furnishing a basis for the imposition of sanctions, and a citation of the provisions of the order and regulations pursuant to which the requested action may be taken.

§ 60-30.7 Answer.

(a) *Filing and service.* Within 14 days after receipt of the notice of proposed cancellation, termination or ineligibility, Respondent shall file an answer and a hearing request with the hearing examiner or, if no hearing examiner has been designated, with the Chief Hearing Examiner.

(b) *Contents; failure to file.* The answer shall admit or deny specifically, and in detail, matters set forth in each allegation of the notice unless Respondent is without knowledge, in which case the answer shall so state, and the statement shall be deemed a denial. Matters not specifically denied shall be deemed admitted. Matters alleged as affirmative defenses shall be separately stated and numbered. Failure to file an answer shall constitute an admission of all facts recited in the notice.

(c) *Hearing request.* The request for a hearing shall be included as a separate paragraph of the answer.

§ 60-30.8 Amendments.

The Director may amend the notice once as a matter of course before an answer is filed, and Respondent may amend its answer once as a matter of course not later than 10 days after the filing of the original answer. Other amendments of the notice or of the answer to the notice shall be made only by leave of the hearing examiner. An amended notice shall be answered within 7 days of its service, or within the time for filing an answer to the original notice, whichever period is longer unless the hearing examiner orders otherwise.

§ 60-30.9 Notice of hearing.

In response to Respondent's request for a hearing, a notice of hearing shall be served on the Respondent pursuant to § 60-1.26(b)(1) of this chapter. Such notice shall contain the time, place, and nature of the hearing and the legal authority under which the proceedings are to be held.

§ 60-30.10 Motions; disposition of motions.

(a) *Motions.* Motions shall state the relief sought, the authority relied upon and the facts alleged, and shall be filed with the hearing examiner, or with the Chief Hearing Examiner, if no hearing examiner has been designated. If made before or after the hearing itself, these matters shall be in writing. If made at the hearing, they may be stated orally; but the hearing examiner may require that they be reduced to writing and filed and served on all parties in the same manner as a formal motion. Within 7 days after a written motion is served, or such other time period as may be fixed,

any party may file a response to a motion.

(b) *Disposition of motions.* The hearing examiner, or Secretary, may not grant a written motion prior to expiration of the time for filing responses thereto, except upon consent of the parties or following a hearing thereon, but may overrule or deny such motion without awaiting response: *Provided, however,* That prehearing conferences, hearings, and decisions need not be delayed pending disposition of motions. Rulings by the hearing examiner shall not be appealed prior to the transfer of the case to the Secretary, but shall be considered by the Secretary when the case is transferred to him for decision.

§ 60–30.11 Participation by interested persons.

(a) (1) To the extent that proceedings hereunder involve employment of persons covered by a collective bargaining agreement, and compliance may necessitate a revision of such agreement, any labor organization which is a signatory to the agreement shall have the right to participate as a party.

(2) Other persons or organizations shall have the right to participate as parties if the final decision of the Secretary could adversely affect them or the class they represent.

(3) Any person or onganization wishing to participate as a party under this paragraph shall file and serve upon the hearing examiner, or upon the Chief Hearing Examiner, if no hearing examiner has been designated, and all parties a petition within 7 days after the commencement of the action. Such petition shall concisely state (i) petitioner's interest in the proceedings, (ii) who will appear for petitioner, (iii) the issues on which petitioner wishes to participate, and (iv) whether petitioner intends to present witnesses.

(4) The hearing examiner shall determine whether each petitioner has the requisite interest in the proceedings and shall permit or deny participation accordingly. Where petitions to participate as parties are made by individuals or groups with common interest, the hearing examiner may request all such petitioners to designate a single representative to represent all such petitioners; provided that the representative of a labor organization qualifying to participate under paragraph (a) (1) of this section must be permitted to participate in the proceeding. The hearing examiner shall give each petitioner written notice of the decision on his petition; and if the petition is denied, he shall briefly state the grounds for denial and shall then treat the petition as a request for participation as amicus curae. The hearing examiner shall give written notice to each party of each petition granted.

(b) (1) Any other interested person or organization wishing to participate as amicus curiae shall file a petition before the commencement of the final hearing with the hearing examiner. Such petition shall concisely state (i) the petitioner's interest in the hearing, (ii) who will represent the petitioner, and (iii) the issues on which petitioner intends to present argument. The hearing examiner may grant the petition if he finds that the petitioner has a legitimate interest in the proceedings, and that such participation may contribute materially to the proper disposition of the issues. An amicus curiae is not a party but may participate as provided in this paragraph.

(2) An amicus curiae may present a brief oral statement at the hearing, at the point in the proceedings specified by the hearing examiner. He may submit a written statement of position to the hearing examiner prior to the beginning of a hearing, and shall serve a copy on each party. He may also submit a brief or written statement at such time as the parties submit briefs and exceptions, and shall serve a copy on each party.

§ 60–30.12 Admissions as to facts and documents.

Not later than 14 days prior to the date of the hearing, except for good cause shown, or not later than 14 days prior to such earlier date as the hearing examiner may order, any party may serve upon an opposing party a written request for the admission of the genuineness and authenticity of any relevant documents described in, and exhibited with, the request, or for the admission of the truth of any relevant matters of fact stated in the request. Each of the matters as to which an admission is requested shall be deemed admitted, unless within a period designated in the request (not less than 7 days, and not more than 10 days, after service thereof) the party to whom the request is directed serves upon the requesting party a sworn statement either (a) denying specifically the matters as to which an admission is requested, or (b) setting forth in detail the reasons why he cannot truthfully either admit or deny such matters.

§ 60–30.13 Production of documents and things and entry upon land for inspection and other purposes.

(a) After commencement of the action, any party may serve on any other party a request to produce and/or permit the party, or someone acting on his behalf, to inspect and copy any unprivileged documents, phonorecords, and other compilations which contain or may lead to relevant information and which are in the possession, custody, or control of the party upon whom the request is served. If necessary, translation of data compilations shall be done by the party furnishing the information.

(b) After commencement of the action, any party may serve on any other party a request to permit entry upon designated property in the possession or control of the party upon whom the request is served for the purpose of inspection, measuring, surveying or photographing, testing, or sampling the property or any designated object or area.

(c) Each request shall set forth with reasonable particularity the items to be inspected and shall specify a reasonable time and place for making the inspection and performing the related acts.

(d) The party upon whom the request is served shall respond within 7 days after the service of the request. The response shall state, with respect to each item, that inspection and related activities will be permitted as requested, unless there are objections, in which case the reasons for each objection shall be stated. The party submitting the request may move for an order with respect to any objection or to other failure to respond.

§ 60–30.14 Depositions upon oral examination.

(a) *Depositions; notice of examination.* After commencement of the action, any party may take the testimony of any person, including a party, having personal or expert knowledge of the matters in issue, by deposition upon oral examination for the purposes of discovery and the perpetuation of testimony. A party desiring to take a deposition shall give reasonable notice in writing to every other party to the proceeding. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. The notice shall also set forth the categories of documents the witness is to bring with him to the deposition, if any. A copy of the notice shall be furnished to the person to be examined unless his name is unknown.

(b) *Production of witnesses; obligation of parties; objections.* It shall be the obligation of each party to produce for examination any person, along with such documents as may be requested, over whom that party has control at the time and place, and on the date, set forth in the notice. Each party shall be deemed to have control over its officers, agents, employees and members. Depositions shall be held within the county in which the witness resides or works. The party or prospective witness may file with the hearing examiner, or with the Chief Hearing Examiner, if no hearing examiner has been assigned, an objection within 3 days after the identify of such witness first becomes known, stating with particularity the reasons why the party cannot or ought not to produce a requested witness. The party serving the notice may move for an order with respect to such objection or failure to produce a witness. All errors or irregularities in compliance with the provisions 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 ascertained.

(c) *Before whom taken; scope of examination; failure to answer.* Depositions may be taken before any officer authorized to administer oaths by the laws of the United States or of the place where the deposition is held. At the time and place specified in the notice, the

officer designated to take the deposition shall permit each party to examine and cross-examine the witness under oath upon any unprivileged matter which is relevant to the subject matter of the proceeding, or which is reasonably calculated to lead to the production of relevant and otherwise admissible evidence. All objections to questions or evidence shall be deemed waived unless made at the examination. The officer taking the deposition shall not have the power to rule upon objections but he shall note them upon the deposition for subsequent ruling by the hearing examiner. A refusal or failure on the part of any person under the control of a party to answer a question shall operate to create an irrebuttable presumption that the answer, if given, would be unfavorable to the controlling party, unless the question is subsequently ruled improper by the hearing examiner. *Provided,* That the examining party shall note on the record during the deposition the question which the deponent has failed or refused to answer, and state his intention to invoke the presumption if no answer is forthcoming.

(d) *Subscription; certification; filing.* The testimony shall be reduced to typewriting by the officer taking the deposition or under his direction, and 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, and that the deposition is a true record of the testimony and exhibits given by the witness, and that said 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 noted in the certificate of the officer and the deposition may then be used as fully as though signed. The officer shall immediately deliver any original copy of the transcript, together with his certificate, in person or by mail to the hearing examiner, or to the Chief Hearing Examiner, if no hearing examiner has been assigned. Copies of the transcript and certificate shall be furnished to all persons desiring them, upon payment of reasonable charges therefor, unless distribution is restricted by order of the hearing examiner for good cause shown.

(e) *Rulings on admissibility; use of deposition.* Subject to the provisions of this section, objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying. Any part or all of a deposition, so far as admissible in the discretion of the hearing examiner, may be used against any party who was present or represented at the taking of the deposition or who had reasonable notice thereof, in accordance with the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of the deponent as a witness.

(2) The deposition of a party or of anyone who at the time of taking the deposition was an officer, director, or managing agent, or was designated to testify on behalf of a public or private corporation, partnership, association or governmental agency which is a party may be used by the adverse party for any purpose.

(3) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the hearing examiner finds: (i) That the witness is dead; or (ii) that the witness is unable to attend or testify because of age, illness, infirmity, or imprisonment; or (iii) that the party offering the deposition has been unable to procure the attendance of the witness by notice; or (iv) upon application and notice, that such exceptional circumstances exist as to make it desirable to allow the deposition to be used.

(4) If only part of a deposition is introduced in evidence by a party, any party may introduce any other parts by way of rebuttal and otherwise.

(f) *Stipulations.* 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 like other depositions.

§ 60–30.15 Prehearing conferences.

(a) Within 14 days after the answer has been filed, the hearing examiner shall establish a date for the prehearing conference to include all parties and petitioners for status as a party whose petition has not yet been ruled on. Written notice of the prehearing conference shall be sent to all participants in the conference. At the prehearing conference the following matters shall be considered:

(1) Simplification and delineation of the issues to be heard;

(2) Stipulations, admissions of fact and of contents and authenticity of documents;

(3) Limitation of number of witnesses particularly the avoidance of duplicate expert witnesses, and exchange of expert witness lists;

(4) Scheduling dates for the exchange of witness lists (except as provided in subparagraph (3) of this paragraph) and exhibits;

(5) Offers of settlement;

(6) Scheduling of such additional prehearing conferences as may be considered necessary; and

(7) Such other matters as may tend to expedite the disposition of the proceedings.

(b) The record shall show the matters disposed of by order and by agreement in the prehearing conference. The subsequent course of the proceeding shall be controlled by such action.

Subpart D—Designation and Responsibilities of Hearing Examiner

§ 60–30.16 Designation.

Hearings shall be held before a hearing examiner designated by the Chief Hearing Examiner under the direction of the Secretary. After service of an order designating a hearing examiner to preside, and until such examiner makes his decision, motions and petitions shall be submitted to him. In the case of the death, illness, disqualification, or unavailability of the designated hearing examiner, another hearing examiner may be designated to take his place.

§ 60–30.17 Authority and responsibilities.

The hearing examiner shall propose findings and conclusions to the Secretary on the basis of the record before him. In order to do so, he shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, and to maintain order. He shall have all powers necessary to those ends, including, but not limited to, the power to:

(a) Hold conferences to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding by consent of the parties or upon his own motion;

(b) Require parties to state their position with respect to the various issues in the proceeding;

(c) Require parties to produce for examination those relevant witnesses and documents under their control;

(d) Administer oaths;

(e) Rule on motions, and other procedural items on matters pending before him;

(f) Regulate the course of the hearing and conduct of participants therein;

(g) Examine and cross-examine witnesses, and introduce into the record documentary or other evidence;

(h) Receive, rule on, exclude, or limit evidence, and limit lines of questioning or testimony which are irrelevant, immaterial or unduly repetitious;

(i) Fix time limits for submission of written documents in matters before him;

(j) Impose appropriate sanctions against any party or person failing to obey an order under these rules which may include:

(1) Refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence;

(2) Excluding all testimony of an unresponsive or evasive witness, or determining that the answer of such witness, if given, would be unfavorable to the party having control over him; and

(3) Expelling any party or person from further participation in the hearing;

(k) Take official notice of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial notice;

(l) Recommend whether the Respondent is in current violation of Executive Order 11246, as amended, and applicable rules, regulations and orders, as well as the nature of whatever corrective action may be necessary to bring the respondent into compliance with the equal employment opportunity clause; and

(m) Take any action authorized by these rules.

Subpart E—Hearings and Related Matters

§ 60–30.18 Appearances.

(a) *Representation.* The parties or other persons or organizations participating pursuant to § 60–30.11 have the right to be represented by counsel.

(b) *Failure to appear.* In the event that a party appears at the hearing and no party appears for the opposing side, the party who is present shall have an election to present his evidence in whole or such portion thereof sufficient to make a prima facie case before the hearing examiner. Failure to appear at the hearing shall not be deemed to be a waiver of the right to be served with a copy of the hearing examiner's recommended decision and to file exceptions to it.

§ 60–30.19 Appearance of witnesses.

(a) A party wishing to procure the appearance at the hearing of any person having personal or expert knowledge of the matters in issue shall serve on the prospective witness a notice setting forth the time, date and place at which he is to appear for the purpose of giving testimony. The notice shall also set forth the categories of documents the witness is to bring with him to the hearing, if any. A copy of the notice shall be filed with the hearing examiner and additional copies shall be served upon the opposing parties.

(b) It shall be the obligation of each party to produce for examination any person, along with such documents as may be requested, over whom that party has control at the time and place, and on the date, set forth in the notice. Each party shall be deemed to have control over its officers, agents, employees, and members. Due regard shall be given to the convenience of witnesses in scheduling their testimony so that they will be detained no longer than reasonably necessary.

(c) The party or prospective witness may file an objection within 3 days after the identity of such witness first becomes known, stating with particularity the reasons why the party cannot produce a requested witness. The party serving the notice may move for an order with respect to such objection or failure to produce a witness.

§ 60–30.20 Evidence; testimony.

Formal rules of evidence shall not apply, but rules or principles designed to assure production of the most probative evidence available shall be applied, as the hearing examiner directs. Testimony shall be given orally by witnesses at the hearing, but may, in the discretion of the hearing examiner, be prepared in writing and served on all parties within 10 days prior to the hearing. A witness shall be available for cross-examination, and, at the discretion of the hearing examiner, may be cross-examined without regard to the scope of direct examination as to any matter which is relevant and material to the proceeding. The hearing examiner may exclude evidence which is immaterial, irrelevant, or unduly repetitious.

§ 60–30.21 Objections; exceptions.

(a) *Objections.* If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination or the failure to limit such scope, he shall state briefly the grounds for such objection. Rulings on all objections shall appear in the record. Only objections made before the hearing examiner may be relied upon subsequently in the proceedings.

(b) *Exceptions.* Formal exception to an adverse ruling is not required. Rulings by the hearing examiner shall not be appealed prior to the transfer of the case to the Secretary, but shall be considered by the Secretary upon filing exceptions to the hearing examiner's recommendations and conclusions.

§ 60–30.22 Offer of proof.

An offer of proof made in connection with an objection taken to any ruling of the hearing examiner excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in written form or consists of reference to documents, a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.

§ 60–30.23 Public documents.

Whenever a party offers a public document, or part thereof, in evidence, and such document, or part thereof, has been shown by the offeror to be reasonably available to the public, such documents need not be produced or marked for identification, but may be offered for official notice as a public document item by specifying the document or relevant part thereof.

§ 60–30.24 Ex parte communications.

The hearing examiner shall not consult any person, or party, on any fact in issue unless upon notice and opportunity for all parties to participate. No employee or agent of the Federal Government engaged in the investigation and prosecution of this case shall participate or advise in the rendering of the recommended or final decision, except as witness or counsel in the proceeding.

§ 60–30.25 Oral argument.

Any party shall be entitled upon request to a reasonable period between the close of evidence and termination of the hearing for oral argument. Oral arguments shall be included in the official transcript of the hearing.

§ 60–30.26 Official transcript.

The Department will designate the official reporter for all hearings. The official transcripts of testimony taken, together with any exhibits, briefs, or memoranda of law filed therewith, shall be filed with the Department. Transcripts of testimony may be obtained from the official reporter by the parties and the public at rates not to exceed the applicable rates fixed by the contract between the Department and the reporter unless distribution is limited by order of the hearing examiner for good cause shown. Upon notice to all parties, the hearing examiner may authorize such corrections to the transcript as are necessary to reflect accurately the testimony.

§ 60–30.27 Summary judgment.

(a) *For director.* At any time after the expiration of 14 days from the commencement of the action or after service of a motion for summary judgment by the respondent, the Director may move the hearing examiner with or without supporting affidavits for a summary judgment in his favor upon all claims or any part thereof.

(b) *For respondent.* The Respondent may, at any time after commencement of the action, move the hearing examiner with or without supporting affidavits for a summary judgment in his favor as to all claims or any part thereof.

(c) *Other parties.* Any other party to a formal proceeding under this part may support or oppose motions for summary judgment made by the Director of respondent, in accordance with this section, but may not move for a summary judgment in his own behalf.

(d) *Motion and proceedings thereon.* The motion shall be served upon all parties and the hearing examiner or, if no hearing examiner has been designated, upon the Chief Hearing Examiner, at least 15 days before the time fixed for the hearing on the motion. The adverse party or parties may serve opposing affidavits prior to the day of hearing. The judgment sought shall be rendered forthwith if the notice and answer, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment rendered for or against the Director or the Respondent shall constitute the hearing examiner's findings and recommendations to the Secretary on the issues involved. Hearings on motions made under this section shall be scheduled by the hearing examiner, or the Chief Hearing Examiner, and may be postponed until the date established in the notice for the final hearing on the merits.

(e) *Case not fully adjudicated on motion.* If on motion under this section judgment is not rendered upon the whole case or for all the relief asked and a final hearing is necessary, the hearing examiner at the hearing of the motion, by examining the notice and answer and the evidence before him and by interrogating counsel, shall if practicable ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. He shall thereupon make an order specifying the facts that appear without substantial controversy, including the extent to which relief is not in

controversy, and directing such further proceedings as are just. At the hearing on the merits, the facts so specified shall be deemed established, and the final hearing shall be conducted accordingly.

(f) *Form of affidavits; further testimony; defense required.* Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith. The hearing examiner may permit affidavits to be supplemented or opposed by depositions or further affidavits. When a motion for summary judgment is made and supported as provided in this section, an adverse party may not rest upon the mere allegations or denials in his notice or answer, but his response, by affidavit or as otherwise provided in this section, must set forth specific facts showing there is a genuine issue for final hearing. If he does not so respond, summary judgment, if appropriate, shall be rendered against him.

(g) *When affidavits are unavailable.* Should it appear from the affidavits of a party opposing the motion that he cannot for the reasons stated present by affidavit facts essential to justify his opposition, the hearing examiner may refuse the application for summary judgment or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or make such other orders as is just.

(h) *Affidavits made in bad faith.* Should it appear to the satisfaction of the hearing examiner at any time that any of the affidavits presented pursuant to this section are presented in bad faith or solely for the purpose of delay, the hearing examiner may make such orders and impose such sanctions as may be appropriate against the offending party.

Subpart F—Posthearing Procedures

§ 60–30.28 Proposed findings of fact and conclusions.

Within 10 days after receipt of the transcript of the testimony, each party and amicus may file a brief with the hearing examiner. Such briefs shall be served simultaneously on all parties and amici, and a certificate of service shall be furnished to the hearing examiner. Requests for additional time in which to file a brief shall be made to the hearing examiner, in writing, and copies shall be served simultaneously on the other parties. Requests for extensions shall be received not later than 3 days before the date such briefs are due. No reply brief may be filed except by special permission of the hearing examiner.

§ 60–30.29 Record for recommended decision.

The transcript of testimony, exhibits, and all papers, documents, and requests filed in the proceedings, including briefs, but excepting the correspondence section of the docket, shall constitute the record for decision.

§ 60–30.30 Recommended decision.

Within 20 days after the filing of briefs, or, if the parties elect not to file such documents, not more than 20 days after the close of the hearing, the hearing examiner shall recommend findings, conclusions, and a decision. These recommendations shall be certified, together with the record for recommended decision, to the Secretary for his decision. The recommended findings, conclusions, and decisions shall be served on all parties and amici to the proceeding.

§ 60–30.31 Exceptions to recommended decision.

Within 14 days after receipt of the hearing examiner's recommended findings, conclusions, and decision, any party may submit exceptions to said recommendation. These exceptions may be responded to by other parties within 5 days of their receipt by said parties. All exceptions and responses shall be filed with the Secretary. Service of such briefs or exceptions and responses thereto shall be made simultaneously on all parties to the proceeding, and a certificate of service shall be furnished to the Secretary. Requests to the Secretary for additional time in which to file exceptions and responses thereto shall be in writing and copies thereof shall be served simultaneously on other parties. Requests for extensions must be received no later than 3 days before the exceptions are due.

§ 60–30.32 Record.

After expiration of the time for filing briefs and exceptions, the Secretary shall make a final decision on the basis of the record before him. The record shall consist of the record for recommended decision, the rulings and recommended decision of the hearing examiner, and the exceptions and briefs filed subsequent to the hearing examiner's decision.

§ 60–30.33 Final decision.

After expiration of the time for filing, the Secretary shall make a final decision on the basis of the record for decision, and upon consideration of any exceptions and briefs filed subsequent to the hearing. A copy of the decision of the Secretary shall be served on all parties and amici to the proceeding.

Subpart G—Miscellaneous

§ 60–30.34 Cooperation by agencies.

All agencies are directed to cooperate with the Director and his representatives in the prosecution of any matter under this part. Such cooperation shall include, but not be limited to, the furnishing of information and other assistance in hearing preparation, and the production of witnesses and documents upon request for participation or use in the conduct of hearings.

§ 60–30.35 Effect of this part on other rules and regulations.

All orders, instructions, regulations, and memoranda of the Secretary of Labor and other officials of the Department of Labor and the agencies are hereby superseded to the extent they are inconsistent herewith.

Signed at Washington, D.C., this 15th day of March 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.72–4413 Filed 3–22–72;8:52 am]

Office of Labor-Management and Welfare-Pension Reports

[29 CFR Part 403]

SIMPLIFIED ANNUAL REPORTS

Proposed Exemption for Small Postal Unions

Under Executive Order 11491 governing agencies in the executive branch of the Government in dealings with Federal employees, and imposing standards of conduct with respect to labor organizations representing such employees, regulations were issued by the Department of Labor which, among other provisions, required labor organizations to file annual financial reports with the Department of Labor (29 CFR Part 204). Under § 204.12(c) of that part, local labor organizations having no assets, no liabilities, no receipts and no disbursements during the reporting year were granted an exemption from the reporting requirements under certain conditions. Upon the effective date of the Postal Reorganization Act (84 Stat. 719, 39 U.S.C. section 1), labor organizations representing employees of the postal service became subject to the Labor-Management Reporting and Disclosure Act (73 Stat. 519, 29 U.S.C. 401) and, although the reporting requirements of the Labor-Management Reporting and Disclosure Act are substantially identical with the reporting requirements under Executive Order 11491 there is no comparable exemption for such small unions.

The Department of Labor is advised that labor organizations representing employees in the postal service have many such small unions having no assets, no liabilities, no receipts and no disbursements during their reporting year, and that the considerations for relief from reporting are the same as existing under Executive Order 11491. Because such reporting would be unnecessary and burdensome, pursuant to section 1209 of the Postal Reorganization Act (84 Stat. 737, 39 U.S.C. 1209) and, where necessary, with the concurrence of the postal service, it is proposed herewith to relieve such small labor organizations comprised of employees in the postal service from the obligation of filing annual financial reports under the Labor-Management Reporting and Disclosure Act.

Accordingly, under the authority of section 208 of the Labor-Management

Reporting and Disclosure Act (73 Stat. 529, 29 U.S.C. 438), Secretary's Order No. 16–68 (33 F.R. 15574) and section 1209 of the Postal Reorganization Act (84 Stat. 737, 39 U.S.C. 1209) notice is hereby given that I propose to amend 29 CFR Part 403 as set out herein.

Interested persons are invited to submit written data, views or comments regarding this proposal to the Assistant Secretary of Labor for Labor-Management Relations, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, DC 20210, within 30 days of publication of this notice in the FEDERAL REGISTER. Comments received from the public may be inspected in Room 403, American National Bank Building, 8701 Georgia Avenue, Silver Spring, MD 20910, from 8:15 a.m. to 4:45 p.m. Monday through Friday.

It is proposed that § 403.4 of 29 CFR Part 403, be amended as follows:

1. The heading of the section is amended to read as follows: Section 403.4 *Simplified annual reports for smaller labor organizations.*

2. The existing section is designated paragraph (a).

3. A new paragraph (b) is added to read as follows:

§ 403.4 Simplified annual reports for smaller labor organizations.

* * * * *

(b) A local labor organization comprised solely of employees of the postal service, not in trusteeship, which has no assets, no liabilities, no receipts and no disbursements during the period covered by the annual report of the national organization with which it is affiliated need not file the annual report required by § 403.2 if the following conditions are met:

(1) It is governed by a uniform constitution and bylaws filed on its behalf pursuant to § 402.3(b) of this chapter, does not have governing rules of its own, and is not authorized to adopt such rules;

(2) Its members are subject to uniform fees and dues applicable to all members of the local labor organizations for which exemption is claimed; and

(3) The national organization with which it is affiliated assumes responsibility for the accuracy of, and submits with its annual report, Form LM–2, a statement with as many copies as the Office of Labor-Management and Welfare-Pension Reports shall request, that the conditions of the exemption have been met for the specified local organizations for which exemptions are claimed. This statement must be signed by the president and treasurer of the national labor organization and must contain the following additional information:

(i) A statement of the required dues and fees of such exempt organizations.

(ii) With respect to each local organization for which exemption is claimed:

(*a*) The name and designation number or other identifying information;

(*b*) The file number (LM-number) which the Office of Labor-Management and Welfare-Pension Reports has assigned to it.

(*c*) The mailing address.

(*d*) The city, county, and State where it is chartered to operate, if these have changed since last reported to the Office of Labor-Management and Welfare-Pension Reports.

(*e*) The names and titles of the officers as of the end of the reporting period.

Signed at Washington, D.C., this 15th day of March 1972.

W. J. USERY, Jr.,
Assistant Secretary of Labor for Labor-Management Relations.

[FR Doc.72-4392 Filed 3-22-72;8:54 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 221]

[Docket No. 24328; Reg. EDR-222]

AIR CARRIERS AND FOREIGN AIR CARRIERS

Proposed Requirements for Construction, Publication, Filing Summaries and Posting of Tariff Changes

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Part 221 of its Economic Regulations (14 CFR Part 221) which would (1) prescribe requirements for the displaying and filing of summaries of proposed changes in tariffs and (2) modify the posting requirement in § 221.171 with regard to where tariffs must be posted.

The principal features of the proposed amendments are described in the attached Explanatory Statement and the text of the proposed amendments is also attached. The amendments are proposed under the authority of sections 204 and 403 of the Federal Aviation Act of 1958, as amended (72 Stat. 743 and 758, as amended; 49 U.S.C. 1324 and 1373).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before April 21, 1972, will be considered by the Board before taking final action upon the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, DC upon receipt thereof.

Dated: March 17, 1972.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

EXPLANATORY STATEMENT

We are proposing to add a new § 221.177 to the Board's Economic Regulations which would require the displaying and filing with the Board of summary statements to explain proposed tariff changes and new tariffs. Section 403 of the Federal Aviation Act requires that tariffs be filed with the Board and posted by a carrier at least 30 days before their effective date. The Board's current regulations permit constructive posting of the tariffs—that is, the display of a notice informing the public that the tariff publications are on file at the carrier location and the maintenance of a file of proposed and currently effective tariffs. Thus constructive posting requires members of the general public to make constant checks of the files if they wish to inform themselves of all changes in tariffs applicable at those locations. Moreover, tariff publications are often quite difficult to understand. It is our tentative view that the present regulations do not provide for sufficient notice of proposed tariff changes and new tariffs, and that requiring the actual display of summaries of tariff proposals will provide a useful supplement to the tariff posting and more adequately meet the needs of the public.

Such a requirement should render proposed tariff changes more understandable to individual members of the public, many of whom may lack the expertise necessary to comprehend the rather technical language commonly found in tariff publications. Of course, a summary statement cannot substitute for a tariff, and it is the latter which would be of legal effect. Yet the summary would serve to alert the reader to proposed changes, and he could then learn the contents of the tariff in which he is interested. Our current view is that the needs of the public and the carriers can best be accommodated by requiring the carriers to file with the Board and display the summaries 30 days before the effective date of the tariff, which is the same leadtime as is required for the filing and posting of the tariff itself.

In addition we are proposing to require that the tariff publications themselves be more widely posted. Section 221.171 of the Board's regulations, relating to the posting of tariffs for public inspection, at one time provided that each air carrier should post and make available for public inspection at each of its stations or offices all of the currently effective tariffs, and tariff publications issued but not yet effective, to which it is a party. However, in 1960 the Board amended the pertinent portion of § 221.171 so as to provide that only those tariffs applicable to traffic to or from the point where a station, office, or other

location is situated need be posted at such location.[1]

Further consideration of the needs of persons using the tariffs has led the Board to the tentative conclusion that the rule should be modified so as to provide that all passenger tariffs must be posted at all places where the carrier sells passenger tickets and all cargo tariffs must be posted at all of the carrier's freight offices.

It does not appear that this modification will impose an undue burden upon the carriers, since tariffs frequently apply to more than two points, and sometimes apply to all points, on a carrier's system. Moreover, it appears that the wider posting of tariffs will be useful even in those cases where only two points are named in the tariff, since such fares may be used in the construction of fares to other points. In any event, we are of the tentative view that this amendment would be desirable inasmuch as a member of the public may have an interest in examining a particular tariff, even though he is not at the time present at a point to which the tariff applies.

PROPOSED RULE

It is proposed to amend Part 221 of the Economic Regulations (14 CFR Part 221), as follows:

1. Amend § 221.171(a) (1) and (2) to read as follows:

§ 221.171 Posting at stations, offices, or locations other than principal or general office.

(a) * * *

(1) At stations, offices or locations at which tickets for passenger transportation are sold, all tariff publications applicable to passenger traffic, including tariffs covering any terminal services, charges, or practices whatsoever, which apply to passenger traffic.

(2) At stations, offices, or locations at which property is handled, received, and delivered for transportation, all tariff publications applicable to cargo traffic, including tariffs covering any terminal services, charges, or practices whatsoever, which apply to cargo traffic.

* * * * *

2. Add a new § 221.177 to read as follows:

§ 221.177 Summaries of proposed changes in tariffs.

(a) Each carrier shall display and make available for public inspection at each of its stations, offices, or other locations which is in charge of a person employed exclusively by the carrier, or by it jointly with another person, summaries of tariff publications which have been issued but are not yet effective, to which it is a party, as follows:

(1) At stations, offices, or locations at which tickets for passenger transportation are sold, summaries of all tariff publications which have been issued but are not yet effective, and which are applicable to passenger traffic from or to the point where such station, office, or location is situated.

(2) At stations, offices, or locations at which property is handled, received, and delivered for transportation, summaries of all tariff publications which have been issued but are not yet effective, and which are applicable to cargo traffic from or to the point where such station, office, or location is situated.

(b) A carrier will be deemed to have complied with the requirement that it "display" tariff summaries only if the summaries are conspicuously displayed and can be read with reasonable convenience by a person who is positioned in the public areas of the station, office, or location in question.

(c) Each tariff summary required to be displayed pursuant to this section shall be so displayed at least 30 days before the effective date of the tariff publication to which the summary relates, and each such summary shall be filed with the Board at least 30 days prior to the effective date of the tariff publication to which the summary relates; *Provided, however,* That the Board may authorize the filing and displaying of a tariff summary on shorter notice.

(d) Each tariff summary required to be filed and displayed pursuant to this section shall explain, in reasonably concise and explicit language, the changes contemplated in the tariff publication to which the summary relates. The summary shall include, but need not be limited to, the following:

(1) A statement, in terms of dollars, of the currently effective rate or rates between the points in question, and/or if a service or practice is being changed, a description of the currently effective service or practice;

(2) A statement, in terms of dollars, of the proposed rate or rates between the points in question, and/or, if a service or practice is being changed, a description of the proposed service or practice; and

(3) A statement, in terms of dollars or percentages, or both, of the amount of increase or decrease which would result from the proposed rates between the points in question, and/or, if a service or practice is being changed, the nature of the change in the service or practice.

(e) For all purposes of this chapter, the tariff or tariff publication shall be regarded as governing, rather than the tariff summary.

[FR Doc.72-4467 Filed 3-22-72;8:50 am]

[1] ER-303, effective June 24, 1960. The section now reads, in pertinent part, as follows: Section 221.171 *Posting at stations, offices or locations other than principal or general office.* (a) Each carrier shall post and make available for public inspection at each of its stations, offices, or other locations which is in charge of a person employed exclusively by the carrier, or by it jointly with another person, currently effective tariffs and tariff publications which have been issued but are not yet effective, to which it is a party, as follows:

(1) At stations, offices, or locations at which tickets for passenger transportation are sold, all tariff publications applicable to passenger traffic from or to the point where such station, office, or location is situated, including tariffs covering any terminal services, charges, or practices whatsoever, which apply to passenger traffic from or to such point.

(2) At stations, offices, or locations at which property is handled, received, and delivered for transportation, all tariff publications applicable to cargo traffic from or to the point where such station, office or location is situated, including tariffs covering any terminal services, charges, or practices whatsoever, which apply to cargo transported to such point.

* * * * *

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 64]

[Docket No. 19476; FCC 72-242]

CANDIDATES FOR FEDERAL OFFICE

Extension of Credit for Campaign Services

In the matter of amendment of Part 64 of the rules to provide for regulations covering the extension of credit to candidates, or to other persons on behalf of candidates, for Federal office; Docket No. 19476.

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. Section 401 of the Federal Election Campaign Act of 1971 (Campaign Act)[1] requires the Commission, within 90 days after the enactment of such Act, to promulgate regulations with respect to the extension of unsecured credit by any regulated person to any candidate for Federal office (as such term is defined in section 301(c) of the Federal Election Campaign Act of 1971) or to any person on behalf of such candidate for services rendered for use in connection with a political campaign. The 90 days expires on May 7, 1972.

3. The regulations that we are proposing herein are based upon the assumption that it was not the intent of Congress to prohibit completely the extension of credit without security to candidates for Federal office. On the other hand, particularly in view of the data on the substantial outstanding balances still remaining on 1968 campaign accounts, which data were available to Congress, there was evident congressional concern that more needed to be done to prevent such unpaid accounts in future Federal political campaigns. Based on information we have obtained from

[1] "SEC. 401. The Civil Aeronautics Board, the Federal Communications, and the Interstate Commerce Commission shall each promulgate, within 90 days after the date of enactment of this Act, its own regulations with respect to the extension of credit, without security, by any person regulated by such Board or Commission to any candidate for Federal office (as such term is defined in section 301(c) of the Federal Election Campaign Act of 1971), or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office."

the carriers we conclude that inadequate credit practices and procedures, laxity in the administration of the carriers' then current credit practices and procedures, failure to monitor the candidates' accounts, delays in billing and lack of appropriate collection efforts were among the major factors contributing to the unpaid balances accrued during the 1968 political campaign.

4. The major carriers have revised their credit, billing, and collection practices and procedures since 1968 and we would expect that adherence to these revised practices and procedures would help to prevent a recurrence of the unpaid balances that occurred during the 1968 campaign. Nevertheless, we are of the view that the rules we propose herein will act as additional safeguards against a repetition of the 1968 experience and will assure equality of treatment among qualified candidates.

5. Our tentative view is, as previously stated, that we should not adopt rules that would flatly forbid the carriers to provide unsecured credit to candidates or persons in behalf of candidates. This view is reflected in the attached proposed rules wherein we propose to leave to the carrier the decision of whether to extend unsecured credit to a candidate or person in his behalf. However, we will give consideration to the adoption of a rule that would forbid the extension of any credit to such persons and we would welcome comments addressed to the merits of such alternative. We believe that, if the carrier is permitted to extend unsecured credit to one candidate or person in his behalf, then unsecured credit should also be extended on substantially equal terms and conditions to all candidates and persons on their behalf for the same office commensurate with the expected amount of service to be furnished. Thus, for example, if the carrier decides to require an advance cash deposit of Candidate A for a Federal office that covers only 50 percent of the estimated bill for his service for a future 2-month period, the carrier shall also require all other candidates for the same office, and all other persons in behalf of all candidates for such office to deposit cash to cover 50 percent of the estimated 2-month bills for their services.

6. The proposed amendment of Part 64 of the Commission's rules designed to carry out the aforementioned objectives is set forth below. The Commission proposes to make any rule amendments adopted as a result of this proceeding effective immediately upon the issuance of a final order with respect to this docket.

7. This notice of proposed rule making is issued under authority of sections 4(i), 201(b), 202(a), 203, 218, and 219 of the Communications Act of 1934, as amended, and section 401 of the Federal Election Campaign Act of 1971.

8. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before April 7, 1972. No provision is being made for reply comments in view of the need for early decision herein. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice. Comments in response to this notice will be available for inspection in the Commission's Broadcast and Dockets Reference Room.

9. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs shall be furnished to the Commission.

Adopted: March 15, 1972.

Released: March 17, 1972.

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

Part 64 of Chapter I of Title 47 of the Code of Federal Regulations is amended by adding a new Subpart H to read as follows:

Subpart H—Extension of Unsecured Credit for Interstate and Foreign Communication Services to Candidates for Federal Office

§ 64.801 Purpose.

Pursuant to sec. 401 of the Federal Election Campaign Act of 1971, Public Law 92–225, these rules prescribe the general terms and conditions for the extension of unsecured credit by a communication common carrier to a candidate or person on behalf of such candidate for Federal office.

§ 64.802 Applicability.

These rules shall apply to each communication common carrier subject to the whole or part of the Communications Act of 1934.

§ 64.803 Definitions.

For the purposes of this subpart:

(a) The terms "election," "candidate," "Federal office," and "person" have the same meaning as such terms have under section 301 of the Federal Election Campaign Act of 1971.

(b) "Unsecured credit" means the furnishing of service without advance payment, deposit, or other security, on a continuing basis, that is designed to assure payment of the estimated amount of service for each future 2-month period.

§ 64.804 Rules governing the extension of unsecured credit to candidates for Federal office for interstate and foreign common carrier communication services.

(a) There is no obligation upon a carrier to extend unsecured credit for interstate and foreign communication services to a candidate or person on behalf of such candidate for Federal office. However, if the carrier chooses to extend such unsecured credit, it shall comply with the requirements set forth in paragraphs (b) through (g) of this section.

(b) If a carrier decides to extend unsecured credit to any candidate for Federal office or any person on behalf of such candidate, then unsecured credit shall be extended on substantially equal terms and conditions to all candidates and all persons on behalf of all candidates for the same office, with due regard for differences in the estimated quantity of service to be furnished each such candidate or person.

(c) Before extending unsecured credit, a carrier shall obtain a signed written application for service which shall identify the applicant and the candidate and state whether or not the candidate assumes responsibility for the charges, and which shall also expressly state as follows:

(1) That service is being requested by the applicant or applicants and that the person or persons making the application will be individually, jointly and severally liable for the payment of all charges; and

(2) That the applicant(s) understands that the carrier will (under the provisions of paragraph (d) of this section) discontinue service upon written notice if any amount due is not paid upon demand.

(d) If charges for services rendered are not paid to the carrier within 30 days from rendition of a bill therefor, the carrier shall forthwith serve written notice on applicant of intent to discontinue service within 10 days of date of such notice for nonpayment and shall discontinue service unless all such sums due are paid in full within such 10-day period.

(e) Each carrier shall take appropriate action at law to collect any unpaid balance on an account for interstate and foreign communication services rendered to a candidate or person on behalf of such candidate prior to the expiration of the statute of limitations under sec. 415(a) of the Communications Act of 1934, as amended.

(f) The records of each account for services rendered to a candidate or person on behalf of such candidate shall be maintained by the carrier so as to show separately, for interstate and foreign communication services all charges, credits, adjustments, and security and balance receivable.

(g) On or before January 31 of each year, and at the close of each subsequent quarterly period thereafter, each carrier shall file with the Commission a report by account of any amount due and unpaid, as of the end of the month prior to the reporting date, for interstate and foreign communication services rendered to a candidate or person on behalf of such candidate. This report shall include the following information:

(1) Name of candidate.

(2) Name and address of person or persons applying for service.

(3) Balance due carrier.

(4) Reason for nonpayment.

[2] Commissioners Johnson and H. Rex Lee not participating; Commissioner Wiley concurring in the result.

(5) Payment arrangements, if any.
(6) Date service discontinued.
(7) Date, nature, and status of any action taken at law in compliance with paragraph (e) of this section.

[FR Doc. 72-4433 Filed 3-22-72;8:52 am]

[47 CFR Part 73]

[Docket No. 19475; FCC 72-240]

PRIME TIME ACCESS RULE

Designation of Prime Hours in Mountain Time Zone

In the matter of amendment of § 73.658(k), the "prime time access rule" with respect to the designation of prime hours in the Mountain time zone; Docket No. 19475.

1. The Commission here considers the matter of what should be considered "prime hours" for the application of the "prime time access rule", § 73.658(k), to the affiliated stations in the "top 50" markets in the Mountain time zone (Denver, Phoenix, and Salt Lake City). In the Docket 12782 report and order adopting the "prime time access rule" (May 1970, 23 FCC 2d 382, 394, footnote 34) we specified 7–11 p.m., m.t., as the prime hours for the Mountain zone, noting that there was then only one of the top 50 markets therein; but we stated that if adjustment in the hours specified was called for it could be effected on appropriate request. NBC affiliates in Denver and Phoenix later sought a change to 6 to 10, and by action of October 6, 1971 (see 32 FCC 2d 66), we gave the 9 stations in these markets the option of redesignating their prime hours as 6–10. A number of these stations in the Phoenix and Denver markets have done so, but none of the Salt Lake City stations have.

2. The present proposed change in the rule is prompted by two general considerations: First, the obvious desirability of conforming the rule to what really are "prime hours", those of the highest TV audience, which, as we stated in the October 1971 decision mentioned, appear probably to be 6–10 p.m. in Salt Lake City as well as in the other parts of this zone; and second, the problems which have arisen from time to time in application of the rule, particularly as to Salt Lake City stations. Mountain zone stations traditionally receive network programs from the East, and (except for sports) do not present them at their "live" times but on a delayed basis, often one hour. This means that network material which is presented in the rest of the nation after prime time ends—such as NBC's "Tonight Show" (or preempting network material run instead), and occasionally "over-runs" of network movies beyond the regularly scheduled two hours—are carried by these stations in the later portion of prime time. In recent months we have had to consider a number of requests for waiver in these situations, one from the Salt Lake City ABC affiliate, two from the CBS affiliate, and several from KUTV, the NBC affiliate. We have granted a number of these, recognizing this problem. At the same time, it appears that KUTV, at least, is using the early evening hours, before its prime time begins, to present a large amount of NBC primetime programing. It becomes questionable whether it is appropriate to grant waiver under these circumstances.

3. Accordingly, it appears desirable to change the rule, both to reflect what really are the top viewing hours in this area, and to eliminate the problems mentioned. The simplest approach—and our primary proposal herein—is simply to change the rule so as to specify for this zone the hours which, according to ARB and other sources, actually are prime viewing hours: 6 to 10 p.m., m.t.[1] Parties may wish to suggest alternative approaches to the situation and the Commission's objectives: Specifying as "prime time" those hours which are actually the top viewing hours, and reserving 1 hour each evening of "prime time" free from network programing (or the off-network or previously shown movie material whose use will be prohibited during this hour after October 1, 1972) so that it may be available to independent, nonnetwork program sources.

4. In view of the foregoing, comments are invited on the proposal above—amending § 73.658(k)(1) to specify 6 to 10 p.m. as prime time in the Mountain as well as in the Central zone. Comments suggesting alternative ways of dealing with the problems discussed above will also be entertained.

5. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before April 17, 1972, and reply comments on or before May 8, 1972. All submissions by parties to this proceeding or persons acting in behalf of such parties, must be made in written comments, reply comments or other appropriate pleadings.

6. In accordance with the provisions of § 1.419 of the rules, an original and fourteen copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Responses will be available for public inspection during the regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: March 15, 1972.

Released: March 16, 1972.

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

[FR Doc.72-4432 Filed 3-22-72;8:52 am]

[1] KSL–TV et al opposed a change to 6–10 p.m. when it was requested by the Denver and Phoenix NBC affiliates in 1971; but the ground of objection was chiefly that it was too late in relation to the 1971–72 season. This objection would not apply in the present case if a decision herein is reached reasonably and promptly.

FEDERAL POWER COMMISSION

[18 CFR Part 250]

[Docket No. R-433]

RESERVE DEDICATIONS IN TEXAS GULF COAST AND SOUTHERN LOUISIANA AREAS

Notice of Conference

MARCH 17, 1972.

Take notice that on April 11, 1972, a conference will be held pursuant to the notice of proposed rule making issued December 1, 1971 (36 F.R. 23635), in Docket No. R-433 in response to the requests of certain parties. The conference will be held at 10 a.m. in a hearing room (to be posted) at the Federal Power Commission, 441 G Street NW., Washington, D.C.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-4446 Filed 3-22-72;8:53 am]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

COMMERCE IN EXPLOSIVES

List

Pursuant to the provisions of section 841(d), title 18, United States Code, and § 181.23, Title 26, Code of Federal Regulations (26 CFR Part 181), the Director, Alcohol, Tobacco and Firearms Division, Internal Revenue Service, must publish and revise at least annually in the FEDERAL REGISTER a list of explosives determined to be within the coverage of 18 U.S.C., Chapter 40, Importation, Manufacture, Distribution and Storage of Explosive Materials.

The following is the 1972 Explosives List required to be so published, and supersedes the Explosives List dated January 11, 1971 (36 F.R. 675).

Dated: March 16, 1972.

[SEAL] REX D. DAVIS,
Director, Alcohol, Tobacco and Firearms Division, Internal Revenue Service, U.S. Treasury Department.

EXPLOSIVES LIST

A

Aluminum containing polymeric propellant.
Aluminum Ophorite Explosive.
Amatol.
Amitol.
Ammonal.
Ammonium nitrate-amino compound explosives.
Ammonium nitrate explosive mixtures (cap sensitive).
Ammonium nitrate-nitroglycerin mixture.
Ammonium nitrate-nitrolactose mixture.
Aromatic nitro-explosive mixture.
Ammonium perchlorate composite propellant.
Ammonium perchlorate explosive mixtures.
Ammonium picrate.
Ammonium salt lattice with isomorphously substituted inorganic salts.

B

Beaf (1,2-bis(2,2-difluoro-2-nitroacetoxyethane)).
Black powder.
Blasting caps.
Blasting gelatin.
Blasting powder.
Btnec (bis(trinitroethyl)carbonate).
Btnen (bis(trinitroethyl)nitramine).

C

Calcium nitrate explosive mixture.
Carboxy-terminated propellant.
Cellulose hexanitrate explosive mixture.
Chlorate explosive mixtures.
Chlorate of potash explosive mixtures.
Chlorates with red phosphorus explosive mixture.
Chlorates with sulphur explosive mixture.
Copper acetylide explosive mixture.
Crystalline explosive (cap sensitive).
Crystalline picrate with lead azide explosive mixture.
Cyanuric triazide.
Cyclonite.
Cyclotetramethylenetetranitramine.
Cyclotetramethylenetrinitramine.
Cyclotrimethylene.

D

Datb (diaminotrinitrotetramethylene tetranitramine).
Ddnp (diazodinitrophenol).
Delay Powders.
Detonating cord.
Detonators.
Dimethylol dimethyl methane dinitrate composition.
Dinitroethyleneurea.
Dinitroglycerine.
Dinitrophenol.
Dinitrophenol hydrazine.
Dinitrotoluene-sodium nitrate explosive mixtures.
Dipicryl sulfone.
Dndp (dinitropentano nitrile).
Dnpa (2, 2-dinitropropyl acrylate).
Dynamite.

E

Ednp (ethyl 4,4-dinitropentanoate).
Erythritol tetranitrate explosives.
Ethylenedinitramine.
Ethyl-tetryl.
Explosive conitrates.
Explosive gelatins.
Explosive mixtures containing oxygen releasing inorganic salts and hydrocarbons.
Explosive mixtures containing oxygen releasing inorganic salts and nitro bodies.
Explosive mixtures containing oxygen releasing inorganic salts and water insoluble fuels.
Explosive mixtures containing oxygen releasing inorganic salts and water soluble fuels.
Explosive mixtures containing sensitized nitromethane.
Explosive nitro compounds of aromatic hydrocarbons.
Explosive organic nitrate mixtures.
Explosive powders.

F

Fefo (bis(2,2-dinitro-2-fluoroethyl)).
Fulminate of mercury.
Fulminating gold.

G

Gelatinized nitrocellulose.
Gem-dinitro aliphatic explosive mixtures.
Glyceryl trinitrate.
Guanyl nitrosamino guanyl tetrazene.
Guanyl nitrosamino guanylidene-hydrazine.
Guncotton.

H

Heavy metal azides.
Hexanite.
Hexanitrodiphenylamine.
Hexogen.
Hexogene or octogene and a nitrated N-methylaniline.
Hexolites.
Hmx (cyclo-1,3,5,7-tetramethylene-2,4,6,8-tetranitramine).
Hydrazine and unsymmetrical dimethylhydrazine propellant.
Hydrazine perchlorate explosive mixtures.
Hydrazinium nitrate/hydrazine/aluminum explosive system.
Hydrazoic acid.

I

Igniter cord.
Igniters.
Inorganic perchlorate explosive mixtures.

L

Lead azide.
Lead mannite.
Lead mononitroresorcinate.
Lead picrate.
Lead sales of explosives and explosive mixtures.
Lead styphnate.
Lead trinitro resorcinate.
Liquid nitrated polyol and trimethylolethane.
Liquid oxygen with carbon black.
Liquid oxygen explosives.
Liquid oxygen with wood pulp.
Lithium perchlorate explosive mixtures.

M

Magnesium ophorite explosives.
Mdnp (methyl 4,4-dinitropentanoate).
Mercuric fulminate.
Mercury oxalate.
Mercury tartrate.
Mononitrotoluene nitroglycerin mixture.
Monopropellants.

N

Nitrate sensitized with gelled nitroparaffin.
Nitrated carbohydrate explosive.
Nitrated glucoside explosive.
Nitrated mixture explosives (ammonium and sodium).
Nitrated polyhydric alcohol emulsion explosive.
Nitrated propylene glycol explosive.
Nitrates of soda explosive mixtures.
Nitrates of polyatomic alcohol and carbohydrate explosive mixtures.
Nitrates of soda explosive mixtures.
Nitric acid and a nitro aromatic compound explosive.
Nitric acid and carboxylic fuel explosive.
Nitric acid explosive mixtures.
Nitro aromatic explosive mixtures.
Nitro compounds of furane explosive mixtures.
Nitrocellulose explosive.
Nitroderivative of urea explosive mixture.
Nitrogelatine explosive.
Nitrogen resorcinate.
Nitrogen trichloride.
Nitrogen tri-iodide.
Nitroglycerin.
Nitroglycide.
Nitroglycol.
Nitroguanidine explosives.
Nitronium perchlorate propellant mixtures.
Nitropentaerythrite.
Nitropentaerythrite-nitroglycerin composition.
Nitrostarch.
Nitrourea.
N-nitrophenyl diazonium perchlorate.

O

Octogen.
Octol (75 percent HMX, 25 percent TNT).

P

Particulate explosives.
Pellet Powder.
Pentaerythritol.
Pentaerythrite tetranitrate.
Penthrinite composition.
Pentolite.
Perchlorate mixture explosives.
Perchloric acid based explosive mixtures.

Peroxide based explosive mixtures.
Petn.
Picramic acid and its salts.
Picrate of ammonia.
Picrate of potassium explosive mixtures.
Picratol.
Picric acid.
Picryl chloride.
Picryl fluoride.
Polyolpolynitrate-nitrocellulose explosive gels.
Potassium chlorate and lead sulfocyanate explosive.
Potassium chlorate base explosive mixtures.
Potassium nitroaminotetrazole.
Pressure venting blasting devices.

R

RDX (cyclo - 1,3,5-trimethylene - 2,4,6-trinitramine).

S

Safety fuses.
Salts of organic amino suphonic acid explosive mixture.
Silver acetylide.
Silver azide.
Silver oxalate explosive mixtures.
Silver styphnate.
Silver tartrate explosive mixtures.
Silver tetrazene.
Slurried explosive mixtures of water, inorganic oxidizing salt, gelling agent, fuel and sensitizer.
Smokeless gun powder.
Sodatol.
Sodium amatol.
Sodium chlorate explosive mixture.
Sodium chlorate-sodium nitrate explosive mixtures.
Sodium nitrate-potassium nitrate explosive mixture.
Squibs.
Styphnate of lead.
Styphnic acid.

T

Tacot (tetranitro-2,3,5,6-dibenzo-1,3a,4,6a-tetrazapentalene).
Tetrazene (tetracene, tetrazine, 1(5-tetrazolyl)-4-guanyl tetrazene hydrate).
Tetranitroaniline.
Tetranitrocarbazole.
2-4-6 tetranitroaniline.
Tetra-nitro-aniline explosive mixture.
Tetranitromethane explosive mixtures.
Tetryl.
Tetrytol.
Thickened inorganic oxidizer salt slurried explosive mixture.
TNEF (trinitroethyl formal).
TNEOC (trinitroethylorthocarbonate).
TNEOF (trinitroethyl orthoformate).
TNT (Trinitrotoluene).
Torpex.
Tridite.
Trimethylenetrinitramine.
Trimethylol ethyl methane trinitrate composition.
Trimethylolthane trinitrate-nitrocellulose.
Trimonite.
Trinitramine.
Trinitrobenzene.
Trinitrobenzoic Acid.
Trinitrocresol.
Trinitroglycerin.
Trinitroglycerin mixture.
Trinitronaphthalene.
Trinitrophenylethylnitramine explosive mixtures.
Trinitrophenylmethylnitramine explosive mixtures.
Trinitrophloroglucinol.
Trinitroresorcinol.
Trinitrotoluene explosive mixture.
Trinitrotoluol explosive mixtures.
Tritonal.

U

Urea nitrate

W

Water bearing explosives having salts of oxidizing acids and nitrogen bases, sulfates, or sulfamates

X

Xanthamonas hydrophilic colloid explosive mixture

[FR Doc.72-4427 Filed 3-22-72;8:54 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

MARCH 16, 1972.

1. The Plat of Survey of lands described below will be officially filed at the Nevada State Office, Reno, Nev., effective 10 a.m., on April 21, 1972:

MOUNT DIABLO MERIDIAN, NEVADA

T. 15 N., R. 70 E.,
Sec. 2.

Containing 205.48 acres.

2. The land is located about 13 miles north of Baker, Nev.

3. The area surveyed is gently rolling to rolling land. Elevation about 6,400 feet above sea level. Soil is sandy clay and rocky. Vegetation consists of sagebrush and greasewood. No water sources nor mineral deposits noted. Access is limited to several trail roads branching from the Hendrys Creek Road. No residents or improvements in the section. The major use of the area is grazing.

4. Subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law, the lands are hereby opened to such applications and petitions as may be permitted. All such valid applications received at or prior to 10 a.m., on April 21, 1972, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

Inquiries concerning these lands shall be addressed to the Nevada State Office, Bureau of Land Management, 300 Booth Street, Reno, NV 89502.

LEGRAND BENNION,
Chief, Branch of Records and Data Management.

[FR Doc.72-4409 Filed 3-22-72;8:46 am]

Fish and Wildlife Service

WHITE RIVER NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Study

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136) that a public hearing will be held beginning at 7 p.m. on May 25, 1972, in the Cafetorium, DeWitt High School, Highway 152 Bypass, DeWitt, Arkansas County, Ark., on a study leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the White River Refuge within the National Wilderness Preservation System. The wilderness study included the entire acreage within White River National Wildlife Refuge which is located in Arkansas, Monroe, Phillips, and Desha Counties, State of Arkansas.

A brochure containing a map and information about the White River wilderness study may be obtained from the Refuge Manager, White River National Wildlife Refuge, Post Office Box 308, DeWitt, AR 72042, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by June 26, 1972.

J. P. LINDUSKA,
Acting Director, Bureau of Sport Fisheries and Wildlife.

MARCH 17, 1972.

[FR Doc.72-4410 Filed 3-22-72;8:52 am]

Office of Hearings and Appeals

[Docket No. M72-20]

MORRISON-KNUDSEN CO., INC.

Petition for Modification of Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. sec. 861(c) (1970)), notice is given that the Morrison-Knudsen Co., Inc., has filed a petition to modify the application of 30 CFR 77.1605(k), 36 F.R. 9380, to petitioner's Elkol Mine, ID 48-0087-0, and Sorensen Mine, ID 48-0086-0.

30 CFR 77.1605(k) reads as follows:

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

Petitioner asks that this standard be modified for the reasons that the mines are located at elevations of 7,000 to 7,500 feet, that due to the elevations weather conditions are subject to sudden changes, with snow and high winds being not infrequent from November through April, that the erection of berms on the outside of elevated roads would cause snow to catch on the roads, obliterating them, that berms would prevent snow removal and retard drainage of water, that haulage truck wheels catching on berms could overturn the trucks, that guards strong enough to stop trucks would have to be set so far in from the edge of the roads as to reduce their width, and that additional safety hazards would be caused by berms or guards. Petitioner asserts that since the start of its operations in 1950 no injury to men or damage

to vehicles has been caused by a vehicle going off a haul road because of the lack of berms.

Parties interested in this petition should file their answers or comments within 30 days from the date of publication of this notice in the FEDERAL REGISTER with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84111. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

MARCH 16, 1972.

[FR Doc.72-4411 Filed 3-22-72;8:46 am]

Office of the Secretary

[DES 72-43]

PROPOSED GREEN LAKE NATIONAL FISH HATCHERY, HANCOCK COUNTY, MAINE

Notice of Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a draft environmental statement for a proposed Atlantic salmon production hatchery to be located at Green Lake, Hancock County, Maine, and invites written comments within 45 days of this notice.

The project will include the construction of a large, modern Atlantic salmon hatchery to help restore Atlantic salmon in waters of New England where the species was once abundant. Waters affected will be the rivers and streams of Maine, Maine coastal waters and to a lesser extent rivers and streams of the remainder of New England.

Copies are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109

Bureau of Sport Fisheries and Wildlife, Office of Environmental Quality, Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. Please refer to the statement number above.

Dated: March 16, 1972.

W. W. LYONS,
Deputy Assistant Secretary,
Program Policy.

[FR Doc.72-4412 Filed 3-22-72;8:46 am]

DEPARTMENT OF AGRICULTURE

Forest Service

WOODSY OWL SYMBOL

Notice Concerning Licensing

The regulations issue by the Secretary of Agriculture pursuant to 7 U.S.C. 2201 and 16 U.S.C. 528-531 governing the use of the Woodsy Owl symbol, 36 CFR Part 272 authorize the Chief of the Forest Service to approve the commercial manufacture, reproduction or use of "Woodsy Owl."

Notice is hereby given that an agreement, effective December 30, 1971, has been entered into between the Forest Service and Harold Bell Associates, Inc. with principal place of business at 9831 West Pico Boulevard, Los Angeles, CA 90035, under which Harold Bell Associates, Inc. will review proposals for "Woodsy Owl" commercial licenses received by the Forest Service, and renewals of licenses; Harold Bell Associates, Inc. will evaluate the merchandising potential of each proposal, negotiate the tentative terms of license with the person or organization making the proposal, and make recommendations to the Forest Service with respect to approvals of licenses. The approval and issuance of all licenses and renewals remains the responsibility of the Forest Service.

Dated: March 20, 1972.

EDWARD P. CLIPP,
Chief, Forest Service.

[FR Doc.72-4459 Filed 3-22-72;8:50 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 28(71)-23]

LINCOLN ROBINSON ET AL.

Order Extending Temporary Denial of Export Privileges

In the matter of Lincoln Robinson, Lincaloy Inc., Atlantic Equipment & Supply Co., West Hazleton, Pa., respondents, File No. 28(71)-23.

An order temporarily denying export privileges for a period of 90 days was issued against the above respondents on December 23, 1971 (36 F.R. 25172). Said order was issued in connection with an investigation instituted by the Compliance Division, Office of Export Control, Bureau of International Commerce. On the evidence presented there was reasonable basis to believe that the respondent Robinson, individually and acting in the names of Lincaloy Inc., and Atlantic Equipment & Supply Co., on numerous occasions exported strategic electronic equipment valued in excess of $100,000, without the required validated export licenses and misdescribed said equipment in export documents to indicate that validated licenses are not required. There was also reasonable basis to believe that Robinson and companies he controls had orders pending with U.S. suppliers for similar equipment valued at $150,000.

The respondents have not moved to vacate or modify the temporary denial order in accordance with the provisions of § 388.11(c) of the Export Control Regulations.

The Director of the Compliance Division has applied under § 388.11 of the Export Control Regulations for an extension of the temporary denial order until completion of administrative compliance proceedings. The investigation is continuing and it is expected that a charging letter against the respondents which will contain allegations of violations of the Export Administration Act of 1969 will be issued in the near future.

The application for extension of the temporary denial order has been considered by the Compliance Commissioner. He has found that such extension is reasonably necessary for the protection of the public interest. I confirm this finding.

The finding in the order of December 23, 1971 that certain firms and trade styles named therein are related parties to one or more of the respondents, within the meaning of § 388.1(b) of the Export Control Regulations, is hereby confirmed. Said firms and trade styles are specifically named in Part III of this order.

The Compliance Commissioner has recommended that the petition for extension be granted and that the temporary denial order be extended until completion of administrative compliance proceedings. I accept his recommendation.

Accordingly, it is hereby ordered:

I. The prohibitions and restrictions of the temporary denial order issued in this matter on December 23, 1971 (36 F.R. 25172) are hereby continued in full force and effect.

II. The respondents, their assigns, representatives, agents, and employees are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transactions involving commodities or technical data, exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data, in whole or in part, exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith. It has been determined that the following firms or trade styles are

related parties to one or more of the respondents and this order is applicable to them:

Holstein Shoe Supply
Bay Colony Rubber Co., West Hazleton, Pa.
Atlantic Equipment & Supply Co.
Bay Colony Trading Co.
Bahia Trading Co.
Lincaloy Co.
Lincedt Parts
Bay Colony Rubber Co.
Bahia Trading Ltd. (all of Aguadilla, P.R.)
Lincaloy, Inc.
Lincaloy Bahia Trading Co.
Grand Cayman, Grand Cayman Islands, B.W.I.

IV. This order, unless hereafter amended, modified, or vacated in accordance with the provisions of the U.S. Export Control Regulations, shall remain in effect until the completion of administrative compliance proceedings which will result from the charging letter to be issued against respondents.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents, or whereby the respondents may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any respondent, or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondents and related parties.

VII. In accordance with the provisions of § 388.11(c) of the Export Control Regulations, the respondents may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C. at the earliest convenient date.

Dated: March 20, 1972.

RAUER H. MEYER,
Director, Office of Export Control.

[FR Doc.72-4458 Filed 3-22-72;8:53 am]

Maritime Administration

GIRARD TRUST BANK

Notice of Approval of Applicant as Trustee

Notice is hereby given that Girard Trust Bank, with offices at Bala Cynwyd, Pa., has been approved as Trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: March 16, 1972.

BURT KYLE,
Acting Chief, Office of Domestic Shipping.

[FR Doc.72-4473 Filed 3-22-72;8:51 am]

Office of Import Programs

UNIVERSITY OF TENNESSEE ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

Correction

In F.R. Doc. 72-3870 appearing at page 5399 in the issue for Wednesday, March 15, 1972, the Docket Number listed in the first complete paragraph on page 5401, now reading "Docket No. 72-00334-99-66700", should read "Docket No. 72-00333-33-46500."

CIVIL AERONAUTICS BOARD

[Docket No. 23941]

AIR HAITI, S.A.

Notice of Postponement of Prehearing Conference and Hearing Regarding Application for Amendment of Foreign Air Carrier Permit to Authorize New York Service

Notice is hereby given that the prehearing conference in the above-entitled matter is canceled and the hearing is postponed from March 22, 1972 (37 F.R. 4928, March 1, 1972), to April 4, 1972, at 10 a.m., local time, in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., March 20, 1972.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[FR Doc.72-4470 Filed 3-22-72;8:51 am]

[Dockets Nos. 24167, 24168]

FINNAIR oy AND KAR-AIR oy

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceedings is assigned to be held on April 26, 1972, at 10 a.m., local time, in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., March 20, 1972.

[SEAL] JOHN E. FAULK,
Hearing Examiner.

[FR Doc.72-4468 Filed 3-22-72;8:51 am]

[Dockets Nos. 23862, etc.; Order 72-3-39]

UNITED AIR LINES, INC., ET AL.

Order Terminating Group Fare Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of March 1972.

This consolidated proceeding was instituted on September 29, 1971, in three orders [1] which placed under investigation certain single entity, affinity, and nonaffinity group fares proposed by United Air Lines, Inc., American Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., and Continental Air Lines, Inc. These fares were proposed to apply between a number of points within the continental United States, and between several points on the mainland and Hawaii. In addition, the mainland-Hawaii single entity and affinity group fares of United, American, Trans World, and Pan American were ordered suspended.

In a motion filed on October 27, 1971, United said it was requesting special tariff permission to cancel its suspended mainland-Hawaii group fares and to change the expiry date of its affinity group tariffs. In the belief that these changes removed the reasons for the Board's decision to investigate and suspend these fares, United contends the investigation now is moot and should be terminated.

American and Trans World have also canceled their suspended mainland-Hawaii group fares and changed the expiry date of their remaining group fare tariffs to May 31, 1972. Pan American has withdrawn its suspended mainland-Hawaii group fares and has no other fares involved in this case. Continental has established an expiry date of May 31, 1972, on its nonaffinity group fare tariffs and Trans World has matched Continental's change in its defensive nonaffinity group tariffs. Thus, at this time, all suspended fares have been canceled and an expiry date of May 31, 1972, has been established for all other group fares under investigation in this consolidated docket.

Answers in support of the United motion have been received from American, Continental, Trans World, Hawaiian, and Bureau Counsel. These parties agree with United that the tariff changes

[1] Order 71-9-113 (Docket 23862), Order 71-9-114 (Docket 23863), and Order 71-9-115 (Docket 23864).

which have been made eliminate the Board's problems with these fares and thus moot the proceedings. They point out that the Board instituted this investigation because it was concerned that these group fares would encourage low-yield travel during peak traffic periods and create pressure for additional capacity which could not be justified economically. It was not seriously concerned with the availability of these fares during the off-peak season when it appeared they would assist in generating traffic and revenues without burdening existing capacity or adding significantly to the carriers' costs of operation. Thus the group fare proposals were permitted to become effective but were placed under investigation in an expedited proceeding with the objective of reaching a decision on the question of reasonableness prior to the 1972 peak summer season.[2] Continental informally stated that its fares would expire before the summer peak season and that it would cancel all fares in this case at the earliest possible date if the motion to terminate was not granted.

Pan American, Western, and the NACA member carriers opposed the motion to terminate. They noted that Continental's mainland-Hawaii nonaffinity group fares were not suspended and have not been withdrawn, and alleged that these fares are damaging and raise serious problems of reasonableness and discrimination.[3] They contended that, until all of the mainland-Hawaii group fares are canceled, the investigation is not moot and should not be terminated. Western also indicated that more group fares were in the offing and that this investigation should not be terminated until the entire picture became clear.

Following the filing of these pleadings a number of new tariff filings were made involving single-entity, affinity, and nonaffinity group fares, and some of these were placed under investigation in other dockets.[4] As of this date, all of the fares in the instant docket, as well as the other competitive group fares, have either been canceled or have had their expiration date advanced so that they will no longer be in effect during the peak season.[5] In view of these circumstances, the principal cause for concern in ordering this investigation has been removed since these low-yield group fares will no longer threaten to tax capacity during the peak summer months. Moreover, the cancellation of the suspended mainland-Hawaii tariffs removes any need to consider further this element of the investigation.[6] Thus, the two major reasons for instituting this investigation no longer exist and the facts and arguments presented in these dockets do not otherwise justify an investigation of the lawfulness of these fares during the off-peak period to which they are now limited.[7]

For these reasons, we have decided to grant the motion of United and terminate the "Group Fare Investigation" in Dockets 23862, 23863, and 23864. However, United, American, Trans World, and Continental will maintain a record of traffic, revenues, and expenses sufficient for a full evaluation of the profit impact of fares under investigation in this case. A report containing these data will be filed in this docket on or before July 1, 1972.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, and 1002, thereof:

It is ordered, That:

1. The consolidated investigation in Dockets 23862, 23863, and 23864, be and hereby is terminated.

2. The motion to sever filed by Hawaiian Airlines, Inc., be and hereby is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.72-4469 Filed 3-22-72;8:51 am]

[Docket No. 24251]

UNION AIR TRANSPORT

Notice of Prehearing Conference and Hearing

Union Speditions-Gesellschaft M.B.H., doing business as Union Air Transport.

Amendment of foreign air carrier permit to authorize indirect air transportation between all points in the United States and all other points in the world.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 19, 1972, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner William J. Madden.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before April 12, 1972.

Dated at Washington, D.C., March 17, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-4466 Filed 3-22-72;8:50 am]

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[2] The mainland-Hawaii single-entity and affinity group fares of United, American, Trans World, and Pan American were also suspended, not because of any different economic characteristics, but because they did not contain provisions for common-fares and stopover privileges at points in Hawaii as required by the carrier's authority to serve Hilo.

[3] Continental has now canceled its West Coast-Hawaii nonaffinity group fares which were under investigation herein and its nonaffinity group fares between Hawaii and mainland interior points now bear an expiry date of May 31, 1972.

[4] E.g., nonaffinity fares for groups of 70 or more were ordered investigated by Order 71-11-40, November 11, 1971. These fares had an expiry date of September 30, 1972.

[5] The Board permitted the advance of expiration dates on the competitive group fares on the representations of the carriers that they have proven uneconomical and highly diversionary.

[6] Under these circumstances, the motion of Hawaiian to sever the common-fare/stopover issue is moot and will be dismissed.

[7] We note that those few carrier complaints, motions, and other pleadings which adverted to problems of discrimination presented no arguments addressed to that issue beyond the bare assertion that the fares raise such problems.

FEDERAL COMMUNICATIONS COMMISSION

[FCC 72-237]

AMERICAN BROADCASTING COMPANIES, INC.

Memorandum Opinion and Order Regarding "Prime Time" Rule Waiver for 1972-73 Season

1. The Commission here considers a request for waiver of the "prime time access rule," § 73.658(k) of the Commission's rules, filed on February 10, 1972 by American Broadcasting Co., Inc. (ABC); and an opposition thereto filed by Columbia Broadcasting System, Inc. (CBS). ABC's request asks for continuation of the waiver which was granted in March 1971,[1] for the year between October 1, 1971 and October 1, 1972, permitting ABC and that network's affiliates in the "top 50 markets" to present 3½ hours of "prime time" material on Tuesdays, from 7:30 to 11 p.m. e.s.t., cutting back on ABC prime time programing on another evening of the week so as not to exceed a total of 21 hours in any week. The rule, of course, does not read in terms of a weekly maximum but in terms of a 3-hour-per-night limitation. The night of the week when ABC programing would be reduced is not specified in the petition (and was not in its 1971 request); ABC in fact reduced its programing on Mondays during the first part of the 1971-72 season but has recently changed to Wednesdays.

2. In support of its request, ABC urges much the same arguments advanced last year, particularly the great popularity and high "viewer continuity" of its Tuesday evening block of three programs, which it does not want to break up (these are Mod Squad, 7:30 to 8:30 p.m., Movie of the Week, 8:30 to 10 p.m., and Marcus Welby, M.D., 10 to 11 p.m.). It is said that the programs are designed to appeal to all age groups, and also often deal with social problems. It is asserted that this is the most popular "network evening" of any in the entire week, with all three shows in the top 10 according to one recent survey; and that there is a public interest in permitting viewers to continue to watch this lineup, now in its third season, at the accustomed times. Noting that it has in the past supported an 8 p.m. starting time generally (including a letter to Chairman Burch of

[1] FCC 71-253, adopted March 10, 1971, reported at 27 FCC 2d 905-906.

January 21, 1972, which did not mention any proposed deviation such as that now requested), it asserts that this was premised on such a start by all networks every night, and NBC has now indicated that it will start on Sundays at 7:30. ABC believes the rule should be administered flexibly and, as long as it is within 21-hour framework, waiver should be granted where the public interest would be specially served. It should be noted that ABC does not now make the "economic injury" arguments also urged in its 1971 request—the impact of the loss of cigarette advertising starting with 1971, substantial losses in its networking operations for several years, and a generally soft economic situation. ABC has stated in the last few months that it expects to make money on its TV network operations in 1972.

3. *CBS opposition.* CBS filed an opposition to the ABC waiver request, as representing really only ABC's private interest in attempting to preserve its strong position on one night of the week. It is claimed that ABC's concern in this matter has always been to seek insulation from the rigors of full competition—supporting the prime time access rule (or at least not opposing it) when it was under consideration and litigation, at a time when ABC could not afford to continue to program the full 3½ hours a night, as the other networks were doing, and later supporting an 8 p.m. starting time except in the one case where it suits ABC's convenience to start earlier. CBS takes the position that 3½ hours a night should not be permitted, for any network on any evening; and that this is particularly true this coming year, the real "test year" of the rule. It states that a 7:30 p.m. starting time on Sundays, as NBC contemplates for the next year (though without a waiver), may be in the public interest, in view of the historic pattern of programing and viewing on that evening and the uniqueness of the Disney program; but this does not extend to any other evening. CBS states, as its overall position, that otherwise an 8 p.m. start is agreeable to it as long as the other networks do likewise except for Sunday; if there is deviation by the others, it reserves the right to consider an earlier start on some or all evenings. CBS also asserts that it is not convinced that in the long run a uniform start time is desirable; there is some indication that the 8 p.m. start simply means less viewing of TV during the 7 to 8 p.m. period. However, it agrees that the rule should have a full test for 1 year, and therefore does not oppose a uniform 8 p.m. start time for 1972–73 daily except (possibly) Sunday.

CONCLUSIONS

4. Upon careful consideration of the above material, we are of the view that ABC's request for the 1972–73 season must be denied. While we do not, by any means, accept as true all of the CBS characterizations mentioned above, there does appear to be substance in its argument that ABC's request is based largely on its private interest in wishing to maintain intact a block of programing which has proved to be very popular. What public interest there may be in permitting these programs to be viewed in the future at their accustomed times, we find this to be substantially outweighed by the public interest in furthering, to the maximum possible extent, the objective of the rule: To clear a substantial and regularly available amount of prime time for new programs from nonnetwork, independent sources. In our view, it is of some importance, at least, that this amount of time be made generally available to such sources on a regular basis, i.e., generally the first hour of prime time, 7 to 8 p.m., e.t., rather than at irregular times of the week.[2] As noted above, ABC has not committed itself (either last year or now) to "giving back" a half-hour at any particular time of the week, and in fact has changed its practice during the present season in this respect. Even were this not the case, we would find it necessary to deny ABC's request, for the reasons mentioned. ABC may, of course, start on 7:30 p.m. on Tuesdays if it sees fit to do so, but we do not believe it appropriate to encourage such a development by grant of the waiver as requested.

5. We reach this conclusion looking only at the ABC request itself. However, there are also other considerations dictating the same result. First, it appears from the CBS opposition, and otherwise, that grant of waiver here could tend to upset the whole pattern of network prime time broadcasting beyond what it would be otherwise, to the further detriment of the objectives mentioned above, including, possibly, other requests for waiver which could hardly be treated differently. Second, we believe grant of waiver would also have a bad psychological effect on those interested or potentially interested in the creation and distribution of non-network prime time material. There have already been suggestions that the "prime time access rule" will likely be short-lived, with repeal or substantial modification likely very soon. We do not believe it desirable to give these suppositions the credence they would gain from grant of this request, which—unlike others we have granted recently—involves a full season of broadcasting. We point out also that our grant of ABC's request for the 1971–72 season was based chiefly on the "transitional" character of that year, with the rule not yet still in full effect because stations may, until October 1, 1972, fill the cleared portion of prime time with off-network material or movies recently shown in the market. As to the future, we stated (27 FCC 2d 906):

> We will not look with favor on similar waivers extending beyond that date. We suggest that networks and affiliates so arrange their schedules and affairs as to conform to the exact provisions of the rule as of October 1, 1972.

[2] The 7:30 p.m., e.t., period on Sundays will apparently not be available, on NBC affiliates and possibly those of the other networks; but Sunday has always presented to some extent a pattern of viewing different from other nights.

We adhere to these views.

6. In view of the foregoing: *It is ordered*, That the "Petition for Waiver" filed on February 10, 1972 by American Broadcasting Cos., Inc. (ABC) is denied.

Adopted: March 15, 1972.

Released: March 17, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-4438 Filed 3-22-72;8:53 am]

[Dockets Nos. 19461, 19462; FCC 72-213]

TUSCARAWAS BROADCASTING CO. AND RADIO GALION, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of the Tuscarawas Broadcasting Co., Galion, Ohio, docket No. 19461, file No. BPH-7488, requests: Channel 272A; 3 kW(H); 3 kW(V); 300 feet; and Radio Galion, Inc., Galion, Ohio, docket No. 19462, file No. BPH-7560, requests: Channel 272A; 3 kW(H); 3 kW(V); 144 feet; for construction permits.

1. Now under consideration are the captioned applications, which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. Therefore, a comparative hearing is required.

2. Based on figures contained in the application of Tuscarawas Broadcasting Co., funds of at least $98,865 will be needed to construct and operate the proposed station for 1 year, as follows: Equipment not covered by deferred credit, $896; down payment on equipment, $8,950; payments on equipment, including interest, $11,149; land, $6,000; building, $24,500; payments on loan, if available, including interest, $9,750; first-year operating expenses, $35,620; and miscellaneous expenses, $1,000. Under miscellaneous expenses, the applicant has listed $1,000 for engineering fees. Nothing has been allocated for legal fees, freight, installation, or other miscellaneous expenses. Therefore, we shall inquire in hearing as to whether the applicant has realistically estimated its miscellaneous expenses, and, if not, what additional miscellaneous expenses will be incurred. To meet its financial requirements, the applicant relies on the availability of $12,356 cash on hand, funds of $43,110 from Mr. James Natoli, Jr., President of the applicant, and a $50,000 loan from the United Bank of Uhrichsville, Ohio. The balance sheets submitted to establish the availability of the cash on hand and the funds from Mr. Natoli are more than 90 days old and do not establish the present availability of those funds. The bank commitment does not indicate the security for the loan, as required by paragraph 4(e), section III of the application form. We do not know therefore, whether the

[3] Commissioners Burch, Chairman; Reid and Wiley dissenting.

applicant can meet the bank's security requirements. Thus, the availability of the bank loan has not been established. In view of the above, financial issues will be specified.

3. In its description of the composition of Galion, Tuscarawas Broadcasting Co. indicates that there are several manufacturing firms in the city. No community leaders representing the labor force associated with those firms have been consulted.[1] It appears, therefore, that the community leaders consulted do not reflect the composition of Galion. See question and answer 16 of the Primer on the ascertainment of community problems by broadcast applicants, 27 FCC 2d 650, 21 RR 2d 1507 (1971). Moreover, we are not able to determine whether the applicant has consulted with members of the general public using some method to assure that those consulted were generally distributed throughout the city's population. See question and answer 13(b) of the Primer. As nearly as we can determine, only three people who might be classified as members of the general public, as distinguished from community leaders, have been consulted. Accordingly, a Suburban issue will be specified.[2]

4. Radio Galion, Inc., is the permittee of station WGLX(AM), Galion. That station is not yet operational but is in the last stages of construction. It appears, therefore, that the station will be operating by the time the proceeding on the FM applications is over. Radio Galion, Inc., proposes to duplicate the programming of station WGLX on the proposed FM station during the daytime hours, or about 60 to 75 percent of the broadcast week. Tuscawaras Broadcasting Co., on the other hand, proposes independent programming. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When program duplication is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programming inquiry, Jones T. Sudbury, 8 FCC 2d 360, 10 RR 2d 114 (1967).

5. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the two proposals. Consequently, for the purposes of comparison, the areas and populations which would receive FM service of 1 mv/m or better, together with the availability of other primary (1 mv/m or better for FM) aural services in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either applicant.

6. Tuscarawas Broadcasting Company proposes to locate its main studio outside the city of license at the transmitter site. This site is about 6.9 miles from the center of Galion. The site is, however, on the far side of Crestline, Ohio, population 5,947. Applicants that propose to locate their main studios outside the proposed city of license must establish that good cause exists for so locating the studio, pursuant to § 73.210(a)(3) of our rules. While the applicant here has indicated several reasons for the selection of the transmitter site, the only statement that pertains to the choice of studio site is that it lies near a major highway. We are of the view that such a statement, without more, does not establish good cause for locating the main studio outside the city of license. Accordingly, an issue will be specified in this regard.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because they are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues set out below.

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

1. To determine with respect to the application of Tuscarawas Broadcasting Co.:

a. Whether the applicant has reasonably estimated its miscellaneous expenses and, if not, what additional funds will be required.

b. The amount of current and liquid assets, in excess of current liabilities, that will be available to the applicant to construct and operate the proposed station.

c. The amount of current and liquid assets, in excess of current liabilities that will be available to Mr. James Natoli, Jr., to contribute to the applicant.

d. The security required for a $50,000 bank loan from the United Bank of Uhrichsville, Ohio, whether the applicant and/or its principals can meet the bank's security requirements, and, therefore, whether the bank loan will be available to the applicant.

e. In light of the evidence adduced under the preceding issues, whether the applicant is financially qualified.

f. The efforts made by the applicant to ascertain the community problems and needs of the area to be served and the means by which the applicant proposes to meet those problems and needs.

g. Whether good cause exists for locating the main studio outside the city of license, pursuant to § 73.210(a)(3) of the rules.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced under the preceding issues, which of the applications for a construction permit should be granted.

9. *It is further ordered,* That the applicants shall file a written appearance stating an intention to appear and present evidence on the specified issues, within the time and in the manner required by § 1.221(c) of the rules.

10. *It is further ordered,* That the applicants shall give notice of the hearing within the time and in the manner specified in § 1.594 of the rules, and shall seasonably file the statement required by § 1.594(g).

Adopted: March 8, 1972.

Released: March 15, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[3]

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

[FR Doc.72-4439 Filed 3-22-72;8:53 am]

[1] The 1967 "County and City Data Book," published by the U.S. Department of Commerce, Bureau of the Census, indicates that 43.6 percent of the work force in Crawford County, in which Galion is located, is employed in manufacturing.

[2] Suburban Broadcasters, 30 FCC 1021, 20 RR 951 (1961).

FEDERAL POWER COMMISSION

NATIONAL GAS SURVEY DISTRIBUTION-TECHNICAL ADVISORY COMMITTEE AND DISTRIBUTION-TECHNICAL ADVISORY TASK FORCE-GENERAL

Order Designating A Member

MARCH 16, 1972.

The Federal Power Commission by orders issued April 6, 1971, and December 21, 1971, established Technical Advisory Committees and Technical Advisory Task Forces, respectively, of the National Gas Survey.

1. *Membership.* An additional member to the Distribution-Technical Advisory Committee and Distribution-Technical Advisory Task Force-General, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Mrs. Eunice P. Howe (formerly, Chairman, President's Consumer Advisory Council and Assistant Attorney General, Commonwealth of Massachusetts).

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-4405 Filed 3-22-72;8:46 am]

NATIONAL GAS SURVEY TECHNICAL ADVISORY COMMITTEE-TRANSMISSION

Order Designating A Member

MARCH 15, 1972.

The Federal Power Commission by order issued April 6, 1971, established three Technical Advisory Committees of the National Gas Survey.

1. *Membership.* A new member to the Technical Advisory Committee-Transmission, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

[3] H. Rex Lee absent.

Dr. Robert O. Hermann, Associate Professor of Agriculture Economics, Pennsylvania State University.

Past President, American Council on Consumer Interests.

By the commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-4406 Filed 3-22-72;8:46 am]

[Docket Nos. RP71-6, etc.]

TENNESSEE GAS PIPELINE CO.

Notice of Extension of Time and Postponement of Hearing; Correction

MARCH 10, 1972.

In the notice of extension of time and postponement of hearing, issued March 8, 1972, and published in the FEDERAL REGISTER March 14, 1972, 37 F.R. 5329: Please change paragraph 2. to read as follows: "2. Cross-examination of the evidence shall commence on May 2, 1972."

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-4404 Filed 3-22-72;8:46 am]

[Docket No. RP72-112]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Proposed Changes in Rates and Charges

MARCH 16, 1972.

Take notice that Algonquin Gas Transmission Co. (Algonquin) on March 9, 1972, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume Nos. 1 and 2.[1] Algonquin requests the proposed rate changes become effective on April 17, 1972, or such other date as the underlying increased rates by Texas Eastern Transmission Corp. (Texas Eastern) become effective. The proposed rate changes would increase Algonquin's revenues for jurisdictional sales and services by $37,432 based on sales volumes for the 12-month period ended January 31, 1972. Algonquin requests the Commission to waive compliance with those parts of its rules and regulations necessary to place the proposed increased rates in effect.

Algonquin in its filing states that the proposed changes in its rates are designed to compensate only for an increase in purchase gas cost. Such increase in the cost of purchased gas results from the rate increase filed by Algonquin's sole supplier, Texas Eastern, March 3, 1972, and proposed to become effective on April 17, 1972. Texas Eastern's rate increase gives effect to the inclusion in its rate base of an advance payment to Humble Oil and Refining Company and is in accordance with the provisions of Article V of the Stipulation and Agreement dated January 21, 1971, approved by Commission order issued March 24, 1971, in Texas Eastern Docket Nos. RP70-29, et al.

Reference is made by Algonquin to the rate increase filing made by it on March 1, 1972, in Docket No. RP72-110, and particularly to Algonquin's cost of service contained therein. Algonquin states that there has been no material changes in its facilities, sales volumes and cost of service other than cost of gas since the above referred to rate increase filing was made.

Copies of this filing were served on Algonquin's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 31, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-4399 Filed 3-22-72;8:45 am]

[Docket No. CP70-258]

CITIES SERVICE GAS CO.

Notice of Petition To Amend

MARCH 15, 1972.

Take notice that on March 7, 1972, Cities Service Gas Company (Petitioner), Post Office Box 25128, Oklahoma City, OK 73125, filed in Docket No. CP70-258 a petition to amend the order of the Commission heretofore issued in said docket pursuant to section 7(c) of the Natural Gas Act on July 22, 1970, by authorizing the transportation for exchange of natural gas and the construction and operation of certain natural gas pipeline facilities as an additional point of delivery for the exchange of natural gas between Petitioner and Kansas-Nebraska Natural Gas Co., Inc. (Kansas-Nebraska), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By order issued in the subject docket the Commission issued a certificate of public convenience and necessity authorizing Petitioner to exchange volumes of natural gas with Kansas-Nebraska pursuant to an exchange agreement dated March 27, 1970. Under the terms of the exchange agreement, Petitioner delivers gas to Kansas-Nebraska at the discharge of Petitioner's Hugoton Compressor Station in Grant County, Kans., and Kansas-Nebraska delivers equivalent volumes to Petitioner at a point on Petitioner's Hugoton-Kansas City 26-inch pipeline near the town of Haven in Reno County, Kans. Petitioner states that it has entered into an amended exchange agreement with Kansas-Nebraska dated February 4, 1972, which provides for an additional point of delivery from Petitioner to Kansas-Nebraska at a point on Petitioner's Hugoton-Kansas City 26-inch pipeline near the town of Copeland in Haskell County, Kans. (Copeland Exchange Point).

Under the amended agreement Petitioner would deliver gas through the Copeland Exchange Point into Kansas-Nebraska's rural irrigation distribution system in Haskell County, Kans., and would receive equivalent exchange volumes at the Haven Exchange Point. Deliveries of gas through the Copeland Exchange Point would be limited to Kansas-Nebraska's irrigation sales season and would vary from 2,000 to 10,000 Mcf per day during such period.

In order to undertake the proposed exchange of gas, Petitioner states that it proposes to construct and operate measuring, regulating and appurtenant facilities at the Copeland Exchange Point to deliver exchange volumes to Kansas-Nebraska.

Petitioner states that the cost of the facilities proposed to be constructed is $10,530, which will be paid from treasury cash. The site on which the proposed facilities will be constructed will be provided by Kansas-Nebraska.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 7, 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.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-4400 Filed 3-22-72;8:45 am]

[Docket No. E-7616]

CITIZENS UTILITIES CO.

Notice of Application

MARCH 15, 1972.

Take notice that on March 10, 1971, Citizens Utilities Co. (Applicant) filed a

[1] Volume No. 1: Substitute 27th Revised Sheet No. 5, substitute 27th Revised Sheet No. 10, substitute 28th Revised Sheet No. 11-A, substitute 28th Revised Sheet No. 12 and substitute 27th Revised Sheet No. 14.

Volume No. 2: Substitute 28th Revised Sheet No. 4 and substitute 25th Revised Sheet No. 57.

supplemental application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of short-term promissory notes in an aggregate principal amount not to exceed $16 million outstanding at any one time.

Applicant is incorporated under the laws of the State of Delaware and is qualified to do business in the States of Arizona, Colorado, Connecticut, Hawaii, Idaho, and Vermont.

The notes are to be issued pursuant to a credit arrangement with Marine Midland Bank—New York, or, in the alternative, to commercial paper dealers. All notes are to have a final maturity on or before April 5, 1973. The interest rate for notes issued pursuant to the bank credit agreement shall be at the prime commercial interest rate at Marine Midland Bank—New York for 90-day notes as of the date of issuance. The maximum principal amount of all notes to be issued pursuant to the supplemental application shall not be exceed $16 million outstanding at any one time.

The net proceeds from the sale of the notes will be used, together with other funds of the Applicant, for the replenishment of the treasury for expenditures for current transactions and for the construction, extension and improvement of facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 31, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-4398 Filed 3-22-72;8:45 am]

[Project No. 1218]

GEORGIA POWER CO.

Notice of Availability of Environmental Statement for Inspection

MARCH 17, 1972.

Notice is hereby given that on March 4, 1972, as required by § 2.81(b) of Commission regulations under Order 415–B (36 F.R. 22738, November 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the Guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) was placed in the public files of the Federal Power Commission. This statement deals with an application for new license filed pursuant to the Federal Power Act by Georgia Power Co. for its Flint River Project No. 1218.

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The project is located on Flint River in Dougherty and Lee Counties, Ga. The project structures consist of a main dam and integral powerhouse across Flint River and a diversion dam across Muckafoonee Creek approximately 3,000 feet northwest of the powerhouse. The main dam and diversion dam are joined by a 2,600-foot long earth dike and a 500-foot long auxiliary spillway.

Structures on Flint River consist of the following: (1) A dam 60 feet high and 637 feet long, comprised of a reinforced concrete slab and buttress gated spillway section and a powerhouse intake section; (2) a short earth dike in the right abutment; and (3) a powerhouse integral with the dam, containing three 1,800 kw. generating units and minimal provisions for a fourth unit.

Structures on Muckafoonee Creek consist of the following: (1) A concrete diversion dam comprised of a nonoverflow and sluice section 69 feet long and a gated spillway section 133 feet long and 21 feet high; (2) an old powerhouse substructure; and (3) an earth dike approximately 383 feet long, 200 feet of which comprise an emergency spillway with crest at elevation 184.7 m.s.l.

Connecting facilities (Flint River to Muckafoonee Creek) consist of the following: (1) An earth dike 2,600 feet long; (2) a reservoir, extending approximately 8 miles up Flint River and approximately 2 miles up Muckafoonee Creek, having an area of approximately 1,400 acres; (3) a concrete slab and buttress, free-crest, auxiliary spillway with crest at elevation 182.3 m.s.l. 500 feet long and 15 feet high; and (4) an excavated channel with bed at elevation 169.3 m.s.l. connecting the two arms of the reservoir.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any difference with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors enumerated in section 2.80 of Order 415–B. Written statement by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before 60 days from March 4, 1972. The Commission will consider all response to the statement.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-4403 Filed 3-22-72;8:46 am]

[Docket No. E-7710]

IOWA ELECTRIC LIGHT & POWER CO.

Notice of Amended Application

MARCH 15, 1972.

Take notice that on March 14, 1972, the Iowa Electric Light & Power Co. (applicant) filed an amendment to its application filed February 15, 1972, pursuant to section 204 of the Federal Power Act with the Federal Power Commission seeking authority to issue and sell at competitive bidding $30 million principal amount of first mortgage bonds.

Applicant is incorporated under the laws of the State of Iowa and is authorized to do business in the States of Iowa, Minnesota, Colorado, and Nebraska with its principal business office at Cedar Rapids, Iowa. Applicant is engaged primarily in the generation, transmission, and sale at retail of electric energy in 51 counties in the State of Iowa.

The first mortgage bonds which are to mature May 1, 2002, will be issued on approximately May 4, 1972, under the applicant's indenture of mortgage and deed of trust, dated August 1, 1940, as heretofore amended and supplemented by 38 supplemental indentures and as to be further supplemented by a 39th supplemental indenture to be dated May 1, 1972, between the company and the First National Bank of Chicago, as trustee. The rate of interest to be paid by the applicant will be determined by competitive bidding in accordance with the Commission regulations under the Federal Power Act.

The purposes for which the said securities are to be issued include the repayment of approximately $19 million of short-term borrowings from commercial banks aggregating $24,600,000 at January 31, 1972, and the redemption and refunding of the company's outstanding $9,870,000 principal amount of 6⅜ percent sinking fund debentures (out of an original issue of $10 million), issued as of July 1, 1967, and due July 1, 1992. The estimated construction program for 1972 totals $61,600,000 and includes the expenditure of $45,600,000 for its share of the cost of construction of a 550,000 kw. nuclear generating station being constructed on a site near Palo, Iowa. Two Iowa generating and transmission cooperatives, Central Iowa Power Cooperative and Corn Belt Power Cooperative will have a 20 percent and 10 percent undivided ownership, respectively, in this plant and its generating capacity. The reason for redeeming the 6⅜ percent sinking fund debentures, which under the terms of the indenture securing same may be redeemed at the option of the company at a redemption price of 106.63 percent of the principal amount thereof, together with accrued interest, if redeemed during the 12-month period ended July 1, 1972, is that said indenture contains unduly restrictive provisions with respect to interest coverage requirements on additional debt securities issued by the company which have become unworkable in view of the company's

present and continuing needs for additional capital.

Any person desiring to be heard or to make any protest with reference to this application as amended should on or before March 29, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application as amended is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-4402 Filed 3-22-72;8:46 am]

[Docket No. CP71-203]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Petition To Amend

MARCH 15, 1972.

Take notice that on March 6, 1972, Natural Gas Pipeline Co. of America (petitioner), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP71-203 a petition to amend the order of the Commission heretofore issued in said docket pursuant to section 7(c) of the Natural Gas Act on June 3, 1971, by authorizing relocation of approximately 20.64 miles of 26-inch pipeline loop and an extension of time within which to construct certain facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The Commission order in the subject docket authorized the construction and operation of certain facilities to increase Petitioner's natural gas storage capacity. Petitioner states that it has constructed and placed into operation all of the authorized facilities except 3,000 additional horsepower at its Compressor Station No. 111 in Hutchinson County, Tex., 3,000 additional horsepower at its Compressor Station No. 154 in Gray County, Tex., and approximately 20.64 miles of 26-inch pipeline partially looping Petitioner's existing mainline between Compressor Station Nos. 154 and 111.

Petitioner requests herein that the Commission's order be amended to (1) allow petitioner to relocate the approximately 20.64 miles of 26-inch looping so that approximately 14.62 miles of looping will be on the suction side of Compressor Station No. 111 and approximately 6.02 miles of looping will be on the suction side of Compressor Station No. 154, and (2) give petitioner 1 year from the date of the Commission's order to construct the 3,000 additional horsepower each at Compressor Station Nos. 111 and 154 and the relocated looping. Petitioner states that the construction and operation of said facilities are necessary if petitioner is to operate its pipeline at authorized levels of capacity during the 1972-73 winter heating season. The cost of the proposed facilities is $4,310,000.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 7, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-4401 Filed 3-22-72;8:45 am]

[Docket No. CP70-239]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Petition To Amend

MARCH 17, 1972.

Take notice that on March 9, 1972, Kansas-Nebraska Natural Gas Co., Inc. (petitioner), 300 North St. Joseph Avenue, Hastings, NE 68901, filed in Docket No. CP70-239 a petition to amend the order of the Commission issued in said docket on July 22, 1970 (44 FPC 149) pursuant to section 7(c) of the Natural Gas Act by authorizing a new delivery point, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Petitioner is authorized in subject docket to exchange natural gas with Cities Service Gas Co. (Cities) under a March 27, 1970, gas exchange agreement whereby Cities redelivers to petitioner at a point near Cities' Hugoton, Kans., compressor station a volume of natural gas equal to a portion of petitioner's off-system gas supply produced in the Buffalo Wallow Field, Hemphill County, Tex., which is delivered to Cities. Petitioner states that by an agreement dated February 4, 1972, it has amended the March 27, 1970, exchange agreement with Cities in order to provide a more reliable source of supply for its irrigation distribution system located north of the community of Copeland in Haskell County, Kans., which is currently supplied from low pressure gas wells which are connected directly to the system and from gathering pipeline connections with other companies in the immediate area. Petitioner seeks authorization to establish a new redelivery point for a portion of the exchange gas to be located adjacent to Cities' pipeline in Haskell County and to redeliver at this point a volume of gas between 2,000 Mcf and 10,000 Mcf per day during the irrigation season. Petitioner further states that pursuant to the exchange agreement, as amended, Cities is obliged to install all new facilities to accomplish the redelivery of gas at the additional redelivery point.

Petitioner estimates its cost in connection with the acquisition of the site for the additional redelivery point at $800.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 10, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-4444 Filed 3-22-72;8:53 am]

[CI71-555, CI72-511]

PROGRESS PETROLEUM, INC., ET AL.

Notice of Extension of Time and Postponement of Hearing

MARCH 17, 1972.

Progress Petroleum, Inc., Complainant, v. M. O. Rife, Jr., M. O. Rife, III, North Central Oil Corp., Strawn Drilling Co., respondents, CI71-555; North Central Oil Corp., CI72-511.

Subsequent to the issuance of the Commission's order of February 23, 1972, in these proceedings, applications for certificates of public convenience and necessity, rate schedules, and applications for abandonment have been filed in related dockets.

In view of the foregoing, notice is hereby given that the time within which complainant and respondents shall file with the Commission testimony and related exhibits and the date of hearing are postponed until further notice by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-4445 Filed 3-22-72;8:53 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANCORPORATION

Acquisition of Bank

American Bancorporation, Columbus, Ohio, 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 up to 100 percent of the voting shares (less directors' qualifying shares) of The Farmers State Bank of McClure, McClure, Ohio. 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 Cleveland. 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 April 7, 1972.

Board of Governors of the Federal Reserve System, March 16, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-4378 Filed 3-22-72;8:48 am]

BELLEVILLE BANCSHARES, INC.

Order Approving Formation of Bank Holding Company

Belleville Bancshares, Inc., Belleville, Ill., 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 51 percent of the voting shares of Bank of Belleville, Belleville, Ill. (Bank).

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

Bank ($20.7 million in deposits) is the fourth largest of six banks competing in the Belleville market area and holds 8.1 percent of the deposits in commerical banks in the area.[1] Applicant is a newly organized corporation formed by members of a family for the purpose of effecting a reorganization of their individual ownership of Bank's shares. Members of this family also control the smallest bank in the area ($7.9 million in deposits) and consummation of the proposal would tend to perpetuate the family's control of two banks and 11.2 percent of area deposits. This would be an adverse circumstance were it not for the fact that Bank was acquired in early 1971 at a time when it was in very serious financial condition, and under the family's management it has shown a marked improvement, as discussed below. Under these circumstances, the Board does not believe that the anticompetitive effects of the proposal are significant.

As noted above, Bank's financial condition was marginal when the family acquired Bank. Since that time, Bank's capital position has been significantly improved, loan losses have been minimized, and qualified management has been brought into the Bank. Since the present proposal will continue this support for Bank, considerations relating to the financial and managerial resources and prospects of Bank lend weight toward approval of the application. Consummation of the proposal would have no immediate effect on the convenience and needs of the community involved; however, the original acquisition of the Bank, at a time when it was experiencing financial difficulties, was instrumental in the continuation of Bank as a viable competitive force in the area and, as a subsidiary of Applicant, Bank should be able to continue to offer a wide range of banking services. Thus, considerations relating to the convenience and needs lend weight toward approval. It is the Board's judgment that consummation of the proposal would be in the public interest and that the application should be approved.

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

By order of the Board of Governors,[2] March 16, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-4390 Filed 3-22-72;8:49 am]

BOATMEN'S BANCSHARES, INC.

Acquisition of Bank

Boatmen's Bancshares, Inc., St. Louis, Mo., 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 90 percent or more of the voting shares of Bank of Troy, Troy, Mo. 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 St. Louis. 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 April 7, 1972.

Board of Governors of the Federal Reserve System, March 16, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-4379 Filed 3-22-72;8:48 am]

COLORADO NATIONAL BANKSHARES, INC.

Order Approving Acquisition of Bank

Colorado National Bankshares, Inc., Denver, Colo., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Boulevard National Bank, Denver, Colo. (Bank).

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

Applicant has seven subsidiary banks controlling aggregate deposits of $335 million and is the third largest banking organization in Colorado controlling 7.2 percent of deposits in commercial banks in the State.[1] Acquisition of Bank ($13 million in deposits) by Applicant would not increase the percentage share of deposits held by Applicant to a significant extent and would not alter its statewide ranking.

Bank is located about 4 miles from downtown Denver near the largest medical complex in the Rocky Mountain region and the largest suburban office building and retail shopping complex in the Denver area. Bank, controlling 0.5 percent of market deposits, does primarily a local, consumer oriented business with the majority of its accounts being individual accounts of employees of the medical complex. Applicant presently has five banking subsidiaries in the Denver area. Four of these are small suburban banks whose service areas do not overlap to any significant extent with that of Bank. However, Applicant's lead bank, Colorado National Bank ($290 million in deposits), is located in downtown Denver and serves the entire Denver area. Despite these overlapping service areas, consummation of the proposal would eliminate little competition between the institutions involved. Colorado National Bank specializes in providing corporate banking services and Bank does not participate in this market to any significant extent (it has none of the institutional accounts from the medical center). It does not appear likely that Bank would develop into a competitor for Colorado National in this area.

Acquisition of Bank would add only one-half percentage point to Applicant's

[1] All banking data are as of June 30, 1971.

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

[1] Banking data are as of June 30, 1971, and reflect all holding company formations and acquisitions approved by the Board through January 31, 1972.

share of deposits in the Denver banking market. The two larger organizations' share of market deposits would be respectively 7.5 and 10 percentage points larger. Additionally there would be 45 banking organizations remaining in the market, of which 26 are larger than Bank. Consummation of the proposal would have only a slightly adverse effect on present and potential competition.

Considerations relating to the financial condition, managerial resources and prospects of Applicant and its subsidiary banks are satisfactory and consistent with approval. Bank's growth since its establishment in 1963 has continually placed it in the position of seeking capital funds to support this growth. Affiliation with Applicant would likely provide a source of capital to support continued growth of Bank. This consideration lends some weight toward approval of the application. It appears that the area served by Bank has reasonable access to most banking services. However, affiliation with Applicant will allow Bank to make larger loans through a more ready access to participations and will provide a more convenient source for more specialized banking needs. These considerations lend weight toward approval of the application. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above.[2] The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the 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,[3] March 16, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-4381 Filed 3-22-72;8:48 am]

DOMINION BANKSHARES CORP.

Proposed Acquisition of State Mortgage Corp.

Dominion Bankshares Corporation, Roanoke, Va., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of State Mortgage Corp., Martinsville, Va. Notice of the application was published on February 10, 1972, in the Roanoke Times and the Martinsville Bulletin, newspapers circulated in Roanoke, Va., and Martinsville, Va., respectively.

Applicant states that the proposed subsidiary engages in the activities of originating and servicing personal consumer loans secured by first and second mortgages. Moreover, applicant has notified the Board of its intent, pursuant to section 4(c)(8) of the Act, to republish its notice to clarify that, in addition to the aforesaid activities, it proposes to engage in the sale of credit life insurance. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 14, 1972.

Board of Governors of the Federal Reserve System, March 16, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-4389 Filed 3-22-72;8:49 am]

FIRST AT ORLANDO CORP.

Order Approving Acquisition of Bank

First at Orlando Corp., Orlando, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire 100 percent of the voting shares (less directors' qualifying shares) of First National Bank of Palm Bay, Palm Bay, Fla. (Bank), a proposed new bank.

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

Applicant, the fifth largest bank holding company in Florida on the basis of deposits, controls 23 banks with aggregate deposits of approximately $711 million, representing 4.8 percent of the total commercial bank deposits in the State. (Banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved through February 29, 1972.) Applicant's acquisition of Bank, a proposed new bank, would not increase the concentration of banking resources nor have any significant adverse effect on any competing bank, in any relevant area.

Applicant's office closest to Bank's proposed site in Palm Bay is the Melbourne subsidiary located 3.2 miles to the north of the site. Each of applicant's other subsidiaries is located at least 24 miles from Bank and derives little if any business from Bank's proposed service area. The relevant market, which is the southern portion of Brevard County, encompasses Melbourne, a portion of West Melbourne, all of the city of Palm Bay, and the communities of Grant, Valkaria, and Micco, as well as other unincorporated areas of South Brevard County. Applicant's Melbourne subsidiary is the second largest bank in this market, and controls approximately 16 percent of the total commercial bank deposits in that market. The market's largest bank holds approximately 31 percent of total deposits in the area and is located between Bank and applicant's Melbourne subsidiary. No present competition exists between Bank, a proposed new bank, and any of applicant's subsidiaries; and it appears that applicant's acquisition of Bank would not substantially lessen future competition in the market area nor raise any significant barrier to entry by others into the area.

The financial and managerial resources of applicant and its subsidiary banks are regarded as satisfactory and prospects for the group appear favorable. Bank has no financial or operating history. However, as a subsidiary of applicant, Bank's prospects appear favorable. Banking factors are consistent with approval of the application. The major banking needs of the area appear to be presently satisfied by existing banking facilities. However, Bank will provide a convenient alternative source of banking to the area. Considerations relating to the convenience and needs of the community are consistent with approval of the application and lend some weight thereto. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order; and (c) First National Bank of Palm Bay, Palm Bay, Fla., shall

[3] 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 Kansas City.

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

be opened for business not later than 6 months after the date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] March 16, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-4382 Filed 3-22-72;8:48 am]

FIRST AT ORLANDO CORP.

Order Approving Acquisition of Banks

First at Orlando Corp., Orlando, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has filed separate applications for the Board's approval, under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire 90 percent or more of the voting shares of each of the following banks in Florida: Riverside Bank, Miami; Midtown Bank of Miami, Miami (Midtown Bank); and Bank of Coral Gables, Inc., Coral Gables (Coral Gables Bank).

Notices of receipt of the applications have been given in accordance with section 3(b) of the Act, and the times for filing comments and views have expired. The Board has considered the applications and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant controls 22 banks with aggregate deposits of approximately $693 million, representing 4.7 percent of the total commercial bank deposits in the State and is the fifth largest banking organization and bank holding company in Florida. (All banking data are as of June 30, 1971, and represent all holding company formations and acquisitions approved through February 29, 1972.) The acquisition of Riverside Bank ($57.4 million in deposits), Midtown Bank ($16.9 million in deposits), and Coral Gables Bank ($9.5 million in deposits) would increase Applicant's share of commercial bank deposits in Florida by 0.6 percentage points, and Applicant would become the fourth largest banking organization in the State.

Riverside Bank, Midtown Bank, and Coral Gables Bank serve the Miami banking market which is defined by the boundaries of Dade County. Consummation of the subject proposal would represent Applicant's first entry into the Miami banking market which has 70 competing banks, with aggregate deposits of $3.4 billion, representing 41 banking organizations. The largest bank holding company in the State holds over 27 percent of the total deposits in the Miami banking market, whereas the three subject banks collectively hold 2.5 percent of total commercial bank deposits in that market and represent the market's 10th largest banking organization. It appears that the affiliation of subject banks with Applicant would increase their ability to compete in the highly competitive Miami banking market without adversely affecting any of the competing banks.

Riverside Bank's officers and directors organized Midtown Bank in 1963 and Coral Gables Bank in 1969. The percentage of common ownership among the three banks is slightly higher at the present time than at the times the banks were organized; 77 percent of the shareholders of Riverside Bank own 82 percent of the stock of Midtown Bank; and 75 percent of the shareholders of Riverside Bank own 70 percent of the stock of Coral Gables Bank. The banks are also closely associated through their officers and directors, and their personnel have been interchanged from time to time. It appears that the close management and shareholder affiliations have resulted in an absence of any significant present competition between or among the three proposed subsidiaries in spite of an overlap of the banks' service areas. Disaffiliation of the three banks is considered unlikely, and it appears that no significant potential competition between or among them would be foreclosed by the proposed acquisitions.

Applicant's subsidiary bank closest to Dade County is located 120 miles to the north, and Applicant's main offices in Orlando are located 230 miles north of Dade County. It appears that there is no meaningful present competition by any of the banks in Applicant's group with any of the three proposed subsidiary banks; and that, on the facts of record, particularly in view of the distances separating the banks, no significant amount of potential competition between any subsidiary of Applicant and any one of the proposed subsidiaries would be eliminated by consummation of the proposal. On the basis of the record before it, the Board concludes that consummation of the proposed acquisitions would not have a significantly adverse effect on competition in any relevant area.

Applicant, its subsidiary banks, and the three banks Applicant proposes to acquire are considered to be in satisfactory financial condition, their managements are deemed to be capable, and their prospects appear favorable. Banking factors are regarded as consistent with approval of the applications.

It appears that the banking needs of the relevant areas are being adequately served by present banking facilities operating in the Miami banking market. However, Applicant states that it plans to provide new services for each of the three subject banks which will include trust, international, and credit card services. The provision of additional sources for such services should be of benefit to the community involved. Considerations under convenience and needs aspects of the proposal are consistent with approval and lend some slight weight thereto. It is the Board's judgment that consummation of the proposed acquisitions would be in the public interest and that the applications should be approved.

On the basis of the record, each of the three subject applications is approved for the reasons summarized above. None of said transactions shall be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] March 16, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-4383 Filed 3-22-72;8:48 am]

FIRST NATIONAL CITY CORP.

Acquisition of Bank

First National City 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 the successor by merger to the National Exchange Bank of Castleton-on-Hudson, Castleton-on-Hudson, 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 April 7, 1972.

Board of Governors of the Federal Reserve System, March 16, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-4380 Filed 3-22-72;8:48 am]

FIRST TENNESSEE NATIONAL CORP.

Acquisition of Bank

First Tennessee National Corp., Memphis, Tenn., 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 of Bank of Morristown, Morristown, Tenn. 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 St. Louis. Any person wishing to comment on the application should submit his views in

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

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

writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 10, 1972.

Board of Governors of the Federal Reserve System, March 17, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-4387 Filed 3-22-72;8:49 am]

FLORIDA COMMERCIAL BANKS, INC.

Order Approving Acquisition of Bank

Florida Commercial Banks, Inc., Miami, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire 80 percent or more of the voting shares of Florida Commercial Bank of Hollywood, Hollywood, Fla. (Bank), a proposed new bank.

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

Applicant controls five banks with aggregate deposits of approximately $188 million, representing 1.3 percent of the commercial bank deposits in Florida, and is the 16th largest banking organization and bank holding company in the State. (All banking data are as of June 30, 1971, and reflect holding company formations and acquisitions through February 29, 1972.) Acquisition of Bank will not increase the percentage of deposits held by applicant since Bank is a proposed new bank. The proposal would not eliminate existing competition nor significantly increase the concentration of banking resources in any relevant area.

The proposed site of Bank is in the western section of the city of Hollywood. The relevant banking market is the Hollywood metropolitan area. Bank would compete in this market with 12 banks, six of which are subsidiaries of three multibank holding companies, controlling approximately 47 percent of the total commercial bank deposits in that market. Each of applicant's five subsidiary banks is located outside the Hollywood metropolitan area, and the subsidiary nearest to Bank's proposed site is located in Miami, approximately 14 miles south of Bank's site. On the facts of record and particularly in view of the density of population and the number of banking offices located in the intervening areas, it appears that consummation of the proposal would not foreclose any significant amount of future competition between Bank and any of applicant's present subsidiaries. On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not have a significant adverse effect on competition in any relevant area, nor have a significant adverse effect on any of the area's competing banks.

The financial and managerial resources of applicant and its subsidiary banks are deemed satisfactory, and projected growth and earnings for the group appear favorable. Bank, as a proposed new bank, has no financial or operating history; however, its prospects under applicant's management appear favorable. Banking factors as they concern applicant's group and the proposed new bank are consistent with approval of the application. It appears that the major banking needs of the area are being adequately served at the present time. However, Bank would provide an additional source of convenient banking services to the area. Considerations under convenience and needs aspects of the proposal are consistent with approval and lend some weight thereto. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order; and (c) Florida Commercial Bank of Hollywood, Hollywood, Fla., shall be opened for business not later than 6 months after the date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] March 16, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-4384 Filed 3-22-72;8:49 am]

MIDLANTIC BANKS INC.

Order Approving Acquisition of Bank

Midlantic Banks Inc., Newark, N.J., 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 (less directors' qualifying shares) of the voting shares of Midlantic National Bank, Parsippany-Troy Hills, N.J. (Bank), a proposed new bank.

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

Applicant controls five banks with aggregate deposits of about $783 million, representing 5 percent of the commercial bank deposits in New Jersey and is the third largest banking organization in the State.[1] Since Bank is a proposed new bank, no existing competition would be eliminated, nor would concentration be increased in any relevant area. Applicant presently operates two banks in the Greater Newark Market, which includes Parsippany-Troy Hills, which together control about 16.2 percent of area deposits.[2] However, neither of these banks draws a significant amount of deposits or loans from the proposed service area of Bank. Moreover, there are two larger organizations in the Greater Newark Market than applicant so that applicant does not dominate the area. Additionally, approval of this application should have procompetitive consequences since Parsippany-Troy Hills is presently closed to branching because of the home office provisions of New Jersey law. The establishment of a de novo institution such as Bank is an effective way of providing competition in such closed areas. For these reasons and other facts of record, the Board concludes that consummation of the transaction will not adversely affect competition in any relevant area.

The financial and managerial resources and future prospects of applicant, its subsidiary banks, and Bank are generally satisfactory and consistent with approval of the application. Considerations relating to the convenience of the community to be served lend some weight to approval of the application since the service area of Bank appears to be relatively underbanked and would benefit from an additional source of services. The Board finds that the proposed application is in the public interest and 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 date of this order or (b) later than 3 months after the date of this order; and (c) Midlantic National Bank, Parsippany-Troy Hills, N.J., shall be opened for business not later than 6 months after the date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

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

[1] Banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved by the Board through February 29, 1972.

[2] The Greater Newark Market consists of all of Essex County and parts of Union, Hudson, and Morris Counties.

By order of the Board of Governors,[3] March 16, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-4385 Filed 3-22-72;8:49 am]

PALMER BANK CORP.

Order Approving Acquisition of Bank

Palmer Bank Corp., Sarasota, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of Village Plaza Palmer National Bank, Sarasota County, Fla. (Bank).

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

Applicant has three subsidiary banks, all located in the Sarasota area, with aggregate deposits of $113.5 million representing 0.1 percent of total commercial bank deposits within the State. (Banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved through January 31, 1972.) Acquisition of Bank which opened on September 29, 1971, would not significantly increase applicant's share of total deposits within the State.

Applicant is the second largest of seven banking organizations in the relevant banking market which is approximated by Sarasota and surrounding areas with 34.6 percent of market deposits. Because Bank had not been chartered at the time of Palmer Bank Corp.'s application to become a bank holding company it was not included within that application. Nevertheless, Bank was organized by principals of applicant with the intention of including it in the holding company. (It should be noted, however, that applicant does not directly or indirectly own any shares of Bank.) As such, this application essentially involves the establishment of a de novo institution by applicant. In the light of the above facts, although all of applicant's subsidiary banks are located within 7 miles of Bank, it does not appear that there is any actual or potential competition between applicant and Bank. Neither does it appear that consummation of the proposal would confer a position of market dominance to applicant to the detriment of competing banks. Competitive considerations are, thus, regarded as consistent with approval.

The financial and managerial resources and future prospects of applicant, its subsidiary banks, and Bank, appear to be generally satisfactory and are consistent with approval. However, Bank has been and will continue to be dependent upon applicant for support. Bank is located in a growing suburban area 2 miles from the nearest banking office and 5.5 miles from applicant's lead bank and closest subsidiary. Bank is providing area residents with a convenient source of full-service banking. Direct affiliation with applicant assures Bank of applicant's continuing support. Thus, considerations related to financial and managerial resources and the needs of the community involved lend some weight toward approval. It is the Board's judgment that the transaction would be in the public interest, and that the application should be approved.

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

By order of the Board of Governors,[1] March 16, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-4386 Filed 3-22-72;8:49 am]

UNITED JERSEY BANKS

Acquisition of Bank

United Jersey Banks, Princeton, N.J., 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 United Jersey National Bank of Cherry Hill, Cherry Hill Township, N.J. 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 Reserve Bank to be received not later than April 10, 1972.

Board of Governors of the Federal Reserve System, March 14, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-4388 Filed 3-22-72;8:49 am]

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

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

FEDERAL TRADE COMMISSION

[Doc. FF 3-71]

CHILDREN'S SLEEPWEAR

Enforcement Policy Statement Concerning Standard for Flammability

The Standard for the Flammability of Children's Sleepwear (Doc. FF 3-71) becomes effective on July 29, 1972. Many questions have arisen concerning the Commission's interpretation of the phrase "intended or promoted" in the definition of "item," and the phrase "intended to be worn primarily for sleeping or activities related to sleeping" in the definition of "children's sleepwear." The Commission's application of these parts of the definitions for enforcement purposes will be based on the following principles:

1. Whether fabric or related material is "intended or promoted" for use in children's sleepwear depends on the facts and circumstances present in each case. Relevant factors include (a) the nature of the fabric and its suitability for use in children's sleepwear, (b) the extent to which the fabric has been sold to manufacturers of children's sleepwear for use in the manufacture of children's sleepwear garments, and (c) the likelihood that the fabric will be used for children's sleepwear in a substantial number of cases. Wherever there is a substantial question as to the applicability of these factors to a particular fabric, it would be advisable for the fabric manufacturer to place a prominent warning on labels, shipping invoices, packages, etc., that the fabric in question does not meet the flammability standards for children's sleepwear, and is not intended for, and is not suitable for, use in children's sleepwear.

2. Whether a product of wearing apparel is "intended to be worn primarily for sleeping or activities related to sleeping" depends on the facts and circumstances present in each case. Relevant factors include (a) the nature of the product and its suitability for use by children for sleeping or activities related to sleeping, (b) the manner in which the product is distributed and promoted, and (c) the likelihood that the product will be used by children for sleeping or activities related to sleeping in a substantial number of cases. Wherever there is a substantial question as to the applicability of these factors to a particular product, and particularly if the product is size 6X or less, it would be advisable for the manufacturer to place a prominent warning on labels or tags attached to such product adequate to warn the consumer that the product of wearing apparel in question does not meet the flammability standards for children's sleepwear, and is not intended for, and is not suitable for, use as children's sleepwear.

The foregoing principles are primarily directed to the obligations of manufacturers, but they are also relevant to the

obligations of retailers to avoid sales in commerce of "items" or of "children's sleepwear" in violation of this standard. Retailers should carefully segregate fabrics and/or garments covered by the standard from garments beyond the scope of the standard, with store displays of the former being clearly posted as such.

Questions have also been raised concerning the definition of "trim." The standard defines "trim" to exclude "functional materials (findings), such as zippers, buttons or elastic bands, used in the construction of garments". In addition to zippers, buttons, and elastic bands, specifically excluded in the definition itself, the Commission will consider the following portions of garments to be "functional materials" excluded from the Standard, provided they are, in fact, solely of a functional nature: labels, collars (skin tight and not exceeding 1 inch in diameter), cuffs (arm and leg, skin tight), and vinyl type materials used on the bottom of the foot of sleepwear to prevent slipping and falling.

By direction of the Commission dated March 14, 1972.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-4430 Filed 3-22-72;8:54 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-139]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a gas rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the California Public Utilities Commission in a proceeding (Application No. 53118) involving gas rates of the Pacific Gas & Electric Co.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: March 16, 1972.

ROD KREGER,
Acting Administrator of General Services.

[FR Doc.72-4414 Filed 3-22-72;8:46 am]

[FEDERAL PROPERTY MANAGEMENT REGS.; TEMPORARY REG. F-140]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an electric rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Arizona Corporation Commission in a proceeding (Docket No. U-1933) involving electric rates of the Tucson Gas & Electric Co.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: March 16, 1972.

ROD KREGER,
Acting Administrator of General Services.

[FR Doc.72-4415 Filed 3-22-72;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5171]

ALLEGHENY POWER SYSTEM, INC.

Notice of Proposed Amendment of Charter To Increase Authorized Shares of Common Stock and Order Authorizing Solicitation of Proxies in Connection Therewith

MARCH 17, 1972.

Notice is hereby given that Allegheny Power System, Inc., 320 Park Avenue, New York, NY 10022 (Allegheny), a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Allegheny propose to amend its charter to increase the number of shares of common stock, par value $2.50, which Allegheny is authorized to issue from 25 million to 30 million shares. Allegheny presently has outstanding 24,792,231 shares of common stock. It is stated that construction expenditures by the major electric utility subsidiary companies of Allegheny in the years 1972, 1973, and 1974 are estimated to aggregate $504 million and that in connection therewith it may be necessary for Allegheny to invest approximately $83 million in the common equities of those subsidiary companies. Such funds, or a substantial portion thereof, are to be obtained through the issuance and sale of Allegheny's common stock.

The proposed amendment to the charter is to be submitted to Allegheny stockholders at their annual meeting to be held on May 11, 1972. Allegheny proposes to solicit proxies from its common stockholders to obtain the requisite approval of the proposed amendment. Approval of the amendment requires the affirmative vote of the holders of a majority of the shares of common stock outstanding. Allegheny has filed its proxy solicitation material and requests that the effectiveness of its declaration with respect to the solicitation be accelerated as provided in Rule 62.

It is stated that in addition to the use of the mails, proxies may be solicited by officers, directors, and regular employees of Allegheny and its subsidiary companies personally, by telephone, or by telegraph, and the company may reimburse persons holding stock in their names or in the names of their nominees for their expenses in sending soliciting material to their principals. Although there are no present plans to do so, the company may also obtain the services of additional persons in soliciting proxies. The cost of any such additional solicitation, if undertaken, is not expected to exceed $10,000. Other expenses to be incurred in connection with the proposed transactions, including legal fees, are estimated not to exceed $1,400. It is further stated that no State or Federal commission, other than this Commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 6, 1972, request in writing that a hearing be held with respect to the proposed

amendment of the charter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective pursuant to Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponement thereof.

It appearing that the declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration regarding the proposed solicitation of proxies be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-4424 Filed 3-22-72;8:47 am]

[File No. 500-1]

PYRAMID COMMUNICATIONS, INC.

Order Suspending Trading

MARCH 16, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.05 par value, of Pyramid Communications, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 16, 1972, through March 25, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-4425 Filed 3-22-72;8:47 am]

[File No. 500-1]

TOPPER CORP.

Order Suspending Trading

MARCH 17, 1972.

The common stock, $1 par value, of Topper Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Topper Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 20, 1972 through March 29, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-4426 Filed 3-22-72;8:48 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30 (Rev. 13) Amdt. 12]

FIELD OFFICES AND CHIEFS, FINANCING DIVISION

Delegation of Authority to Conduct Program Activities

Delegation of Authority No. 30 (Revision 13) (36 F.R. 5881), as amended (36 F.R. 7625, 36 F.R. 11129, 36 F.R. 13713, 36 F.R. 14712, 36 F.R. 15769, 36 F.R. 22876, 36 F.R. 23421, 36 F.R. 25194, 37 F.R. 2615, 37 F.R. 3581, and 37 F.R. 4939) is hereby further amended to delegate occupational health and safety loan approval authority to field offices and authority to Chiefs, Financing Division, to take action on partially disbursed loans. As amended this delegation reads as follows:

PART I. FINANCING PROGRAM

* * * * *

3. Displaced business and other economic injury loans. a. To decline displaced business loans, coal mine health and safety loans, consumer protection loans (meat, egg, poultry), occupational health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters in any amount and to approve such loans up to the following amounts (SBA share):

* * * * *

b. To approve or decline displaced business loans, coal mine health and safety loans, consumer protection loans (meat, egg, poultry), and occupational health and safety and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to the following amounts (SBA share):

* * * * *

SEC. B. *Other financing authority.* 1. a. To enter into business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, and occupational health and safety loan participation agreements with banks:

* * * * *

3. To cancel, reinstate, modify, and amend authorizations:

a. For business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, and occupational health and safety loans:

* * * * *

b. For fully undisbursed or partially disbursed business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, and occupational health and safety loans:

* * * * *

c. For business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, and occupational health and safety loans personally approved under delegated authority:

* * * * *

PART II. COMMUNITY ECONOMIC DEVELOPMENT (CED) PROGRAM

* * * * *

SEC. B. *Other 501 and 502 authority.* 1. a. * * *

* * * * *

3. a. * * *

b. To cancel, reinstate, modify, and amend authorizations for fully undisbursed or partially disbursed sections 501 and 502 loans:

* * * * *

Effective date: September 1, 1971.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.72-4416 Filed 3-22-72;8:47 am]

[Declaration of Disaster Loan Area 883; Class B]

IDAHO

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of January 1972, because of the effects of a certain disaster, damage resulted to homes and business property located in Latah County, Idaho;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Assistant Administrator for Administration and Operations of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Latah County, Idaho, suffered damage or destruction resulting from floods occurring on January 19, 1972.

OFFICE

Small Business Administration District Office, 651 U.S. Courthouse, Spokane, Wash. 99210.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to September 30, 1972.

Dated: March 7, 1972.

CLAUDE ALEXANDER,
Assistant Administrator for Administration and Operations.

[FR Doc.72-4417 Filed 3-22-72;8:47 am]

[Declaration of Disaster Loan Area 886; Class B]

MASSACHUSETTS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of February 1972, because of the effects of a certain disaster, damage resulted to business property located in Massachusetts;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Assistant Administrator for Administration and Operations of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Dorchester, Mass., suffered damage or destruction resulting from a fire occurring on February 29, 1972.

OFFICE

Small Business Administration Regional Office, John Fitzgerald Kennedy Federal Building, Government Center, Boston, Mass. 02203.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to September 30, 1972.

Dated: March 7, 1972.

CLAUDE ALEXANDER,
Assistant Administrator for Administration and Operations.

[FR Doc.72-4418 Filed 3-22-72;8:47 am]

[Declaration of Disaster Loan Area 887; Class B]

MONTANA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of February 1972, because of the effects of a certain disaster, damage resulted to business property located in Butte, Montana;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Assistant Administrator for Administration and Operations of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Butte, Mont., suffered damage or destruction resulting from fire occurring on February 28, 1972.

OFFICE

Small Business Administration District Office, Corner Main and Sixth Avenue, Helena, MT 59601.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to September 30, 1972.

Dated: March 9, 1972.

CLAUDE ALEXANDER,
Assistant Administrator for Administration and Operations.

[FR Doc.72-4420 Filed 3-22-72;8:47 am]

[Declaration of Disaster Loan Area 889; Class B]

NEW HAMPSHIRE

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of March 1972, because of the effects of a certain disaster, damage resulted to homes and business property located in Littleton, N.H.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Assistant Administrator for Administration and Operations of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Littleton, N.H., suffered damage or destruction resulting from a fire occurring on March 3, 1972.

OFFICE

Small Business Administration District Office, 55 Pleasant Street, Concord, NH 03301

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to September 30, 1972.

Dated: March 10, 1972.

CLAUDE ALEXANDER,
Assistant Administrator for Administration and Operations.

[FR Doc.72-4421 Filed 3-22-72;8:47 am]

[Declaration of Disaster Loan Area 888; Class B]

TRUST TERRITORY OF THE PACIFIC ISLANDS, ISLAND OF TRUK

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May 1971, because of the effects of a certain disaster, damage resulted to business property located in the Island of Truk, in the Trust Territory of the Pacific Islands;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Assistant Administrator for Administration and Operations of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the Island of Truk, in the Trust Territory of the Pacific Islands, suffered damage or destruction resulting from a typhoon occurring on or about May 1, 1971.

OFFICE

Small Business Administration Branch Office, Ada Plaza Center Building, Post Office Box 927, Agana, Guam 96910

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to May 30, 1972.

Dated: March 9, 1972.

CLAUDE ALEXANDER,
Assistant Administrator for Administration and Operations.

[FR Doc.72-4422 Filed 3-22-72;8:47 am]

[Declaration of Disaster Loan Area 885; Class B]

VERMONT

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of February 1972, because of the effects of a certain disaster, damage resulted to homes and business property located in Burlington, Vt.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Assistant Administrator for Administration and Operations of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Burlington, Vt., suffered damage or destruction resulting from a fire occurring on Febuary 28, 1972.

OFFICE

Small Business Administration District Office, 87 State Street, Montpelier, VT 05602

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to September 30, 1972.

Dated: March 6, 1972.

CLAUDE ALEXANDER,
Assistant Administrator for Administration and Operations.

[FR Doc. 72-4419 Filed 3-22-72;8:47 am]

TARIFF COMMISSION

[TEA-F-37]

OTTO GOEDECKE, INC.

Notice of Investigation and Hearing Regarding Petition for Determination

Investigation instituted. Upon petition under section 301(a)(2) of the Trade Expansion Act of 1962, filed on behalf of Otto Goedecke, Inc., Hallettsville, Tex., the U.S. Tariff Commission, on March 17, 1972, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with cotton yarns (of the types provided for in items 301.03–301.19 and 302.03–302.10 of the Tariff Schedules of the United States) and plain woven fabrics wholly of cotton (of the types provided for in items 320.01–320.16 of the TSUS) produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

A public hearing in connection with this investigation will be held beginning at 10 a.m., e.s.t., on April 11, 1972, in the Hearing Room, U.S. Tariff Commission Building, 8th and E Streets NW., Washington, DC. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

Inspection of petition. The petition filed in this case is available for inspection at the office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, DC, and at the New York City Office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: March 17, 1972.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.72-4373 Filed 3-22-72;8:54 am]

INTERSTATE COMMERCE COMMISSION

[Sec. 5a Application 46, Amdt. 8]

SOUTHERN MOTOR CARRIERS RATE CONFERENCE, INC.

Notice of Approval of Amendments to Agreement

MARCH 7, 1972.

The Commission is in receipt of an application in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed February 6, 1972 by:

W. C. Brown, Jr., Southern Motor Carriers Rate Conference, Inc., 1307 Peachtree Street NE., Atlanta, GA 30309, (attorney-in-fact).

Robert E. Born, J. Michael May, attorneys at law, 1000 Fulton Federal Building, Atlanta, Ga. 30303, (of counsel).

The amendments involve: Change in the composition of the Board of Governors to 12 members, in lieu of 10 mem-

bers, and thereby increase member representation of carriers not domiciled within specified Southern States (article IX, paragraph 1); provide procedures for a special election of the additional board members (article IX, paragraph 2 (a)), and make other incidental changes made necessary by the foregoing changes.

The complete amended application may be inspected at the Office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of publication of this notice in the FEDERAL REGISTER. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.72-4482 Filed 3-22-72;8:52 am]

[35501]

NATIONAL TANK TRUCK CARRIERS, INC.

Petition for Declaratory Order; Hold Harmless Agreements

MARCH 6, 1972.

Notice is hereby given that on August 5, 1971, the National Tank Truck Carriers, Inc., filed a petition with the Interstate Commerce Commission seeking a declaratory order under the provisions of the Administrative Procedure Act (5 U.S.C. section 554(e)), as to the legality of various types of so-called "hold-harmless" agreements.

An example of such a contract follows:

UNIFORM HAULING CONTRACT

Contract between _____, a _____ Corporation, hereinafter called (shipper) and _____ (hereinafter called carrier.

(Listed below are the clauses pertaining to insurance coverage)

6. The carrier shall defend, indemnify and save harmless (shipper) against any and all liability for loss or damage to property of the carrier or any other person, firm, or corporation, or for bodily injury or death arising out of the performance by the carrier of this contract.

7. The carrier will provide at its sole expense public liabiltiy and property damage insurance in amounts of at least $100,000 each person and $300,000 each accident for bodily injury and $100,000 each accident for property damage. Such insurance must specifically cover the liability assumed by the carrier under this contract and a copy of the policy or a certificate of such insurance must be furnished to (shipper).

8. The carrier shall carry a minimum of $3,500 principal amount of insurance with respect to each vehicle which may be in use under this contract covering the commodities shipped hereunder against loss or damage of every nature while in transit. Certificates of insurance shall be filed with (shipper), and each policy of insurance shall provide that (shipper) shall be advised at least ten days prior to the expiration or cancellation thereof.

12. This contract shall be interpreted and governed by the laws of _____ and rules and regulations of the Public Utilities of _____ in so far as they apply to the terms of this contract.

In witness whereof, the parties have executed this contract this _____ day of _____, 19__.

Petitioner asserts that shippers are requiring common tank truck carriers to sign, as a condition precedent to obtaining goods for transportation, agreements of type illustrated. It claims that within the tank truck industry there has arisen uncertainty over the legality of these agreements. It is the petitioner's position that for-hire common carriers need not guarantee shippers the indemnities incorporated in these agreements in exchange for the right to do business with them. In the circumstances, petitioner, on behalf of its carrier members, seeks a declaratory order to resolve the situation.

General public notification of the filing of the petition will be given by publication of this notice in the FEDERAL REGISTER. Any persons interested in the matter involved may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the petition merely indicating whether they support or oppose the determination sought. An original and two copies of such replies must be filed with the Commission and must show service of two copies thereof on the petitioner, National Tank Truck Carriers, Inc., c/o Ames, Hill & Ames, 705 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Thereafter, a determination will be made by the Commission as to whether to institute an investigation, and if so, the nature of further proceedings will be fixed.

Copies of this notice are being sent to the petitioner. Copies of all future releases herein will be served only on the petitioner and those responding to this notice.

Written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, DC, during regular business hours.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-4480 Filed 3-22-72;8:52 am]

ASSIGNMENT OF HEARINGS

MARCH 8, 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.

CORRECTION

MC-F-11129, Paramount Movers, Inc.—Purchase (Portion)—Shamrock Van Lines, Inc. (L. E. Creel III, Trustee in Bankruptcy); MC-F-11130, Towne Services Household Goods Transportation Co., Inc. —Purchase (Portion)—Shamrock Van Lines (L. E. Creel III, Trustee in Bankruptcy); MC-F-11139, North American Van Lines, Inc.—Purchase (Portion)—Shamrock Van Lines, Inc. (L. E. Creel III, Trustee in Bankruptcy), continued to May 15, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C., instead of March 15, 1972.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-4479 Filed 3-22-72;8:52 am]

ASSIGNMENT OF HEARINGS

MARCH 17, 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 136189, George V. Hesselgrave, doing business as Hesselgrave Charter Service, now being assigned hearing April 25, 1972, at Seattle, Wash., in a hearing room to be later designated.

I & S No. 8705, passenger fares between Pennsylvania and New Jersey, now assigned March 20, 1972, at Philadelphia, Pa., is canceled.

No. 35527, Wheat, Minnesota, Montana, North Dakota, and South Dakota, to Minnesota and Wisconsin now assigned April 17, 1972, at Fargo, N. Dak., is postponed to June 5, 1972, in Room 319, Federal Building and U.S. Post Office, 657 Second Avenue North, Fargo, ND.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-4478 Filed 3-22-72;8:52 am]

ASSIGNMENT OF HEARINGS

MARCH 20, 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-F-11133, DR MC 128944 Sub 9, Reliable Truck Lines—Purchase (Portion)—A-OK Motor Lines (Samuel Kaufman—trustee in bankruptcy), MC-F-11134, DR MC 55889 Sub 39, Cooper Transfer Co.—Purchase (Portion)—A-OK Motor Lines (Samuel Kaufman—trustee in bankruptcy), MC-F-11143, DR MC 11220 Sub 123, Gordons Transports—Purchase (Portion)—A-OK Motor Lines (Samuel Kaufman—trustee in bankruptcy), MC-F-11150, DR MC 59583 Sub 130, The Mason & Dixon Lines—Purchase (Portion)—A-OK Motor Lines (Samuel Kaufman—trustee in bankruptcy), heard January 18 through January 28, 1972, at Birmingham, Ala., has been continued to March 28 through March 30, 1972, in Room 224, U.S. Federal Building, Fifth Avenue and 19th Street North, Birmingham, AL.

MC 99565 Sub 10, Fore Way Express, Inc., now assigned April 24, 1972, at Madison, Wis., will be held in Room 404, Hill Farms State Office Building, 4802 Sheboygan Avenue.

MC 117574 Subs 184 and 191, Daily Express, Inc., continued to May 22, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-4477 Filed 3-22-72;8:51 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 20, 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. 42379—*General Commodities Between Selected Ports in Japan and North Bergen or Weehawken, N.J.* Filed by Seatrain Pacific (No. 1), for itself and interested carriers. Rates on general commodities, between selected ports in Japan, on the one hand, and North Bergen or Weehawken, N.J., on the other. Grounds for relief—Water competition. Tariffs—Seatrain Pacific tariffs I.C.C. Nos. 1 and 2 contain rates that are presently in effect.

FSA No. 42380—*General Commodities Between Ports in the United Kingdom and Continental Europe and Specified Ports in the United States.* Filed by Seatrain International (No. 1), for itself and interested carriers. Rates on general commodities, between ports in the United Kingdom and continental Europe, on the one hand, and specified ports in the United States, on the other. Grounds for relief—Water competition. Tariffs—Seatrain International tariffs I.C.C. Nos. 1, 2, and 3 contain rates that are presently in effect.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc. 72-4476 Filed 3-22-72;8:51 am]

[Notice 40]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 16, 1972.

The following are notices of filing of applications 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 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 the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 26396 (Sub-No. 46 TA) (Correction), filed February 14, 1972, published in the FEDERAL REGISTER issue of March 2, 1972, corrected and republished in part as corrected this issue. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, Post Office Box 990, 201 West Park, Livingston, MT 59047. Applicant's representative: David Kemp (same address as above). NOTE: The purpose of this partial republication is to include the origin point as from the plantsite of the Moorman Manufacturing Co., Quincy, Ill., which was inadvertently omitted in previous publication. The rest of the application remains the same.

No. MC 64932 (Sub-No. 501 TA), filed March 8, 1972. Applicant: ROGERS CARTAGE CO., 1439 West 103d Street, Chicago, IL 60643. Applicant's representative: William F. Farrell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, mixed, from the plantsite of Phillips Petroleum Co., Momence, Ill., to points in Indiana, Michigan, Ohio, and Wisconsin, for 180 days. Supporting shipper: Phillips Petroleum Co., 222 East Ogden Avenue, Hinsdale, IL 60521. Send protests to: District Supervisor Robert G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 67020 (Sub-No. 13 TA), filed March 8, 1972. Applicant: SEATTLE TRANSFER & STORAGE COMPANY, 26 South Hanford Street, Seattle, WA 98134. Applicant's representative: Austin Bowman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives and commodities which because of size or weight require the use of special equipment), in cargo vans and containers and empty cargo vans and containers, between Seattle and Tacoma, Wash., on the one hand, and, on the other, points in Washington and Oregon, and vice versa, restricted to shipments having a prior or subsequent movement by water, for 180 days. Supporting shippers: McClary, Swift & Co., Inc., 909 Western Avenue, Seattle, WA 98104; Norman G. Jensen, Inc., 100 Colman Building, Seattle, Wash. 98104; Bakke Steamship Corp., 1411 Fourth Avenue Building, Seattle, Wash. 98101; American Mail Line, 1010 Washington Building, Seattle, Wash. 98101; Intermodal Freight Forwarding, 1326 Fifth Avenue, Room 629, Seattle, WA 98101. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 108053 (Sub-No. 112 TA), filed March 8, 1972. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY INC., mail: Post Office Box 129, 1520 West 23d Street, Fremont, NE 68025. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, from Madison, Wis., to points in Montana, for 180 days. Supporting shipper: Oscar Mayer & Co., Inc., Madison, Wis. (Richard C. Flesch). Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 109708 (Sub-No. 57 TA), filed March 8, 1972. Applicant: INDIAN RIVER TRANSPORT CO., doing business as INDIAN RIVER TRANSPORT, INC., Post Office Box 1749, Fort Pierce, FL 33450. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coffee liqueur*, in bulk, in tank vehicle, between Miami and Fort Pierce, Fla., on the one hand, and, on the other, Peoria, Ill., and Detroit, Mich., for 180 days. Supporting shipper: Hiram Walker & Sons, Inc., Peoria, Ill. 61601. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 111375 (Sub-No. 61 TA), filed March 3, 1972. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., Post Office Box 3358, County CV and Acker Road, Madison, WI 53704. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Superior, Nebr., to Marathon and Mosinee, Wis., and Champaign and Manlius, Ill., for 180 days. Supporting shipper: Leprino Cheese Co., 1830 West 38th Avenue, Denver, CO 80211. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 112617 (Sub-No. 297 TA), filed March 1, 1972. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, 1292 Fern Valley Road, Louisville, KY 40219–40221. Applicant's representative: Bruce H. Kraemer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from points in Union County, Ky., to points in Illinois, Indiana, and Kentucky, for 180 days. Supporting shipper: R. S. Cramer, Senior Rate Analyst, Agricultural Products, ARCO Chemical Co., Division of Atlantic Richfield Co., Post Office Box 328, Fort Madison, IA 52627. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, KY 40202.

No. MC 113624 (Sub-No. 61 TA), filed March 1, 1972. Applicant: WARD TRANSPORT, INC., Post Office Box 735, Pueblo, CO 81002. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Cheyenne County, Nebr., to points in Colorado, Kansas, South Dakota, and Wyoming, for 180 days. Supporting shipper: Wycon Chemical Co., Post Office Box 1087, Colorado Springs, CO 80901. Send protests to: District Supervisor Herbert C. Ruoff, 2022 Federal Building, Denver, Colo. 80202.

No. MC 114457 (Sub-No. 126 TA), filed March 8, 1972. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: Donald Oren (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and other commodities* distributed by dairies (except commodities in bulk), from plantsites, warehouses, storage and production facilities utilized by Land O'Lakes, Inc., in Eau Claire, Reedsburg, Spencer, and Whitehall, Wis., and Chicago, Ill., to points in Ohio, on and east of a line beginning at Sandusky, Ohio and extending south along Ohio Highway 4 to Marion, Ohio, thence south along U.S. Highway 23 to Portsmouth, Ohio, and points in Indiana, for 180 days. Supporting shipper: Land O'Lakes, Inc., Minneapolis, Minn. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 100 South 4th Street, Minneapolis, MN 55401.

No. MC 114569 (Sub-No. 98 TA), filed March 6, 1972. Applicant: SHAFFER TRUCKING, INC., Post Office Box 418, New Kingstown, PA 17072. Applicant's representative: James W. Hagar, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Char and charcoal briquettes, and woodblocks, woodchips, sawdust, fuel lighting liquids, flavoring sticks or* pellets, vermiculite (other than crude), perlite (other than crude), *and related advertising materials and display racks*, when shipped with char and charcoal briquettes, and (2) *compressed fireplace logs, and related advertising materials and display racks*, when shipped with compressed fireplace logs, from Marion, Ohio to points in Connecticut, Massachusetts, and Rhode Island, for 180 days. Supporting shipper: Great Lakes Carbon Corp., 299 Park Avenue, 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 114897 (Sub-No. 95 TA), filed March 6, 1972. Applicant: WHITFIELD TANK LINES, INC., 300–316 North Clark Road (Post Office Drawer 9897) El Paso, TX 79989. Applicant's representative: J. P. Rose (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Titanium tetrachloride*, in bulk, in tank vehicles, from Henderson, Nev., to Houston, Tex., for 150 days. Supporting shipper: P. H. Norton, Purchasing Agent, Titanium Metals Corporation of America, Post Office Box 2128, Henderson, NV 89015. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395 Herring Plaza, Amarillo, TX 79101.

No. MC 120430 (Sub-No. 5 TA), filed March 3, 1972. Applicant: COASTAL TRANSPORT CO., INC., Post Office Box 22592, 3009 South Post Oak Road, Houston, TX 77027. Applicant's representative: Archie H. Hutto (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured dry fertilizer compounds*, in bulk and in bags, from Texas City, Tex., to points in Louisiana, for 180 days. Supporting shipper: Smith-Douglass, Division of Borden Chemical, Borden, Inc., K. L. Hutchinson, Traffic Manager, Post Office Box 1571, Texas City, TX 77590. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, TX 77061.

No. MC 126276 (Sub-No. 63 TA), filed February 7, 1972. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Anthony T. Thomas, 1811 West 21st Street, Chicago, IL 60608. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal containers ends*, from La Porte, Ind., to Frankenmuth, Mich., for 180 days. Supporting shipper: National Can Corp., 5959 South Cicero Avenue, Chicago, IL 60638. Send protests to: District Supervisor Robert G. Anderson, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 133035 (Sub-No. 17 TA), filed March 7, 1972. Applicant: DILTS TRUCKING, INC., Route 1, Crescent, Iowa 51526. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer materials*, from the Midwest Terminal Warehouse at Kansas City, Mo., to points in Kansas, Iowa, Nebraska, and Oklahoma, for 180 days. Supporting shipper: Willchemco, Inc., Donaldsonville, La. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 134859 (Sub-No. 5 TA), filed March 6, 1972. Applicant: DONALD RUSSELL, doing business as FRANK RUSSELL & SON, 402 Ida Street, West Frankfort, IL 62896. Applicant's representative: A. R. Heinemann, 633 Collinsville Avenue, East St. Louis, IL 62201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magnetite*, in bulk and in bags, from the plantsite of the Meramec Mining Co., near Sullivan, Mo., to coal mines located in Sebastian, Scott, Logan, and Crawford Counties, Ark., and LeFlore and Haskell Counties, Okla., for 180 days. Supporting shipper: R. H. Biever, assistant to the vice president, operations and development, Reiss Viking Corp., 541 Oakwood Street, Bristol,

Tenn. 37622. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 325 West Adams Street, Room 476, Springfield, IL 62704.

MOTOR CARRIERS OF PASSENGERS

No. MC 134243 (Sub-No. 3 TA), filed March 1, 1972. Applicant: MOORE BROS. TRANSPORTATION CO., INC., 740 West Broad Avenue, High Point, NC 27260. Applicant's representative: D. P. Whitley, Jr., Post Office Box 569, High Point, NC 27261, and James D. Mann, 1000 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and baggage*, in round-trip charter operations, from points in the Counties of Davidson, Rowan, Guilford, and Alamance, N.C., to points in the following States in the United States: Florida, Alabama, Louisiana, Mississippi, Tennessee, Kentucky, Arkansas, Texas, New Mexico, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, New Hampshire, Rhode Island, Maine, Vermont, and West Virginia, for 180 days. Supporting shippers: Arthur Saltzman, Director, Transportation Institute, North Carolina A. & T. State University, Greensboro, N.C.; Rev. William E. Banks, Director, Davidson County Community Action, Thomasville, N.C.; Lyston C. Peebles, Area Director, Young Life of Greensboro, Greensboro, N.C.; Rev. James E. Compton, Minister of Miracle Temple Holiness Church of God, Ward No. 4, High Point, N.C.; Wesley S. Clark, member, United Institutional Baptist Church, 1411 Lincoln Street, Greensboro, NC; Claude C. Shotts, Director, Guilford College, Off-Campus Seminars, Apartment 13, Frazier Apartments, Greensboro, N.C.; R. Marion Boling, Minister of Music, Green Street Baptist Church, 3021 North Centennial Avenue, High Point, NC; Rev. Ellis Rouse, Associate Minister, First United Methodist Church, 219 South Salisbury Street, Salisbury, NC; John P. Griffin, First Baptist Church, Salisbury, N.C.; Odessa Covington, 1204 East Commerce Street, High Point, NC. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-4475 Filed 3-22-72;8:51 am]

[Notice 33]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73499. By order of March 16, 1972, the Motor Carrier Board approved the transfer to Harry A. O'Neill, doing business as Rhode Island Moving & Storage Co., Woonsocket, R.I., of Certificate No. MC-65059 issued March 22, 1968, to Rene O. Nault, doing business as Aime Bourgault, Woonsocket, R.I., authorizing the transportation of: Household goods, as defined by the Commission, and certain specified commodities, between named points in Rhode Island and Massachusetts, and points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and serving New York, N.Y., and points on Long Island, N.Y., Richard R. Ackerman, attorney, 48 Hamlet Avenue, Woonsocket, RI 02895.

No. MC-FC-73545. By order of March 16, 1972, the Motor Carrier Board approved the transfer to Walter G. Dyer, doing business as Ten Sleep Service Co., Worland, Wyo., of the operating rights in Certificates Nos. MC-109849 and MC-109849 (Sub-No. 1) issued January 16, 1969 and May 21, 1970, respectively, to E. B. Willard, doing business as Ten Sleep Service Co., Worland, Wyo., authorizing the transportation of general commodities, with exceptions, over regular routes, between specified points in Wyoming, Robert S. Stauffer, 3539 Boston Road, Cheyenne, WY 82001, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-4474 Filed 3-22-72;8:51 am]

[Notice 22]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MARCH 17, 1972.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no represenative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 200 (Sub-No. 251), filed February 14, 1972. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, MO 64142. Applicant's representative: Ivan E. Moody (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Denison, Fort Dodge, LeMars, and Mason City, Iowa; Emporia, Kans.; Dakota City and West Point, Nebr., and Luverne, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey,

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

New York, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsite and storage facilities of Iowa Beef Processors, Inc., at or near the above-named origins. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 323 (Sub-No. 3), filed February 22, 1972. Applicant: KARL SEIDEN, doing business as ROSE TRANSPORTATION CO., 608 New Street, Atlantic City, NJ 08401. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations and foodstuffs*, in vehicles equipped to protect such products from heat or cold (except in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in New Jersey, restricted to traffic originating at named origins and destined to points in named territory. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 647 (Sub-No. 8), filed February 28, 1972. Applicant: EXHIBITORS SERVICE COMPANY, a corporation, 85 Helen Street, McKees Rocks, PA 15136. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations and foodstuffs*, in vehicles equipped to protect such products from heat or cold (except in bulk, in tank vehicles) from the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville, Pa., and Allentown, Pa., to points in Maryland, Ohio, and West Virginia, restricted to traffic originating at named origins and destined to points in named territory. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., New York, N.Y., or Philadelphia, Pa.

No. MC 1756 (Sub-No. 21), filed February 14, 1972. Applicant: PEOPLES EXPRESS CO., a corporation, 497 Raymond Boulevard, Newark, NJ 07105. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Can and can ends* including the return of *empty wooden pallets and packaging materials*, between Hillside, Jersey City, and Edison Township, N.J., on the one hand, and, on the other, points in Nassau and Westchester Counties, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 1824 (Sub-No. 57), filed February 17, 1972. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, MD 21655. Applicant's representative: Frank V. Klein (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs*, in vehicles equipped to protect such products from heat or cold (except in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in Connecticut, Massachusetts, New York, North Carolina, Ohio, and Virginia, restricted to traffic originating at named origins and destined to points in named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 10173 (Sub-No. 14), filed February 22, 1972. Applicant: MARVIN HAYES LINES, INC., Post Office Box 468, Clarksville, TN 37040. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Dover and Memphis, Tenn., serving no intermediate points: From Dover over U.S. Highway 79 to Memphis and return over the same route, from Dover over U.S. Highway 79 to junction U.S. Highway 45E to junction U.S. Highway 45, thence over U.S. Highway 45 to junction Interstate Highway 40 near Jackson, Tenn., thence over Interstate Highway 40 to junction Interstate Highway 240, and thence over Interstate Highway 240 to Memphis and return over the same route. Restriction: Service is restricted against the transportation of traffic originating at, destined to, or interchanged at Louisville, Ky., and Nashville, Tenn., and points in their respective commercial zones as defined by the Commission and the plantsite of the Trane Co. at or near Clarksville, Tenn. NOTE: The above route description and restriction deletes the present restriction against shipments originating at, destined to, or interchanged at Clarksville, Tenn., from applicant's present Sub 11 certificate. If a hearing is deemed necessary, applicant requests it be held at Clarksville or Nashville, Tenn.

No. MC 15859 (Sub-No. 7) (Amendment), filed July 23, 1971, published in the FEDERAL REGISTER issues of September 2, 1971, and February 10, 1972, and republished in part as corrected this issue. Applicant: THE HINE LINE, 247 Emmet, Newark, NJ 07114. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. NOTE: The sole purpose of this partial republication is to add South Dakota to the first parts of 1 and 3 of the application which was inadvertently omitted in the previous republication. The rest of the application remains as previously published.

No. MC 20992 (Sub-No. 23), filed February 17, 1972. Applicant: DOTSETH TRUCK LINES, INC., Knapp, Wis. 54749. Applicant's representative: Gary L. Bakke, 103 North Knowles Avenue, New Richmond, WI 50417. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and roofing slabs, tile and panels and related materials, parts, supplies, and accessories* (except commodities in bulk, in tank vehicles), between Cornell, Wis., on the one hand, and, on the other, Minnesota, Iowa, Illinois, Indiana, and Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Madison, Wis.

No. MC 21958 (Sub-No. 8), filed February 4, 1972. Applicant: STARCK VAN LINES, INC., Rural Delivery No. 1, Burgettstown, PA 15021. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, NY 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, West Virginia, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Tennessee, Kentucky, Ohio, Indiana, Illinois, Missouri, Maine, Vermont, New Hampshire, Michigan, Wisconsin, Iowa, Minnesota, Nebraska, Kansas, Colorado, Oklahoma, Texas, New Mexico, Arizona, California, Washington, Oregon, Idaho, Nevada, Utah, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 24136 (Sub-No. 13), filed February 22, 1972. Applicant: HARRISON-SHIELDS TRANSPORTATION LINES, INC., Post Office Box 445, Meadow Lands, PA 15347. Applicant's representative: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by mail order houses and department stores, the business of which is the sale of general commodities, between Chartiers Township, Pa., on the one hand, and, on the other, points in that part of New York on and west of a line beginning at Olcott and extending along New York Highway 73 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 62, thence along U.S. Highway 62 to Hamburg, and thence along U.S. Highway 219 to the New York-Pennsylvania State line. NOTE: Applicant states that the requested author-

ity can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 25798 (Sub-No. 230), filed February 25, 1972. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, FL 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Florida, Georgia, North Carolina, and South Carolina, restricted to traffic originating at Marshall, Mo., and destined to points in the named States. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 29886 (Sub-No. 278), filed February 22, 1972. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, IN 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Turbine and electrical and mechanical power generating and transmission equipment, industrial furnaces, control systems, and parts and accessories* of the items named herein which because of size or weight require the use of special equipment; and (2) *commodities* listed in (1) above, which because of size or weight do not require the use of special equipment when moving in mixed shipment with the items in (1) above, between points in Maryland, New Jersey, New York, Pennsylvania, and Virginia and between points in the aforementioned States, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 29886 (Sub-No. 279), filed February 22, 1972. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, IN 46621. Applicant's representative: Charles Pieroni (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Air, sewage, water, and refuse treatment systems* which because of size and weight require use of special equipment or special handling; and (2) *tools, materials, parts, and supplies* used in connection with the erection or in construction of *air, sewage, water, refuse treatment systems* (except commodities in bulk), from points in Culpeper County, Va., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, New York, Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Iowa, Kansas, and Missouri. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 30844 (Sub-No. 393), filed February 14, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Unpackaged and packaged glass, aquarium accessories, aquarium supplies and equipment*, from Saginaw, Mich., to points in Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Idaho, Indiana, Kentucky, Maine, Maryland, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Washington, West Virginia, Wyoming, and the District of Columbia, restricted to shipments originating at the plant sites and warehouse facilities used by O'Dell Manufacturing, Inc., at Saginaw, Mich.; and (2) *glass, adhesives, plastic frames, and other materials* used in the manufacturing and fabricating of glass aquariums, from points in the continental United States (except points in Michigan when destined to the plantsites and warehouse facilities used by O'Dell Manufacturing, Inc., at Saginaw, Mich.). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 31389 (Sub-No. 147), filed February 23, 1972. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street, Post Office Box 213, Winston-Salem, NC 27102. Applicant's representative: Francis W. McInerny, 1000 Sixteenth Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Asheville, N.C., and Nashville, Tenn., over Interstate Highway 40, serving no intermediate points, as an alternate route in connection with applicant's regular route authority, for operating convenience only. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 42261 (Sub-No. 113), filed February 18, 1972. Applicant: LANGER TRANSPORT CORP., Route 440 and Danforth Avenue, Jersey City, NJ 07303. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs*, in vehicles equipped to protect such products from heat or cold (except in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, and West Virginia, restricted to traffic originating at named origins and destined to points in named territory. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.; Philadelphia, Pa., or Washington, D.C.

No. MC 44639 (Sub-No. 50), filed February 23, 1972. Applicant: L. & M. EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, NJ 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between Goldsboro, N.C., on the one hand, and, on the other, Wilson, N.C., and New York, N.Y. NOTE: Applicant states it desires to tack the requested authority with all authorized operations in MC 44639 at Crewe, Va., and Wilson, N.C. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. 51146 (Sub-No. 252) (Correction), filed January 20, 1972, published in the FEDERAL REGISTER issue of February 17, 1972, corrected in part, and republished as corrected this issue. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Post Office Box 2298, Green Bay, WI 54304. Applicant's representative: Charles Singer, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand, viz, chrome sand and*

zircon sand; also *foundry sand additives* consisting of clay, or various mixtures of clay, ground coal, wood flour, or other binding or treating ingredients; (1) from Albion, Mich., to points in Illinois and Wisconsin. NOTE: The purpose of this partial republication is to reflect the correct destination territory as Illinois and Wisconsin, in lieu of Illinois and Michigan, shown erroneously in previous publication. The rest of the application remains the same.

No. MC 52657 (Sub-No. 691), filed February 22, 1972. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, IL 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Buses and bus chassis and parts thereof*, in initial movements, in driveaway and truckaway service, from points in St. Joseph County, Ind., to points in the United States (excepting Hawaii but including Alaska), and in secondary movements, from points in the United States, to points in St. Joseph County, Ind.; and (b) *passengers*, who are, at the time, representatives of manufacturers or purchasers of new buses and who have been designated by their principals to accompany such buses during the transportation thereof, and the baggage of such representatives, from points in St. Joseph County, Ind., to points in the United States (excepting Hawaii but including Alaska). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority held nor sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 52917 (Sub-No. 62), filed February 18, 1972. Applicant: CHESAPEAKE MOTOR LINES, INC., 6748 Dorsey Road, Baltimore, MD 21227. Applicant's representative: William J. Little, Suite 1110, 10 East Baltimore Street, Baltimore, MD 21202. Authority sought to operate as a *common carrier*, by motor over irregular routes, transporting: *Food, food preparations, and foodstuffs*, in vehicles equipped to protect such products from heat or cold, except in bulk, in tank vehicles, from the plantsite and warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in Delaware, the District of Columbia, Maryland, and Virginia, restricted to traffic originating at named origins and destined to named destination States. NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 52938 (Sub-No. 8), filed February 28, 1972. Applicant: MASHKIN FREIGHT LINES, INC., 115 Park Avenue, East Hartford, CT 06108. Applicant's representative: Hugh M. Joseloff, 410 Asylum Street, Hartford, CT 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs*, in vehicles equipped to protect such products from heat or cold (except in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, and Vermont, restricted to traffic originating at the named origins and destined to points in the named territory. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 52938 (Sub-No. 8), filed February 28, 1972. Applicant: MASHKIN FREIGHT LINES, INC., 115 Park Avenue, East Hartford, CT 06108. Applicant's representative: Hugh M. Joseloff, 410 Asylum Street, Hartford, CT 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs*, in vehicles equipped to protect such products from heat or cold (except in bulk in tank vehicles), from the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, and Vermont, restricted to traffic originating at the named origins and destined to points in the named territory. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 59264 (Sub-No. 54), filed February 18, 1972. Applicant: SMITH & SOLOMON TRUCKING COMPANY, a corporation, How Lane, New Brunswick, N.J. 08903. Applicant's representative: Herbert Burstein, 30 Church Street, New York, NY 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs*, in vehicles equipped to protect such products from heat or cold (except in bulk, in tank vehicles), from the plantsite and/or warehouse facilities or Kraftco Corp. at or near Fogelsville and Allentown, Pa., to points in Delaware, Maryland, Virginia, New York, New Jersey, and the District of Columbia, restricted to traffic originating at named origins and destined to points in named territory. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 62133 (Sub-No. 11), filed February 22, 1972. Applicant: EVANS EXPRESS COMPANY, INC., 498 Duanesburg Road, Post Office Box 1025, South Schenectady, NY 12301. Applicant's representative: Martin Werner, 2 West 45th Street, New York, NY 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs*, in vehicles equipped to protect such products from heat or cold, except in bulk, in tank vehicles, from the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in New York, restricted to traffic originating at named origins and destined to points in named territory. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 69275 (Sub-No. 42), filed February 22, 1972. Applicant: M & M TRANSPORTATION COMPANY, a corporation, 186 Alewife Brook Parkway, Cambridge, MA 02138. Applicant's representative: Herbert Burstein, 30 Church Street, New York, NY 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs*, in vehicles equipped to protect such products from heat or cold, except in bulk, in tank vehicles, from the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in Connecticut, Massachusetts, New York, and Rhode Island, restricted to traffic originating at named origins and destined to points in named territory. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.; Philadelphia, Pa.; or Washington, D.C.

No. MC 71902 (Sub-No. 75), filed February 16, 1972. Applicant: UNITED TRANSPORTS, INC., 4900 North Santa Fe Street, Post Office Box 18547, Oklahoma City, OK 73118. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New motor vehicles, vehicle cabs and bodies; and automobile show equipment and paraphernalia*, when transported with display vehicles, in secondary movements, in truckaway and driveaway service, from New Orleans, La., to points in Alabama, Florida, and Mississippi, restricted to the handling of traffic originating at, or destined to, a plantsite, warehouse, or other facility of General Motors Corp.; and restricted against tacking or joining with any other authority held by applicant for the purpose of performing a through service. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Oklahoma City, Okla., or Washington, D.C.

No. MC 73165 (Sub-No. 312), filed February 27, 1972. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 11086, Birmingham, AL 25202. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, closures, and corrugated cartons* knocked down, between Waco, Tex., and points in Louisiana and New Mexico. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to op-

pose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 76032 (Sub-No. 291), filed February 14, 1972. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: Ira E. Neal (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Beacon Machinery Inc., at or near Arnold, Mo., as an off-route point in connection with applicant's regular-route operations between St. Louis, Mo., and Kansas City, Mo., over U.S. Highway 40 (Interstate Highway 70). NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 82841 (Sub-No. 92), filed February 27, 1972. Applicant: HUNT TRANSPORTATION, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel electrical conduit pipe;* (1) from New Kensington, Pa., to points in Texas, New Mexico, Arizona, Utah, Montana, Idaho, California, Nevada, Washington, and Oregon; and (2) from Niles, Ohio, to points in Texas, New Mexico, Arizona, Utah, Montana, Idaho, California, Nevada, Washington, and Oregon. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 84273 (Sub-No. 1), filed February 22, 1972. Applicant: JONES TRUCKING CO., INC., 326 North Baird Street, Green Bay, WI 54302. Applicant's representative: Ed Solie, 4513 Vernon Boulevard, Executive Building, Suite 100, Madison, WI. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, cheese foods, and materials, equipment, and supplies* used in the manufacture and distribution of cheese and cheese foods, between Hopkinton, Iowa, on the one hand, and, on the other, Green Bay, Wis., under contract with L. D. Schreiber Cheese Co., Inc. NOTE: Applicant holds common carrier authority under MC 52419, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 88594 (Sub-No. 23), filed February 14, 1972. Applicant: CARLETON G. WHITAKER, INC., Town of Deposit, Delaware County, N.Y. 13754. Applicant's representative: Martin Werner, 2 West 45th Street, New York, NY 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs*, in vehicles equipped to protect such products from heat or cold (except in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of Kraftco Corp. at or near Fogelsville and Allentown, Pa., to points in Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and the District of Columbia, restricted to traffic originating at named origins and destined to points in named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.; Philadelphia, Pa., or Washington, D.C.

No. MC 93980 (Sub-No. 56), filed January 11, 1972. Applicant: VANCE TRUCKING COMPANY, INCORPORATED, Post Office Box 1119, Henderson, NC 27536. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and conduit;* (1) from Manville, N.J., to points in Florida, Georgia, North Carolina, South Carolina, Tennessee, Kentucky, Ohio, Virginia, West Virginia, and the District of Columbia; and (2) from Hagerstown, Md., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 116962, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 103051 (Sub-No. 246), filed February 18, 1972. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue North, Post Office Box 90408, Nashville, TN 37209. Applicant's representative: Harlan Dodson, 900 Nashville Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk and in tank vehicles, from the site of Bulk Distribution Centers, Inc., at or near Chattanooga, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, restricted to traffic originating at the named origin point to the named destination points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 103993 (Sub-No. 693), filed February 24, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghensani (same address as applicant). 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 Lyon County, Minn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 103993 (Sub-No. 694), filed February 24, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). 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, and *buildings* in sections mounted on wheeled undercarriages, from Gallatin County, Mont., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Butte, Mont.

No. MC 104896 (Sub-No. 40), filed February 22, 1972. Applicant: WOMELDORF, INC., Post Office Box 232, Lewistown, PA 17044. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs*, in vehicles equipped to protect such products from heat or cold (except in bulk in tank vehicles), from the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Vermont, Virginia, and West Virginia, restricted to traffic originating at named origins and destined to points in named territory. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Philadelphia, Pa., or New York, N.Y.

No. MC 106398 (Sub-No. 589), filed February 18, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). 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 Lowndes County, Miss., to points in the United States (except Alaska and Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 106398 (Sub-No. 590), filed February 18, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane, urethane products, roofing and roofing materials, insulating materials, composition board and gypsum products and materials* used in the installation thereof, except the transportation of the foregoing commodities in bulk, from the plantsite and warehouse facilities of the Celotex Corp. at Camden, Ark., to points in Kansas, Kentucky, Mississippi, Missouri, Oklahoma, and Tennessee. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106674 (Sub-No. 86), filed February 25, 1972. Applicant: SCHILLI MOTOR LINES, INC., Post Office Box 451, Delphi, IN 46923. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, (1) from Joliet, Ill., to points in Indiana, Ohio, and the lower peninsula of Michigan; and (2) from Terre Haute, Ind., to points in Illinois. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107107 (Sub-No. 419), filed February 24, 1972. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 Northwest 42d Avenue, Opa-Locka, FL 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* as described in sections A, B and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina, restricted to traffic originating at Marshall, Mo., destined to points in the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 107295 (Sub-No. 405) (Amendment), filed July 1, 1970, published in the FEDERAL REGISTER issue of July 23, 1970, and republished as amended, this issue. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slabs, reinforced concrete, precast concrete*, and/or wood fiber and cement combined, from North Arlington, N.J., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to redescribe the authority sought, also to show that modified procedure is requested. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 839), filed February 22, 1972. Applicant: RUAN TRANSPORT CORPORATION, Third at Keosauqua Way, Des Moines, IA 50309. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, between points in Minnesota, North Dakota, South Dakota, Wyoming, Kansas, Missouri, Illinois, Colorado, Iowa, Nebraska, Wisconsin, and Kentucky, restricted to traffic having a prior or subsequent movement over the lines of the Burlington Northern Inc. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that to some extent, its present authority duplicates that sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 107515 (Sub-No. 792), filed February 14, 1972. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs*, in vehicles equipped to protect such products from heat or cold, except in bulk, in tank vehicles, from the plantsite and/or warehouse facilities of Kraftco Corp. at or near Fogelsville and Allentown, Pa., to points in North Carolina and Ohio, restricted to traffic originating at named origins and destined to points in named territory. NOTE: No duplicating authority is being sought. Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., New York, N.Y., or Philadelphia, Pa.

No. MC 107515 (Sub-No. 793), filed February 22, 1972. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilize by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at Marshall, Mo., and destined to points in the named States. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 107544 (Sub-No. 107), filed February 28, 1972. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, VA 24354. Applicant's representative: Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Charleston, Tenn., to points in Alabama, Florida, Georgia, Kentucky, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Roanoke, Va.

No. MC 107818 (Sub-No. 60), filed February 22, 1972. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 Northwest 12th Avenue, Post Office Box 608, Pompano Beach, FL 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Auburn, Ind., to points in Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108223 (Sub-No. 17), filed February 25, 1972. Applicant: CENTURY MOTOR FREIGHT, INC., 3245 Fourth Street SE., Minneapolis, MN 55414. Applicant's representative: Julius F. Bonello (same address as applicant). Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Paper and paper products, woodpulp and products produced or distributed by manufacturers and converters of paper and paper products* and (B) *equipment, materials, and supplies* used in the manufacture or distribution of commodities named in (A) above (except commodities which because of size or weight require the use of special equipment, and except commodities in bulk), between International Falls, Minn., on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas (except Chicago, Ill., and points in the Chicago, Ill., commercial zone). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, or Duluth, Minn.

No. MC 110098 (Sub-No. 124), filed February 17, 1972. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, Post Office Box 20380, San Antonio, TX 78220. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides); (2) *foodstuffs;* (3) *foods;* and (4) *commodities*, the transportation of which is partially exempt pursuant to the provisions of section 203 (b)(6) of the Interstate Commerce Act, when moving in the same vehicle and at the same time with the commodities described in 1, 2, and 3 above, restricted against the transportation of commodities in bulk. NOTE: Applicant states that the requested authority can be tacked with its Sub-Nos. 13 and 53, over Texas, to serve all States from California, Arizona, and New Mexico. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at San Antonio or Dallas, Tex.

No. MC 110420 (Sub-No. 649), filed February 22, 1972. Applicant: QUALITY CARRIERS, INC., I–94 and County Highway C, Bristol, Wis. Applicant's representative: Allan B. Torhorst, Post Office Box 307, Burlington, WI 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat protein*, in bulk, from Juneau, Wis., to points in Connecticut, Illinois, Indiana, Michigan, New York, New Jersey, and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 111375 (Sub-No. 59), filed February 14, 1972. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., Post Office Box 3358, Madison, WI 53704. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from New Hampton, Iowa, to points in Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, restricted to the transportation of traffic originating at the plant and warehouse facilities utilized by Kitchens of Sara Lee Corp., at New Hampton, Iowa, and destined to the named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111375 (Sub-No. 60), filed February 14, 1972. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., Post Office Box 3358, Madison, WI 53704. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, cheese, cheese products, cooked poultry and fish, frozen prepared dinners, toaster snacks, and commodities otherwise exempt under section 203(b)(6) of the Act when moving in mixed loads with the above described commodities* (except commodities in bulk), from Chicago, Ill., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. NOTE: Applicant states that it intends to join the requested authority with its existing authority at origin point. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111729 (Sub-No. 338), filed February 22, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, aduit and accounting media of all kinds*, (a) between Chicago, Ill., and Cedar Rapids, Iowa; (b) between Congers, N.Y., on the one hand, and, on the other, Malvern, Pleasant Gap, and Uniontown, Pa.; Boonsboro, Hagerstown, and Williamsport, Md.; (c) between Tiffin, Ohio, and Kokomo, Ind.; (d) between King of Prussia, Pa., on the one hand, and, on the other, Atlantic City, Cape May, Edison, Elizabeth, Montclair, Newark, New Brunswick, Paterson, Princeton, Saddlebrook, Trenton, and Willingboro, N.J.; and New York, N.Y., and (e) between Indianapolis, Ind., on the one hand, and, on the other, Ashland, Bowling Green, Covington, Erlanger, Frankfort, Henderson, Lexington, Louisville, Madisonville, Owensboro, Paducah, and Shively, Ky.; (2) *small computer parts, business machine parts, assemblies and supplies pertaining thereto*, restricted to articles or packages weighing in the aggregate less than 100 pounds, from one consignor to one consignee, on any 1 day, between Holland, Ohio, on the one hand, and, on the other, Buffalo, N.Y., Chicago, Ill., St. Louis, Mo., and Milwaukee, Wis., and points in Michigan, Indiana, Kentucky, Pennsylvania, and West Virginia; (3) *blood, urine, and tissue specimens and documents pertaining thereto*, between King of Prussia, Pa., on the one hand, and, on the other, Atlantic City, Cape May, Edison, Elizabeth, Montclair, Newark, New Brunswick, Paterson, Princeton, Saddlebrook, Trenton, and Willingboro, N.J.; and New York, N.Y.; and (4) *small replacement and repair parts for tractors, farm machinery, and industrial and material handling equipment*, restricted to articles or packages weighing in the aggregate less than 95 pounds, from one consignor to one consignee on any 1 day, between Congers, N.Y., on the one hand, and, on the other, Malvern, Pleasant Gap, and Uniontown, Pa.; Boonsboro, Hagerstown, and Williamsport, Md. NOTE: Applicant also holds contract carrier authority under MC 112750 and subs thereunder, therefore dual operations and common control may be involved. Applicant states that a portion of the requested authority could be tacked with certain existing authorities, but applicant does not, at present, have any intentions to tack and therefore does not indentify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 111729 (Sub-No. 339), filed February 24, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media* of all kinds, between Toledo, Ohio, on the one hand, and, on the other, Ann Arbor and Chelsea, Mich.; (2) *whole human blood, blood derivatives, body fluids, cancer smears, tissue specimens, and related documents and records*, between Savannah, Ga., and Anderson, S.C.; (3) *microbiological media in culture tubes and plates, and related* documents and records, between Columbus, Ind., on the one hand, and, on the other, Chicago, Ill., Dayton and Cincinnati, Ohio, and Louisville and Owensboro, Ky.; (4) *pharmaceuticals, prescription medications, and business papers, records, and accounting media*, between Silver Spring, Md., on the one hand, and, on the other, Norfolk, Richmond, and Winchester, Va.; and (5) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising material* moving therewith (excluding motion picture film used primarily for commercial theater and television exhibition), (a) between Roanoke, Va., on the one hand, and, on the other, points in North Carolina, Eastern Kentucky, Eastern Tennessee, and West Vir-

ginia; (b) between Kingston, N.Y., on the one hand, and, on the other, Niagara Falls, N.Y., Chicopee, North Adams, Northampton, and Springfield, Mass.; East Haven, Elmwood, Torrington, and Wallingford, Conn., and (c) between Augusta, Ga., and Columbia, S.C. NOTE: Applicant states that a portion of the requested authority could be tacked with certain existing authority. However, applicant does not, at present, have any intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant holds contract carrier authority under MC 112750 and Subs thereunder, therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111812 (Sub-No. 468), filed February 28. 1972. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectioneries*, from the plantsites and storage facilities of L. S. Heath & Sons, at or near Robinson, Ill., to points in California, Oregon, Washington, Idaho, Utah, Colorado, Arizona, New Mexico, and Nevada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111812 (Sub-No. 470), filed February 28, 1972. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectioneries*, from the plantsites and storage facilities of Fred W. Amend Candy, Co., at or near Danville, Ill., to points in California, Oregon, Washington, Idaho, Utah, Colorado, Arizona, New Mexico, and Nevada. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112520 (Sub-No. 258), filed February 23, 1972. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, varnishes, lacquers, resins, stains, and paint materials*, in bulk, in tank vehicles, from points in Newton County, Ga., to points in Georgia, Alabama, Mississippi, North Carolina, South Carolina, Tennessee, Kentucky, Florida, Louisiana, Texas, Arkansas, Missouri, Illinois, Virginia, West Virginia, Pennsylvania, Ohio, Delaware, and New Jersey. NOTE: Common control may be involved. Applicant states it is possible that the requested authority can be tacked with its existing authority, but operations under such combinations of authorities would be extremely circuitous and therefore does not contemplate tacking with the authority here sought. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112588 (Sub-No. 18), filed February 18, 1972. Applicant: RUSSELL TRUCKING LINE, INC., 2011 Cleveland Road, Sandusky, OH 44870. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Wampum, Lawrence County, Pa., to points in Illinois, Maryland, and Virginia. NOTE: Applicant states that the requested authority cannot be tasked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 112963 (Sub-No. 25), filed February 22, 1972. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, MA 01866. Applicant's representative: Leonard E. Murphy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tankage*, dry, in bulk, in tank vehicles, from Woburn, Mass., to points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, and Albany and Schnectady Counties, N.Y. NOTE: Applicant states while tacking is possible with certain presently held authority, no tacking is intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 113362 (Sub-No. 232), filed February 22, 1972. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Jack H. Banshan, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering and related items*, including *materials and supplies*, used in the distribution and installation thereof, from Marcus Hook, Pa., and Trenton and Kearney, N.J., to points in Texas, Oklahoma, Louisiana, Arkansas, Mississippi, and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 113362 (Sub-No. 233), filed February 24, 1972. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50523. Applicant's representative: James Ellsworth, 4500 North State Line Road, Texarkana, AR 75501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at Marshall Mo., and destined to points in the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 114019 (Sub-No. 230), filed February 28, 1972. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, IL 60629. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations and foodstuffs*, in vehicles equipped to protect such products from heat or cold (except in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, North Carolina, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to traffic originating at the named origins and destined to points in the named territory. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 114890 (Sub-No. 59), filed February 22, 1972. Applicant: C. E. REYNOLDS TRANSPORT, INC., Post Office Box A, Joplin, MO 64801. Applicant's representative: Dean Williamson, 3535 Northwest 58th, 280 National Foundation Life Center, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, in tank vehicles, from Coffeyville, Kans., to Tulsa, Okla., and Bartlesville, Okla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Oklahoma City, Okla.

No. MC 115181 (Sub-No. 27), filed February 22, 1972. Applicant: HAROLD M. FELTY, INC., Rural Delivery No. 1, Pine Grove, PA 17963. Applicant's representative: John W. Dry, 541 Penn Street, Reading, PA 19601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: (1) *Concrete masonry units and glazed concrete masonry units,* from the Borough of Media, Delaware County, Pa., to points in Michigan and Ohio; and (2) *damaged or refused shipments of named commodities,* on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 115826 (Sub-No. 239), filed February 22, 1972. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, CO 80217. Applicant's representative: Ezekial Gomez (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages,* in cans, bottles, and barrels, from Phoenix, Ariz., to points in Colorado, California, Idaho, Montana, Nevada, New Mexico, Utah, Washington, Oregon, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Denver, Colo.

No. MC 116073 (Sub-No. 225), filed February 17, 1972. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Moorhead, MN 56560. 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 and buildings complete or in sections, from points in Santa Rosa County, Fla., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pensacola, Fla.

No. MC 116273 (Sub-No. 153), filed February 28, 1972. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 6060. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals,* in bulk, in tank vehicles, from Janesville, Wis., to points in Illinois, Indiana, Iowa, Michigan, Ohio, Pennsylvania, New Jersey, Nebraska, Texas, Georgia, North Carolina, South Carolina, New York, Massachusetts, Connecticut, Florida, and Minnesota; and (2) *asphalt and asphalt products,* in bulk in tank vehicles, from Michigan City, Ind., to points in Michigan. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116791 (Sub-No. 24), filed February 16, 1972. Applicant: FARMERS ELEVATOR OF KENSINGTON, MINNESOTA, INC., Kensington, Minn. 56343. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds and feed concentrates,* from New Richmond, Wis., to points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 117574 (Sub-No. 217), filed February 14, 1972. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr. (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles,* between Hicksville, Ohio, and Blairsville, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that no duplicating authority is sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 117758 (Sub-No. 3), filed February 25, 1972. Applicant: GRINGERI BROS. TRANSPORTATION CO., INC., 70 Phillips Street, Watertown, MA 02172. Applicant's representative: John F. Curley, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bananas,* from Albany, N.Y., to points in Massachusetts and Rhode Island. NOTE: Applicant holds contract carrier authority under MC 123511 (Sub 2 and 4), therefore common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Albany, N.Y.

No. MC 117799 (Sub-No. 34), filed February 18, 1972. Applicant: BEST WAY FROZEN EXPRESS, INC., Room 205, 3033 Excelsior Boulevard, Minneapolis, MN 55416. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Dairy products and pizza toppings;* and (2) *commodities* the transportation of which falls within the partial exemption of section 203(b)(6) of the Interstate Commerce Act, when moving in mixed loads with (1) above, from Denver, Colo.; Superior, Nebr.; and Hutchinson and Wichita, Kans., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Omaha, Nebr.

No. MC 117815 (Sub-No. 187), filed February 22, 1972. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from the plantsite of the Kitchens of Sara Lee at or near New Hampton, Iowa, to points in Minnesota, Wisconsin, Michigan, Iowa, Indiana, Ohio, Illinois, and Nebraska, restricted to traffic originating at the named origin and destined to the named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 118263 (Sub-No. 51), filed February 25, 1972. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, IN 47130. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Food, food preparations and foodstuffs,* in vehicles equipped to protect such products from heat or cold (except commodities in bulk in tank vehicles), from the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville, Pa., and Allentown, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at named origins and destined to points in the named destination states. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Indianapolis, Ind.

No. MC 118806 (Sub-No. 20), filed February 22, 1972. Applicant: ARNOLD BROS. TRANSPORT, LTD., a corporation, 739 Lagimodiere Boulevard, Winnipeg MB, Canada. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes,

transporting: (1) *Tractors* (other than truck tractors); (2) *wheeled vehicles* (other than automobiles, trucks, buses, and highway trailers); (3) *agricultural machinery and agricultural implements* (other than hand); (4) *self-propelled industrial and construction machinery and snowmobiles;* (5) *parts and attachments* for the above-described commodities when moving in mixed loads with said commodities; (a) between Detroit, Mich.; and the port of entry on the international boundary line of the United States and Canada near Detroit, Mich.; (b) between Port Huron, Mich., and the port of entry on the international boundary line of the United States and Canada near Port Huron, Mich.; (c) between Sault Ste. Marie, Mich., and the port of entry on the international boundary line of the United States and Canada near Sault Ste. Marie, Mich.; and (d) between Buffalo, N.Y., and the port of entry on the international boundary line of the United States and Canada near Buffalo, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn., or Chicago, Ill.

No. MC 118806 (Sub-No. 21), filed February 22, 1972. Applicant: ARNOLD BROS. TRANSPORT, LTD., a corporation, 739 Lagimodiere Boulevard, Winnipeg, MB, Canada. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood pulp, wood products, paper and paper products*, from ports of entry on the United States-Canada boundary line to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies and equipment* used in the manufacture and processing of wood pulp, wood products, paper and paper products (except commodities in bulk, in tank vehicles), from points in the United States (except Alaska and Hawaii) to ports of entry on the United States-Canada boundary line. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn., or Chicago, Ill.

No. MC 118806 (Sub-No. 22), filed February 22, 1972. Applicant: ARNOLD BROS. TRANSPORT, LTD., a corporation, 739 Lagimodiere Boulevard, Winnipeg, MB, Canada. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass sleighs and fiberglass products*, from the ports of entry on the United States-Canada boundary line at Dunseith, N. Dak., Middleboro, and Noyes, Minn., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies and equipment* used in the manufacture and processing of fiberglass sleighs and fiberglass products, from points in the United States (except Alaska and Hawaii) to the ports of entry on the United States-Canada boundary line at Dunseith, N. Dak., Middleboro and Noyes, Minn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn., or Chicago, Ill.

No. MC 118959 (Sub-No. 103), filed February 14, 1972. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63701. Applicant's representative: Billy J. Oxford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Books, magazines, catalogs and printed matter*, between Florence, Ky., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicate authority is being sought. It holds contract carrier authority under MC 125664, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Louisville, Ky.

No. MC 119041 (Sub-No. 1), filed February 24, 1972. Applicant: RUSSELL A. KARCHNER, Box 20, Sybertsville, PA 18251. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations and foodstuffs*, in vehicles equipped to protect such products from heat or cold (except in bulk in tank vehicles), from the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in Pennsylvania, restricted to traffic originating at named origins and destined to points in named territory. NOTE: Applicant holds contract carrier authority under MC 79700, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 119632 (Sub-No. 50), filed February 18, 1972. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, OH 43512. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives, building materials, composition board, gypsum board paper, mineral fiber products, paint and paint products, and such materials, equipment and supplies* as are used in the manufacture, packaging, installation or distribution of the above commodities (except commodities in bulk), between the plantsite and facilities of U.S. Gypsum Co. at or near Gypsum, Ohio, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Maine, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Chicago, Ill.

No. MC 119632 (Sub-No. 51), filed February 25, 1972. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, OH 43512. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mineral wool, mineral wool products, mineral fiber products, air filters and air filter products, and such materials, equipment and supplies* as are used in the manufacture, packaging, installation or distribution of the aforementioned commodities (except commodities in bulk), between the plantsite and facilities of U.S. Gypsum Co. at or near Wabash, Ind., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Maine, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *urethane, urethane products, roofing and roofing materials, insulation materials, composition board, and gypsum products and materials used in the installation thereof, and carpeting or soft surf pile fabric*, power machine tufted or power loom woven, between the plant and warehouse sites of the Celotex Corp. located in Lagro and Wabash, Ind., to points in Kentucky, Michigan, Connecticut, Illinois, Iowa, Wisconsin, Missouri, Pennsylvania, West Virginia, Ohio, New York, New Jersey, Maryland, Virginia, Delaware, and the District of Columbia. NOTE: Applicant states it seeks no duplicating authority. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Chicago, Ill.

No. MC 119741 (Sub-No. 42), filed February 25, 1972. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., Post Office Box 1235, Fort Dodge, IA 50501. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Nebraska, and Ohio, restricted to traffic originating at Marshall, Mo., and destined to points in the named destination States. NOTE: If a hearing is deemed necessary, applicant

requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 119765 (Sub-No. 27), filed February 28, 1972. Applicant: HENRY G. NELSON, INC., 1548 Locust Street, Avoca, IA. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products, articles distributed by meat packinghouses* (except hides, pelts, and commodities in bulk), as described in sections A, B, and C of appendix I in the report *Descriptions of Motor Carrier Certificates*, 61 M.C.C. from Omaha, Nebr., to Industrial Park Area, Park Forest, Ill. Restriction: Restricted to traffic originating at the plant and warehouse facilities utilized by Wilson Certified Foods, Inc., in Omaha, Nebr., and destined to the Industrial Park Area, Park Forest, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.; Chicago, Ill., or Oklahoma City, Okla.

No. MC 119767 (Sub-No. 281), filed February 22, 1972. Applicant: BEAVER TRANSPORT CO., a corporation, I–94 and County Highway C, Bristol, WI, Post Office Box 188, Pleasant Prairie, WI 53158. Applicant's representative: Allan B. Torhorst, Post Office Box 307, Burlington, WI 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, and materials, supplies, and equipment* used or useful in the production thereof; (1) from St. James, Madelia, and Butterfield, Minn., to points in Illinois, Indiana, Iowa, Michigan, Missouri, Wisconsin, Ohio, and Kentucky; (2) from Estherville, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Wisconsin, Ohio, and Kentucky; and (3) from points in Wisconsin, to St. James, Madelia, and Butterfield, Minn., and Estherville, Iowa. NOTE: Common control may be involved. Applicant states it is able to tack to serve other origins and/or destinations, however, tacking is not intended to serve the supporting shipper. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Minneapolis, Minn.

No. MC 121168 (Sub-No. 2), filed January 11, 1972. Applicant: BOOTH TRANSFER, INC., Central City, Nebr. 68826. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) Regular routes: *General commodities* (except those requiring special equipment); (1) between Central City, Nebr., and Lincoln, Nebr.; from Central City, Nebr., over Nebraska Highway 14 to its junction with Nebraska Highway 66, thence over Nebraska Highway 66 to its junction with U.S. Highway 81 near Stromsburg, Nebr., thence over U.S. Highway 81 to its junction with U.S. Highway 34 near York, Nebr., thence over U.S. Highway 34 to its junction with Nebraska Highway 15 at Seward, Nebr., thence over Nebraska Highway 15 to its junction with U.S. Highway 6 thence over U.S. Highway 6 to Lincoln, Nebr., and return over the same routes, serving all intermediate points and the off-route points of Archer and Clarks, Nebr.; (2) between Central City, Nebr., and Grand Island, Nebr.: From Central City, Nebr., over U.S. Highway 30 to Grand Island, Nebr., and return over the same route, serving the intermediate point of Chapman, Nebr.; (3) between Clarks, Nebr., and Omaha, Nebr.: From Clarks, Nebr., over U.S. Highway 30 to Fremont, Nebr., thence over U.S. Highway 275 to Omaha, Nebr., and return over the same routes, serving all intermediate points between Clarks, Nebr., and Columbus, Nebr., and the off-route points of Genoa, Monroe, and Havens; and (4) between Clarks, Nebr., and Omaha, Nebr.: From Clarks, Nebr., over U.S. Highway Alternate 30 to Omaha, Nebr., and return over the same route, as an alternate route for operating convenience only: Irregular routes: Between points in Nebraska in an area bounded on the west by U.S. Highway 281, on the north, by Nebraska Highway 91, on the east by Nebraska Highway 15, and on the south by Interstate Highway 80 (except Seward and Grand Island, Nebr.), and between points within said area on the one hand, and, on the other, points in Nebraska; and (B) *meats, meat products, meat byproducts, and articles distributed by meat packinghouses;* (1) from the plantsite and storage facilities of Swift & Co., at or near Glenwood, Iowa, to points in Nebraska; and (2) from the plantsite and storage facilities of Swift & Co., at or near Grand Island, Nebr., to points in Iowa. NOTE: Applicant states it seeks to convert the authority under (A) above, from a certificate of registration to a certificate of public convenience and necessity. Applicant further states that it proposes to tack the irregular route and regular authority in Part (A). If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 123048 (Sub-No. 208), filed February 14, 1972. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *agricultural machinery;* (2) *elevators;* (3) *conveyors;* (4) *mixermills;* (5) *tractors* with or without attachments; (6) *self-propelled loaders;* (7) *wagons;* (8) *attachments* for the commodities described in (1) through (7) above; (9) *parts* for the commodities described in (1) through (8) above; from points in Steele County, Minn., to points in the United States (except Hawaii but including Alaska); and, (10) *materials, equipment, and supplies* (except commodities in bulk), used in the manufacture and distribution of the above mentioned commodities, from points in the United States (except Hawaii but including Alaska), to points in Steele County, Minn.; and (B) *experimental and show display agricultural machinery, elevators, conveyors, mixermills, tractors with or without attachments, self-propelled loaders, wagons, attachments and parts,* between points in the United States (except Hawaii but including Alaska). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 124211 (Sub-No. 208), filed February 16, 1972. Applicant: HILT TRUCK LINE, INC., Post Office Box 988 D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular/irregular routes, transporting: (A) *Irregular routes: Food and food products* (except commodities in bulk, dairy products, frozen foods, meats and meat products), from Chicago, Ill., to points in Idaho. Restriction: The authority sought hereinabove is restricted to the transportation of shipments originating at Chicago, Ill., and destined to points in Idaho; (B) *Regular routes: Groceries, grocery store, and banking institution materials, equipment, and supplies,* except such commodities in bulk, serving Milford and Waverly, Nebr., as intermediate and off-route points in connection with carrier's presently authorized regular route operations. NOTE: Applicant states a portion of the proposed operations in (A) above may presently be performed by tacking existing authority in Sub-Nos. 121 and 105 at Lincoln, Nebr. Applicant further states it is not aware of any duplicating authority and would be willing to accept a restriction against severance of any duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 124236 (Sub-No. 42), filed February 18, 1972. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Activated carbon*, from Marshall, Tex., to points in Nevada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex., or Washington, D.C.

No. MC 124692 (Sub-No. 88), filed February 22, 1972. Applicant: SAMMONS TRUCKING, a corporation, Post Office Box 1447, Missoula, MT 59801. Applicant's representative: J. David Douglas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime, limestone, and limestone products*, in bags, from points in Tooele County, Utah, to points in California, Nevada, Idaho, Wyoming, Montana, Oregon, and Washington; and (2) *bentonite*, from points in Crook County, Wyo., to points in Montana, Idaho, Utah, Washington, Oregon, California, and Nevada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Paul, Minn.

No. MC 124692 (Sub-No. 89), filed February 29, 1972. Applicant: SAMMONS TRUCKING, a corporation, Post Office Box 1447, Missoula, MT 59801. Applicant's representative: Gene P. Johnson, Fifth Floor, First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardwood flooring systems, synthetic flooring systems, hardwood and synthetic flooring, accessories, and supplies* used in the installation thereof; *lumber, wood products, and millwork*, from Ishpeming, Dollar Bay, and Connorville, Mich.; and White Lake and Laona, Wis., to points in North Dakota, South Dakota, Nebraska, Wyoming, Colorado, Arizona, Utah, Idaho, Montana, Nevada, California, Oregon, and Washington; and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1), above, from points in North Dakota, South Dakota, Nebraska, Wyoming, Colorado, Arizona, Utah, Idaho, Nevada, Montana, California, Oregon, and Washington to Ishpeming, Dollar Bay, and Connorville, Mich.; and White Lake and Laona, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.; or Milwaukee, Wis.

No. MC 124904 (Sub-No. 1) (Correction), filed December 9, 1971, published in the FEDERAL REGISTER issue of January 20, 1972, and republished as corrected, this issue. Applicant: GIBNEY DISTRIBUTORS, INC., 2335 Waterbury Avenue, Bronx, NY 10462. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camp baggage*, in seasonal operations extending from June 1 to October 1, inclusive of each year, between points in New Jersey, Fairfield County, Conn.; Nassau, Suffolk, Westchester, and Rockland Counties, N.Y.; Philadelphia, Pa., and points in Pennsylvania on, south and east of a line extending from the intersection of the Delaware River and U.S. Highway 22 at or near Easton, Pa., thence southwesterly along U.S. Highway 22 to its intersection with U.S. Highway 81, thence southeasterly along U.S. Highway 81 to its intersection with U.S. Highway 222, thence southwesterly along U.S. Highway 222 to the Pennsylvania-Maryland State line, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Massachusetts, Pennsylvania, and New York. NOTE: The purpose of this republication is to reflect the correct highway in Pennsylvania as U.S. Highway 222 in lieu of U.S. Highway 22, incorrectly shown in previous publication. Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 126428 (Sub-No. 6), filed February 24, 1972. Applicant: ZIBERT TRANSPORT CO., a corporation, 2828 Market Street, Peru, IL 61354. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potassium permanganate*, in bulk, in tank and/or hopper type vehicles, from La Salle, Ill., to points in Missouri, Ohio, Minnesota, Wisconsin, Iowa, Indiana, Pennsylvania, New Jersey, New York, Michigan, Tennessee, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127042 (Sub-No. 93), filed February 28, 1972. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 98, Leeds Station, Sioux City, IA 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Wilson Certified Foods, Inc., at or near Marshall, Mo., to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming. Restriction: Restricted to traffic originating at above origins and destined to the above-named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 127834 (Sub-No. 70), filed February 25, 1972. Applicant: CHEROKEE HAULING & RIGGING, INC., 540 Merritt Avenue, Nashville, TN 37203. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles* as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, restricted against the transportation of commodities which because of size or weight, requires the use of special equipment or handling, from points in Allegheny, Beaver, Mercer, Washington, and Westmoreland Counties, Pa., and Warren, Ohio, to points in Kentucky and Tennessee (except from Warren, Ohio, to Ashland, Ky., and points in the Ashland, Ky., commercial zone, as defined by the Commission). NOTE: Applicant states it could tack at Nashville, Tenn., with its Sub-No. 10 authority to serve Arkansas and Missouri. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 128190 (Sub-No. 9), filed February 22, 1972. Applicant: FREMONT CONTRACT CARRIERS, INC., 1520 East Railroad Street, Fremont, NE 68025. Applicant's representative: R. W. Wigton, Post Office Box 1107, Sioux City, IA 51101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles and jars and honey*, when in mixed shipments with glass bottles and jars, from the plantsite or storage facilities of Kerr Glass Co. at Plainfield, Ill., to the plantsites or storage facilities of Sioux Honey Association at or near Waycross, Ga. and Temple, Tex., under contract with Sioux Honey Association, Sioux City, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 128639 (Sub-No. 6), filed February 28, 1972. Applicant: REGINAL H. CURRIER, 103 Lancaster Road, Gorham, NH 03581. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from ports of entry on the international boundary line between the United States and Canada, located at or near Jackman and Coburn Gore, Maine, and Pittsburg, N.H., to points in Vermont, New Hampshire, and Maine. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Concord, N.H., or Boston, Mass.

No. MC 128866 (Sub-No. 32) (Correction), filed January 18, 1972, published in the FEDERAL REGISTER issue of February 17, 1972, and republished in part, as corrected this issue. Applicant: B & B TRUCKING, INC., Post Office Box 128, Cherry Hill, NJ 08034. Applicant's representative: J. Michael Farrell, 1815 H Street NW., No. 512, Washington, DC 20006. NOTE: The sole purpose of this partial republication is to reflect the correct docket number assigned thereto as MC 128866 Sub 32 in lieu of MC 128886 Sub 32. The rest of the application remains the same.

No. MC 128893 (Sub-No. 2), filed February 22, 1972. Applicant: SAM W. CAR-

ROLL, doing business as CARROLL TRUCKING, Rural Route 1, Box 1018, Umatilla, FL 32784. Applicant's representative: R. W. Wigton, Post Office Box 1107, Sioux City, IA 51102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles and jars and honey*, when in mixed shipments with glass bottles and jars, from the plantsite or storage facilities of Kerr Glass Co., at Plainfield, Ill., to the plantsites or storage facilities of Sioux Honey Association, at or near Waycross, Ga., and Temple, Tex., under contract with Sioux Honey Association, Sioux City, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 129352 (Sub-No. 10), filed February 4, 1972. Applicant: CREAGER TRUCKING CO., INC., 2201 Sixth Avenue, Seattle, WA 98134. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, WA 98134. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prepared frankfurters*, from Dallas, Tex., to points in California, Oregon, Washington, and Idaho, under contract with Corny Dog Co. NOTE: Applicant now has pending an application for common carrier authority under No. MC 136208, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 129352 (Sub-No. 11), filed February 4, 1972. Applicant: CREAGER TRUCKING CO., INC., 2201 Sixth Avenue, Seattle, WA 98134. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, WA 98134. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Store fixtures cabinets, and shelving*, from Tarrell, Tex., to points in Arizona, Utah, California, Nevada, Washington, Oregon, Colorado, Idaho, and Montana, under contract with Maytex Manufacturing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 129790 (Sub-No. 2), filed February 22, 1972. Applicant: JOSEPH A. BECKER, doing business as BECKER HI-WAY FRATE, 121 Adams Avenue, Albert Lea, MN 56007. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard*, from Cincinnati, Ohio; (2) *boxes*, from Lockland and Cincinnati, Ohio; (3) *egg cartons*, from Dayton, Ohio, Chicago and Morris, Ill.; and (4) *paper labels* from St. Charles, Ill., to points in Minnesota, Iowa, Nebraska, and Wisconsin, under contract with Diamond National Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Chicago, Ill.

No. MC 133065 (Sub-No. 20), filed February 22, 1972. Applicant: ECKLEY TRUCKING AND LEASING, INC., Post Office Box 156, Mead, NE 68041. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bar mesh, fencing materials, agricultural machinery and implements, presses, and related items*, from the plantsite and storage facilites of Behlen Manufacturing Co., at or near Columbus, Nebr., to points in the United States (except Hawaii but including Alaska), under a continuing contract with Behlen Manufacturing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 133221 (Sub-No. 9), filed February 28, 1972. Applicant: OVERLAND CO., INC., Route 1, Box 406A, Lawrenceville, GA 30245. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceramic foam, plastics, plastic products, and plastic coated metal* (except in bulk), from the plantsite and warehouse facilities of Dow Chemical U.S.A., at Findlay, Ohio, and Hamilton Township, Lawrence County, Ohio, to points in the United States on and east of U.S. Highway 85 (except Alabama, Georgia, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 134282 (Sub-No. 5), filed February 18, 1972. Applicant: ENNIS TRANSPORTATION CO., INC., Post Office Box 447, Ennis, TX 75119. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, TX 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards, building, wall or insulating*, viz: *Fiberboard or pulpboard*, from the plantsite of the Flintkote Co., at Meridian, Miss., to points in Louisiana, Oklahoma, and Texas. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 134387 (Sub-No. 11), filed February 28, 1972. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, CA. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass for recycling purposes*, from points in Pima and Maricopa Counties, Ariz., to points in Los Angeles and Orange Counties, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 134689 (Sub-No. 1), filed February 25, 1972. Applicant: LA ROSA DEL MONTE EXPRESS, INC., 559 East 180th Street, Bronx, NY 10457. Applicant's representative: Blanton P. Bergen, 137 East 36th Street, New York, NY 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods and personal effects* (including used automobiles when shipped as personal effects), restricted against transportation of such commodities in bulk, between Bridgeport, Hartford, New Haven, Stamford, and Waterbury, Conn., on the one hand, and, on the other, New York, N.Y., commercial zone. NOTE: Applicant states it will tack at New York, N.Y., commerical zone, when, and if, part of a through movement to or from Puerto Rico, under MC 134689. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134906 (Sub-No. 5), filed February 3, 1972. Applicant: CAPE AIR FREIGHT, INC., Post Office Box 905, Cape Girardeau, MO 63701. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), restricted to traffic having a prior or subsequent movement by air, between Kansas City Municipal Airport, Kansas City International Airport, both located at or near Kansas City, Mo., and points in Kentucky south of Kentucky Highway 80, West Virginia, Georgia, Tennessee, Louisiana, Alabama, and Mississippi. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 135153 (Sub-No. 20), filed February 22, 1972. Applicant: GREAT OVERLAND, INC., Stead Facility, Reno, Nev. 89506. Applicant's representative: Harley E. Laughlin, Post Office Box 10950, Reno, NV 89510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment, accessories, attachments and parts therefor*, from Washoe County, Nev., to points in the United States (including Alaska excepting Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Carson City, Nev.

No. MC 135280 (Sub-No. 4), filed February 22, 1972. Applicant: PEP LINES TRUCKING CO., a corporation, 15120 Third Avenue, Highland Park, MI 48203. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail general mercantile establishments, and in connection therewith, *materials and supplies* used in the conduct of such business, (1) between Detroit, Mich., and its commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Lucas, Fulton, Williams, Defiance, Henry, Wood, Ottawa, Sandusky, Erie, Paulding, Putnam, Hancock, Seneca, and Huron Counties, Ohio, and Wayne, Washtenaw, Jackson, Hillsdale, Lenawee, and Monroe Counties, Mich., and (2) between Toledo, Ohio, on the one hand, and, on the other, points in Lucas, Fulton, Williams, Defiance, Henry, Wood, Ottawa, Sandusky, Erie, Paulding, Putnam, Hancock, Seneca, and Huron Counties, Ohio, and Wayne, Washtenaw, Jackson, Hillsdale, Lewawee, and Monroe Counties, Mich., all under continuing contract or contracts with Montgomery Ward & Co., Inc. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135306 (Sub-No. 1), filed February 24, 1972. Applicant: DAN'S TRANSIT, INC., 239 Woodmont Road, Milford, CT 06460. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap brass, scrap copper, scrap bronze, scrap cupro-nickel, and scrap nickel silver*, from points in Vermont, New Hampshire, Massachusetts, Rhode Island, New York, Nek Jersey, and Pennsylvania to Bridgeport, Conn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135760 (Sub-No. 5), filed February 25, 1972. Applicant: COAST REFRIGERATED TRUCKING CO., INC., Post Office Box 188, Holly Ridge, NC 28445. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh pork and processed meats*, in vehicles equipped with mechanical refrigeration, between Jamaica, N.Y., and Wilmington, N.C., under contract with John Krauss, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 135830 (Sub-No. 1), filed February 18, 1972. Applicant: DAYTON DELIVERY, INC., CMD 11, Box 103, Fairborn, OH. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, from Newport, Ky., to Marion, Middletown, and Springfield, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 135877 (Sub-No. 4), filed February 22, 1972. Applicant: RONALD R. BRADER, doing business as SPECIALIZED TRUCKING SERVICE, 1508 South Fourth Avenue, Yakima, WA 98902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass bottles and jars, covers, crowns, stoppers and tops; fiberboard boxes*, knocked down or folded flat; (a) from points in Multnomah County, Oreg., to points in California, and (b) from points in California to points in Oregon west of the crest of the Cascade crest and to points in Washington; and (2) *equipment, materials and supplies*, between glass manufacturing plants at Los Angeles, Tracy, and Oakland, Calif., on the one hand, and on the other, Portland, Oreg. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Yakima, Wash., or Portland, Oreg.

No. MC 135899 (Sub-No. 1), filed February 28, 1972. Applicant: HOWARD S. CULVER, Post Office Box 135, Hebron, MD 21830. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated and modular buildings and homes*, complete or in sections including all *component parts, materials, supplies and fixtures*, from the plantsite of Delmarva Modular Housing Corp. at or near Princess Anne, Md., to points in Delaware, Maryland, Virginia, and the District of Columbia, under contract with Delmarva Modular Housing Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 135967 (Sub-No. 1), filed February 22, 1972. Applicant: FLAGG-WAYS, INC., Treynor, Iowa 51575. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilites utilized by Farmland Foods, Inc., at Carroll, Iowa, and from the storage facilities utilized by Farmland Foods, Inc., at Omaha, Nebr., to points in Ohio, Michigan, Indiana, Pennsylvania, New York, New Jersey, Virginia, West Virginia, Delaware, Maryland, Massachusetts, New Hampshire, Connecticut, Rhode Island, Maine, Vermont, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 136005 (Sub-No. 1), filed March 3, 1972. Applicant: JACK D. WHATLEY & ROBERT T. CALHOUN, a partnership doing business as MAGIC VALLEY REFRIGERATED EXPRESS, Post Office Box 2101, 1400 Whitewing, McAllen, TX 78501. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus juice and bagged citrus pulp livestock feed*, from plantsites of Texas Citrus Exchange in Harlingen and Mission, Tex., to points in Oklahoma, Arkansas, Kansas, Missouri, Illinois, Nebraska, Iowa, South Dakota, Minnesota, Wisconsin, North Dakota, and Colorado, under contract with Texas Citrus Exchange. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or San Antonio, Tex.

No. MC 136115 (Sub-No. 2), filed February 22, 1972. Applicant: HOPKINS TRUCKING SERVICE, INC., Route 2, Box 428–1, Blue Springs, Mo 64015. Applicant's representative: Ray E. Hopkins (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, in bulk, by dump truck (highway salt), between points in Missouri, restricted to traffic having an immediately prior out-of-state movement by rail, as a contract carrier for Independent Salt Co. of Kanopolis, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 136119 (Sub-No. 1) (Correction), filed January 20, 1972, published in the FEDERAL REGISTER issue of February 25, 1972, and republished as corrected this issue. Applicant: D H S, INC., Citizen's State Bank Building, Parson, Tenn. 38363. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refrigeration and freezer equipment, and parts components, attachments and accessories* therefor, from the plant and warehouse sites of Kolpak Industries, Inc., in Decatur County (including Decaturville) and Perry County (including Flat Woods), Tenn., to points in the United States (except Alaska and Hawaii) and, (2) *Urethane modular panels, apparatus, accessories moldings, trim, and other materials* used in installation, erection or other application thereof, from the plant and warehouse sites of the Dalton Co. located in Perry and Decatur Counties, Tenn., to points in the United States (except Alaska and Hawaii) and, (3) *materials, components, supplies, parts, attachments, and accessories*, used in the manufacture, erection, installation, shipments and testing of refrigeration and freezer equipment and of urethane modular panels and parts,

components, attachments, and accessories therefore, from points in the United States (except Alaska and Hawaii) to the named plantsites in (1) and (2) above. The proposed service would be performed pursuant to continuing contracts between applicant and (1) Kolpak Industries, Inc.; and (2) Dalton Co. The purpose of this republication is to redescribe the authority sought in part (1) above and change the word in part (2) to read thereof, in lieu of therefor. If a hearing is deemed necessary, applicant did not specify a location.

No. MC 136120 (Sub-No. 1), filed February 22, 1972. Applicant: BUFFORD McCULLOM, doing business as MIDWEST SPECIALIZED HAULING, 8508 East 111th Street, Kansas City, MO 64134. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rubber pneumatic tires*, which are 8 feet or more in diameter; and (2) *rubber pneumatic tires*, when moving in mixed loads with (1) above, between The Goodyear Tire and Rubber Co., located at or near Topeka, Kans., to points in the United States (except Hawaii), under contract with The Goodyear Tire and Rubber Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 136201 (Sub-No. 1), filed February 25, 1972. Applicant: ROCKY MOUNTAIN FEED INGREDIENTS SERVICE, INC., 1524 Lockwood Road, Billings, MT 59101. Applicant's representative: Hugh Sweeney, 2720 Third Avenue North, Billings, MT 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid animal feed*, in bulk, in tank vehicles, from Billings, Mont., to points in North Dakota on or west of North Dakota Highway 83 and points in Wyoming; (2) *liquid and dry animal feed*, in bulk, from Edgely, N. Dak., to points in South Dakota on or north of U.S. Highway 14; (3) *dry animal feed*, in bulk, from Great Falls, Mont., to points in Idaho on or north of U.S. Highway 12; (4) *beet pulp*, from Worland, Lovell, and Torrington, Wyo., to points in Montana, and (5) *molasses*, in bulk, in tank vehicles (a) from Seattle, Wash., to Great Falls, Mont., and (b) from Worland, Lovell, and Torrington, Wyo., to points in Montana (except Billings, Hardin, and Sidney, Mont.). NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 136210 (Sub-No. 2), filed February 14, 1972. Applicant: MOUNTAIN TRUCKING CORPORATION, 131 West Kirk Avenue, Roanoke, VA 24011. Applicant's representative: J. Thomas Engleby III (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ungraded lumber and wood chips*, from points in Carroll, Bland, and Tazewell Counties, Va., to Lexington and Winston-Salem, N.C.; St. Marys, W. Va.; and Kingsport, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 136285 (Sub-No. 1), filed February 28, 1972. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., Post Office Box 9165, Savannah, GA 31402. Applicant's representative: Robert E. Hicks, 310 Fulton Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk or in bags, restricted to traffic having a subsequent movement by water; *and empty containers* to be used in the transportation thereof, between points in Georgia and South Carolina, on the one hand, and, on the other, points in Chatham County, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 136401 (Sub-No. 1) (Correction), filed February 10, 1972, published in the FEDERAL REGISTER issue of March 9, 1972, and republished in part, as corrected, this issue. Applicant: ROBIN EXPRESS, INC., 20-02 Steinway Street, Long Island City, NY 11105. Applicant's representative: John P. Tynan, 69-20 Fresh Pond Road, Ridgewood, NY 11227. The purpose of this partial republication is to show the correct Docket number as MC 136401 (Sub-No. 1), in lieu of MC 136401 (Sub-No. 2) which erroneously appeared in the previous publication. The rest of the application remains as published.

No. MC 126431, filed February 14, 1972. Applicant: FRANK ANDLER, Post Office Box 684, Iron Mountain, MI 49801. Applicant's representative: William B. Elmer, 23801 Gratiot Avenue, East Detroit, MI 48021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Chicago, Ill.; South Bend, Ind.; Minneapolis, Minn.; and St. Louis, Mo., to Ishpeming, Mich; and (2) *carbonated beverages*, from Milwaukee, Wis, to Escanaba, Mich., and to points in Marquette County, Mich. NOTE: Applicant holds contract carrier authority under MC 114365. A concurrent application is being filed to convert said contract carrier authority to a common carrier certificate, and it is requested that this application be considered concurrently with that one. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., Milwaukee, Wis., or Chicago, Ill.

No. MC 136438, filed February 22, 1972. Applicant: LYNDEN TRANSPORT, INC., Post Office Box 433, Lynden, WA 98264. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products* (excluding bulk liquid commodities) as defined by the Commission, from Issaquah and Seattle, Wash., to San Jose and Sacramento, Calif.; (2) *salt and salt products*, from Newark, Calif., to Chehalis and Issaquah, Wash.; (3) *paper cartons, lids, tops, and packaging materials*, from Modesto, Calif., to Seattle and Issaquah, Wash.; and (4) *empty containers or such other incidental facilities used in transporting the commodities specified* and returned and rejected shipments and dairy products returned for salvage, on return. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 136438 (Sub-No. 1) (Amendment), filed January 3, 1972, published FEDERAL REGISTER, issue of February 3, 1972, and republished as amended this issue. Applicant: LYNDEN TRANSPORT, INC., Post Office Box 433, Lynden, WA 98264. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid concrete admixtures*, in bulk and tank vehicles, from Seattle, Wash., to points in Oregon, Idaho, Montana, and those in California lying on or north of a line drawn east and west through Redding, Calif., under contract with Master Builders, Division of Martin-Marietta Corp. of Cleveland, Ohio. NOTE: Applicant also conducts operations as a motor common carrier under Docket No. MC 65802 and various subs. Therefore, dual operations may be involved. The purpose of this republication is to show that applicant now seeks to conduct the above operations as a contract carrier, rather than as a common carrier. The application has been reassigned No. MC 136438 (Sub-No. 1) in lieu of No. MC 65802 (Sub-No. 50). If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 136439, filed February 22, 1972. Applicant: JACK McCANN TRUCKING CORP., 41 Lindberg Avenue, New Dorp, Staten Island, NY 10306. Applicant's representative: S. S. Eisen, 370 Lexington Avenue, New York, NY 10017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cocoa*, from New York Harbor, as defined in Ex Parte No. 140, to Baltimore, Md., Boston, Mass., and Philadelphia, Pa., restricted to traffic having had a prior movement by water, under contract with Tilston Roberts Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136441, filed February 16, 1972. Applicant: COLONIAL MOVING COMPANY, INC., 129 Hollywood Boulevard, Fort Walton Beach, FL 32548. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue, NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic,

between points in Escambia, Santa Rosa, Okaloosa, Walton, and Holmes Counties, Fla., and Covington, Escambia, Baldwin, and Mobile Counties, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pensacola, Fla., or Washington, D.C.

No. MC 136450, filed February 22, 1972. Applicant: LARDON LEASING, INC., Post Office Box 59, Addison, IL 60101. Applicant's representative: Russell M. Kofoed, 111 West Washington Street, Suite 1837, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated boxes and machinery* used to manufacture corrugated boxes from Lombard, Ill., and in the transportation of *raw material* used in the manufacture of corrugated boxes and machinery to Lombard, Ill., from Lombard, Ill., to customers of Coronet Container Corp. in points in Illinois, Wisconsin, Iowa, Minnesota, Indiana, Tennesessee, Kentucky, Georgia, Ohio, Pennsylvania, Nebraska, Kansas, Missouri, Michigan, South Dakota, and North Dakota, and from raw material suppliers of Coronet Container Corp. in said States to Lombard, Ill., under contract with Coronet Container Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 136456, filed February 14, 1972. Applicant: GOLDEN INDUSTRIAL SERVICE, INC., Post Office Box 713 (Coors Brewery Grounds), Golden, CO 80401. Applicant's representative: Roger Sollenbarger, 9580 West 14th Avenue, Lakewood, CO 80215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Recyclable aluminum cans*, from Golden, Colo., to Denver, Colo., restricted to shipments having a subsequent movement by rail, under contract with Adolph Coors Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 136458, filed February 25, 1972. Applicant: NORBERT G. HASSELBRING, 524 Ninth Avenue, St. Cloud, MN 56301. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles*, (1) between points in Illinois, Indiana, Iowa, Kansas, Michigan, Wisconsin, Missouri, Nebraska, North Dakota, and South Dakota, on the one hand, and, on the other, points in Minnesota; and (2) between points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, on the one hand, and, on the other, points in Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 136459, filed February 22, 1972. Applicant: CHARLES F. BRAUN, 4175 Whitmore Lake Road, Ann Arbor, MI 48105. Applicant's representative: William B. Elmer, 23801 Gratiot Avenue, East Detroit, MI 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, or irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite and storage facilities of Olin Corp. at or near Joliet, Ill., to points in Indiana, and those in the lower peninsula of Michigan, under a continuing contract with Olin Corp. of Little Rock, Ark. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Chicago, Ill.

No. MC 136460, filed February 22, 1972. Applicant: MURPHY RIGGING & ERECTING, INC., 2225 West County Road D, St. Paul, MN 55113. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities requiring rigging or erecting* and (2) *equipment, materials and supplies* used in the rigging, erection and installation of commodities described in (1) above and *parts and materials* requiring special rigging or erecting for installation or removal at jobsite, between points in Iowa, the upper peninsula of Michigan, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and those in Illinois north of U.S. Highway 30, restricted to shipments moving to or from railheads, water ports, or airports and further restricted to traffic originating in or destined to points in the area described. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 136461, filed February 25, 1972. Applicant: McKIMM MILK TRANSIT, INC., Highway 22 South, Hutchinson, MN 55350. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and dairy byproducts*, from Albany, Melrose, Hutchinson, and Watkins, Minn., to Antigo, Wausau, Mosinee, and Green Bay, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

MOTOR CARRIER OF PASSENGERS

No. MC 3647 (Sub-No. 440) (Amendment), filed February 9, 1972, published in the FEDERAL REGISTER issue of March 9, 1972, and republished in part as amended this issue. Applicant: TRANSPORT OF NEW JERSEY, a corporation, 180 Boyden Avenue, Maplewood, NJ 07040. Applicant's representative: Thomas J. McCluskey (same address as applicant). NOTE: The sole purpose of this partial republication is to add parts 6 and 7 as follows: (6) Between Little Falls and Wayne, N.J., from junction Center Avenue and Main Street, Little Falls, N.J., over Main Street to junction Main Street and New Jersey Highway 23, thence over New Jersey Highway 23 to junction U.S. Highway 46 and Interstate Highway 80, Wayne, N.J., and returning over the same route, serving all intermediate points and (7) between points in Wayne, N.J., from junction of Riverview Drive and U.S. Highway 46, over U.S. Highway 46 to junction of New Jersey Highway 23 and returning over the same route, serving all intermediate points. The rest of the application remains as previously published.

APPLICATIONS FOR BROKERAGE LICENSE

No. MC 130086 (Sub-No. 1), filed February 28, 1972. Applicant: MAXAM TOUR AND TRAVEL, INC., 4531 West Forest Home Avenue, Milwaukee, WI 53219. For a license (BMC–5) to engage in operations as a *broker* at Milwaukee, Wis., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, in special and charter operations in round-trip tours, beginning and ending at points in Eau Claire, Chippewa, Jackson, Taylor, Marathon, Portage, Wood, and Dane Counties, Wis., and extending to points in the United States, including Alaska and Hawaii, and ports of entry on the international boundary line between the United States and Canada.

No. MC 130166, filed February 15, 1972. Applicant: JOHN J. PRAT, SR., doing business as PRAT'S TRAVEL AGENCY, 931 Canal Street, 725 Audubon Building, New Orleans, LA 70112. Applicant's representative: Daniel Lund, 806 National Bank of Commerce Building, New Orleans, LA 70112. For a license (BMC–5) to engage in operations as a *broker* at New Orleans, La., in arranging for transportation in interstate or foreign commerce of *individuals or groups of passengers, and their baggage*, in round trip special and charter-conducted educational and sightseeing tours, beginning and ending at New Orleans, La., and extending to points in the United States, including Alaska and Hawaii.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 114457 (Sub-No. 125), filed February 29, 1972. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal plate* used in the manufacture of containers and container ends and closures utilized by packinghouses and dairies, from Chicago, Ill., to Mankato and Minneapolis, Minn., and (2) *metal plate* used in the manufacture of containers and container ends and closures utilized by canning factories, from Chicago, Ill. (except points in its commercial zone within the State of Indiana), and Milwaukee, Wis., to Mankato and Minneapolis, Minn. NOTE: The instant application is accompanied by a Motion to Dismiss. Applicant states that the requested authority cannot be tacked with its existing authority.

APPLICATION FOR WATER CARRIERS

No. W–104 (Sub-No. 24) (UNION BARGE LINE CORPORATION EXTENSION—INTERCOASTAL), filed March 8, 1972. Applicant: UNION BARGE

LINE CORPORATION, One Oliver Plaza, Pittsburgh, PA 15222. Applicant's representative: Peter A. Greene, Commonwealth Building, 1625 K Street NW., Washington, DC 20006. By application filed March 8, 1972, applicant seeks a revision of Certificate No. W–104, to cover the following proposed changes in service: Operation as a *common carrier* by water in interstate or foreign commerce by non-self-propelled vessels with the use of separate towing vessels in the transportation of *articles* exceeding 19 feet in height, 12 feet in width, 90 feet in length, or 100 tons in weight, *component parts thereof, and related equipment,* between ports and points along the Pacific Coast and tributary waterways, on the one hand, and, on the other, ports and points along the Gulf of Mexico and tributary waterways.

No. W–463 (Sub-No. 10) (JAMES HUGHES, INC., EXTENSION—GULF PORTS), filed March 7, 1972. Applicant: JAMES HUGHES, INC., 17 Battery Place, New York, NY 10004. Applicant's representative: L. Agnew Myers, Jr., Suite 1122, Warner Building, E at 13th Street NW., Washington, DC 20004. By application filed March 7, 1972, applicant seeks a revision of Certificate No. W–463 to cover the following proposed changes in service: Operation as a *common carrier* by water in interstate or foreign commerce by non-self-propelled vessels with the use of separate towing vessels in the transportation of *articles* exceeding 19 feet in height, 12 feet in width, and 90 feet in length or 100 tons in weight, *component parts thereof, and related equipment,* between ports and points on the Atlantic Coast and tributary waterways, on the one hand, and, on the other, ports and points along the Gulf of Mexico and tributary waterways excluding the Mississippi River system above New Orleans.

No. W–587 (Sub-No. 29) (FOSS L & T CO. EXTENSION—INTERCOASTAL), filed March 7, 1972. Applicant: FOSS L & T CO., a corporation, 660 West Ewing Street, Seattle, WA 98119. Applicant's representative: Edward G. Lowry III, 14th Floor, Norton Building, Seattle, Wash. 98104. By application filed March 7, 1972, applicant seeks revision of its Tenth Amended Certificate W–587 to cover the following proposed changes in service: Operation as a *common carrier* by water, in interstate or foreign commerce by towing vessels in the performance of towage and by non-self-propelled vessels with the use of separate towing vessels of *commodities* exceeding 100 tons in weight or exceeding one or more of the following dimensions: height—19 feet; width—12 feet; length—90 feet, along with *component parts of such commodities and related equipment,* between ports and points on the Atlantic and Gulf of Mexico Coasts and tributary waterways, on the one hand, and, on the other, ports and points along the Pacific Coast and tributary waterways.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–4348 Filed 3–22–72;8:45 am]

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THURSDAY, MARCH 23, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 57

PART II

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

CERTIFICATION OF PILOTS AND FLIGHT INSTRUCTORS

Notice of Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 61]

[Docket No. 11802; Notice 72-9]

CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 61 to revise the standards for issuing pilot and flight instructor certificates and ratings.

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 July 21, 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.

On November 1, 1962, Parts 20, 21, 22, and 43 were recodified without substantive change as Part 61 of the Federal Aviation Regulations. Since the recodification there have been approximately 53 substantive amendments to Part 61, but none of the amendments involved a basic change in the pilot training and certification standards initially introduced in 1938. In this regard the Assistant Secretary of Transportation for Safety and Consumer Affairs, Office of the Secretary of Transportation, in his recent report on General Aviation Safety, dated September 15, 1971, stated that there was almost complete agreement among the general aviation aircraft manufacturers, FAA inspectors, fixed base operators and pilots that Part 61 of the Federal Aviation Regulations needs a revision and an upgrading that will reflect the complexity of the modern aircraft and its operating environment.

In order to determine the present and future needs for pilot training, representatives of the FAA held a series of discussions with general aviation working groups. There was agreement among the groups that the present airman standards, which rely primarily upon training a student to pass a written test and then demonstrate his ability to perform predetermined flight maneuvers, are no longer adequate. The group recommended that a new total operational training concept should be introduced. The keystone of this concept should be the instructor who would assume full responsibility for all phases of the required ground and flight training. In his new role he would also assume responsibility for the endorsement of a student pilot for solo or solo cross-country flights and for the ability of a pilot he has instructed to pass the required written and flight tests.

The FAA believes that this new concept has considerable merit and has introduced it in this proposed revision of Part 61 so that all interested persons may have an opportunity to express their views in regard to that concept.

Under this new training concept, all of the various procedures and maneuvers now listed under the aeronautical skill requirements for the various types of pilot certificates and ratings would be eliminated. That listing would be replaced by pilot proficiency provisions which would only prescribe an outline of the areas of pilot operation in which flight instruction is necessary. However, an authorized instructor who has given a pilot flight instruction would be required to find that the pilot is able to perform safely as a pilot with the rating sought in order to become eligible for the prescribed flight test. In recognition of this type of instruction the proposed revision would require the applicant to pass a practical test only on those procedures and maneuvers selected by the FAA inspector, or designated examiner giving the test. The particular procedures and maneuvers that may be selected by the person giving the test would be listed in Advisory Circular 61-21, "Flight Training Handbook." In addition, it is proposed that the standards for the performance of those procedures and maneuvers would be published in appropriate flight test guides. Since the test of the applicant would also serve as a sample of the instructor's ability, the foregoing procedure should motivate each instructor to provide adequate training in all procedures and maneuvers before he endorses a student for the selective test given by the FAA inspector or designated examiner.

In view of the increased responsibilities of the instructor, the proposed revision would prescribe higher standards for flight instructors. In accordance with the recommendations of the Woman's Advisory Committee on Aviation, it would also provide for the issuance of a "gold seal" flight instructor certificate to certain well-qualified instructors who would be authorized to give instruction for an instructor certificate and the ratings for that certificate. It is anticipated that they could also be authorized to perform other responsibilities commensurate to their qualification such as accident prevention assistance to pilots at the various airports at which they are conducting training. Comments regarding the need and the feasibility of these or other responsibilities that could be performed by such instructors are solicited from all interested persons.

One of the more important substantive changes proposed in this revision is the requirement for a flight review of a pilot's competency every 24 months. This proposal was recommended initially by the Assistant Secretary for Safety and Consumer Affairs, OST, in his report on General Aviation Safety. In support of that recommendation the Assistant Secretary made the following pertinent statement in recommendation No. 1 of his report:

> Presently, an individual who has not flown for years can validate his pilot certificate by simply passing a medical examination. He can fly an aircraft without demonstrating competency, and legally carry passengers if he makes five solo takeoffs and landings within the last 90 days. A requirement for a flight review procedure would assure that every pilot would have a qualified individual comment on his competency at least once every 2 years. Many persons recommended a requirement for an annual or biennial check ride of each pilot as a condition for license renewal. This recommendation is not feasible because the limited number of Federal Aviation Administration inspectors and designated flight examiners would not be able to flight check all who needed it. On the other hand, having all pilots take a biennial flight or even an annual review with a certificated instructor appears practical. Under this procedure a flight instructor would endorse the pilot's logbook, when the flight was successfully accomplished.
>
> In addition, some formal ground review should accompany the flight check and include the pilot's knowledge of current flight regulations and operating practices. This would assure that he is aware of those technical aspects of flight operations he must conform with in order to conduct a safe flight.

We agree that a requirement for a flight review is a necessary step to assure the current qualification of all private pilots. However, it should be required only for those commercial pilots and airline transport pilots who are not engaged in operations for which a pilot in command proficiency test is required under Parts 121 through 137 of the Federal Aviation Regulations. Accordingly, as proposed herein § 61.55(b) would except those pilots who receive a proficiency check under Parts 121 through 137 from the biennial flight review. If the proficiency check for the pilot in command of an aircraft requiring more than one pilot is adopted as proposed in NPRM 71-8 and 71-8A (36 F.R. 5247 and 11865), that proficiency check would also be accepted for the biennial review proposed in this revision. In keeping with the added responsibility of the flight instructor this proposal would require the flight review to be given by an authorized flight instructor, or other person designated by the Administrator, who would, upon satisfactory completion of the flight review, make an endorsement to that effect in the pilot's logbook.

The flight review required by § 61.55(a) would consist of two parts. One part would consist of a demonstration by the pilot that he can safely exercise the privileges of his pilot certificate in the aircraft. The other part would consist of a review of the pilot's knowledge of current flight regulations and operating practices. The specific maneuvers or items to be reviewed would be left to the discretion of the instructor or other person conducting the flight review. The flight review would be given to determine a pilot's general overall piloting

ability. It would not limit a pilot to the particular category and class of aircraft in which the flight review was conducted. Thus, if a pilot holds a commercial pilot certificate with airplane single-engine land and sea ratings, he would not be limited to single-engine land airplanes because his flight review was conducted in a single-engine land airplane.

This revision also includes changes in the standards for airship and free balloon class ratings recommended by the Goodyear Tire and Rubber Co. and the Balloon Federation of America in rulemaking petitions to the Administrator. A detailed explanation of other significant changes included in this revision is contained in the subparts in which they appear. It is to be noted, that except for the recent experience requirements proposed in § 61.55, this proposed revision of Part 61 does not make any substantive changes to present Subpart E which contains the requirements for Airline Transport Pilot Certificates, or to Appendix A which contains the practical test requirements for those certificates and associated class and type ratings. However, in order to conform with the renumbered sections of this revision, Subpart E would be redesignated as Subpart F and §§ 61.141 through 61.165 of the new subpart would be redesignated §§ 61.151 through 61.175, as shown in the the proposed table of contents.

In an effort to clarify those provisions of the present rules which were not readily understood, the proposed revision includes many editorial changes, some of which were discussed with student and private pilots to insure their clarity. In some instances changes in format were also made for easier reference to the provisions of the part. For the convenience of those persons who do not have Part 1 of the FAR's readily available, a glossary of the words and phrases defined in that part or other parts of the regulations, and used in this proposed revision, has been inserted immediately after the table of contents.

Subpart A—General. Except for placing the provisions pertaining to aircraft ratings and special certificates under a separate subpart, no substantive change would be made in most of the provisions in the present "Subpart A—General". In order to provide a transition to the revised requirements that does not impose an undue burden upon an applicant for a pilot or instructor certificate or rating, § 61.1(b) would, for a period of 1 year after the effective date of the revised Part 61, permit the applicant to meet the present requirements of Part 61, or those contained in the revised part. The important substantive changes made to the subpart include the following:

1. For convenient reference § 61.5 would contain a complete list of all pilot and instructor certificates and ratings issued and required by the Administrator. Under a previous notice of proposed rule making issued April 9, 1969, as NPRM 69–17 (34 F.R. 6484), the FAA proposed to amend Part 61 to provide for the issuance of a glider cloud flying rating. If that proposal is adopted its provisions will be included in this revised part when it is subsequently issued as a final rule. In the event NPRM 69–17 is adopted, it is to be noted that ground instruction would also be required for the proposed glider pilot rating since ground instruction would be required for all ratings under the revised Part 61. In addition, the revised Part 61 would require an instructor giving instrument instruction in gliders to hold an appropriate instrument rating on his flight instructor certificate.

In response to the recent increase in sport ballooning this revision introduces a private pilot certificate with a free balloon class rating for private pilots.

2. In order to correct any misunderstanding, § 61.7 would list by name those pilot certificates and ratings which are obsolete, while § 61.9 would describe the conditions under which the obsolete certificates could be exchanged for new certificates and ratings issued under the revised part.

3. To facilitate the listing of present and future aircraft for which an airman type rating is required § 61.5(b) provides for the listing of the various aircraft type ratings in Advisory Circular 61–1.

4. In response to the many inquiries by the public, proposed § 61.45 would more fully describe the type of aircraft and aircraft equipment needed for a required flight test. For the first time, it would specify the requirements for the use of a single control aircraft in a flight test. In addition, it more accurately refers to an aircraft used in a "simulated" instrument flight test instead of an instrument flight test.

5. A provision has been added to require an applicant for a written test to be old enough to meet the age requirement for the particular certificate within the validity period of the written test. This will eliminate an unwarranted burden and expense upon the FAA now caused by some persons utilizing the written tests for practice.

In addition to the biennial flight review proposed § 61.55 prescribes the recent flight experience requirements for the pilot in command of an aircraft carrying passengers. Paragraph (c) of the proposed section would require only three takeoffs and landings within the preceding 90 days. This requirement differs from the five takeoffs and landings in the present provisions of § 61.47 and as proposed in NPRM's 71–8 and 71–8A (36 F.R. 5247 and 11865) issued on March 18 and June 22, 1971. The reduction in the number of takeoffs and landings appears adequate when considered in conjunction with the other recent experience requirements proposed in this revision and NPRM's 71–8 and 71–8A. Therefore, if any final rules are adopted under NPRM's 71–8 and 71–8A, only three takeoffs and landings would be required as part of the recent experience requirements of those rules.

Subpart B—Aircraft ratings. The proposed Subpart B contains those provisions of the present "Subpart A—General" which prescribe the requirements for obtaining additional aircraft ratings, instrument ratings, category II pilot authorizations, glider towing authorizations, and special certificates such as those issued to an applicant on the basis of his military competence, or his foreign pilot certificate. In addition to the requirement in proposed § 61.73(d) for an instrument rating for a commercial pilot certificate with an airplane rating, some minor changes in language have been made in the transferred provisions, such as the deletion of the phrase "solo flight status," which is no longer used by the U.S. Armed Forces.

Subpart C—Student pilots. In addition to those changes necessary to reflect the new training concept, Subpart C would include the following changes:

1. Proposed § 61.87(c)(1) would include instruction in the control of an aeroplane at minimum airspeeds and stall recoveries for solo qualifications as a means of reducing the incidents of stall accidents involving student pilots.

2. A new requirement would be added to the solo flight requirements proposed in § 61.87(c)(3) for single-place gyroplanes. It would require at least three successful flights in a gyroplane towed from the ground under the observation of an instructor before a solo. Many single-place gyroplanes are being built as amateur-built aircraft from kits. This requirement will assure, to the extent possible, proper supervision of the initial flights conducted with those aircraft.

3. The general limitations upon a student pilot in proposed § 61.89 would include two significant changes from the limitation in present § 61.73. Under the first change, a student pilot would be permitted to use an aircraft in the furtherance of his business. Safetywise, there appears to be no need to make a distinction between a trip conducted by the student for his pleasure, or a trip conducted in the furtherance of his business or employment such as a trip to a business convention, or a trip to meet with prospective customers, as long as no passengers are carried in the aircraft. Under the second change, paragraph (b) would prohibit a student pilot from acting as a second in command pilot on an aircraft that is required by regulation or type certification to have a flight crew of two pilots.

4. Section 61.87(d) would require in separate documents two instructor endorsements for solo flights. The first endorsement would be required on the student pilot certificate by the instructor who has given the student instruction in the make and model aircraft to be flown in that flight. The second endorsement would be similar to the first endorsement, but would have to be made in the student's logbook every 90 days by an authorized flight instructor who has given him instruction in the make and model aircraft. This later requirement replaces the recency of experience requirements and is intended to assure the competency of those student pilots who do not advance to the point where they have passed a test for a private pilot certificate.

5. As in the case of the solo flight endorsement, proposed § 61.93(c) would require the student to obtain an endorsement on his certificate for solo cross-country flights from an instructor who has given him instruction. It would also require the student to have his logbook endorsed for the particular flight by the instructor who has reviewed his preflight planning. Repeated flights over the same routes would be authorized under the conditions specified in that section.

Subpart D—Private pilots. 1. The proposed § 61.103(a) would require the applicant for a free balloon pilot or glider pilot certificate to be at least 16 years of age, and change the minimum age for the applicant for an airship pilot certificate from 18 to 17, thereby conforming the airship certificate with the minimum age for other powered aircraft certificates.

2. The proposed § 61.105 introduces a ground instruction requirement for the private pilot certificate. This proposal would require the applicant to receive prescribed ground instruction from an authorized instructor, or as an alternative, present evidence to the FAA that he has satisfactorily completed a specified home study course. The general knowledge areas of the prescribed ground instruction are outlined in the proposal. However, the proposed section provides for the use of advisory circulars in describing the specific subjects to be covered in the ground instruction. In accordance with the new concept of training the method of determining the student's retention of the material taught by the instructor is left to the discretion of the instructor. While formal ground instruction is the preferred method of instruction, several excellent home study courses are available to students which contain reference material, study guides, and both intermediate and final examinations. These or other courses of ground instruction would be allowed under the proposal if approved by the applicant's instructor.

It is to be noted that under the proposed § 61.105 the applicant for a private pilot certificate would be required to have his logbook endorsed by an authorized instructor who has found that the applicant has the knowledge needed for a private pilot and is competent to pass the applicable written test. As previously stated, this endorsement is new. Since past experience shows that requiring recommendations prior to flight tests results in a significant reduction in the number of failures, this requirement should result in a benefit to the applicant.

3. As previously stated, the flight proficiency requirements for private pilots proposed in § 61.107 would no longer contain the specific procedures and maneuvers for instruction in pilot operations. Instead, the rule permits the instructor to select the procedures and maneuvers to be used for instruction. If this proposal is adopted, helpful guidance for flight instructors will continue to be made available in FAA Training Handbooks such as AC 61-21 and in Flight Test Guides.

4. The requirement in § 61.107(a)(6) that an applicant for an airplane rating be given instruction in descents and climbs by reference to instruments is new. This provides emergency capability, the need for which is demonstrated by the fact that about half of the approximately 60 pilots who request emergency assistance each month are unable to competently follow radar or DF heading instructions.

5. Two of the glider pilot requirements proposed in § 61.107(d) reflect recommendations made by the Soaring Society of America. The first appears in § 61.107(d)(1) which limits a glider pilot certificate to the type of tow in which the holder demonstrated his competency (ground or aero). The second appears in § 61.107(d)(5) which specifies the accuracy of the approach and landing.

6. Proposed § 61.109 retains the present 40-hour total minimum aeronautical experience for a private pilot certificate. It is retained for the purpose of conforming with the private pilot licensing standards of Annex 1 to the Convention on International Civil Action. However, experience indicates that most students will not be able to qualify in 40 hours for the following reasons:

(a) The provisions of present Part 61 list the specific maneuvers in which an applicant must receive training to become eligible for a private pilot certificate. The provisions of Part 61 as proposed herein would require the applicant to receive training in all maneuvers and procedures necessary for each pilot operation prescribed in proposed § 61.107. Therefore, we anticipate that this major change in the training concept, in itself, would require more flight instruction and training than is required under the present standards of Part 61.

(b) To obtain an estimate of the aeronautical experience acquired by applicants for a private pilot certificate under the present standards of Part 61, we examined the records for two groups of successful applicants for a private pilot certificate recently processed for certification by the FAA at the Aeronautical Center in Oklahoma City, Okla. Notwithstanding the present 40-hour minimum requirement, more than one-half of the 99 applicants in the first group reported more than 60 hours of aeronautical experience. Only one of the 99 applicants reported that he had only 40 hours when he obtained his Private Pilot Certificate, and only 19 of them reported between 41 and 49 hours of aeronautical experience. Twenty-eight applicants in that group reported between 50 and 59 hours, and the remaining 51 reported more than 60 hours.

The second group, which consisted of 100 successful applicants reported a comparable amount of aeronautical experience. Of this group, approximately 50 percent reported that they had more than 60 hours of aeronautical experience when they obtained their Private Pilot Certificates. Again, only one in the group reported that he had the minimum 40 hours of aeronautical experience, while 23 of them reported between 41 and 49 hours, 29 reported between 50 and 59 hours, and the remaining 47 reported more than 60 hours. This information appears to verify the belief that most students will require a significantly greater number of hours than 40 to qualify under the new requirements.

(c) In view of the recent advances in pilot ground trainers, their use should be encouraged wherever possible. In this respect it is to be noted that proposed § 61.129(b) would permit an applicant for a commercial pilot certificate to credit not more than 50 hours of pilot ground trainer time toward the required 250 hours of aeronautical experience. Yet, we are unable to credit pilot ground trainer time toward the 40-hour private pilot requirement because Annex 1 requires the United States, as a contracting state, to prescribe a minimum of 40 hours of flight time for a private pilot certificate. Since training in excess of 40 hours will undoubtedly be needed for proficiency in the private pilot operations proposed in this revision, it may be desirable to permit time logged in a pilot ground trainer to be applied toward the time needed by an applicant over and above the 40 hours needed for compliance with Annex 1. In such case, perhaps only a percentage of the total ground trainer time should be credited for a private pilot certificate in order to compensate for any difference in the type of training received.

In view of the foregoing, the FAA believes that further exploration and study of the 40-hour minimum aeronautical experience requirement is needed. However, before proceeding with the study an interchange of the views and information of the flight instructors, pilots, and other interested persons is needed for an informed evaluation of any change in that rule. Therefore, in addition to the comments and suggestions submitted in response to the proposals contained in this revised part, we would also appreciate any comments, suggestions, or data you believe would be helpful for that study. Your answers to the following questions would be especially helpful:

1. Should a realistic minimum number of hours of aeronautical experience (flight training and instruction) be prescribed in Part 61, or should the ICAO minimum be retained?

2. If you believe a realistic minimum should be prescribed how many hours do you believe would be needed under the proposed standards?

3. Should the use of the pilot ground trainer be permitted to obtain flight training and instruction for a private pilot certificate in excess of the 40 hours required by ICAO?

4. If your answer to question number 3 is yes, how much pilot ground trainer time do you believe should be credited toward the total flight time which you specified in your answer to question number 2?

Any regulatory action, if found desirable, taken as a result of the responses to the foregoing questions would be issued as a separate notice of proposed rule making to provide all interested

persons an opportunity to express their views and arguments regarding the merits of the proposal.

7. The introduction of specific instruction time for cross-country and night flying prescribed in proposed § 61.107(a)(7) and (9) appears necessary due to the increasing accident record for students engaged in such flying. The solo experience at a controlled airport required by § 61.107(a)(2) would give the student background for high density traffic operations.

8. Finally, the proposed § 61.109(c)(2) would increase the length for cross-country flights except as provided in the proposed § 61.111 for persons based on small islands.

Subpart E—Commercial pilots. 1. Under the proposed § 61.123, 18 years would be the minimum age for all commercial pilot certificates and ratings, including a free balloon class rating. As in the case of other pilot certificates with a free balloon rating only, the applicant for a commercial pilot certificate with a free balloon rating would not be required to obtain a medical certificate. Instead, a certification by that applicant that he has no known medical deficiency, which has proven adequate in the case of glider pilots, would be accepted as evidence of his physical and mental condition.

2. As proposed for other pilot certificates an applicant for a commercial pilot certificate would also be required under proposed § 61.113 or § 61.127 to have an endorsement in his logbook by the instructor from whom he obtained his ground or flight instruction, stating that the applicant is prepared to competently perform the privileges of a commercial pilot. A more comprehensive knowledge requirement than required under the existing rules would be proposed for the free balloon pilot. This is necessary because of the increase in the use of free balloons with airborne heaters which can remain airborne for a longer time than the old hot air balloons.

3. As in the case of the private pilot certificate with a glider pilot rating, the proficiency requirements for a commercial glider pilot rating in proposed § 61.127(d) would require accuracy landings in accordance with the recommendations of the Soaring Society of America. The flight proficiency standards for free balloons reflect recommendations of the Balloon Federation of America.

4. As proposed in § 61.129 the experience requirements for a commercial pilot certificate would introduce several changes from the present requirements. The principal change is the requirement for an instrument rating if the applicant is applying for a commercial pilot certificate with an airplane rating. If he does not hold such a rating his certificate would be endorsed with a restriction against the carriage of persons or property for hire on any night flight, or any cross-country flight of more than 50 nautical miles. This restriction, however, would permit the pilot to engage in certain operations such as crop dusting which is not considered to be the carriage of property. A similar requirement is proposed in § 61.63(d) for airplane type ratings and in § 61.73(d) for airplane type ratings issued to an applicant on the basis of military competence.

The total flight time for an airplane rating would be increased from 200 to 250 hours, but 50 hours of instruction from an authorized instructor in an approved ground trainer could be applied toward that total.

Separate minimum experience requirements for gyroplanes would be proposed in § 61.131(b). These requirements are based on the limited speed and range capability of the gyroplane which is operated from short fields and flown at low altitudes. Different flight experience would be required for airships and free balloons because of the operational differences in these aircraft even though they are both in the lighter-than-air category. Under this proposal flight time logged in other categories of aircraft could, for the first time, be applied toward the total flight time required for an airship rating.

Subpart G—Flight instructor certificates. 1. The proposed requirements for flight instructor certificates include several important substantive changes. Section 61.183(b) would require an applicant to be able to converse fluently in English. This requirement is proposed because it is difficult for a flight instructor to effectively conduct flight and ground instruction in the United States unless he can do so.

2. The requirement in proposed § 61.183(c)(1) which would require an applicant to possess at least a commercial pilot certificate is new. An applicant who holds only a private pilot certificate would no longer be eligible for an instructor's certificate. A pilot who does not first qualify for a commercial pilot certificate would not be entrusted with the increased responsibilities proposed by this revision. Section 61.183 would also change the present requirements by adding a requirement for an instrument rating for those applicants who wish an instructor certificate with an airplane rating.

3. Since a flight instructor would be authorized to conduct the required ground training for a student, private, and commercial pilot certificate, he would be required to pass a written test on all of the subjects for which ground instruction is prescribed in this part for those certificates and any ratings on those certificates.

4. The requirements in § 61.193 for 25 hours of pilot-in-command time in the category and class of aircraft in which a rating is sought are new. This experience, we believe, would correct the deficiency in the present requirements which permits flight instructors to give multi-engine flight instruction in a category and class of aircraft in which they do not have sufficient experience. In order to properly identify those flight instructors who are actually qualified in a particular category and class of aircraft, it is also proposed that the ratings entered on a flight instructor's certificate be expanded to include aircraft classes, as well as categories. The instrument instructor rating is likewise broken into aircraft categories to provide instructors who can teach IFR operations effectively in airplanes, helicopters, and gliders (glider cloud-flying).

5. Proposed § 61.185 would require an applicant for a flight instructor certificate to be found competent to pass the prescribed practical test by a "Gold Seal Flight Instructor" or a flight instructor having comparable qualifications. The gold seal flight instructor certificate is a new certificate and would only be issued to highly qualified instructors who meet the requirements of proposed § 61.189. The issuance of such certificates would, we believe, provide proper recognition to those instructors who achieve advanced standing and enhance the status of their profession as recommended by the Woman's Advisory Committee on Aviation and the Assistant Secretary for Safety and Consumer Affairs, OST, in his report on General Aviation Safety. If the instructor does not hold a gold seal flight instructor's certificate he would be required to hold a flight instructor certificate for at least 24 months, meet the requirements of § 61.183, and have given at least 200 hours of flight instruction before he would be eligible to instruct and certify an applicant for a flight instructor certificate.

Although the instruction would be required to be given by a gold seal flight instructor or a flight instructor having comparable qualifications, the applicant for an instructor rating would be required to pass a practical test given to him by an FAA inspector. No prescribed test would be given by the FAA inspector. He would select the test tasks that he believes would be best to evaluate the ability of the applicant in the particular training situation.

6. The present requirement for the recording of each period of instruction is deleted in accordance with requests by the working groups. However, the proposed § 61.191 would require a flight instructor to record the name of each student that he has recommended for a test and the test for which he was recommended. This information, which is essential for the evaluation of an instructor's performance, would be required to be recorded in the instructor's logbook or a separate document and retained for at least 3 years.

7. As used in the proposed part the term "authorized flight instructor" is not defined. Such a definition appears unnecessary in view of the provisions of §§ 61.195 and 61.197 which list the authorizations and limitations of a flight instructor. However, where the term "authorized instructor" is used that term is intended to include a certificated ground instructor who holds an appropriate rating to perform the particular function.

8. The addition of the proposed § 61.201 is intended to make it expressly clear that holders of the old form of flight instructor ratings and limited flight instructor ratings must meet all of the new requirements to qualify for the new form of flight instructor certificates. How-

ever, for those persons holding an instructor certificate without the new class or instrument ratings, the proposed § 61.203 describes the procedure for a changeover to the new ratings.

9. In his report on General Aviation Safety, the Assistant Secretary for Safety and Consumer Affairs, OST, recommended that Part 61 should incorporate a provision whereby "flight instructors are required to periodically attend a recognized flight instructor refresher clinic to assure their current knowledge of regulations and operating procedures. However, the instructor refresher clinic should not be a substitute for a revalidation flight." Although the FAA strongly supports the idea of a periodic refresher course for all flight instructors, it appears that the existing facilities may not be able to accommodate all of the approximately 34,000 certificated flight instructors for an annual or biennial clinic. Accordingly, further rule making action in regard to this recommendation has been deferred until the FAA has had an opportunity for further consultation with those persons who have conducted such clinics, and all interested persons have an opportunity to express their views and comments in regard to such a mandatory refresher course. Any person who wishes to express his views in this matter may enclose them with his comments in response to this revision of Part 61, or in a separate letter. When the evaluation of the information and viewpoints gained thereby has been completed, the FAA will decide whether further rule making action should be taken to make such clinics mandatory, including the curriculum and periodic intervals for such clinics.

Although not included herein, if this revision is adopted, it is proposed that those references to Part 61 appearing in the Airline Transport Pilot Certificate requirements of present Subpart E of Part 61, or in other parts of the Federal Aviation Regulations, would be corrected to conform with the pertinent sections of this revised part.

In consideration of the foregoing, it is proposed to amend Part 61 of the Federal Aviation Regulations to read as set forth herein.

This revision is proposed under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1422), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

NOTE: The reporting and recordkeeping requirements contained herein have been submitted for approval by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Issued in Washington, D.C., on March 16, 1972.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

GLOSSARY

As used in this proposed revision and as defined in the Federal Aviation Regulations—

"Administrator" means the Federal Aviation Administrator or any person to whom he has delegated his authority in the matter concerned.

"Agricultural aircraft operation" means the operation of an aircraft for the purposes of (1) dispensing any economic poison, (2) dispensing any other substance intended for plant nourishment, soil treatment, propagation of plantlife, or pest control, or (3) engaging in dispensing activities directly affecting agriculture, horticulture, or forest preservation, but not including the dispensing of live insects.

"Aircraft" means a device that is used or intended to be used for flight in the air.

"Aircraft engine" means an engine that is used or intended to be used in propelling aircraft. It includes engine appurtenances and accessories necessary for its functioning, but does not include propellers.

"Airframe" means the fuselage, booms, nacelles, cowlings, fairings, airfoil surfaces (including rotors but excluding propellers and rotating airfoils of engines), and landing gear of an aircraft and their accessories and controls.

"Airplane" means an engine-driven fixed-wing aircraft heavier than air, that is supported in flight by the dynamic reaction of the air against its wings.

"Airport" means an area of land or water that is used or intended to be used for the landing and takeoff of aircraft, and includes its buildings and facilities, if any.

"Airship" means an engine-driven lighter-than-air aircraft that can be steered.

"Air traffic" means aircraft operating in the air or on an airport surface, exclusive of loading ramps and parking areas.

"Air traffic clearance" means an authorization by air traffic control, for the purpose of preventing collision between known aircraft, for an aircraft to proceed under specified traffic conditions within controlled airspace.

"Air traffic control" means a service operated by appropriate authority to promote the safe, orderly, and expeditious flow of air traffic.

"Appliance" means any instrument, mechanism, equipment, part, apparatus, appurtenance, or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft, and is not part of an airframe, engine, or propeller.

"Approved," unless used with reference to another person, means approved by the Administrator.

"Armed Forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard, including their Regular and Reserve components and members serving without component status.

"Autorotation" means a rotorcraft flight condition in which the lifting rotor is driven entirely by action of the air when the rotorcraft is in motion.

"Balloon" means a lighter-than-air aircraft that is not engine driven.

"Category"—

(1) As used with respect to the certification, ratings, privileges, and limitations of airmen, means a broad classification of aircraft. Examples include: Airplane, rotorcraft, glider, and lighter-than-air and

(2) As used with respect to the certification of aircraft, means a grouping of aircraft based upon intended use or operating limitations. Examples include: Transport, normal, utility, acrobatic, limited, restricted, and provisional.

"Category II operation," with respect to the operation of aircraft, means a straight-in ILS approach to the runway of an airport under a Category II ILS instrument approach procedure issued by the Administrator or other appropriate authority.

"Ceiling" means the height above the earth's surface of the lowest layer of clouds or obscuring phenomena that is reported as "broken," "overcast," or "obscuration," and not classified as "thin" or "partial."

"Civil aircraft" means aircraft other than public aircraft.

"Class"—

(1) As used with respect to the certification, ratings, privileges, and limitations of airmen, means a classification of aircraft within a category having similar operating characteristics. Examples include: Single engine, multiengine, land, water, gyroplane, helicopter, airship, and free balloon, and

(2) As used with respect to the certification of aircraft, means a broad grouping of aircraft having similar characteristics of propulsion, flight, or landing. Examples include: Airplane, rotorcraft, glider, balloon, landplane, and seaplane.

"Decision height," with respect to the operation of aircraft, means the height at which a decision must be made, during an ILS or PAR instrument approach, to either continue the approach or to execute a missed approach.

"Flight crewmember" means a pilot, flight engineer, or flight navigator assigned to duty in an aircraft during flight time.

"Flight time" means the time from the moment the aircraft first moves under its own power for the purpose of flight until the moment it comes to rest at the next point of landing. ("Block-to-block" time.)

"Glider" means a heavier-than-air aircraft, that is supported in flight by the dynamic reaction of the air against its lifting surfaces and whose free flight does not depend principally on an engine.

"Gyroplane" means a rotorcraft whose rotors are not engine-driven except for initial starting, but are made to rotate by action of the air when the rotorcraft is moving; and whose means of propulsion, consisting usually of conventional propellers, is independent of the rotor system.

"Helicopter" means a rotorcraft that, for its horizontal motion, depends principally on its engine-driven rotors.

"Heliport" means an area of land, water, or structure used or intended to be used for the landing and takeoff of helicopters.

"Instrument" means a device using an internal mechanism to show visually or aurally the attitude, altitude, or operation of an aircraft or aircraft part. It includes electronic devices for automatically controlling an aircraft in flight.

"Lighter-than-air aircraft" means aircraft that can rise and remain suspended by using contained gas weighing less than the air that is displaced by the gas.

"Medical certificate" means acceptable evidence of physical fitness on a form prescribed by the Administrator.

"Night" means the time between the end of evening civil twilight and the beginning of morning civil twilight, as published in the American Air Almanac, converted to local time.

"Nonprecision approach procedure" means a standard instrument approach procedure in which no electronic glide slope is provided.

"Operate," with respect to aircraft, means use, cause to use or authorize to use aircraft, for the purpose (except as provided in § 91.10 of this chapter) of air navigation including the piloting of aircraft, with or without the right of legal control (as owner, lessee, or otherwise).

"Person" means an individual, firm, partnership, corporation, company, association, jointstock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them.

"Pilot in command" means the pilot responsible for the operation and safety of an aircraft during flight time.

"Precision approach procedure" means a standard instrument approach procedure in which an electronic glide slope is provided such as ILS and PAR.

"Propeller" means a device for propelling an aircraft that has blades on an engine-driven shaft and that, when rotated, produces by its action on the air, a thrust approximately perpendicular to its plane of rotation. It includes control components normally supplied by its manufacturer, but does not include main and auxiliary rotors or rotating airfoils of engines.

"Rotorcraft" means a heavier-than-air aircraft that depends principally for its support in flight on the lift generated by one or more rotors.

"Second in command" means a pilot who is designated to be second in command of an aircraft during flight time.

"Show," unless the context otherwise requires, means to show to the satisfaction of the Administrator.

"Type"—

(1) As used with respect to the certification, ratings, privileges, and limitations of airmen, means a specific make and basic model of aircraft, including modifications thereto that do not change its handling or flight characteristics. Examples include: DC–7, 1049, and F–27; and

(2) As used with respect to the certification of aircraft, means those aircraft which are similar in design. Examples include: DC–7 and DC–7C; 1049G and 1049H; and F–27 and F–27F.

"United States," in a geographical sense, means (1) the States, the District of Columbia, Puerto Rico, and the possessions, including the territorial waters, and (2) the airspace of those areas.

"U.S. air carrier" means a citizen of the United States who undertakes directly by lease, or other arrangement, to engage in air transportation.

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

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Subpart A—General

§ 61.1 Applicability.

(a) This part prescribes the requirements for issuing pilot and flight instructor certificates and ratings, the conditions under which those certificates

and ratings are necessary, and the privileges and limitations of those certificates and ratings.

(b) Until (1 year after the effective date of this revision) an applicant for a certificate or rating may meet either the requirements of this part, or the requirements in effect immediately before the date this revised part becomes effective). However, the applicant for a private pilot certificate with a free balloon class rating must meet the requirements of this part.

§ 61.3 Requirement for certificates, rating, and authorizations.

(a) *Pilot certificate.* No person may act as pilot in command or in any other capacity as a required pilot flight crewmember of a civil aircraft of U.S. registry unless he has in his personal possession a current pilot certificate issued to him under the part. However, when the aircraft is operated within a foreign country a current pilot license issued by the country in which the aircraft is operated may be used.

(b) *Pilot certificate: Foreign aircraft.* No person may, within the United States, act as pilot in command or in any other capacity as a required pilot flight crewmember of a civil aircraft of foreign registry unless he has in his personal possession a current pilot certificate issued to him under this part, or a pilot license issued to him or validated for him by the country in which the aircraft is registered.

(c) *Medical certificate.* Except for free balloon pilots piloting balloons and glider pilots piloting gliders, no person may act as pilot in command or in any other capacity as a required pilot flight crewmember of an aircraft under a certificate issued to him under this part, unless he has in his personal possession an appropriate current medical certificate issued under Part 67 of this chapter. However, when the aircraft is operated within a foreign country with a current pilot license issued by that country, evidence of current medical qualification for that license, issued by that country, may be used. In the case of a pilot certificate issued on the basis of a foreign pilot license under § 61.75, evidence of current medical qualification accepted for the issue of that license is used in place of a medical certificate.

(d) *Flight instructor certificate.* Except for lighter-than-air flight instruction in lighter-than-air aircraft, and for instruction in air transportation service given by the holder of an Airline Transport Pilot Certificate under § 61.169, no person other than the holder of a flight instructor certificate issued by the Administrator with an appropriate rating on that certificate may—

(1) Give any of the flight instruction required to qualify for a solo flight, solo cross-country flight, or for the issue of a pilot or flight instructor certificate or rating;

(2) Endorse a pilot logbook to show that he has given any flight instruction; or

(3) Endorse a student pilot certificate or log book for solo operating privileges.

(e) *Instrument rating.* No person may act as pilot in command of a civil aircraft under instrument flight rules, or in weather conditions less than the minimums prescribed for VFR flight unless—

(1) In the case of an airplane, he holds an instrument rating or an airline transport pilot certificate with an airplane category rating on it;

(2) In the case of a helicopter, he holds a helicopter instrument rating or an airline transport pilot certificate with a rotorcraft category and helicopter class rating not limited to VFR;

(3) In the case of a glider, he holds an instrument rating (airplane) or a glider cloud flying rating (NPRM 69–17); or

(4) In the case of an airship, he holds a commercial pilot certificate with lighter-than-air category and airship class ratings.

(f) *Category II pilot authorization.* (1) No person may act as pilot in command of a civil aircraft in a Category II operation unless he holds a current Category II pilot authorization for that type aircraft or, in the case of a civil aircraft of foreign registry, he is authorized by the country of registry to act as pilot in command of that aircraft in Category II operations.

(2) No person may act as second in command of a civil aircraft in a Category II operation unless he holds a current appropriate instrument rating or an airline transport pilot certificate (airplane) or, in the case of a civil aircraft of foreign registry, he is authorized by the country of registry to act as second in command of that aircraft in Category II operations.

This paragraph does not apply to operations conducted by the holder of a certificate issued under Part 121 of this chapter.

(g) *Category A aircraft pilot authorization.* The Administrator may issue a certificate of authorization to the pilot of a small airplane identified as a Category A aircraft in § 97.3(b)(1) of this chapter to use that airplane in a Category II operation, if he finds that the proposed operation can be safely conducted under the terms of the certificate. Such authorization does not permit operation of the aircraft carrying persons or property for compensation or hire.

(h) *Inspection of certificate.* Each person who holds a pilot certificate, flight instructor certificate, medical certificate, authorization, or license required by this part shall present it for inspection upon the request of the Administrator, an authorized representative of the National Transportation Safety Board, or any Federal, State, or local law enforcement officer.

§ 61.5 Certificates and ratings issued under this part.

(a) The following certificates are issued under this part:

(1) Pilot certificates:
(i) Student pilot.
(ii) Private pilot.
(iii) Commercial pilot.
(iv) Airline transport pilot.

(2) Flight instructor certificates:
(i) Flight instructor.
(ii) Gold seal flight instructor.

(b) The following ratings are placed on pilot certificates (other than student pilot) where applicable:

(1) Aircraft category ratings:
(i) Airplane.
(ii) Rotorcraft.
(iii) Glider.
(iv) Lighter-than-air.

(2) Airplane class ratings:
(i) Single-engine land.
(ii) Multiengine land.
(iii) Single-engine sea.
(iv) Multiengine sea.

(3) Rotorcraft class ratings:
(i) Helicopter.
(ii) Gyroplane.

(4) Lighter-than-air class ratings:
(i) Airship.
(ii) Free balloon.

(5) Aircraft type ratings are listed in Advisory Circular 61–1 entitled "Aircraft Type Ratings." This list includes ratings for the following:
(i) Large aircraft, other than lighter-than-air.
(ii) Small turbojet-powered airplanes.
(iii) Small helicopters for operations requiring an airline transport pilot certificate.
(iv) Other aircraft type ratings specified by the Administrator through aircraft type certificate procedures.

(6) Instrument ratings (on private and commercial pilot certificates only):
(i) Instrument—airplanes.
(ii) Instrument—helicopter.

(c) The following ratings are placed on flight instructor certificates where applicable:

(1) Aircraft category ratings:
(i) Airplane.
(ii) Rotorcraft.
(iii) Glider.

(2) Airplane class ratings:
(i) Single-engine.
(ii) Multiengine.

(3) Rotorcraft class ratings:
(i) Helicopter.
(ii) Gyroplane.

(4) Instrument ratings:
(i) Instrument—airplane.
(ii) Instrument—helicopter.
(iii) Glider cloud-flying.

§ 61.7 Obsolete certificates and ratings.

(a) The holder of a free balloon pilot certificate issued (before the effective date of this revision) may not exercise the privileges of that certificate.

(b) The holder of a pilot certificate that bears any of the following category ratings without an associated class rating, may not exercise the privileges of that category rating:

(1) Rotorcraft.
(2) Lighter-than-air.
(3) Helicopter.
(4) Autogiro.

§ 61.9 Exchange of obsolete certificates and ratings for current certificates and ratings.

(a) The holder of an unexpired free balloon pilot certificate, or an unexpired pilot certificate with an obsolete category rating listed in § 61.7(b) of this

part may exchange that certificate for a certificate with the following applicable category and class rating, without a further showing of competency, until (the end of the second year after effective date of the revision). After that date, a free balloon pilot certificate or certificate with an obsolete rating expires.

(b) Private or commercial pilot certificate with rotorcraft category rating: The holder of a private or commercial pilot certificate with a rotorcraft category rating is issued that certificate with a rotorcraft category rating, and a helicopter or gyroplane class rating, depending upon whether a helicopter or a gyroplane is used to qualify for the rotorcraft category rating.

(c) Private or commercial pilot certificate with helicopter or autogiro category rating: The holder of a private or commercial pilot certificate with a helicopter or autogiro category rating is issued that certificate with a rotorcraft category rating and a helicopter class rating (in the case of a helicopter category rating), or a gyroplane class rating (in the case of an autogiro rating).

(d) Airline transport pilot certificate with helicopter or autogiro category rating: The holder of an airline transport pilot certificate with a helicopter or autogiro category rating is issued that certificate with a rotorcraft category rating (limited to VFR) and a helicopter class and type rating (in the case of a helicopter category rating), or a gyroplane class rating (in the case of an autogiro category rating).

(e) Airline transport pilot certificate with a rotorcraft category rating (without a class rating): The holder of an airline transport pilot certificate with a rotorcraft category rating (without a class rating) is issued that certificate with a rotorcraft category rating limited to VFR, and a helicopter and type rating or a gyroplane class rating, depending upon whether a helicopter or gyroplane is used to qualify for the rotorcraft category rating.

(f) Free balloon pilot certificate: The holder of a free balloon pilot certificate is issued a private pilot certificate with a lighter-than-air category rating and, if appropriate, with the limitations provided in § 61.141 of this part.

(g) Lighter-than-air pilot certificate or pilot certificate with lighter-than-air category (without a class rating):

(1) In the case of an application made (before 24 months after the effective date of this revision), the holder of a lighter-than-air pilot certificate or a pilot certificate with a lighter-than-air category rating (without a class rating) is issued a private or commercial pilot certificate, as appropriate, with a lighter-than-air category rating and airship and free balloon class ratings.

(2) In the case of an application made (24 months after the effective date of this revision) the holder of a lighter-than-air pilot certificate with an airship rating issued prior to (the effective date of this revision) may be issued a free balloon class rating upon passing the appropriate flight test in a free balloon.

§ 61.11 Expired pilot certificates and reissuance.

(a) No person may exercise the privileges of an expired pilot certificate, or rating.

(b) Except as provided, the following certificates and ratings have expired and are not reissued:

(1) An airline transport pilot certificate issued before May 1, 1949, or containing a horsepower rating. However, an airline transport pilot certificate bearing an expiration date and issued after April 30, 1949, may be reissued without an expiration date if it does not contain a horsepower rating.

(2) A private or commercial pilot certificate, or a lighter-than-air or free balloon pilot certificate, issued before July 1, 1945. However, each of those certificates issued after June 30, 1945, and bearing an expiration date, may be reissued without an expiration date.

(c) A private or commercial pilot certificate or a special purpose pilot certificate, issued on the basis of a foreign pilot license, expires on the expiration date stated thereon. A certificate without an expiration date is issued to the holder of the expired certificate only if he meets the requirements of § 61.75 of this part for the issue of a pilot certificate based on a foreign pilot license.

§ 61.13 Application and qualification.

(a) Application for a certificate and rating, or for an additional rating under this part is made on a form and in a manner prescribed by the Administrator.

(b) An applicant who meets the requirements of this part is entitled to an appropriate pilot certificate with aircraft ratings. However, the Administrator may refuse to issue certificates to persons who are not citizens of the United States and who do not reside in the United States. Additional aircraft category, class, type and other ratings, for which the applicant is qualified, are added to his certificate.

(c) An applicant who cannot comply with all of the skill requirements prescribed by this part because the aircraft used by him for his flight training or flight test is characteristically incapable of performing a required pilot operation, but who meets all other requirements for the certificate or rating sought, is issued the certificate or rating with appropriate limitations.

(d) An applicant for a pilot certificate who holds a medical certificate under § 67.19 of this chapter with special limitations on it, but who meets all other requirements for that pilot certificate, is issued a pilot certificate containing such operating limitations as the Administrator determines are necessary because of the applicant's medical deficiency.

(e) A Category II pilot authorization is issued as a part of the applicant's instrument rating or airline transport pilot certificate. Upon original issue the authorization contains a limitation for Category II operations of 1,600 feet RVR and a 150-foot decision height. This limitation is removed when the holder shows that since the beginning of the sixth preceding month he has made three Category II ILS approaches to a landing under actual or simulated instrument conditions with a 150-foot decision height.

(f) Unless authorized by the Administrator—

(1) A person whose pilot certificate is suspended may not apply for any pilot or flight instructor certificate or rating during the period of suspension; and

(2) A person whose flight instructor certificate only is suspended may not apply for any rating to be added to that certificate during the period of suspension.

(g) Unless the order of revocation provides otherwise—

(1) A person whose pilot certificate is revoked may not apply for any pilot or flight instructor certificate or rating for 1 year after the date of revocation; and

(2) A person whose flight instructor certificate only is revoked may not apply for any flight instructor certificate for 1 year after the date of revocation.

§ 61.15 Offenses involving narcotic drugs, marihuana, and depressant or stimulant drugs or substances.

(a) A person convicted of violating any Federal statute relating to the manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marihuana, or depressant or stimulant drugs or substances, is not eligible for any certificate or rating issued under this part for a period of 1 year after the date of final conviction.

(b) A person whom the Administrator finds to have committed an act prohibited by § 91.12(a) of this chapter is not eligible for any certificate or rating issued under this part, or to take any test required therefor, for a period of 1 year after the date of that act.

(c) Any conviction specified in paragraph (a) of this section or the commission of the act referenced in paragraph (b) of this section, is grounds for suspending or revoking any certificate or rating issued under this part.

§ 61.17 Temporary certificate.

(a) A temporary pilot or flight instructor certificate, or a rating, effective for a period of not more than 90 days, is issued to a qualified applicant pending a review of his qualifications and the issuance of a permanent certificate or rating by the Administrator. The permanent certificate or rating is issued to an applicant found qualified and a denial thereof is issued to an applicant found not qualified.

(b) A temporary certificate issued under paragraph (a) of this section expires—

(1) At the end of the expiration date stated thereon; or

(2) Upon receipt by the applicant, of—

(i) The certificate or rating sought; or

(ii) Notice that the certificate or rating sought is denied.

§ 61.19 Duration of pilot and flight instructor certificates.

(a) *General.* The holder of a certificate with an expiration date may not, after that date, exercise the privileges of that certificate.

(b) *Student pilot certificate.* A student pilot certificate expires at the end of the 24th month after the month in which it is issued.

(c) *Other pilot certificates.* Any pilot certificate (other than a student pilot certificate) issued under this part is issued without a specific expiration date. However, the holder of a pilot certificate issued on the basis of a foreign pilot license may exercise the privileges of that certificate only while the foreign pilot license on which that certificate is based is effective.

(d) *Flight instructor certificate.* A flight instructor certificate (including a gold seal flight instructor certificate)—

(1) Is effective only while the holder has a current pilot certificate and a medical certificate appropriate to the pilot privileges being exercised; and

(2) Expires at the end of the 24th month after the month in which it was last issued or renewed.

(e) *Surrender, suspension, or revocation.* Any pilot certificate or flight instructor certificate issued under this part ceases to be effective if it is surrendered, suspended, or revoked.

(f) *Return of certificate.* The holder of any certificate issued under this part that is suspended or revoked shall, upon the Administrator's request, return it to the Administrator.

§ 61.21 Duration of Category II pilot authorization.

A Category II pilot authorization expires at the end of the sixth month after it was last issued or renewed. Upon passing a practical test it is renewed for each type airplane for which an authorization is held. However, an authorization for any particular type airplane for which an authorization is held will not be renewed to extend beyond the end of the 12th month after the practical test was passed in that type airplane. If the holder of the authorization passes the practical test for a renewal in the month before the authorization expires, he is considered to have passed it during the month the authorization expired.

§ 61.23 Duration of medical certificates.

(a) A first-class medical certificate expires at the end of the last day of—

(1) The sixth month after the month of the date of examination shown on the certificate, for operations requiring an airline transport pilot certificate;

(2) The 12th month after the month of the date of examination shown on the certificate, for operations requiring only a commercial pilot certificate; and

(3) The 24th month after the month of the date of examination shown on the certificate, for operations requiring only a private or student pilot certificate.

(b) A second-class medical certificate expires at the end of the last day of—

(1) The 12th month after the month of the date of examination shown on the certificate, for operations requiring a commercial pilot certificate; and

(2) The 24th month after the month of the date of examination shown on the certificate, for operations requiring only a private or student pilot certificate.

(c) A third-class medical certificate expires at the end of the last day of the 24th month after the month of the date of examination shown on the certificate, for operations requiring a private or student pilot certificate.

§ 61.25 Change of name.

An application for the change of a name on a certificate issued under this part must be accompanied by the applicant's current certificate and a copy of the marriage license, court order, or other document verifying the change. The documents are returned to the applicant after inspection.

§ 61.27 Voluntary surrender or exchange of certificate.

The holder of a certificate issued under this part may voluntarily surrender it for cancellation, or for the issue of a certificate of lower grade, or another certificate with specific ratings deleted. If he so requests, he must include the following signed statement or its equivalent:

> This request is made for my own reasons, with full knowledge that my [insert name of certificate or rating, as appropriate] may not be reissued to me unless I again pass the tests prescribed for its issue.

§ 61.29 Replacement of lost or destroyed certificate.

(a) An application for the replacement of a lost or destroyed airman certificate issued under this part is made by letter to the Department of Transportation, Federal Aviation Administration, Airman Certification Branch, Post Office Box 25082, Oklahoma City, OK 73125. The letter must—

(1) State the name of the person to whom the certificate was issued, the permanent mailing address (including ZIP code), social security number (if any), date and place of birth of the certificate holder, and any available information regarding the grade, number, and date of issue of the certificate, and the ratings on it; and

(2) Be accompanied by a check or money order for $2, payable to the Federal Aviation Administration.

(b) An application for the replacement of a lost or destroyed medical certificate is made by letter to the Department of Transportation, Federal Aviation Administration, Aeromedical Certification Branch, Post Office Box 25082, Oklahoma City, OK 73125, accompanied by a check or money order for $2.

(c) A person who has lost a certificate issued under this part, or a medical certificate issued under Part 67, or both, may obtain a telegram from the FAA confirming that it was issued. The telegram may be carried as a certificate for a period not to exceed 60 days pending his receipt of a duplicate certificate under paragraph (a) or (b) of this section, unless he has been notified that the certificate has been suspended or revoked. The request for such a telegram may be made by letter or prepaid telegram, including the date upon which a duplicate certificate was previously requested, if one was made, and a money order for the cost of the duplicate certificate. The request for a telegraphic certificate is sent to the office listed in paragraph (a) or (b) of this section, as appropriate. However, a request for both airman and medical certificates at the same time must be sent to the office prescribed in paragraph (b) of this section.

§ 61.31 General limitations.

(a) *Type rating required.* A person may not act as pilot in command of any of the following aircraft unless he holds a type rating for that aircraft:

(1) A large aircraft (except lighter-than-air).

(2) A helicopter, for operations requiring an airline transport pilot certificate.

(3) A turbojet-powered airplane.

(4) Other aircraft specified by the Administrator through aircraft type certificate procedures.

(b) *Authorization in lieu of a type rating.* (1) In lieu of a type rating required under paragraphs (a) (1), (3), and (4) of this section, an aircraft may be operated under an authorization issued by the Administrator, for a flight or series of flights within the United States, if—

(i) The particular operation for which the authorization is requested involves a ferry flight, a practice or training flight, a flight test for a pilot type rating, or a test flight of an aircraft for a period that does not exceed 60 days;

(ii) The applicant shows that compliance with paragraph (a) of this section is impracticable for the particular operation; and

(iii) The Administrator finds that an equivalent level of safety may be achieved through operating limitations on the authorization.

(2) Aircraft operated under an authorization issued under this paragraph—

(i) May not be operated for compensation or hire; and

(ii) May carry only flight crewmembers necessary for the flight.

(3) An authorization issued under this paragraph may be reissued for an additional 60-day period for the same operation if the applicant shows that he was prevented from carrying out the purpose of the particular operation before his authorization expired. The prohibition of subparagraph (2) (ii) of this paragraph does not prohibit compensation for the use of an aircraft by a pilot solely to prepare for or take a flight test for a type rating.

(c) *Category and class rating: Carrying another person or operating for compensation or hire.* Unless he holds a category and class rating for that aircraft, a person may not act as pilot in command of an aircraft that is carrying another person or is operated for compensation or hire. In addition, he may not act as

pilot in command of that aircraft for compensation or hire.

(d) *Category and class rating: Other operations.* No person may act as pilot in command of an aircraft in solo flight in operations not subject to paragraph (c) of this section, unless he meets at least one of the following:

(1) He holds a category and class rating appropriate to that aircraft.

(2) He has received flight instruction in the pilot operations required by this part, appropriate to the category and class of aircraft for first solo, given to him by a certificated flight instructor who has found him competent to solo that category and class of aircraft and so endorsed his pilot logbook.

(3) He has soloed and logged pilot-in-command time in that category and class of aircraft before (the effective date of this revision).

(e) *High performance airplanes.* A person holding a private or commercial pilot certificate may not act as pilot in command of an airplane that has more than 200 horsepower, or a retractable landing gear, flaps, and a controllable propeller, unless he has received flight instruction in that airplane from an authorized flight instructor who has certified in his logbook that he is competent to pilot an airplane that has more than 200 horsepower, or a retractable landing gear, flaps, and a controllable propeller, as the case may be. However, this instruction is not required if he has logged flight time as pilot in command in airplanes before (the effective date of this revision).

(f) *Exception.* This section does not require a class rating for gliders, or category and class ratings for aircraft that are not type certificated as airplanes, rotorcraft, or lighter-than-air aircraft. In addition, the rating limitations of this section do not apply to—

(1) The holder of a student pilot certificate;

(2) The holder of a pilot certificate when operating an aircraft under the authority of an experimental or provisional type certificate;

(3) An applicant when taking a flight test given by the Administrator; or

(4) The holder of a pilot certificate with a lighter-than-air category rating when operating a hot air balloon without an airborne heater.

§ 61.33 Tests: General procedure.

(a) Tests prescribed by or under this part are given at times and places, and by persons, designated by the Administrator.

§ 61.35 Written test: Prerequisites and passing grades.

(a) An applicant for a written test must—

(1) Have the ground instruction or home study course required by this part for the certificate or rating sought;

(2) Present a written statement from an appropriately rated flight instructor who has given him instruction or reviewed his home study within the preceding 60 days and finds him competent to pass the written test;

(3) Present as personal identification an airman certificate, driver's license, or other official document; and

(4) Present a birth certificate or other official document showing that he meets the age requirement prescribed in this part for the certificate sought not later than 2 years from the date of application for the test.

(b) The minimum passing grade is specified by the Administrator on each written test sheet or booklet furnished to the applicant.

(c) This section does not apply to the written test for an airline transport pilot certificate or a rating associated with that certificate.

§ 61.37 Written tests: Cheating or other unauthorized conduct.

(a) Except as authorized by the Administrator, no person may—

(1) Copy, or intentionally remove, a written test under this part;

(2) Give to another, or receive from another, any part or copy of that test;

(3) Give help on that test to, or receive help on that test from, any person during the period that test is being given;

(4) Take any part of that test in behalf of another person;

(5) Use any material or aid during the period that test is being given; or

(6) Intentionally cause, assist, or participate in any act prohibited by this paragraph.

(b) No person whom the Administrator finds to have committed an act prohibited by paragraph (a) of this section is eligible for any airman or ground instructor certificate or rating, or to take any test therefor, under this chapter for a period of 1 year after the date of that act. In addition, the commission of that act is a basis for suspending or revoking any airman or ground instructor certificate or rating held by that person.

§ 61.39 Prerequisites for flight tests.

(a) To be eligible for a flight test for a certificate, or an aircraft or instrument rating issued under this part, the applicant must—

(1) Have passed any required written test since the beginning of the 24th month before the month in which he takes the flight test;

(2) Have the applicable instruction and aeronautical experience prescribed in this part;

(3) Hold a current medical certificate appropriate to the certificate he seeks or, in the case of a rating to be added to his pilot certificate, at least a third-class medical certificate issued since the beginning of the 24th month before the month in which he takes the flight test;

(4) Meet the age requirement for the issuance of the certificate or rating he seeks; and

(5) Have a written statement from an appropriately certificated flight instructor certifying that he has given the applicant flight instruction in preparation for the flight test within 60 days preceding the date of application, and finds him competent to pass the test and to have a satisfactory knowledge of the subject areas in which he is shown to be deficient by his FAA airman written test report. However, an applicant need not have this written statement if he—

(i) Holds a foreign pilot license issued by a contracting State to the Convention on International Civil Aviation that authorizes at least the pilot privileges of the airman certificate sought by him;

(ii) Is applying for a type rating only, or a class rating with an associated type rating; or

(iii) Is applying for an airline transport pilot certificate or an additional aircraft rating on that certificate.

(b) Notwithstanding paragraph (a)(1) of this section, an applicant for an airline transport pilot certificate or an additional aircraft rating on that certificate who has been, since passing the written examination, continuously employed as a pilot, or as a pilot assigned to flight engineer duties by, and is participating in an approved pilot training program of a U.S. air carrier or commercial operator, or who is rated as a pilot by, and is participating in a pilot training program of a U.S. scheduled military air transportation service, may take the flight test for that certificate or rating.

§ 61.41 Flight instruction received from flight instructors not certificated by FAA.

Flight instruction may be credited toward the requirements for a pilot certificate or rating issued under this part if it is received from—

(a) An Armed Force of either the United States or a foreign contracting State to the Convention on International Civil Aviation in a program for training military pilots; or

(b) A flight instructor who is authorized to give that flight instruction by the licensing authority of a foreign contracting State to the Convention on International Civil Aviation and the flight instruction is given outside the United States.

§ 61.43 Flight tests: General procedures.

(a) The ability of an applicant for a private or commercial pilot certificate, or for an aircraft or instrument rating on that certificate to perform the required pilot operations is based on the following:

(1) Executing procedures and maneuvers within the aircraft's performance capabilities and limitations, including use of the aircraft's systems.

(2) Executing emergency procedures and maneuvers appropriate to the aircraft.

(3) Piloting the aircraft with smoothness and accuracy.

(4) Exercising judgment.

(5) Applying his aeronautical knowledge.

(6) Showing that he is the master of the aircraft, with the successful outcome of a procedure or maneuver never seriously in doubt.

(b) If the applicant fails any of the required pilot operations in accordance with the applicable provisions of paragraph (a) of this section, the applicant fails the flight test. The applicant is not

eligible for the certificate or rating sought until he passes any pilot operations he has failed.

(c) The examiner or the applicant may discontinue the test at any time when the failure of a required pilot operation makes the applicant ineligible for the certificate or rating sought. If the test is discontinued the applicant is entitled to credit for only those entire pilot operations that he has successfully performed.

§ 61.45 Flight tests: Required aircraft and equipment.

(a) *General.* An applicant for a certificate or rating under this part must furnish, for each flight test that he is required to take, an appropriate aircraft of U.S. registry that has a current standard or limited airworthiness certificate. However, the applicant may, in the examiner's discretion, furnish an aircraft of U.S. registry that has a current airworthiness certificate other than standard or limited, an aircraft of foreign registry that is properly certificated by the country of registry, or a military aircraft in an operational status if its use is allowed by an appropriate military authority.

(b) *Required equipment (other than controls).* Aircraft furnished for a flight test must have—

(1) The equipment for each pilot operation required for the flight test;

(2) No prescribed operating limitations that prohibit its use in any required pilot operation;

(3) Pilot seats with adequate visibility for each pilot to operate the aircraft safely, except as provided in paragraph (d) of this section; and

(4) Cockpit and outside visibility adequate to evaluate the performance of the applicant, where an additional jump seat is provided for the examiner.

(c) *Required controls.* An aircraft (other than lighter-than-air) furnished under paragraph (a) of this section for any pilot flight test must have engine power controls and flight controls that are easily reached and operable in a normal manner by both pilots, unless after considering all the factors, the examiner determines that the flight test can be conducted safely without them. However, an aircraft having other controls such as nose-wheel steering, brakes, switches, fuel selectors, and engine air flow controls that are not easily reached and operable in a normal manner by both pilots may be used, if more than one pilot is required under its airworthiness certificate, or if the examiner determines that the flight can be conducted safely.

(d) *Simulated instrument flight equipment.* An applicant for any flight test involving flight maneuvers solely by reference to instruments must furnish equipment satisfactory to the examiner that excludes the visual reference of the applicant outside of the aircraft.

(e) *Aircraft with single controls.* At the discretion of the examiner, an aircraft furnished under paragraph (a) of this section for a flight test may, in the cases listed herein, have a single set of controls. In such case, the examiner determines the competence of the applicant by observation from the ground or from another aircraft.

(1) A flight test for addition of a class or type rating, not involving demonstration of instrument skills, to a private or commercial pilot certificate.

(2) A flight test in a single-place gyroplane for—

(i) A private pilot certificate with a rotorcraft category rating and gyroplane class rating, in which case the certificate bears the limitation "rotorcraft single-place gyroplane only"; or

(ii) Addition of a rotorcraft category rating and gyroplane class rating to a pilot certificate, in which case a certificate higher than a private pilot certificate bears the limitation "rotorcraft single-place gyroplane, private pilot privileges, only."

The limitations prescribed by this subparagraph may be removed if the holder of the certificate passes the appropriate flight test in a gyroplane with two pilot stations or otherwise passes the appropriate flight test for a rotorcraft category rating.

§ 61.47 Flight tests: Status of FAA inspectors and other authorized flight examiners.

An FAA inspector or other authorized flight examiner conducts the flight test of an applicant for a pilot certificate or rating for the purpose of observing the applicant's ability to perform satisfactorily the procedures and maneuvers on the flight test. The inspector or other examiner is not pilot in command of the aircraft during the flight test unless he acts in that capacity for the flight, or portion of the flight, by prior arrangement with the applicant or other person who would otherwise act as pilot in command of the flight, or portion of the flight. Notwithstanding the type of aircraft used during a flight test, the applicant and the inspector or other examiner are not, with respect to each other (or other occupants authorized by the inspector or other examiner), subject to the requirements or limitations for the carriage of passengers specified in this chapter.

§ 61.49 Retesting after failure.

An applicant for a written or flight test who fails that test may not apply for retesting until after 30 days after the date he failed the test. However, in the case of his first failure he may apply for retesting before the 30 days have expired upon presenting a written statement from an authorized instructor certifying that he has given additional appropriate instruction to the applicant and finds him competent to pass the test.

§ 61.51 Pilot logbooks.

(a) The aeronautical training and experience used to meet the requirements for a certificate or rating, or the recent flight experience requirements of this part must be shown by a reliable record. The logging of other flight time is not required.

(b) Logbook entries: Each pilot shall enter the following information for each flight or lesson logged:

(1) *General.* (i) Date.

(ii) Duration.

(iii) Place, or points of departure and arrival.

(iv) Type and identification of aircraft.

(2) *Type of pilot experience or training.* (i) Pilot in command or solo.

(ii) Second in command.

(iii) Flight instruction received from an authorized flight instructor.

(iv) Instrument flight instruction from an authorized flight instructor.

(v) Pilot ground trainer instruction.

(vi) Participating crew (lighter-than-air).

(vii) Other pilot time.

(3) *Conditions of flight.* (i) Day or night.

(ii) Instrument.

(iii) Simulated instrument conditions.

(c) Logging of pilot time:

(1) *Solo flight time.* A pilot may log as solo flight time only that flight time when he is the sole occupant of the aircraft. However, a student pilot may also log as solo flight time that time during which he acts as the pilot in command of an aircraft requiring more than one flight crewmember.

(2) *Pilot-in-command flight time.* (i) A private or commercial pilot may log as pilot-in-command time only that flight time during which he is the sole manipulator of the controls of an aircraft for which he is rated, or when he is the sole occupant of the aircraft, or when he acts as pilot in command of an aircraft on which more than one pilot is required under the type certification of the aircraft, or the regulations under which the flight is conducted.

(ii) An airline transport pilot may log as pilot-in-command time all of the flight time during which he serves as pilot in command.

(iii) A certificated flight instructor may log as pilot-in-command time all flight time during which he acts as a flight instructor.

(3) *Second-in-command flight time.* A pilot may log as second-in-command time all flight time during which he acts as second in command of an aircraft on which more than one pilot is required under the type certification of the aircraft, or the regulations under which the flight is conducted.

(4) *Instrument flight time.* A pilot may log as instrument flight time only that time during which he operates the aircraft solely by reference to instruments, under actual or simulated instrument flight conditions. Each entry must include the place and type of each instrument approach completed, and the name of the safety pilot for each simulated instrument flight. An instrument flight instructor may log as instrument time that time during which he acts as instrument flight instructor in actual instrument weather conditions.

(5) *Instruction time.* All time logged as flight instruction, instrument flight instruction, pilot ground trainer instruc-

tion, or ground instruction time must be certified by the appropriately rated and certificated instructor from whom it was received.

(d) Presentation of logbook:

(1) A pilot must present his logbook (or other record required by this section) for inspection upon reasonable request by the Administrator, an authorized representative of the National Transportation Safety Board, or any State or local law enforcement officer.

(2) A student pilot must carry his logbook (or other record required by this section) with him on all solo cross-country flights, as evidence of the required instructor clearances and endorsements.

§ 61.53 Operations during medical deficiency.

No person may act as pilot in command, or in any other capacity as a required pilot flight crewmember while he has a known medical deficiency, or increase of a known medical deficiency, that would make him unable to meet the requirements for his current medical certificate.

§ 61.55 Recent flight experience: Pilot in command.

(a) Except as provided in paragraph (b) of this section, no person may act as pilot in command of an aircraft unless, within the preceding 24 months, he has—

(1) Accomplished a flight review (including a review of the current general operating and flight rules of Part 91 of this chapter) given to him, in an aircraft for which he is rated, by an authorized instructor or other person designated by the Administrator; and

(2) His logbook has been endorsed by the authorized instructor or other person who gave him that review, certifying that he has accomplished the flight review and is competent to exercise the privileges of his pilot certificate.

(b) A person who has, within the preceding 24 months, satisfactorily completed a proficiency check required by the Federal Aviation Regulations for a certificate, rating, or operating privilege of a pilot in command, need not accomplish the flight review required by paragraph (a) of this section.

(c) Carriage of passengers: No person may act as pilot in command of an aircraft carrying passengers unless—

(1) Within the preceding 90 days, he has made three takeoffs and three landings as sole manipulator of the controls in an aircraft of the same category and class and, if a type rating is required, of the same type; and

(2) Within the preceding 12 months, he has logged at least 24 hours of pilot time (in the case of gliders, at least 10 hours, including at least 12 flights of which at least six used the same type of tow, ground or air, to be used), or has satisfactorily accomplished one of the following:

(i) A pilot refresher course, including at least 3 hours of instruction, of which not less than 1½ hours were in flight.

(ii) A flight review required by paragraph (a) of this section.

(iii) A proficiency check required by the Federal Aviation Regulations for a certificate, rating, or operating privilege of a pilot in command.

(iv) The flight review prescribed in paragraph (a) of this section.

If passengers are carried in a tailwheel airplane, the landings required by subparagraph (1) of this paragraph shall be made to a full stop in a tailwheel airplane.

(d) Night experience: No person may act as pilot in command of an aircraft carrying passengers during the period beginning 1 hour after sunset and ending 1 hour before sunrise (as published in the American Air Almanac) unless, within the preceding 90 days, he has made at least three takeoffs and three landings to a full stop during that period in the category and class of aircraft to be used. This paragraph does not apply to operations requiring an airline transport pilot certificate.

(e) Instrument:

(1) *Recent IFR experience.* No pilot may act as pilot in command under IFR, nor in weather conditions less than the minimums prescribed for VFR, unless he has, within the past 6 months—

(i) In the case of an aircraft other than a glider, logged at least 6 hours of instrument time under actual or simulated IFR conditions, at least 3 of which were in flight in the category of aircraft involved, including at least 6 instrument approaches, or passed an instrument competency check in the category of aircraft involved.

(ii) In the case of a glider, logged at least 3 hours of instrument time, at least half of which were in a glider or an airplane. If a passenger is carried in the glider, at least 3 hours of instrument flight time must have been in gliders.

(2) *Instrument competency check.* A pilot who does not meet the recent instrument experience requirements of subparagraph (1) of this paragraph during the prescribed time or 6 months thereafter may not serve as pilot in command under IFR, nor in weather conditions less than the minimums prescribed for VFR, until he passes an instrument competency check in the category of aircraft involved, given by an FAA inspector, a member of an Armed Force of the United States authorized to conduct flight tests, an FAA approved check pilot, or a certificated instrument flight instructor. The Administrator may authorize the conduct of part or all of this check in an instrument ground trainer or an aircraft simulator.

§ 61.57 Falsification, reproduction or alteration of applications, certificates, logbooks, reports, or records.

(a) No person may make or cause to be made—

(1) Any fraudulent or intentionally false statement on any application for a certificate, rating, or duplicate thereof, issued under this part;

(2) Any fraudulent or intentionally false entry in any logbook, record, or report that is required to be kept, made, or used, to show compliance with any requirement for the issuance, or exercise of the privileges, of any certificate or rating under this part;

(3) Any reproduction, for fraudulent purpose, of any certificate or rating under this part; or

(4) Any alteration of any certificate or rating under this part.

(b) The commission by any person of an act prohibited under paragraph (a) of this section is a basis for suspending or revoking any airman or ground instructor certificate or rating held by that person.

§ 61.59 Change of address.

The holder of a pilot or flight instructor certificate who has made a change in his permanent mailing address may not exercise the privileges of his certificate unless, within 30 days from the date he moved, he has notified in writing the Department of Transportation, Federal Aviation Administration, Airman Certification Branch, Box 25082, Oklahoma City, OK 73125, of his new address.

Subpart B—Aircraft Ratings and Special Certificates

§ 61.61 Applicability.

This subpart prescribes the requirements for the issuance of additional aircraft ratings after a pilot or instructor certificate is issued, and the requirements and limitations for special pilot certificates and ratings issued by the Administrator.

§ 61.63 Additional aircraft ratings (other than airline transport pilot).

(a) *General.* To be eligible for an aircraft rating after his certificate is issued to him an applicant must meet the requirements of paragraphs (b) through (d) of this section, as appropriate to the rating sought.

(b) *Category rating.* An applicant for a category rating to be added on his pilot certificate must meet the requirements of this Part for the issue of the pilot certificate appropriate to the privileges for which the category rating is sought. However, the holder of a category rating for an engine-powered aircraft is not required to take a written test for the addition of a category rating on his pilot certificate.

(c) *Class rating.* An applicant for an aircraft class rating to be added on his pilot certificate must—

(1) Present a logbook record certified by an authorized flight instructor showing that the applicant has received flight instruction in the class of aircraft for which a rating is sought and has been found competent in the pilot operations appropriate to the pilot certificate to which his category rating applies; and

(2) Pass a flight test appropriate to his pilot certificate and applicable to the aircraft category and class rating sought.

A person who holds a lighter-than-air category rating with a free balloon class rating, who seeks an airship class rating, must meet the requirements of paragraph (b) of this section as though seeking a lighter-than-air category rating.

(d) *Type rating.* An applicant for a type rating to be added on his pilot certificate must meet the following requirements:

(1) He must hold, or concurrently obtain, an instrument rating appropriate to the aircraft for which a type rating is sought.

(2) He must pass a flight test showing competence in pilot operations appropriate to the pilot certificate he holds and to the type rating sought.

(3) He must pass a flight test showing competence in pilot operations under instrument flight rules in an aircraft of the type for which the type rating is sought or, in the case of a single pilot station airplane, meet the requirements of subdivision (i) or (ii) of this subparagraph, whichever is applicable.

(i) The applicant must have met the requirements of this subparagraph in a multiengine airplane for which the type rating is required.

(ii) If he does not meet the requirements of subdivision (i) of this subparagraph and he seeks a type rating for a single-engine airplane, he must meet the requirements of this subparagraph in either a single or multiengine airplane, and have the recent instrument experience set forth in § 61.55(d) of this part, when he applies for the flight test under subparagraph (2) of this paragraph.

(4) An applicant who does not meet the requirements of subparagraphs (1) and (3) of this paragraph for the type of airplane for which a rating is sought is issued a type rating for that airplane with the following limitation: "not valid for carriage of persons or property for hire on cross-country flights of more than 50 nautical miles, or at night."

(5) When an instrument rating is issued to the holder of one or more type ratings, the type ratings on the amended certificate bear the limitation described in subparagraph (4) of this paragraph for each airplane type rating for which he has not shown his instrument competency under this paragraph.

§ 61.65 Instrument rating requirements.

(a) *General.* To be eligible for an instrument rating (airplane) or an instrument rating (helicopter), an applicant must—

(1) Hold a current private or commercial pilot certificate with an aircraft rating appropriate to the instrument rating sought;

(2) Be able to read, speak, and understand the English language; and

(3) Comply with the applicable requirements of this section.

(b) *Ground instruction.* An applicant for the written test for an instrument rating must have received ground instruction, or complete a home study course certified to in writing by an authorized instructor, in at least the following areas of aeronautical knowledge appropriate to the rating sought. In addition, the applicant's logbook must contain an endorsement by an authorized instructor who has found that he has an adequate knowledge of those areas.

(1) The regulations of this chapter that apply to flight under IFR conditions, the Airman's Information Manual, and the IFR air traffic system and procedures;

(2) Dead reckoning appropriate to IFR navigation, IFR navigation by radio aids using the VOR, ADF, and ILS systems, and the use of IFR charts and instrument approach plates;

(3) The procurement and use of aviation weather reports and forecasts, and the elements of forecasting weather trends on the basis of that information and personal observation of weather conditions; and

(4) The safe and efficient operation of airplanes or helicopters, as appropriate, under instrument weather conditions.

(c) *Flight instruction and skill—airplanes.* An applicant for the flight test for an instrument rating (airplane) must present a logbook record certified by an authorized flight instructor showing that he has received instrument flight instruction in an airplane in the following pilot operations, and has been found competent in each of them:

(1) Control and accurate maneuvering of an airplane solely by reference to instruments.

(2) IFR navigation by dead reckoning and the use of the VOR and ADF systems, including compliance with air traffic control instructions and procedures.

(3) Instrument approaches to published minimums using the VOR, ADF, and ILS systems (instruction in the use of the ILS glide slope may be received in an instrument ground trainer or with an airborne ILS simulator).

(4) Cross-country flying in simulated or actual IFR conditions, on Federal airways and elsewhere, including one such trip of least 250 nautical miles, including VOR, ADF, and ILS approaches at different airports.

(5) Simulated emergencies, including the recovery from unusual attitudes, equipment or instrument malfunctions, loss of communications, and engine-out emergencies if a multiengine airplane is used, and missed approach procedures.

(d) *Instrument instruction and skill (helicopter).* An applicant for the flight test for an instrument rating (helicopter) must present a logbook record certified to by an authorized flight instructor showing that he has received instrument flight instruction in a helicopter in the following pilot operations, and has been found competent in each of them:

(1) The control and accurate maneuvering of a helicopter solely by reference to instruments.

(2) IFR navigation by dead reckoning and the use of the VOR and ADF systems, including compliance with air traffic control instructions and procedures.

(3) Instrument approaches to published minimums using the VOR, ADF, and ILS systems (instruction in the use of the ILS glide slope may be received in an instrument ground trainer or with an airborne ILS simulator).

(4) Cross-country flying under simulated or actual IFR conditions, on Federal airways and elsewhere, including one flight of at least 100 nautical miles, including VOR, ADF, and ILS approaches at different airports.

(5) Simulated IFR emergencies, including equipment malfunctions, missed approach procedures, and deviations to unplanned alternates.

(e) *Flight experience.* An applicant for an instrument rating must have at least the following flight time as a pilot:

(1) The total pilot flight time required for the issue of a commercial pilot certificate in the category of aircraft involved, or concurrently qualify for a commercial pilot certificate.

(2) One hundred hours as pilot in command, including 50 hours of cross-country in the category of aircraft for which an instrument rating is sought.

(3) Forty hours of simulated or actual instrument time, of which not more than 20 hours may be instrument instruction by an authorized instructor in an instrument ground trainer acceptable to the Administrator.

(4) Fifteen hours of instrument flight instruction by an authorized flight instructor, including at least 5 hours in an airplane or a helicopter, as appropriate.

(f) *Written test.* An applicant for an instrument rating must pass a written test appropriate to the instrument rating sought on the subjects in which ground instruction is required by paragraph (b) of this section.

(g) *Practical test.* An applicant for an instrument rating must pass a flight test in an airplane or a helicopter, as appropriate. The test must include instrument flight procedures selected by the inspector or examiner conducting the test to determine the applicant's ability to perform competently the IFR operations on which instruction is required by paragraph (c) or (d) of this section.

§ 61.67 Category II pilot authorization requirements.

(a) *General.* An applicant for a Category II pilot authorization must hold—

(1) A pilot certificate with an instrument rating or an airline transport pilot certificate; and

(2) A type rating for the airplane type if the authorization is requested for a large airplane or a small turbojet airplane.

(b) *Experience requirements.* Except for the holder of an airline transport pilot certificate, an applicant for a Category II authorization must have at least—

(1) Fifty hours of night flight time under VFR conditions as pilot in command;

(2) Seventy-five hours of instrument time under actual or simulated conditions that may include 25 hours in a synthetic trainer; and

(3) Two hundred and fifty hours of cross-country flight time as pilot in command.

Night flight and instrument flight time used to meet the requirements of subparagraphs (1) and (2) of this paragraph may also be used to meet the requirements of subparagraph (3) of this paragraph.

(c) *Practical test required.* To be eligible for the practical test an applicant must meet the requirements of paragraph (a) of this section and, if he has not passed a practical test since the beginning of the 12th month before the test, he must meet the following recent experience requirements:

(1) The requirements of § 61.55(e).

(2) At least six ILS approaches since the beginning of the sixth month before the test. These approaches must be under actual or simulated instrument flight conditions down to the minimum landing altitude for the ILS approach in the type airplane in which the flight test is to be conducted. However, the approaches need not be conducted down to the decision heights authorized for Category II operations. At least three of these approaches must have been conducted manually, without the use of an approach coupler.

The flight time acquired in meeting the requirements of subparagraph (2) of this paragraph may be used to meet the requirements of subparagraph (1) of this paragraph.

(d) *Practical test procedures.* The practical test consists of two phases:

(1) *Phase I—oral operational test.* The applicant must demonstrate his knowledge of the following:

(i) Required landing distance.

(ii) Recognition of the decision height.

(iii) Missed approach procedures and techniques utilizing computed or fixed attitude guidance displays.

(iv) RVR, its use and limitations.

(v) Use of visual clues, their availability or limitations, and altitude at which they are normally discernible at reduced RVR readings.

(vi) Procedures and techniques related to transition from nonvisual to visual flight during a final approach under reduced RVR.

(vii) Effects of vertical and horizontal wind shear.

(viii) Characteristics and limitations of the ILS and runway lighting system.

(ix) Characteristics and limitations of the flight director system, auto approach coupler (including split axis type if equipped), auto throttle system (if equipped), and other required Category II equipment.

(x) Assigned duties of the second in command during Category II approaches.

(xi) Instrument and equipment failure warning systems.

(2) *Phase II—flight test.* The flight test must be taken in an airplane that meets the requirements of Part 91 of this chapter for Category II operations. The test consists of at least two ILS approaches to 100 feet including at least one landing and one missed approach. All approaches must be made with the approved flight control guidance system. However, if an approved automatic approach coupler is installed, at least one approach must be made manually. In the case of a multiengine airplane that has performance capability to execute a missed approach with an engine out, the missed approach must be executed with one engine set in idle or zero thrust position before reaching the middle marker. The required flight maneuvers must be performed solely by reference to instruments and in coordination with a second in command who holds a class rating and, in the case of a large airplane or a small turbojet airplane, a type rating for that airplane.

§ 61.69 Glider towing: Experience and instruction requirements.

No person may act as pilot in command of an aircraft towing a glider unless he meets the following requirements:

(a) He holds a current pilot certificate (other than a student pilot certificate) issued under this part.

(b) He has an endorsement in his pilot log book from a person authorized to give flight instruction in gliders, certifying that he has received ground and flight instruction in gliders and is familiar with the techniques and procedures essential to the safe towing of gliders, including airspeed limitations, emergency procedures, signals used, and maximum angles of bank.

(c) He has made and entered in his pilot logbook—

(1) At least three flights as sole manipulator of the controls of an aircraft towing a glider (while accompanied by a pilot who has met the requirements of this section), and at least 10 flights as pilot in command of an aircraft towing a glider; or

(2) At least three flights as sole manipulator of the controls of an aircraft simulating glider towing flight procedures (while accompanied by a pilot who has the requirements of this section), and at least three flights as pilot or observer in a glider being towed by an aircraft.

However, any person who, before May 17, 1967, made, and entered in his pilot logbook, 10 or more flights as pilot in command of an aircraft towing a glider in accordance with a certificate of waiver need not comply with subparagraphs (1) and (2) of this paragraph.

(d) If he holds only a private pilot certificate he must have had, and entered in his pilot logbook at least—

(1) 100 hours of pilot flight time in powered aircraft; or

(2) 200 total hours of pilot flight time in powered or other aircraft.

(e) Within the preceding 12 months he has—

(1) Made at least 3 actual or simulated glider tows while accompanied by a qualified pilot who meets the requirements of this section; or

(2) Made at least 3 flights as pilot in command of a glider towed by an aircraft.

§ 61.71 Graduates of certificated flying schools: Special rules.

(a) A graduate of a flying school that is certificated under Part 141 of this chapter is considered to meet the applicable aeronautical experience requirements of this part if he presents an appropriate graduation certificate within 60 days after the date he is graduated. However, if he applies for a flight test for an instrument rating he must hold a commercial pilot certificate, or hold a private pilot certificate and meet the requirements of § 61.123 (except paragraphs (d) and (e) thereof). In addition, if he applies for a flight instructor certificate he must hold a commercial pilot certificate.

(b) An applicant for a certificate or rating under this part is considered to meet the aeronautical knowledge and skill requirements, or both, applicable to that certificate or rating, if he applies within 90 days after graduation from an appropriate course given by a flying school that is certificated under Part 141 of this chapter and is authorized to test applicants on aeronautical knowledge or skill, or both.

§ 61.73 Military pilots or former military pilots: Special rules.

(a) *General.* A rated military pilot or former rated military pilot who applies for a private or commercial pilot certificate, or an aircraft or instrument rating, is entitled to that certificate with appropriate ratings or to the addition of a rating on the pilot certificate he holds, if he meets the applicable requirements of this section. This section does not apply to a military pilot or former military pilot who has been removed from flying status for lack of proficiency or because of disciplinary action involving aircraft operations.

(b) *Military pilots on active flying status within 12 months.* A rated military pilot or former rated military pilot who has been on active flying status within the 12 months before he applies must pass a written test on the parts of this chapter relating to pilot privileges and limitations, air traffic and general operating rules, and accident reporting rules. In addition, he must present documents showing that he meets the requirements of paragraph (d) of this section for at least one aircraft rating, and that he is, or was at any time since the beginning of the 12th month before the month in which he applies—

(1) A rated military pilot on active flying status in an Armed Force of the United States; or

(2) A rated military pilot of an armed force of a foreign contracting State to the Convention on International Civil Aviation, assigned to pilot duties (other than flight training) with an Armed Force of the United States who holds, at the time he applies, a current civil pilot license issued by that foreign State authorizing at least the privileges of the pilot certificate he seeks.

(c) *Military pilots not on active flying status within previous 12 months.* A rated military pilot or former military pilot

who has not been on active flying status within the 12 months before he applies must pass the appropriate written and flight tests prescribed in this part for the certificate or rating he seeks. In addition, he must show that he holds an FAA medical certificate appropriate to the pilot certificate he seeks and present documents showing that he was, before the beginning of the 12th month before the month in which he applies, a rated military pilot as prescribed by either subparagraph (1) or (2) of paragraph (b) of this section.

(d) *Aircraft ratings: Other than airplane category and type.* An applicant for a category, class, or type rating (other than airplane category and type rating) to be added on the pilot certificate he holds, or for which he has applied, is issued that rating if he presents documentary evidence showing one of the following:

(1) That he has passed an official U.S. military checkout as pilot in command of aircraft of the category, class, or type for which he seeks a rating since the beginning of the 12th month before the month in which he applies.

(2) That he has had at least 10 hours of flight time serving as pilot in command of aircraft of the category, class, or type for which he seeks a rating since the beginning of the 12th month before the month in which he applies and previously has had an official U.S. military checkout as pilot in command of that aircraft.

(3) That he has met the requirements of subparagraph (1) or (2) of paragraph (a) of this section, has had an official U.S. military checkout in the category of aircraft for which he seeks a rating, and that he passes an FAA flight test appropriate to that category and the class or type rating he seeks. To be eligible for that flight test, he must have a written statement from an authorized flight instructor, made not more than 60 days before he applies for the flight test, certifying that he is competent to pass the test. A type rating is issued only for aircraft types that the Administrator has certificated for civil operations. Any rating placed on an airline transport pilot certificate is limited to commercial pilot privileges.

(e) *Airplane category and type ratings.* (1) An applicant for a commercial pilot certificate with an airplane category rating, or an applicant for the addition of an airplane category rating on his commercial pilot certificate, must hold an airplane instrument rating, or his certificate is endorsed with the following limitation: "Not valid for the carriage of passengers or property for hire in airplanes on cross-country flights of more than 50 nautical miles, or at night."

(2) An applicant for a private or commercial pilot certificate with an airplane type rating, or for the addition of an airplane type rating on his private or commercial pilot certificate, must hold an instrument rating (airplane) and present documentary evidence showing that he has demonstrated competency in the type of airplane for which the type rating is sought, or his certificate is endorsed with the following limitation: "Not valid for the carriage of passengers or property for hire in airplanes on cross-country flights of more than 50 nautical miles, or at night."

(f) *Instrument rating.* An applicant for an airplane instrument rating or a helicopter instrument rating to be added on the pilot certificate he holds, or for which he has applied, is entitled to that rating if he has, within the 12 months preceding the month in which he applies, satisfactorily accomplished an instrument flight check of a U.S. Armed Force in an aircraft of the category for which he seeks the instrument rating and is authorized to conduct IFR flights on Federal airways. An instrument rating added on an airline transport pilot certificate is limited to commercial pilot privileges.

(g) *Evidentiary documents.* The following documents are satisfactory evidence for the purposes indicated:

(1) To show that the applicant is a member of the Armed Forces, an official identification card issued to the applicant by an Armed Force may be used.

(2) To show the applicant's discharge or release from an Armed Force, or his former membership therein, an original or a copy of a certificate of discharge or release may be used.

(3) To show current or previous status as a rated military pilot on flying status with a U.S. Armed Force, one of the following may be used:

(i) An official U.S. Armed Force order to flight duty as a military pilot.

(ii) An official U.S. Armed Force form or logbook showing military pilot status.

(iii) An official order showing that the applicant graduated from a U.S. military pilot school and is rated as a military pilot.

(4) To show flight time in military aircraft as a member of a U.S. Armed Force, an appropriate U.S. Armed Force form or summary of it, or a certified U.S. military logbook may be used.

(5) To show pilot-in-command status, an official U.S. Armed Force record of a military checkout as pilot in command, may be used.

(6) To show instrument pilot qualification, a current instrument card issued by a U.S. Armed Force, or an official record of the satisfactory completion of an instrument flight check within the 12 months preceding the month of the application may be used. However, a Tactical (Pink) instrument rating issued by the U.S. Army is not acceptable.

§ 61.75 Pilot certificate issued on basis of a foreign pilot license.

(a) *Purpose.* The holder of a current private, commercial, senior commercial, or airline transport pilot license issued by a foreign contracting State to the Convention on International Civil Aviation may apply for a pilot certificate under this section authorizing him to act as a pilot of a civil aircraft of U.S. registry.

(b) *Certificate issued.* A pilot certificate is issued to an applicant under this section, specifying the number and State of issuance of the foreign pilot license on which it is based. An applicant who holds a foreign private pilot license is issued a private pilot certificate, and an applicant who holds a foreign commercial, senior commercial, or airline transport pilot license is issued a commercial pilot certificate, if—

(1) He meets the requirements of this section;

(2) His foreign pilot license does not contain an endorsement that he has not met all of the standards of ICAO for that license; and

(3) He does not hold a U.S. pilot certificate of private pilot grade or higher.

(c) *Limitation on licenses used as basis for U.S. certificate.* Only one foreign pilot license may be used as a basis for issuing a pilot certificate under this section.

(d) *Aircraft ratings issued.* Aircraft ratings listed on the applicant's foreign pilot license, in addition to any issued after testing under the provisions of this part, are placed on the applicant's pilot certificate.

(e) *Instrument rating issued.* An instrument rating is issued to an applicant if—

(1) His foreign pilot license authorizes instrument privileges; and

(2) Within 24 months preceding the month in which he makes application for a certificate, he passed a test on the instrument flight rules in Subpart B of Part 91 of this chapter, including the related procedures for the operation of the aircraft under instrument flight rules.

(f) *Medical standards and certification.* An applicant must submit evidence that he currently meets the medical standards for the foreign pilot license on which the application for a certificate under this section is based. A current medical certificate issued under Part 67 of this chapter is accepted as evidence that the applicant meets those standards. However, a medical certificate issued under Part 67 is not evidence that the applicant meets those standards outside the United States, unless the State that issued the applicant's foreign pilot license also accepts that medical certificate as evidence of meeting the medical standards for his foreign pilot license.

(g) *Limitations placed on pilot certificate.* (1) If the applicant cannot read, speak, and understand the English language, the Administrator places any limitation on the certificate that he considers necessary for safety.

(2) A certificate issued under this section is not valid for agricultural aircraft operations, or the operation of an aircraft in which persons or property are carried for compensation or hire. This limitation is also placed on the certificate.

(h) *Operating privileges and limitations.* The holder of a pilot certificate issued under this section may act as a pilot of a civil aircraft of U.S. registry in accordance with the pilot privileges authorized by the foreign pilot license on which that certificate is based, subject to the limitations of this part and

any additional limitations placed on his certificate by the Administrator. He is subject to these limitations while he is acting as a pilot of the aircraft within or outside the United States. However, he may not act as pilot in command, or in any other capacity as a required pilot flight crewmember, of a civil aircraft of U.S. registry that is carrying persons or property for compensation or hire.

(i) *Flight instructor certificate.* A pilot certificate issued under this section does not satisfy any of the requirements of this part for the issuance of a flight instructor certificate.

Subpart C—Student Pilots

§ 61.81 Applicability.

This subpart prescribes the requirements for the issuance of student pilot certificates, the conditions under which those certificates are necessary, and the general operating rules for the holders of those certificates.

§ 61.83 Eligibility requirements: General.

To be eligible for a student pilot certificate, a person must—

(a) Be at least 16 years of age, or at least 14 years of age for a student pilot certificate limited to the operation of a glider or free balloon;

(b) Be able to read, speak, and understand the English language, or have such operating limitations on his student pilot certificate as are necessary for the safe operation of aircraft, to be removed when he shows that he can read, speak, and understand the English language; and

(c) Hold at least a third-class medical certificate issued under Part 67 of this chapter, or, in the case of glider or free balloon operations, certify that he has no known medical defect that makes him unable to pilot a glider or a free balloon.

§ 61.85 Application.

An application for a student pilot certificate is made on a form and in a manner provided by the Administrator and is submitted to—

(a) A designated aviation medical examiner when applying for an FAA medical certificate; or

(b) An FAA operations inspector or designated pilot examiner, accompanied by a current FAA medical certificate, or in the case of an application for a glider or free balloon pilot certificate it may be accompanied by a certification by the applicant that he has no known medical defect that makes him unable to pilot a glider or free balloon.

§ 61.87 Requirements for solo flight.

(a) *General.* A student pilot may not operate an aircraft in solo flight until he has complied with the requirements of this section. As used in this subpart the term solo flight means that flight time during which a student pilot is the sole occupant of the aircraft, or that flight time during which he acts as pilot in command of an aircraft requiring more than one flight crewmember.

(b) *Aeronautical knowledge.* He must have demonstrated to an authorized instructor that he is familiar with the flight rules of Part 91 of this chapter which are pertinent to student solo flights.

(c) *Flight proficiency training.* He must have received ground and flight instruction in at least the following procedures and operations:

(1) *In airplanes.* (i) Flight preparation procedures, including preflight inspection and powerplant operation;

(ii) Ground maneuvering and runups;

(iii) Straight and level flight, climbs, turns, and descents;

(iv) Flight at minimum controllable airspeeds, and stall recognition and recovery;

(v) Normal takeoffs and landings;

(vi) Airport traffic patterns, including collision avoidance precautions and wake turbulence; and

(vii) Emergencies, including elementary forced landings.

Instruction must be given by a flight instructor who is authorized to give instruction in airplanes.

(2) *In rotorcraft.* (i) Flight preparation procedures, including preflight inspections and powerplant operation;

(ii) Ground handling and runups;

(iii) Hovering turns and air taxi (helicopter only);

(iv) Straight and level flight, turns, climbs, and descents;

(v) Maneuvering by ground references, airport traffic patterns, including collision avoidance precautions;

(vi) Normal takeoffs and landings; and

(vii) Emergencies, including autorotational descents.

Instruction must be given by a flight instructor who is authorized to give instruction in helicopters or gyroplanes, as appropriate.

(3) *In single-place gyroplanes.* (i) Flight preparation procedures, including preflight inspection and powerplant operation;

(ii) Ground handling and runups; and

(iii) At least three successful flights in a gyroplane towed from the ground under the observation of the instructor involved.

Instruction must be given by a flight instructor who is authorized to give instruction in gyroplanes, airplanes, or rotorcraft.

(4) *In gliders.* (i) Flight preparation procedures, including preflight inspections, towline rigging, signals, and release procedures;

(ii) Aero tows or ground tows;

(iii) Straight glides, turns, and spirals;

(iv) Flight at minimum controllable airspeeds, and stall recognition and recoveries;

(v) Traffic patterns, including collision avoidance precautions; and

(vi) Normal landings.

Instruction must be given by a flight instructor who is authorized to give instruction in gliders.

(5) *In airships.* (i) Flight preparation procedures, including preflight inspection and powerplant operation;

(ii) Rigging, ballasting, controlling pressure in the balloonets, and superheating;

(iii) Takeoffs and ascents;

(iv) Straight and level flight, climbs, turns, and descents; and

(v) Landings with positive and with negative static balance.

Instruction must be given by an authorized flight instructor or the holder of a commercial pilot certificate with a lighter-than-air category and airship class rating.

(6) *In free balloons.* (i) Flight preparation procedures, including preflight operations;

(ii) Operation of hot air or gas source, ballast, valves, and rip panels, as appropriate;

(iii) Liftoffs and climbs; and

(iv) Descents, landings, and emergency use of rip panel.

Instruction must be given by an authorized flight instructor or the holder of a commercial pilot certificate with a lighter-than-air category and free balloon class rating.

(d) *Flight instructor endorsements.* A student pilot may not operate an aircraft in solo flight unless—

(1) His student pilot certificate is endorsed by an authorized flight instructor who—

(i) Has given him instruction in the make and model of aircraft in which the solo flight is made;

(ii) Finds that he has met the requirements of this section; and

(iii) Is competent to make a safe solo flight in that aircraft.

(2) Within the preceding 90 days, his pilot logbook has been endorsed by an authorized flight instructor who has given him instruction in the category of aircraft used in the solo flight and found him competent for solo flight in that aircraft.

§ 61.89 General limitations.

(a) A student pilot may not act as pilot in command of an aircraft—

(1) That is carrying a passenger;

(2) That is carrying property for compensation or hire;

(3) For compensation or hire;

(4) On an international flight, except that a student pilot may make solo training flights from Haines, Gustavus, or Juneau, Alaska, to White Horse, Yukon, Canada, and return, over the province of British Columbia.

(b) A student pilot may not act as a required pilot flight crewmember on any aircraft for which more than one pilot is required, except when receiving flight instruction from an authorized flight instructor on board an aircraft and no person other than a required flight crewmember is carried on the aircraft.

§ 61.91 Aircraft limitations: Pilot in command.

A student pilot may not serve as pilot in command of any aircraft requiring more than one flight crewmember unless he has met the pertinent requirements prescribed in § 61.87.

§ 61.93 Cross-country flight requirements.

(a) *General.* A student pilot may not operate an aircraft in a solo cross-country flight, nor may he, except in an emergency, make a solo flight landing at any point other than the airport of takeoff, until he meets the requirements prescribed in this section. However, an authorized flight instructor may permit a student pilot to practice solo landings and takeoffs at another airport within 25 nautical miles from the airport at which the student pilot receives instruction if he finds that the student pilot is competent to make those landings and takeoffs. As used in this section the term cross-country flight means a flight beyond a radius of 25 nautical miles from the point of takeoff.

(b) *Flight training.* A student pilot must receive instruction from an authorized instructor in at least the following pilot operations pertinent to the aircraft to be operated in a solo cross-country flight.

(1) For solo cross-country in airplanes—

(i) The use of aeronautical charts, pilotage, and elementary dead-reckoning using the magnetic compass;

(ii) The use of radio for VFR navigation, and for two-way communication;

(iii) Control of an airplane by reference to flight instruments;

(iv) Short-field and soft-field procedures, and cross-wind takeoffs and landings;

(v) Recognition of critical weather situations, estimating visibility while in flight, and the procurment and use of aeronautical weather reports and forecasts; and

(vi) Cross-country emergency procedures.

(2) For solo cross-country in rotorcraft—

(i) The use of aeronautical charts and the magnetic compass for pilotage and for elementary dead reckoning;

(ii) The recognition of critical weather situations, estimating visibility while in flight, and the procurement and use of aeronautical weather reports and forecasts;

(iii) Radio communications; and

(iv) Cross-country emergencies.

(3) For solo cross-country in gliders—

(i) The recognition of critical weather situations and conditions favorable for soaring flight, and the procurement and use of aeronautical weather reports and forecasts;

(ii) The use of aeronautical charts and the magnetic compass for pilotage; and

(iii) Cross-country emergency procedures.

(4) For student cross-country in airships—

(i) The use of aeronautical charts and the magnetic compass for pilotage and dead reckoning, and the use of radio for navigation and two-way communications;

(ii) The control of an airship solely by reference to flight instruments;

(iii) The control of gas pressures, with regard to superheating and altitude changes;

(iv) The recognition of critical weather situations, and the procurement and use of aeronautical weather reports and forecasts; and

(v) Cross-country emergency procedures.

(5) For solo cross-country in free balloons—

(i) The use of aeronautical charts and the magnetic compass for pilotage;

(ii) The recognition of critical weather situations, and the procurement and use of aeronautical weather reports and forecasts; and

(iii) Cross-country emergency procedures.

(c) *Flight instructor endorsements.* A student pilot must have the following endorsements from an authorized flight instructor:

(1) An endorsement on his student pilot certificate stating that he has received instruction in solo cross-country flying and the applicable training requirements of this section, and is competent to make safe cross-country solo flights in the category of aircraft involved.

(2) An endorsement in his pilot logbook that the instructor has reviewed the preflight planning and preparation for each solo flight, and he is prepared to make the flight safely under the known circumstances and the conditions listed by the instructor in the logbook. The instructor may also endorse the logbook for repeated solo cross-country flights under stipulated conditions over a course not more than 50 nautical miles from the point of departure if he has given the student flight instruction in both directions over the route, including takeoffs and landings at the airports to be used.

Subpart D—Private Pilots

§ 61.101 Applicability.

This subpart prescribes the requirements for the issuance of private pilot certificates and ratings, the conditions under which those certificates and ratings are necessary, and the general operating rules for the holders of those certificates and ratings.

§ 61.103 Eligibility requirements: General.

To be eligible for a private pilot certificate, a person must—

(a) Be at least 17 years of age, except that a private pilot certificate with a free balloon or a glider rating only may be issued to a qualified applicant who is at least 16 years of age;

(b) Be able to read, speak, and understand the English language, or have such operating limitations placed on his pilot certificate as are necessary for the safe operation of aircraft, to be removed when he shows that he can read, speak, and understand the English language;

(c) Hold at least a third-class medical certificate issued under Part 67 of this chapter, or, in the case of a glider or free balloon rating, certify that he has no known medical defect that makes him unable to pilot a glider or free balloon, as appropriate;

(d) Pass a written test on the subject areas on which ground instruction is required by § 61.105;

(e) Pass an oral and flight test on procedures and maneuvers selected by an authorized inspector or examiner to determine the applicant's competency in the flight operations on which instruction is required by the flight proficiency provisions of § 61.107; and

(f) Comply with the sections of this part that apply to the rating he seeks.

§ 61.105 Aeronautical knowledge.

An applicant for a private pilot certificate must have logged ground instruction from an authorized instructor, or present evidence showing that he has satisfactorily completed a home study course in at least the following subjects pertinent to the category of aircraft for which a rating is sought. In addition, the applicant's logbook must contain an endorsement by an authorized instructor who has found that he has an adequate knowledge of those subjects to safely exercise the privileges of a private pilot.

(a) *Airplanes.* (1) The Federal Aviation Regulations applicable to private pilot privileges, limitations, and flight operations, accident reporting requirements of the National Transportation Safety Board, and the use of the "Airman's Information Manual" and the FAA Advisory Circulars;

(2) VFR navigation, using pilotage, dead reckoning, and radio aids;

(3) The recognition of critical weather situations from the ground and in flight and the procurement and use of aeronautical weather reports and forecasts; and

(4) The safe and efficient operation of airplanes, including high density airport operations, collision avoidance precautions, and radio communication procedures.

(b) *Rotorcraft.* (1) The accident reporting requirements of the National Transportation Safety Board and the Federal Aviation Regulations applicable to private pilot privileges, limitations, and helicopter or gyroplane operations, as appropriate;

(2) The use of aeronautical charts and the magnetic compass for pilotage, and elementary dead reckoning, and the use of radio aids;

(3) Recognition of critical weather situations from the ground and in flight, and the procurement and use of aeronautical weather reports and forecasts; and

(4) The safe and efficient operation of helicopters or gyroplanes, as appropriate, including high density airport operations.

(c) *Gliders.* (1) The accident reporting requirements of the National Transportation Safety Board and the Federal Aviation Regulations applicable to glider pilot privileges, limitations, and flight operations;

(2) Glider navigation, including the use of aeronautical charts and the magnetic compass;

(3) Recognition of weather situations of concern to the glider pilot, and the procurement and use of aeronautical weather reports and forecasts; and

(4) The safe and efficient operation of gliders, including ground and aero tow procedures, signals, and safety precautions.

(d) *Airships.* (1) The Federal Aviation Regulations applicable to private lighter-than-air pilot privileges, limitations, and airship flight operations;

(2) Airship navigation, including pilotage, dead reckoning, and the use of radio aids;

(3) The recognition of weather conditions of concern to the airship pilot, and the procurement and use of aeronautical weather reports and forecasts; and

(4) Airship operations, including free ballooning, the effects of superheating, and positive and negative lift.

(e) *Free balloons.* (1) The Federal Aviation Regulations applicable to private free balloon pilot privileges, limitations, and flight operations;

(2) The use of aeronautical charts and the magnetic compass for free balloon navigation;

(3) The recognition of weather conditions of concern to the free balloon pilot, and the procurement and use of aeronautical weather reports and forecasts appropriate to free balloon operations; and

(4) Operating principles and procedures of free balloons, including gas and hot air inflation systems.

§ 61.107 Flight proficiency.

The applicant for a private pilot certificate must have logged instruction from an authorized flight instructor in at least the following pilot operations. In addition, his logbook must contain an endorsement by an authorized flight instructor who has found him competent to perform each of those operations safely as a private pilot.

(a) *In airplanes.* (1) Preflight operations, including weight and balance determination, line inspection, and airplane servicing;

(2) Airport and traffic pattern operations, including operations at controlled airports, radio communications, and collision avoidance precautions;

(3) Flight maneuvering by reference to ground objects;

(4) Flight at critically slow airspeeds recognition of imminent stalls, and recovery from imminent and full stalls;

(5) Normal and crosswind takeoffs and landings;

(6) Control and maneuvering an airplane solely by reference to instruments, including emergency descents and climbs using radio aids or radar directives;

(7) Cross-country flying, using pilotage, dead reckoning, and radio aids, including a 2-hour dual flight on and off Federal airways;

(8) Maximum performance takeoffs and landings;

(9) Night flying, including takeoffs, landings, and VFR navigation; and

(10) Emergency operations, including simulated aircraft and equipment malfunctions.

(b) *Helicopters.* (1) Preflight operations, including the line inspection and servicing of helicopters;

(2) Hovering, air taxiing, and maneuvering by ground references;

(3) Airport and traffic pattern operations, including collision avoidance precautions;

(4) Cross-country flight operations; and

(5) Emergency operations, including high altitude takeoffs and roll-on landings, autorotative descents, and rapid decelerations.

(c) *In gyroplanes.* (1) Preflight operations, including the line inspection and servicing of gyroplanes;

(2) Flight maneuvering by ground references;

(3) Maneuvering at critically slow airspeeds, and the recognition of and recovery from high rates of descent at low airspeeds;

(4) Airport and traffic pattern operations, including collision avoidance precautions and radio communication procedures;

(5) Cross-country flying by pilotage, dead reckoning, and the use of radio aids; and

(6) Emergency procedures, including maximum performance takeoffs and landings.

(d) *In gliders.* (1) Ground (auto or winch) tow or aero tow (the applicant's certificate is limited to the kind of tow selected);

(2) Precision maneuvering, including steep turns and spirals in both directions;

(3) The correct use of critical sailplane performance speeds;

(4) Flight at critically slow airspeeds, and the recognition of and recovery from imminent and full stalls entered from straight and from turning flight; and

(5) Accuracy approaches and landings with the nose of the glider stopping short of and within 200 feet of a line or mark.

(e) *In airships.* (1) Ground handling, mooring, rigging, and preflight operations;

(2) Takeoffs and landings with static lift, and with negative and positive lift, and the use of two-way radio;

(3) Straight and level flight, climbs, turns, and descents;

(4) Precision flight maneuvering;

(5) Navigation, using pilotage, dead reckoning, and radio aids; and

(6) Simulated emergencies, including equipment malfunction, the valving of gas, and the loss of power on one engine.

(f) *In free balloons.* (1) Rigging and mooring;

(2) Operation of burner, if airborne heater used;

(3) Ascents and descents;

(4) Landing; and

(5) Emergencies, including the use of the ripcord (may be simulated).

§ 61.109 Airplane rating: Aeronautical experience.

An applicant for a private pilot certificate with an airplane rating must have had at least a total of 40 hours of flight instruction and solo flight time which must include the following:

(a) Twenty hours of flight instruction from an authorized flight instructor, including at least—

(1) Three hours of cross-country;

(2) Three hours at night, including 10 takeoffs and landings; and

(3) Three hours in airplanes in preparation for the private pilot flight test within 60 days prior to that test.

(b) Twenty hours of solo flight time, including at least—

(1) Ten hours in airplanes;

(2) Fifteen hours of cross-country flights, each flight with a landing more than 50 nautical miles from the point of departure, and one with landings at three points, each of which is more than 100 nautical miles from each of the other two points;

(3) Three solo takeoffs and landings to a full stop at an airport with an operating control tower; and

(4) One hour of solo night flight.

§ 61.111 Cross-country flights: Pilots based on small islands.

(a) An applicant who shows that he is located on an island from which the required flights cannot be accomplished without flying over water more than 10 nautical miles from the nearest shoreline need not comply with paragraph (b)(2) of § 61.109. However, if other airports that permit civil operations are available to which a flight may be made without flying over water more than 10 nautical miles from the nearest shoreline, he must show that he has completed two round-trip solo flights between those two airports that are farthest apart, including a landing at each airport on both flights.

(b) The pilot certificate issued to a person under paragraph (a) of this section containes an endorsement with the following limitation which may be subsequently amended to include another island if the applicant complies with paragraph (a) of this section with respect to that island:

Passenger carrying prohibited on flights more than 10 nautical miles from (appropriate island).

(c) If an applicant for a private pilot certificate under paragraph (a) of this section does not have at least 3 hours of solo cross-country flight time, including a round trip flight to an airport at least 50 nautical miles from the place of departure with at least two full stop landings at different points along the route, his pilot certificate is also endorsed as follows:

Holder does not meet the cross-country flight requirements of ICAO.

(d) The holder of a private pilot certificate with an endorsement described in paragraph (b) or (c) of this section, is entitled to a removal of the endorse-

ment, if he presents satisfactory evidence to an FAA inspector or designated pilot examiner that he has complied with the applicable solo cross-country flight requirements and has passed a practical test on cross-country flying.

§ 61.113 Rotorcraft rating: Aeronautical experience.

An applicant for a private pilot certificate with a rotorcraft category rating must have at least the following aeronautical experience:

(a) For a helicopter rating an applicant must have at least a total of 40 hours of flight instruction and solo flight time in aircraft with at least 15 hours of solo flight time in helicopters, which must include—

(1) A takeoff and landing at an airport which serves both airplanes and helicopters;

(2) A flight with a landing at a point other than an airport; and

(3) Three hours of cross-country flying, including one flight with landings at three or more points, each of which must be more than 25 nautical miles from each of the other two points.

(b) For a gyroplane rating an applicant must have at least a total of 40 hours of flight instruction and solo flight time in aircraft with at least 10 hours of solo flight time in a gyroplane, which must include—

(1) Flights with takeoffs and landings at paved and unpaved airports; and

(2) Three hours of cross-country flying, including a flight with landings at three or more points, each of which must be more than 25 nautical miles from each of the other two points.

§ 61.115 Glider rating: Aeronautical experience.

An applicant for a private pilot certificate with a glider rating must have logged at least one of the following:

(a) Seventy solo glider flights, including 20 flights during which 360° turns were made.

(b) Seven hours of solo flight in gliders, including 35 glider flights launched by ground tows, or 20 glider flights launched by aero tows.

(c) Forty hours of flight time in gliders and single-engine airplanes, including 10 solo glider flights during which 360° turns were made.

§ 61.117 Lighter-than-air rating: Aeronautical experience.

An applicant for a private pilot certificate with a lighter-than-air category rating must have at least the aeronautical experience prescribed in paragraph (a) or (b) of this section, appropriate to the rating sought.

(a) *Airships.* A total of 50 hours of flight time as pilot with at least 25 hours in airships, which must include 5 hours of solo flight time in airships, or time performing the functions of pilot in command of an airship for which more than one pilot is required.

(b) *Free balloons.* (1) A total of 10 hours in free balloons with at least six flights under the supervision of a person holding a commercial pilot certificate with a free balloon rating. These flights must include—

(i) Two flights, each of at least 1 hour's duration, if a gas balloon is used, or of 30 minutes' duration, if a hot air balloon with an airborne heater is used; and

(ii) One ascent under control to 5,000 feet above the point of takeoff, if a gas balloon is used, or 3,000 feet above the point of takeoff, if a hot air balloon with an airborne heater is used.

(2) One solo flight in a free balloon.

§ 61.119 Private pilot privileges and limitations.

Except as provided in paragraphs (a) through (d) of this section, a private pilot may not act as pilot in command of an aircraft that is carrying passengers or property for compensation or hire; nor may he, for compensation or hire, act as pilot in command of an aircraft.

(a) A private pilot may, for compensation or hire, act as pilot in command of an aircraft in connection with any business or employment if the flight is only incidental to that business or employment and the aircraft does not carry passengers or property for compensation or hire.

(b) A private pilot may share the operating expenses of a flight with his passengers.

(c) A private pilot who is an aircraft salesman and who has at least 200 hours of logged flight time may demonstrate an aircraft in flight to a prospective buyer.

(d) A private pilot may act as pilot in command of an aircraft used in a passenger-carrying airlift sponsored by a charitable organization, and for which the passengers make a donation to the organization, if—

(1) The sponsor of the airlift notifies the FAA General Aviation District Office having jurisdiction over the area concerned, at least 7 days before the flight, and furnishes any essential information that the office requests;

(2) The flight is conducted from a public airport adequate for the aircraft used, or from another airport that has been approved for the operation by an FAA inspector;

(3) He has logged at least 200 hours of flight time;

(4) No acrobatic or formation flights are conducted;

(5) Each aircraft used is certificated in the standard category and complies with the 100-hour inspection requirement of § 91.169 of this chapter; and

(6) The flight is made under VFR during the day.

For the purpose of paragraph (d) of this section, a "charitable organization" means an organization listed in Publication No. 78 of the Department of the Treasury called the "Cumulative List of Organizations described in section 170 (c) of the Internal Revenue Code of 1954," as amended from time to time by published supplemental lists.

Subpart E—Commercial Pilots

§ 61.121 Applicability.

This subpart prescribes the requirements for the issuance of commercial pilot certificates and ratings, the conditions under which those certificates and ratings are necessary, and the limitations upon those certificates and ratings.

§ 61.123 Eligibility requirements: General.

To be eligible for a commercial pilot certificate, a person must—

(a) Be at least 18 years of age;

(b) Be able to speak, read, and understand English, or have such an operating limitation on his pilot certificate as is necessary for safety;

(c) Hold at least a second-class medical certificate issued under Part 67 of this chapter, or, in the case of a glider or free balloon rating, certify that he has no known medical deficiency that makes him unable to pilot a glider or a free balloon, as appropriate;

(d) Pass a written examination appropriate to the aircraft rating sought on the subjects in which ground instruction is required by § 61.125;

(e) Pass an oral and flight test appropriate to the rating he seeks, covering items selected by the inspector or examiner from those on which training is required by § 61.127; and

(f) Comply with the provisions of this subpart which apply to the rating he seeks.

§ 61.125 Aeronautical knowledge.

An applicant for a commercial pilot certificate must have logged ground instruction from an authorized instructor, or present evidence showing that he has satisfactorily completed a home study course, in at least the following subjects pertinent to the category of aircraft for which a rating is sought. In addition, the applicant's logbook must contain an endorsement by an authorized instructor who has found that he has an adequate knowledge of those subjects to competently exercise the privileges of a commercial pilot.

(a) *Airplanes.* (1) The regulations of this chapter governing the operations, privileges, and limitations of a commercial pilot, and the accident reporting requirements of the National Transportation Safety Board.

(2) Basic aerodynamics and the principles of flight which apply to airplanes; and

(3) Airplane operations, including the use of flaps, retractable landing gears, controllable propellers, high altitude operation with and without pressurization, loading and balance computations, and the significance and use of airplane performance speeds.

(b) *Rotorcraft.* (1) The regulations of this chapter which apply to the operations, privileges, and limitations of a commercial rotorcraft pilot, and the accident reporting requirements of the National Transportation Safety Board;

(2) Meteorology, including the characteristics of air masses and fronts, elements of weather forecasting, and the procurement and use of aeronautical weather reports and forecasts;

(3) The use of aeronautical charts and the magnetic compass for pilotage and dead reckoning, and the use of radio aids for VFR navigation; and

(4) The safe and efficient operation of helicopters or gyroplanes, as appropriate to the rating sought.

(c) *Gliders.* (1) The regulations of this chapter pertinent to commercial glider pilot operations, privileges, and limitations, and the accident reporting requirements of the National Transportation Safety Board;

(2) Glider navigation, including the use of aeronautical charts and the magnetic compass, and radio orientation;

(3) The recognition of weather situations of concern to the glider pilot from the ground and in flight, and the procurement and use of aeronautical weather reports and forecasts; and

(4) The safe and efficient operation of gliders, including ground and aero tow procedures, signals, critical sailplane performance speeds, and safety precautions.

(d) *Airships.* (1) The regulations of this chapter pertinent to airship operations, VFR and IFR, including the privileges and limitations of a commercial airship pilot;

(2) Airship navigation, including pilotage, dead reckoning, and the use of radio aids for VFR and IFR navigation, and IFR approaches;

(3) The use and limitations of the required flight instruments;

(4) ATC procedures for VFR and IFR operations, and the use of IFR charts and approach plates;

(5) Meteorology, including the characteristics of air masses and fronts, and the procurement and use of aeronautical weather reports and forecasts;

(6) Airship ground and flight instruction procedures; and

(7) Airship operating procedures and emergency operations, including free ballooning procedures.

(e) *Free balloons.* (1) The regulations of this chapter pertinent to commercial free balloon piloting privileges, limitations, and flight operations;

(2) The use of aeronautical charts and the magnetic compass for free balloon navigation;

(3) The recognition of weather conditions significant to free balloon flight operations, and the procurement and use of aeronautical weather reports and forecasts appropriate to free ballooning;

(4) Free balloon flight and ground instruction procedures; and

(5) Operating principles and procedures for free balloons, including emergency procedures such as crowd control and protection, high wind and water landings, and operations in proximity to buildings and powerlines.

§ 61.127 Flight proficiency.

The applicant for a commercial pilot certificate must have logged instruction from an authorized flight instructor in at least the following pilot operations. In addition, his logbook must contain an endorsement by an authorized flight instructor who has given him the instruction certifying that he has found the applicant prepared to perform each of those operations competently as a commerical pilot.

(a) *Airplanes.* (1) Preflight duties, including load and balance determination, line inspection, and aircraft servicing;

(2) Flight at critically slow airspeeds, recognition of imminent stalls, and recovery from stalls with and without power;

(3) Normal and crosswind takeoffs and landings, using precision approaches, flaps, power as appropriate, and specified approach speeds;

(4) Maximum performance takeoffs and landings, climbs, and descents;

(5) Operation of an airplane equipped with a retractable landing gear, flaps, and controllable propeller(s), including normal and emergency operations; and

(6) Emergency procedures, such as coping with power loss or equipment malfunctions, fire in flight, and engine-out procedures if a multiengine airplane is used.

(b) *Helicopters.* (1) Preflight duties, including line inspection and helicopter servicing;

(2) Straight and level flight, climbs, turns, and descents;

(3) Air taxiing, hovering, and maneuvering by ground references;

(4) Normal and crosswind takeoffs and landings;

(5) Rapid descent with power and recovery;

(6) Airport and traffic pattern operations, including collision avoidance precautions and radio communications;

(7) Cross-county flight operations; and

(8) Emergency operations, including high altitude takeoffs and roll-on landings, autorotational descents, partial power failures, and rapid decelerations.

(c) *Gyroplanes.* (1) Preflight operations, including line inspection and gyroplane servicing;

(2) Straight and level flight, turns, climbs, and descents;

(3) Flight maneuvering by ground references;

(4) Maneuvering at critically slow airspeeds, and the recognition of and recovery from high rates of descent at slow airspeeds;

(5) Normal and crosswind takeoffs and landings;

(6) Airport and traffic pattern operations, including collision avoidance precautions and radio commuications;

(7) Cross-country flight operations; and

(8) Emergency procedures, such as power failures, equipment malfunctions, maximum performance takeoffs and landings, and simulated liftoffs at low airspeed and high angles of attack.

(d) *Gliders.* (1) Preflight duties, including glider assembly and preflight inspection.

(2) Glider launches by ground (auto or winch) or by aero tows (the applicant's certificate is limited to the kind of tow selected);

(3) Precision maneuvering, including straight glides, turns to headings, steep turns, and spirals in both directions;

(4) The correct use of sailplane performance speeds, flight at critically slow airspeeds, and the recognition of and recovery from stalls entered from straight flight and from turns;

(5) Accuracy approaches and landings, with the nose of the glider coming to rest short of and within 100 feet of a line or mark;

(6) Glider disassembly and inspection for trailer transport, where appropriate.

(e) *Airships.* (1) Ground handling, mooring, and preflight operations;

(2) Straight and level flight, turns, climbs, and descents, under VFR and simulated IFR conditions;

(3) Takeoffs and landings with positive and with negative static lift;

(4) Turns and figure 8's;

(5) Precision turns to headings under simulated IFR conditions;

(6) Preparing and filing IFR flight plans, and complying with IFR clearances;

(7) IFR radio navigation and instrument approach procedures;

(8) Cross-country flight operations, using pilotage, dead reckoning, and radio aids; and

(9) Emergency operations, including engine-out operations free ballooning an airship, and ripcord procedures (may be simulated).

(f) *Free balloons.* (1) Inflating, rigging, and mooring a free balloon;

(2) Ground and flight crew briefing;

(3) Ascents;

(4) Descents;

(5) Landings;

(6) Operation of airborne heater, if balloon is so equipped; and

(7) Emergency operations, including the use of the ripcord (may be simulated), and recovery from a terminal velocity descent if a balloon with an airborne heater is used.

§ 61.129 Airplane rating: Aeronautical experience.

(a) *General.* An applicant for a commercial pilot certificate with an airplane rating must hold a private pilot certificate with an airplane rating. If he does not hold that certificate and rating he must meet the flight experience requirements for a private pilot certificate and airplane rating and pass the applicable written and practical test prescribed in Subpart D of this part. In addition, he must hold an instrument rating (airplane), or his commercial pilot certificate is endorsed with a limitation prohibiting the carriage of passengers or property for hire in airplanes on cross-country flights of more than 50 nautical miles, or at night.

(b) *Flight time as pilot.* An applicant for a commercial pilot certificate with an airplane rating must have a total of at least 250 hours of flight time as pilot, which may include not more than 50 hours of instruction from an authorized instructor in a ground trainer acceptable to the Administrator. The total flight time as pilot must include—

(1) One hundred hours in powered aircraft including at least—

(i) Fifty hours in airplanes, and

(ii) Ten hours of flight instruction and practice given by an authorized flight instructor in an airplane having a retractable landing gear, flaps and a controllable pitch propeller; and

(2) Fifty hours of flight instruction given by an authorized flight instructor including—

(i) Ten hours of instrument instruction, of which at least 5 hours must be in flight in airplanes, and

(ii) Ten hours of instruction in preparation for the commercial pilot flight test; and

(3) One hundred hours of pilot in command time including at least—

(i) Fifty hours in airplanes;

(ii) Fifty hours of cross-country flights, each flight with a landing at a point more than 50 nautical miles from the point of departure, including a flight with landings at three points each of which is more than 200 nautical miles from the other two points, except that those flights conducted in Hawaii may be made with landings at points which are 100 nautical miles apart; and

(iii) Five hours of night flying including at least 10 takeoffs and landings as sole manipulator of the controls.

§ 61.131 Rotorcraft ratings: Aeronautical experience.

(a) *Helicopter.* An applicant for a commercial pilot certificate with a helicopter rating must have a total of at least 150 hours of flight time as pilot including—

(1) Ten hours in powered aircraft and at least 50 hours in helicopters;

(2) One hundred hours of pilot-in-command time, including a cross-country flight with landings at three points, each of which is more than 50 nautical miles from each of the other points;

(3) Forty hours of flight instruction from an authorized flight instructor, including 15 hours in helicopters; and

(4) Ten hours as pilot in command in helicopters, including—

(i) Five takeoffs and landings at night; and

(ii) Takeoffs and landings at three different airports which serve both airplanes and helicopters; and

(iii) Takeoffs and landings at three points other than airports.

(b) *Gyroplanes.* An applicant for a commercial pilot certificate with a gyroplane rating must have a total of at least 200 hours of flight time as pilot including—

(1) One hundred hours in powered aircraft;

(2) One-hundred hours as pilot in command, including a cross-country flight with landings at three points, each of which is more than 50 nautical miles from each of the other two points;

(3) Seventy-five hours as pilot in command in gyroplanes, including—

(i) Flights with takeoffs and landings at three different paved airports and three unpaved airports; and

(ii) Three flights with takeoffs and landings at an airport with an operating control tower; and

(4) Twenty hours of flight instruction in gyroplanes, including 5 hours in preparation for the commercial pilot flight test.

§ 61.133 Glider rating: Aeronautical experience.

An applicant for a commercial pilot certificate with a glider rating must meet either of the following aeronautical experience requirements:

(a) A total of at least 25 hours of pilot time in aircraft, including 20 hours in gliders, and a total of 100 glider flights as pilot in command, including 25 flights during which 360° turns were made; or

(b) A total of 200 hours of pilot time in heavier-than-air aircraft, including 20 glider flights as pilot in command during which 360° turns were made.

§ 61.135 Airship rating: Aeronautical experience.

An applicant for a commercial pilot certificate with an airship rating must have a total of at least 200 hours of flight time as pilot, including—

(a) One hundred hours of flight time as pilot in airships;

(b) Fifty hours of flight time performing the duties of pilot in command in airships, including—

(1) Ten hours of cross-country flight; and

(2) Ten hours of night flight; and

(c) Forty hours of instrument time, of which at least 20 hours must be in flight with 10 hours of that flight time in airships.

§ 61.137 Free balloon rating: Aeronautical experience.

An applicant for a commercial pilot certificate with a free balloon rating must have a total of at least 35 hours of flight time as pilot, including—

(a) Twenty hours in free balloons; and

(b) Ten flights in free balloons, including—

(1) Six flights under the supervision of a commercial free balloon pilot,

(2) Two solo flights,

(3) Two flights of at least 2 hours' duration if a gas balloon is used, or at least 1 hours' duration if a hot air balloon with an airborne heater is used; and

(4) One ascent under control to more than 10,000 feet above the takeoff point if a gas balloon is used, or 5,000 feet above the takeoff point if a hot air balloon with an airborne heater is used.

§ 61.139 Commercial pilot privileges and limitations: General.

The holder of a commercial pilot certificate may:

(a) Act as pilot in command of an aircraft carrying persons or property for compensation or hire

(b) Act as pilot in command of an aircraft for compensation or hire; and

(c) Give flight instruction in an airship if he holds a lighter-than-air category and an airship class rating, or in a free balloon if he holds a free balloon class rating.

§ 61.141 Airship and free balloon ratings: Limitations.

If the applicant for a free balloon class rating takes his flight test in a hot air balloon without an airborne heater, his pilot certificate contains an endorsement restricting the exercise of the privileges of that rating to hot air balloons without airborne heaters. The restriction may be deleted when the holder of the certificate obtains the pilot experience and passes the test required for a rating on a free balloon with an airborne heater or a gas balloon.

Subpart F—Airline Transport Pilots

NOTE: No substantive change would be made by this revision. However, §§ 61.141 through 61.165 of that subpart would be redesignated as §§ 61.151 through 61.171 in accordance with the proposed table of contents.

Subpart G—Flight Instructors

§ 61.181 Applicability.

This subpart prescribes the requirements for the issuance of flight instructor certificates and ratings, the conditions under which those certificates and ratings are necessary, and the limitations upon these certificates and ratings.

§ 61.183 Eligibility requirements: general.

To be eligible for a flight instructor certificate a person must—

(a) Be at least 18 years of age;

(b) Read, write, and converse fluently in English;

(c) Hold—

(1) A commercial or airline transport pilot certificate with an aircraft rating appropriate to the flight instructor rating sought, and

(2) An instrument rating, if the person is applying for an airplane or an instrument instructor rating;

(d) Pass a written test on the subjects in which ground instruction is required by § 61.185; and

(e) Pass an oral and flight test on those items in which instruction is required by § 61.187.

§ 61.185 Aeronautical knowledge.

(a) An applicant for a flight instructor certificate must have logged ground instruction, or present evidence showing that he has satisfactorily completed a home study course, in at least the following subjects:

(1) The learning process.

(2) Elements of effective teaching.

(3) Student evaluation, quizzing, and testing.

(4) Course development.

(5) Lesson planning.

(6) Classroom instructing techniques.

(7) All of the subjects in which ground instruction is required for a private and commercial pilot certificate, and for an instrument rating, if an airplane or instrument instructor rating is sought.

(b) The ground instruction required by paragraph (a) of this section must be

given by an authorized flight instructor. In addition, this logbook must contain an endorsement by the instructor who has given him the instruction certifying that he has found the applicant competent to pass the flight instructor written examination for the rating sought.

§ 61.187 Flight proficiency.

(a) An applicant for a flight instructor certificate must have received flight instruction, appropriate to the instructor rating sought in the subjects listed in this paragraph by a person authorized in paragraph (b) of this section. In addition, his logbook must contain an endorsement by the person who has given him the instruction certifying that he has found the applicant competent to pass a practical test on the following subjects:

(1) Preparation and conduct of lesson plans for students with varying backgrounds and levels of experience and ability.

(2) The evaluation of student flight performance.

(3) Effective preflight and postflight instruction.

(4) Flight instructor responsibilities and certifying procedures.

(5) Effective analysis and correction of common student pilot flight errors.

(6) Performance and analysis of standard flight training procedures and maneuvers appropriate to the flight instructor rating sought.

(b) The flight instruction required by paragraph (a) of this section must be given by—

(1) A person holding a gold seal flight instructor certificate issued under § 61.189 of this subpart, or

(2) A person who has held a flight instructor certificate during the 24 months before the instruction was given, who meets the general requirements for a flight instructor certificate prescribed in § 61.183, and who has given at least 200 hours of flight instruction, or 80 hours in the case of glider instruction, as a certificated flight instructor.

§ 61.189 Gold seal flight instructor certificate.

(a) To be eligible for a flight instructor certificate with a gold seal, an applicant must—

(1) Hold at least a commercial pilot certificate with appropriate aircraft ratings, and in the case of an airplane or an instrument instructor rating he must hold an instrument rating;

(2) Have held a flight instructor certificate during the 24 months preceding the date of application and meet the general requirements of this subpart for that certificate;

(3) Have a flight instruction record which shows that he meets one of the following:

(i) Within the 24 months preceding the date of application for his gold seal flight instructor certificate, he trained and recommended at least 10 applicants for a pilot certificate or rating and at least 8 of every 10 applicants passed their first test.

(ii) Since the issuance of his flight instructor certificate or rating, he trained and recommended at least 25 applicants for a pilot certificate or rating and at least 20 of every 25 applicants passed their first test.

(iii) Have served satisfactorily as a designated pilot examiner or chief flight instructor of a certificated pilot school for at least 12 consecutive months during the 2 years preceding the date of his application.

(b) A gold seal flight instructor certificate issued under this section may be issued to a flight instructor who holds a gold seal flight instructor certificate on the effective date of the revision of this part, or who surrendered his gold seal flight instructor certificate before that date.

§ 61.191 Flight instructor records.

(a) Each certificated flight instructor shall sign the logbook of each person to whom he has given flight or ground instruction and specify in that book the amount of the time and the date on which it was given. In addition, he shall maintain a record in his flight instructor logbook, or in a separate document containing the following:

(1) The name of each person whose logbook or student pilot certificate he has endorsed for solo flight privileges. The record must include the type and date of each endorsement.

(2) The name of each person for whom he has signed a certification for a written, flight, or practical test, including the kind of test, date of his certification, and the result of the test.

(b) The records required by this section shall be retained by the flight instructor separately or in his logbook for at least 3 years.

§ 61.193 Additional flight instructor ratings.

The holder of a flight instructor certificate who applies for an additional rating on that certificate must—

(a) Hold an effective pilot certificate with ratings appropriate to the flight instructor rating sought;

(b) Have had at least 25 hours as pilot in command in the category and class of aircraft appropriate to the rating sought; and

(c) Pass the written and practical test prescribed in this subpart for the issuance of a flight instructor certificate with the rating sought.

§ 61.195 Flight instructor authorizations.

(a) The holder of a flight instructor certificate is authorized, within the limitations of his instructor certificate and ratings, to give—

(1) In accordance with his pilot ratings, the flight instruction required by this part for a pilot certificate or rating;

(2) Ground instruction or a home study course required by this part for a pilot certificate and rating;

(3) Ground and flight instruction required by this subpart for a flight instructor certificate and rating, if he meets the requirements prescribed in §61.187 for the issuance of a flight instructor certificate; and

(4) The flight instruction required for an initial solo or cross-country flight.

(b) The holder of a flight instructor certificate is authorized within the limitations of his instructor certificate to endorse—

(1) In accordance with §§ 61.93(c)(1) and 61.87(d)(1), the pilot certificate of a student pilot he has instructed authorizing the student to conduct solo or solo cross-country flights, or act as pilot in command of an aircraft requiring more than one flight crewmember;

(2) In accordance with § 61.87(d)(2), the logbook of a student pilot he has instructed authorizing single or repeated solo flights;

(3) In accordance with § 61.93(c)(2), the logbook of a student pilot whose preparation and preflight planning for a solo cross-country flight he has reviewed and found adequate for a safe flight under the conditions he has listed in the logbook;

(4) The logbook of a pilot or flight instructor he has examined certifying that the pilot or flight instructor is prepared for a written or flight test required by this part; and

(5) In accordance with § 61.187, the logbook of an applicant for a flight instructor certificate certifying that he has examined the applicant and found him competent to pass the written or practical test required by this part.

(c) A flight instructor with a rotorcraft and helicopter rating or an airplane single-engine rating may also endorse the pilot certificate and logbook of a student pilot he has instructed authorizing the student to conduct solo and cross-country flights in a single-place gyroplane.

(d) The holder of a gold seal flight instructor certificate is authorized within the limitations of his ratings, to perform any of the privileges specified in paragraphs (a), (b), and (c) of this section. He is also authorized to perform any other privileges delegated to him by the Administrator.

§ 61.197 Flight instructor limitations.

The holder of a flight instructor certificate is subject to the following limitations:

(a) *Hours of instruction.* He may not conduct more than 8 hours of flight instruction in any period of 24 consecutive hours.

(b) *Ratings.* He may not conduct flight instruction in any aircraft for which he does not hold a category, class, and type rating, if appropriate, on his pilot and flight instructor certificate. However, the holder of a flight instructor certificate effective on (the date of this revision) may continue to exercise the privileges of that certificate until it expires, but not later than (24 months from the date of this revision).

(c) *Endorsement of student pilot certificate.* He may not endorse a student pilot certificate for initial solo or solo cross-country flight privileges, un-

less he finds that the student has received the instruction required by this part for the endorsement, and is prepared to conduct the flight safely with the aircraft involved.

(d) *Logbook endorsement.* He may not endorse a student pilot's logbook for solo flight unless he has given that student flight instruction and found him prepared for solo flight in the type of aircraft involved, or for a cross-country flight, unless he has reviewed the student's flight preparation, planning, equipment, and proposed procedures and found them to be adequate for the flight proposed under existing circumstances.

(e) *Solo flights.* He may not authorize any student pilot to make a solo fight unless he possesses a valid student pilot certificate endorsed for solo in the make and model aircraft to be flown. In addition, he may not authorize any student pilot to make a solo cross-country flight unless he possesses a valid student pilot certificate endorsed for solo cross-country flight in the category of aircraft to be flown.

(f) *Instruction in multiengine airplane or helicopter.* He may not give flight instruction in a multiengine airplane or a helicopter, unless he has at least 5 hours of experience as pilot in command in the make and model of that airplane or helicopter as the case may be.

§ 61.199 Renewal of flight instructor certificates.

The holder of a flight instructor certificate may have his certificate renewed for an additional period of 24 months if he passes the practical test for a flight instructor certificate and the rating involved, or those portions of that test that the Administrator considers necessary to determine his competency as a flight instructor. His certificate may be renewed without taking the practical test if—

(a) His record of instruction shows that he is a competent flight instructor;

(b) He has a satisfactory record as a company check pilot, chief flight instructor, pilot in command of an aircraft operated under Part 121 of this chapter, or other activity involving the regular evaluation of pilots, and passes any oral test that may be necessary to determine the instructor's knowledge of current pilot training and certification requirements and standards; or

(c) He has successfully completed, within 90 days before the application for the renewal of his certificate, an approved flight instructor refresher course consisting of not less than 24 hours of ground or flight instruction, or both.

§ 61.201 Expired flight instructor certificates and ratings.

(a) *Flight instructor certificates.* The holder of an expired flight instructor certificate may exchange that certificate for a new certificate by passing the practical test prescribed in § 61.187.

(b) *Flight instructor ratings.* A flight instructor rating or a limited flight instructor rating on a pilot certificate is no longer valid and may not be exchanged for a similar rating or a flight instructor certificate. The holder of either of those ratings is issued a flight instructor certificate only if he passes the written and practical test prescribed in this subpart for the issue of that certificate.

§ 61.203 Conversion to new system of instructor ratings.

(a) *General.* The holder of a flight instructor certificate that does not bear any of the new class or instrument ratings listed in § 61.5(c) (2), (3), or (4) of this part for an instructor certificate, may not exercise the privileges of that certificate after (24 months after effective date of this revision). Before that date he may exchange a certificate which has not expired for a flight instructor certificate with the appropriate new ratings in accordance with the provisions of this section. The holder of a flight instructor certificate with a glider rating need not convert that rating to a new class rating to exercise the privileges of that certificate and rating.

(b) *Airplane—single-engine.* An airplane—single-engine rating may be issued to the holder of an effective flight instructor certificate with an airplane rating who has passed the flight instructor practical test in a single-engine airplane, or who has given at least 20 hours of flight instruction in single-engine airplanes as a certificated flight instructor.

(c) *Airplane—multiengine.* An airplane—multiengine class rating may be issued to the holder of an effective flight instructor certificate with an airplane rating who has passed the flight instructor practical test in a multiengine airplane, or who has given at least 20 hours of flight instruction in multiengine airplanes as a certificated flight instructor.

(d) *Rotorcraft-helicopter.* A rotorcraft-helicopter class rating may be issued to the holder of an effective flight instructor certificate with a rotorcraft rating who has passed the flight instructor practical test in a helicopter, or who has given at least 20 hours of flight instruction in helicopters as a certificated flight instructor.

(e) *Rotorcraft-gyroplane.* A rotorcraft-gyroplane class rating may be issued to the holder of an effective flight instructor certificate with a rotorcraft rating who has passed the flight instructor practical test in a gyroplane, or who has given at least 20 hours of flight instruction in gyroplanes as a certificated flight instructor.

(f) *Instrument-airplane.* An instrument-airplane instructor rating may be issued to the holder of an effective flight instructor certificate with an instrument rating who has passed the instrument instructor practical test in an airplane, or who has given at least 20 hours of instrument instruction in an airplane as a certificated flight instructor.

(g) *Instrument-helicopter.* An instrument-helicopter rating may be issued to the holder of an effective flight instructor certificate with an instrument rating who has passed the instrument instructor practical test in a helicopter, or who has given at least 20 hours of instrument flight instruction in helicopters as a certificated flight instructor.

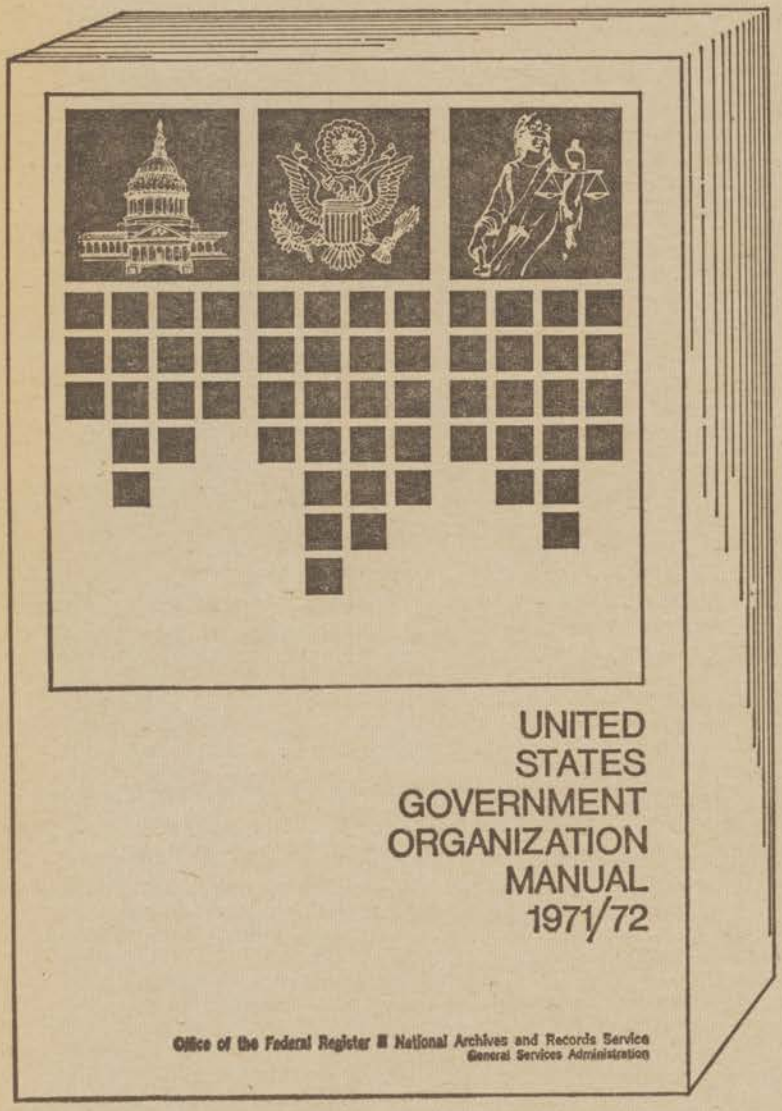
(h) *Glider cloud-flying.* A glider cloud-flying instructor rating may be issued to the holder of an effective flight instructor certificate with an instrument rating who has given at least 10 hours of instrument instruction in gliders as a certificated flight instructor.

APPENDIX A

PRACTICAL TEST REQUIREMENTS OF AIRLINE TRANSPORT PILOT CERTIFICATE AND ASSOCIATED CLASS AND TYPE RATINGS

[FR Doc.72-4375 Filed 3-22-72;8:45 am]

Know your Government...



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