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PART I

(Part II begins on page 9439)

HIGHLIGHTS OF THIS ISSUE

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

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FEDERAL REGISTER

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List of CFR Parts Affected

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

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

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that one position of Confidential Assistant to the Director, Special Action Office for Drug Abuse Prevention, is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (5–10–72), subparagraph (3) is added to paragraph (j) of § 213.3303 as set out below.

§ 213.3303 Executive Office of the President.

* * * * *

(j) *Special Action Office for Drug Abuse Prevention.* * * *

(3) One Confidential Assistant to the Director.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

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

[FR Doc.72–7057 Filed 5–9–72;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Army

Section 213.3307 is amended to show that the following position is no longer excepted under Schedule C: One Staff Assistant to the Deputy Assistant Secretary for Manpower and Reserve Affairs (Personnel Management and Training).

Effective on publication in the FEDERAL REGISTER (5–10–72), subparagraph (6) of paragraph (a) of § 213.3307 is revoked.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

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

[FR Doc.72–7055 Filed 5–9–72;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that the position of Confidential Assistant to the Executive Director, National Business Council for Consumer Affairs, is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (5–10–72), subparagraph (14) is added to paragraph (m) of § 213.3314 as set out below.

§ 213.3314 Department of Commerce.

* * * * *

(m) *Office of the Assistant Secretary for Domestic and International Business.* * * *

(14) One Confidential Assistant to the Executive Director, National Business Council for Consumer Affairs.

* * * * *

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

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

[FR Doc.72–7056 Filed 5–9–72;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the position of Deputy Assistant Secretary for Legislation (Education) is no longer excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (5–10–72), subparagraph (6) of paragraph (f) of § 213.3316 is revoked.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

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

[FR Doc.72–7059 Filed 5–9–72;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Home Loan Bank Board

Section 213.3354 is amended to show that one position of Secretary to the General Counsel is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (5–10–72), paragraph (h) is added to § 213.3354 as set out below.

§ 213.3354 Federal Home Loan Bank Board.

* * * * *

(h) One Secretary to the General Counsel.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

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

[FR Doc.72–7058 Filed 5–9–72;8:45 am]

Title 7—AGRICULTURE

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM–4, Revision II)

REDEFINITION OF PORT VALUE

On page 6745 of the FEDERAL REGISTER of April 4, 1972, there was published a notice of proposed rule making to amend paragraph A.1 of Supplements I and II to GSM–4, Revision II, Regulations Covering Export Financing of Sales of Agricultural Commodities Under the CCC Export Credit Sales Program.

The effect of these amendments is to redefine "Port Value" by increasing the financing limits for beef and dairy breeding animals under the CCC Export Credit Sales Program.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections related to the proposed amendments. No comments have been received and, therefore, the proposed amendments are adopted without change and are set forth below.

Effective date: Shall be effective upon publication in the FEDERAL REGISTER (5–10–72).

FRANK G. MCKNIGHT,
Acting Vice President, Commodity Credit Corporation and General Sales Manager, Export Marketing Service.

MAY 3, 1972.

1. The amendment of paragraph A.1. of Supplement I redefines "port value" by increasing the financing limits for beef breeding animals under the CCC Export Credit Sales Program. As amended, paragraph A.1, of Supplement I to GSM–4, Revision II, reads as follows:

1. "Port value" means the net amount of the exporter's sales price for beef breeding cattle to be exported under the financing agreement, basis f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border points of exit, or at U.S. airports if shipped by air. The point of exportation for animals shall be designated by the Agricultural Research Service, U.S. Department of Agriculture. The port value shall not include the ocean freight for a c&f sale or ocean freight and marine and war risk insurance for a c&f sale, and shall also not include any animal care or servicing cost incurred after such animals are loaded aboard the export carrier. The net amount of the exporter's sales price means the contract price for the animals less any payments

made by the importer and less any discounts, credits, or allowances to the importer. Such net amounts shall not exceed (a) for registered bulls, $1,350 each or, with prior approval of the Assistant Sales Manager for Commercial Credit and Barter, $2,750 if performance has been superior to the performance records specified in Exhibit II to this supplement; (b) for registered females, $750 each or, with prior approval of the Assistant Sales Manager for Commercial Credit and Barter, $1,100 if performance has been superior to the performance records specified in Exhibit I to this supplement; (c) for nonregistered females, an average for the sale, of $500 each or, with prior approval of the Assistant Sales Manager for Commercial Credit and Barter, $700 if performance has been superior to the performance records specified in said Exhibit I. The difference, if any, between the maximum net amount specified in (a), (b), or (c) of this paragraph A.1. and the contract price for the individual animal, if registered, or the average contract price for the individual animal, if nonregistered, shall not be included as part of the port value.

2. The amendment of paragraph A.1. of Supplementing II redefines "port value" by increasing the financing limits for dairy breeding animals under the CCC Export Credit Sales Program. As amended, paragraph A.1. of Supplement II to GSM-4, Revision II, reads as follows:

1. "Port value" means the net amount of the exporter's sales price for dairy breeding cattle to be exported under the financing agreement, basis f.a.s or f.o.b. export carrier at U.S. ports, at U.S. border points of exit, or at U.S. airports if shipped by air. The point of exportation for animals shall be designated by the Agricultural Research Service, U.S. Department of Agriculture. The port value shall not include the ocean freight for a c&f sale or ocean freight and marine and war risk insurance for a c&f sale, and shall also not include any animal care or servicing cost incurred after such animals are loaded aboard the export carrier. The net amount of the exporter's sales price means the contract price for the animals less any payments made by the importer and less any discounts, credits, or allowances to the importer. Such net amount shall not exceed (a) $2,000 each for registered bulls which have an acceptable performance index as set out in paragraph D.1., Exhibit II to this supplement, or, with prior approval of the Assistant Sales Manager for Commercial Credit and Barter, $3,500 if such animal has a superior performance index as set out in paragraph D.2. of Exhibit II; (b) $900 each for registered females which have an acceptable performance index as set out in paragraph D.1., Exhibit I to this supplement, or with prior approval of the Assistant Sales Manager for Commercial Credit and Barter, $1,500 if such animal has a superior performance index as set out in paragraph D.2. of Exhibit I; (c) with prior approval of the Assistant Sales Manager for Commercial Credit and Barter, $1,750 each for registered mature cows which have a superior performance index as set out in paragraph D.3. of Exhibit I; (d) with prior approval of the Assistant Sales Manager for Commercial Credit and Barter, $925 each for nonregistered mature cows which have a superior performance index as set out in paragraph D.3. of Exhibit I; or (e) $750 average for the sale of nonregistered females, other than mature cows with a superior performance index, if each such animal has an acceptable performance index as set out in paragraph D.1. of Exhibit I. The difference, if any, between the maximum net amount specified in (a), (b), (c), (d), or (e) of this paragraph A.1. and the contract price for individual registered animals or nonregistered mature cows with a superior performance index, or the average contract price for nonregistered females, other than mature cows with a superior performance index, shall not be included as a part of the port value.

[FR Doc.72-7079 Filed 5-9-72;8:48 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

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

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1972 ed.), as amended February 1, 1972 (37 F.R. 2430), February 16, 1972 (37 F.R. 3410), and March 1, 1972 (37 F.R. 4246), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein as follows:

OUTSIDE METROPOLITAN AREA

ONE HOUR

Add: Port Huron, Mich.
Delete: Nogales, Ariz. (when served from Lochiel, Ariz.).

TWO HOURS

Add: Nogales, Ariz. (when served from Lochiel, Ariz.).
Add: Bridgeman, Ludington, Muskegon, and Saginaw, Mich.

THREE HOURS

Add: Frankfort, Mich.

(64 Stat. 561; 7 U.S.C. 2260)

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER (5-10-72).

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions 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 4th day of May 1972.

E. E. SAULMON,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.72-7078 Filed 5-9-72;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 72-WE-4-AD, Amdt. 39-1444]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing 707 and 720 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of existing escape floor fitting spring pins on the Boeing Model 707 and 720 series airplanes was published in 37 F.R. 4919.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment noted that some air carriers had completed inspections or replacements of the floor fittings and, therefore, the 500 hours' compliance time was unduly restrictive. The comment suggested that the compliance time be extended to 1,500 hours.

The leadtime provided by both the date of effectivity after the publication date in the FEDERAL REGISTER and the specified compliance time is considered adequate. Therefore, in the absence of a substantial basis for further delay, the agency has determined to retain the compliance time as originally proposed.

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

BOEING. Applies to 707 and 720 Series airplanes utilizing single attachment point escape slides listed in Boeing Service Bulletin 3078, dated January 10, 1972, or later FAA-approved revision.

To preclude loss of escape slide retention at the forward and aft passenger doors accomplish the following:

Within the next 500 hours' in service after the effective date of the A.D., unless previously accomplished, replace the two spring pins in the floor, attach fitting with new spring pins in accordance with Boeing Service Bulletin No. 3078, dated January 10, 1972, or later FAA-approved revision, or equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective June 7, 1972.

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

Issued in Los Angeles, Calif., on April 26, 1972.

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

[FR Doc.72-7062 Filed 5-9-72;8:46 am]

[Airworthiness Docket No. 71-WE-26-AD, Amdt. 39-1443]

PART 39—AIRWORTHINESS DIRECTIVES

DeHavilland Model D.H. 104 Dove Series 7A, 7AXC, 8A, 8AXC Airplanes Modified Per STC SA1747WE ("Carstedt Jet Liner C-600")

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring either reduced life limits or additional modification of DeHavilland Model D.H. 104 Dove Series 7A, 7AXC, 8A, 8AXC airplanes modified per STC SA1747WE ("Carstedt Jet Liner C-600") was published in 37 F.R. 811.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Hawker Siddeley Aviation, Ltd., has requested removal of references to "Hawker Siddeley," "DeHavilland" and "Dove" in this and future AD's concerning these modified aircraft. While the applicability of the proposed rule to aircraft incorporating a particular modification (STC SA1747WE) was set forth in the notice of proposed rule making, the adopted rule includes the commonly used popular name designation, i.e., the Carstedt Jet Liner C-600. The references contained in the notice are retained in the adopted rule as the appropriate description for the certification of the aircraft, as modified by a supplemental type certificate.

Hawker Siddeley Aviation, Ltd., has objected to the statement in the notice that "Hawker Siddeley and the agency have reexamined data pertaining to the use and the safe-life of the fitting and the lower spar boom." It requests that FAA note that Hawker Siddeley did not reexamine these data as stated in the preamble of the NPRM and that any work done by Hawker Siddeley on the fatigue life of standard Dove parts had no bearing on the part designed by another company. This AD applies to aircraft modified in accordance with supplemental type certificates issued by the agency; the AD does not apply to unmodified D.H. 104 Dove aircraft. Data used to support the issuance of STC SA1747WE included data for safe-lives of parts in the unmodified D.H. 104 Dove aircraft. The agency reexamined the data submitted for STC SA1747WE in light of data for safe-lives for parts in the unmodified D.H. 104 Dove aircraft.

Hawker Siddeley Aviation, Ltd., has commented that it cannot take any responsibility for adequacy of the static strength of the wing center section lower spar boom in the modified aircraft or for the safe-life of 1,800 hours quoted in the Directive. The agency is not, by adoption of this AD, imputing responsibility to Hawker Siddeley for modified aircraft by mere reference to applicable parts on unmodified aircraft. An airplane modification may be sufficiently extensive to require reevaluation of unmodified parts for new basic static loads and different fatigue spectrums as applicable to the modified configuration.

As all instructions required to accomplish the lower spar boom replacement are contained within a reference to DeHavilland Aircraft Company drawing No. 4-Z-13775, the reference to Hawker Siddeley Technical New Sheet Series CT (104) No. 119 has been deleted.

No other written comments were received.

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 airworthiness directive:

HAWKER SIDDELEY. Applies to DeHavilland Model D.H. 104 Series 7A, 7AXC, 8A, 8AXC airplanes modified per STC SA1747WE certificated in all categories. (Also known as "Carstedt Jet Liner C-600".)

Compliance required prior to further flight after the effective date of this AD as indicated, unless already accomplished.

To prevent fatigue failure of a wing main spar lower attach fitting or of a wing center section lower spar boom, accomplish the following:

(a) Replace each wing lower spar attach fitting P/N CPD 2004 installed under STC SA1747WE at or before 1,800 hours' time in service, and at intervals thereafter not to exceed 1,800 hours' time in service, with a new attach fitting (Strato Engineering Co., Inc., Part No. CPD 2004).

(b) Replace the wing center section lower spar boom at or before 1,800 hours' time in service, and at intervals thereafter not to exceed 1,800 hours' time in service, in accordance with DeHavilland Aircraft Co. drawing number 4-Z-13775, or another replacement modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) If aircraft are further modified in accordance with STC SA2438WE, or an alternate acceptable modification approved by the Chief, Aircraft Engineering Division, Western Region, replacement of the parts as specified in (a) and (b) above, may be discontinued.

This amendment becomes effective June 7, 1972.

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

Issued in Los Angeles, Calif., on April 26, 1972.

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

[FR Doc.72-7063 Filed 5-9-72;8:46 am]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna T310, 320, 401, 402, 411, 414, and 421 Series Airplanes

Since issuance of AD 70-11-2, Cessna has developed a design change in the exhaust system on production aircraft which is available for inservice airplanes per Cessna Service Letter ME72-4, dated March 24, 1972. This design change includes a new sealed slip joint type exhaust system that cannot be inspected utilizing the pressure test procedures specified in AD 70-11-2. In addition, there have been failures of the engine exhaust system components on Cessna Models 411, 414, and 421 series airplanes. These failures are in the form of cracks, breaks, bulging, and joint separation, which, if not corrected, will allow hot exhaust gases to discharge into the engine compartment resulting in possible hazardous heat damage to adjacent powerplant components.

Since production aircraft contain exhaust system components that cannot be pressure tested and exhaust system failures are occurring on certain additional airplanes of the same type design, AD 70-11-2 is being superseded by a new AD which will add Cessna Models 411, 414, and 421 series airplanes and revise the inspection procedures for airplanes that have the latest sealed slip-joint type exhaust system.

Since a situation exists which requires expeditious adoption of the amendment to extend compliance on some airplanes and revise inspection procedures, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

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

CESSNA. (1) Paragraphs A, B, C, and D are applicable to Models T310P, T310Q, 320D, 320E, 320F, 401, 401A, 401B, 402, 402A, 402B, 411, 411A, 414, 421, 421A, and 421B airplanes.

(2) Paragraph E is applicable to those airplanes equipped with new sealed slip-joint type exhaust systems, namely, Models T310Q (Serial No. T310Q-0292 and up), 401B (Serial No. 401B0122 and up), 402B (Serial No. 402B0123 and up), 414 (Serial No. 414-0176 and up), and 421B (Serial No. 421B0148 and up) airplanes or those airplanes modified in accordance with Cessna Service Letter No. ME72-4, dated March 24, 1972.

Compliance: To detect incipient failure of the engine exhaust system installed in the above airplanes, within 25 hours' time in service after the effective date of this AD, unless already accomplished within the last 25 hours' time in service, and thereafter at intervals not to exceed 50 hours' time in service from the last inspection, except that airplanes with less than 25 hours' total time in service need not be inspected or tested before 50 hours' time in service (or 50 hours' time in service after the last complete AD 70-11-2 inspection), accomplish the following:

(A) Remove the engine cowling and heat shields that shroud the exhaust manifold and joints.

(B) Visually inspect the complete exhaust manifold, joints and "V" band clamps for cracks or breaks.

(C) Test the complete exhaust manifold and joints for leakage in accordance with the following procedures as outlined in Cessna Service Letter ME70–20, Supplement No. 1, dated April 9, 1971, or any other equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region:

1. Plug either the waste gate overboard tube or the turbine overboard tube with a rubber plug.

2. Attach the pressure side of an industrial vacuum cleaner to the open overboard tube using a rubber plug to effect a seal as required.

3. With vacuum cleaner operating, check complete exhaust manifold and joints manually by feel or by using a soap solution and watching for bubbles. The exhaust system must be free of air leaks, with the exception of waste-gate bearings, the ball joints at the bellows assembly, the turbocharger and bearing housing joint, and "V" band joint clamps, which will show some bubbling.

(D) If cracks, breaks or any leakage along the manifold pipes and any excess leakage at the joints are found during the inspections and tests required by either paragraphs B or C of this AD, before further flight, replace any defective part with an airworthy part.

(E) On airplanes equipped with new sealed slip-joint type exhaust system:

1. Remove the engine cowling and heat shields that shroud the "V" band clamps.

2. Visually inspect all "V" band clamps for cracks or breaks.

3. Prior to further flight replace any defective "V" band clamp with an airworthy part.

This AD supersedes AD 70–11–2.

NOTE: Caution should be exercised to prevent overtorquing of the "V" band clamp at applicable locations. Condition of the clamp during each inspection required by this AD should be determined and torquing of the clamp bolt should be accomplished in accordance with Cessna Service Letter ME70–20, Supplement No. 1, dated April 9, 1971.

This amendment becomes effective May 12, 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 April 28, 1972.

BROWNING ADAMS,
Acting Director, Central Region.

[FR Doc.72–7064 Filed 5–9–72;8:46 am]

[Airspace Docket No. 72–EA–33]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Route Segment

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to realign the segment of Jet Route No. 152 between Rosewood, Ohio, and Harrisburg, Pa.

Jet Route 152 between the Rosewood VORTAC and Harrisburg VORTAC is presently aligned via a minor dogleg over the West View, Pa., intersection. The distance between Rosewood and Harrisburg via this alignment exceeds the normal spacing criteria specified for navigational aids within the Jet Route system. Because of the excessive distance between Rosewood and Harrisburg, the minimum en route altitude (MEA) for the middle portion of this route has been established at flight level 300. The establishment of the MEA at this excessive altitude prohibits the ultimate use of altitudes along this jet route segment. Additionally, through radar monitoring aircraft utilizing J–152 between Rosewood and Harrisburg have been observed north of the route centerline in the vicinity of the West View intersection. This reflects instability of the navigational guidance on this route segment due to the excessive spacing between the Rosewood and Harrisburg facilities.

To properly provide for better navigational guidance and utilization of flight altitudes on this segment of J–152, action is taken herein to realign J–152 segment from Rosewood direct to Johnstown, Pa., VORTAC, direct to Harrisburg. This alignment by including the Johnstown VORTAC in the route description would permit the MEA to be established at 18,000 feet MSL and would reduce the en route flight distance by approximately 3 nautical miles.

Since a situation exists where safety requires immediate adoption of this amendment, it is found that notice and public procedure thereon are impracticable. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 22, 1972, as hereinafter set forth.

In § 75.100 (37 F.R. 2382) Jet Route No. 152 text is amended by deleting all between "Rosewood;" and "to INT Harrisburg 096°" and substituting "Johnstown, Pa.; Harrisburg, Pa.:" therefor.

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

Issued in Washington, D.C., on May 5, 1972.

ROBERT G. CARNAHAN,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72–7132 Filed 5–9–72;8:50 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR–53]

PART 374a—REGULATIONS PURSUANT TO SECTION 401 OF THE FEDERAL ELECTION CAMPAIGN ACT OF 1971 WITH RESPECT TO EXTENSION OF CREDIT BY AIR CARRIERS TO POLITICAL CANDIDATES

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of May 1972.

In a notice of proposed rule making, dated March 8, 1972 (SPDR–29, 37 F.R. 5257), the Board proposed a new Part 374a, pursuant to section 401 of the Federal Election Campaign Act of 1971, with respect to the extension of credit to political candidates by persons regulated by the Civil Aeronautics Board.

The notice proposed the following alternative rules, with a view to adopting such of them as the Board would determine to be appropriate in light of the comments received: (1) Prohibit the furnishing of air transportation unless the political candidates, or persons acting on their behalf, make full payment in advance or provide full security in advance; (2) prohibit the furnishing of air transportation to such political candidates unless they maintain an account for air transportation on a current billing basis, i.e., billings to be made semimonthly with full payment remitted within 14 days after billing; (3) permit carriers to refuse to extend unsecured credit, so that carriers may refuse to provide transportation for political campaign purposes unless there is full payment in advance or full security in advance; (4) permit carriers to extend credit on such reasonable terms and conditions as the carrier in its judgment deems appropriate, so long as the same terms and conditions apply uniformly to all candidates for political office; and (5) require carriers to file special reports with respect to credit extended to political candidates.[1] The Board further stated that although it may decide ultimately to adopt only the above reporting requirement, it tentatively concluded that, should one or more of the other described proposals be adopted, the Board would add thereto such reporting requirement.[2]

Pursuant to the subject notice, comments were received from Senator Hugh Scott, U.S. Senator from Pennsylvania; Airline Finance and Accounting Conference of the Air Transport Association of America (ATA); Northeast Airlines, Inc. (Northeast); and the Democratic National Committee (DNC). Although the notice provided for reply comments, none was filed.

Upon full consideration of the relevant matter contained in the comments, we have decided, for the reasons hereinafter stated, to adopt a combination of the aforedescribed alternatives (2) and (5) of the proposed rule, with modifications. Except as modified herein, the tentative findings set forth in the explanatory statement to the proposed rule are incorporated by reference and made final.

Section 401 of the Federal Election Campaign Act of 1971 (Public Law 92–225) directs that the Board, the FCC and

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[1] It was indicated in the notice that each of these proposals was to be considered separately, and in the final rule any one or more of them might be adopted.

[2] In the notice (footnote 4, p. 4 mimeo.), the Board tentatively concluded that there is no need to extend the regulation to carriers serving by exemption, and requested comments on this issue. No such comments having been received, the Board's tentative conclusion will now be made final.

the ICC shall each promulgate, on or before May 7, 1972 (90 days after enactment), "its own regulations with respect to the extension of credit, without security, by any person regulated by (the respective agency) to any candidate for Federal office (as such term is defined in section 301 of the Act)), 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 legislative history of this provision indicates that its purpose was to prevent recurrence of past incidents in which large amounts of unsecured credit were extended to political candidates by regulated industries—particularly air carriers—and substantial portions of the indebtedness so incurred remain uncollected. Thus, Congress had before it the fact that as of April 30, 1971, there was still owed to the Big Four domestic trunkline carriers over $1.5 million of debts stemming from the 1968 Presidential campaign.[3]

The comments in response to the notice of rule making encompass a broad spectrum of views. At one extreme, Senator Scott and the ATA carriers support a prohibition on the extension of any unsecured credit, as embodied in the first alternative proposal in the notice. At the other extreme, the DNC would have the Board rely solely upon a reporting requirement, leaving to each carrier the discretion to determine the extent to which credit should be extended consistent with its normal credit practices. In the Board's judgment, neither extreme represents a desirable solution to the problem. On the one hand, a flat prohibition on the extension of unsecured credit would deprive political candidates of the ordinary credit facilities which the air carriers generally make available to all segments of the public, and would create undue obstacles to the conduct of political campaigns. We are not persuaded that this harsh remedy is necessary to accomplish the remedial purposes of section 401.[4]

On the other hand, the Board cannot accede to the DNC contention that a reporting requirement, without more, would adequately deal with the problem which section 401 was enacted to remedy. While we believe it both necessary and desirable that the Board require public disclosure of debts of air carriers which are incurred by or on behalf of political candidates, we also feel that substantive regulatory action is needed to insulate the carriers from pressures which, in the past, have resulted in the pyramiding of debts by or on behalf of political candidates.

The Board believes that the second of the five alternatives proposed in the notice represents a reasonable accommodation of the conflicting interests. This alternative would prohibit the furnishing of air transportation to political candidates unless they maintain their credit account for transportation on a current billing basis. If the account remains unpaid after the reasonable time prescribed in the rule, the carriers are prohibited from extending any further unsecured credit to or on behalf of the candidates. Protection is thus provided to the carrier by requiring the candidate to maintain a current account, and by preventing political candidates from accumulating large unpaid bills, we avoid those practices which have lead to past abuses. Accordingly, we propose to adopt a current billing practice alternative with modifications described below.[5]

Although the proposed rule was applicable only to "air transportation," as defined in the Federal Aviation Act, the attached rule would apply to all air carriage, whether common or private, intrastate transportation services, and leases of aircraft, with or without crew. The Federal Election Campaign Act does not restrict the air carrier provisions to "air transportation," i.e., to interstate, overseas, or foreign common carriage by air. Since noncommon carriage, intrastate services, and aircraft under dry lease may be furnished to candidates and give rise to substantial indebtedness, it is the Board's view that these additional categories should be included consistent with the remedial purposes of the Election Campaign Act.

Also, the description in the proposed rule of the "current billing" alternative (alternative No. (2)), which we are adopting, did not make sufficiently clear the consequences which were intended to follow a default in payment of a carrier's submitted bill for unsecured credit. The proposal obviously contemplated that a multiplicity of accounts would be maintained by a carrier with respect to a particular candidate, since the candidate as well as numerous persons acting on his behalf (such as various committees organized to support him) could have separate accounts with the same carrier. Yet, if a default in any single account would result in nothing more than cutting off further extensions of unsecured credit to that particular account, the salutary purpose of the rule could be avoided by the simple expedient of proliferating the number of separate accounts on behalf of a single candidate. On the other hand, if default in the account of one person acting on behalf of a candidate were to result in cutting off further extensions of unsecured credit to all accounts maintained with the affected carrier by that candidate, as well as by all other persons acting on his behalf (even though all such other accounts are not in default), then it seems only reasonable that the candidate should at least have the opportunity (a) to screen persons who seek to act on the candidate's behalf, and (b) to be given specific notice of the default of any person acting on his behalf, so that the default may be cured. We are therefore providing for such opportunity in the final rule. However, in order not to disrupt arrangements already made with air carriers by persons who, although acting on behalf of a candidate, have not received his written authorization to do so—as the final rule requires—we are providing that this aspect of the rule should apply only to transportation to be performed after June 1, 1972. For transportation performed before that date, a default in any separate account will oblige the carrier to cut off further extention of unsecured credit only to that particular account.

The regulation also contains clarifying provisions with respect to debts which candidates and persons acting on their behalf may incur in connection with purposes other than the campaign of the candidate. Consistent with the statutory limitation in section 401, the prohibition against extension of unsecured credit relates only to credit for transportation in connection with the candidate's campaign. However, we believe that it would not be in keeping with the goals of the statute to permit the extension of credit for campaign purposes to a person who is in fact in default to a carrier for any indebtedness incurred after the effective date of the part, whatever the source of such indebtedness. Nor do we believe that it would be practicable to expect the carrier to analyze the total indebtedness of such person, so as to separate the portions attributable to Federal election campaign expenses from any other items. This is a problem which may become particularly difficult in the case of political committees which incur debts for transportation in connection with their general political activities which are not limited to Federal election campaigns.

The ATA carriers propose that the billing be made on a monthly rather than a semimonthly basis, consistent with the general billing practices. In the Board's judgment, a monthly billing would be inadequate to prevent the building up of large credit balances in the last months prior to the election when campaign activity is at its peak. Accordingly, we will require that billing be made at least twice a month in the months of September and October prior to the November general election.

Finally, we are including in § 374a.4 a provision to prohibit the extension of credit by the air carrier to a candidate or person acting on his behalf if the air carrier knows that such candi-

[3] Congressional Record (daily edition, July 23, 1971), S-11931-2.

[4] We may note in passing that this proposal would go even beyond that contained in a proposed statutory provision which would have prohibited the extension of unsecured credit to political candidates unless the candidates are billed on a monthly basis and such bills were fully paid within 10 days, a proposal which was withdrawn by the proponent on the ground that it was not likely to carry. See Congressional Record (daily ed. Dec. 14, 1971) S-12999.

[5] The third of our proposed alternatives would permit—but not require—carriers to refuse to extend unsecured credit to political candidates; and the fourth alternative would simply permit the carriers to extend credit on such reasonable terms and conditions as the carrier in its judgment deems appropriate, so long as the same terms and conditions apply uniformly to all candidates for political office. We shall not adopt them, since neither of these alternatives was favored by the comments, and neither of them would effectively curb the abuses which gave rise to this proceeding. It should be noted that our rule does not require a carrier to extend unsecured credit to any person who is not a satisfactory credit risk.

date or person is in default to another carrier. This provision is believed necessary in order to prevent the evasion of the spirit of the regulation by the device of shifting from one carrier to another after extensions of credit have been denied because of nonpayment.

We now turn to the reporting requirement. As previously indicated, the fifth alternative proposal—and the one which the Board tentatively concluded should be prescribed in any event—was to require carriers to file special semimonthly reports with respect to credit extended to political candidates. All of the comments favor a reporting requirement, and ATA suggests several modifications thereto which are dealt with below.

A reporting requirement is consistent with the Federal Election Campaign Act which requires public disclosure of financial support of campaign expenditures. In our judgment, public disclosure of unpaid air transportation bills should encourage both prompt payment by political candidates as well as effective collection action by the carriers. However, upon consideration of suggestions contained in the comments, we shall make the following modifications: (1) The report will be required monthly instead of semimonthly; (2) an item, age of the unpaid balance, will be added; and (3) the report will be due on the 20th day rather than the 10th day following the end of the reporting period.

Consistent with our determination to prohibit extensions of credit for campaign purposes where the account is in default with respect to transportation furnished for any purpose, the report shall cover debts for all transportation furnished to or on behalf of the candidate without regard to the relationship of the transportation to the campaign. The notice proposed that a report be filed with respect to each candidate with an indebtedness balance of over $5,000 on the last day of the month. For purposes of the report, all debts incurred on behalf of the candidate are to be aggregated. In addition, a separate report shall be required with respect to any balance of over $5,000 indebtedness incurred after the effective date of this part by any person to whom the carrier has extended credit as a person acting on behalf of a candidate.

The report with respect to a candidate shall be filed on CAB Form 183, attached hereto as Appendix A; but we are not prescribing a form for the reports to be filed with respect to persons acting on behalf of a candidate.

ATA would have the Board require the reports on a continuing basis rather than for the period commencing 6 months prior to nomination for election, or 6 months prior to election, until the date of election, as in the proposed rule. We see no need for the reports to be filed on a continuing basis by all carriers during those periods of time when no political campaigns for Federal office are being conducted. However, we shall modify the proposed reporting period so as to require the filing of continuous monthly reports even subsequent to the date of election so long as accrued debts remain unpaid, i.e., until a carrier can file its first negative report. Thereafter, the carrier will remain free of the reporting requirement hereunder until commencement of the next prescribed reporting period, namely, 6 months prior to date of nomination for election, or date of election, as the case may be.[6]

In view of the provision of section 401 of the Federal Election Campaign Act requiring the Board to promulgate these regulations within 90 days after February 7, 1972, and the amount of elapsed time which has been necessitated by the public procedures held herein, good cause is found for making the rule effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby issues Part 374a of the Special Regulations (14 CFR Part 374a), effective May 6, 1972, as follows:

Sec.
374a.1 Purpose.
374a.2 Applicability.
374a.3 Definitions.
374a.4 Conditions governing extension of unsecured credit.
374a.5 Exemption authority.
374a.6 Reporting requirements.
374a.7 Record retention requirements.
374a.8 Prospective application of part.

AUTHORITY: The provisions of this Part 374a are issued under secs. 204(a), 401, 403, 404(b), 407, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 [as amended by 76 Stat. 143, 82 Stat. 867], 758 [as amended by 74 Stat. 445], 760, 766 [as amended by 83 Stat. 103], 771; 49 U.S.C. 1324, 1371, 1373, 1374, 1377, 1386; and sec. 401 of the Federal Election Campaign Act of 1971, Public Law 92-225; 86 Stat. 19, 2 U.S.C. 451.

§ 374a.1 Purpose.

Section 401 of the Federal Election Campaign Act of 1971 (Public Law 92-225, 86 Stat. 19, 2 U.S.C. 451, enacted February 7, 1972, and hereafter referred to as the "Election Campaign Act") directs the Civil Aeronautics Board to promulgate, within 90 days after enactment, regulations with respect to the extension of unsecured credit by any person regulated by the Board to any candidate for Federal office, 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 purpose of this part is to issue rules pursuant to said section 401 of the Election Campaign Act in accordance with the Civil Aeronautics Board's responsibility thereunder.

§ 374a.2 Applicability.

This regulation shall be applicable to all air carriers as defined herein.

§ 374a.3 Definitions.

"Adequate security" means (a) a bond, issued by a surety meeting the standards prescribed for sureties in Part 378 of the Board's Special Regulations (Part 378 of this chapter), in an amount not less than one hundred and fifty percent (150%) of the credit limit established by the air carrier for the candidate, or the person acting on behalf of a candidate, as the case may be, by the terms of which bond the surety undertakes to pay to the air carrier any and all amounts (not exceeding the face amount of the bond) for which the assured candidate or the assured person acting on behalf of a candidate, as the case may be, is or may become legally liable to the air carrier for transportation, as defined in this part; or (b) collateral with a market value equal to one hundred and fifty percent (150%) of the established credit limit for such account, which collateral must be deposited in escrow and must consist of Federal, State, or municipal bonds or other negotiable securities which are publicly traded on a securities exchange.

"Air carrier" means any air carrier holding a certificate of public convenience and necessity issued under section 401 of the Federal Aviation Act of 1958, as amended.

"Candidate" means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected. For purposes of this part, an individual shall be deemed to seek nomination for election, or election, if he has (a) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office; or (b) received contributions or made expenditures, or given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office.

"Election" shall have reference to (a) a general, special, primary, or runoff election; (b) a convention or caucus of a political party held to nominate a candidate; (c) a primary election held for the selection of delegates to a national nominating convention of a political party; or (d) a primary election held for the expression of a preference for the nomination of persons for election to Federal office.

"Established credit limit" means the dollar limit of credit established by the carrier extending credit.

"Federal office" means the office of President or Vice President of the United States, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States.

"Person acting on behalf of a candidate" means (a) a political committee acting on behalf of, or a person employed

[6] The final rule adds a new section entitled "Record retention requirements," which specifies a 2-year retention period for the pertinent documents. Also, we are modifying the definition of "political committee" in order to include the corporate form of organization in defining a "political committee," a change suggested by ATA. Finally, we are adding a sentence to the section entitled "Prospective application of part" (§ 374a.8, infra) as ATA requested.

We are not modifying the definition of "adequate security" so as to specify a third person's guaranty as an acceptable alternative form of security as requested by ATA. A personal guaranty does not constitute the kind of "adequate security" which a carrier should be allowed to accept (or be pressured into accepting) in lieu of complying with this rule.

by such candidate or by such political committee to act on behalf of, such candidate in connection with such candidate's campaign for nomination for election, or election, to Federal office; (b) a person acting under a contract with, or as an agent of, such candidate or political committee to engage in activities in connection with such candidate's campaign for nomination for election, or election, to Federal office; or (c) a person for whom such candidate or political committee pays, directly or indirectly, for services purchased by such person. The term includes persons acting on behalf of more than one candidate.

"Payment in advance" means payment by cash, check, money order, or by credit card (if the issuer of such card is not an air carrier or a subsidiary, parent, or affiliate thereof) prior to performance of such transportation by an air carrier.

"Political committee" means any committee, association, corporation, or organization which accepts contributions, or makes expenditures, for the purpose of supporting a candidate or candidates for nomination for election, or election, to Federal office.

"Transportation" means (a) the carriage of persons or property (including services connected therewith) for compensation or hire to or from any place in the United States, or (b) the lease or rental of aircraft, with or without crew.

§ 374a.4 Conditions governing extension of unsecured credit.

(a) Unless adequate security is posted, or full payment in advance is made, no air carrier shall provide transportation to any person it knows, or has reasons to know, is a candidate or a person acting on behalf of such candidate, in connection with the campaign of such candidate, except in accordance with, and subject to, the following conditions:

(1) At least once a month the air carrier shall submit to each such candidate or person, a statement covering all unsecured credit extended to such candidate or person, as the case may be (whether in connection with the campaign of such candidate or otherwise): *Provided,* That, during the months of September and October prior to each election, statements shall be submitted on no less than a semimonthly basis.

(2) Such statements shall be mailed no later than the second business day following the last day of the billing period covered by the statement.

(3) The amount of indebtedness shown on each such statement shall be payable in full no later than 14 days after the last day of the billing period, after which time the indebtedness shall be overdue.

(4) (i) Unsecured credit shall not be extended by an air carrier to a candidate, or to any person acting on his behalf in connection with the campaign of such candidate, so long as any overdue indebtedness of such candidate to such air carrier shall remain unpaid, in whole or in part, or so long as such air carrier shall know that any overdue indebtedness of such candidate to any other air carrier remains unpaid, in whole or in part.

(ii) Unsecured credit shall not be extended by an air carrier to a person acting on behalf of a candidate, for transportation in connection with the campaign of such candidate, so long as any overdue indebtedness of such person to such carrier shall remain unpaid, in whole or in part, or so long as such air carrier shall know that any overdue indebtedness of such person to any other air carrier remains unpaid, in whole or in part.

(5) (i) With respect to transportation in connection with the campaign of any candidate to be performed after June 1, 1972, unsecured credit shall not be extended by an air carrier to any person acting on behalf of such candidate unless the carrier is authorized in writing by such candidate to extend such credit. The foregoing sentence shall not be construed as requiring the candidate to assume liability to the carrier for credit so extended.

(ii) Within 7 days after indebtedness becomes overdue for any unsecured credit extended by an air carrier to a person acting on behalf of a candidate in accordance with subdivision (i) of this subparagraph, the carrier shall notify such candidate in writing of the amount of such overdue indebtedness, and, unless paid in full within 14 days after the date of such notice, such overdue indebtedness shall be deemed to be the overdue indebtedness of such candidate, for the purposes of subparagraph (4) (i) of this paragraph.

(b) It shall be presumed that a candidate or person acting on behalf of a candidate intends to use transportation in connection with the campaign of such candidate for nomination for election, or election, to Federal office.

§ 374a.5 Exemption authority.

Air carriers are exempt from the following provisions of title IV of the Federal Aviation Act of 1958, as amended: (a) Section 403, (b) section 404(b), and any and all other provisions of title IV of the Federal Aviation Act of 1958, as amended, to the extent necessary to enable air carriers to comply with the provisions of this part.

§ 374a.6 Reporting requirements.

(a) Air carriers shall make monthly reports to the Board with respect to the extension of credit for transportation furnished to candidates, or persons acting on behalf of candidates, during the period from 6 months before nomination, if any, or from 6 months before election, until the date of election. After such described period, monthly reports shall also be filed until the air carrier has filed a negative report; thereafter, no further monthly report need be filed until the commencement of the next such described period.

(b) (1) A separate report shall be filed for each candidate with an aggregate indebtedness balance of over $5,000 on the last day of the month to which the report pertains. The report shall cover all debts incurred by the candidate, whether or not incurred in connection with his campaign, and all debts incurred by persons acting on his behalf in connection with such campaign. The indebtedness accounts reported shall be those which the air carrier knows, or has reason to know, have been incurred by or on behalf of a candidate; and it shall be presumed that the transportation for which the indebtedness has been incurred is intended to be used in connection with the campaign of such candidate for nomination for election, or election, to Federal office.

(2) The reports required by this paragraph (b) shall be filed with the Board's Bureau of Accounts and Statistics not later than the 20th day following the end of the calendar month to which the report pertains. They shall include the following data: (i) Name of account; (ii) the credit limit established for such account; (iii) the balance, if any, of the amount payable for transportation not paid for in advance; (iv) any unpaid balance of the charges for such transportation as of the last day of the month covered by the report, and the length of time that such balance has remained unpaid; and (v) a description of the type and value of any bond, collateral, or other security securing such unpaid balance.

(3) The report required by this paragraph (b) shall be in the form attached hereto as Appendix A.[7]

(c) A separate report shall be filed for each person acting on behalf of any candidate, if the aggregate indebtedness balance of such person to the reporting air carrier (including all debts incurred by such person, whether or not incurred in connection with the campaign of a candidate, as defined in this part) is over $5,000 on the last day of the month to which the report pertains. The report shall be filed with the Board's Bureau of Accounts and Statistics not later than the 20th day following the end of the calendar month to which the report pertains and shall include (1) the credit limitation established for such person; (2) the balance, if any, of the amount payable for transportation not paid for in advance; (3) any unpaid balance of the charges for such transportation as of the last day of the month covered by the report, and the length of time that such balance has remained unpaid; and (4) a description of the type and value of any bond, collateral, or other security securing such unpaid balance.

§ 374a.7 Record retention requirements.

(a) Every air carrier subject to the part shall retain for 2 years after a Federal election true copies of the following documents at its principal or general office in the United States:

(1) All documents which evidence or reflect the furnishing of transportation to a candidate for political office or a person acting on his behalf;

(2) All statements, invoices, bills, and receipts with respect to the furnishing of such transportation referred to in subparagraph (1) of this paragraph.

(b) Every air carrier shall make the documents listed in this section avail-

[7] Filed as part of the original document.

able in the United States upon request by an authorized representative of the Board and shall permit such representative to make such notes and copies thereof as he deems appropriate.

§ 374a.8 Prospective application of part.

The provisions of this part shall apply only to the extension of credit by an air carrier to a candidate, or to a person acting on his behalf, which is made subsequent to the effective date of this part, and shall not be applicable to debts incurred prior to such date but which are unpaid as of the effective date of this part. The provisions of this part will be applicable, however, to all credit transactions which occur subsequent to the effective date of the part even though the credit account in which the transaction takes place was opened prior to the effective date of the part.

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] HARRY J. ZINK, *Secretary.*

[FR Doc.72-7065 Filed 5-9-72;8:46 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 34-9587]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Inclusion of Clearing Fund Deposits as Assets in Computation of Net Capital

The Securities and Exchange Commission announced today that it has amended Rule 15c3-1 (17 CFR 240.15c3-1) (the net capital rule) under the Securities Exchange Act of 1934 (Exchange Act) by amending clause (B) of paragraph (c)(2) thereof and by adding new paragraphs (c)(9) and (c)(10). Rule 15c3-1 generally provides for certain safeguards with respect to the financial responsibility of brokers and dealers, including the requirement that a broker-dealer's aggregate indebtedness, as defined in the rule, may not exceed a specified per centum of his net capital, as defined in the rule, and that he must have and maintain a specific minimum net capital.

Clause B of paragraph (c)(2) provides, among other things, that assets which cannot be readily converted into cash must be deducted from net worth in the computation of net capital. This provision has been cast with the view that assets included in net capital should be sufficiently liquid to enable a broker-dealer to meet his current liabilities and obligations. Questions have arisen, however, concerning the application of that principle to clearing fund deposits by members of a continuous net settlement (CNS) system for the clearance and settlement of securities transactions where such system is affiliated with a national securities exchange or a registered national securities association (clearing agency).

Under a CNS system, a clearing agency assumes the role of principal party in the clearance and settlement of both the buying and selling sides of a transaction in securities between members of the clearing agency (clearing members). As a result of the risks thereby assumed by such CNS clearing agencies, clearing funds have been established and maintained through deposits by clearing members for use in payment of the liabilities of clearing members to the clearing agencies or the general liabilities of the clearing agencies which arise as a result of their clearing and settling activities. Such funds are essential to the continued operation and financial security of CNS clearing agencies, and, as noted in the Commission's Study of Unsafe and Unsound Practices of Brokers and Dealers (the Study), the facilitation of clearance procedures through responsible clearing organizations is a matter to be fostered.[1] Al but one of the clearing agencies using the CNS system have established such clearing funds.[2]

We have been informed by the National Clearing Corp. (NCC), a corporation formed by the National Association of Securities Dealers (NASD) to operate its nationwide CNS clearing agency, that a number of broker-dealers have expressed their hesitation to become members of NCC because of the possibility that Rule 15c3-1(c)(2) (17 CFR 240.-15c3-1(c)(2)) might be interpreted to require all deposits, of any nature whatever, to NCC's clearing fund be deducted from members' net worth in the computation of their net capital, and that such deduction could have a substantial impact on the amount of such broker-dealers' net capital. Such hesitancy could substantially impair the growth and effectiveness of NCC and similar clearing agencies whose establishment has been found in the Study to be essential to the efficient conduct by the securities industry of clearance and settlement procedures.

Because of the importance of fostering systems for the clearance and settlement of securities transactions, because CNS systems appear to offer substantial reductions in the movement of share certificates, and because deposits to clearing funds are actually available for use to meet members' current obligations to clearing agencies, the Commission hereby amends clause (B) of Rule 15c3-1(c)(2) and adopts new paragraphs (c)(9) and (c)(10) to Rule 15c3-1 to provide that clearing fund deposits by clearing members of clearing agencies using a CNS system for the clearance and settlement of securities transactions need not be deducted from such members' net worth in the computation of net capital under paragraph (c)(2).

Although the above-stated exception is now being adopted with respect to the calculation of net capital, persons affected by such rule change should be aware that both the Commission and the NASD have the entire net capital rule under review. Such review will include the amendments adopted herein.

Commission action. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 15(c)(3) and 23(a) thereof, hereby amends § 240.15c3-1 of Chapter II of Title 17 of the Code of Federal Regulations (1) by adding the following to the end of the last sentence of subparagraph (ii) of paragraph (c)(2), and (2) by adding new paragraphs (c)(9) and (10) thereto. As amended, subdivision (ii) of paragraph (c)(2) and paragraphs (c)(9) and (10) would read as follows:

§ 240.15c3-1 Net capital requirements for brokers and dealers.

* * * * *

(c) Definitions:

* * * * *

(2) * * *

(ii) Deducting fixed assets and assets which cannot be readily converted into cash (less any indebtedness secured thereby) including, among other things, real estate; furniture and fixtures; exchange memberships; prepaid rent, insurance and expenses; good will; organizational expenses; all unsecured advances and loans; customers' unsecured notes and accounts; and deficits in customers' accounts, except in bona fide cash accounts within the meaning of section 4(c) of Regulation T of the Federal Reserve System; and the funds on deposit in a "segregated trust account" in accordance with § 270.27d-1 of this chapter under the Investment Company Act of 1940, but only to the extent that the amounts on deposit in such segregated trust account exceed the amount of liability reserves established and maintained for refunds of charges required by section 27 (d) and (f) of the Investment Company Act of 1940: *Provided, however,* That the cash and market value of securities, as reduced by the appropriate percentages provided in subdivision (iii) of this subparagraph which are deposited with a clearing fund maintained by a clearing corporation or similar department or association of a national securities exchange or registered national securities association using a continuous net settlement system for the clearance and settlement of securities transactions

[1] H.R. Doc. No. 92-231, 92d Cong., first sess. 3, 5-6, 31, 168, 174-5 (1971).

[2] Clearing agencies using the CNS system have been established by the Midwest Stock Exchange, the Pacific Coast Stock Exchange and the NASD; the latter organization operates its clearing agency function through the National Clearing Corp. The rules of the Pacific Coast Stock Exchange Clearing Corp. do not provide for a clearing fund.

(hereinafter called "clearing agency") need not be deducted under the provisions of this subparagraph.

* * * * *

(9) The term "clearing fund" shall mean a fund established by a clearing agency to receive and hold deposits of cash or securities or both cash and securities from members of such clearing agency for use in payment, and as security for payment, of the liabilities of such members to such clearing agency, or for use in payment by the clearing agency of liabilities it has incurred as a result of its clearing and settling of securities transactions.

(10) The term "continuous net settlement system" shall mean that system for the clearance and settlement of securities transactions whereby a clearing agency: (i) Compares trade execution data submitted by members to arrive at agreed upon contract terms; (ii) on a given date nets purchases and sales of securities by a member with such member's previously unfulfilled purchase or sale obligations with respect to such securities; (iii) allocates delivery obligations as to money and securities between members and the clearing agency itself for unsettled transactions; and (iv) acts as the other party in the settlement of cleared transactions between members with respect to both money and securities.

* * * * *

Because the effect of the above-described amendment would be to relax certain of the requirements of Rule 15c 3-1 under the Exchange Act, the Commission finds that, for good cause, the notice and procedures specified in the Administrative Procedure Act (5 U.S.C. 553) are unnecessary, and accordingly it adopts the foregoing amendments effective immediately.

(Sec. 15(c)(3), 48 Stat. 895, 52 Stat. 1075, sec. 2, 84 Stat. 1653, 15 U.S.C. 78o(c)(3); sec. 23(a), 48 Stat. 901, 49 Stat. 1379, 15 U.S.C. 78w)

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

MAY 8, 1972.

[FR Doc.72-7070 Filed 5-9-72;8:46 am]

[Release No. 34-9588]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Annual Fees for Nonmember Broker-Dealers for Fiscal Year 1972

Correction

In F.R. Doc. 72-6657 appearing on page 8660 in the issue of Saturday, April 29, 1972, the section number now reading "§ 240.1519-2" should read "§ 240.15b9-2".

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PIPERACETAZINE INJECTION AND PIPERACETAZINE TABLETS

The Commissioner of Food and Drugs has evaluated new animal drug applications for piperacetazine tablets (13-619V) and piperacetazine injection (13-618V), filed by Pitman-Moore, Inc., Washington Crossing, N.J. 08560, proposing the safe and effective use of the drugs in dogs and cats. The applications are approved.

To facilitate referencing, Pitman-Moore, Inc., is being assigned a code number and is placed in the list of firms in § 135.501 (21 CFR 135.501).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135, 135b, and 135c are amended as follows:

PART 135—NEW ANIMAL DRUGS

1. Part 135 is amended in § 135.501(c) by adding a new code number as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

Code No.	*Firm name and address*
* * *	* * *
066	Pitman-Moore, Inc., Washington Crossing, N.J. 08560.
* * *	* * *

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

2. Part 135b is amended by adding the following new section:

§ 135b.52 Piperacetazine injection.

(a) *Specifications.* The drug is a sterile aqueous solution and each milliliter contains piperacetazine hydrochloride equivalent to 2 milligrams of piperacetazine.

(b) *Sponsor.* See code No. 066 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) It is intended for use in dogs and cats as a tranquilizer, sedative, and antiemetic agent and for the symptomatic relief of pruritis.

(2) It is administered intramuscularly, intravenously, or subcutaneously; method of administration depends upon the effect desired. It is administered at a recommended average dose that ranges from 0.5 to 2 milligrams per 10 pounds of body weight, depending on the effect desired and the response of the patient. Subsequent doses are adjusted as indicated. Treatment is repeated as necessary. Parenteral treatment may be followed by administration of the drug in tablet form, as indicated.

(3) It is not to be used in conjunction with organophosphates and/or procaine hydrochloride because phenothiazines may potentiate the toxicity of organophosphates and the activity of procaine hydrochloride.

(4) For use only by or on the order of a licensed veterinarian.

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

3. Part 135c is amended by adding the following new section:

§ 135c.66 Piperacetazine tablets.

(a) *Specifications.* Each tablet contains 1 milligram of piperacetazine.

(b) *Sponsor.* See code No. 066 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) It is used in dogs and cats as a tranquilizer, sedative, and antiemetic agent and for the symptomatic relief of pruritis.

(2) Method of administration:

(i) *Tranquilization.* It is administered initially at the recommended average dosage level of 0.5 milligrams per 10 pounds of body weight (1 tablet for every 20 pounds) repeated at 6- to 12-hour intervals for tranquilizing effect. Subsequent doses and the intervals between them may be adjusted as indicated.

(ii) *Sedation.* When sedation is desired, the drug is administered at a dosage level of 1 milligram (1 tablet) per 5 to 10 pounds of body weight. The tablets may be used as supportive therapy following use of the drug in injectable form.

(3) It is not to be used in conjunction with organophosphates and/or procaine hydrochloride, because phenothiazines may potentiate the toxicity of organophosphates and the activity of procaine hydrochloride.

(4) For use only by or on the order of a licensed veterinarian.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (5-10-72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: May 1, 1972.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.72-7081 Filed 5-9-72;8:48 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Sulfadimethoxine Oral Suspension

The Commissioner of Food and Drugs has evaluated a new animal drug application (37-700V) filed by Pitman-Moore, Inc., Washington Crossing, N.J. 08560, proposing the safe and effective use of sulfadimethoxine oral suspension for the treatment of cats and dogs. The manufacturer is an additional sponsor for a previously approved drug. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended by revising § 135c.46(c) to read as follows:

§ 135c.46 Sulfadimethoxine oral suspension.

* * * * *

(c) *Sponsor.* See code Nos. 020 and 066 in § 135.501(c) of this chapter.

* * * * *

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (5–10–72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: May 1, 1972.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.72–7082 Filed 5–9–72;8:48 am]

PART 149b—AMPICILLIN

Sterile Ampicillin Trihydrate for Suspension, Veterinary

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(n), 82 Stat. 350–51; 21 U.S.C. 360b(n)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 149b is amended to provide for a change in the lower limit of the specifications for loss on drying in the certification requirements for sterile ampicillin trihydrate for suspension, veterinary.

Part 149b is amended in § 149b.19 *Sterile ampicillin trihydrate for suspension, veterinary* by revising the sixth sentence of paragraph (a)(1) to read as follows: "Its loss on drying is not less than 11.4 percent and not more than 14.0 percent."

Data supplied by the manufacturer concerning the subject antibiotic have been evaluated. Since the conditions prerequisite to providing for this change have been complied with and since the matter is noncontroversial, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (5–10–72).

(Sec. 512(n), 82 Stat. 350–51; 21 U.S.C. 360b(n))

Dated: May 1, 1972.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.72–7083 Filed 5–9–72;8:48 am]

Title 39—POSTAL SERVICE

Chapter I—U.S. Postal Service

PART 261—PUBLIC INFORMATION ON POSTAL SERVICE AND RECORDS

Disclosure of Post Office Boxholder Information

Regulations codified under § 261.2 of Title 39, Code of Federal Regulations, are amended to specify the type of evidence that postmasters may consider in determining that a post office box is being used for the purpose of doing business with the public; and to provide that boxholder information may be furnished without charge, pending a study to determine whether time expended in searching records warrants charging a fee.

Accordingly, in § 261.2 *Availability of records,* amend paragraph (c)(8) to read as follows:

§ 261.2 Availability of records.

* * * * *

(c) *Exemptions.* * * *

(8) Except as provided in this subparagraph, the names, addresses, and telephone numbers of post office boxholders shall not be disclosed other than to a recognized law enforcement agency or in compliance with a subpoena or court order. Such information may be disclosed in the following manner with respect to any post office box being used for the purpose of doing or soliciting business with the public. When the business name, address, and telephone number are shown on the Application for Post Office Box, Form 1093, or evidence such as a circular is furnished by the inquirer demonstrating that the box is being used for the purpose of doing or soliciting business with the public, the postmaster may provide this information without charge. When a postmaster is unable to determine whether a business is involved he shall refer all disclosure requests to the Regional Counsel for decision.

* * * * *

(39 U.S.C. 401, 410(c)(1))

LOUIS A. COX,
General Counsel.

[FR Doc.72–7069 Filed 5–9–72;8:46 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 19476; FCC 72–390]

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

Subpart H—Extension of Unsecured Credit for Interstate and Foreign Communication Services to Candidates for Federal Office

Report and order. 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. In our March 15, 1972, notice of proposed rule making herein (37 F.R. 5965; Mar. 23, 1972), we invited comments on or before April 7, 1972, on proposed regulations to govern the extension by communication common carriers of unsecured credit to or on behalf of candidates for Federal office. Under section 401 of the Federal Election Campaign Act of 1971 (Campaign Act)[1] we are obligated to promulgate such regulations by May 7, 1972.

2. In response to our notice timely comments were filed by the following:

American Telephone & Telegraph Co. (AT&T).
Continental Telephone Corp. (CTC).
Democratic National Committee (DNC).
GTE Telephone Operating Cos. (GTE—19 operating companies).
Senator Hugh Scott.
United Utilities, Inc. (UUI).
The Western Union Telegraph Co. (WU).
Wisconsin Public Service Commission (PSC).

3. We have given careful consideration to all of the comments that have been submitted to us and it is our conclusion that in the light of these comments, we should adopt the rules as proposed with the following described changes:

(a) In our proposed rule on definitions we made only a cross-reference to section 301 of the Campaign Act for definitions of "candidate," "election," "Federal office," and "person." In our final rules we are eliminating this cross-reference and setting forth the pertinent text of these definitions in our final rules (§ 64.803 (a), (b), (c), and (d)).

(b) Also, in our proposed definition of "unsecured credit" we did not make entirely clear how often the carrier is required to review, and, if necessary, to revise its estimate of future usage for purposes of determining the security that may be required from customers. In our final rules, we specify that such review shall be made on at least a monthly basis (§ 64.803(e)).

(c) In our proposed rule requiring discontinuance of service for nonpayment of bills, we specified that a carrier must give a customer a period of 30 days after a bill is rendered to pay the charges due and, if the bill is not paid within that 30-day period, th carrier must then give 10 days written notice to pay within that 10-day period or service will be cut off.

[1] "SEC. 401. The Civil Aeronautics Board, the Federal Communications Commission, 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."

In our final rules we are shortening these periods to 15 days and 7 days respectively (§ 64.804(d)).

(d) In our proposed rule requiring reports on extensions of unsecured credit we would have required quarterly reports after the first one on January 31, 1973. We are changing this to require reports semiannually instead of quarterly.[2]

4. The changes referred to above in subparagraphs a and b are clarifying in nature; the revision in d above will reduce the number of reports required from carriers; and the change referred to in c above is in response to the contentions of several parties objecting to the proposed rule which would require 40 days to run during which a candidate or person in his behalf could run up a sizeable unpaid account before service could be cut off. We believe that political candidates and persons in their behalf should be given a reasonable time within which to raise money and pay the communications bills before service is cut off. However, we agree that the 40-day period may be too long and our revision to 22 days is a fair compromise between our 40-day proposal and the contentions made herein that the carrier should be able to cut off service immediately upon nonpayment of a bill.

5. We decline to reflect in our final rules certain requests or proposals made herein by one or more parties and it may be useful to state our reasons as to the more significant of these. Requests are made that we adopt a single rule banning any and all unsecured credit to candidates or persons on their behalf. Although we believe that we could adopt such a rule under the general and specific rule making powers granted to us under the pertinent provision of the Communications Act, we are here concerned with implementing the intent of Congress under the Campaign Act. In respect to this particular statute Congress was urged to impose a flat ban on unsecured credit, but Congress refused to do so. The legislative history indicates that Congress was concerned that the affluent candidate not be favored unduly over the less affluent. In view of this legislative background, we do not believe that we should flatly forbid carriers from extending unsecured credit to candidates or persons in their behalf whenever, in the judgment of the carrier, such unsecured credit appears warranted. Moreover, if we were to go beyond the apparent intent of Congress and prohibit any and all unsecured credit to Federal candidates or persons in their behalf, we would be concerned that this would be unduly discriminatory against such candidates in favor of other users who can obtain service on credit unless we also imposed the same flat ban against credit for all customers. We are not prepared to take such action at this time and, accordingly, we reject this proposal (§ 64.804(b)).

6. Other contentions are made herein that our proposed rules would discriminate against the so-called "creditworthy" candidate by requiring equality of treatment among candidates for the same office; and that, accordingly, we should allow carriers to extend unsecured credit to any such candidate and to deny it to less credit-worthy candidates for the same office. We disagree. We do not believe that we should adopt rules that would permit carriers to give service to an affluent candidate, for example, without any security whatsoever and, at the same time, to impose security requirements on a less affluent rival particularly if the latter is unable to obtain service because of such security requirements. Further, history does not support this argument. We shall accordingly retain our proposed rule requiring equality of treatment (§ 64.804(a)).

7. Several parties have urged us to amend our proposed rules so that carriers need not bring actions at law to recover unpaid campaign political accounts where, in the carrier's judgment, the cost of litigation would exceed the amounts due. In view of the legislative purposes of the Campaign Act, we believe that the carriers should exhaust all lawful means to collect such unpaid balances irrespective of the amounts involved. Moreover, we believe that there would be too great a potential for the carriers to discriminate in favor of one candidate over another by making differing subjective judgments as to estimated costs of litigation. Accordingly, we are adopting our proposed rule in this respect without modification (§ 64.804(e)).

8. We have carefully considered all of the other rule proposals not discussed above that were submitted by the parties and conclude that these other proposals should not be adopted at this time. This conclusion is without prejudice to our reconsidering these and other possible revisions in our rules in the light of the experience which will be gained under the rules we are adopting. We intend to closely monitor the effect of our rules in the immediate future for this purpose. However, we are of the opinion that the rules that we are promulgating herein constitute an adequate and appropriate implementation of the objectives of section 401 of the Campaign Act and should be adopted.

9. Two carriers have requested that our final rules be made effective 30 days after adoption rather than immediately as was proposed in our notice. In view of the need for early application of these rules and the fact that the carriers have had actual notice of the substance of the proposed rules for more than 2 months, we see no justification in delaying the effective date of the rules for 30 days after publication in the FEDERAL REGISTER. However, we believe that there should be a short notice period after the final rules are published before they become effective. We shall therefore make the rules effective May 15, 1972.

10. In view of the foregoing: *It is ordered*, Effective May 15, 1972, That Part 64 of Chapter I of Title 47 of the Code of Federal Regulations is amended by adding a new Subpart H as set forth below 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.

(Secs. 4, 201, 202, 203, 218, 219, 48 Stat. 1066, 1070, 1077, 47 U.S.C. 154, 201, 202, 203, 218, 219)

Adopted and released: May 5, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[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 Communications Services to Candidates for Federal Office

Sec.
64.801 Purpose.
64.802 Applicability.
64.803 Definitions.
64.804 Rules governing the extension of unsecured credit to candidates or persons on behalf of such candidates for Federal office for interstate and foreign common carrier communication services.

AUTHORITY: The provisions of this Subpart H issued under 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 Campaign Act of 1971.

§ 64.801 Purpose.

Pursuant to section 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, as amended.

§ 64.803 Definitions.

For the purposes of this subpart:

(a) "Candidate" means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and an individual shall be deemed to seek nomination for election, or election, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomi-

[2] The Commission, on its own motion, is also relaxing the requirements so as to require reports only from a communication common carrier which had operating revenues in the preceding year in excess of $1 million.

[3] Commissioner Johnson not participating.

nation for election, or election, to such office.

(b) "Election" means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, and (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President.

(c) "Federal office" means the office of President or Vice President of the United States; or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States.

(d) "Person" means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons.

(e) "Unsecured credit" means the furnishing of service without maintaining on a continuing basis advance payment, deposit, or other security, that is designed to assure payment of the estimated amount of service for each future 2 month period, with revised estimates to be made on at least a monthly basis.

§ 64.804 Rules governing the extension of unsecured credit to candidates or persons on behalf of such 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 15 days from rendition of a bill therefor, the carrier shall forthwith at the end of the 15-day period serve written notice on the applicant of intent to discontinue service within 7 days of date of such notice for nonpayment and shall discontinue service at the end of the 7-day period unless all such sums due are paid in full within such 7-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 section 415(a) of the Communications Act of 1934, as amended.

(f) The records of each account, involving the extension by a carrier of unsecured credit to a candidate or person on behalf of such candidate for common carrier communications services shall be maintained by the carrier so as to show separately, for interstate and foreign communication services all charges, credits, adjustments, and security, if any, and balance receivable.

(g) On or before January 31 and July 31, 1973, and corresponding dates of each year thereafter, each carrier which had operating revenues in the preceding year in excess of $1 million 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 when such amount results from the extension of unsecured credit. Each 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.

(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.72-7103 Filed 5-9-72;8:50 am]

Title 49—TRANSPORTATION

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

[Docket No. 2-10; Notice 3]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Bus Window Retention and Release

The purpose of this amendment to Part 571, Subpart B of Title 49, Code of Federal Regulations, is to add a new motor vehicle safety standard that establishes minimum requirements for bus window retention and release to reduce the likelihood of passenger ejection in accidents and enhance passenger exit in emergencies.

A notice of proposed rule making on this subject was published on August 15, 1970 (35 F.R. 13025). The comments received in response to the notice have been considered in this issuance of a final rule.

For reasons of clarification, the requirements paragraph has been reorganized and the demonstration procedures paragraph has been replaced by a test conditions paragraph. Some of the specifications of the demonstration procedures paragraph are incorporated under the requirements paragraph, and the remainder are retained under the test conditions paragraph. With the exception of the changes discussed below, the reorganization does not affect the substance of the standard.

In altering the window retention requirements, the final rule lowers the force application limit, provides more precise glazing breakage and glazing yield limits, and exempts small windows. With respect to the emergency exit requirements, the standard permits devices other than push-out windows to be used for emergency exits, permits buses with a GVWR of 10,000 pounds or less to utilize devices other than emergency exits for emergency egress, and permits an alternate roof exit when the bus configuration precludes provision of a rear emergency exit. It also raises the force limits for release and extension of emergency exits, deletes the inertial load requirement for the release mechanism, and requires that emergency exit location markings be located within each occupant space adjacent to an exit.

A few changes have been made in the diagram accompanying the standard. Figure 1, "Adjacent Designated Seating Position, Occupant Spaces, and Push-Out Window Relationship," has been deleted from the final rule because the relationship is sufficiently described in the text of the standard. Accordingly, Figures 2 and 3 have been renumbered as Figures 1 and 2, respectively. A new Figure 3, indicating access regions for emergency exits which do not have adjacent seats, has been added. For reasons of clarification, Figures 2a and 2b and Figures 3a and 3b in the proposed rule have been placed beside each other to form Figures 1 and 2 respectively.

The torque in Figures 2a and 2b of the proposed rule has been transferred to the text and has been explained to indicate that the force used to obtain the torque shall not be more than 20 pounds. In addition, the clearance specifications in Figures 1 and 2 have been clarified in the text to require that the lower edge of the force envelope shall be located 5 inches above the seat, or 2 inches above the armrest, if any, whichever is higher. In several instances, minor changes have been made in the labeling without altering the substance of the diagrams.

A number of comments sought changes in the window retention requirements. Two comments requested an exemption for intra-city buses because the prob-

ability of rollover accidents would be minimal in slow-speed operation. Urban transit buses are subjected to risks of rollover accidents within the city when they travel at moderate to high speed on intra-urban expressways, and should therefore be covered by the standard. Accordingly, the request for this exemption is denied.

Several comments requested an exemption for small windows. Since there is little likelihood of passenger ejection or protrusion from window openings whose minimum surface dimension measured through the center of the area is less than 8 inches, an exemption for windows of this size has been granted.

Two comments asked that the 2,000-pound force application limit in the window retention requirement be lowered. The data indicates that a 1,200-pound limit would be more compatible with the glazing strength. Accordingly, the 2,000-pound force application limit has been lowered to 1,200 pounds.

Several manufacturers stated that they encountered difficulties in ascertaining when the proposed head form penetration limit of the window retention requirement had been reached. After observation of window retention testing, the NHTSA has concluded that the penetration limit as specified in the notice of proposed rulemaking is difficult to determine. For this reason the head form penetration limit has been rephrased in terms of the development of cracks in the glazing and the amount of depression of the glazing surface in relation to its original position.

A number of comments objected to the requirement that at least 75 percent of the glazing be retained in the window mounting during window retention testing. The NHTSA has determined that the intent of this requirement is already accomplished by the requirement that each window be retained during testing by its surrounding structure in a manner which would prevent passage of a 4-inch sphere, and the requirement is accordingly deleted from the final rule.

With respect to the emergency exit requirements, the standard permits devices other than push-out windows to be used for emergency exits. Upon review of the requirements, it has been determined that devices such as panels and doors which meet the emergency exit requirements would be as effective as push-out windows for emergency egress. Because the Administration has concluded that passenger egress is enhanced when several emergency exits are provided, the standard requires that in computing whether a bus meets the unobstructed openings area requirements, no emergency exit, regardless of its area, shall be credited with more than 536 square inches of the total area requirement.

A number of motor vehicle manufacturers sought exemption from the emergency exit requirements for smaller vehicles weighing 10,000 pounds or less GVWR, such as limousines and station wagons, which are designed to carry more than 10 persons and are therefore considered to be buses under NHTSA regulations (49 CFR 571.3). Such vehicles are usually provided with numerous doors and windows which provide sufficient unobstructed openings for emergency exit. Therefore the Administration has concluded that the configuration of these vehicles satisfies the intent of the standard with respect to provision of emergency exits, and they are exempted from the emergency exit openings requirements.

The emergency exit requirements have been changed to permit installation of an alternate roof exit when the bus configuration precludes provision of a rear exit, provided that the roof exit meets the release, extension, and identification requirements. The NHTSA has established this alternative in order to allow design flexibility while providing for emergency egress in rollover situations.

A number of comments expressed concern that the proposed maximum force level for release and extension of emergency exits in Figures 2 a and b and 3 a and b were too low to inhibit inadvertent operation by passengers and suggested that the required maximum force level be raised. After consideration of the goals of facilitating emergency egress and preserving the integrity of the passenger compartment under normal operation, it has been determined that the maximum force levels should be raised from 10 and 30 pounds to 20 and 60 pounds respectively.

One comment submitted the results of testing which indicated that the 30g inertial load requirement for the release mechanism was unnecessarily high. The testing also revealed that the engineering concepts upon which the inertial load requirement is based are not generally applied in the industry and that the requirement would be impracticable. Moreover, an increase in maximum force levels for emergency exit operation in the rule should improve latch integrity. For these reasons, the requirement has been deleted.

The standard requires emergency exit location markings to be placed in certain occupant spaces because of a possible contradiction under the proposed standard between the requirement that the identification markings be located within 6 inches of the point of operation and the requirement that the markings be visible to a seated occupant. The NHTSA has concluded that emergency egress could be hindered if the passenger has difficulty in finding the marking, and that location of the marking outside of an occupant space containing an adjacent seat, which would be permitted under the proposed standard, could create this problem. At the same time it is desirable for the identification and instructions to be located near the point of release. Therefore the final rule requires that when a release mechanism is not located within an occupant space containing an adjacent seat, a label indicating the location of the nearest release mechanism shall be placed within that occupant space.

The temperature condition has been reworded to make it clear, in light of the explanation of usage in § 571.4, that the vehicle must be capable of meeting the performance requirements at any temperature from 70° F. to 85° F.

Effective date: September 1, 1973. After evaluation of the comments and other information, it has been determined that the structural changes required by the standard will be such that many manufacturers will require an effective date of at least 15 months after issuance. It is therefore found, for good cause shown, that an effective date more than 1 year from the date of issuance is in the public interest.

In consideration of the above, Standard No. 217, Bus Window Retention and Release, is added as § 571.217 of Title 49, Code of Federal Regulations, as set forth below.

This rule is issued under the authority of sections 103, 112, and 119 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1401, 1407, and the delegation of authority at 49 CFR 1.51.

Issued on May 3, 1972.

DOUGLAS W. TOMS,
Administrator.

§ 571.217 Standard No. 217; bus window retention and release. (Effective Sept. 1, 1973)

S1. *Scope.* This standard establishes requirements for the retention of windows other than windshields in buses, and establishes operating forces, opening dimensions, and markings for push-out bus windows and other emergency exits.

S2. *Purpose.* The purpose of this standard is to minimize the likelihood of occupants being thrown from the bus and to provide a means of readily accessible emergency egress.

S3. *Application.* This standard applies to buses.

S4. *Definitions.* "Push-out window" means a vehicle window designed to open outward to provide for emergency egress.

"Adjacent seat" means a designated seating position located so that some portion of its occupant space is not more than 10 inches from an emergency exit, for a distance of at least 15 inches measured horizontally and parallel to the exit.

"Occupant space" means the space directly above the seat and footwell, bounded vertically by the ceiling and horizontally by the normally positioned seat back and the nearest obstruction of occupant motion in the direction the seat faces.

S5. *Requirements.*

S5.1 *Window retention.* Except as provided in S5.1.2, each piece of window glazing and each surrounding window frame when tested in accordance with the procedure in S5.1.1 under the conditions of S6.1 through S6.3, shall be retained by its surrounding structure in a manner that prevents the formation of any opening large enough to admit the passage of a 4-inch diameter sphere under a force, including the weight of the sphere, of 5 pounds until any one of the following events occurs:

(a) A force of 1,200 pounds is reached.

(b) At least 80 percent of the glazing thickness has developed cracks running from the load contact region to the periphery at two or more points.

(c) The inner surface of the glazing has moved, relative to the window frame, a distance equal to one-half of the square

root of the minimum surface dimension of the entire sheet of window glazing, measured at the center of force application along a line perpendicular to the undisturbed inner surface.

S5.1.1 An increasing force shall be applied to the window glazing through the head form specified in Figure 4, outward and perpendicular to the undisturbed inside surface at the center of the area of each sheet of window glazing, with a head form travel of 2 inches per minute.

S5.1.2 The requirements of this standard do not apply to a window whose minimum surface dimension measured through the center of its area is less than 8 inches.

S5.2 *Provision of emergency exits.* Buses other than schoolbuses shall provide unobstructed openings for emergency exit which collectively amount, in total square inches, to at least 67 times the number of designated seating positions on the bus. At least 40 percent of the total required area of unobstructed openings, computed in the above manner, shall be provided on each side of a bus. However, in determining the total unobstructed openings provided by a bus, no emergency exit, regardless of its area, shall be credited with more than 536 square inches of the total area requirement.

S5.2.1 *Buses with GVWR of more than 10,000 pounds.* Buses with a GVWR of more than 10,000 pounds shall meet the unobstructed openings requirement by providing side exits and at least one rear exit that conform to S5.3 through S5.5. When the bus configuration precludes installation of an accessible rear exit, a roof exit, that meets the requirements of S5.3 through S5.5 when the bus is overturned on either side with the occupant standing facing the exit, shall be provided in the rear half of the bus.

S5.2.2 *Buses with a GVWR of 10,000 pounds or less.* Buses with a GVWR of 10,000 pounds or less may meet the unobstructed openings requirement by providing

(a) Devices that meet the requirements of S5.3 through S5.5 without using remote controls or central power systems;

(b) Windows that can be opened manually to a position that provides an opening large enough to admit unobstructed passage, keeping a major axis horizontal at all time, of an ellipsoid generated by rotating about its minor axis an ellipse having a major axis of 20 inches and a minor axis of 13 inches; or

(c) Doors.

S5.2.3 *Schoolbuses.* The emergency exit requirements do not apply to schoolbuses, but if a schoolbus contains any push-out windows or other emergency exits, these exits shall conform to S5.3 through S5.5.

S5.3 *Emergency exit release.*

S5.3.1 Each push-out window or other emergency exit shall have a release mechanism or mechanisms located within the regions specified in Figure 1, Figure 2, or Figure 3. The lower edge of the region in Figure 1, and Region B in Figure 2, shall be located 5 inches above the adjacent seat, and 2 inches above the armrest, whichever is higher.

S5.3.2 When tested under the conditions of S6, both before and after the window retention test required by S5.1, each emergency exit shall allow manual release of the exit by a single occupant using force applications each of which conforms, at the option of the manufacturer, either to (a) or (b). The release mechanism or mechanisms shall require for release one or two force applications, at least one of which differs by 90° to 180° from the direction of the initial push-out motion of the emergency exit (outward and perpendicular to the exit surface).

(a) Low-force application.

(1) *Location.* As shown in Figure 1 or Figure 3.

(2) *Type of motion.* Rotary or straight.

(3) *Magnitude.* Not more than 20 pounds. In addition, if a rotary device is used, the necessary torque shall not be more than 20 inch-pounds.

(b) High force application.

(1) *Location.* As shown in Figure 2 or Figure 3.

(2) *Type of motion.* Straight, perpendicular to the undisturbed exit surface.

(3) *Magnitude.* Not more than 60 pounds.

S5.4 *Emergency exit extension.* Each push-out window or other emergency exit shall, after the release mechanism has been operated, under the conditions of S6, before and after the window retention test required by S5.1, using the reach distances and corresponding force levels specified in S5.3.2 be manually extendable by a single occupant to a position that provides an opening large enough to admit unobstructed passage, keeping a major axis horizontal at all times, of an ellipsoid generated by rotating about its minor axis an ellipse having a major axis of 20 inches and a minor axis of 13 inches.

S5.5 *Emergency exit identification.*

S5.5.1 Each push-out window or other emergency exit shall have the designation "Emergency Exit," followed by concise operating instructions, located within 6 inches of the release mechanism. When a release mechanism is not located within an occupant space of an adjacent seat, a label meeting the requirements of S5.5.2 that indicates the location of the nearest release mechanism shall be placed within that occupant space.

EXAMPLE: "EMERGENCY EXIT INSTRUCTIONS LOCATED NEXT TO SEAT AHEAD"

S5.5.2 Except as provided in S5.5.2.1, each marking shall be legible, when the only source of light is the normal nighttime illumination of the bus interior, to occupants having corrected visual acuity of 20/40 (Snellen ratio) seated in the adjacent seat, seated in the seat directly adjoining the adjacent seat, and standing in the aisle location that is closest to that adjacent seat. The marking shall be legible from each of these locations when the other two corresponding locations are occupied.

S5.5.2.1 If the exit has no adjacent seat, the marking must meet the legibility requirements of S5.5.2 for occupants standing in the aisle location nearest to the emergency exit, except for a roof exit, which must meet the legibility requirements for occupants positioned with their backs against the floor opposite the roof exit.

S6. *Test conditions.*

S6.1 The vehicle is on a flat, horizontal surface.

S6.2 The inside of the vehicle and the outside environment are kept at any temperature from 70° to 85° Fahrenheit for 4 hours immediately preceding the tests, and during the tests.

S6.3 For the window retention test, windows are installed, closed, and latched (where latches are provided) in the condition intended for normal bus operation.

S6.4 For the emergency exit release and extension tests, windows are installed as in S6.3, seats, armrests, and interior objects near the windows are installed as for normal use, and seats are in the upright position.

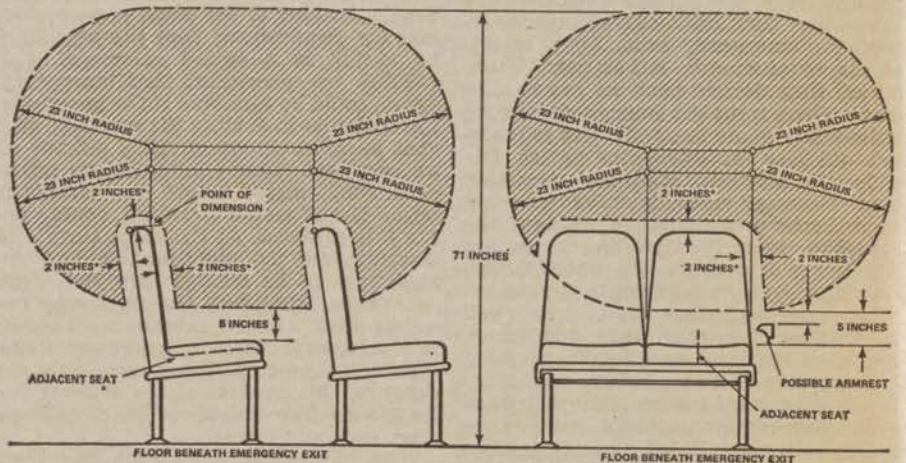

FIGURE 1 LOW-FORCE ACCESS REGION FOR EMERGENCY EXITS HAVING ADJACENT SEATS

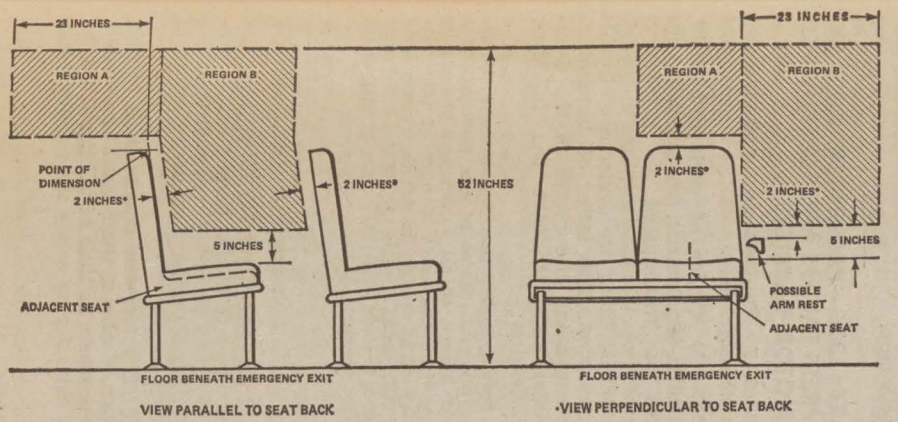

FIGURE 2 HIGH-FORCE ACCESS REGIONS FOR EMERGENCY EXITS HAVING ADJACENT SEATS

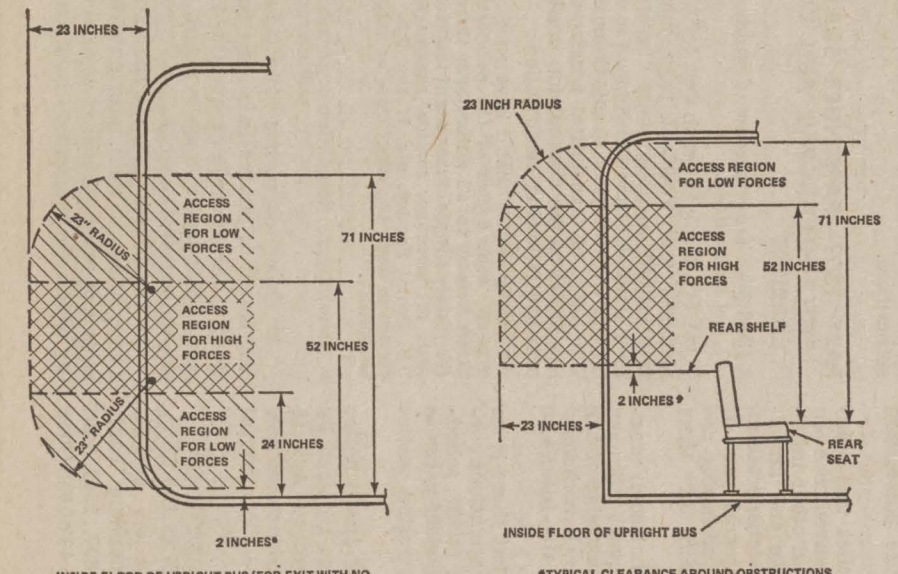

FIGURE 3 LOW AND HIGH-FORCE ACCESS REGIONS FOR EMERGENCY EXITS WITHOUT ADJACENT SEATS

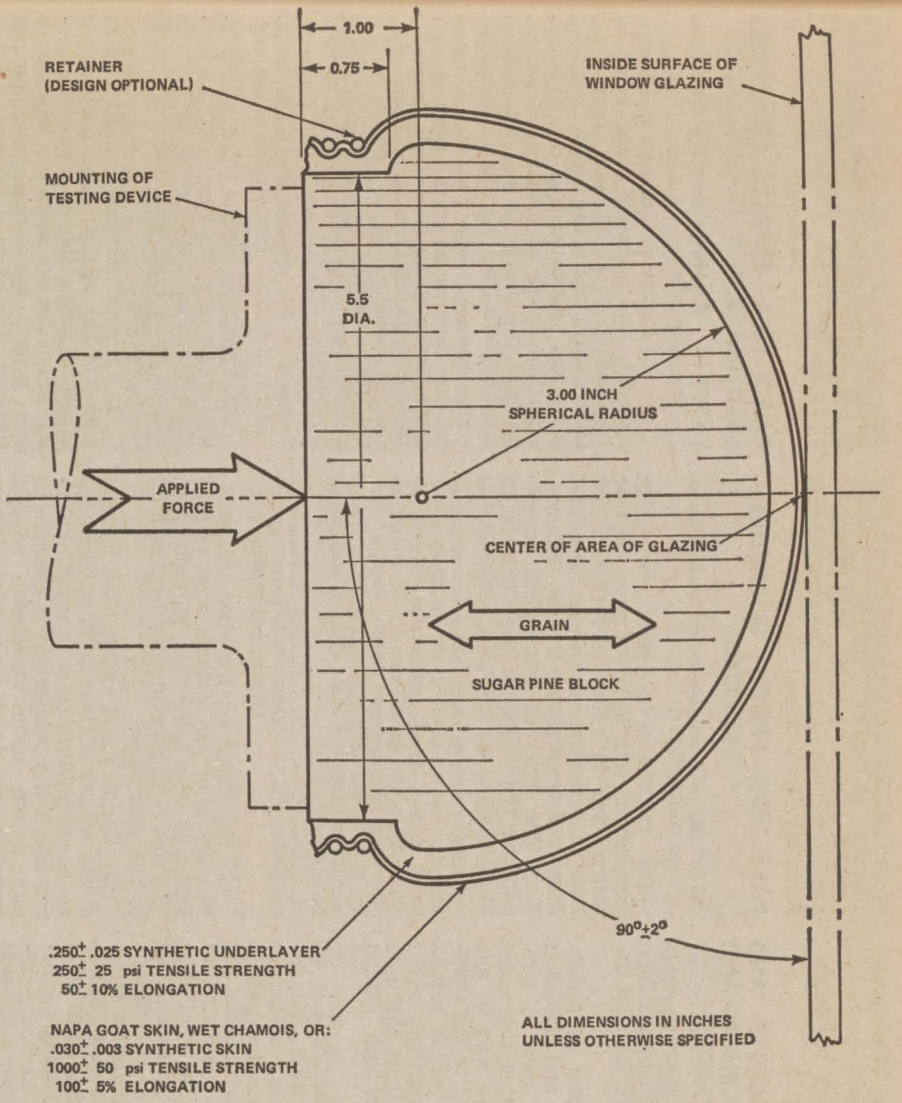

FIGURE 4 HEAD FORM

[FR Doc.72-7027 Filed 5-4-72;4:06 pm]

Chapter X—Interstate Commerce Commission

SUBCHAPTER D—TARIFFS AND SCHEDULES

[Docket No. 35613]

TRANSMISSION OF TARIFFS AND SCHEDULES TO SUBSCRIBERS AND OTHER INTERESTED PARTIES

Order. At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 1st day of May 1972.

It appearing, that copies of tariffs, schedules, supplements, and looseleaf pages generally are not sent to subscribers thereto and to other interested parties at the same time and in the same manner as those sent to the Commission for official filing, which results in said subscribers receiving their copies later, often much later, than the date the Commission receives the official copies;

It further appearing, that this is an unreasonable practice which has resulted in an insurmountable problem for subscribers and other interested parties nationwide inasmuch as distribution, not timely made, results in a very substantial proportion, if not the majority, of subscribers and other interested parties being denied reasonable notice or sufficient time to allow a thorough review thereof, and, if desired, to protest and request suspension and/or investigation in time to meet the established deadline for receipt of such petitions. In many instances, subscribers and other interested parties do not receive their copy of the publication until after the publication has become effective;

It further appearing, that this practice has resulted in inconvenience on the part of subscribers and other interested parties in knowledge and anticipation of rate changes on transportation, where rates form an integral part of pricing, marketing, and purchasing decisions made by shippers or their customers;

It further appearing, that such practices can effectively prevent shippers from obtaining actual knowledge of the correct rate, although they are charged with such knowledge by the Interstate Commerce Act;

It further appearing, that there is an urgent need to establish regulations covering the transmission of tariffs, schedules, supplements, and looseleaf pages to subscribers and other interested parties thereof;

And it further appearing, that a notice of proposed rulemaking as required by the Administrative Procedure Act (5 U.S.C. 553) is unnecessary since the new regulations represent a procedural reform.

And good cause appearing therefor:

It is ordered, That each of the Commission's tariff circulars be, and is hereby amended, by amending Parts 1300, 1303, 1304, 1306, 1307, 1308, and 1309 of Chapter X of Title 49 of the Code of Federal Regulations and establishing therein §§ 1300.30, 1303.36, 1304.42, 1306.17, 1307.14, 1307.48, 1308.12, 1308.109, and 1309.5 each in the manner and form set forth below:

PART 1300—FREIGHT SCHEDULES—RAILROADS

§ 1300.30 Transmission of publications to subscribers.

(a) (1) Copies of each new tariff, supplement, and looseleaf page must be transmitted to subscribers thereto not later than the time the copies for official filing are transmitted to this Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent copies of the publication(s) listed hereon to all subscribers thereto by (here state the exact manner of transmission, such as messenger service, express service, U.S. Postal Service, etc. If the U.S. Postal Service is used, the exact class of mail must be shown).

---------- ----------
(Date) (Signature of person transmitting publication(s))

(2) Expedited service when transmitting copies of publications must be provided to any subscriber requesting it. The cost of this service may be passed on to the subscriber.

(3) Carriers and agents shall furnish a copy of any of their tariff publications at time of publication or at any time during which the publication is effective to any person upon reasonable request therefor, free or at a reasonable price, not to be greater than that charged subscribers.

PART 1303—PASSENGER SERVICE SCHEDULES—RAIL AND WATER CARRIERS

§ 1303.36 Transmission of publications to subscribers.

(a) (1) Copies of each new tariff, supplement, and looseleaf page must be transmitted to subscribers thereto not later than the time the copies for official filing are transmitted to this Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent copies of the publication(s) listed hereon to all subscribers thereto by (here state the exact manner of transmission, such as messenger service, express service, U.S. Postal Service, etc. If the U.S. Postal Service is used, the exact class of mail must be shown).

---------- ----------
(Date) (Signature of person transmitting publication(s))

(2) Expedited service when transmitting copies of publications must be provided to any subscriber requesting it. The cost of this service may be passed on to the subscriber.

(3) Carriers and agents shall furnish a copy of any of their tariff publications at time of publication or at any time during which the publication is effective to any person upon reasonable request therefor, free or at a reasonable price, not to be greater than that charged subscribers.

PART 1304—EXPRESS COMPANIES SCHEDULES AND CLASSIFICATION

§ 1304.42 Transmission of publications to subscribers.

(a) (1) Copies of each new tariff, supplement, and looseleaf page must be transmitted to subscribers thereto not later than the time the copies for official filing are transmitted to this Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent copies of the publication(s) listed hereon to all subscribers thereto by (here state the exact manner of transmission, such as messenger service, express service, U.S. Postal Service, etc. If the U.S. Postal Service is used, the exact class of mail must be shown).

---------- ----------
(Date) (Signature of person transmitting publication(s))

(2) Expedited service when transmitting copies of publications must be provided to any subscriber requesting it. The cost of this service may be passed on to the subscriber.

(3) Carriers and agents shall furnish a copy of any of their tariff publications at time of publication or at any time during which the publication is effective to any person upon reasonable request therefor, free or at a reasonable price, not to be greater than that charged subscribers.

PART 1306—PASSENGER AND EXPRESS TARIFFS AND SCHEDULES OF MOTOR CARRIERS

§ 1306.17 Transmission of publications to subscribers.

(a) (1) Copies of each new tariff, schedule, supplement, and looseleaf page must be transmitted to subscribers thereto not later than the time the copies for official filing are transmitted to this Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent copies of the publication(s) listed hereon to all subscribers thereto by (here state the exact manner of transmission, such as messenger service, express service, U.S. Postal Service, etc. If the U.S. Postal Service is used, the exact class of mail must also be shown).

---------- ----------
(Date) (Signature of person transmitting publication(s))

(2) Expedited service when transmitting copies of publications must be provided to any subscriber requesting it. The cost of this service may be passed on to the subscriber.

(3) Carriers and agents shall furnish a copy of any of their tariff or schedule publications at time of publication or at any time during which the publication is

effective to any person upon reasonable request therefor, free or at a reasonable price, not to be greater than that charged subscribers.

PART 1307—FREIGHT TARIFFS, SCHEDULES, AND CLASSIFICATIONS OF MOTOR CARRIERS

§ 1307.14 Transmission of publications to subscribers.

(a) (1) Copies of each new schedule, supplement, and looseleaf page must be transmitted to subscribers thereto not later than the time the copies for official filing are transmitted to this Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent copies of the publication(s) listed hereon to all subscribers thereto by (here state the exact manner of transmission, such as messenger service, express service, U.S. Postal Service, etc. If the U.S. Postal Service is used, the exact class of mail must also be shown).

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(Date) (Signature of person transmitting publication(s))

(2) Expedited service when transmitting copies of publications must be provided to any subscriber requesting it. The cost of this service may be passed on to the subscriber.

(3) Carriers and agents shall furnish a copy of any of their schedule publications at time of publication or at any time during which the publication is effective to any person upon reasonable request therefor, free or at a reasonable price, not to be greater than that charged subscribers.

§ 1307.48 Transmission of publications to subscribers.

(a) (1) Copies of each new tariff, supplement, and looseleaf page must be transmitted to subscribers thereto not later than the time the copies for official filing are transmitted to this Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent copies of the publication(s) listed hereon to all subscribers thereto by (here state the exact manner of transmission, such as messenger service, express service, U.S. Postal Service, etc. If the U.S. Postal Service is used, the exact class of mail must be shown).

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(Date) (Signature of person transmitting publication(s))

(2) Expedited service when transmitting copies of publications must be provided to any subscriber requesting it. The cost of this service may be passed on to the subscriber.

(3) Carriers and agents shall furnish a copy of any of their tariff publications at time of publication or at any time during which the publication is effective to any person upon reasonable request therefor, free or at a reasonable price, not to be greater than that charged subscribers.

PART 1308—FREIGHT TARIFFS AND SCHEDULES OF WATER CARRIERS

§ 1308.12 Transmission of publications to subscribers.

(a) (1) Copies of each new tariff, supplement, and looseleaf page must be transmitted to subscribers thereto not later than the time the copies for official filing are transmitted to this Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent copies of the publication(s) listed hereon to all subscribers thereto by (here state the exact manner of transmission, such as messenger service, express service, U.S. Postal Service, etc. If the U.S. Postal Service is used, the exact class of mail must be shown).

---------- ----------
(Date) (Signature of person transmitting publication(s))

(2) Expedited service when transmitting copies of publications must be provided to any subscriber requesting it. The cost of this service may be passed on to the subscriber.

(3) Carriers and agents shall furnish a copy of any of their tariff publications at time of publication or at any time during which the publication is effective to any person upon reasonable request therefor, free or at a reasonable price, not to be greater than that charged subscribers.

§ 1308.109 Transmission of publications to subscribers.

(a) (1) Copies of each new schedule, supplement, and looseleaf page must be transmitted to subscribers thereto not later than the time the copies for official filing are transmitted to this Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent copies of the publication(s) listed hereon to all subscribers thereto by (here state the exact manner of transmission, such as messenger service, express service, U.S. Postal Service, etc. If the U.S. Postal Service is used, the exact class of mail must also be shown).

---------- ----------
(Date) (Signature of person transmitting publication(s))

(2) Expedited service when transmitting copies of publications must be provided to any subscriber requesting it. The cost of this service may be passed on to the subscriber.

(3) Carriers and agents shall furnish a copy of any of their schedule publications at time of publication or at any time during which the publication is effective to any person upon reasonable request therefor, free or at a reasonable price, not to be greater than that charged subscribers.

PART 1309—TARIFFS AND CLASSIFICATIONS OF FREIGHT FORWARDERS

§ 1309.5 Transmission of publications to subscribers.

(a) (1) Copies of each new tariff, supplement, and looseleaf page must be transmitted to subscribers thereto not later than the time the copies for official filing are transmitted to this Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent copies of the publication(s) listed hereon to all subscribers thereto by (here state the exact manner of transmission, such as messenger service, express service, U.S. Postal Service, etc. If the U.S. Postal Service is used, the exact class of mail must be shown).

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(Date) (Signature of person transmitting publication(s))

(2) Expedited service when transmitting copies of publications must be provided to any subscriber requesting it. The cost of this service may be passed on to the subscriber.

(3) Carriers and agents shall furnish a copy of any of their tariff publications at time of publication or at any time during which the publication is effective to any person upon reasonable request therefor, free or at a reasonable price, not to be greater than that charged subscribers.

It is further ordered, That this order shall become effective on June 21, 1972.

And it is further ordered, That a copy of this order be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and that another copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-7066 Filed 5-9-72;8:46 am]

Title 50—WILDLIFE AND FISHERIES

Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

SUBCHAPTER E—NORTHWEST ATLANTIC COMMERCIAL FISHERIES

PART 240—GROUNDFISH FISHERIES

Yellowtail Flounder Quotas

Notice is hereby given pursuant to § 240.6(b)(3), Title 50, Code of Federal Regulations, increasing and redistributing the quarterly quota of yellowtail flounder for Subarea 5, east and west of 69° longitude, to reflect the present catch situation and to more realistically meet the needs of industry.

Accordingly, the tables in § 240.6(b) are revised as follows:

§ 240.6 Catch limits.

* * * * *

(b) * * *

(1) * * *

Quarter	Catch quota
* * *	* * *
Apr. 1–June 30	1,500 metric tons.
July 1–Sept. 30	2,600 metric tons.
Oct. 1–Dec. 31	2,300 metric tons.

(2) * * *

Quarter	Catch quota
* * *	* * *
Apr. 1–June 30	4,650 metric tons.
July 1–Sept. 30	5,750 metric tons.
Oct. 1–Dec. 31	3,500 metric tons.

* * * * *

Issued at Washington, D.C., and dated May 8, 1972.

PHILIP M. ROEDEL,
Director, National Marine Fisheries Service.

[FR Doc.72-7130 Filed 5-9-72;8:50 am]

SUBCHAPTER F—AID TO FISHERIES

PART 250—FISHERIES LOAN FUND PROCEDURES

Change of Interest Rate

MAY 3, 1972.

Public Law 89-85 amended section 4 of the Fish and Wildlife Act of 1956 by providing that any fishery loan shall "Bear an interest rate of not less than (a) a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus (b) such additional charge, if any, toward covering other costs of the program as the Secretary may determine to be consistent with its purpose." The trend of the average market yield of such outstanding obligations has been downward since 1970, with the interest rate applicable to fisheries loans for the month of April 1972 determined in accordance with the above-quoted provision of law to be 5⅞ percent. In order for the interest rate charged on fisheries loans to be consistent with the purpose of Public Law 89-85 it is determined that the interest rate to be charged on fisheries loans be reduced from 8 percent to 6½ percent and that § 250.10 of Part 250 is revised to read as follows:

§ 250.10 Interest.

The rate of interest on all loans which may be granted is fixed at 6½ percent per annum.

Effective date. This revision shall be effective as of its date of publication in the FEDERAL REGISTER (5-10-72).

Dated: May 5, 1972.

By order of the Administrator, National Oceanic and Atmospheric Administration.

ROBERT M. WHITE,
Administrator.

[FR Doc.72-7060 Filed 5-9-72;8:46 am]

Proposed Rule Making

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner [Federal Housing Administration]

[24 CFR Part 235]

[Docket No. R–72–178]

MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Eligibility Requirements for Homes for Lower Income Families

Correction

In F.R. Doc. 72–5513 appearing at page 7166 of the issue of Tuesday, April 11, 1972, the word "mortgage" in the fourth line of § 235.20(a)(2) should read "mortgagor".

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 915]

AVOCADOS GROWN IN FLORIDA

Proposed Limitation of Handling

Notice is hereby given that the Department is giving consideration to proposals, as hereinafter set forth, which would limit the handling of avocados grown in Florida by amending the container requirements of § 915.305 *Avocado Order 5* (36 F.R. 22668), and the pack requirements of § 915.306 *Avocado Regulation 6* (36 F.R. 22668). The proposals were recommended by the Avocado Administrative Committee, established pursuant to the amended marketing agreement and Order No. 915, as amended (7 CFR Part 915; 36 F.R. 14126), regulating the handling of avocados grown in south Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposals reflect the committee's current appraisal of present and prospective marketing conditions for avocados. Shipments of avocados are expected to begin on or about June 12, 1972. The committee has considered and recommended the amendment of the container and pack requirements and the quality and maturity requirements, so as to provide for separate regulations for avocados handled within the production area to permit fully mature and lower quality fruit to be handled to satisfy a local demand and thereby to maximize returns to growers pursuant to the declared policy of the act.

1. The provisions of paragraph (a)(1) preceding subdivision (i) thereof of § 915.305 (Avocado Order 5; 36 F.R. 22668) are amended to read as follows:

§ 915.305 Avocado Order 5.

(a) *Order.* (1) On and after June 12, 1972, no handler shall handle between the production area and any point outside thereof any variety of avocados in containers having a capacity of more than 4 pounds of avocados, unless such avocados are handled in containers meeting the following specifications and conform to all other applicable requirements of this section:

* * * * *

2. The provisions of paragraph (a)(2) preceding subdivision (i) thereof of § 915.306 (Avocado Regulation 6; 36 F.R. 22668) are amended to read as follows:

§ 915.306 Avocado Regulation 6.

(a) *Order.* * * *

(2) On and after June 12, 1972, no handler shall handle any container of avocados between the production area and any point outside thereof, unless the avocados in such container meet the requirements of standard pack and one of the pack specifications established in subparagraph (1) of this paragraph, and each container in each lot is marked or stamped to show the U.S. grade applicable to such lot: *Provided*, That in lieu of such marking requirement, any handler may affix to the container a label, brand or trademark, registered with the Avocado Administrative Committee in accordance with the following, which appropriately identifies the grade of such avocados:

* * * * *

All persons who desire to submit written data, views, or arguments in connection with the proposals should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 20th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: May 4, 1972.

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

[FR Doc.72–7038 Filed 5–9–72;8:45 am]

[7 CFR Part 915]

AVOCADOS GROWN IN SOUTH FLORIDA

Proposed Limitation of Handling

Consideration is being given to the following proposal, as hereinafter set forth, which would limit the handling of avocados grown in Florida by establishing size, quality, and maturity requirements, pursuant to § 915.51 *Issuance of regulations*, which was recommended by the Avocado Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915; 36 F.R. 14126), regulating the handling of avocados grown in south Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same in quadruplicate with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 20th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The recommendation of the Avocado Administrative Committee reflects its appraisal of the avocado crop and current and prospective market conditions. Shipments of avocados are expected to begin on or about June 12, 1972. The committee has considered and recommended the quality and maturity requirements, including shipping periods, for the various varieties of avocados, to prevent the handling of immature and other undesirable fruit. Such recommendation is designed to recognize the differences in the consumer demand within and outside the production area and maximize returns to growers pursuant to the declared policy of the act.

Such proposal reads as follows:

§ 915.314 Avocado Regulation 14.

(a) Order:

(1) During the period June 12, 1972, through April 30, 1973, no handler shall handle any avocados unless such avocados grade at least U.S. No. 3 grade: *Provided*, That beginning June 12, 1972, avocados which fail to meet the requirements of such grade may be handled within the production area, if such avocados meet all other applicable requirements of this section and are handled in containers other than the containers prescribed in § 915.305 for the handling of avocados on and after June 12, 1972, between the production area and any point outside thereof;

(2) On and after the effective time of this regulation, except as otherwise provided in subparagraphs (9) and (10) of this paragraph, no avocados of the varieties listed in Column 1 of the following Table I shall be handled prior to the date listed for the respective variety in Column 2 of such table, and thereafter each such variety shall be handled only in conformance with subparagraphs (3), (4), (5), and (6) of this paragraph.

TABLE I

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Arue			6-12-72	14 oz. 3 5/16 in.	7-17-72		
Fuchs	6-19-72	14. oz. 3 3/16 in.	7- 3-72	12 oz. 3 9/16 in.	7-17-72	10 oz. 2 11/16 in.	7-31-72
K-5	6-26-72	16 oz. 3 5/16 in.	7-10-72	14 oz. 3 3/16 in.	7-24-72		
Dr. DuPuis No. 2	6-19-72	16 oz. 3 9/16 in.	7- 3-72	14 oz. 3 7/16 in.	7-17-72		
Hardee	7- 3-72	14 oz. 3 3/16 in.	7-10-72	12 oz. 2 15/16 in.	7-31-72		
Pollock	7- 3-72	18 oz. 3 11/16 in.	7-10-72	16 oz. 3 7/16 in.	7-24-72		
Simmonds	7- 3-72	16 oz. 3 9/16 in.	7-10-72	14 oz. 3 7/16 in.	7-24-72		
Nadir	7- 3-72	14 oz. 3 3/16 in.	7-10-72	12 oz. 3 1/16 in.	7-17-72	10 oz. 2 11/16 in.	7-31-72
Katherine	7- 3-72	16 oz.	7-17-72	14 oz.	7-31-72		
Dawn	7-17-72	12 oz. 3 1/16 in.	7-31-72	10 oz. 3 9/16 in.	8-14-72		
Peterson	7-24-72	14 oz. 3 5/16 in.	8- 7-72	10 oz. 3 7/16 in.	8-21-72	8 oz. 2 11/16 in.	9- 4-72
Trapp	8- 7-72	14 oz. 3 9/16 in.	8-21-72	12 oz. 3 7/16 in.	9- 4-72		
Waldin	8-14-72	16 oz. 3 9/16 in.	8-28-72	14 oz. 3 7/16 in.	9-11-72	12 oz. 3 5/16 in.	9-25-72
Ruehle	7-17-72	18 oz. 3 11/16 in.	7-31-72	16 oz. 3 9/16 in.	8-14-72	14 oz. 3 7/16 in.	8-28-72
Pinelli	7-31-72	18 oz. 3 13/16 in.	8-14-72	16 oz. 3 9/16 in.	8-28-72		
Webb 2	7-17-72	18 oz.	7-31-72	16 oz.	8-14-72		
Nesbitt	8-14-72	18 oz.	8-21-72	16 oz.	9-11-72		
Tonnage	8-28-72	14 oz. 3 5/16 in.	9- 4-72	12 oz. 3 9/16 in.	9-11-72	10 oz. 2 13/16 in.	9-18-72
Booth 8	9-11-72	16 oz. 3 9/16 in.	9-25-72	15 oz. 3 7/16 in.	10- 9-72	13 oz. 3 5/16 in.	10-23-72
Fairchild	8-28-72	16 oz. 3 9/16 in.	9-11-72	14 oz. 3 7/16 in.	9-25-72	12 oz. 3 1/16 in.	10- 2-72
Nirody	8-28-72	18 oz. 3 15/16 in.	9-11-72	16 oz. 3 13/16 in.	9-25-72		
Black Prince	9-11-72	23 oz.	9-25-72	16 oz.	10-16-72		
Catalina	9-11-72	24 oz.	9-18-72	22 oz.	10- 2-72		
Blair	9-25-72	14 oz. 3 9/16 in.	10-16-72				
Collinson	9-25-72	16 oz. 3 9/16 in.	10-23-72				
Chica	9-25-72	12 oz. 3 7/16 in.	10- 9-72	10 oz. 3 5/16 in.	10-23-72		
Rue	9-25-72	30 oz. 4 3/16 in.	10- 2-72	24 oz. 3 15/16 in.	10-16-72	18 oz. 3 9/16 in.	10-30-72
Booth 5	10- 2-72	16 oz. 3 11/16 in.	10-23-72				
Hickson	10- 2-72	15 oz. 3 5/16 in.	10-16-72	12 oz. 3 1/16 in.	10-23-72		
Simpson	10- 2-72	16 oz. 3 9/16 in.	10-23-72				
Vaca	10- 2-72	16 oz. 3 9/16 in.	10-23-72				
Sherman	10- 2-72	16 oz.	10-16-72	14 oz.	10-30-72	10 oz.	11-20-72
Marcus	10- 2-72	32 oz.	11-13-72				
Booth 10	10- 9-72	16 oz. 3 9/16 in.	11- 6-72				
Booth 7	10- 9-72	16 oz. 3 9/16 in.	10-23-72	14 oz. 3 5/16 in.	11- 6-72		
Avon	10- 9-72	15 oz. 3 11/16 in.	10-30-72				
Booth 11	10- 9-72	16 oz. 3 13/16 in.	10-30-72				
Leona	10- 9-72	14 oz. 3 9/16 in.	10-23-72				
Winslowson	10- 9-72	18 oz. 3 15/16 in.	10-30-72				
Nelson	10- 9-72	14 oz. 3 5/16 in.	10-23-72	12 oz. 3 5/16 in.	11- 6-72	10 oz. 3 1/16 in.	11-27-72
Hall	10- 9-72	26 oz. 3 15/16 in.	10-23-72	20 oz. 3 9/16 in.	11- 6-72		
Lula	10-16-72	18 oz. 3 11/16 in.	10-30-72	14 oz. 3 5/16 in.	11-13-72		
Choquette	10-16-72	24 oz. 4 1/16 in.	10-30-72	20 oz. 3 15/16 in.	11-20-72		
Monroe	10-16-72	24 oz. 4 1/16 in.	10-30-72	20 oz. 3 15/16 in.	11-20-72		
Herman	10-16-72	16 oz. 3 9/16 in.	10-30-72	14 oz. 3 5/16 in.	11-13-72		
Murphy	10-16-72	16 oz.	10-30-72	14 oz.	11-13-72	11 oz.	12- 4-72
Ajax(B7-B)	10-23-72	18 oz. 3 11/16 in.	11-13-72				
Booth 1	10-23-72	16 oz. 3 13/16 in.	11-13-72				
Booth 3	10-23-72	16 oz. 3 9/16 in.	11-13-72				
Taylor	10-23-72	14 oz. 3 5/16 in.	11- 6-72	12 oz. 3 3/16 in.	11-20-72		
Dunedin	11- 6-72	16 oz. 3 9/16 in.	11-20-72	14 oz. 3 5/16 in.	12- 4-72	10 oz. 3 1/16 in.	12-25-72
Byars	11-13-72	16 oz. 3 11/16 in.	12- 4-72				
Linda	11-13-72	18 oz. 3 13/16 in.	12- 4-72				
Nabal	11-13-72	14 oz. 3 9/16 in.	12- 4-72				
Wagner	12- 4-72	12 oz. 3 5/16 in.	12-18-72	10 oz. 3 1/16 in.	1- 1-73		
Schmidt	1-15-73						
Itsamna	2-12-73						

(3) From the date listed for the respective variety in column 2 of Table I to the date listed for the respective variety in column 4 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in column 3 of such table or is of at least the diameter specified for such variety in said column 3;

(4) From the date listed for the respective variety in column 4 of Table I to the date listed for the respective variety in column 6 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in column 5 of such table or is of at least the diameter specified for such variety in said column 5;

(5) From the date listed for the respective variety in column 6 of Table I to the date listed for the respective variety in column 8 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in column 7 of such table or is of at least the diameter specified for such variety in said column 7;

(6) From October 23, 1972, through November 5, 1972, no handler shall handle any avocados of the Booth 8 variety unless the individual fruit in each lot of such avocados weighs at least 10 ounces or is at least 3 1/16 inches in diameter, and from November 6, 1972, through November 12, 1972, no handler shall handle any avocados of the Booth 8 variety unless the individual fruit in each lot of such avocados weighs at least 8 ounces or is at least 2 13/16 inches in diameter;

(7) Except as otherwise provided in subparagraphs (9) and (10) of this paragraph, varieties of the West Indian type of avocados not listed in Table I shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to July 3, 1972.

(ii) From July 3, 1972, through July 9, 1972, the individual fruit in each lot of such avocados shall weigh at least 18 ounces.

(iii) From July 10, 1972, through July 30, 1972, the individual fruit in each lot of such avocados shall weigh at least 16 ounces.

(iv) From July 31, 1972 through August 27, 1972, the individual fruit in each lot of such avocados shall weight at least 14 ounces.

(v) From August 29, 1972, through September 17, 1972, the individual fruit in each lot of such avocados shall weigh at least 12 ounces.

(8) Except as otherwise provided in subparagraph (9) and (10) of this paragraph, varieties of avocados not covered by subparagraphs (2) through (7) of this paragraph shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to September 18, 1972.

(ii) From September 18, 1972, through October 15, 1972, the individual fruit in each lot of such avocados shall weigh at least 15 ounces.

(iii) From October 16, 1972, through December 17, 1972, the individual fruit in each lot of such avocados shall weigh at least 13 ounces.

(9) Notwithstanding the provisions of subparagraphs (2) through (8) of this paragraph regarding the minimum weight or diameter for individual fruit, up to 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided,* That such avocados weigh not more than 2 ounces less than the applicable specified weight for the particular variety as prescribed in columns 3, 5, or 7 of Table I or in subparagraphs (6), (7), and (8) of this paragraph. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(10) The provisions of subparagraph (2) through (9) of this paragraph shall not apply to any variety, except the Linda variety, of avocados which, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color for that fruit when mature.

(b) Terms used in the amended marketing agreement and order, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; the term "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit; and the term "U.S. No. 3" shall have the same meaning as set forth in the U.S. Standards for Florida Avocados (§§ 1.3050–51.3069 of this title).

(c) The provisions of this regulation shall become effective June 12, 1972.

Dated: May 4, 1972.

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

[FR Doc.72-7039 Filed 5-9-72;8:45 am]

[7 CFR Part 944]

AVOCADOS

Proposed Import Limitations

Consideration is being given to the proposal hereinafter set forth which would limit the importation of avocados into the United States pursuant to Part 944—Fruits; Import Regulations (7 CFR Part 944). The proposed import regulation is designed to prescribe, with respect to quality, the same grade requirement for imported avocados as is being made applicable, pursuant to Order No. 915 (7 CFR Part 915), to avocados grown in south Florida. With respect to size and maturity restrictions for imported avocados, the same size and maturity restrictions being imposed upon avocados of the Pollock, Catalina and Trapp varieties are being made applicable to imported avocados of the same varieties. With respect to all other imported avocados, comparable size and maturity restrictions are being proposed due to variations in characteristics between domestic avocados and those to be imported. The size, quality, and maturity requirements for domestic avocados pursuant to Order No. 915 are those that are proposed to become effective June 12, 1972. This import regulation would be effective pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same in quadruplicate with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 20th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Such proposal reads as follows:

§ 944.12 Avocado Regulation 20.

(a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited unless such avocados are inspected and meet the following requirements:

(1) All avocados imported during the period June 12, 1972, through April 30, 1973, shall grade not less than U.S. No. 3.

(2) Avocados of the Pollock variety shall not be imported (i) prior to July 3, 1972; (ii) from July 3, 1972, through July 9, 1972, unless the individual fruit in each lot of such avocados weighs at least 18 ounces or measures at least 3 11/16 inches in diameter; and (iii) from July 10, 1972, through July 23, 1972, unless the individual fruit in each lot of such avocados weighs at least 16 ounces or measures at least 3 7/16 inches in diameter.

(3) Avocados of the Catalina variety shall not be imported (i) prior to September 11, 1972; (ii) from September 11, 1972, through September 17, 1972, unless the individual fruit in each lot of such avocados weighs at least 24 ounces; and (iii) from September 18, 1972, through October 1, 1972, unless the individual fruit in each lot of such avocados weighs at least 22 ounces.

(4) Avocados of the Trapp variety shall not be imported (i) prior to August 7, 1972; (ii) from August 7, 1972, through August 20, 1972, unless the individual fruit in each lot of such avocados weighs at least 14 ounces or measures at at least 3 10/16 inches in diameter; and (iii) from August 21, 1972, through September 3, 1972, unless the individual fruit in each lot of such avocados weighs at least 12 ounces or measures at least 3 7/16 inches in diameter.

(5) Avocados of any variety other than Pollock, Catalina, and Trapp varieties, of the West Indian type including unidentified West Indian varieties, and West Indian varieties not listed elsewhere in this regulation, shall not be imported (i) prior to July 3, 1972; (ii) from July 3, 1972, through July 9, 1972, unless the individual fruit in each lot of such avocados weighs at least 18 ounces; (iii) from July 10, 1972, through July 30, 1972, unless the individual fruit in each lot of such avocados weighs at least 16 ounces; (iv) from July 31, 1972, through August 27, 1972, unless the individual fruit in each lot of such avocados weighs at least 14 ounces; and (v) from August 28, 1972, through September 17, 1972, unless the individual fruit in each lot of such avocados weighs at least 12 ounces: *Provided,* That any lot of such avocados may be imported without regard to the date or minimum weight requirements of this paragraph if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(6) Avocados of any variety of the Guatemalan type, including hybrid type seedlings, unidentified Guatemalan and hybrid varieties, and Guatemalan and hybrid varieties not listed elsewhere in the regulation shall not be imported (i) prior to September 18, 1972; (ii) from September 18, 1972, through October 15, 1972, unless the individual fruit in each lot of such avocados weighs at least 15 ounces; and (iii) from October 16, 1972, through December 17, 1972, unless the individual fruit in each lot of such avocados weighs at least 13 ounces.

(7) Notwithstanding the provisions of subparagraphs (2) through (6) of this paragraph regarding the minimum weight or diameter for individual fruit, not to exceed 10 percent, by count, of the individual fruit, contained in each lot may weigh less than the minimum specified and be less than the minimum specified diameter: *Provided,* That such avocados weigh not over 2 ounces less than the applicable specified weight for the particular variety specified in such subparagraphs. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of avocados that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports of avocados. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of avocados should make arrangements for inspection, through the applicable one of the fol-

lowing offices, at least the specified number of days prior to the time when the avocados will be imported:

Ports	Office	Advance Notice
All Texas points.	L. M. Denbo, 506 South Nebraska St., San Juan, TX 78589 (Phone—512-787-4091), or	1 day.
	A. D. Mitchell, Room 516, U.S. Courthouse, El Paso, Tex. 79901 (Phone—915-533-9351, Ex. 5340).	Do.
All New York points.	Edward J. Beller, Room 28A, Hunts Point Market, Bronx, N.Y. 10474 (Phone—212-991-7668 and 7669), or	Do.
	Charles D. Renick, 176 Niagara Frontier Food Terminal, Room 8, Buffalo, N.Y. 14206 (Phone—716-824-1585).	Do.
All Arizona points.	B. O. Morgan, 225 Terrace Ave., Nogales, AZ 85621 (Phone—602-287-2902).	Do.
All Florida points.	Lloyd W. Boney, 1350 Northwest 12th Ave., Room 538, Miami, FL 33136 (Phone—305-371-2571), or	Do.
	Hubert S. Flynt, 775 Warner Lane, Orlando, FL 32812 (Phone—305-841-2141), or	Do.
	Kenneth C. McCourt, Unit 46, 335 Bright Ave., Jacksonville, FL 32205 (Phone—904-354-5983).	Do.
All California points.	Daniel P. Thompson, 784 South Central Ave., Room 294, Los Angeles, CA 90012 (Phone—213-622-8756).	3 days.
All Louisiana points.	Pascal J. Lamarca, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, LA 70013 (Phone—504-527-6741 and 6742).	1 day.
All other points.	D. S. Matheson, Fruit and Vegetable Division, Agriculture Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (Phone—202-388-5870).	3 days.

(c) Inspection certificates shall cover only the quantity of avocados that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any avocados to be imported into the United States shall set forth among other things:

(1) The date and place of inspection;

(2) The name of the shipper or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipment; and

(7) The following statement, if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(f) Notwithstanding any other provisions of this regulation, any importation of avocados which, in the aggregate, does not exceed 55 pounds may be imported without regard to the restrictions specified herein.

(g) It is hereby found that the application of the size and maturity restrictions being imposed, pursuant to Order No. 915 (Part 915 of this chapter), upon avocados grown in south Florida to imported avocados, other than of the Pollock, Catalina, and Trapp varieties, is not practicable because of variations in characteristics between the domestic and imported avocados; and the size and maturity restrictions applicable to imported avocados other than of the Pollock, Catalina, and Trapp varieties are comparable to those imposed upon the domestic commodity. The quality restrictions for all imported avocados, and the size and maturity restrictions for imported avocados of the Pollock, Catalina, and Trapp varieties, are the same as those being imposed upon the domestic commodity.

(h) No provisions of this section shall supersede the restrictions or prohibitions on avocados under the Plant Quarantine Act of 1912.

(i) Nothing contained in this section shall be deemed to preclude any importer from reconditioning, prior to importation, any shipment of avocados for the purpose of making it eligible for importation.

(j) The terms relating to grade, as used herein, shall have the same meaning as when used in the U.S. Standards for Florida Avocados, §§ 51.3050–51.3069 of this title. "Diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit. "Importation" means release from custody of the U.S. Bureau of Customs.

Dated: May 4, 1972.

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

[FR Doc.72-7105 Filed 5-9-72;8:50 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 72-87]

BLACKWATER RIVER, FLA.

Proposed Drawbridge Operation Regulations

The Coast Guard is considering amending the regulations for the Florida State Road 10 drawbridge across Blackwater River to provide that the draw open on signal if at least 12 hours' notice has been given. Present regulations require that the draw open on signal at any time. This change is being considered because of infrequent openings of the draw for the passage of vessels (90 over a 12-month period).

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Eighth Coast Guard District, Customhouse, New Orleans, La. 70130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Eighth Coast Guard District.

The Commander, Eighth Coast Guard District, will forward any comments received before June 13, 1972, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding subparagraph (6–c) to paragraph (i) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(i) * * *

(6–c) Blackwater River, Fla., State Road 10 bridge at Milton. The draw shall open promptly on signal if at least 12 hours' notice has been given.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Dated: May 3, 1972.

J. M. AUSTIN,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.72-7087 Filed 5-9-72;8:49 am]

[46 CFR Parts 30, 31, 35, 151]

[CGD 72-83 W]

TANK VESSELS

Withdrawal of Notice of Proposed Rule Making

The purpose of this notice is to withdraw item No. PH 6–71 of the Coast Guard's notice of proposed rule making, CGFR 71–11, published in the February 24, 1971, issue of the FEDERAL REGISTER (36 F.R. 3425). The notice proposed amendments to the tank vessels' regula-

tions in Parts 30, 31, and 35 of Subchapter D, and Part 151 of Subchapter O, Title 46, Code of Federal Regulations.

The reason for the withdrawal is that Subchapters D and O are currently being extensively revised. The Coast Guard decided that under the circumstances, promulgation of the rule should be delayed until all revisions are completed. At that time, interested persons will again be given an opportunity to participate in the rule making procedures by publication of a notice in the FEDERAL REGISTER of the revised Subchapters D and O.

In consideration of the foregoing, item No. PH 6–71, of the notice of public rule making published in the February 24, 1971, issue of the FEDERAL REGISTER (36 F.R. 3425), and circulated in the Merchant Marine Council Public Hearing Agenda (CG–249), dated March 29, 1971, as item No. PH 6–71, entitled "Bulk Dangerous Cargoes (Subchapters D and O)," is hereby withdrawn.

(R.S. 4405, as amended, R.S. 4417a, as amended, R.S. 4462, as amended, R.S. 4472, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 170, 49 U.S.C. 1655 (b)(1); 49 CFR 1.46(b))

Dated: May 5, 1972.

W. L. MORRISON,
RADM, U.S. Coast Guard,
Chief Counsel.

[FR Doc.72–7086 Filed 5–9–72;8:49 am]

Federal Aviation Administration

[14 CFR Part 77]

[Docket No. 10601; Reference Notice 70–38]

RULES OF PRACTICE FOR HEARINGS

Withdrawal of Notice of Proposed Rule Making

The purpose of this notice is to withdraw Notice 70–38 (35 F.R. 15021) in which the Federal Aviation Administration solicited comments on proposed amendments of Part 77 of the Federal Aviation Regulations that would change the procedure for conducting hearings held by the FAA under titles I, III, and X of the Federal Aviation Act of 1958 (49 U.S.C. chapter 20, subchapters I, III, and X) on proposed construction or alteration that affects the use of the navigable airspace.

Only four comments were received in response to the notice. Three of these were opposed to the proposal. One commentator gave a qualified concurrence dependent upon certain changes in the proposed prehearing conference procedures and upon an understanding that the proposed hearing procedures would permit cross-examination at the hearing. While few in number, these comments represent a large number of affected persons.

The views of the commentators opposed to the proposal expressed concern that by eliminating sworn testimony, cross-examination, and the subpoena power of the presiding officer, the hearing process would not insure the development of competent evidence.

The FAA believes that this concern, whether or not fully justified, could lead to potential weakening of public confidence in the hearing process. At this time, the FAA believes that this factor outweighs the advantage of procedural simplicity sought in the proposed amendments.

By reason of the foregoing and after further consideration by the FAA, it has been determined that the rule making action proposed in Notice 70–38 is not appropriate at this time and that the notice should be withdrawn.

The withdrawal of this notice, however, does not preclude the FAA from issuing similar notices in the future or commit the FAA to any course of action.

In consideration of the foregoing, the notice of proposed rule making published in the FEDERAL REGISTER (35 F.R. 15021) on September 26, 1970, and circulated as Notice No. 70–38, entitled "Rules of Practice for Hearings," is hereby withdrawn.

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

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

WILLIAM M. FLENER,
Director, Air Traffic Service.

[FR Doc.72–7061 Filed 5–9–72;8:46 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR PART 1]

INCOME TAX

Disallowance of Interest on Certain Indebtedness Incurred by Corporations To Acquire Stock or Assets of Another Corporation

Correction

In F.R. Doc. 72–6837 appearing at page 9030 of the issue for Thursday, May 4, 1972, in Example (1) of § 1.279–5(g)(2) the plus sign in the equation should be a multiplication sign, so that the equation reads as follows:

$$\left(\text{\$5 million interest to be paid or incurred} \times \frac{\text{\$80 million owed to X Bank by its customers}}{\text{\$100 million total indebtedness}}\right)$$

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1115]

[Ex Parte 279]

ISSUANCE OF SECURITIES, ASSUMPTION OF OBLIGATIONS, AND FILING OF CERTIFICATES AND REPORTS

Proposed Form of Offering Circular Required for Public Sales of Securities; Correction

APRIL 7, 1972.

The notice of proposed rule making and order of the Commission, served November 8, 1971, and published in the FEDERAL REGISTER on November 12, 1971, at page 21698, is hereby corrected by deletion of the final ordering paragraph which paragraph erroneously set an effective date of 60 days after publication of the proposed regulations in the FEDERAL REGISTER.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–7053 Filed 5–9–72;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

[32 CFR Part 1710]

PRIVATE NONPROFIT MEDICAL CARE FACILITIES

Repair, Reconstruction, Replacement; Extension of Time To File Comments

Requests for extension of time for the filing of written comments on the notice of proposed rule making, Part 1710—Federal Disaster Assistance—Addition of Private, Nonprofit Medical Care Facilities, published April 21, 1972 (37 F.R. 7911), have been received.

Good cause having been shown for the requested extension of time, the time for filing written comments to the above-cited notice is hereby extended to May 22, 1972.

Dated: May 8, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72–7230 Filed 5–9–72;10:36 am]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Cost of Living Council Ruling 1972-47]

EXEMPTION OF STATE-OWNED BRIDGES

Cost of Living Council Ruling

Facts. ABC Port Authority is a corporate instrumentality of State X. The Authority owns and operates one or more bridges and funds its operating costs with bridge tolls charged to users of the bridge(s). Under applicable statutes, the bridge tolls must be used to pay the cost of operating, expanding, and improving the Authority's bridge facilities. The Authority is now refinancing in order to meet the higher interest costs of its proposed bond issue. It has proposed a rate increase on bridge tolls and asserts that the bridge toll increases are price adjustments by a State government and are therefore, exempt from the Economic Stabilization Regulations under 6 CFR 101.34(a)(2).

Issue. Are toll increases on bridges owned and operated by an instrumentality of a State or local government exempt from the Economic Stabilization Regulations?

Ruling. Toll increases on bridges owned and operated by an instrumentality of a State or local government are exempt from the Economic Stabilization Regulations under Subpart D of the Cost of Living Council Regulations, "price adjustments * * * by State and local governments for any * * * service, * * * benefit, privilege, authority, use, franchise, license, * * * or similar thing of value * * * furnished, provided, granted * * * or issued * * * except * * * fees or charges for health services and for utility services (including gas, electricity, telephone, telegraph, public transportation by vehicle or pipeline, but not including water or sewage disposal services) * * * are not exempt under this section." Economic Stabilization Regulations, 6 CFR 101.34(a)(2), 37 F.R. 1237 (January 27, 1972).

It is clear from the broad initial language of the above provision that the exemption was intended to encompass the full range of State and local government fees and charges, with the specific exception of health services and utility services.

It is also clear that the excepted "utility services" include gas, electricity, telephone, telegraph, and public transportation by vehicle or pipeline. While the exclusion of bridge tolls from this list of specifically named "utility services" does not mean that bridge tolls are therefore exempt, it does indicate an intention that public transportation services were intended to be covered only when performed "by vehicle or pipeline."

Moreover, this interpretation is in keeping with the announced intention of the Cost of Living Council to exempt State fees and charges for services which would otherwise be supported by tax revenues, so as to avoid interfering with State and local governments in their choices of financing methods. See Cost of Living Council Release CLC-47, dated December 23, 1971.

Since transportation services provided by vehicle or pipeline are customarily performed by private companies, as are the other "utility service" listed, the Cost of Living Council was not willing to permit an exemption from price controls to those utility services merely because they are owned by a State and local government, since the reasoning as stated in CLC-47 does not then apply. Therefore the specified utilities were excepted from the exemption in both the press release and the regulation.

However, it is clear that the reasoning of the exemption does apply directly to bridge tolls, which are used interchangeably with increased taxes by State and local governments in providing what is now an essential and customary State and local governmental function, the providing of bridges as part of the essentially State and local governmental function of providing roads and highways.

Therefore, bridge toll increases by the ABC Port Authority are exempt from the Economic Stabilization Regulations, pursuant to § 101.34(a)(2) of those regulations.

Dated: May 5, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: May 5, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-7089 Filed 5-9-72;8:47 am]

[Price Commission Ruling 1972-160]

PRIOR APPROVAL FOR AN INCREASE IN RENT IN EXCESS OF 10 PERCENT FOR CAPITAL IMPROVEMENT

Price Commission Ruling

Facts. In February 1972, landlord L paves the driveway and parking area at the residence of tenant A with blacktop at a cost of $1,500. This improvement is not required by local law or by the terms of a mortgage or deed of trust. A is renting his apartment for $150 per month on a month-to-month basis. Pursuant to Economic Stabilization Regulations, 6 CFR 301.103(b), 36 F.R. 25386 (December 30, 1971), L wishes to increase A's monthly rent by 1½ percent of the cost of the capital improvement, or $22.50 per month. An increase in monthly rent of $22.50 is an increase of 15 percent in monthly rent for the residence of tenant A. After proper notice L increases A's monthly rent 10 percent to $165 per month. L then seeks approval from the Internal Revenue Service to increase A's monthly rent an additional 5 percent to $172.50 per month.

Issue. Can L increase A's monthly rent 10 percent to $165 before approval for an increase is obtained from the Internal Revenue Service?

Ruling. No. Where (1) the capital improvement is not required by local law or by the terms of a mortgage or deed of trust, and (2) application of paragraphs (a) and (b) of § 301.103 results in an increase of over 10 percent in the monthly rent for the residence, prior approval for the increase must be obtained from the Internal Revenue Service. Regulations 6 CFR 301.103(c), 36 F.R. 25386 (December 30, 1971). Application of paragraphs (a) and (b) of § 301.103 results in a 15 percent increase in A's monthly rent. Under such circumstances, no increase is allowed until prior approval is obtained from the appropriate District Director of the Internal Revenue Service. Consequently, the 10 percent increase in A's monthly rent from $150 per month to $165 per month is not allowed. L must obtain such prior approval for any increase, even though he has requested approval for the additional 5 percent increase in A's monthly rent.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: May 5, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: May 5, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-7090 Filed 5-9-72;8:47 am]

[Price Commission Ruling 1972-161]

INCREASE IN RENT FOR CAPITAL IMPROVEMENT

Price Commission Ruling

Facts. After August 15, 1971, at a "cost" of $1,000 lessor L makes a certain capital improvement which benefits tenant A's residence. Shortly after making the capital improvement and before he can make an authorized increase in A's monthly rent under § 301.103(a), L sells the property to M whose "cost" of that portion of the property attributable to the capital improvement is $1,200.

Issue. To what extent may M increase A's monthly rent?

Ruling. Wherever a capital improvement made after August 15, 1971, benefits a residence, § 301.103(a) authorizes an increase in monthly rent. Economic Stabilization Regulations, 6 CFR 301.103(a), 36 F.R. 25386 (December 30, 1971). The increase authorized under § 301.103(a) runs with the residence, and is not dependent upon ownership at the time the increase is put into effect.

Paragraph (b) of § 301.103 limits the increase in monthly rent over base rent to 1½ percent of the part of the cost of the capital improvement allocable to the residence. "Cost" for purposes of the paragraph (b) limitation is the adjusted basis as determined at the time the improvement is made.

Thus, M is authorized to increase A's monthly rent pursuant to § 301.103(a). For purposes of computing the authorized increase under paragraph (b), however, "cost" of the capital improvement allocable to A's residence is $1,000.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: May 5, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: May 5, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-7091 Filed 5-9-72;8:47 am]

[Price Commission Ruling 1972-162]

FORMULA-DETERMINED RENT LEASES EXECUTED PRIOR TO AUGUST 15, 1971

Price Commission Ruling

Facts. Lessor L and tenant A execute a 1-year lease on a residence July 1, 1971. Monthly rent is to be determined by means of a formula specified in the lease. Pursuant to the terms of the lease, on January 1, 1972, L increases A's monthly rent from $200 to $210.

Issue. Does Part 301 control an increase in monthly rent occurring after December 28, 1971, under formula provisions of a lease executed prior to August 15, 1971?

Ruling. Yes. Section 301.1 defines the coverage of Part 301, unless specifically exempted, to increases in rent occurring after December 28, 1971, on any residence or real property. Economic Stabilization Regulations, 6 CFR 301.1, 36 F.R. 25386 (December 30, 1971). Section 301.104 provides that a lease of a residence or other real property in which monthly rent is determined by a formula specified in the lease may continue with that formula in effect. However, the total dollar amount of monthly rent so determined may not exceed the amount which would otherwise be allowable under Subpart B. Economic Stabilization Regulations, 6 CFR 301.104, 36 F.R. 25386 (December 30, 1971).

Part 301 applies to increases in rent occurring after December 28, 1971. Moreover, a reading of its language indicates that § 301.104 clearly contemplated applicability to formula determined rent leases executed prior to December 28, 1971. Therefore, an increase in monthly rent occurring on January 1, 1972, from $200 to $210, pursuant to the terms of a formula clause in a lease executed July 1, 1971, is controlled by Part 301.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: May 5, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: May 5, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-7092 Filed 5-9-72;8:47 am]

[Price Commission Ruling 1972-163]

NOTICE-RENTAL INCREASE UNDER A FORMULA

Price Commission Ruling

Facts. On July 1, 1971, lessor and lessee execute a long-term lease in which monthly rent is determined by a formula. Applying the formula clause, lessor wishes to increase rent January 1, 1972.

Issue. Is lessor required to comply with the notice provisions of Subpart F before an increase in rent, pursuant to a formula clause, is allowed?

Ruling. Yes. Section 301.104 provides that a lease in which monthly rent is determined by a formula may continue with that formula in effect. However, the total dollar amount of monthly rent so determined may not exceed the amount which would otherwise be allowable under Subpart B. Economic Stabilization Regulations, 6 CFR 301.104, 36 F.R. 25386 (December 30, 1971).

Recomputation of monthly rent after December 28, 1971, pursuant to a formula clause, is a "transaction" occurring after that date. See Price Commission Ruling 1972-134, April 17, 1972 (37 F.R. 7996, April 22, 1972). As a "transaction," an increase in monthly rent is subject to the notice provisions of Subpart F. Economic Stabilization Regulations, 6 CFR 301.501, 36 F.R. 25386 (December 30, 1971).

Accordingly, to give full effect to the clear intent of § 301.104, that is, to subject such an increase in monthly rent under a formula clause to the limitations on rent adjustment in Subpart B, a lessor must comply with the notice provisions in § 301.502.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: May 5, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: May 5, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-7093 Filed 5-9-72;8:47 am]

[Price Commission Ruling 1972-164]

BASE RENT—SPECIAL ARRANGEMENTS

Price Commission Ruling

Facts. A development corporation has constructed an apartment and condominium complex completed in three stages. Stage I was completed and occupied during a period prior to August 15, 1971. Stage II and III were completed and ready for occupancy subsequent to August 15, 1971. Tenants who moved into the apartments completed under Stage I construction signed 6-month leases which stated the terms of the lease agreement, including the amount of rent expected from the lending agency in accordance with the loan agreement. An example of the amount stated was $300 per month. Attached to the lease agreement was a document stating the amount of rent actually paid each month was $220 during the 6-month lease. It was understood between landlord and tenant that the lower amount actually paid was due to the inconveniences caused by the continuing construction on the building complex, although the reason was not stated in the lease agreement nor the attached document. Construction on Stage II has not been totally completed; however, now the lending agency has directed the property owners to raise the rent to the amount agreed on in terms of the loan and amount stated in the lease agreement. The property owners have given a 30-day notice of rent increases to be effective March 1, 1972. Six-month leases that have ended have been continued on a month-to-month rent.

Issue. Is the base rent for Stage I apartments the amount as stated in the lease agreement or the amount actually paid?

Ruling. The amount actually paid. For purposes of this ruling, it is assumed that the property became occupied between May 16, 1971, and August 14, 1971, so that Economic Regulation § 301.202(b), 6 CFR 301.202(b), 36 F.R. 25386 (December 30, 1971), applies. That section states that the base rent of a residence or other real property which became occupied during that period and was subject to terms greater than month to month, is "* * * the most recent monthly rent charged during that period." This regulation's use of the term "charged" is explicit and unambiguous. It makes no difference that the landlord could have charged more under the lease, the test is

what he actually charged. The base rent determined on the above facts is $220.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: May 5, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel.

Approved: May 5, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-7094 Filed 5-9-72;8:47 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[PP 639]

SOIL SAMPLES

List of Approved Laboratories Authorized To Receive Interstate Shipments for Processing, Testing, or Analysis

Correction

In F.R. Doc. 72-5955, appearing at page 7813, in the issue of Thursday, April 20, 1972, the following changes should be made:

1. The date for the last entry under P on page 7816 now reading "(6-30-73)", should read "(6-30-74)".

2. Under S on page 7816 in the second column, the ninth entry from the bottom "Folio 20698—Charge 31-10 Acampora 363 Day Lino—April 19, 1972", should be deleted.

Forest Service

COOPERATIVE SPRUCE BUDWORM SUPPRESSION PROJECT, MAINE

Notice of Availability of Final Envronmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Cooperative Spruce Budworm Suppression Project, USDA-FS-FES(Adm) 72-18.

The environmental statement concerns a proposal by the U.S. Department of Agriculture, Forest Service, and the State of Maine Forestry Department to treat an estimated 500,000 acres of State and private wodlands in Aroostook and Penobscot Counties to suppress an unusually severe outbreak of the spruce budworm.

This final environmental statement was filed with CEQ on April 19, 1972.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th Street and Independence Avenue, SW., Washington, DC 20250.

USDA, Forest Service, 1621 North Kent Street, Room 1205-B, Rosslyn Plaza, Arlington, VA 22209.

USDA, Forest Service, 6816 Market Street, Room, 207, Upper Darby, PA 19082.

A limited number of single copies are available upon request to Edward P. Cliff, Chief, U.S. Forest Service, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20250.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151 for $3 each. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

ADRIAN M. GILBERT,
Acting Deputy Chief,
Forest Service.

MAY 4, 1972.

[FR Doc.72-7080 Filed 5-9-72;8:48 am]

ROGUE RIVER NATIONAL FOREST 10-YEAR TIMBER MANAGEMENT PLAN

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Rogue River National Forest 10-Year Timber Management Plan USDA-FS-DES(Adm)72-34.

The environmental statement concerns the implementation of the 10-Year Timber Management Plan on the Rogue River National Forest. The forest is located in the States of California and Oregon.

This draft environmental statement was filed with CEQ on April 21, 1972.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th Street and Independence Avenue SW., Washington, D.C. 20250.

USDA, Forest Service, Pacific Northwest Region, 319 Southwest Pine Street, Portland, OR 97208.

Rogue River National Forest, Forest Supervisor's Office, Federal Building and U.S. Post Office, 333 West Eighth Street, Medford, OR 97501.

A limited number of single copies are available upon request to Mr. R. A. Resler, Regional Forester, U.S. Forest Service, 319 Southwest Pine Street, Post Office Box 3623, Portland, OR 97208.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151 for $3 each. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Mr. R. A. Resler, Regional Forester, U.S. Forest Service, Post Office Box 3623, Portland, OR 97208. Comments must be received within 50 days of the date of publication of this notice in order to be considered in the preparation of the final environmental statement.

ADRIAN M. GILBERT,
Acting Deputy Chief,
Forest Service.

MAY 5, 1972.

[FR Doc.72-7106 Filed 5-9-72;8:50 am]

Office of the Secretary

TOBACCO INSPECTION AND PRICE SUPPORT SERVICES

Notice of Public Hearings Regarding Applications

Notice is hereby given of public hearings to be held upon the application of the Danville, Va., and Mullins, S.C. tobacco markets for additional inspection and price support services to cover one additional sale. The applications are as follows:

Danville Tobacco Association, Danville, Va., by W. N. Terry, Jr., President, and Charles K. Waddell, Secretary and Treasurer. The hearing upon this application will be held May 23, 1972, in the Federal Courtroom, U.S. Post Office Building, Danville, Va., beginning at 9:30 a.m., e.d.t.

Mullins Warehouse Association, Mullins, S.C., by J. L. Dew, President. The hearing upon this application will be held May 25, 1972, at the County Agricultural Building, Mullins, S.C., beginning at 9:30 a.m., e.d.t.

The aforesaid public hearings will be conducted and evidence received pursuant to the joint policy statement and regulations governing the extension of tobacco inspection and price support services to new markets and to additional sales on designated markets, as amended (7 CFR Part 29, Subpart A).

Done at Washington, D.C., this 5th day of May 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-7107 Filed 5-9-72;8:50 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

GROUNDFISH FISHERIES

Closure of Season

Notice is hereby given pursuant to § 240.8(a)(4), Title 50, Code of Federal Regulations, as follows:

On May 8, 1972, the Director, National Marine Fisheries Service, determined that U.S. vessels operating in regulatory areas—Subarea 5, west of 69°00' W. longitude, defined in §§ 240.1

(b)(5) and 240.6(b)(1) had reached the quarterly catch limit for yellowtail flounder of 1,500 metric tons for the period April 1–June 30, 1972, as described in § 240.6(b)(1), published in the FEDERAL REGISTER (37 F.R. 786–787).

I hereby announce that the season for taking yellowtail flounder without restriction as to quantity by persons and vessels subject to the jurisdiction of the United States will terminate at 0001 hours local time in the area affected May 17, 1972. The restriction will remain in affect until 0001 hours local time July 1, 1972.

Issued at Washington, D.C., and dated May 8, 1972.

PHILIP M. ROEDEL,
Director, National Marine Fisheries Service.

[FR Doc.72-7131 Filed 5-9-72;8:50 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 72-43 NC]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice; Correction

In the general notice document CGFR 72-43, published in the March 3, 1972, issue of the FEDERAL REGISTER (37 F.R. 4460), it was erroneously stated that certain manufacturers no longer manufactured heating or packaged boilers. What should have been stated was that the approval numbers assigned to these manufacturers have been terminated because they are no longer applicable due to a change in inspection and approval procedures; however, the boilers will now be inspected and approved in accordance with the procedures contained in Parts 50 through 63 of Title 46, Code of Federal Regulations.

This document corrects the error by revising all the entries listed under the center headings "Boilers (Heating)" and "Boiler's, Auxiliary, Automatically Controlled Packaged for Merchant Vessels" published on page 4460, to read as follows:

BOILERS (HEATING)

The AMF Beaird, Inc., MAXIM Sales, Post Office Box 1115, Shreveport, LA 71102, Approval No. 162.003/21/1 has been terminated because it is no longer applicable. Boilers produced by this manufacturer are inspected and approved by the Coast Guard in accordance with the procedures contained in Parts 50 through 63 of Title 46, Code of Federal Regulations.

The Aldrich Co., Wyoming, Ill. 61491, Approvals Nos. 162.003/144/0, 162.003/145/0, 162.003/146/0, 162.003/147/0, 162.003/148/0, and 162.003/149/0 have been terminated because they are no longer applicable. Boilers produced by this manufacturer are inspected and approved by the Coast Guard in accordance with the procedures contained in Parts 50 through 63 of Title 46, Code of Federal Regulations.

The Way-Wolff Associates, Inc., 45–10 Vernon Boulevard, Long Island City, NY 11102, Approval No. 162.003/182/0 has been terminated because it is no longer applicable. Boilers produced by this manufacturer are inspected and approved by the Coast Guard in accordance with the procedures contained in Parts 50 through 63 of Title 46, Code of Federal Regulations.

BOILERS, AUXILIARY, AUTOMATICALLY CONTROLLED PACKAGED, FOR MERCHANT VESSELS

The Seattle Boiler Works, 5237 East Marginal Way South, Seattle, WA 98134, Approval No. 162.026/9/0 has been terminated because it is no longer applicable. Boilers produced by this manufacturer are inspected and approved by the Coast Guard in accordance with the procedures contained in Parts 50 through 63 of Title 46, Code of Federal Regulations.

The Johnston Brothers, Inc., Ferrysburg, Mich. 49409, Approvals Nos. 162.026/10/0 and 162.026/11/0 have been terminated because they are no longer applicable. Boilers produced by this manufacturer are inspected and approved by the Coast Guard in accordance with the procedures contained in Parts 50 through 63 of Title 46, Code of Federal Regulations.

(R.S. 4491, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 489, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b), 46 CFR 2.75-1(f))

Dated: May 5, 1972.

W. L. MORRISON,
RADM, U.S. Coast Guard, Chief Counsel.

[FR Doc.72-7088 Filed 5-9-72;8:49 am]

Federal Railroad Administration

[FRA-Petition-Nos. 17, 47]

AMERICAN SHORT LINE RAILROAD ASSOCIATION

Petitions for Exemption of Certain Carriers from Hours of Service Limitation

MAY 9, 1972.

The Algers, Winslow, and Western Railway Co.; Oregon and Northwestern Railroad Co.; and Roscoe, Snyder, and Pacific Railway Co. (FRA-Petition No. 17) have requested renewal of their exemption from the 14 hours of service limitation (reduced to 12 hours of service, effective December 26, 1972) in Public Law 91-169. The East Erie Commercial Railroad (FRA-Petition-No. 47) has requested for the first time that it be granted an exemption from this limitation.

A public hearing will be held on these petitions on May 16, 1972, at 10 a.m., e.d.t., in Conference Room 6434, Nassif Building, 400 Seventh Street SW., Washington, DC. Interested persons may file written comments whether or not they participate in the hearing. Communications should be addressed to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA-Pet-Nos. 17 and 47, 400 Seventh Street SW., Washington, DC 20590. All comments received on or before May 23, 1972, will be considered. The Dockets may be examined at any time during regular business hours at Room 5428, 400 Seventh Street SW., Washington, DC 20590.

JOHN E. ROURKE,
Chairman, Railroad Safety Board.

[FR Doc.72-7243 Filed 5-9-72;11:46 am]

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

MAY 4, 1972

Pursuant to Docket No. HM-1, rule-making procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277), 49 CFR Part 170, following is a list of new DOT Special Permits upon which Board action was completed during April 1972:

Special permit No.	Issued to—Subject	Mode or modes of transportation
6608	California Liquid Gas Corporation, Sacramento, California to ship propane in framed, steel portable tank complying with Specification MC-331.	Highway, Water.
6610	Oxirane Corporation, Princeton, New Jersey to ship tert. Butyl hydroperoxide (TBHP), 30% water, in DOT Specification 111A100W6 tank cars and MC-307 cargo tanks.	Highway, Rail.
6611	Gardner Cryogenics Corporation, Bethlehem, Pa., to ship liquid helium in insulated 5,000 gallon stainless steel portable tanks.	Highway, Water.
6612	Shippers registered with this Board to ship phosphorus pentasulfide in non-DOT specification drums and portable tanks.	Highway, Rail, Water.
6613	Shippers registered with this Board to ship large quantities of radioactive materials, special form, in Technical Operations, Incorporated's Model 702 shipping container.	Highway, Rail Cargo-only Aircraft, Water.
6614	Shippers registered with this Board to ship hydrochloric acid (32% strength), or sodium hypochlorite solutions in one-gallon polyethylene bottles inside high density polyethylene boxes.	Highway.
6618	Monsanto Company, St. Louis, Mo., to ship para-nitro-chlorobenzene in insulated MC-312 tank motor vehicle with heating coils.	Highway.
6620	Great Lakes Chemical Corporation, El Dorado, Arkansas, to transport one shipment bromine in MC-310 two-tank motor vehicle.	Highway.

G. ROUSSEAU,
Alternate Secretary.

[FR Doc.72-7085 Filed 5-9-72;8:48 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-1]

IIT RESEARCH INSTITUTE

License Termination Order

The Atomic Energy Commission (the Commission) has found that the IIT Research Institute's (IITRI) homogeneous, solution-type nuclear research reactor located in Chicago, Ill., has been dismantled and decontaminated, and that disposition of the component parts, fuel solution, and other special nuclear and byproduct materials has been made in accordance with the Commission's regulations in 10 CFR Chapter I, and in a manner not inimical to the common defense and security or to the health and safety of the public. The small amount of radioactive materials contained in the remaining reactor components, and the remaining components have been adequately shielded and posted, and possession of this material and components by IITRI is authorized by an amendment to the existing Byproduct Material License No. 12-171-3 held by IITRI. Special Nuclear Material License No. SNM-49 (Docket No. 70-54) has been amended to include the 16 grams of plutonium 239 contained in a neutron source and the 5.49 grams of enriched uranium 235 contained in three fission chambers. Therefore, pursuant to the application by IITRI notarized January 17, 1972, and Commission regulations, Facility License No. R-3 is hereby terminated as of the date of this order.

Also, Indemnity Agreement No. B-7 between the IIT Research Institute and the Atomic Energy Commission dated December 4, 1961, as amended, is hereby terminated as of the date of this order, and concurrently Amendment No. 11 to Indemnity Agreement No. B-7 is being executed.

Dated at Bethesda, Md., this 28th day of April 1972.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.72-7098 Filed 5-9-72;8:49 am]

[Dockets Nos. 50-387A, 388A]

PENNSYLVANIA POWER & LIGHT CO.

Notice of Receipt of Attorney General's Advice and Time For Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated April 28, 1972, a copy of which is attached below.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed within thirty (30) days after publication of this notice in the FEDERAL REGISTER, either (1) by delivery to the AEC Public Document Room at 1717 H Street NW., Washington, DC, or (2) by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch.

For the Atomic Energy Commission.

ABRAHAM BRAITMAN,
Chief, Office of
Antitrust and Indemnity.

[AEC Dockets Nos. 50-387A, 50-388A]

PENNSYLVANIA POWER & LIGHT CO.

SUSQUEHANNA STATION, UNITS 1 AND 2

APRIL 28, 1972.

You have requested our advice pursuant to the provisions of section 105 of the Atomic Energy Act of 1954, as recently amended by Public Law 91-560 (December 19, 1970), in regard to the above cited application.

Introduction. Units 1 and 2 of Pennsylvania Power & Light Co's. Susquehanna Steam Electric Station will be nuclear generating units constructed at a site in Salem Township, Luzerne County, Pa. Each unit will have a net generating capacity of approximately 1,100 mw. The total cost of the two units is estimated to be approximately $727,500,000 including the first nuclear fuel core. Unit 1 is scheduled to commence commercial operation between January 1, 1977 and January 1, 1978, while Unit 2 is scheduled to come on line between January 1, 1979, and January 1, 1980.

Pennsylvania Power & Light Co. (PP&L) initially planned to have another utility take one-half of the output of the Susquehanna Units, but PP&L has now decided that its increasing load will enable it to absorb the entire output of both units.

The applicant. PP&L is a privately owned utility which supplies electric power to approximately 843,000 customers in 29 counties of central eastern Pennsylvania. PP&L's service area covers 10,000 square miles (about 22 percent of the entire State of Pennsylvania) with a total population of about 2,300,000 persons. In 1971 PP&L had operating revenues of $300,707,000. About 99 percent of these revenues were derived from supplying electric service; the balance was derived from supplying steam heating service in the city of Harrisburg, Pa.

PP&L's most recent peak load in the 1971-72 winter peak period was 3,294 mw. At the end of 1971 PP&L had a total installed generating capacity of approximately 3,496 mw., consisting of 2,733 mw. from coal-fired units, 541 mw. from combustion turbines and diesels and 222 mw. from hydroelectric projects.[1] In addition to the five coal-fired plants which PP&L itself owns and operates, it owns a 12.34 percent share of the Keystone Plant and an 11.39 percent share of the Conemaugh Plant. Those plants are located in western Pennsylvania outside of PP&L's service area. Each consists of two 900 mw. coal-fired generating units. Including PP&L, Keystone is jointly owned by seven utilities and Conemaugh is jointly owned by nine utilities. Susquehanna Units 1 and 2 will be PP&L's first nuclear units and the largest generating units owned by PP&L when they commence commercial operation.

Applicant's coordination and interconnections with other utilities. PP&L operates its generation and transmission facilities as part of the Pennsylvania-New Jersey-Maryland (PJM) Interconnection, one of the largest and most comprehensive power pools. Twelve utilities serving almost 20 million people in a 48,700 square-mile territory are members of the PJM pool, which covers three-quarters of Pennsylvania, almost all of New Jersey, more than half of Maryland, all of Delaware and the District of Columbia, and a small part of Virginia.[2] The PJM pool is operated essentially as a single system with minute-to-minute economic dispatch of generation. Energy is not scheduled in predetermined amounts or origins, but essentially flows freely over all PJM transmission facilities.[3] Members of PJM as a group have also entered into separate coordination and interconnection agreements with adjacent systems, including Allegheny Power System, Cleveland Electric Illuminating Co., Virginia Electric and Power Co., Niagara Mohawk Power Corp., and New York State Electric and Gas Corp. These arrangements provide for parallel operation and emergency and economy interchange of power. PP&L's transmission system is directly interconnected with six utilities: Public Service Electric and Gas Co., Metropolitan Edison Co., Philadelphia Electric Co., Baltimore Gas and Electric Co., Pennsylvania Electric Co., and UGI Corp.

PP&L is also a member of the Mid-Atlantic Area Coordination group (MAAC) whose members and area are identical to the PJM pool. MAAC coordinates the planning of new generation and transmission facilities to provide for the development of reliable system interconnections and bulk power supply.

Because of its participation in the PJM pool and MAAC, and its direct interconnections with neighboring utilities, PP&L has been able to obtain the full benefits of reserve sharing, exchange of power and coordinated development with other utilities which are necessary for economical and reliable service. The bulk power system of each PJM member is planned, developed, and operated as an integral part of the entire pool. This has enabled PP&L to take advantage of economies of scale in bulk power supply through building large economical generating units for its own system and through joint ownership of large generating units with other utilities.

Applicant's competitors—1. Municipal electric systems. There are 16 small municipal electric systems which distribute electric power within or adjacent to PP&L's service area who compete with PP&L for load growth at retail. PP&L supplies all the wholesale power requirements of 13 of these systems and part of the wholesale power requirements for the municipal system in Hatfield, Pa. One municipal, Middletown, is supplied with wholesale power by Metropolitan Edison Co., while the remaining municipal, Lansdale, is supplied with wholesale power by Philadelphia Electric Co.

None of the municipal systems own or operate any high voltage bulk power supply

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[1] PP&L's largest generating unit is Brunner Island Unit 3, a coal-fired 730 mw. unit. PP&L's 1972 generating capacity increased substantially on Mar. 6, 1972, when its Montour No. 1 Unit, a coal-fired 720 mw. unit, began commercial operation.

[2] The 12 PJM pool members are: PP&L, Public Service Electric & Gas Co., Philadelphia Electric Co., Baltimore Gas and Electric Co., Pennsylvania Electric Co., Metropolitan Edison Co., New Jersey Power & Light Co., Jersey Central Power & Light Co., Potomac Electric Power Co., Atlantic City Electric Co., Delmarva Power & Light Co., and UGI Corp.

[3] The operation of the PJM pool is discussed in more detail in the FPC's 1970 National Power Survey, Part II, pp. II-1—77-81.

transmission or any subtransmission. Consequently, for the most part these systems are dependent upon PP&L for purchase and delivery of wholesale power. Some of the municipals, however, are located near the lines of neighboring utilities and can choose whether to take wholesale service from PP&L or these other utilities. For example, PP&L has offered to supply wholesale power to Middletown and Lansdale which, as discussed above, have decided to take power from other privately owned utilities.

Our investigation indicates that none of the municipals have sought ownership participation in the Susquehanna nuclear units.

2. *Small privately owned utilities.* In addition to the large privately owned utilities which are interconnected with PP&L and have service areas adjoining PP&L's territory, there are three smaller privately owned utilities which operate within or adjacent to PP&L's service area: Citizens Electric Co., Hershey Electric Co., and UGI Corp. Citizens is based in Lewisburg, Pa., and purchases all its power from PP&L. Its peak load is approximately 15 mw., and its nearest alternate source of power is West Penn Power Co. about 20 miles away. Hershey Electric Co. is headquartered in Hershey, Pa., and serves approximately 40 square miles of territory in and around Hershey. Its peak load is approximately 45 mw. and it purchases all its power from Metropolitan Edison Co. PP&L has lines sufficiently near Hershey to offer competitive wholesale service, and in 1966 PP&L offered to supply wholesale power to Hershey which the company eventually rejected. Neither Citizens nor Hershey has expressed an interest in participating in the Susquehanna Units, and Hershey believes it can continue to receive competitively priced power because of the alternative sources of power offered by PP&L and Metropolitan Edison Co.

UGI Corp. is primarily a gas and electric utility. It supplies natural gas to over 200,000 customers in 13 counties in eastern Pennsylvania for which it derived revenues of $65,900,000 in 1971. UGI also supplies electric power to more than 51,000 customers in a 424 square-mile area in Luzerne and Wyoming counties in northeastern Pennsylvania for which it derived revenues of $12,807,000 in 1971. UGI's 1971 electric peak load was 101 mw. UGI operates three coal-fired generating units with a capacity of approximately 89 mw. and has a 1.11 percent share in each of the two 900 mw. units of the Conemaugh Plant in western Pennsylvania which is jointly owned by nine utilities, including PP&L and UGI. This gave UGI a total generating capacity of approximately 108 mw. in 1971.

Relations between PP&L and UGI have generally been cooperative. UGI has three 66 kv. interconnections with PP&L, and pursuant to an interconnection agreement with PP&L is an associate member of the PJM pool. Power from the Conemaugh plant is delivered part of the way to UGI over a 230 kv. line and 66 kv. line owned by PP&L. PP&L and UGI are currently building a jointly owned 230 kv. transmission line.

In 1968 UGI began to study the development of a 280 mw. anthracite-fired steam electric generating station and held discussions with PP&L concerning possible ownership of one-half of the plant by PP&L. In 1970 PP&L declined to participate in the plant, but offered UGI possible ownership in or purchase of output from new coal-fired units to be built by PP&L. UGI says it finally asked for a share of one of these units, but PP&L said the financing for the unit had been completed and construction had begun so no participation could be worked out. UGI does not deny that this was a reasonable position for PP&L to take at that time, and PP&L has agreed to sell short-term power to UGI during this year and in increasing amounts for following years to permit UGI to meet its load.

During the discussions between UGI and PP&L concerning joint participation in various plants, UGI raised the possibility of participation in PP&L's Susquehanna Units. On March 23, 1972, UGI formally asked to discuss such participation with PP&L. On April 14, 1972, Mr. Austin Gavin, Executive Vice-President of PP&L responded that PP&L "would be agreeable to participation by UGI as an owner of the proposed Susquehanna Steam Electric Station," and that PP&L would be glad to discuss the details of such participation at some later date.

3. *Rural electric cooperatives.* There are no rural electric cooperatives which operate within PP&L's service area. Consequently, PP&L does not supply power at wholesale to any cooperatives at this time. However, there are four cooperatives which operate on the periphery of PP&L's area: Adams Electric Cooperative, Inc.; Claverack Rural Electric Cooperative, Inc.; Sullivan County Rural Electric Cooperative, Inc.; and Valley Rural Electric Cooperative, Inc. These cooperatives are members of Allegheny Electric Cooperative, an association of 13 rural distribution cooperatives serving 110,000 consumers in 41 counties in Pennsylvania. Allegheny's members had a peak load of approximately 228 mw. in 1971. Neither Allegheny nor its members own any generation. Allegheny purchases power to meet the requirements of its members and resells it to them at an average cost. Allegheny purchases approximately 50 percent of its power from three private utilities—Pennsylvania Electric Co. (Penelec), West Penn Power Co., and Metropolitan Edison Co. (Met-Ed)—and the other half from the Niagara power project of the Power Authority of the State of New York (PASNY).

Allegheny's member cooperatives are located primarily within Penelec's service area, although a few operate within the service area of Met-Ed and West Penn Power. Allegheny and its members own very little transmission facilities. They rely on Penelec, Met-Ed, and West Penn Power Co. to transmit power over their transmission systems to approximately 159 delivery points from which the cooperatives distribute the power to their customers. Penelec and Met-Ed also wheel the power from PASNY to the cooperatives.

Allegheny believes that its members can be competitive for new retail load growth only by obtaining low cost bulk power supply through ownership participation in several large generating units being constructed in its region. For reasons of reliability and cost, Allegheny prefers to acquire small ownership shares in several generating units rather than a large share of only one unit. Allegheny's initial step toward this goal is its proposed ownership participation in the Forked River Nuclear Generating Station Unit No. 1 of Jersey Central Power & Light Co.[4] Allegheny has now asked PP&L for ownership participation of approximately 3 percent (about 35 mw.) in each of the Susquehanna Units. At a meeting on April 10, 1972, between officials of Allegheny and PP&L, PP&L expressed willingness to allow Allegheny to acquire a share of both units. Specific proposals and arrangements for such participation will be presented by Allegheny following an analysis of certain information and data to be supplied by PP&L.

[4] The Department's letter of advice to the Commission on the Forked River Unit, dated Sept. 29, 1971, concluded that an antitrust hearing would probably not be necessary, if Jersey Central carried out its commitment to permit Allegheny to participate in the unit and to negotiate in good faith over specific proposals for such participation.

Restrictive provisions in wholesale power contracts. PP&L's wholesale power contracts with six of its municipal electric system customers (Perkasie, Lehighton, Mifflinburg, Watsontown, St. Clair, and Catawissa) contain the following provision (article VII, paragraph 3):

Energy supplied hereunder shall be used only for consumer's operations located as aforesaid, it being understood that, except upon written consent of power company, no part of said energy shall be used elsewhere or for other purposes.

This provision prohibits the municipal customer from using the power it purchases from PP&L to serve customers outside its current area or from reselling the power to another utility without PP&L's consent. Such a restriction on the customers to whom a product may be resold is unlawful per se under section 1 of the Sherman Act. United States v. Arnold, Schwinn & Co., 388 U.S. 365 (1967). A similar restrictive provision is also contained in the municipal contract with Olyphant.

The contract with Olyphant was entered into in 1951 while the other six were made in 1947. PP&L's recent municipal power contracts contain no provision restricting the use of power purchased by the municipal wholesale customer, and PP&L's counsel has assured us that PP&L will eliminate the restrictive provision from the seven contracts involved.

PP&L's wholesale contracts with three municipal electric systems (Ephrata, Hatfield, and Olyphant) contain a provision which prohibits the municipal from operating its own generation equipment in parallel with the service supplied by the company. Although some engineering arrangements must be made to protect and ensure the reliability of two generating systems operating in parallel, provisions in these contracts extend beyond that need and prohibit the municipal's use of self-generation except for an isolated segment of its system. On the other hand, PP&L's contract with Quakertown permits the municipal to operate its own generating units in parallel with PP&L's system with certain limitations.

PP&L's counsel has agreed to revise the provisions in all four contracts discussed above to permit parallel operation of the municipal's own generation, subject only to the condition that the municipal pay for and install, operate and maintain the facilities necessary to connect the municipal's generating equipment with PP&L's system.

Recommendation. Our investigation reveals that UGI Corp. and Allegheny Electric Cooperative are the only entities which have requested ownership participation in the Susquehanna Units. PP&L has expressly stated—both to UGI and Allegheny and to the Department—that it is willing to permit both entities to obtain an ownership share of these units. Both UGI and Allegheny are too small to obtain the benefits and cost savings from economy of scale in bulk power supply without participation in units built by larger utilities. Access to the Susquehanna Units will provide an additional source of low cost power necessary for UGI and Allegheny to maintain their competitive posture in Pennsylvania.

PP&L has also committed itself to eliminate or revise the two types of provisions in its wholesale power contracts with municipal electric systems which unreasonably restrain the competitive operations of these wholesale customers. So long as PP&L proceeds promptly to file appropriately amended contracts with the Federal Power Commission, we recommend that the Commission need not conduct an antitrust hearing with respect to this application.

[FR Doc.72-7054 Filed 5-9-72;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24450; Order 72-5-22]

Order of Investigation and Suspension Regarding Florida Children's Fare and South/Midwest-Florida Excursion Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of May 1972.

By tariff revisions [1] marked to become effective May 11, 1972, Eastern Air Lines, Inc. (Eastern), proposes to establish a new fare for children to be used in conjunction with its existing off-season fares to Florida during the months of June, July, and August 1972. The proposed fare is $18.52 ($20 including tax) in all markets, and would be available to children 2 to 18 years of age when accompanied by two adults paying the full excursion fare. The current 50-percent reduction for children 2 through 11 years of age would remain in effect if only one adult is traveling at the full excursion fare. Blackouts are proposed between 2 p.m. and midnight on Friday and on Sunday, and over the Memorial Day and Independence Day holiday periods.[2]

In addition, Eastern also proposes to modify its existing 5–21-day excursion fares from South/Midwest points to Florida by adding a higher fare level for travel on Friday through Monday during the off-peak spring and fall months, and new midweek and weekend fares to apply during July and August—the latter at somewhat higher levels. The carrier further proposes to extend the expiration date of the fares from June 30, 1972, to December 15, 1972.

In support of its proposal, Eastern asserts that the children's fare is designed to divert family units now traveling by surface modes to air; that the summer vacation family group is a major market as yet untapped by the airline industry; and that this segment of the market represents an excellent means of improving load factors and the profitability of its summer service. The carrier estimates that 5,000 families would be generated, with a net contribution to profit of $709,000 (assuming a family unit of husband, wife, and two children). In support of the expanded application of its existing South/Midwest-Florida excursion fares, Eastern alleges that the proposal is no more than an extension of traditional off-season fares which have been in effect for several years.

Braniff Airways, Inc. (Braniff), Delta Air Lines, Inc. (Delta), National Airlines, Inc. (National), and Northwest Airlines, Inc. (Northwest), have complained against the children's fare proposal, and Braniff has also complained against the expansion of existing South/Midwest excursion fares to the weekend and the extension of the fares to December 15, 1972. All request suspension and investigation.

With respect to the children's fares the complainants allege, inter alia, that the fare is uneconomically low; that in the midst of the plethora of discount fares now available to Florida, the added cost test of reasonableness used by Eastern loses its validity at some point; and that Eastern failed to convince the Board of the merit of a similar plan last year. The complainants further allege that other carriers would bear the risk of the experiment in many markets in which Eastern is not the dominant carrier, and that Eastern's estimate of generation is unsupported and without substance. Braniff additionally alleges that off-season fares to Florida from the South/Midwest area are not traditional but rather only a recent development, and that Eastern has provided no meaningful justification to substantiate the expansion of these fares.

Eastern answers that although the proposed discounts applicable to children are significant it should be evident to everyone in the travel industry that drastic steps are necessary to dislodge families from automobiles and get them into the air. It argues that the children's fare covers incremental costs, and that the reasonableness depends entirely on whether the generation effect will increase incremental profit. Eastern asserts that while other carriers may bear some of the risk, the enormity of the market potential enhances the likelihood that the fares will benefit all concerned.

Upon consideration of the tariff proposals, the complaints, the answers thereto, and other relevant matters, the Board finds that the proposed children's fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. The Board further concludes that the tariffs should be suspended pending investigation. With respect to the proposed expansion of existing South/Midwest excursion fares, the Board finds that on the basis of the facts and information before us, the complaint does not set forth sufficient facts to warrant investigation, and the request therefor and, accordingly, the request for suspension will be denied and the complaint dismissed.

The proposed children's fare to be used in conjunction with existing excursion fares results in extremely low fares for a total family group—significantly below the family excursion fares in the Florida market proposed by Eastern last year which we ordered suspended.[3] Assuming a family party of four, the fare could result in yields as low as 2.7 cents per mile. Also, the Board has some concern with the use of the added cost approach in the Florida market at this time. In the past year, the number of discount fares available in this market has greatly increased, and all have been justified on an added-cost basis. At some point, this costing technique loses some of its validity, and we are inclined to believe the time is appoaching when the cumulative impact of all the discount fares upon total cost should properly be considered.

Eastern's proposed modification of existing excursion fares in the South/Midwest-Florida market does not appear unreasonable in that the fares are substantially the same as those permitted in the northeast U.S.-Florida market. While fares from this area are not traditional in the sense that similar fares in northeast U.S.-Florida markets have become, comparable promotional fares from numerous midwestern U.S. cities were in effect last fall, and were apparently successful.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A hereto,[4] and rules, regulations, or practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and povisions described in Appendix A hereto are suspended and their use deferred to and including August 8, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaint of Braniff Airways, Inc., in Docket 24397 insofar as it relates to Eastern's proposal to extend existing South/Midwest U.S.-Florida excursion fares is hereby dismissed;

4. Except to the extent granted herein, the complaints in Dockets 24392, 24396, 24397, 24398, and 24429 are hereby dismissed;

5. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

6. Copies of this order be filed with the aforesaid tariffs and be served upon Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., and Northwest Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,[5]
Secretary.

[FR Doc.72-7104 Filed 5-9-72;8:50 am]

[1] Eastern Air Lines, Inc., tariffs CAB Nos. 354, 358, 365, 372, and 375.

[2] Delta Air Lines, Inc., and National Airlines, Inc., have filed defensive tariffs.

[3] Order 71-5-100, May 21, 1971.

[4] Filed as part of the original document.

[5] Dissenting statement of Minetti and Murphy, members, filed as part of the original statement.

FEDERAL MARITIME COMMISSION

[Docket No. 72-17; Agreement 10,000]

NORTH ATLANTIC POOL

Order of Investigation and Hearing

Pursuant to section 15 of the Shipping Act, 1916, an agreement among American Export Isbrandtsen Lines, Inc. (AEIL), Atlantic Container Line, Ltd. (ACL), Dart Containerline Co., Ltd. (Dart), Hapag-Lloyd AG (Hapag-Lloyd), Sea-Land Service, Inc. (Sea-Land), Seatrain Lines, Inc./Seatrain International S.A. (Seatrain) and United States Lines, Inc. (USL) has been filed for approval and assigned Federal Maritime Commission number 10,000.

This agreement establishes a revenue pooling, sailing schedule, and port call arrangement in the trade between the U.S. North Atlantic and the European Continent, including the United Kingdom and Scandinavia.

Notice of the filing of this agreement was published in the FEDERAL REGISTER on December 3, 1971. The notice period was twice extended at the request of interested parties and finally expired on February 15, 1972. The notice generated 21 comments which were either protests, requests for hearing or a combination of the two. In addition, one aide-memoire was received by the Commission, presented by the State Department on behalf of the Governments of Belgium, France, Germany, The Netherlands, Sweden, and the United Kingdom; the aide-memoire spoke in favor of the proposed agreement.

Two of those parties filing comments, the Department of Justice and the Department of Transportation, have requested a hearing on the proposed agreement and have requested that they be made parties to such a hearing.

The petition of the Department of Justice sets forth its standing and interest in the subject matter of the agreement, and suggests that the agreement may produce such an anticompetitive effect on the commerce of the United States that it would be unapprovable under the standards of section 15 of the Shipping Act, 1916. The Justice Department also suggests that less anticompetitive alternatives to the proposed agreement be examined, e.g., Federal Maritime Commission Agreement No. 9978. The Justice Department therefore requests that a hearing be held before Agreement No. 10,000 is approved, and that the Department of Justice be made a party to such hearing.

The comments of the Department of Transportation, while not directed to the specifics of the agreement's effect on competition, do assert the standing and interest of the Department of Transportation in the subject matter of the agreement. The Department of Transportation states that the agreement should not be approved without a "full evidentiary hearing" and requests that it be made a party to such hearing.

The Massachusetts Port Authority has filed a "Statement of Position" regarding Agreement No. 10,000 which requests that a hearing be held on the proposed agreement and that it be allowed "to adduce evidence on the failure of the agreement to conform to the requirements of the Shipping Act, the discriminatory effect which it will have on the Port of Boston, the discriminatory effect which it will have on shippers, exporters and importers using the Port of Boston * * *" as well as other allegations concerning the agreement's illegality. Massachusetts Port Authority, however, did not specifically request to be made a party to any proposed hearing.

Protests regarding the proposed agreement have been received from the following organizations in the Eastern Pennsylvania, South New Jersey, area:

Delaware River Port Authority.
Philadelphia Port Corp.
Commonwealth of Pennsylvania.
Philadelphia Freight Brokers Forwarders & Customs Brokers Association.
Port of Philadelphia Marine Terminal Association.
City of Philadelphia.
Greater Philadelphia Chamber of Commerce.
South Jersey Port Corp.
International Longshoremen's Association (Philadelphia Branch).
Foreign Traders Association of Philadelphia.

Of these, the International Longshoremen's Association has asked that the agreement be disapproved, but has not requested a hearing. All the others have requested a hearing, although none has specifically asked to be made parties to any hearing.

The Eastern Pennsylvania, South New Jersey protests allege that Agreement No. 10,000 is unjustly discriminatory, unfair, and detrimental to the users of the ports of Philadelphia because it fails to provide those ports with service adequate and necessary to handle cargo generated by manufacturers and shippers who are located within the Delaware valley region and outlying areas naturally tributary to the ports. They ask that approval of the agreement be withheld until the member lines of the agreement have inserted in the agreement safeguards to insure that Philadelphia has service which the protestants deem adequate.

The Port Authority of the Commonwealth of Virginia has filed a request for hearing regarding the agreement. Although the Authority takes no position on the agreement at this time, it indicates that it has questions with respect to Article 3.3 of the agreement.

The Maryland Port Administration has filed a "Statement of Position" regarding the agreement in which it asks the Commission to give careful consideration to various matters discussed in the "Statement", before approving the agreement.

Both the National Association of Alcoholic Beverage Importers and the Tobacco Association of the United States have filed documents with the Commission indicating opposition to the pool and, in the case of National Association of Alcoholic Beverage Importers, urging its rejection. Both protests allude to the anticompetitive effect of the agreement and its alleged detrimental effect on the commerce of the United States. In addition, the Tobacco Association requests a hearing for clarification of numerous questions which it has regarding the agreement.

Outboard Marine Corp., Waukegan, Ill., has filed lengthy "Comments" regarding the agreement and has requested that a hearing be held. The "Comments" raise questions about the agreement's effect on shippers in the North Atlantic trade as well as alleged violations of the antitrust laws which Outboard Marine asserts are present in the agreement.

Finally, Finnlines, Meyer Line, and Norwegian America Line, by their counsel, have protested the agreement and asked that a hearing be held. They allege that the pool agreement will operate in an unjustly discriminatory and unfair way with respect to Finnlines, Meyer Line, and Norwegian America Line in violation of section 15, unless sufficient safeguards are built into the agreement to allow the three lines to continue business "on a fair competitive basis".

The member lines of the proposed agreement have filed no statement of justification in defense of the agreement, feeling that a hearing on the agreement is inevitable.

In addition to the issues raised by the foregoing protests and comments, the Commission is particularly concerned with resolution of the following questions:

1. Whether the agreement prevents or attempts to prevent any of the member lines from serving any of the federally improved U.S. North Atlantic ports in violation of section 205 of the Merchant Marine Act, 1936.

2. Whether the agreement would result in a diversion of cargo from certain North Atlantic ports and ports in other ranges in violation of section 16, First, of the Shipping Act, 1916.

3. Whether the separation of responsibility for setting service policy (in the instant agreement) from the ratemaking powers of the underlying conferences would negate the safeguards of section 15 of the Shipping Act, 1916, and Commission General Orders 6, 7, 9, 14, and 18.

4. Whether, and to what extent, reporting requirements should be established.

5. Whether the records maintained by the Pool Coordinator and Pool Accountants should be kept in the United States and be made accessible to the Commission to enable it to fulfill its statutory duties under the Shipping Act, 1916.

6. Whether adequate steps have been taken to eliminate any and all conflicts between the terms of the Pool Agreement and the rules and conditions in the Conferences' Basic Agreements and Tariff Rules, Regulations and Rates.

7. How were the member lines' basic percentage entitlements determined?

8. How were the categories of cargo to be included or excluded from the pool determined?

9. How were the basic service obligations of the member lines determined?

10. Whether the provisions of the pooling agreement dealing with the duration of the agreement and withdrawal from the agreement, including penalties for withdrawal, are reasonable under section 15 of the Shipping Act, 1916, and criteria established by judicial and administrative interpretations thereof.

The foregoing enumeration is not intended to limit inquiry into any aspect of Agreement 10,000.

A review of the issues presented by the agreement, the protests and comments establishes the requirement for the institution of a proceeding to determine the approvability of Agreement No. 10,000 under section 15, and the proceeding instituted must include an evidentiary hearing for said purpose.

Now, therefore, it is ordered, That the Commission on its own motion enter upon an investigation and hearing, pursuant to section 22 of the Shipping Act, 1916, to determine whether Agreement No. 10,000 should be approved, disapproved, or modified, pursuant to section 15 of the said Act;

It is further ordered, That the proceeding hereby instituted include an investigation as to whether Agreement No. 10,000 is unjustly discriminatory or unfair as between ports, carriers, shippers, exporters, or importers of the United States, will operate to the detriment of the commerce of the United States, or be contrary to the public interest, or be otherwise in violation of the Act within the meaning of section 15, or subject any particular person, locality, or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever in violation of section 16 First of the Act or is violative of section 205, Merchant Marine Act of 1936;

It is further ordered, That American Export Isbrandtsen Lines, Inc., Atlantic Container Line, Ltd., Dart Containerline Co., Ltd., Hapag-Lloyd AG, Sea-Land Service, Inc. Seatrain Lines, Inc./Seatrain International S.A., and United States Lines, Inc., are hereby made respondents in this proceeding;

It is further ordered, That the Department of Justice and the Department of Transportation be made petitioners in this proceeding;

It is further ordered, That with the exception of the parties named in the two previous ordering paragraphs and the Bureau of Hearing Counsel, the provisions of Rule 3(a), 46 CFR 502.41 are hereby waived and anyone having an interest, including those who have previously filed protests, requests for hearing, or other comments regarding Agreement No. 10,000, shall be allowed to intervene in this proceeding upon a filing with the Commission of a request for permission to intervene, pursuant to Rule 5(1), 46 CFR 502.72, stating in detail, their interest in subject proceeding and referring with particularity to those sections of said agreement on which they wish to be heard;

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding. The provisions of Rule 12(h) which require leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That notice of this order be published in the FEDERAL REGISTER, and that a copy thereof and notice of hearing be served upon respondents and petitioners;

And it is further ordered, That all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-7099 Filed 5-9-72;8:49 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/operator and vessels*
01172---	H. Clarkson and Co., Ltd.: Stirling Bridge. Eden Bridge.
01328---	Pergamos Shipping Co., Ltd.: Alexander A.S.
02038---	Polskie Linie Oceaniczne: Jan Zizka.
02249---	Fisser & V. Doornum: Erika Fisser.
02332---	Lykes Bros. Steamship Co., Ltd.: Gulf Trader. Gulf Shipper. Gulf Merchant. LY-900. LY-800. LY-36. LY-35. LY-34. LY-33. LY-32. LY-31. LY-30. LY-29. LY-28. LY-27. LY-26. LY-25. LY-24. LY-23. LY-22. LY-21. LY-20. LY-19. LY-18. LY-17. LY-16. LY-15. LY-14. LY-13. LY-12. LY-11. LY-10. LY-9. LY-8. LY-7. LY-6. LY-5. LY-4. LY-3.
02831---	Ednasa Co., Ltd.: Lilliana.
03522---	Tokyo Teion Reizo K.K.: Ecuador-Maru.[1]
03744---	Ocean Fisheries, Inc.: Raffaello.
04024---	Erie Sand Steamship Co.: Alpena.
04025---	Ontario-Lake Erie Sand, Ltd.: W. M. Edington.
05765---	Chricodi Compania Naviera S.A.: Zougro.
06094---	Societa' Siciliana Servizi Marittimi: Somalia.
06374---	Daiei Maritime Co., Ltd.: Chieh Lung. Chieh Hsing.
06654---	Nelson Shipping: Inntal.[2]
06931---	Oswego Barge Corp.: Nepco 140.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-7100 Filed 5-9-72;8:49 am]

[1] Certificate effective June 1, 1972.

[2] Erroneously published on Apr. 13, 1972 (37 F.R. 7361), as revoked under the name Nelson Shipping.

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

APPLIED DEVICES CORP.

Order Suspending Trading

MAY 2, 1972.

The common stock, $0.50 par value, of Applied Devices Corp. being traded on the American Stock Exchange, and otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges 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 15(c)(5) and 19(a)(4) 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 May 3, 1972 through May 12, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-7102 Filed 5-9-72;8:49 am]

[File No. 500–1]

CANADIAN JAVELIN, LTD.

Order Suspending Trading

MAY 4, 1972.

The common stock, no par value, of Canadian Javelin Ltd., being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges 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 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 6, 1972, through May 15, 1972.

By the Commission.

[SEAL] GLADYS E. GREER, *Assistant Secretary.*

[FR Doc.72-7071 Filed 5-9-72;8:46 am]

[File No. 500–1]

COGAR CORP.

Order Suspending Trading

MAY 4, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.60 par value, of Cogar Corp. 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 May 7, 1972 through May 16, 1972.

By the Commission.

[SEAL] GLADYS E. GREER, *Assistant Secretary.*

[FR Doc.72-7073 Filed 5-9-72;8:47 am]

[File No. 500–1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MAY 4, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value, of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, 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 May 5, 1972 through May 14, 1972.

By the Commission.

[SEAL] GLADYS E. GREER, *Assistant Secretary.*

[FR Doc.72-7072 Filed 5-9-72;8:47 am]

[812-3147]

DIVIDEND SHARES, INC.

Notice of Filing of Application for an Order Exempting the Sale by an Open-End Company of its Securities at Other Than the Public Offering Price

MAY 4, 1972.

Notice is hereby given that Dividend Shares, Inc. (Applicant), 1 Wall Street, New York, NY 10005, a Maryland corporation registered under the Investment Company Act of 1940 (Act) as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price described in its prospectus in exchange for the assets of Alden M. Young Co. (Young). All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations, which are summarized below.

In 1912, Young was incorporated as an investment company under the laws of the State of Connecticut. All of Young's outstanding common stock is presently owned by 64 persons. Young is therefore exempted by section 3(c)(1) of the Act from the necessity to register under the Act.

Pursuant to Applicant's agreement with Young, assets owned by Young with an aggregate value of approximately $8,651,868 on March 9, 1972, will be transferred to Applicant in exchange for shares of Applicant's stock. Applicant intends to sell a portion of the securities to be acquired from Young. Another portion of Young's portfolio securities will be sold by Young prior to the exchange date. The proceeds of such sale are to be invested by Young in securities which are to be selected by Applicant and subsequently transferred to Applicant on the exchange date.

The exchange is expected to be tax-free for Young and its stockholders. Therefore, Applicant's cost-basis for tax purposes for the assets acquired from Young will be the same as Young's cost-basis rather than the price actually paid by the Applicant for the assets. To compensate for any differences in realized and unrealized gains between the portfolio of Applicant and the portfolio of Young, the number of shares of Applicant to be issued to Young is to be determined by dividing the aggregate market value (subject to certain adjustments as set forth in the application) of the assets of Young to be transferred to Applicant by the net asset value (as defined in the agreement) per share of Applicant, both to be determined as of the valuation time. If the valuation provided for in the agreement, including the adjustments, had taken place on March 9, 1972, the market value of the assets of Young to be acquired would have been decreased by approximately 1.9 percent.

The shares of Applicant to be received by Young are to be distributed to the Young shareholders upon the liquidation of Young. Applicant has been advised by the management of Young that the holders of no more than 5 percent of the shares of common stock of Young have any present intention of redeeming or otherwise transferring the shares of Ap-

plicant to be received upon such liquidation following the sale of the assets of Young to Applicant.

Applicant represents that the agreement was negotiated by the parties at arm's-length and that Applicant's Board of Directors approved the agreement as being in the best interests of its shareholders, taking all relevant considerations into account, including the per share reduction of Applicant's expenses that would result from an increase in the Applicant's assets, the brokerage expenses that would be incurred by Applicant on the sale of securities acquired from Young, and the acquisition of securities by Applicant from Young without any brokerage.

Section 22(d) of the Act provides that a registered open-end investment company may sell its shares only at the current public offering price as described in its prospectus. Section 6(c) of the Act permits the Commission, upon application, to exempt such a transaction from any provision of the Act if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d), and that an exemption from section 22(d) is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 25, 1972 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GLADYS E. GREER,
Assistant Secretary.

[FR Doc.72-7074 Filed 5-9-72;8:47 am]

[File No. 500-1]

ECOLOGICAL SCIENCE CORP.

Order Suspending Trading

MAY 2, 1972.

The common stock, 2 cents par value, of Ecological Science Corp. being traded on the American Stock Exchange, the Philadelphia - Baltimore - Washington Stock Exchange and the Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science 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 security on such exchanges 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 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 3, 1972, through May 12, 1972.

By the Commission.

[SEAL] GLADYS E. GREER,
Assistant Secretary.

[FR Doc.72-7075 Filed 5-9-72;8:47 am]

[70-5188]

HARTFORD ELECTRIC LIGHT CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

MAY 2, 1972.

Notice is hereby given that the Hartford Electric Light Co. (HELCO), 176 Cumberland Avenue, Wethersfield, CT 06109, a public-utility subsidiary company of Northeast Utilities, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

HELCO proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $35 million principal amount of ------ percent First Mortgage Bonds, 1972 Series, due June 1, 2002. The interest rate (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to HELCO (which shall be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the First Mortgage Indenture and Deed of Trust dated January 1, 1958, between HELCO and the First National Bank of Boston, successor trustee, as heretofore supplemented and amended and as to be further supplemented by an 11th supplemental indenture to be dated as of June 1, 1972, and which contains a prohibition until June 1, 1977, against refunding the issue with or in anticipation of the proceeds of borrowings at a lower interest cost.

It is stated that the net proceeds from the issue and sale of the bonds will be used to repay short-term borrowings incurred in financing HELCO's construction program and which are expected to aggregate $30 million at the time of the proposed sale. Northeast Utilities has made a $15 million capital contribution to further reduce short-term borrowings (Holding Company Act Release No. 17464). HELCO's construction program for 1972 is estimated to total approximately $92 million. It is stated that the construction program will require an additional $33 million of external financing which the company contemplates will be obtained through a further $5 million capital contribution from Northeast Utilities; and through short-term borrowings, to be followed by long-term financing late this year or early 1973. Such additional financings will, to the extent necessary, be the subject of future filings with the Commission.

The fees and expenses incident to the proposed transaction will be filed by amendment. The filing states that the issue and sale of the bonds is subject to the approval of the Connecticut Public Utilities Commission, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 22, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the

general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-7101 Filed 5-9-72;8:49 am]

[File No. 500-1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

MAY 4, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Meridian Fast Food Services, 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 May 6, 1972, through May 15, 1972.

By the Commission.

[SEAL] GLADYS E. GREER, *Assistant Secretary.*

[FR Doc.72-7076 Filed 5-9-72;8:48 am]

[File No. 500-1]

UNIVERSAL AIRLINES CO.

Order Suspending Trading

MAY 4, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, no par value, of Universal Airlines Co. 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 11:35 a.m., e.s.t., on May 4, 1972, through May 13, 1972.

By the Commission.

[SEAL] GLADYS E. GREER, *Assistant Secretary.*

[FR Doc.72-7077 Filed 5-9-72;8:48 am]

TARIFF COMMISSION

[AA1921-92]

ELEMENTAL SULFUR FROM MEXICO

Determination of Injury

On February 4, 1972, the Tariff Commission received advice from the Treasury Department that elemental sulphur (also spelled sulfur) from Mexico is being, or is likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended.[1] In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted investigation No. AA1921-92 to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held March 28-30, 1972. Notice of the investigation and hearing was published in the FEDERAL REGISTER of February 12, 1972 (37 F.R. 3212).

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission has unanimously determined that an industry in the United States is being injured by reason of the importation of elemental sulfur from Mexico that is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATION OF CHAIRMAN BEDELL AND COMMISSIONERS SUTTON AND MOORE[2]

In our opinion, an industry is being injured by reason of the importation of elemental sulfur from Mexico, that is being sold at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended. In making our determination we have considered the industry to consist of those domestic facilities of U.S. producers devoted to the mining and recovery of sulfur. Sulfur mined by the Frasch hot-water mining process (Frasch sulfur), the method used to produce the sulfur entered at LTFV from Mexico, is produced by five companies at 12 sites in the United States.

The Commission's investigation has revealed that LTFV sales and offers of Mexican sulfur have contributed to the general depression of prices and to market disruption in Tampa (the principal U.S. sulfur-consuming area) and along the east coast of the United States. All that is required for an affirmative determination is that the LTFV imports be a cause of significant injury to an industry (i.e., an injury greater than de minimis). In this case, the facts show a part of the price depression undergone by the domestic sulfur industry since 1968 and part of the market disruption in Tampa can be directly tied to sales and offers of Mexican sulfur at less than fair value. The injury is especially serious occurring as it does while the industry is in a transitional state.

Economic conditions in the domestic industry. The domestic sulfur industry is beset by especially low prices, which reflect a general world oversupply. World sulfur production increased from 16.4 million tons[3] in 1967 to 21.7 million tons in 1970, and supplies seem destined to continue to increase. As a result, the market for sulfur is currently glutted and prospects are for still additional amounts to enter the market. Consequently, the Frasch-sulfur producers, with large investment in the production of sulfur, have been forced to curtail exploration, shut down facilities, lay off workers, and have found their before-tax profits on sulfur operations in 1971 reduced to one-seventh of their 1968 levels. In short, the U.S. sulfur industry is clearly undergoing a transition of far-reaching consequences, and one in which the Frasch-sulfur producers are the most vulnerable.

Since the fall of 1968, sulfur prices declined by about 50 percent in Tampa and along the western gulf, and by about 40 percent along the east coast and in the North Central States.

Sulfur is used in the production of literally hundreds of agricultural and industrial products. Despite its wide uses, there are only a small number of major buyers—nine sulfuric-acid producers consume at least 60 percent of the sulfur sold on the open market. Moreover, it is normally sold under tonnage contracts which require a seller to meet lower competitive offers or else release that quantity from the terms of the contract.

Extent of LTFV sales and offers. During the dramatic price decline since 1968, Mexican Frasch-sulfur producers began to sell at less than fair value as defined in the Antidumping Act, 1921. Mexican home-market sulfur sales are traditionally made at the maximum prices permitted by Mexican law. These prices have remained unchanged since 1955. Consequently, as the oversupply developed and the U.S. price deteriorated, imports of Mexican sulfur began to enter a LTFV, so that by the period 1970-71 for which period Treasury made its fair-value comparisons, virtually all sulfur from Mexico was entering the United States at LTFV margins ranging up to 40 percent of the

[1] Notice of the Treasury Department's determination of sales at less than fair value, and the reasons therefore, was published in the FEDERAL REGISTER of Feb. 5, 1972 (37 F.R. 2793).

[2] Vice Chairman Parker concurs in the result.

[3] All references in this statement are to long tons of 2,240 pounds.

adjusted home-market price. When price sensitivity reaches the degree which characterized the U.S. sulfur market in and since 1969, LTFV sales and offers would almost inevitably cause an injurious impact.

Price depression and market disruption. The sales and offers of Mexican sulfur at LTFV prices caused additional price deterioration in the Tampa market and on the east coast and added confusion and instability to the marketplace. These markets have been largely isolated from other foreign competition, although to some extent, price activity in one domestic market area has an impact on prices in other domestic market areas. Injury (more than de minimis) is resulting both from specific instances where the LTFV margins permit underselling, which, in turn, precipitates general price reductions, and from the presence of additional supply in an already glutted market.

In the latter part of 1970, Mexican Frasch sulfur was sold at a price of $2 per ton below the price of domestic Frasch sulfur to an important Tampa customer. A few months later, the customer requested a "meet or release" action from its domestic supplier, who was obliged to meet the lower price. About the same time, a large quantity of Mexican sulfur was offered to another large Tampa customer substantially below the price of domestic sulfur to the same buyer. The tonnage offered was of such magnitude that the domestic supplier elected to meet the price. In both instances sales of Mexican sulfur (on smaller tonnage) were being made at the offer prices. These sales and offers precipitated a general price reduction of $2 per ton, i.e., from $27 per ton to $25 per ton "ex-terminal" in the Tampa area. To still another Tampa customer buying Mexican sulfur under a minimum-maximum contract of multi-thousand-ton difference, the Mexican supplier maintained a price of more than $1 per ton lower than that of the domestic Frasch sulfur supplier. These instances of underselling could not have occurred if sales had been made at fair value. In each example the LTFV margin on Mexican sulfur exceeded the margin of underselling.

The injurious price depression from LTFV sales and offers does not end when domestic suppliers reestablish a price pattern based upon the unfair price. Unlike imported material that requires a price advantage to compete, Mexican sulfur has continued to enter the U.S. market at the prevailing domestic price. The supply effect of the LTFV imports, then, especially in an already oversupplied market, results in further price deterioration.

Conclusion. The sales and offers of LTFV sulfur from Mexico are significant factors contributing to price depression and market instability in the United States. The fact that the domestic industry is facing difficulties caused by other factors does not obscure the significant link between the specific injury manifestations existing and threatened, and the LTFV imports. Accordingly, we determine that, within the meaning of the Antidumping Act, 1921, an industry in the United States is being injured by reason of the importation of sulfur from Mexico that is being sold at less than fair value.

STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATION OF COMMISSIONERS LEONARD AND YOUNG

Our determination is in the affirmative; however, we believe that, instead of the brief statement of our colleagues, the following comprehensive treatment of the investigation is needed to detail precisely the issues that had to be resolved and the rationale that led to our determination.

The Antidumping Act, 1921, as amended, requires that the Tariff Commission find two conditions satisfied before an affirmative determination can be made.

First, there must be injury, or likelihood of injury, to an industry in the United States, or an industry in the United States must be prevented from being established.

And second, such injury (or likelihood of injury or prevention of establishment) must be "by reason of" the importation into the United States of the class or kind of foreign merchandise the Secretary of the Treasury determined is being, or is likely to be, sold at less than fair value.

In our opinion, an industry in the United States is being injured by reason of the importation of elemental sulfur from Mexico, that is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act of 1921, as amended. In making our determination we have considered the industry to consist of those domestic facilities of U.S. producers devoted to the mining, recovery, and distribution of sulfur. Sulfur mined by the Frasch hot-water mining process (Frasch sulfur), the method used to produce the sulfur entered at less than fair value from Mexico, is produced by five companies at 12 sites in the United States, and we consider them to bear the brunt of the injury.

The Commission's investigation has revealed that sales and offers of Mexican sulfur at less than fair value have contributed to the general depression of prices and to market disruption in the Tampa, Fla., area (the principal U.S. sulfur-consuming area) and along the east coast of the United States. It follows that a national industry may be injured if injury is experienced in a portion of its market.

Besides less than fair value sales, other causes of injury are also present, but sales at less than fair value do not have to be the sole cause, the major cause, or greater than any other single cause of the injury. All that is required for an affirmative determination is that the less than fair value sales be a cause of injury to an industry. The causation between sales at less than fair value and injury must be identifiable, i.e., the injury must result from the less than fair value sales. In this case, the facts show a part of the price depression undergone by the domestic sulfur industry since 1969 and part of the market disruption in Tampa is directly tied to sales and offers of Mexican sulfur at less than fair value. The injury is especially serious occurring as it does while the industry is in a transitional state.

Economic conditions in the domestic industry. The domestic sulfur industry has undergone periods of shortage and oversupply. Currently sulfur is in oversupply and the domestic sulfur industry is beset by especially low prices. World sulfur production increased from 16.4 million tons [4] in 1967 to 21.7 million tons in 1970, and supplies seem destined to continue to increase. A large part of the increase is due to the recovery of sulfur from natural gas containing hydrogen sulfide and from refinery gases. Moreover, environmental considerations favor the desulfurization of fuel oil and the removal of sulfur compounds from the stack gases of industry and public utilities. As a result, the market for sulfur is currently glutted and prospects are for still additional amounts to enter the market. Consequently, the Frasch-sulfur producers, with large investment in the production of sulfur, have been forced to curtail exploration, shut down facilities, lay off workers, and have found their before-tax profits on sulfur operations substantially reduced. In short, the U.S. sulfur industry is clearly undergoing a transition of far-reaching consequences, and one in which the Frasch-sulfur producers are the most vulnerable.

In U.S. sulfur markets the oversupply brought about the textbook results. Since the autumn of 1968, prices have declined by about 50 percent in Tampa and along the western gulf, and by about 40 percent along the east coast and in the North Central States. Most of the decline occurred before February 1970, but a substantial part occurred after that date, by which time most sales and offers of Mexican sulfur were being made at less than fair value.

While sulfur is used in the production of literally hundreds of agricultural and industrial products, economists would term its demand inelastic, i.e., over most of its range the price exerts relatively little influence on the total quantity sold. Despite its wide uses, there are only a small number of buyers—nine sulfuric-acid producers consume at least 60 percent of the sulfur sold on the open market. Moreover, it is normally sold under contracts which require a seller to meet lower competitive offers for significant tonnages or else release that quantity from the terms of the contract.

Thus, the stage is set for violent downward price competiton: (1) A general oversupply; (2) the entry of a large number of sellers into the market place for whom sulfur is a coproduct, byproduct, or waste product; (3) a small number of sophisticated purchasers; (4) a homogeneous product; and (5) a general industry practice that each seller meet

[4] All references in this statement are to tons of 2,240 pounds.

lower offers by competitors or forfeit the opportunity to sell the entire tonage involved.

Extent of less than fair value sales and offers. During the shortage period, Mexican sulfur was being sold at fair value, appreciably above the prevailing price for domestic Frasch sulfur. Beginning in 1970, Mexican Frasch sulfur producers began to sell at less than fair values as defined in the U.S. Antidumping Act, 1921, which is designed to prevent a foreign producer from making injurious sales in the United States at lower prices than he charges in the home market. Mexican home-market-sulfur sales are traditionally made at the maximum prices permitted by Mexican law. These prices have remained unchanged since 1955. Consequently, as the oversupply developed and the U.S. price deteriorated, imports of Mexican sulfur began to enter at less than fair value, so that when the Treasury Department made its fair-value comparisons, virtually all sulfur from Mexico was entering the United States at less than fair value margins ranging up to 40 percent of the adjusted home-market price. The less than fair value margin essentially is the difference between the Mexican home market price and the price for which the imported sulfur was sold to arm's length buyers.

Price depression and market disruption. The sales and offers of Mexican sulfur at less than fair value prices caused additional price deterioration in the Tampa market and on the east coast and added confusion and instability to the marketplace. These markets have been largely isolated from other foreign competition, although to some extent, price activity in one domestic market area has an impact on prices in other domestic market areas. Injury is resulting both from specific instances, some of which are cited below, where the less than fair value margins permit underselling, thereby precipitating general price reductions, and from the presence and threat of additional supply at less than fair value in an already glutted market.

In the latter part of 1970, Mexican-Frasch sulfur was sold at a price of $2 per ton below the price of domestic Frasch sulfur to an important Tampa customer. A few months later, the customer requested the domestic supplier to meet the lower offer or release the customer from the obligation to buy the sulfur involved. The domestic supplier met the lower price. About the same time, a large quantity of Mexican sulfur was offered to a different large Tampa customer substantially below the price of domestic sulfur to the same buyer. The offer was of such magnitude that the domestic supplier elected to meet the price rather than lose the sale. In both instances sales of Mexican sulfur (on smaller quantities) were being made at the offer prices. These sales and offers precipitated a general price reduction from $27 per ton to $25 per ton "exterminal" in the Tampa area. To still another Tampa customer buying Mexican sulfur under a minimum-maximum contract of multi-thousand-ton difference, the Mexican supplier maintained a price of more than $1 per ton lower than that of the domestic Frasch sulfur supplier. These instances of underselling could not have occurred if sales had been made at fair value. In each example the less than fair value margin on Mexican sulfur exceeded the margin of underselling.[5]

Less than fair value sales and offers bring with them market uncertainty. Buyers are anxious to take advantage of the lower prices, but they are uncertain as to how long they will last. They then attempt to secure the same price from other sources of supply and thus perpetuate the lower prices. Suppliers are whipsawed one against the other, setting off whirlwinds of price activity, so that even after both the sales and offers at less than fair value are withdrawn, price revision is difficult, if not impossible.

But injurious price depression from both sales and offers at less than fair value does not end when domestic suppliers reestablish a price pattern based upon the unfair price. Unlike other imported material that requires a price advantage to compete, Mexican sulfur has continued to enter the U.S. market at the prevailing domestic price. The supply effect of the less than fair value imports, then, especially in an already oversupplied market, results in further price deterioration. A respected authority in the field noted:

> * * * dumping does not necessarily, and probably does not usually, involve selling in the foreign market at prices lower than those prevalent there * * * even where the dumper does not accept lower prices than those currently demanded by his competitors in the market dumped on, his added competition in supplying the demand of that market will tend to force down the prices of his competitors and to necessitate a still further reduction of his own prices.[6]

This is precisely the case here; the less than fair value sales, even when made at the prevailing price levels, further contribute to the depressed prices and the declining revenues of domestic producers. The Antidumping Act cannot protect producers against oversupply situations; it can, however, protect them against the identifiable additional adverse impact of less than fair value imports.

Consideration of offers in ascribing injury. We have considered less than fair value offers in our determination. When the statute speaks of "by reason of the importation", no tense is implied—i.e., no actual entry of the merchandise need have occurred. The importation, therefore, can be a potential importation, of which offers in good faith are a clear indication. Congress was clearly aware in framing the act that offers can have the same injurious effects as transaction prices. As the Tariff Commission pointed out in its 1919 study of dumping:

> Moreover, even the quotation of dumping prices, though no sales in fact be made, may occasionally result in compelling merchants with established trade to cut their prices in order to hold their business against threats of dumping competition.[7]

It is not especially significant that imports of Mexican sulfur have declined both absolutely and as a percentage of domestic consumption. In any case, however, in 1971 sulfur imports from Mexico captured about 6 percent of the total U.S. market, clearly a large enough penetration to have had marked impact on the operation of the domestic industry. The capacity of the Mexican sulfur industry is such that it can supply both its home market and a much larger part of the U.S. market. Its offers at less than fair value prices cannot but elicit a response from domestic Frasch-sulfur producers, and it is only this response at lower prices which prevents the Mexican product from obtaining a larger share of the market.

All imports at less than fair value causing injury. A domestic sulfur producer who also imports sulfur from a related Mexican firm contended that the Commission, if it made an affirmative determination, should "carve out" any less than fair value imports from that firm which may not be causing injury. In the oversupplied markets that exist in the instant case, injurious price depression also occurred as a result of the additional supply contributed by the less than fair value imports. It was found in the 1969 "potash case" that the Antidumping Act continues to protect the U.S. portion of multinational companies from unfair competitive practices, including those undertaken by foreign branches of the same company.[8] It is clear from information presented to the Commission that less than fair value sales of Mexican sulfur have displaced sales by the domestic portion of the related company, even if they have not displaced actual or potential sales on the part of other domestic producers. Had these less than fair value imports not occurred, the domestic facilities would have operated at a higher level of capacity. Hence, we conclude that all less than fair value imports have been injurious to the domestic sulfur industry.

Conclusion. The sales and offers of sulfur from Mexico at less than fair value are significant factors contributing to price depression and market instability in the United States. The fact that the domestic industry is facing difficulties arising from other sources does not obscure the significant link between the specific injury manifestations existing and the less than fair value imports. Accordingly, we determine that, within the meaning

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[5] The term "margin of underselling" is the difference between the delivered price of Mexican sulfur and the delivered price of domestic Frasch sulfur delivered to the U.S. customer.

[6] Jacob Viner, Dumping: A Problem in International Trade, University of Chicago Press, Chicago, Ill. (1923), p. 132.

[7] U.S. Tariff Commission, Information Concerning Dumping and Unfair Foreign Competition in the United States and Canada's Anti-dumping Law, p. 20.

[8] Potassium Chloride (Muriate of Potash) from Canada, France and West Germany, U.S. Tariff Commission, Inv. Nos. AA1921-58, 59, and 60 (1969).

of the act, an industry in the United States is being injured by reason of the importation of sulfur from Mexico that is being, or is likely to be, sold at less than fair value.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.72-7084 Filed 5-9-72;8:48 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

MAY 5, 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 103993 Sub 619, Morgan Drive-Away, Inc., now assigned July 12, 1972, at Chicago, Ill., hearing postponed indefinitely.

I & S No. 8705, Passenger Fares Between Pennsylvania and New Jersey, now being assigned hearing June 26, 1972, in U.S. Customs Courtroom, Third Floor, U.S. Customshouse, Second and Chestnut Streets, Philadelphia, Pa.

MC 111611 Sub 23, Noerr Motor Freight, Inc., now being assigned hearing June 22, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 135295, Falcon Convoy, Inc., now being assigned hearing June 22, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 136100 Sub 1, K & K Transportation Corp., now being assigned hearing June 21, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 115840 Sub 70, Colonial Fast Freight Lines, Inc., now assigned May 15, 1972, at Washington, D.C., hearing canceled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-7117 Filed 5-9-72;8:51 am]

[Administrative Ruling No. 119; Supplements Rulings Nos. 107 and 110]

COMPOSITE COMMODITY LIST

APRIL 26, 1972.

The purpose of this ruling is to provide in a list showing the status of various commodities under the exemption in section 203(b)(6) of the Interstate Commerce Act, as amended by the Transportation Act of 1958. The Bureau opinions in this ruling are tentative and informal and made in the absence of pertinent formal decisions by the Commission or the courts.

This composite commodity list is made up from the following sources:

1. Administrative Ruling No. 107 (49 CFR 1047.25) which the Transportation Act of 1958 incorporated into section 203(b)(6) of the Act, but with certain changes. Listings based on Ruling No. 107 carry the identification: "Law".

2. Administrative Ruling No. 110 which explained the changes in Ruling No. 107 made by the Transportation Act of 1958. Listings taken from Ruling No. 110 carry the identification: "Law-Ruling 110".

3. Commission and court decisions since 1958. These are identified by the designation: "Case No. _____". The title and citation of the decision is shown in the Case List which follows the Commodity List.

4. Informal opinions given by the Bureau of Operations and its predecessor Bureaus in response to inquiries received since 1958. These are identified by the word: "Bureau".

A commodity listed as "Exempt" loses its exempt status whenever it is transported in a vehicle which at the same time is transporting for compensation commodities not within the exemption.

The fact that a particular commodity does not appear in the list does not mean that it is either within or not within the exemption. By analogy it may be possible to form a conclusion as to the status of commodities similar to those listed.

The safety and hours of service regulations of the Federal Highway Administration of the Department of Transportation apply generally to operations conducted under this exemption.

SECTION 203(b)(3) OF THE INTERSTATE COMMERCE ACT AS AMENDED BY THE TRANSPORTATION ACT OF 1958

Nothing in this part, except the provisions of section 204 relative to qualifications and maximum hours of service of employees and safety of operation or standards of equipment shall be construed to include * * * (6) motor vehicles used in carrying property consisting of ordinary livestock, fish (including shellfish), or agricultural (including horticultural) commodities (not including manufactured products thereof), if such motor vehicles are not used in carrying any other property, or passengers, for compensation: *Provided*, That the words "property consisting of ordinary livestock, fish (including shellfish), or agricultural (including horticultural) commodities (not including manufactured products thereof)" as used herein shall include property shown as "Exempt" in the "Commodity List" incorporated in ruling numbered 107, March 19, 1958, Bureau of Motor Carriers, Interstate Commerce Commission, but shall not include property shown therein as "Not Exempt": *Provided further, however*, That notwithstanding the preceding proviso the words "property consisting of ordinary livestock, fish (including manufactured products thereof)" shall not be deemed to include frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, bananas, or hemp, and wool imported from any foreign country, wool tops and noils, or wool waste (carded, spun, woven, or knitted), and shall be deemed to include cooked or uncooked (including breaded) fish or shellfish when frozen or fresh (but not including fish and shellfish which have been treated for preserving, such as canned, smoked, pickled, spiced, corned, or kippered products);

COMPOSITE COMMODITY LIST OF ADMINISTRATIVE RULING NO. 119

Additives. Ruling No. 107 reflects the policy of allowing minor amounts of additives, since such things as vitamins in milk, seasoning or sweetening in foods, coated Christmas trees, etc., are shown as exempt. Informal rule of thumb is that no more than 5 percent nonexempt additives are allowable—Bureau.

Advertising matter, in reasonable amounts, transported along with exempt commodities to which it relates, not considered as affecting the exempt nature of shipment—Bureau.

Advertising matter, comprising 20-30 cases transported with 500 cases of tulip bulbs—Exempt—Bureau.

Alfalfa, see Feeds.

Animal fats—Not exempt—Law.

Animals, see Livestock.

Bagged commodities—Placing exempt commodities in bags does not affect their exempt status—Law.

Bagging, scrap (worn jute bagging)—Not exempt—Bureau.

Bananas—Not exempt—Law-Ruling 110.

Bark, see Forest Products.

Barley, see Grains.

Bees—Exempt—Law.

Beeswax, crude, in cakes and slabs—Exempt—Law.

Beet pulp, see Feeds.

Beets, sugar—Exempt—Law.

Berries, see Fruits.

Birds:

- Canaries and parakeets—Not exempt—Bureau.
- Edible, see separate heading: Poultry.
- Feathers, see separate heading: Feathers.
- Pigeons, racing—Not exempt—Law.
- Birdseed, see separate heading: Feeds.

Bones, animal—Not exempt—Bureau.

Bran, see Feeds.

Broom corn, threshed and baled—Exempt—Law.

Bulbs, see Horticultural Commodities.

Butter—Not Exempt—Law.

Buttermilk—Exempt—Law.

Candied apples (fresh apples on a stick dipped in taffy)—Not exempt—Bureau.

Casein, derived from milk—Not exempt—Case No. 1.

Canned fruits and vegetables—Not exempt—Law.

Carnauba wax is imported in slabs or chunks—Not exempt—Law.

Castor Beans—Exempt—Law.

Castor pomace (cake remaining after extraction of oil from castor beans)—Not exempt—Bureau.

Cattle, live, see Livestock.

Cattle, slaughtered—Not exempt—Law.

Charcoal—Not exempt—Law.

Cheese—Not exempt—Law.

Cheese, cottage—Not exempt—Law.

Cheese, cottage, curd, in bulk—Not exempt—Bureau.

Cheese, cream—Not exempt—Law.

Chicle (a gum obtained from latex of trees) In form normally shipped, i.e. purified and neutralized—Not exempt—Bureau.

Christmas trees, plain, sprayed, or coated—Exempt—Law.

Cider, apple, and cider vinegar—Not exempt—Bureau.
Citrus fruits, see Fruits.
Clay—Not exempt—Bureau.
Coal—Not exempt—Law.
Cocoa bean shells, in any form—Not exempt—Bureau.
Cocoa beans—Not exempt—Law-Ruling 110.
Coconut, see Nuts.
Coffee beans—Not exempt—Law-Ruling 110.
Coffee, roasted—Not exempt—Law.
Coffee, instant—Not exempt—Law.
Compost, composed of manure and straw sweepings, dried, disintegrated, and decomposed—Exempt—Bureau.
Compost, mixture of manure, straw or rice hulls, but not sawdust—Exempt—Bureau.
Compost, product, a mixture of processed garbage and sewage sludge—Not exempt—Bureau.
Compost, mixture of manure and sweepings with water and bacterial agents to hasten fermentation, used as a growth medium for mushrooms—Not exempt—Bureau.
Containers, crates, and boxes which have been used in the movement of exempt commodities, which have been reconditioned and sold from stock to new purchasers—Not exempt—Bureau.
Containers, crates, and boxes which have been used in the movement of exempt commodities and are being returned for reuse—Exempt—Law.
Containers, new, for use in shipping exempt commodities—Not exempt—Law.
Copra meal—Not exempt—Law.
Corn, see Grain.
Corn cobs—Exempt—Law.
Corn cobs, ground—Exempt—Law.
Corn fodder—Exempt—Law.
Cottage cheese, see Cheese.
Cotton, carded but not spun, woven or knitted—Exempt—Law.
Cotton felt, used in mattresses, etc. consisting of scraps of raw cotton, blended and carded, but not otherwise processed—Exempt—Bureau.
Cotton, ginned or unginned—Exempt—Law.
Cotton lap (baled cotton, blended, cleaned and formed into rolls preparatory to milling)—Exempt—Bureau.
Cotton linters—Exempt—Law.
Cotton motes (fibers removed from cotton seed after ginning and removal of linters)—Exempt—Bureau.
Cotton waste consisting of bits of string, thread, and yarn—Not exempt—Bureau.
Cotton waste consisting of scraps of cotton fibre not spun, woven or knitted—Exempt—Law.
Cotton yarn—Not exempt—Law.
Cottonseed, whole—Exempt—Law.
Cottonseed cake—Not exempt—Law.
Cottonseed, dehulled—Exempt—Law.
Cottonseed hulls—Exempt—Law.
Cottonseed meal—Not exempt—Law.
Crates, see Containers.
Cream, see Milk.
Cream cheese, see Cheese.
Dehydrated, see commodity name: Fruits, Vegetables, Eggs, etc.
Diatomaceous earth—Not exempt—Law.
Dinners, frozen—Not exempt—Law.
Dinners, seafood, frozen—Exempt—Law—Ruling 110.
Dried, see commodity name: Fruits, Vegetables, Eggs, etc.
Eggs:
- Albumen, fresh, liquid—Exempt—Law.
- Albumen, fresh, liquid, pasteurized—Exempt—Bureau.
- Dried—Exempt—Law.
- Frozen—Exempt—Law.
- In shell—Exempt—Law.
- Liquid, whole or separated—Exempt—Law.
- Mixture of 90 percent powdered and 10 percent syrup and salt, dried—Not exempt—Bureau.
- Oiled—Exempt—Law.

Omelet mix consisting of fresh broken eggs and milk with minute amounts of salt and pepper and seasoning, packaged and frozen—Exempt—Bureau.
- Powder, dried—Exempt—Law.
- Shelled—Exempt—Law.
- Shells, pulverized, for medical use (designated "pure calcium carbonate")—Not exempt—Bureau.
- Whites, frozen—Exempt—Bureau.
- Whole, with added yolks, dried—Exempt—Bureau.
- Whole, frozen with added yolks—Exempt—Bureau.
- Whole, frozen, standardized by subtraction of whites—Exempt—Bureau.
- Yolks, dried—Exempt—Law.
- Yolks, fresh, liquid—Exempt—Law.
- Yolks, frozen—Exempt—Bureau.
- Yolks, with 10 percent salt or sugar added—Not exempt—Bureau.

Fats, animal—Not exempt—Law.
Feathers—Exempt—Law.
Feathers, cleaned and ground, not further processed, nothing added (sometimes referred to as "feather meal")—Exempt—Bureau.
Feathers, ground, combined with dehydrated poultry offal—Exempt—Bureau.
Feeds:
- Alfalfa, dried, chopped, and pressed into cubes and wafers by machine, after dampening with water—Exempt—Bureau.
- Alfalfa, dried, etc., as above, but by a steam process—Not exempt—Bureau.
- Alfalfa pellets—Not exempt—Law.
- Beet pellets—Not exempt—Bureau.
- Beet pulp—Not exempt—Law.
- Bird gravel—Not exempt—Bureau.
- Bird seed, containing milo, millet, wheat chaff, and peanut heart—Exempt—Bureau.
- Bird seed bell, seed (millet, wheat, milo, and sunflower seed) mixed with an adhesive, such as corn syrup or wood glue, fitted with a wire hanger, and molded into a bell shape, for feeding wild birds—Exempt—Case No. 19.
- Bran shorts—Not exempt—Law.
- Corn gluten—Not exempt—Law.
- Cottonseed products, see separate heading: Cottonseed.
- Distilled corn grain residues, with or without solubles added—Not exempt—Law.
- Formulas composed of hominy feed, beet pulp, corn gluten, wheat middlings, cane molasses and minerals—Not exempt—Bureau.
- Hamster and gerbil food with 9 percent soy bean and alfalfa meal added—Not exempt—Bureau.
- Hominy feed—Not exempt—Law.
- Meal, see separate heading: Meal.
- Middlings—Not exempt—Law.
- Oat hulls, ground—Exempt—Law.
- Parrot food, mixture of exempt commodities—Exempt—Bureau.
- Pelletized ground refuse screenings—Not exempt—Law.
- Rice bran—Exempt—Law.
- Rice hulls, anhydrous ammonia added providing a 10 percent protein source as feed—Not exempt—Bureau.
- Rice hulls, ground or unground, nothing added—Exempt—Bureau.
- Screenings, feed—Exempt—Law.
- Soya bean husks—Exempt—Case No. 16.
- Wheat bran—Not exempt—Law.
- Wheat mixed feed (mixture of coarse outer covering of wheat kernel, wheat germ, wheat flour, and offal of the tail of the mill)—Not exempt—Case No. 2.

Fertilizer, commercial—Not exempt—Law.
Fibers:
- Abaca (manila hemp), piassava, ixtle, rattan, and palm and grass fibers—Exempt—Case No. 3.
- Clippings resulting from rope making—Not exempt—Bureau.
- Coir yarn, made from coconut fibre, is manufactured by spinning—Not exempt—Case No. 3.
- Flax—Exempt—Law.
- Hemp—Not exempt—Law—Ruling 110.
- "Hemp" specifically made not exempt by amendment of section 203(b)(6), means true hemp (cannabis sativa) or its fiber, and does not embrace similar plants or plant fibers commonly referred to by the name. Case No. 3.
- Jute in bales—Exempt—Law.
- Kapok, in loose bales, not processed beyond separation of fibers from seeds—Exempt—Bureau.
- Palmleaf, not processed beyond separation from leaf, cleaning, combing, drying and baling—Exempt—Bureau.
- Ramie—Exempt—Law.
- Ramie Tops, consisting of long fibers of the ramie plant—Exempt—Bureau.
- Rayon or synthetic fibers, or mixtures thereof (waste materials or otherwise)—Not exempt—Bureau.
- Sisal, not being a true hemp—Exempt—See explanation under "Hemp" above.

Fish (including shellfish).
- General. Frozen, quick frozen, and unfrozen fish and shellfish in the various forms in which it is shipped, such as live fish, fish in the round, beheaded, and gutted fish, filletted fish, beheaded shrimp, and oysters, clams, crabs, and lobsters, with or without shells, including crab meat and lobster meat—Exempt—Law.
- Breaded, cooked, or uncooked, frozen or fresh—Exempt—Law—Ruling 110; Case No. 24.
- Cakes, codfish, cooked or uncooked, frozen or fresh—Exempt—Law—Ruling 110; Case No. 24.
- Canned, as a treatment for preserving—Not exempt—Ruling 110; Case No. 24.
- Clam juice or broth, cooked or uncooked, frozen or fresh—Exempt—Ruling 110; Case No. 24.
- Condensed fish solubles (obtained by condensing the aqueous portion of the residue of pressing oil from fish)—Not exempt—Bureau.
- Cooked or partially cooked fish or shellfish, frozen or fresh—Exempt—Law—Ruling 110; Case No. 24.
- Crab offal (residue after extraction of meat from crabs including shells, dried and ground)—Exempt—Bureau.
- Crabmeat, pasteurized, placed in hermetically sealed containers for purpose of preservation—Not exempt—Bureau.
- Crabmeat, pasteurized, sealed for purposes of cleanliness only, preservation accomplished by refrigeration—Exempt—Bureau.
- Croquettes, salmon, cooked or uncooked, frozen or fresh—Exempt—Law—Ruling 110; Case No. 24.
- Deviled crabs, clams, or lobsters, cooked or uncooked, frozen or fresh—Exempt—Law-Ruling 110; Case No. 24.
- Dinners, cooked or uncooked, frozen or fresh—Exempt—Law-Ruling 110; Case No. 24.
- Fish, processed by cleaning, scaling, and adding a small amount of salt—Exempt—Case No. 4.
- Fish, ground, frozen into blocks—Exempt—Bureau.
- Fish luncheon meat of smoked ground fish formed into loaves—Not exempt—Bureau.
- Fish, lightly salted or spiced, requiring refrigeration to retard deterioration—Exempt—Bureau.
- Fried fish fillets, oysters, or scallops, frozen or fresh—Exempt—Law-Ruling 110; Case No. 24.

Frogs, live or dressed—Exempt—Law.
Frogs and turtles, placed in formaldehyde to prevent or retard deterioration during transportation (but not as a preservative as that term is normally used) and used in substantially the same manner as live specimens—Exempt—Bureau.
Frozen, see General above, and individual listings.
Hermetically sealed in containers as a treatment for preserving—Not exempt—Law.
Hermetically sealed in containers for cleanliness only, preservation attained by refrigeration—Exempt—Law.
Meal—Not exempt—Law.
Offal (inedible portions of fish not further processed)—Exempt—Law.
Oil from fishes—Not exempt—Law.
Preserved, or treated for preserving, such as smoked, salted, pickled, spiced, corned or kippered—Not exempt—Law.
Residue remaining after extraction of oil from fish—Not exempt—Bureau.
Salmon eggs, brined and packed in salt and formaldehyde solution in vacuum sealed jars—Not exempt—Bureau.
Salmon eggs, frozen, not pickled or brined or otherwise treated for preservation—Exempt—Bureau.
Salted, as a treatment for preserving—Not exempt—Law.
Scraps, frozen, granulated, and pressed into blocks, for cat food—Exempt—Bureau.
Sea lions and walrus—Not exempt—Bureau.
Seafood casseroles and dinners of which fish or shellfish is the principal ingredient—Exempt—Bureau.
Seal blubber—Not exempt—Bureau.
Seal skins—Not exempt—Bureau.
Shells of sea creatures, other than those mixed with other refuse as "offal"—Not exempt—Bureau.
Shells, oyster, moving to market for use in button making—Not exempt—Law.
Shells, oyster, ground—Not exempt—Bureau.
Shrimp cocktail (shrimp cooked and placed in glass jars with special sauce and seasoning and kept under refrigeration)—Exempt—Bureau.
Soup or chowder containing a relatively small proportion of fish or shellfish in proportion to other ingredients which are not within the exemption—Not exempt—Bureau.
Stew, consisting of raw oysters or clams, milk, and seasoning, frozen but uncooked—Exempt—Law.
Sticks, cooked or uncooked, frozen or fresh—Exempt—Law-Ruling 110.
Sticks, frozen, cooked, breaded—Exempt—Case No. 5.
Tuna pies, frozen—Exempt—Bureau.
Turtles, sea or fresh water—Exempt—Law.
Whale meat, fresh—Exempt—Law.
Flagstone—Not exempt—Law.
Flax fiber, see Fibers.
Flaxseed, whole—Exempt—Law.
Flaxseed meal—Not exempt—Law.
Flies, live sterile screwworm, used in screwworm eradication program—Exempt—Bureau.
Flour—Not exempt—Law:
Corn flour, extruded and hammered to a flour consistency—Not exempt—Bureau.
Corn meal flour—Not exempt—Bureau.
Mustard flour, consisting of seeds ground or milled and bolted—Not exempt—Bureau.
Tapioca flour, produced in same manner as wheat flour—Not exempt—Bureau.
Flowers and flower plants, see Horticultural commodities.
Fodder, corn and sorghum—Exempt—Law.
Forage, see Hay and Feeds.
Forest products:
Bark—Exempt—Law.
Bark, boiled to clean and soften—Exempt—Law.
Bark, raw, broken up by means of hammermill, or shredded, ground, or crushed, graded, and bagged—Exempt—Bureau.
Bark, shredded in its natural state, sprayed with copper based fungicide—Exempt—Bureau.
Blankets of pine and spruce boughs—Exempt—Law.
Bolts for making shingles—Exempt—Law.
Divi and divi pods, natural products of certain trees, not processed—Exempt—Bureau.
Fence pickets, split by hand from bolts, edged and pointed—Not exempt—Bureau.
Fence posts and rails, consisting of logs peeled and cut to length, the posts having holes drilled in them for insertion of rails, and the rails being split and sharpened at both ends—Not exempt—Case No. 6.
Greenery—Exempt—Law.
Growing, see separate heading: Horticultural Commodities.
Hickory "wheels": Short lengths cut from trees or logs—Exempt—Bureau.
Holly sprigs and cuttings—Exempt—Law.
Leaves—Exempt—Law.
Leaves, sisal, husks and moisture removed—Exempt—Law.
Logs and pilings impregnated with a preservative, usually creosote—Not exempt—Case No. 7.
Mesquite brush, ground, dehydrated and packaged in plastic bags—Exempt—Bureau.
Mesquite brush, twigs and debris burned off—Exempt—Law.
Mine timbers or cants, comprised of 8-foot lengths of fir, rough-sawn, square cornered—Not exempt—Bureau.
Mistletoe—Exempt—Law.
Myrobalons, as imported in natural state—Exempt—Law.
Palmyra stalk fibers (fronds from palm leaves)—Exempt—Law.
Peat moss, dried, shredded, baled—Exempt—Law.
Peat moss flower pots impregnated with wetting agent—Not exempt—Bureau.
Peat, for use as an organic fertilizer, wet with water and other solutions, decomposed in a pressure vessel and dried—Not exempt—Bureau.
Peeler cores, composed of the center portions of logs remaining after plywood is cut therefrom—Not exempt—Bureau.
Pilings, wooden, untreated—Exempt—Case No. 9.
Pilings, wooden, impregnated with a preservative, usually creosote—Not exempt—Case No. 7.
Pine cones, leaves, and miniature trees preserved by use of a solution containing calcium chloride—Exempt—Case No. 8.
Poles, wooden, untreated—Exempt—Case No. 9.
Poles, preassorted, preventative-treated (used by utilities companies, contractors, municipalities, etc.)—Not exempt—Case No. 10.
Poles, telephone, not creosoted—Exempt—Law.
Railroad ties composed of bolts from felled trees sawed crosswise and peeled or split but not otherwise processed—Exempt—Bureau.
Railroad ties, lengths of wood cut to length and sawed lengthwise to size—Not exempt—Bureau.
Resin, crude—Exempt—Law.
Resin products, such as turpentine—Not exempt—Law.
Roots, natural or dried—Exempt—Law.
Sap, maple—Exempt—Law.
Sawdust and shavings, regardless of their place of production, the process by which they are created, or their ultimate use—Not exempt—Case No. 11.
Sawdust from lumber mills—Not exempt—Law.
Shakes and shingles, whether split by hand or by machine—Not exempt—Case No. 12.
Shingle bolts—Exempt—Law.
Slabwood produced from sawmill operations—Not exempt—Case No. 13.
Spanish moss—Exempt—Law.
Sphagnum moss—Exempt—Law.
Spices, see separate listing: Spices.
Tanbark or tanwood, residue after tanning dye is extracted from bark, roots, or wood by means of extreme pressure and hot water, used as a mulch—Not exempt—Bureau.
Timber (rough logs or bolts) cut in random lengths, with bark removed—Exempt—Bureau.
Trees:
Christmas, plain, sprayed, or coated—Exempt—Law.
Cut to length, peeled, or split—Exempt—Law.
Growing, see Horticultural commodities.
Sawed into lumber—Not exempt—Law.
Trimmings from logs and bolts, except bark—Not exempt—Case No. 11.
Valonia, as imported in natural state—Exempt—Law.
Wood chips for making wood pulp—Not exempt—Law.
Wood cut into short crosswise lengths for firewood (not sawed lengthwise)—Exempt—Bureau.
Wreaths of holly or other natural material with small amount of foundation or decorative material—Exempt—Law.
Frogs, see Fish.
Frozen, see commodity name: Fruits, Vegetables, Fish, Poultry, etc.
Fruits and Berries:
Apple peels and cores ground, but not otherwise processed—Exempt—Bureau.
Apple pomace (substance remaining after extraction of juice)—Not exempt—Bureau.
Bagged—Exempt—Law.
Bananas, fresh, dried, dehydrated, or frozen—Not exempt—Law-Ruling 110.
Blueberries, incidentally frozen while being maintained in low temperature storage, allowed to thaw during transportation—Exempt—Bureau.
Canned—Not exempt—Law.
Cherries in sulphur dioxide "brine" for purpose of holding them in fresh state until they can be processed for marketing, which processing includes "debrining"—Exempt—Case No. 14.
Cherries, maraschino type, resulting from further processing of cherries mentioned just above—Not exempt—Case No. 14.
Chopped glazed fruit (similar to that used in fruit cakes)—Not exempt—Bureau.
Citrus fruit salad, fresh, chilled—Exempt—Bureau.
Citrus fruit sections, fresh, cold-packed or semi-frozen—Exempt—Law.
Citrus fruit sections, frozen—Not exempt—Law-Ruling 110.
Citrus fruit sections, not frozen, packed with sugar, water, citric acid, and benzoate of soda, additives being 6 percent to 10 percent of total—Not exempt—Bureau.
Citrus pulp (substance remaining after juice extraction)—Not exempt—Bureau.
Color added—Exempt—Law.
Cranberries, partially frozen as result of being placed in open boxes in storage under controlled temperatures to insure freshness pending transportation to canneries—Exempt—Bureau.

Cranberries, purposely quick-frozen, maintained in a frozen state during transportation—Not exempt—Bureau.
Dates, pitted, dried—Exempt—Law.
Dehydrated—Exempt—Law.
Dried, naturally or artificially—Exempt—Law.
Figs, dried, halved, or quartered—Exempt—Law.
Figs or dates, ground, in paste form, cooked, or with substantial amounts of other substances added—Not exempt—Bureau.
Fig paste, consisting of ground figs, either in their natural state or dried—Exempt—Bureau.
Frozen—Not exempt—Law-Ruling 110.
Frozen (quick-frozen) for the purpose of preservation during transportation—whether shipped under temperature control or not—Not exempt—Bureau.
Fumigated—Exempt—Law.
Graded—Exempt—Law.
Grape slurry comprised of grapes removed from stems and crushed—Exempt—Bureau.
Hulls of oranges after juice extractions—Not exempt—Law.
In brine, to retain freshness—Exempt—Law.
Juice, orange or other citrus—Not exempt—Law.
Juice, fruit, plain or concentrated—Not exempt—Law.
Kernels—Exempt—Law.
Myrobalans (prune-like tropical fruit) dried, crushed and bagged—Exempt—Bureau.
Oiled apples—Exempt—Law.
Olives, processed for table use, in brine or not in brine, stuffed or not stuffed, in any type container—Not exempt—Bureau.
Orange and lemon peel, dried, prepared from hulls of fruit following juice extraction—Not exempt—Bureau.
Peaches, peeled, pitted, and put in cold storage in unsealed containers—Exempt—Law.
Pies, frozen—Not exempt—Law.
Plantains (considered to be bananas)—Not exempt—Case No. 15.
Preserved, such as jam—Not exempt—Law.
Purees, strawberry and other, frozen—Not exempt—Law.
Quick frozen—Not exempt—Law-ruling 110.
Raisins, seeded or unseeded—Exempt—Law.
Raisins, very lightly coated with honey, cinnamon, or sugar—Exempt—Bureau.
Raisins, chocolate coated or glazed, thereby preserving and candying them—Not exempt—Bureau.
Sliced, frozen—Not exempt—Law-Ruling 110.
Strawberries, in syrup and unsealed containers in cold storage—Exempt—Law.
Strawberries, in unsealed containers with temperature controlled at 10° or lower—Not exempt—Bureau.
Grain:
  Artificially dried—Exempt—Law.
  Barley, brewers' (residuary byproducts of the malting process in which barley, steeped and germinated, is mixed with hops and other ingredients and allowed to ferment)—Not exempt—Bureau.
  Barley, malted (processed only to the extent of soaking in warm water to hasten or induce germination, then drying, and removal of sprouts in some instances)—Exempt—Bureau.
  Barley, pearled (husked and polished grains)—Exempt—Bureau.
  Barley, rolled—Exempt—Law.
  Barley, whole—Exempt—Law.
  Brewer's grains, wet, byproduct of brewing process—Not exempt—Bureau.
  Corn cob pellets consisting of finely ground cobs with graphite added—Not exempt—Bureau.
  Corn, cracked—Exempt—Law.
  Corn, from which oil is extracted, ground and dried to comprise a product known as "brewers corn grits"—Not exempt—Bureau.
  Corn screenings—Exempt—Bureau.
  Corn shucks, used as "hot tamale shucks"—Exempt—Bureau.
  Corn, shelled—Exempt—Law.
  Corn, whole—Exempt—Law.
  Cracked wheat (bulgur or bulgar) processed by cooking the grains for purification and preservation, then drying, dehulling and grinding—Not exempt—Bureau.
  Feeds, see separate heading: Feeds.
  Hulls and husks, see separate heading: Feeds.
  Milo maize—Exempt—Law.
  Oats, crimped or rolled in the same manner as rolled barley—Exempt—Bureau.
  Oats, whole—Exempt—Law.
  Oats, whole, crushed and ground, in bags—Exempt—Bureau.
  Oil, extracted from grain—Not exempt—Law.
  Popcorn, popped—Not exempt—Law.
  Popcorn, shelled (unpopped) packaged with cooking fat or oil (one part oil to 2½ parts popcorn)—Not exempt—Bureau.
  Popcorn, shelled (unpopped), weighing 10 or more ounces, accompanied by a separate package of seasoning consisting of salt, monosodium glutamate, butter flavor, cottonseed oil, and artificial color and flavor weighing approximately three-fourths of an ounce—Exempt—Bureau.
  Popcorn, unpopped, shelled, in sealed or unsealed containers—Exempt—Law.
  Puffed grains—wheat, rice, millet or corn—produced by application of steam inside air tight tubes, and heat from outside burners, although not fully cooked—Not exempt—Bureau.
  Rice bran—Exempt—Law.
  Rice, brewers—Exempt—Law.
  Rice, clean—Exempt—Law.
  Rice, ground, not sifted, bolted or graded—Exempt—Bureau.
  Rice, hull ash (burned hulls of threshed rice)—Not exempt—Bureau.
  Rice, hulled ("brown rice")—Exempt—Bureau.
  Rice, long grain, enriched, parboiled, subjected to enough steam pressure to harden kernel and reduce stickiness, but not boiled or precooked—Exempt—Bureau.
  Rice, milled, fortified with vitamins—Exempt—Bureau.
  Rice polish—Exempt—Law.
  Rice, precooked—Not exempt—Law.
  Rice, whole—Exempt—Law.
  Rye, whole—Exempt—Law.
  Sorghum grains, whole—Exempt—Law.
  Wheat, bulgar, cleaned, cooked under steam pressure, dried, dehulled, ground, graded and bagged—Not exempt—Bureau.
  Wheat germ—Not exempt—Law.
  Wheat, new, crushed, uncooked—Exempt—Bureau.
  Wheat, whole—Exempt—Law.
Grass sod—Exempt—Law.
Gravel—Not exempt—Law.
Greenery, see Forest products.
Grinding, without prior or subsequent manufacturing processes does not affect the exempt status of the commodity—Law.
Guano, bat (excrement of bats, dried, but not further processed)—Exempt—Bureau.
Gums, the exudation of trees and shrubs, such as arabic, ghatti and tragacanth, in natural state or dried, sifted, and ground, but not purified, neutralized or refined—Exempt—Bureau.
Hair, alpaca, camel, or goat, clipped from animal—Exempt—Law.
Hair, hog or other animal, product of slaughter of animal—Not exempt—Law.
Hair, rabbit or vicuna (plucked or clipped from live animal)—Exempt—Bureau.
Hay and forage, dried naturally or artificially—Exempt—Law.
Hay, chopped—Exempt—Law.
Hay, dehydrated—Exempt—Law.
Hay, salt (from salt marshes)—Exempt—Law.
Hay, see also Feeds.
Hay, sweetened with 3 percent molasses by weight—Not exempt—Law.
Hemp, see Fibers.
Herbs, see Spices.
Hides, green and salted—Not exempt—Law.
Honey, in the comb or strained—Exempt—Law.
Honey, heat treated or retard granulation—Exempt—Law.
Hops—Exempt—Law.
Horticulture commodities:
  Bulbs—Exempt—Law.
  Flowers, growing or cut—Exempt—Law.
  Leaves, natural or dried—Exempt—Law.
  Nursery stock—Exempt—Law.
  Plants, vegetables and flower—Exempt—Law.
  Roots, rhubarb, asparagus, mint, etc.—Exempt—Law.
  Trees, growing, balled in earth—Exempt—Law.
  Wreaths, holly or other natural material, with small amount of foundation or decorative material—Exempt—Law.
Hulls and husks, see Feeds, Nuts.
Humus, of a nature similar to peat moss—Exempt—Law.
Ice for cooling subsequent shipments of exempt commodities—Exempt—Law.
Ice cream and ice cream mix, see Milk and cream.
Imported commodities—Fact of importation does not affect status of otherwise exempt commodities, except that wool imported from any foreign country is not exempt—Law—Ruling 110.
Insecticides—Not exempt—Law.
Juice, see Fruits.
Jute fiber, see Fibers.
Kapok, see Fibers.
Kelp, dried, ground—Exempt—Law.
Latex, see Rubber.
Leaves, see Forest products, Horticultural commodities, and Spices.
Legume inoculant—Not exempt—Bureau.
Licorice paste and powder (prepared from ground licorice root, and used in tobacco and confectionary trades and for medicinal purposes)—Not exempt—Bureau.
Licorice roots, spent (byproduct or residue remaining after open-vat leaching process used to extract licorice)—Not exempt—Bureau.
Livestock:
  Exhibit animals such as those of 4–H club members, which though shown for a few days, are chiefly valuable for slaughter—Exempt—Law.
  Laboratory animals, not domesticated, such as rats, mice, guinea pigs—Not exempt—Bureau.
  Medical use animals, such as ordinary healthy swine for serum manufacture—Exempt—Law.
  Monkeys—Not exempt—Law.
  Ordinary, i.e. all cattle, swine, sheep, goats, horses, and mules, except such as are chiefly valuable for breeding, racing, show purposes, and other special uses—Exempt—Law.
  Race horses—Not exempt—Law.
  Registered or purebred cattle for ordinary farm or ranch uses, not chiefly valuable for breeding, race, show, or other special purposes—Exempt—Law.

Riding horses, used for personal pleasure riding—Exempt—Bureau.
Rodeo animals (bucking horses, cow ponies, parade horses, pick-up horses, Brahma bulls, steers, calves, buffalo)—Not exempt—Bureau.
Show horses—Not exempt—Law.
Zoo animals—Not exempt—Law.
Limestone, agricultural—Not exempt—Law.
Linseed meal, see Meal.
Lumber, rough sawed or planed—Not exempt—Law.
Manure, in natural state—Exempt—Law.
Manure, dried or dehydrated, bagged—Exempt—Law.
Manure to which sand is added as conditioning ingredient, equivalent to 3 percent of the total mixture—Exempt—Bureau.
Manure to which is added substantial amounts of biological soil organisms and pulverized granite, fermented and dehydrated—Not exempt—Bureau.
Manure, fermented, with additives such as yeast and molds, producing a rich liquor which in water solution is used for soil enrichment—Not exempt—Bureau.
Manure, paunch (cud of animal's rumen) product of slaughter—Not exempt—Bureau.
Maple sap—Exempt—Law.
Maple syrup—Not exempt—Law.
Meal, alfalfa—Not exempt—Law.
Meal, copra—Not exempt—Law.
Meal, cottonseed—Not exempt—Law.
Meal, fish—Not exempt—Law.
Meal, flaxseed—Not exempt—Law.
Meal, linseed—Not exempt—Law.
Meal, peanut—Not exempt—Law.
Meal, soybean—Not exempt—Law.
Meat and meat products:
Beef dinners, frozen—Not exempt—Bureau.
Fresh, frozen or canned—Not exempt—Law.
Meat pies, frozen—Not exempt—Bureau.
Meat of seals, sea lions and walrus—Not exempt—Bureau.
Scrap bones and meat, refuse from packinghouses—Not exempt—Bureau.
Milk and cream:
Anhydrous milk fat made by a continuous separation process directly from milk or cream in the same manner as nonfat dried milk solids—Exempt—Bureau.
Butterfat, isex Gold Label (trade name) consisting of over 50 percent sugar and 2 percent water and 44 percent butterfat—Not exempt—Bureau.
Buttermilk—Exempt—Law.
Buttermix/condensed cream, consisting of 45 perecent butter fat, 30 percent sugar and 25 percent skimmed milk solids—Not exempt—Bureau.
Cheese, see that main heading.
Concentrate, pasteurized and homogenized, with two-thirds of the water removed—Exempt—Bureau.
Concentrate (mixture of fresh cream with skim milk from which a portion of water is removed)—Exempt—Bureau.
Concentrate, consisting of fresh whole milk from which a portion of the water is removed to which no substantial amount of nonexempt substance is added—Exempt—Bureau.
Condensed—Not exempt—Law.
Derivatives of milk such as lactose (milk sugar) and casein, which are produced commercially through specialized processes—Not exempt—Case No. 1.
Dry milk solids (essentially the same as powdered milk)—Exempt—Case No. 1.
Evaporated milk, in sealed cans—Not exempt—Bureau.
Frozen—Exempt—Law.
Homogenized—Exempt—Law.
Ice cream mix (blend of milk, dried skim milk and sugar)—Not exempt—Bureau.
Milk "replacer" containing 10 percent animal fat—Not exempt—Bureau.
Milk "replacer" (blend of 98 percent ingredients themselves "exempt" commodities and 2 percent dietary supplements and flavoring ingredients, not otherwise processed)—Exempt—Bureau.
Milk "replacer" (Calf Pab), containing at least 20 nonexempt ingredients (no percentages shown)—Not exempt—Bureau.
Milk shake mix, composed of powdered milk with substantial amounts of sweetening and flavoring added—Not exempt—Bureau.
Pasteurized—Exempt—Law.
Powdered—Exempt—Law.
Raw—Exempt—Law.
Raw milk with coloring added to indicate it has been found unfit for human consumption—Exempt—Bureau.
Skim—Exempt—Law.
Skim, dried—Exempt—Bureau.
Skim, with two-thirds of water removed, in bulk or unsealed containers—Exempt—Law.
Standardized—Exempt—Law.
Sterilized in hermetically sealed cans—Not exempt—Law.
Vitamin "A"—Exempt—Law.
Whey, see that main heading.
Whipped cream, frozen, containing only exempt dairy products, which is mechanically processed into that form—Exempt—Bureau.
Whole milk with moisture content removed and nothing added—Exempt—Bureau.
Milo, see Grains.
Mohair, raw, cleaned, or scoured—Exempt—Law.
Molasses—Not exempt—Law.
Moss, see Forest products.
Mushrooms, fresh—Exempt—Law.
Nursery stock, see Horticultural commodities.
Nutria carcasses, ground, for use as mink feed—Not exempt—Bureau.
Nutria (or coypu), skinned, whole or chopped—Not exempt—Bureau.
Nutria and rat carcasses, whole, frozen or unfrozen—Not exempt—Bureau.
Nuts:
Blanched (placed in water hot enough to soften the skins and facilitate removal of kernel, but not sufficient to kill the enzymes)—Exempt—Bureau.
Cashew, scorched (roasted or cooked), in cellophane packages, in cartons—Not exempt—Bureau.
Coconut, dried, shredded, flaked, or prepared by thread mill or devil mill to produce thread-like particles or granules, not further processed—Exempt—Bureau.
Coconut meal, see separate heading: Copra meal.
Macadamia nuts—Exempt—Bureau.
Peanut meal—Not exempt—Law.
Peanut shells, ground—Exempt—Law.
Peanuts, roasted and salted in the shell—Not exempt—Bureau.
Pistachio, shells colored with food coloring but not otherwise processed—Exempt—Bureau.
Polished—Exempt—Law.
Raw, shelled or unshelled—Exempt—Law.
Roasted or boiled—Not exempt—Law.
Shelled, raw—Exempt—Law.
Shelled, salted (not roasted or otherwise similarly processed)—Exempt—Bureau.
Shelled, sprayed or washed with preservative but not candied or flavored—Exempt—Bureau.
Shells—Exempt—Law.
Shells, ground peanut—Exempt—Law.
Shells, peanut, pelletized, comprised of hulls or shells ground and formed into pellets by application of pressure with steam as binder (similar to production of alfalfa pellets)—Not exempt—Bureau.
Shells, pecan, ground—Exempt—Case No. 17.
Shells, pecan, mixed with chemicals equivalent to 10 percent of the total mixture—not Exempt—Bureau.
Unshelled, raw—Exempt—Law.
Oats, see Grains.
Offal, consisting of blood, intestines, viscera, etc., byproduct of the slaughtering of animals—Not exempt—Bureau.
Oil, mint—Not exempt—Law.
Oil, extracted from vegetables, grain, seed, fish, or other commodity—Not exempt—Law.
Olives, see Fruits and Berries.
Packaged commodities—Packaging exempt commodities does not affect their exempt status—Law.
Peanuts, see Nuts.
Peat moss, see Forest products.
Pelletized feeds, see Feeds.
Pelts—Not exempt—Law.
Pies, frozen—Not exempt—Law.
Pigeons, racing, see Birds.
Plants, vegetable or flower, see Horticultural commodities.
Poles, see Forest products.
Popcorn, see Grains.
Potash—Not exempt—Bureau.
Poultry and Poultry Products:
Additives, such as injected butter, gravy, seasoning, etc., sold in or along with uncooked poultry, do not void the exempt if not in excess of 5 percent by weight—Bureau.
Blood of poultry and rabbits from which corpuscles have been removed by centrifugal force (processing by a machine similar to a cream separator)—Exempt—Bureau.
Broth, dehydrated by spray-drying into a powder—Not exempt—Case No. 25.
Carcasses, raw, in marble-sized chunks—Exempt—Bureau.
Cut up, raw—Exempt—Bureau.
Cut-up, precooked or cooked; same, breaded and/or battered; same, marinated, breaded and/or battered; all frozen or refrigerated—Not exempt—Case No. 26. NOTE: The decision in this case was reversed in Gold Kist, Inc., and the Pillsbury Company, et al. v. U.S., et al., Civil Action 1415, U.S. District Court, Northern District of Georgia, Gainsville Division, December 31, 1971, the Court holding that the described commodities are exempt. An appeal to the Supreme Court of the United States was filed on February 25, 1972, and on the date of this ruling was still pending.
Dehydrated, chunked, process includes boiling, grinding, and drying—Not exempt—Case No. 25.
Dinners, cooked and frozen—Not exempt—Bureau; see also separate heading: Dinners.
Dressed, fresh or frozen—Exempt—Law.
Fat, as removed from poultry, not cooked—Exempt—Bureau.
Fat, skimmed from broth, plain or reduced to powder by spray-drying—Not exempt—Case No. 25.
Feathers—Exempt—Law.
Frozen—Exempt—Law.
Live—Exempt—Law.
Offal, including blood (natural byproducts of the killing and processing of poultry for market)—Exempt—Case No. 27.
Picked—Exempt—Law.
Pies, cooked, frozen or unfrozen—Not exempt—Bureau.
Powdered, process includes boiling, fine grinding, and spray-drying—Not exempt—Case No. 25.
Rolled in batter but uncooked—Exempt—Bureau.
Rolls, containing sectioned and deboned poultry, cooked—Not exempt—Bureau.
Sticks, cooked—Not exempt—Bureau.
Stuffed and Frozen—Exempt—Law.
Stuffing, in plastic bags, packed with but not in bird—Exempt—Bureau.
Pulp, beet—Not exempt—law.
Pulp, sugarcane—Not exempt—Law.
Purees, see Fruits.

Rabbits, dressed—Exempt—Law.
Rabbits, wild, skinned—Not exempt—Bureau.
Raisins, see Fruits.
Ramie Fiber, see Fibers.
Residue (foots or sediments) remaining after removal of oil from various commodities—Not exempt—Bureau.
Resin, see Forest products.
Rice, See Grains.
Rock—Not exempt—Law.
Roots, see Forest products, Horticultural commodities, Spices and herbs.
Rubber, crude, in bales—Not exempt—Law.
Rubber, latex, natural, liquid, from which water has been extracted and to which ammonia has been added—Not exempt—Law.
Rye, see Grains.
Sand—Not exempt—Law.
Sap, see Forest products.
Sawdust, see Forest Products.
Sea Creatures, see Fish.
Seasoning or salt, added to a commodity within the exemption in insignificant amounts, not considered to affect exempt status of commodity—Bureau.
Seaweed, dried, ground—Exempt—Law.
Seeds:
- Anise, not subject to a manufacturing process—Exempt—Bureau.
- Bird seed, see separate heading: Feeds.
- Cotton, see separate heading: Cottonseed.
- Deawned—Exempt—Law.
- Flax, see separate heading: Flaxseed.
- Grass seed—Exempt—Bureau.
- Grass seed, packaged in individual boxes and bags—Exempt—Bureau.
- Hybrid seed corn—Exempt—Bureau.
- Inoculated—Exempt—Law.
- Meal made from seeds, see Meal.
- Natural—Exempt—Law.
- Oil extracted from seeds—Not exempt—Law.
- Packets or boxes of seeds in display racks—Exempt—Law.
- Scarified—Exempt—Law.
- Screened or sized—Exempt—Law.
- Seed kits, flower or vegetable, consisting of seeds, soil substitutes, and plant food, in growing tray (punch and grow kits)—Not exempt—Bureau.
- Sesame seeds in hulls, bagged—Exempt—Bureau.
- Seasame seeds, cleaned and dehulled by mechanical process—Exempt Bureau.
- Siftings and screenings consisting of residue from sieving of seeds (not further processed)—Exempt—Bureau.
- Soybean seeds, in bags to which are attached a small container of inoculant—Exempt—Bureau.
- Spice, see Spices.
- Sprayed for disease control—Exempt—Law.
- Sunflower seed hulls, lubricated by spraying with hot water to increase density, formed into loose, crumbling pellets—Exempt—Bureau.
- Tamarind, ground, comprised of seeds removed from pods without boiling, cooking, or the like, and processed only by cleaning and grinding—Exempt—Bureau.
- Used as seasonings, not subjected to a manufacturing process—Exempt—Bureau.

Shells, see Cocoa bean, Eggs, Fish, Nuts.
Shingle bolts, see Forest Products.
Skins, animal—Not exempt—Law.
Skins, seal (sea mammal hides)—Not exempt—Bureau.
Sliced, see commodity name: Fruits, Vegetables, etc.
Sludge, dried sewage—Not exempt—Bureau.
Soil, potting—Not exempt—Law.
Soil, top—Not exempt—Law.
Sorghum fodder—Exempt—Law.
Sorghum grains—Exempt—Law.
Soup, frozen—Not exempt—Law.
Spanish moss, as gathered from trees—Exempt—Bureau.
Spices and Herbs:
- Angelica root—Exempt—Bureau.
- Chicory root, natural or dried—Exempt—Bureau.
- Chili powder, consisting of dried, ground chili pepper pods—Exempt—Bureau.
- Chili powder (mixture of ground peppers, spices, and herbs, and a small amount of salt)—Exempt—Bureau.
- Cumin seed—Exempt—Bureau.
- Deer (or deer's) tongue leaves, natural, dried, or processed in a manner similar to that undergone by redried, tobacco leaf—Exempt—Bureau.
- Ground, but not further processed—Exempt—Law.
- Paprika, ground—Exempt—Case No. 20.
- Pepper, ground, not further processed—Exempt—Bureau.
- Raw, unground spices—Exempt—Case No. 20.
- Reconditioned spices, ground (screened for removal of impurities but not further processed)—Exempt—Bureau.
- Seeds, see also that main heading.
- Sweet basil leaves, dried and separated from stems—Exempt—Bureau.
- Unground, weather seeds, berries, leaves, bark or roots—Exempt—Law.

Stone, natural, marble or granite—Not exempt—Bureau.
Stover—Exempt—Law.
Straw—Exempt—Law.
Sugar—Not exempt—Law.
Sugar beets—Exempt—Law.
Sugar cane—Exempt—Law.
Sugar cane pulp—Not exempt—Law.
Sugar, raw—Not exempt—Law.
Syrup, cane—Not exempt—Law.
Syrup, maple—Not exempt—Law.
Tankage, consisting of offal from slaughtered animals—Not exempt—Bureau.
Tea—Not exempt—Law-Ruling 110.
Telephone poles, see Forest products.
Textile waste, see Cotton waste.
Tobacco:
- Binder tobacco, composed of adhesive materials added to pulverized tobacco, the resultant mixture formed into flat sheets (similar to homogenized tobacco)—Not exempt—Bureau.
- Chopped leaf—Exempt—Law.
- Cigars and cigarettes—Not exempt—Law.
- Fragments, siftings and dust resulting from processes which produce tobacco items within the exemption (i.e. chopped tobacco leaf, redried leaf, etc.); also that which becomes unusable during preliminary handling prior to the manufacture of non-exempt tobacco items—Exempt—Bureau.
- Homogenized—Not exempt—Law.
- Leaf—Exempt—Law.
- Redried leaf—Exempt—Law.
- Smoking—Not exempt—Law.
- Stem meal—Not exempt—Bureau.
- Stemmed leaf—Exempt—Law.
- Stems—Exempt—Law.
- Tobacco made of ground-up scraps, considered a form of homogenized tobacco—Not exempt—Bureau.

Topsoil—Not exempt—Law.
Trees, see Forest products.
Turtles, see Fish.
Vegetables:
- Bagged—Exempt—Law.
- Beans, dried artificially and packed in small container—Exempt—Law.
- Cabbage rolls (heads of cabbage pickled in water and salt after which the leaves are cut off and stuffed with a tomato and whole pepper, in jars with juice of pickled cabbage)—Not exempt—Case No. 18.
- Candied sweet potatoes, frozen—Not exempt—Law.
- Canned—Not exempt—Law.
- Cauliflower, cured in salt brine, shipped in open unsealed containers—Exempt—Case No. 21.
- Cooked—Not exempt—Law.
- Cooked in water or steam for a period longer than that necessary for the inactivation of the enzymes, or by immersion in oil or fat—Not exempt—Case No. 22.
- Cucumbers and other vegetables processed into pickles by the ordinary means—Not exempt—Bureau.
- Cucumbers and tomatoes, barrel-cured into kosher pickles (fresh cucumbers or tomatoes kept in barrel overnight with water, garlic, salt, spices and seasonings, then placed in jars and kept under refrigeration)—Not exempt—Case No. 18.
- Cucumber delight (sliced cucumbers with onions, peppers, sugar, and salt, in jars or barrels with juices)—Not exempt—Case No. 18.
- Cucumbers, salt cured—Exempt—Law.
- Cured—Exempt—Law.
- Cut up, fresh, in cellophane bags—Exempt—Law.
- Dried, naturally or artifically—Exempt—Law.
- Dehydrated—Exempt—Law.
- French fried onion rings—Not exempt—Case No. 22.
- French fried potatoes—Not exempt—Law.
- Frozen—Not exempt—Law—Ruling 110.
- Garlic paste, made from fresh crushed garlic cloves heated only enough to deactivate the enzymes, small percentage of preservative added—Exempt—Bureau.
- Garlic powder—Exempt—Law.
- Graded—Exempt—Law.
- Mushrooms (considered vegetables for purposes of section 203(b)(6), frozen—Not exempt—Bureau; Freeze dried (frozen, then thawed, then dehydrated)—Exempt—Bureau.
- Oil, extracted from vegetables—Not exempt—Law.
- Onion chips and flakes, dried—Exempt—Law.
- Onion powder—Exempt—Law.
- Onion rings, frozen, shipped with frozen fish dinners of which they are intended to be a part—Exempt—Bureau.
- Onion, cured in salt brine, shipped in open unsealed containers—Exempt—Case No. 21.
- Peas, split—Exempt—Law.
- Peeled, uncooked—Exempt—Law.
- Pepper delight (peppers with vinegar, salt, and sugar)—Not exempt—Case No. 18.
- Pepper hulls, cured in salt brine, shipped in open unsealed containers—Exempt—Case No. 21.
- Peppers and kraut, stuffed (whole peppers filled with sauerkraut in jars with natural sauerkraut juice)—Not exempt—Case No. 18.
- Pickled—Not exempt—Case No. 21.
- Potato byproduct made from raw rejects, peeled and washed in caustic solution and hot water, dewatered, dried and ground—Exempt—Bureau.
- Potato byproduct, consisting of mashed potatoes recovered from drying machines or gathered as spillage from floor during latter stages of processing of instant mashed potatoes—Not exempt—Bureau.
- Potato flakes (cooked and dehydrated flakes of potato)—Not exempt—Bureau.
- Potatoes, candied (sweet), whipped, rissole, or puff—Not exempt—Case No. 22.
- Potatoes, peeled, sliced, blanched, or dipped in preservative solution, but not cooked or otherwise processed—Exempt—Bureau.
- Potatoes, peeled and scalded or blanched (not subjected to a greater degree of heat than that necessary to inactivate enzymes)—Exempt—Bureau.
- Potatoes, powdered, prepared from potatoes, washed, cooked, peeled, with moisture removed—Not exempt—Bureau.
- Powder, onion, and garlic—Exempt—Law.

Precooked, pouch-packed, with or without sauce—Not exempt—Case No. 22.
Products, the ingredients of which include vegetable matter combined with other commodities—Not exempt—Case No. 22.
Quick frozen—Not exempt—Law-Ruling 110.
Romanian kraut (shredded cabbage with juice consisting of water, sugar, celery seed and fresh peppers)—Not exempt—Case No. 18.
Sauerkraut, pickled by keeping shredded cabbage in a barrel for 36–40 hours, thence in cold storage for about 36 hours, then packed in jars with water, sugar, and benzoate of soda (requires refrigeration)—Not exempt—Case No. 18.
Sauerkraut, uncooked, pickled, in sealed plastic containers or sealed wooden barrels—Not exempt—Bureau.
Shelled—Exempt—Law.
Soup, frozen—Not exempt—Law.
Soybean meal—Not exempt—Law.
Tomato juice—Not exempt—Bureau.
Tomato paste, consisting of tomatoes heated to 190°—Not exempt—Bureau.
Tomato pomace (residue remaining after juice extraction)—Not exempt—Bureau.
Tomato powder, dehydrated without cooking (not the residue left after juice extraction)—Exempt—Bureau.
Tomatoes, in salt brine, to preserve freshness while in transit—Exempt—Case No. 21.
Washed, fresh, in cellophane bags—Exempt—Law.
Water, and distilled water—Not exempt—Bureau.
Wax, beeswax, crude, in cakes and slabs—Exempt—Law.
Wax, carnauba, as imported in slabs and chunks—Not exempt—Law.
Wax, crude candelilla, boiled in water to which some acid is added, purpose of which is not to change the wax in any way but to remove the wax scales from the leaves of the plant on which it forms, and the resulting residue boiled again to remove excess moisture and debris—Exempt—Bureau.
Whale meat, see Fish.
Wheat, see Grains.
Wheat products, see Feeds, Flour.
Whey, powdered or dried—Exempt—Case No. 23.
Whey lactose, dried (derived from whey as the result of further processing of that commodity)—Not exempt—Bureau.
Wood, see Forest products.
Wool:
Cleaned and scoured after being imported—Not exempt—Bureau.
Grease, as obtained from cleaning or scouring process—Exempt—Law.
Imported from any foreign country—Not exempt—Law-Ruling 110.
Mixture of blend of imported and domestic wool—Not exempt—Bureau.
Pulled wool (wool removed from hides after slaughter)—Not exempt—Bureau.
Raw, cleaned or scoured, but not including wool imported from any foreign country—Exempt—Law-Ruling 110.
Scoured, origin unknown—Not exempt—Bureau.
Tags of domestic wool and mohair (matted and ragged locks as shorn)—Exempt—Bureau.
Waste (carded, spun, woven, or knitted)—Not exempt—Law-Ruling 110.
Yarn—Not exempt—Law.
Wreaths, see Forest products.
Worms, blood (cultivated in a "farming" type operation in marshy soil)—Exempt—Bureau.
Worms, sea, live (gathered from mud flats, for use as bait)—Exempt—Bureau.
Yeast, brewers' residual, or "bottom yeast" (substance which settles to bottom of vat during fermentation of beer or liquors)—Not exempt—Bureau.
Zoo animals—Not exempt—Law.

CASE LIST OF ADMINISITATIVE RULING NO. 119

Case No.

1 Cossitt Motor Express Inc.—Powdered Milk and Casein, 96 M.C.C. 557.
2 Sturgeon and Meeker, Extension—Wheat Bran, 84 M.C.C. 655.
3 Atcheson, T. & S.F. Ry. Co., Petition—103 M.C.C. 364.
4 Refrigerated Dispatch Ltd., Inc.—Common Carrier Application, 81 M.C.C. 429.
5 Phillips—Common Carrier Application, 82 M.C.C. 528.
6 Fred C. Burns, Extension—Alexandria, Va., MC–111875 Sub 8, decided Oct. 27, 1960 (not printed).
7 Holt, Extension—Pilings, 77 M.C.C. 141.
8 Poole, Extension—Calcium Chloride, 83 M.C.C. 522.
9 Edgar H. Allen & Son, Inc., Extension—Old Bridge, N.J., 98 M.C.C. 131.
10 Chancey Bros. Truck Line, Extension—Lumber, 73 M.C.C. 85.
11 Determination of Commodity Status—Petition, 113 M.C.C. 6.
12 Everett—Investigation of Operation, 88 M.C.C. 784.
13 Miller's Motor Freight, Inc., MC–41915 Sub 26, decided June 20, 1962 (not printed).
14 Maxwell Co., Extension—Cherries in Brine, 100 M.C.C. 10.
15 Holland Highway Express, Inc., Extension—Plantains, 86 M.C.C. 93.
16 Producers Transport, Inc., Extension—Soya Bean Husks, 103 M.C.C. 691.
17 Kinner—Common Carrier Application, 99 M.C.C. 748.
18 Seashore Food Products, Inc.—Declaratory Order, 95 M.C.C. 546.
19 Petition for Declaratory Order—Wild Birdseed, 110 M.C.C. 406.
20 Acme Carriers, Inc., Common Carrier Application, 74 M.C.C. 797.
21 Hadder Trucking Co., Inc., Extension—Commodities in Brine, 79 M.C.C. 449.
22 Frozen Cooked Vegetables—Status, 81 M.C.C. 649.
23 Petition of Ida-Cal Freight Lines, Inc., MC–C–3557, Order of August 29, 1962 (not printed).
24 Hughes—"Grandfather" Application, 89 M.C.C. 471, 484–486.
25 Henningsen Foods, Inc., Petition, 106 M.C.C. 286.
26 Exempt Status of Precooked and Cooked Poultry—Petition, 113 M.C.C. 225.
27 Labertew Trucking, Inc., Extension—Poultry Offal, 96 M.C.C. 370.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–7046 Filed 5–9–72;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MAY 5, 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. 42419—*General commodities between ports in Japan and Korea and rail stations and water carrier terminals on the U.S. Atlantic and gulf seaboard.* Filed by Showa Shipping Co., Ltd. (No. 1), for itself and interested rail carriers. Rates on general commodities, between ports in Japan and Korea, on the one hand, and rail stations and water carrier terminals on the U.S. Atlantic and gulf seaboard, on the other.

Grounds for relief—Water competition.

Tariffs—The rates as to which relief is requested are to be published, filed and become effective in the above referred to tariffs as soon as they are compiled and completed.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–7116 Filed 5–9–72;8:51 am]

[Ex Parte 265]

INCREASED FREIGHT RATES, 1970

Application for Relief

It appearing, that pursuant to the provisions of the report and order of the Commission entered March 4, 1971 (339 ICC 125), the carrier listed below has petitioned the Commission for relief from the provisions of the order in Ex Parte No. 265, entered on March 4, 1971 (339 ICC 125, p. 307), requiring the filing with the Commission of quarterly reports on or before July 1, October 1, January 1, and April 1 of each year, describing its actions to correct service deficiencies set forth in the aforesaid report of the Commission;

Peoria and Pekin Union Railway Co.

It further appearing, that the record in these proceedings and the quarterly reports submitted by this petitioner in response to the order of the Commission disclose that its operations have a significant effect on the overall standards of service given to shippers by the railroads as a whole; that the petition states no errors of fact or law warranting the relief sought; and for good cause appearing;

It is ordered, That the petition be, and it is hereby, denied.

Dated at Washington, D.C., this 27th day of April 1972.

By the Commission, Commissioner Walrath.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–7119 Filed 5–9–72;8:51 am]

[Ex Parte 265]

INCREASED FREIGHT RATES, 1970

Applications for Relief

It appearing, that pursuant to the provisions of the report and order of the Commission entered March 4, 1971 (339 ICC 125), the parties to these proceedings listed herein have severally petitioned the Commission for relief from the provisions of the order in Ex Parte

No. 265, entered on March 4, 1971 (339 ICC 125 p. 307), requiring the filing with the Commission of quarterly reports on or before July 1, October 1, January 1, and April 1 of each year, describing their actions to correct service deficiencies set forth in the aforesaid report of the Commission;

It further appearing, that the record in these proceedings and the quarterly reports submitted by these petitioners in response to the order of the Commission disclose that the operations of the carriers listed herein do not have a significant effect on the overall standards of service given to shippers by the railroads as a whole:

De Queen and Eastern Railroad Co.
Hampton & Branchville Railroad Co.
Oregon, Pacific and Eastern Railway Co.
Port Townsend Railroad, R. S. Fox, Owner.
Texas, Oklahoma & Eastern Railroad Co.
The Winfield Railroad Co.

It is ordered, That the parties named herein be, and they are hereby, relieved of filing with the Commission quarterly reports of their actions to correct service deficiencies.

Dated at Washington, D.C., this 27th day of April 1972.

By the Commission, Commissioner Walrath.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-7120 Filed 5-9-72;8:51 am]

[Sec. 5a Application No. 34 (Amdt. No. 4)]

MIDDLEWEST MOTOR FREIGHT BUREAU

Application for Approval of Amendment to Agreement

Decision and order. At a session of the Interstate Commerce Commission, Review Board No. 4, held at its office in Washington, D.C., on the 24th day of April 1972.

It appearing, that the Commission, in its report of January 14, 1957, 299 I.C.C. 773, modified the prior findings of division 2, 297 I.C.C. 659, and approved the agreement filed in the above-entitled proceeding subject to certain terms and conditions, under section 5a of the Interstate Commerce Act, and that, upon submittal of a revised agreement by applicants in conformity with the conclusions expressed in said report, an order was entered on September 10, 1957, approving the revised agreement, and that further amendments to the agreement were approved by orders of September 21, 1962, February 4, 1964, and February 15, 1967;

It further appearing, that by application filed October 2, 1970, the motor carrier parties to the amended agreement seek approval of additional amendments thereto which would (1) expand the territorial scope of the member carrier ratemaking and tariff publishing functions to encompass southwestern territory, (2) require auditing of the Bureau books of account by certified public accountants, (3) amend section 26.2 governing the independent action procedure, and (4) make other incidental changes made necessary by the foregoing changes in (1) above.

It further appearing, that by a report and recommended order served July 15, 1971, the hearing examiner found that approval of the proposed amendments described in (1), (2), and (4) of the preceding appearing paragraph was not prohibited by paragraphs (4), (5), or (6) of section 5a of the act, and that by reason of furtherance of the national transportation policy, the relief provided in paragraph (9) of section 5a should apply with respect to the making and carrying out of the agreement as so further amended, but that approval of the proposed amendment of section 26.2 of the agreement described in (3) of the preceding appearing paragraph was prohibited by paragraph (6) of section 5a of the act;

It further appearing, that the protestants filed exceptions to that portion of the examiner's report and recommended order that would approve the proposed expanded member carrier ratemaking and tariff publishing functions embracing southwestern territory to which applicants replied;

It further appearing, that section 5a of the act concerns only an agreement between and among common carriers relating to the organization and procedures for the joint consideration, initiation, or establishment of rates, rules, and related materials, and that said section 5a does not encompass matters as raised by the protestants concerning the lawfulness of future rate structures which may be collectively processed and ultimately adopted by the applicant carriers pursuant to the approved agreement procedures, since these matters are governed by other sections of the act (Ahnapee & W. Rv. Co. v. Akron & B. B. R. Co., 300 I.C.C. 73, 75–76);

And it further appearing, that the exceptions do not show any material errors in the examiner's statement and evaluation of the facts, his conclusions of law or findings, nor do they raise any matters of fact or law not adequately considered and properly disposed of by the examiner in his report, and are not of such a nature as to require the issuance of a report by the Board discussing the evidence and arguments advanced in the light of such exceptions;

Wherefore, and good cause appearing therefor:

We find, that the evidence considered in the light of the exceptions and the reply thereto does not warrant a result different from that reached by the examiner, and that, except as indicated hereinafter, the statement of facts, conclusions, and findings of the examiner, being proper and correct in all material respects, should be, and they are hereby, affirmed and adopted as our own with the modifications noted in the next paragraph;

It is ordered, That in adopting the examiner's report as our own, the following typographical error and omission be corrected, to wit: On page 2, paragraph 2, line 10 of the examiner's report the date "March 10, 1967" be and it is hereby changed to read "February 15, 1967"; that page 2, paragraph 3, subparagraph 1, line 1, be and it is hereby changed by the insertion of the phrase "ratemaking and" between the words "interstate tariff";

It is further ordered, That, except as to the proposed revision of section 26.2 of the agreement procedures, the amendments to the agreement proposed herein be, and they are hereby, approved.

It is further ordered, That the proposed amendment of section 26.2 of the agreement governing independent action procedure, be, and it is hereby, denied.

It is further ordered, That this order shall take effect and be in force on and after 35 days from the service of this decision and order; subject to such terms and conditions or regulations as may hereafter be prescribed.

And it is further ordered, That the applicants herein, within three (3) months from the date of service of this order, furnish the Commission with three (3) copies of the revised agreement, including the amendments thereto approved herein, for the purpose of providing the Commission with a single document containing the agreement with all revisions thereto.

By the Commission, Review Board No. 4.[1]

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 72-7118 Filed 5-9-72;8:51 am]

[Notice 13]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 5, 1972.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commisison in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identifica-

[1] Members Brown, Rock, and FitzPatrick (Board Member FitzPatrick not participating).

tion and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–52110 (Deviation No. 9), BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, IA 50312, filed April 18, 1972. Carrier's representative: Jerome F. Marks, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Pittsburgh, Pa., over U.S. Highway 19 (an access road) to junction Interstate Highway 70, thence over Interstate Highway 70 to Kansas City, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Pittsburgh, Pa., over U.S. Highway 30 to Mansfield, Ohio, thence over U.S. Highway 30–N to Delphos, Ohio, thence over U.S. Highway 30 to Dyer, Ind., thence over Alternate U.S. Highway 30 to Chicago, Ill., (2) from St. Louis, Mo., over U.S. Highway 66 to Chicago, Ill., (3) from Omaha, Nebr., over U.S. Highway 6 to Council Bluffs, Iowa, thence over Iowa Highway 375 to junction Iowa Highway 92, thence over Iowa Highway 92 to junction U.S. Highway 59, thence over U.S. Highway 59 to Tarkio, Mo., thence over U.S. Highway 136 to Maryville, Mo., thence over U.S. Highway 71 to St. Joseph, Mo., thence over U.S. Highway 36 to Springfield, Ill., and (4) from Des Moines, Iowa, over Iowa Highway 90 to junction Interstate Highway 35, thence over Interstate Highway 35 to junction U.S. Highway 34, thence over U.S. Highway 34 to Osceola, Iowa, thence over U.S. Highway 69 to Kansas City, Mo., and return over the same routes.

No. MC–52110 (Deviation No. 10), BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, IA 50312, filed April 21, 1972. Carrier's representative: Jerome F. Marks, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Pittsburgh, Pa., over U.S. Highway 19 (an access road) to junction Interstate Highway 70, thence over Interstate Highway 70 to Indianapolis, Ind., thence over Interstate Highway 74 to junction Interstate Highway 80 east of Moline, Ill., thence over Interstate Highway 80 to Des Moines, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Pittsburgh, Pa., over U.S. Highway 30 to Mansfield, Ohio, thence over U.S. Highway 30–N to Delphos, Ohio, thence over U.S. Highway 30 to Dyer, Ind., thence over Alternate U.S. Highway 30 to Chicago, Ill., and (2) from Chicago, Ill., over U.S. Highway 34 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Iowa Highway 330 (formerly Iowa Highway 64), thence over Iowa Highway 330 to Des Moines, Iowa. thence over U.S. Highway 6 to Omaha, Nebr., and return over the same routes.

No. MC–52110 (Deviation No. 11), BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, IA 50312, filed April 21, 1972. Carrier's representative: Jerome F. Marks, same address as applicant. Carrier proposed to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Pittsburgh, Pa., over U.S. Highway 19 (an access road) to junction Interstate Highway 70, thence over Interstate Highway 70 to Indianapolis, Ind., thence over Interstate Highway 65 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Interstate Highway 94, thence over Interstate Highway 94 to junction Interstate Highway 294, thence over Interstate Highway 294 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Interstate Highway 94, thence over Interstate Highway 94 to St. Paul, Minn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Pittsburgh, Pa., over U.S. Highway 30 to Mansfield, Ohio, thence over U.S. Highway 30–N to Delphos, Ohio, thence over U.S. Highway 30 to Dyer, Ind., thence over Alternate U.S. Highway 30 to Chicago, Ill., and (2) from St. Paul, Minn., over Interstate Highway 94 to junction U.S. Highway 12, thence over U.S. Highway 12, to junction Interstate Highway 90, thence over Interstate Highway 90 to junction U.S. Highway 41, thence over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to Cincinnati, Ohio, and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–7111 Filed 5–9–72;8:50 am]

[Notice 14]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 5, 1972.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 114271 (Deviation No. 10), CONTINENTAL CRESCENT LINES, INC., Post Office Box 8435, Jackson, MS 39204, filed April 12, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Nashville, Tenn., over Interstate Highway 65 to Birmingham, Ala., with the following access routes: (a) from Lewisburg, Tenn., over Alternate U.S. Highway 31 to junction Interstate Highway 65 (about 11 miles northeast of Pulaski, Tenn.), (b) from Lewisburg, Tenn., over Tennessee Highway 50–A to junction Interstate Highway 65, (c) from Lewisburg, Tenn., over Tennessee Highway 50 to junction Interstate Highway 65, (d) from junction Interstate Highway 65 and Tennessee Highway 7 (near Elkton, Tenn.), over Tennessee Highway 7 to the Tennessee-Alabama State line, thence over Alabama Highway 53 to Huntsville, Ala., and (e) from Huntsville, Ala., over Alternate U.S. Highway 72 to junction Interstate Highway 65, (2) from Nashville, Tenn., over Interstate Highway 65 to junction U.S. Highway 31 near Warrior, Ala., thence over U.S. Highway 31 to Birmingham, Ala., with the same access routes as described in (1) above, (3) from Cleveland, Ala., over Alabama Highway 79 to Pinson, Ala., and (4) from Birmingham, Ala., over Interstate Highway 59 to junction Interstate Highway 24, thence over Interstate Highway 24 to Chattanooga, Tenn., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Nashville, Tenn., over Alternate U.S. Highway 31 to Lewisburg, Tenn., thence over U.S. Highway 431 to Fayetteville, Tenn., thence over U.S. Highway 231 to Huntsville, Ala., thence over U.S. Highway 231 to Oneonta, Ala., thence over Alabama Highway 75 to Birmingham, Ala., and (2) from Birmingham, Ala., over Alabama Highway 75 to the Alabama-Georgia State line, thence over Georgia Highway 301 to junction Georgia Highway 143, thence over Georgia Highway 143 to junction U.S. Highway 11, thence over U.S. Highway 11 to Chattanooga, Tenn., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–7112 Filed 5–9–72;8:50 am]

[Notice 35]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEDURES

MAY 5, 1972.

The following publications[1] are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

NOTICE OF FILING OF PETITION

No. MC 107299 (Notice of Filing of Petition for Modification of Authority), filed March 15, 1972, published in the FEDERAL REGISTER of April 19, 1972, and republished to reflect hearing information. Petitioner: ROBERTS CARTAGE COMPANY, 3200 South Archer Avenue, Chicago, IL 60603. Petitioner's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Petitioner states it is a motor common carrier of specialized commodities authorized to operate in interstate commerce pursuant to authority issued to it by the Interstate Commerce Commission in Docket No. MC 107299 on October 26, 1949. The specific authority which petitioner seeks to have modified by this petition presently reads as follows: "Irregular routes: *Store, restaurant, and bar fixtures and equipment*, uncrated, between Chicago, Ill., on the one hand, and, on the other, points in the United States. *Store fixtures*, from Chicago, Ill., to points in Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Missouri, Indiana, Michigan, Ohio, Pennsylvania, New York, West Virginia, Tennessee, and Kentucky." By the instant petition, petitioner requests that the foregoing commodity descriptions be modified so as also to permit the transportation of store, restaurant, and bar fixtures and equipment when moving as displays or display materials to and from conventions, shows, expositions, and similar gatherings for exhibition purposes. NOTE: Petitioner has also stated that it has pending before the Commission in Docket No. 107299 (Sub-No. 8), an application seeking authority to transport exhibits, exhibit materials, displays, and display materials, between Chicago, Ill., on the one hand, and, on the other, points in the United States; and that the modification sought in the instant petition either be granted on the basis of the evidence it has submitted herewith or, if the Commission deems an oral hearing to be necessary, that it be consolidated with its application in No. MC 107299 (Sub-No. 8). Petitioner states that the said application in MC 107299 (Sub-No. 8), is now set for hearing on May 15, 1972, in Chicago, Ill. Hearing: May 15, 1972, at Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

No. MC 121687 (Republication), filed October 4, 1971, published in the FEDERAL REGISTER, issue of October 20, 1971, under State Docket No. 52904, and republished under No. MC 121687, this issue. Applicant: KELLERS FREIGHT LINE, 2270 McKinnon Avenue, San Francisco, CA 94104. Applicant's representative: Marshall G. Berol, 100 Bush Street, San Francisco, CA 94104. An order of the Commission, Operating Rights Board, dated March 14, 1972, and served April 10, 1972, finds that applicant, in accordance with the requirements of section 206(a)(6) of the Interstate Commerce Act, as amended, and the Commission's rules and regulations promulgated thereunder, has made timely application for a certificate of registration as evidence of the right to conduct operations, in interstate or foreign commerce, within limits which do not exceed the scope of the intrastate operations for which applicant holds a State certificate as a common carrier by motor vehicle, solely within a single State, as set forth in the appendix hereto; that applicant has been issued a State certificate of public convenience and necessity authorizing the motor carrier operations in intrastate commerce described in the appendix hereto; that interested parties withdrew their opposition during the State Commission proceeding; that the certificate issued by the State Commission satisfies the provisions of section 206(a)(6) of the Act; and that applicant has otherwise met the requirements for a certificate of registration contained in section 206(a)(6) of the Act; that a certificate of registration shall be issued to applicant, unless otherwise ordered, as evidence of a right to engage in operations in interstate or foreign commerce, as a common carrier, by motor vehicle, transporting the commodities from, to, or between the points, over the routes, or within the territory, and in the manner described in the appendix hereto, and subject to such additional and further conditions as may be necessary to give effect to the provisions of section 206(a)(6) of the Interstate Commerce Act, as amended. That since it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation set forth in the appendix hereto, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate of registration in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

APPENDIX

Description of the transportation service authorized to be conducted solely within the State of California, in intrastate commerce, as a common carrier by motor vehicle, pursuant to certificate of public convenience and necessity granted by Decision No. 79746 dated February 23, 1972, issued by the Public Utilities Commission of the State of California: Part I * * * general commodities: (1) Between all points and places in the San Francisco-East Bay Cartage Zone as described in Part II attached hereto; (2) between all points and places on and within 10 miles of the following routes: (a) U.S. Highway 101 between Santa Rosa and San Jose, inclusive; (b) State Highway 17 between San Rafael and Los Gatos, inclusive; (c) Interstate Highway 80 between San Francisco and Vallejo, inclusive; (d) U.S. Highway 50 between Hayward and Livermore, inclusive; (e) State Highway 12 between Santa Rosa and junction with State Highway 29, inclusive; (f) State Highway 4 between Pinole and Antioch, inclusive; (g) State Highway 24 between Oakland and junction with State Highway 4, inclusive; (h) Interstate Highway 680 between Vallejo and Warm Springs, inclusive; (i) State Highway 29 between Vallejo and Napa, inclusive. Restriction: Commodities when transported in cargo containers shall be transported only over Routes (2a) and (2b) above, and between points and places within 10 miles of said routes. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of said service. Applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in Item No. 5 of Minimum Rate Tariff 4–B; (2) automobiles, trucks, and buses, viz: New and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, truck and trailers combined, buses and bus chassis; (3) commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment; (4) livestock, viz: Barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or wethers; (5) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles; (6) commodities when transported in bulk in dump trucks or in hopper-type trucks; (7) commodities when transported in motor vehicles equipped for mechanical mixing transit; (8) logs; (9) articles of extraordinary value. Part II: San Francisco-East Bay Cartage Zone includes the area embraced by the following boundary: Beginning at the point where the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to Lake Merced Boulevard; thence southerly along said Lake Merced Boulevard and

[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effort on the quality of the human environmental resulting from approval of its application.

Lynnewood Drive to South Mayfair Avenue; thence westerly along said South Mayfair Avenue to Crestwood Drive; thence southerly along Crestwood Drive to Southgate Avenue; thence westerly along Southgate Avenue to Maddux Drive;

Thence southerly and easterly along Maddux Drive to a point 1 mile west of Highway U.S. 101; thence southeasterly along an imaginary line 1 mile west of and paralleling Highway U.S. 101 (El Camino Real) to its intersection with the southerly boundary line of the city of San Mateo; thence northeasterly, northwesterly, northerly, and easterly along said southerly boundary to Bayshore Highway (U.S. 101 Bypass); thence leaving said boundary line and continuing easterly along the projection of last said course to its intersection with Belmont (or Angelo) Creek, thence northeasterly along Belmont (or Angelo) Creek to Seal Creek; thence westerly and northerly to a point 1 mile south of Toll Bridge Road; thence easterly along an imaginary line 1 mile southerly and paralleling Toll Bridge Road and San Mateo Bridge and Mount Eden Road to its intersection with State Sign Route 17; thence continuing easterly and northeasterly along an imaginary line 1 mile south and southeasterly of and paralleling Mount Eden Road and Jackson Road to its intersection with an imaginary line 1 mile easterly of and paralleling State Sign Route 9; thence northerly along said imaginary line 1 mile easterly of and paralleling State Sign Route 9 to its intersection with B Street, Haywood; thence easterly and northerly along B Street to Center Street; thence northerly along Center Street to Castro Valley Boulevard; thence westerly along Castro Valley Boulevard to Redwood Road; thence northerly along Redwood Road to William Street; thence westerly along William Street and 168th Avenue to Foothill Boulevard; northwesterly along Foothill Boulevard to the southerly boundary line of the city of Oakland, thence easterly and northerly along the Oakland boundary line to its intersection with the Alameda-Contra Costa County boundary line:

Thence northwesterly along last said line to its intersection with Arlington Avenue (Berkeley); thence northwesterly along Arlington Avenue to a point 1 mile northeasterly of San Pablo Avenue (Highway U.S. 40); thence northwesterly along an imaginary line 1 mile easterly of and paralleling San Pablo Avenue (Highway U.S. 40) to its intersection with County Road 20 (Contra Costa County); thence westerly along County Road 20 to Broadway Avenue (also known as Balboa Road); thence northerly along Broadway Avenue (also known as Balboa Road) to Highway U.S. 40; thence northerly along Highway U.S. 40 to Rivers Street; thence westerly along Rivers Street to 11th Street; thence northerly along 11th Street to Johns Avenue; thence westerly along Johns Avenue to Collins Avenue; thence northerly along Collins Avenue to Morton Avenue; thence westerly along Morton Avenue to the Southern Pacific Co. right of way and continuing westerly along the prolongation of Morton Avenue to the shoreline of San Pablo Bay; thence southerly and westerly along the shoreline and waterfront of San Pablo Bay to Point San Pablo; thence southerly along an imaginary line from Point San Pablo to the San Francisco Waterfront at the foot of Market Street; thence westerly along said waterfront and shoreline to the Pacific Ocean, thence southerly along the shoreline of the Pacific Ocean to the point of beginning.

Applications Under Sections 5 and 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

Motor Carriers of Property

No. MC–F–11528. Authority sought for control by RYDER SYSTEM, INC., a noncarrier, 2701 South Bayshore Drive, Miami, Fla. 33133, of RPD, Inc., also of Miami, Fla. 33133, and for acquisition by JAMES A. RYDER, RALPH B. RYDER; JAR CORPORATION, TEMCO INDUSTRIES, INC., and RIDER, INC., and in turn by RONALD N. REEDY, all of Miami, Fla. 33133, of control of RPD, INC., through the acquisition by RYDER SYSTEM, INC. Applicants' attorneys: David G. Macdonald, Suite 502, Solar Building, 1000 16th Street NW., Washington, DC 20036, and Roderick C. Dickinson, 2701 South Bayshore Drive, Miami, FL 33133. Operating rights sought to be controlled: Transferor presently holds authority under Docket No. MC–136051 TA, with corresponding permanent in No. MC–136051 Sub-1, pending as a contract carrier over irregular routes, motor vehicle parts, components, supplies, materials, advertising materials and equipment, materials and supplies utilized in the manufacture thereof, for the account of General Motors Parts Division, General Motors Corp., between points in a defined area of Florida and points in a defined area of Georgia. RYDER SYSTEMS, INC., holds no authority from this Commission. However, it is affiliated with (1) COMPLETE AUTO TRANSIT, INC., 18544 West Eight Mile Road, Southfield, MI 48075, and (2) M. & G. CONVOY, INC., Post Office Box 104, 590 Elk Street, Buffalo, NY 14210, (1) which is authorized to operate as a *contract carrier* in all of the States in the United States (except Alaska and Hawaii), and (2) which is authorized to operate as a *common carrier*, in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11529. Authority sought for control by REFRIGERATED FOODS, INC., 3200 Blake Street, Post Office Box 1018, Denver, CO 80201, of KODIAK REFRIGERATED LINES, INC., 4510 Seville Avenue, Vernon, CA 90058, and for acquisition by MELBURNE SMOOKLER AND RALPH LEMBERG, both of 3200 Blake Street, Denver, CO 80205, of control of KODIAK REFRIGERATED LINES, INC., through the acquisition by REFRIGERATED FOODS, INC. Applicants' attorney: John H. Lewis, The 1650 Grant Street Building, Denver, CO 80203. Operating rights sought to be controlled: *Cheese, dry dietary mix, and dessert preparations*, as a *common carrier* over irregular routes, from Stillwater and Wanamingo, Minn., to points in Arizona, California, Colorado, Montana, and New Mexico, *butter*, from Stillwater, Wanamingo, Ogilvie and Minneapolis, Minn., to points in Arizona, California, Colorado, Montana, and New Mexico, from Watkins, Minn., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming with restrictions; *powdered milk* when moving in the same vehicle and at the same time with a commodity subject to economic regulation under the Interstate Commerce Act, from points in Minnesota, and certain specified points in Wisconsin, to points in Arizona, California, Colorado, Montana, and New Mexico, from Bongards, Minn., and points in Minnesota and Wisconsin within 100 miles of Bongards, to points in Idaho, Nevada, Oregon, Utah, Washington, and Wyoming; *cheese, powdered whey, dry buttermilk, and bakery mix*, from Bongards, Minn., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; *dry buttermilk*, from points in Minnesota and Wisconsin within 100 miles of Bongards, Minn., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; *cheese, condensed whey, and dried whey*, from Watkins, Minn., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; *canned goods* in mixed loads with frozen foods or agricultural commodities as defined in section 203(b)(6) of the Act, as amended; and

Frozen foods in mixed loads with canned goods or agricultural commodities as defined in section 203(b)(6) of the Act, as amended, from points in California to points in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Wisconsin, and Wyoming; *agricultural commodities* as defined in section 203(b)(6) of the Act, as amended when transported at the same time and in the same vehicle with canned goods or frozen goods (authorized in the commodity description next above), from points in Arizona and California, to points in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Wisconsin, and Wyoming; *canned food, canned animal food, and advertising material*, from Siloam Springs and Gentry, Ark., the plantsite and facilities of Allen Canning Co., Inc., located approximately 10 miles northeast of Siloam Springs, Ark., and Proctor and Kansas, Okla., to points in Arizona, California, Oregon, and Washington; *canned goods*, from points in California, to points in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Wisconsin, and Wyoming, from the plantsite of Bryan Bros. Packing Co., located near West Point, Miss., to points in Washington, Oregon,

California, Nevada, Arizona, Utah, and Colorado, and points in that part of Kansas on and west of U.S. Highway 75. REFRIGERATED FOODS, INC., is authorized to operate as a *contract carrier* in Arizona, California, Colorado, Nevada, New Mexico, Nebraska, Montana, Idaho, Oregon, Texas, Utah, Washington, and Wyoming. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11531. Authority sought for control by CALHOUN LEMON, CHARLES F. COOPER, RICHARD L. FEW, AND CHARLES J. PREZIOSO, noncarriers of Post Office Box 4255, Park Place (301 Hammet Street), Greenville, SC 29608, of COOPER MOTOR LINES, INC., also of Greenville, S.C. 29608. Applicants' attorney: Daniel B. Johnson, 716 Perpetual Building, 1111 E Street, NW., Washington, DC 20004. Operating rights sought to be controlled: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier*, from points in South Carolina to certain specified points in Virginia, Washington, D.C., Baltimore and Cumberland, Md., Wilmington and Cheswold, Del., Philadelphia, Biglerville, and York, Pa., Camden and Trenton, N.J., New York, N.Y., and points in New Jersey and New York within 25 miles of New York, N.Y., from the above-specified destination points to certain specified points in North Carolina, and points in South Carolina, between Philadelphia, Pa., on the one hand, and, on the other, Bristol, Pa., and points in Philadelphia County, Pa., between Philadelphia, Pa., on the one hand, and, on the other, points in Pennsylvania on and south of U.S. Highway 30 within 25 miles of Philadelphia, between points in Philadelphia, Pa.; *wool* imported from any foreign country, *wool tops and noils, and wool waste* (carded spun, woven, or knitted), from Charleston, S.C., and Lodi, Paterson, and Roselle Park, N.J., to Aberdeen, Columbus, and Rutherfordton, N.C.; *cellulose acetate*, in bulk, from Cel River, S.C., to Belvidere and Newark, N.J. CALHOUN LEMON, CHARLES F. COOPER, RICHARD L. FEW, AND CHARLES J. PREZIOSO holds no authority from this Commission. However, they are affiliated with (1) SOUTHERN BULK HAULERS, INC., Post Office Box 278, Harleyville, SC 29448, and (2) THE GEO. A. RHEMAN CO., INC., 385 Barnwell Street, Charleston, SC 29812, which are authorized to operate as *common carriers* in (1) Georgia, North Carolina, and South Carolina; and (2) Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia. Application has not been filed for temporary authority under section 210a(b). NOTE: Motion of applicants to dismiss application filed concurrently herewith.

No. MC-F-11532. Authority sought for control and merger by THE O. K. TRUCKING COMPANY, 3000 East Crescentville Road, Cincinnati, OH 45241, of the operating rights and property of COLUMBUS AND CHICAGO MOTOR FREIGHT, INCORPORATED, 1053 East Fifth Avenue, Columbus, OH 43203, and for acquisition by HAROLD L. HOLMES, ARTHUR C. LITTON II, and ARTHUR C. MENNE, all of Cincinnati, Ohio 45241, of control of such rights and property through the transaction. Applicants' attorneys: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202, and George D. Massar, 311 East Broad Street, Columbus, OH 43215. Operating rights sought to be controlled and merged: *General commodities*, except those of unusual value, and except livestock, dangerous explosives, alcoholic liquors, commodities in bulk, commodities requiring special equipment, and those injurious to other lading, as a *common carrier*, over regular routes, between Chicago, Ill., and Columbus, Ohio, between Zanesville and Columbus, Ohio, serving all intermediate points, and over certain alternate routes for operating convenience only, between Springfield, Ohio, on the one hand, and, on the other, Lima, Ohio, between Springfield, Ohio, on the one hand, and, on the other, junction Ohio Highway 70 and Upper Valley Pike, between Chicago, Ill., and junction U.S. Highways 41 and 6 are Indiana Highway 152, serving no intermediate points; service is also authorized in the transportation of various specified commodities over irregular routes, from the off-route points of Joliet, Elgin, Lockport, and Aurora, Ill., and Mount Gilead, Mount Vernon, Delaware, Marion, Newark, Roseville, Zanesville, South Zanesville, Crooksville, Chillicothe, Circleville, Lancaster, Blacklick (Taylor Station), and Baltimore, Ohio, with restriction, to points on the above-described regular routes. THE O. K. TRUCKING COMPANY, is authorized to operate as a *common carrier* in Ohio, West Virginia, Indiana, Kentucky, Illinois, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-7113 Filed 5-9-72;8:51 am]

[Notice 57]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings 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-73589. By order of April 26, 1972, the Motor Carrier Board approved the transfer to Victor Leasing Co., a corporation, doing business as Westlund Trucking Co., Bakersfield, Calif., of the operating rights in permit No. MC-128448 (Sub-No. 1) issued September 24, 1968, to C. C. Westlund, doing business as Westlund Trucking Co., Oildale, Calif., authorizing the transportation of iron and steel articles and fabricated and prefabricated metal articles, from Port Hueneme, San Francisco, Oakland, Alameda, and Stockton, Calif., and points in the Los Angeles, Calif., harbor commercial zone, as defined by the Commission, to Bakersfield, Calif., restricted to the transportation of traffic having a prior movement by water. Donald Murchison, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, CA 90212, attorney for applicants.

No. MC-FC-73627. By order of May 2, 1972, the Motor Carrier Board approved the transfer to Ernest Richardson, doing business as Richardson Brothers, Bristol, Conn., of the operating rights in certificate No. MC-21603 issued June 20, 1957, to D'Arcy Moving & Storage, Inc., Bristol, Conn., authorizing the transportation of household goods, between Bristol, Conn., and points within 10 miles thereof, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont, and between Bristol, Conn., and points within 10 miles thereof, on the one hand, and, on the other, points in Massachusetts, Rhode Island, and New York; and general commodities, with usual exceptions, from Bristol Conn., to points in Connecticut. Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-7114 Filed 5-9-72;8:51 am]

[Notice 65]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 4, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

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 field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 8472 (Sub-No. 1 TA), filed April 19, 1972. Applicant: SOUTH END CARTAGE, INC., 4222 South Knox Avenue, Chicago, IL 60632. Applicant's representative: Philip A. Lee, 110 South Dearborn Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, and pineapples*, from Chicago, Ill., to points in Indiana, Michigan, Wisconsin, Illinois, Minnesota, and Iowa, restricted to transportation of traffic moving in chassis mounted containers and restricted to transportation having immediate, prior, or subsequent movement by rail, *and return empty containers*, for 180 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. 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 28067 (Sub-No. 13 TA), filed April 24, 1972. Applicant: WILLIAMS MOTOR TRANSFER, INC., South Vine Street, Barre, Vt. 05641. Applicant's representative: John P. Monte, 61 Summer Street, Barre, VT 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Utility service truck bodies and accessories*, from Cleveland, Ohio, and Buffalo, N.Y., to Barre, Vt.; (2) *dump truck bodies and accessories*, from Galion, Ohio, to Barre, Vt.; (3) *aluminum van truck bodies and accessories*, from Buffalo, N.Y., to Barre, Vt.; (4) *utility tool boxes*, from Buffalo, N.Y., to Barre, Vt.; and (5) *axles*, from Fayette, Ohio, to Bethel, Vt., for 90 days. NOTE: Applicant states that in its verified statements it will combine portions of the applied for authority at Ohio and Buffalo, N.Y., for a through service to Vermont. Supporting shippers: Eastfield Trailer Manufacturing Co., Bethel, Vt.; Vermont Truck Suppliers, Inc., 540 North Main Street, Barre, VT 05641. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 28551 (Sub-No. 2 TA), filed April 20, 1972. Applicant: GENERAL CARTAGE CO., 1511 Pearl Street, Waukesha, WI 53186. Applicant's representative: Robert M. Kaske, 2017 Wisteria Road, Rockford, IL 61107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in containers, having prior or subsequent transportation by rail or water, between Milwaukee, Wis., and Waukesha, Wis., ramp of the Soo Line Railroad, for 150 days. Supporting shipper: Soo Line Railroad Co., Post Office Box 333, Milwaukee, WI 53201 (Mr. R. E. Burd—Agent). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 30383 (Sub-No. 11 TA), filed April 20, 1972. Applicant: JOSEPH F. WHELAN CO., INC., 439 West 54th Street, New York, NY 10019. Applicant's representative: Zelby & Burstein, 1 World Trade Center, New York, NY 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and plastic bags*, from Harrison, N.J., to points in Sullivan, Orange, and Rockland Counties, N.Y.; Fairfield and New Haven Counties, Conn., and Bucks County, Pa., for 150 days. Supporting shipper: Hudson Pulp & Paper Corp., 477 Madison Avenue, New York, NY 10022. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 39249 (Sub-No. 13 TA), filed April 20, 1972. Applicant: MARTY'S EXPRESS, INC., 2335 East Wheatsheaf Lane, Philadelphia, PA 19137. Applicant's representative: Ira G. Megdal, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors* (except malt beverages) in containers, between Philadelphia, Pa., and Scobeyville, N.J., for 180 days. Supporting shipper: Hiram Walker and Sons, Inc., Peoria, Ill. Send protests to: District Supervisor F. W. Doyle, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Room 1600, Philadelphia PA 19102.

No. MC 44639 (Sub-No. 53 TA), filed April 21, 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 Martinsburg, W. Va., on the one hand, and, on the other, Whiteford, Md., for 180 days. NOTE: Applicant states it does intend to tack with existing authority at Whiteford, Md. Supporting Shipper: The House of Perfection, Inc., 112 West 34th Street, New York City, NY 10001. Send protests to: District Supervisor Joel Morrows, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, NJ 07102.

No. MC 52921 (Sub-No. 16 TA), filed April 25, 1972. Applicant: RED BALL, INC., 317 East Lill (Collins Building), Post Office Box 520, Sapulpa, OK 74066. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vitreous china plumbing fixtures and reinforced fiberglass plumbing fixtures*, from Hondo and Corsicana, Tex., to points in Arkansas, Colorado, Kansas, Louisiana, and Oklahoma, for 180 days. Supporting shipper: Universal Rundle Corp., R. L. Gardner, traffic manager, 217 North Mill Street, Post Office Box 960, New Castle, PA 16103. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 69116 (Sub-No. 144 TA), filed April 20, 1972. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, IL 60606. Applicant's representative: J. S. Ruscetta (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane and urethane products, urethane roofing and insulation, and materials* used in the installation thereof (except commodities in bulk), from the plantsite of the Philip Carey Co., division of Panacon Corp., Elizabethtown, Ky., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico, for 180 days. Supporting shipper: Panacon Corp., 320 South Wayne Avenue, Cincinnati, OH 45215. Send protests to: District Supervisor Richard O. Chandler, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 103051 (Sub-No. 251 TA), filed April 21, 1972. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue North, Post Office Box 90408, Nashville, TN 37209. Applicant's representative: William G. North (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furfural*, in bulk, in tank vehicles, from Belle Glade, Fla., to Miami, Fla., for 180 days. Supporting shipper: The Quaker Oats Co., Merchandise Mart Plaza, Chicago, Ill. 60654. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 103993 (Sub-No. 709 TA), filed April 25, 1972. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Ralph H. Miller

(same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Christian County, Ky., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Mississippi, Missouri, North Carolina, Ohio, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Kaufman and Broad Home Systems, Inc., 10801 National Boulevard, Los Angeles, CA. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, IN 46204.

No. MC 106398 (Sub-No. 600 TA), filed April 25, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Box 51096, Dawson Station, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from the plantsite of Kaufman & Broad Home Systems, Inc., three-fourths of a mile from the city limits of Hopkinsville, Ky., to points in Illinois, Indiana, Kentucky, Mississippi, Missouri, and Tennessee, for 180 days. Supporting shipper: Kaufman and Broad Home Systems, Inc., 10801 National Boulevard, Fifth Floor, Los Angeles, CA 90064. Send protests to: C. L. Phillips, District Supervisor, Interstate Com-Commissiaon 00inO
merce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 107544 (Sub-No. 108 TA), filed April 21, 1972. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, VA 24354. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, in bulk, from the facilities of James River Limestone Co. in Botetourt County, Va., to points in North Carolina, for 180 days. Supporting shipper: James River Limestone Co., Inc., Buchanan, Va. Send protests to: Clatin M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, VA 24011.

No. MC 113751 (Sub-No. 14 TA), filed April 18, 1972. Applicant: HAROLD F. DUSHEK, INC., 10th and Columbia Streets, Waupaca, Wis. 54981. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, WI 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal briquettes, fireplace logs and wood chips, vermiculite lighter fluid and accessories*, used in outdoor cooking, in mixed loads with charcoal and charcoal briquettes and fireplace logs, (a) from the plantsite of Chuckwagon Charcoal Co., at Redwood Falls, Minn., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, and (b) from the plantsite of Husky Industries, Inc., at Waupaca, Wis., to points in Pennsylvania, for 180 days. Supporting shipper: Husky Industries, Inc., 4040 East Louisiana Avenue, Denver, CO 80222 (Harvey E. Webb, Manager, Supply, Distribution, and Purchasing). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 115841 (Sub-No. 430 TA), filed April 21, 1972. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Birmingham, AL 35204, Mailing: Post Office Box 168, Concord, TN 37720. Applicant's representative: Roger M. Shaner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Cheese*, in mechanically refrigerated equipment, from Franklinton, La., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Nebraska, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Texas, Mississippi, Ohio, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Leprino Cheese Co., 1830 West 38th Avenue, Denver, CO 80211. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 115904 (Sub-No. 25 TA), filed April 21, 1972. Applicant: LOUIS GROVER, 1710 West Broadway, Idaho Falls, ID 83401. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, and building materials, and materials and supplies*, used in the manufacture, installation, or distribution thereof, from Sigurd, Utah, to points in Fremont, Lincoln, Sublette, Sweetwater, Teton, and Uintah County, Wyo., for 180 days. NOTE: Applicant states it does not intend to tack authority here applied for, or to interline. Supporting shipper: United States Gypsum Co., 101 South Wacker Drive, Chicago, IL 60606. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 550 West Fort Street, Box 07, Boise, ID 83702.

No. MC 118803 (Sub-No. 6 TA), filed April 18, 1972. Applicant: ATLANTIC TRUCK LINES, INC., 140 Market Street, Paterson, NJ 07505. Applicant's representative: Priest & Carson, 71–23 Austin Street, Forest Hills, NY. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Manufactured roofing, ceiling, wall, and floor components; roofing, ceiling, wall, and floor coverings, materials, accessories, and supplies; working tools* (other than power) *and related hand tools and working supplies; manufactured ventilating, air conditioning and heating components and parts, plumbing goods and supplies and ornamental building elements, accessories and materials and related components*, all the above made of metal, plastic, synthetics, china, earthenware, rubber, or wood; metal, plastic, or synthetic sheets, coils, tubing, wire, bars, forgings, castings, and extrusions, from the warehouse and plantsites of L. Bieler & Sons, Inc., National Elbow and Fitting Corp., Bieler International Corp., Southern Diversified Industries, Inc., Southern Tile Supply Corp., Bieler National Industries, Inc., and Sevojno-Bieler Trading Co. of Hauppauge, Suffolk County, N.Y., Miami, Fla., Houston, Tex., Los Angeles, Calif., Chicago, Ill., and from such other warehouse, piers, and plantsites of the contracting shippers and suppliers located at points in the United States (except Alaska and Hawaii), to points in the United States (except Alaska and Hawaii), *returned shipments of the commodities specified above*, from points in the United States (except Alaska and Hawaii) to the warehouses and plantsites of L. Bieler & Sons, Inc., National Elbow and Fitting Corp., Bieler International Corp., Southern Diversified Industries, Inc., Southern Tile Supply Corp., Bieler National Industries, Inc., and Sevojno-Bieler Trading Co., at Hauppauge, Suffolk County, N.Y., Miami, Fla., Houston, Tex., Los Angeles, Calif., Chicago, Ill., and such other warehouses and to the suppliers warehouses, piers, and plantsites located at points in the United States (except Alaska and Hawaii);

(b) *Raw materials, and related products, and supplies*, used in the manufacturing, fabricating, distribution, and sales of the commodities listed in (a) above, by L. Bieler & Sons, Inc., National Elbow and Fitting Corp., Bieler International Corp., Southern Diversified Industries, Inc., Southern Tile Supply Corp., Bieler National Industries, Inc., and Sevojno-Bieler Trading Co. from points in the United States (except Alaska and Hawaii), to the warehouses and plantsites of L. Bieler & Sons, Inc., National Elbow and Fitting Corp., Bieler International Corp., Southern Diversified, Inc., Southern Tile Supply Corp., Bieler National Industries, Inc., and Sevojno-Bieler Trading Co. at Hauppauge, Suffolk County, N.Y., Miami, Fla., Houston, Tex., Los Angeles, Calif., and Chicago, Ill., and such other warehouses and to the warehouses, piers, and plantsites of the suppliers; and (c) commodities named in (a) and (b) above covering balance of operations, between points in the United States (except Alaska and Hawaii), which would reflect in economy of operations and meet the distinctive needs of shippers in nonradial operations from suppliers. Restriction: The service authorized herein is restricted against the transportation of commodities in bulk. The operations au-

thorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: L. Bieler & Sons, Inc., National Elbow and Fitting Corp., Bieler International Corp., Southern Diversified Industries, Inc., Southern Tile Supply Corp., Bieler National Industries, Inc., and Sevojno-Bieler Trading Co. of Hauppauge, Suffolk County, N.Y., Miami, Fla., Houston, Tex., Los Angeles, Calif., and Chicago, Ill., and other warehouses operated by contract shippers, for 180 days. Supporting shippers: L. Bieler & Sons, Inc.; National Elbow and Fitting Corp.; Bieler International Corp.; Southern Diversified Industries, Inc.; Southern Tile Supply Corp.; Bieler National Industries, Inc.; Sevojno-Bieler Trading Co.; and Cardinal Industrial Park, Hauppauge, N.Y. 11788. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 119539 (Sub-No. 20 TA), filed April 21, 1972. Applicant: BEVERAGE TRANSPORT, INC., Post Office Box 88, Routes 5 and 20, East Bloomfield, NY 14443. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverage*, other than malt beverages (not in bulk), except as presently authorized from Union, N.J., to points in Connecticut, New York and Pennsylvania, for 180 days. Supporting shipper: C. J. Van Duker, traffic manager, Shasta Beverages, a division of Consolidated Foods Corp., Post Office Box 4617, Hayward, CA 94544. Send protests to: Morris H. Gross, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 104, O'Donnell Building, 310 Erie Boulevard, West, Syracuse, NY 13202.

No. MC 124679 (Sub-No. 51 TA), filed April 20, 1972. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South Street, Salt Lake City, UT 84119. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires and tubes*, rubber for recapping, *materials and supplies* used in the recapping process and advertising and promotional materials, from Muscatine, Iowa, to Denver, Colo., and Salt Lake City, and Ogden, Utah, for 180 days. Supporting shipper: J. W. Brewer Tire Co., 1680 Wall Avenue, Ogden, UT 84404 (Aldo L. Leonardi, manager). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 126473 (Sub-No. 22 TA), filed April 24, 1972. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, Iowa 52580. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia*, in bulk, in tank vehicles, from Muscatine, Iowa, to points in Illinois; and (2) *liquid fertilizer solutions*, in bulk, in tank vehicles, from Walcott, Iowa, to points in Illinois and Wisconsin, for 180 days. Supporting shipper: International Minerals & Chemical Corp., IMC Plaza, Libertyville, Ill. 60048. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 127834 (Sub-No. 72 TA), filed April 26, 1972. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue, Nashville, TN 37203. Applicant's representative: M. Bryan Stanley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum scrap*, between Madison, Murphysboro, and Matteson, Ill.; Benton, Carrollton, and Shelbyville, Ky.; Florence, Ala.; Covington, Ga.; Jackson, Mich.; Iuka, Miss.; Shelbina, Mo.; North Adams, Mass.; Columbia, Newbern, Jackson, and New Johnsonville, Tenn., and Lake Charles, La., for 180 days. Restriction: Restricted to traffic moving between the plantsites, storage facilities, and warehouse facilities of Consolidated Aluminum Corp. or their subcontractors. Supporting shipper: Consolidated Aluminum Corp., Jackson, Tenn. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operation, Interstate Commerce Commission, 803–1808 West End Building, Nashville, Tenn. 37203.

No. MC 128860 (Sub-No. 11 TA), filed April 18, 1972. Applicant: LARRY'S EXPRESS, INC., 720 Lake Street, Tomah, WI 54660. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, WI 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials, premiums, and malt beverage dispensing equipment* in mixed loads with malt beverages, from Cranston, R.I., Omaha, Nebr., and Evansville, Ind., to Minneapolis, Minn., limited to a transportation service to be performed, under a continuing contract, or contracts, with Kuether Distributing Co., Minneapolis, Minn., for 180 days. Supporting shipper: Kuether Distributing Co., 112 19th Avenue NE., Minneapolis, MN 55418. 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 129149 (Sub-No. 6 TA), filed April 24, 1972. Applicant: ELLIS HAINES, doing business as HAINES TRUCK LINES, 995 Washington Street, Bushnell, IL 61422. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, prepared, in bags, from Bushnell, Ill., to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Minnesota, New York, Nebraska, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin, for the account of Lauhoff Grain Co., for 180 days. Supporting shipper: Lauhoff Grain Co., Danville, Ill. 61832. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 135488 (Sub-No. 3 TA), filed April 24, 1972. Applicant: RICHARD CARLTON, doing business as DICK CARLTON TRUCKING, 11693 Main Road, Akron, NY 14001. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* viz: Nondairy coffee cream and nondairy whipping cream, (1) from Fredonia, N.Y., to points in Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New York, North Carolina, Ohio, Rhode Island, South Carolina, South Dakota, and Texas; and (2) from North Abington, Mass., to points in Connecticut, Maine, Maryland, New Hampshire, New Jersey, Rhode Island, New York, N.Y., Philadelphia, Pa., and Wilmington, Del., for 180 days. Supporting shipper: Mitchell Foods, Inc., Fredonia, N.Y. 14063. Send protests to: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 612 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

No. MC 135884 (Sub-No. 2 TA), filed April 20, 1972. Applicant: STEVE CALDWELL, Route 1, Box 36, Adams, OR 97810. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture, furniture parts, and furniture hardware*, (1) between Lincoln, Nebr., on the one hand, and, on the other, points in Minnesota, Colorado, Texas, Illinois, Pennsylvania, Georgia, Massachusetts, California, Wisconsin, New Jersey, Washington, Oregon, Indiana, and Virginia; and (2) from points in Oregon, Washington, California, and Nebraska to points in West Virginia, for 180 days. Supporting shipper: Harris Pine Mills, Main Office, Drawer 1168, Pendleton, OR 97801. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 136632 (Sub-No. 1 TA), filed April 24, 1972. Applicant: COPELAND TRANSPORTATION CO., INC., 4159 North Broadway, Wichita, KS 67204. Applicant's representative: Clyde N. Christey, 641 Harrison, Topeka, KS 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* dealt in by truck equipment dealers,

from Denver, Colo., Lyons, Quincy, Urbana, Streeter, and Peoria, Ill., Woodbine, Jefferson, and Cedar Rapids, Iowa, Paris, Ky., Muskegon, Mich., Fairmont, Minn., Springfield, Kansas City, and St. Louis, Mo., Galion, Marion, and Cleveland, Ohio, Durant, Tulsa, and Broken Arrow, Okla., Dallas, Tex., and Milwaukee, Wis., to Topeka, Kansas City, Wichita, Colby, Dodge City, Haven, Great Bend, and Hays, Kans., and Springfield, Colo., for 180 days. Supporting shippers: Capitol Body and Equipment, Inc., 2325 North Clay, Topeka, KS 66618; O. J. Watson Solid Waste Division, Inc., 4163 North Broadway, Wichita, KS 67204; O. J. Watson Co., Inc., 4159 North Broadway, Wichita, KS 67204; Scherer Truck Equipment, Inc., 540 South 12th Street, Kansas City, KS 66150. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 136648 TA, filed April 20, 1972. Applicant: W. SANDKUHL TRUCKING CO., INC., 37 Ridgewood Street, Valley Stream, NY. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hardware*, including but not limited to chains, fasteners, tools, plumbing equipment and supplies, from the piers and wharves in that part of the New York, N.Y., commercial zone as defined in the Fifth Supplemental Report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), to points in Nassau County, N.Y., Norwalk, Conn., Elizabeth, Passaic, Paramus, and Totowa, N.J., for 180 days. Supporting shippers: Melard Manufacturing Corp., 2901 White Plains Road, Bronx, NY 10467; York Bros. Wholesale Hardware Co., Inc., 495 Merrick Road, Rockville Centre, Long Island, NY 11570; Fehr Bros. Inc., 110 Wall Street, New York, NY 10005. Send protests to: Thomas W. Hopp, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 136656 TA, filed April 25, 1972. Applicant: BILL LITTLEFIELD, doing business as BILL LITTLEFIELD TRUCKING, Post Office Box 281, Shady Cove, OR 97539. Applicant's representative: Bill Littlefield (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Los Angeles, Los Angeles Harbor, Long Beach, and Wilmington, Calif., to Klamath Falls, Medford, Roseburg, Coos Bay, Eugene, Salem, and Bend, Oreg., for 180 days. Supporting shipper: Pacific Gamble Robinson Co., Post Office Box 3687, Seattle, WA 98124. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

MOTOR CARRIERS OF PASSENGERS

No. MC 118848 (Sub-No. 15 TA), filed April 21, 1972. Applicant: DOMENICO BUS SERVICE, INC., 71 New Hook Access Road, Box 47, Bayonne, NJ 07002. Applicant's representative: C. J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between the Borough of Richmond (Staten Island), N.Y., and the Borough of Manhattan, N.Y., serving all intermediate points except those in New Jersey and restricted against the transportation of passengers between Port Richmond, Staten Island, N.Y., on the one hand, and, on the other, Manhattan, N.Y., from the Goethals Bridge Plaza (Staten Island), N.Y., over the Goethals Bridge and access roads to New Jersey Turnpike Interchange No. 13, thence over the New Jersey Turnpike to Interchange No. 14–C, thence over exit roads to the Holland Tunnel, thence through the Holland Tunnel to Manhattan, N.Y., and return over the same route, except that on return on leaving the Holland Tunnel operations will be conducted over access roads to Interchange No. 14–C of the New Jersey Turnpike. NOTE: Applicant proposes to tack the authority sought at the Goethals Bridge Plaza with its existing authority to lead docket No. MC 118848 Sub 4 and subs thereto, for 180 days. Supported by: Signatures and addresses of 201 persons who reside in Staten Island, N.Y. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-7115 Filed 5-9-72;8:51 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MAY 5, 1972.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Oklahoma Docket No. MC 23190 (Sub-No. 3), filed April 24, 1972. Applicant: OKMULGEE EXPRESS, INC., 8202 East 41st Street, Tulsa, OK 74145. Applicant's representative: Rufus H. Lawson, 2400 Northwest 23d Street, Post Office Box 75124. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between Tulsa, Okla., and Westville, Okla., serving all intermediate points between Tahlequah and Westville and the off-route point of Oaks, Okla., from Tulsa, Okla., over State Highway 51 to Tahlequah, Okla., thence over Oklahoma State Highway 82 to Locust Grove, Okla., thence over Oklahoma State Highway 33 to West Siloam Springs, Okla., thence over U.S. Highway 59 to Westville, Okla., and return over the same route. Both intrastate and interstate authority sought.

HEARING: May 15, 1972, Third Floor, Jim Thorpe Office Building, Oklahoma City, Okla., at 9 a.m. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Oklahoma Corporation Commission, Jim Thorpe Office Building, Oklahoma City, Okla. 73105, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-7110 Filed 5-9-72;8:50 am]

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federal register

WEDNESDAY, MAY 10, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 91

PART II

DEPARTMENT OF LABOR

OCCUPATIONAL HEALTH AND SAFETY ADMINISTRATION

■

Power Transmission and Distribution Lines; Use of Helicopters; Aerial Lifts; Sanitation Facilities for Mobile Crews

Notice of Proposed Rule Making

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Parts 1910, 1926]

[Docket No. R-1]

POWER TRANSMISSION AND DISTRIBUTION LINES; USE OF HELICOPTERS; AERIAL LIFTS; SANITATION FACILITIES FOR MOBILE CREWS

Notice of Proposed Rule Making

The Advisory Committee on Construction Safety and Health has recommended the promulgation of regulations for power transmission and distribution lines and equipment.

The Advisory Committee has also recommended the promulgation of standards for aerial lifts and standards covering the use of helicopters and provision of sanitation facilities for mobile crews.

Upon consideration of the recommendations of the Advisory Committee, and pursuant to authority in section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593), section 107 of the Contract Work Hours and Safety Standards Act, as amended (83 Stat. 96), and in 29 CFR Part 1911 (36 F.R. 17506), I hereby propose to amend Parts 1926 and 1910 of Title 29, Code of Federal Regulations, as set forth below.

Interested persons are invited to submit data, views, and arguments concerning the proposed standards, both orally and in writing.

Submissions of written data, views, and arguments shall be in quadruplicate, and shall be mailed to Chief Hearing Examiner H. Stephen Gordon, at Room 720, Vanguard Building, 1111 20th Street NW., Washington, DC 20036 within 30 days after the publication of this notice in the FEDERAL REGISTER. The data, views, and arguments will be available for public inspection and copying at the Chief Hearing Examiner's office, except as to matters the disclosure of which is prohibited by law.

Oral data, views, and arguments concerning the proposed standards will be received by Hearing Examiner Arthur M. Goldberg at a hearing beginning at 10 a.m. on June 27, 1972, in Conference Room B, Departmental Auditorium, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. Persons desiring to appear at the hearing must file with the Chief Hearing Examiner a notice of intention to appear, no later than 30 days after the publication of this notice in the FEDERAL REGISTER. The notice must state the name and address of the person to appear, and the approximate amount of time required for his presentation. The notice must also include, or be accompanied by, a statement of the position to be taken with regard to each specified proposal, and of the evidence to be adduced in support of the position.

Beginning at 9:30 a.m. on June 27, 1972, the Hearing Examiner will hold a brief prehearing conference in order to establish the order and time for the presentation of statements and settle other matters which may be relevant to the proceeding. Also at the prehearing conference there will be an exchange of copies of any prepared statements that are intended to be made a part of the record. All documents intended to be submitted for the record at the hearing should be submitted in duplicate.

The hearing shall be conducted in accordance with the rules of procedure in 29 CFR Part 1911.

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

A. Proposed amendments to Part 1910 of Title 29, Code of Federal Regulations:

1. Section 1910.12 is hereby proposed to be amended by adding thereto a new paragraph (d). As amended, § 1910.12 would read as follows:

§ 1910.12 Construction work.

* * * * *

(d) For the purposes of this part, to the extent that it may not already be included in paragraph (b) of this section, construction work includes the erection of new electric transmission and distribution lines and equipment, or the alteration, conversion, or improvement of existing transmission and distribution lines and equipment.

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

B. Proposed Amendments to Part 1926 of Title 29, Code of Federal Regulations:

1. Section 1926.51 is proposed to be amended by adding thereto a new paragraph (c)(4). As amended, § 1926.51 would read as follows:

§ 1926.51 Sanitation.

* * * * *

(c) * * *

(4) These requirements for sanitation facilities shall not apply to mobile crews having transportation readily available to nearby sanitation facilities.

* * * * *

2. Section 1926.400 is proposed to be amended by revising paragraph (a) thereof. As amended § 1926.400 would read as follows:

§ 1926.400 General requirements.

(a) All electrical work, installation, and wire capacities shall be in accordance with pertinent provisions of the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968), unless otherwise provided by regulations of this part.

* * * * *

3. Section 1926.451 is proposed to be amended by revising paragraph (f) thereof. As amended § 1926.451 would read as follows:

§ 1926.451 Scaffolding.

* * * * *

(f) *Elevating and rotating work platforms.* Applicable requirements of American National Standards Institute A92.2–1969, Vehicle Mounted Elevating and Rotating Work Platforms, shall be complied with for such equipment, as required by the provisions of § 1926.556.

* * * * *

4. Section 1926.551 is proposed to be amended by revising paragraphs (a) and (b) and adding thereto new paragraphs (c) through (s). As amended, § 1926.551 would read as follows:

§ 1926.551 Helicopters.

(a) *Helicopter regulations.* Helicopter cranes when used shall conform to all applicable regulations of the F.A.A., 14 CFR Part 133, Rotorcraft External-Load Operation adopted January 17, 1964, effective May 17, 1964 or 14 CFR 91.39 Restricted Category Civil Aircraft, Operating Limitation adopted June 24, 1963, effective September 30, 1963.

(b) *Pilot licensing.* Rotorcraft pilots shall be licensed to conduct external load operations in accordance with 14 CFR Part 133 Rotorcraft External-Load Operation adopted January 17, 1964, effective May 17, 1964, or 14 CFR 91.39 Restricted Category Civil Aircraft, Operating Limitation adopted June 24, 1963, effective September 30, 1963.

(c) *Briefing.* The employer shall brief all employees participating in the external load helicopter operations as to their duties prior to each day's operation.

(d) *Slings and tag lines.* Load shall be properly slung. Tag lines shall be of a length that will not permit their being drawn up into rotors.

(e) *Cargo hooks.* All electrically operated cargo hooks shall have the electrical activating device so designed and installed as to prevent inadvertent operation. In addition these cargo hooks shall be equipped with an emergency mechanical control for releasing the load. The hooks shall be tested prior to each day's operation to determine that the release functions properly (both electrically and mechanically).

(f) *Personal protective equipment.* (1) Personal protective equipment for employees receiving the load shall consist of complete eye protection and hard hats secured by chinstraps.

(2) Loose fitting clothing likely to flap in the down wash and thus be snagged on hoist line, shall not be worn.

(g) *Loose gear.* All loose gear within 100 feet of the place of lifting or placing of the load shall be secured or removed. Good housekeeping in these areas shall be maintained at all times. Every precaution shall be taken to provide for the protection of the employees from flying objects in the rotor downwash.

(h) *Operator responsibility.* The helicopter operator shall be responsible for size, weight, and manner in which loads are connected to the helicopter. If, for any reason, the helicopter operator feels the lift cannot be made safely, the lift shall not be made.

(i) *Emergency landing area.* The provisions of F.A.A., 14 CFR 135.89, shall be complied with.

(j) *Hooking up loads.* When hooking up loads to hovering craft, a safe means of access shall be provided for employees to reach hoist and engage cargo slings.

(k) *Static charge.* Static charge on rotorcraft shall be dissipated with a grounding device before ground personnel touch the suspended load.

(l) *Weight limitation.* The weight of an external load shall not exceed the manufacturer's rating.

(m) *Ground lines.* Hoist wires or other gear, except for pulling lines or conductors that are allowed to "pay out" from a container or roll off a reel from a helicopter, shall not be attached to any fixed ground structure, or allowed to foul on any fixed structure.

(n) *Visibility.* When visibility is reduced by dust or other conditions, ground personnel shall exercise special caution to keep clear of main and stabilizing rotors.

(o) *Signal system.* Signal systems between aircrew and ground personnel shall be understood and checked in advance of hoisting load. This applies to either radio or hand signal systems. Hand signals shall be as shown in Figure N-1.

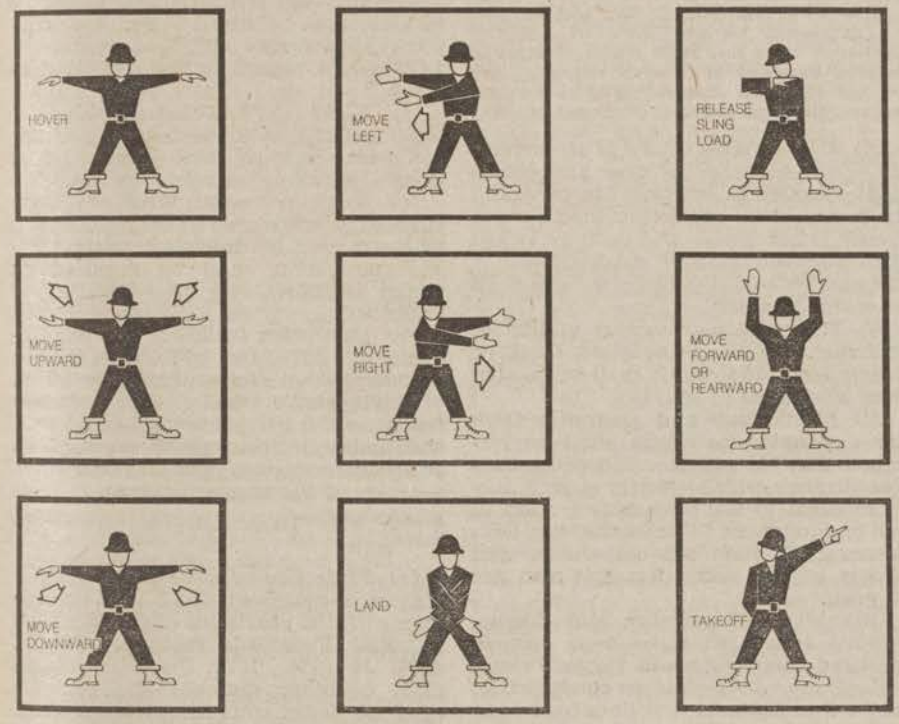

Figure N-1

(p) *Approach distance.* No unauthorized person shall approach within 50 feet of the helicopter when the rotor blades are turning.

(q) *Approaching helicopter.* Whenever approaching or leaving a helicopter with rotating blades, all employees shall remain in full view of the pilot and keep the head down. Employees shall avoid the area from the cockpit or cabin rearward unless authorized by the helicopter operator to work there.

(r) *Personnel.* Sufficient ground personnel shall be provided when required for safe helicopter loading and unloading operations.

(s) *Communications.* There shall be constant reliable communication between the pilot, and ground crew during the period of loading and unloading.

5. Part 1926 of Title 29, Code of Federal Regulations is proposed to be amended by adding thereto a new § 1926.556. Section 1926.556 would read as follows:

§ 1926.556 Aerial lifts.

(a) *General requirements.* All aerial lifts acquired for use after the effective date of this section shall be designed and constructed in conformance with the applicable requirements of the American National Standards Institute (ANSI) ANSI A92.2–1969, including appendix "Vehicle Mounted Elevating and Rotation Work Platforms." Aerial equipment acquired before the publication of this subpart which does not meet the requirements of ANSI A92.2–1969 may be retained in service until January 1, 1976. After January 1, 1976, if such equipment is retained in service it shall be modified to conform with ANSI A92.2–1969. An aerial lift is defined as one of the following types of vehicle-mounted aerial devices used to elevate personnel to jobsites above ground (1) extensible boom platforms (2) aerial ladders (3) articulating boom platforms (4) vertical towers (5) a combination of any of the above as defined in ANSI A92.2–1969. These devices are made of metal, wood, fiberglass reinforced plastic (FRP), or other material and are powered or manually operated; whether or not they are capable of rotating about a substantially vertical axis.

(b) *Specific requirements*—(1) *Ladder trucks and tower trucks.* Aerial ladders shall be secured in the lower traveling position by the locking device on top of truck cab, if so provided, and the manually operated device at the base of the ladder before the truck is moved for highway travel.

(2) *Extensible and articulating boom platforms.* (i) Lift controls shall be tested each day prior to use to determine that such controls are in safe working condition.

(ii) Only designated persons shall operate an aerial lift.

(iii) Belting off to an adjacent pole, structure, or equipment while working from an aerial lift shall not be permitted.

(iv) Employees shall always stand firmly on the floor of the basket, and shall not sit or climb on the edge of the basket or use planks, ladders, or other devices for a work position.

(v) A safety belt shall be worn and a lanyard attached to the boom or lift when working from an aerial lift.

(vi) Boom and bucket load limits specified by the manufacturer shall not be exceeded.

(vii) The brakes shall be set and when outriggers are used, they shall be positioned on pads or a solid surface. Wheel chocks shall be installed before using an aerial lift on an incline, providing they can be safely installed.

(viii) An aerial lift truck shall not be moved when the boom is elevated in working position with men in the basket, except for equipment which is specifically designed for this type of operation.

(ix) Articulating boom and extensible boom platforms, primarily designed as personnel carriers, shall have both platform (upper) and lower controls. Upper controls shall be in or beside the platform within each reach of the operator. Lower controls shall provide for overriding the upper controls. Controls shall be plainly marked as to their function. Lower level controls shall not be operated unless permission has been obtained from the employee in the lift, except in case of emergency.

(x) Equipment or material shall not be passed between a pole or structure and an aerial lift while an employee working from the basket is within reaching distance of energized conductors or equipment that are not covered with insulating protective equipment.

(xi) Climbers shall not be worn while performing work from an aerial lift.

(xii) The insulated portion of an aerial lift device shall not be altered with any material that might reduce its insulating value.

(xiii) Before moving an aerial lift truck, both the upper and lower boom shall be inspected to see that they are properly cradled and outriggers are in stowed position except as provided in subdivision (viii) of this subparagraph.

(xiv) When working near energized lines or equipment, aerial lift trucks shall be grounded or barricaded and considered as energized equipment, or the aerial lift truck shall be insulated for the work being performed.

6. A new subpart, designated Subpart V, would be added, dealing with power transmission and distribution, and would read as follows:

Subpart V—Power Transmission and Distribution

§ 1926.950 General requirements.

(a) *Application.* The occupational safety and health standards contained in this Subpart V shall apply to the construction of electric transmission and distribution lines and equipment.

(1) As used in this Subpart V the term "construction" means the erection of new electric transmission and distribution lines and equipment, or the alteration, conversion, or improvement of existing electric transmission and distribution lines and equipment.

(2) Existing electric transmission and distribution lines and electrical equipment need not be modified to conform to the requirements of applicable standards in this Subpart V, until such work as described in subparagraph (1) of this paragraph is to be performed on such lines or equipment.

(3) The standards set forth in this Subpart V provide the minimum requirements for safety and health. Employers may require adherence to additional standards which are not in conflict with the standards contained in this Subpart V.

(b) *Existing conditions.* (1) Before starting work, inspection or tests shall be made to determine existing conditions.

(2) Electric equipment and lines shall be considered energized unless tested and determined to be deenergized.

(3) Operating voltage of equipment and lines shall be determined before working on or near energized parts.

(c) *Clearances.* The provisions of subparagraph (1) or (2) of this paragraph shall be observed.

(1) No employee shall be permitted to approach or take any conductive object, without an approved insulating handle, closer to exposed energized parts than shown in Table V–1, unless;

(i) The employee is insulated or guarded from the energized part (gloves or gloves with sleeves rated for the voltage involved shall be considered insulation of the employee from the energized part), or

(ii) The energized part is insulated or guarded from him and any other conductive object at a different potential, or

(iii) The employee is isolated, insulated, or guarded from any other conductive object(s).

(2) (i) The minimum working distance and minimum clear hot stick distances stated in Table V–1 shall not be violated. Minimum clear hot stick distance refers to use of live-line tools held by linemen when performing live-line work.

(ii) Conductor support tools, such as link sticks, strain carriers, and insulator cradles, may be used provided that the clear insulation is at least as long as the insulator string.

TABLE V—1

ALTERNATING CURRENT—MINIMUM DISTANCES

Voltage range (phase to phase) kilovolt	*Minimum working and clear hot stick distance*
2.1 to 15	2 ft. 0 in.
15.1 to 35	2 ft. 4 in.
35.1 to 46	2 ft. 6 in.
46.1 to 72.5	3 ft. 0 in.
72.6 to 121	3 ft. 4 in.
138 to 145	3 ft. 6 in.
161 to 169	3 ft. 8 in.
230 to 242	5 ft. 0 in.
345 to 362	[1] 7 ft. 0 in.
500 to 552	[1] 11 ft. 0 in.
700 to 765	[1] 15 ft. 0 in.

[1] NOTE: For 345 kv., 500 kv., and 700 kv., the minimum working distance and the minimum clear hot stick distance may be reduced provided that such distances are not less than the shortest distance between the energized part and a grounded surface.

(d) *Deenergizing lines and equipment.* (1) When deenergizing lines and equipment operated in excess of 600 volts, and the means of disconnecting from electric energy is not visible and open or locked out, the provisions of subdivisions (i) through (vii) of this subparagraph shall be complied with:

(i) The particular section of line or equipment to be deenergized shall be clearly identified, and it shall be isolated from all sources of voltage.

(ii) Notification and assurance from the designated employee shall be obtained that all switches and disconnectors through which electric energy may be supplied to the particular section of line or equipment to be worked has been deenergized, rendered inoperable, and plainly tagged, indicating that men are at work.

(iii) After all switches and disconnectors designated have been opened, rendered inoperable and tagged, visual inspection or tests shall be conducted to insure that equipment or lines have been deenergized.

(iv) Protective grounds shall be applied on the disconnected lines or equipment to be worked on.

(v) Guards or barriers shall be erected as necessary to adjacent energized lines.

(vi) When more than one independent crew requires the same line or equipment to be deenergized, a tag for each such independent crew shall be placed on the line or equipment.

(vii) Upon completion of work on deenergized lines or equipment, each designated employee in charge shall determine that all employees in his crew are clear, that protective grounds installed by his crew have been removed, and he shall report to the designated employee that all tags protecting his crew may be removed.

(2) When the means of disconnecting from electric energy is visible and open or locked-out the provisions of subdivisions (i) and (ii) of this subparagraph shall apply.

(i) Guards or barriers shall be erected as necessary to adjacent energized lines.

(ii) Upon completion of work on deenergized lines or equipment, each designated employee in charge shall determine that all employees in his crew are clear, that protective grounds installed by his crew have been removed, and he shall report to the designated authority that all tags protecting his crew may be removed.

(e) *Emergency procedures and first aid.* The employer shall provide training or require that his employees are knowledgeable and proficient in:

(1) Procedures involving emergency situations and

(2) First-aid fundamentals including resuscitation. (Alternatively, the employer may comply with the provisions of § 1926.50(b) regarding first-aid requirements.)

(f) *Night work.* When working at night, spotlights or portable lights for emergency lighting shall be provided as needed to safely perform the work.

(g) *Work over water.* When crews are engaged in work over or near water and where danger of drowning exists, suitable protection shall be provided as stated in § 1926.104, or § 1926.105, or § 1926.106.

(h) *Sanitation facilities.* The requirements of § 1926.51(c) of Subpart D shall be complied with for sanitation facilities.

(i) *Hydraulic fluids.* All hydraulic fluids used in derrick trucks, aerial lifts, and hydraulic tools which are used on or around energized lines and equipment shall be of the insulating type.

§ 1926.951 Tools and protective equipment.

(a) *Protective equipment.* (1) Rubber protective equipment shall be in accordance with the provisions of the American National Standards Institute (ANSI), ANSI J6 series, 1971. Protective equipment of other material shall provide equal or better electric and mechanical protection.

(2) Protective hats shall be in accordance with the provisions of ANSI Z89.2–1971 Industrial Protective Helmets For Electrical Workers, Class B, and shall be worn at all times at the jobsite by employees exposed to the hazards of falling objects, electric shock, or burns.

(b) *Personal climbing equipment.* (1) Safety belts and straps shall meet the requirements of § 1926.959. In addition to being used as an employee safeguarding item, safety belts with approved tool loops may be used for the purpose of holding tools. Body belts shall be free from additional metal hooks and tool loops.

(2) Safety belts with straps or lanyards shall be worn to protect employees working at elevated locations on poles, towers, or other structures except where such use creates a greater hazard to the safety of the employees.

(3) Safety belts and straps shall be inspected before use each day to determine that they are in safe working condition.

(4) Lifelines, safety and climbing ropes shall be a minimum half-inch diameter and three- or four-strand first-grade manila or its equivalent in strength (2,650 lb.) and durability.

(5) Defective ropes shall be replaced.

(c) *Ladders.* (1) Portable metal or conductive ladders shall not be used near energized lines or equipment except as may be necessary in specialized work such as in high voltage substations where nonconductive ladders might present a greater hazard than conductive ladders. Conductive or metal ladders shall be so marked and all necessary precautions shall be taken when used in specialized work.

(2) Hook or other type ladders used in structures shall be positively secured to prevent the ladder from being accidentally displaced.

(d) *Live-line tools.* (1) Only tools having a manufacturer's certification to withstand the following minimum tests shall be used:

(i) 100,000 volts per foot of length for 5 minutes when the tool is made of fiberglass; or

(ii) 75,000 volts per foot of length for 3 minutes when the tool is made of wood; or

(iii) Other tests equivalent to (i) or (ii) of this subparagraph as appropriate.

(2) All live-line tools shall be visually inspected before work each day. Defective tools shall be removed from service.

(e) *Measuring tapes or measuring ropes.* Measuring tapes or measuring ropes which are metal or contain conductive strands shall not be used when working on or near energized parts.

(f) *Handtools.* (1) Switches for all powered hand tools shall comply with § 1926.300(d).

(2) All portable electric handtools shall:

(i) Be equipped with three-wire cord having the ground wire permanently connected to the tool frame and means for grounding the other end; or

(ii) Be of the double insulated type and permanently labeled as "Doubled Insulated"; or

(iii) Be connected to the power supply by means of an isolating transformer, or other isolated power supply.

(3) All hydraulic tools which are used on or around energized lines or equipment shall use nonconducting hoses having adequate strength for the normal operating pressures. The provisions of § 1926.302(d)(2) of this part shall also apply.

(4) All pneumatic tools which are used on or around energized lines or equipment shall:

(i) Use nonconducting hoses having adequate strength for the normal operating pressures, and

(ii) Have an accumulator on the compressor to collect moisture.

§ 1926.952 Mechanical equipment.

(a) *General.* (1) Visual inspections shall be made of the equipment to determine that it is in good condition each day the equipment is to be used.

(2) Tests shall be made at the beginning of each shift during which the equipment is to be used to determine that the brakes and operating systems are in proper working condition.

(3) Utility vehicles shall be equipped with audible backup warning devices as provided in § 1926.601(b)(4).

(b) *Aerial lifts.* The provisions of § 1926.556, Subpart N, shall apply to the utilization of aerial lifts.

(c) *Derrick trucks, cranes and other lifting equipment.* (1) All derrick trucks, cranes and other lifting equipment shall comply with Subpart N and O of this part except:

(i) As stated in § 1926.550(a)(15) (i) and (ii) relating to clearances (for clearances in this subpart see Table V–1) and

(ii) Derrick trucks (electric line trucks) shall not be required to comply with § 1926.550(a) (3) and (17), but shall be equipped with boom angle indicators and load capacity plates.

(2) With the exception of equipment certified for work on the proper voltage, mechanical equipment shall not be operated in a manner where it is possible to bring such equipment or any part of the equipment closer to any high-voltage line or equipment than the clearances set forth in § 1926.950(c) unless:

(i) An insulated barrier is installed between the energized part and the mechanical equipment, or

(ii) The mechanical equipment is grounded and barricaded, or

(iii) The mechanical equipment is insulated, or

(iv) The mechanical equipment is considered as energized.

§ 1926.953 Material handling.

(a) *Unloading.* Prior to unloading steel, poles, cross arms and similar material, the load shall be thoroughly examined to ascertain if the load has shifted, binders or stakes have broken or the load is otherwise hazardous to workmen.

(b) *Pole hauling.* (1) During pole hauling operations, all loads shall be secured to prevent displacement and a red flag shall be displayed at the trailing end of the longest pole.

(2) Precautions shall be exercised to prevent blocking of roadways or endangering other traffic.

(3) When hauling poles during the hours of darkness, illuminated warning devices shall be attached to the trailing end of the longest pole.

(c) *Storage.* (1) No materials or equipment shall be stored under energized bus, energized lines, or near energized equipment, if it is practical to store them elsewhere. Extraordinary caution shall be exercised when moving materials near such energized equipment.

(2) Storage under energized lines or near energized equipment may be permitted: *Provided,* Applicable clearances are maintained as stated in Table V–1.

(d) *Tag line.* Where hazards to employees exist tag lines or other suitable devices shall be used to control loads being handled by hoisting equipment.

(e) *Oil filled equipment.* During construction or repair of oil filled equipment, the oil may be stored in temporary containers other than those required in § 1926.152, such as pillow tanks.

(f) *Framing.* During framing operations, employees shall not work under a pole or a structure suspended by a crane, A-frame or similar equipment unless the pole or structure is adequately supported.

§ 1926.954 Grounding for protection of employees.

(a) *General.* All conductors and equipment shall be treated as energized until tested, known to be deenergized or until grounded.

(b) *New construction.* New construction may be considered deenergized and worked as such where:

(1) Adequate clearance can be maintained from energized conductors to prevent contact, and

(2) The lines or equipment are grounded.

(c) *Communication conductors.* Open wire communication conductors on power poles or structures shall be treated as energized lines unless protected by insulating materials.

(d) *Voltage testing.* Deenergized conductors and equipment which are to be grounded shall be tested for voltage. Results of this voltage test shall determine the subsequent procedures as required in § 1926.950(d).

(e) *Attaching grounds.* (1) When attaching grounds, the ground end shall be attached first, and the other end shall be attached and removed by means of insulated tools or other suitable device.

(2) When removing grounds, the grounding device shall first be removed from the line or equipment using insulating handles or other suitable devices.

(f) *Location of grounds.* Grounds shall be placed between the work location and all sources of energy and as close as practicable to the work location. Where the making of a ground is impractical, or the conditions resulting therefrom would be more hazardous than working on the lines or equipment without grounding, the grounds may be omitted and the line or equipment worked as energized.

(g) *Testing without grounds.* Grounds may be temporarily removed only when necessary for test purposes and extreme caution shall be exercised during the test procedures.

(h) *Grounding electrode.* When grounding electrodes are utilized, they shall have a resistance to ground low enough to minimize hazards to personnel or permit prompt operation of protective devices.

(i) *Grounding to tower.* Grounding to tower shall be made with a tower clamp capable of conducting the anticipated fault current.

(j) *Ground lead.* A ground lead, to be attached to either a tower ground or driven ground, shall be capable of conducting the anticipated fault current and shall have a minimum conductance of No. 2 AWG copper.

§ 1926.955 Overhead lines.

(a) *Overhead lines.* (1) When working on or with overhead lines the provisions of subparagraphs (2) through (8) of this paragraph shall be com-

plied with in addition to other applicable provisions of this subpart.

(2) Prior to climbing poles, ladders, scaffolds, or other elevated structures, an inspection shall be made to determine that the structures are capable of sustaining the additional or unbalanced stresses to which they will be subjected.

(3) Where poles or structures may be unsafe for climbing, they shall not be climbed until made safe by guying, bracing, or other adequate means.

(4) Before installing or removing wire or cable, strains to which poles and structures will be subjected shall be considered and necessary action taken to prevent failure of supporting structures.

(5) (i) When setting, moving, or removing poles using cranes, derricks, gin poles, A-frames, or other mechanized equipment near energized lines or equipment, precautions shall be taken to avoid contact with energized lines or equipment, except in bare hand live line work, or where barriers or protective devices are used.

(ii) Equipment and machinery operating adjacent to energized lines or equipment shall comply with § 1926.952(c)(2).

(6) (i) Unless using suitable protective equipment for the voltage involved, employees standing on the ground shall avoid contacting equipment or machinery working adjacent to energized lines or equipment.

(ii) Lifting equipment shall be bonded to an effective ground or it shall be considered energized and therefore barricaded when utilized near energized equipment or lines.

(7) Pole holes shall not be left unattended or unguarded in areas where employees are currently working.

(8) Tag lines shall be of a nonconductive type when used near energized lines.

(b) *Metal tower construction.* (1) When working in unstable material the excavation for pad or pile-type footings in excess of 5 feet deep shall be either sloped to the angle of repose as required in § 1926.652 or shored if entry is required. Ladders shall be provided for access to pad or pile-type footing excavations in excess of 4 feet.

(2) When working in unstable material provision shall be made for cleaning out auger-type footings without requiring an employee to enter the footing unless shoring is used to protect the employee.

(3) (i) A designated employee shall be used in directing mobile equipment adjacent to footing excavations.

(ii) No one shall be permitted to remain in the footing while equipment is being spotted for placement.

(iii) Where necessary to assure the stability of mobile equipment, footing sites shall be graded and leveled.

(4) (i) Tower assembly shall be carried out with a minimum exposure from working at two levels on the tower.

(ii) Guy lines shall be used as necessary to maintain sections or parts of sections in position and to reduce the possibility of tipping.

(iii) Members and sections being assembled shall be adequately supported.

(5) When assembling and erecting towers the provisions of subdivisions (i), (ii), and (iii), of this subparagraph shall be complied with:

(i) The construction of transmission towers and the erecting of poles, hoisting machinery, site preparation machinery, and other types of construction machinery shall conform to the applicable requirements of this part.

(ii) No one shall be permitted under a tower which is in the process of erection or assembly except as required to guide and secure the section being set.

(iii) When erecting towers using hoisting equipment adjacent to energized transmission lines, the lines shall be deenergized when practicable. If the lines are not deenergized, extraordinary caution shall be exercised to maintain the minimum clearance distances required by § 1926.950(c), including Table V-1.

(6) (i) Erection cranes shall be set on firm level foundations and when the cranes are so equipped, outriggers shall be used.

(ii) Tag lines shall be utilized to maintain control of tower sections being raised and positioned, except where the use of such lines would create a greater hazard.

(iii) The loadline shall not be detached from a tower section until the section is adequately secured at each leg connection.

(iv) Erection shall be discontinued in the event of high wind or other adverse weather conditions which would make the work hazardous.

(v) Equipment and rigging shall be regularly inspected and maintained in safe operating condition.

(7) Adequate traffic control shall be maintained when crossing highways and railways with equipment as required by the provisions of § 1926.200(g)(1) and (2).

(8) A designated employee shall be utilized to determine that required clearance is maintained in moving equipment under or near energized lines.

(c) *Stringing or removing deenergized conductors.* (1) When stringing or removing deenergized conductors, the provisions of subparagraph (2) through (12) of this paragraph shall be complied with.

(2) Prior to stringing operations a briefing shall be held setting forth the plan of operation and specifying the type of equipment to be used, grounding devices and procedures to be followed, crossover methods to be employed, and the clearance authorization required.

(3) Where there is a possibility of the conductor accidentally contacting an energized circuit or receiving a dangerous induced voltage buildup, to further protect the employee from the hazards of the conductor, the conductor being installed or removed shall be grounded or provisions made to insulate or isolate the employee.

(4) (i) If the existing line is deenergized, proper clearance authorization shall be secured and the line grounded on both sides of the crossover or the line being strung or removed shall be considered and worked as energized.

(ii) When crossing over energized conductors in excess of 600 volts, rope nets or guard structures shall be installed unless provision is made to isolate or insulate the workman or the energized conductor. Where practicable the automatic reclosing feature of the circuit interrupting device shall be made inoperative. In addition, the line being strung shall be grounded on either side of the crossover or considered and worked as energized.

(5) Conductors being strung in or removed shall be kept under positive control by the use of adequate tension reels, guard structures, tielines, or other means to prevent accidental contact with energized circuits.

(6) Guard structure members shall be sound and of adequate dimension and strength, and adequately supported.

(7) (i) Catch-off anchors, rigging, and hoists shall be of ample capacity to prevent loss of the lines.

(ii) Stringing lines, pulling lines, sock connections, and all load-bearing hardware and accessories shall have a safety factor of at least three times the maximum pulling tension.

(iii) Pulling lines and accessories shall be inspected regularly and replaced or repaired when damaged or when dependability is doubtful. The provisions of § 1926.251(c)(4)(ii), splices, shall not apply.

(8) Conductor grips shall not be used on wire rope.

(9) While the conductor or pulling line is being pulled (in motion) employees shall not be permitted directly under overhead operations, nor shall any employee be permitted on the crossarm.

(10) A transmission clipping crew shall have a minimum of two structures clipped in between the crew and the conductor being sagged. When working on bare conductors, clipping and tying crews shall work between grounds at all times. The grounds shall remain intact until the conductors are clipped on dead end structures.

(11) (i) Except during emergency restoration procedures, work from structures shall be discontinued when adverse weather (such as high wind or ice on structures) makes the work hazardous.

(ii) Stringing and clipping operations shall be discontinued during the progress of an electrical storm in the immediate vicinity.

(12) (i) Reel handling equipment, including pulling and braking machines, shall have ample capacity, operate smoothly, and be leveled and aligned.

(ii) Reliable communications between the reel tender and pulling rig operator shall be provided.

(iii) Each pull shall be snubbed or dead ended at both ends before subsequent pulls.

(d) *Stringing adjacent to energized lines.* (1) Prior to stringing parallel to an existing energized transmission line a competent determination shall be made to ascertain whether dangerous induced voltage buildups will occur, particularly during switching and ground fault conditions. When there is a possibility that such dangerous induced volt-

age may exist the employer shall comply with the provisions of subparagraphs (2) through (9) of this paragraph in addition to the provisions of paragraph (c) of this § 1926.955, unless the line is worked as energized.

(2) When stringing adjacent to energized lines the tension stringing method or other methods which preclude unintentional contact between the lines being pulled and any employee shall be used.

(3) All pulling and tensioning equipment shall be isolated, insulated, or effectively grounded.

(4) A ground shall be installed between the tensioning reel setup and the first structure in order to ground each bare conductor, subconductor, and overhead ground conductor during stringing operations.

(5) During stringing operations, each bare conductor, subconductor, and overhead ground conductor shall be grounded at the first tower adjacent to both the tensioning and pulling setup and in increments so that no point is more than 2 miles from a ground.

(i) The grounds shall be left in place until conductor installation is completed.

(ii) Such grounds shall be removed as the last phase of aerial cleanup.

(iii) Except for moving type grounds, the grounds shall be placed and removed with a hot stick.

(6) Conductors, subconductors, and overhead ground conductors shall be grounded at all dead-end or catch-off points.

(7) A ground shall be located at each side and within 10 feet of working areas where conductors, subconductors, or overhead ground conductors are being spliced at ground level. The two ends to be spliced shall be bonded to each other. It is recommended that splicing be carried out on either an insulated platform or on a conductive metallic grounding mat bonded to both grounds. When a grounding mat is used, it is recommended that the grounding mat be roped off and an insulated walkway provided for access to the mat.

(8) (i) All conductors, subconductors, and overhead ground conductors shall be bonded to the tower at any isolated tower where it may be necessary to complete work on the transmission line.

(ii) Work on deadend towers shall require grounding on both sides of the tower.

(iii) Grounds may be removed as soon as the work is completed: *Provided*, That the line is not left open-circuited at the isolated tower at which work is being completed.

(9) When performing work from the structures, clipping crews and all others working on conductors, subconductors, or overhead ground conductors shall be protected by individual grounds installed at every work location.

(e) *Live-line bare-hand work.* In addition to the applicable standards contained elsewhere in this subpart all bare-hand live-line work shall be performed in accordance with the following requirements:

(1) Employees shall be instructed and trained in the live-line bare-hand technique and the safety requirements pertinent thereto before being permitted to use the technique on energized cricuits.

(2) Before using the live-line bare-hand technique on energized high-voltage conductors or parts, a check shall be made of:

(i) The voltage rating of the circuit on which the work is to be performed.

(ii) The clearances to ground of lines and other energized parts on which work is to be performed.

(iii) The voltage limitations of the aerial-lift equipment intended to be used.

(iv) Only equipment designed, tested, and intended for live-line bare-hand work shall be used.

(3) All work shall be personally supervised by a person trained and qualified to perform bare-hand live-line work.

(4) The automatic reclosing feature of circuit interrupting devices shall be made inoperative before working on any energized line or equipment.

(5) Work shall not be performed during the progress of an electrical storm in the immediate vicinity.

(6) A conductive bucket liner or other suitable conductive device shall be provided for bonding the insulated aerial device to the energized line or equipment.

(i) The employee shall be connected to the bucket liner by use of conductive shoes, leg clips, or other suitable means.

(ii) Adequate electrostatic shielding for the voltage being worked or conductive clothing shall be provided and used where necessary.

(7) Only tools and equipment intended for bare-hand live-line work shall be used, and such tools and equipment shall be kept clean and dry.

(8) Before the boom is elevated, the outriggers on the aerial truck shall be extended and adjusted to stabilize the truck, and the body of the truck shall be bonded to an effective ground, or barricaded and considered as energized equipment.

(9) Before moving the aerial lift into the work position, all controls (ground level and bucket) shall be checked and tested to determine that they are in proper working condition.

(10) Arm current tests shall be made before starting work each day, each time during the day when higher voltage is going to be worked and when changed conditions indicate a need for additional tests. Aerial buckets used for bare-hand live-line work shall be subjected to an arm current test. This test shall consist of placing the bucket in contact with an energized source equal to the voltage to be worked upon for a minimum time of three (3) minutes. The leakage current shall not exceed 1 microampere per kilovolt of nominal line-to-line voltage. Work operations shall be suspended immediately upon any indication of a malfunction in the equipment.

(11) All aerial lifts to be used for bare-hand live-line work shall have dual controls as required by sudivision (i) and (ii) of this subparagraph.

(i) The controls shall be located at the top end of the boom within easy reach of the employee. If a two basket type lift is used, access to the controls shall be within easy reach from either basket.

(ii) A duplicate set of controls shall be located near base of the boom that will permit over-ride operation of equipment at any time.

(12) Ground level lift control shall not be operated unless permission has been obtained from the employee in the lift, except in case of emergency.

(13) Before the employee contacts the energized part to be worked on, the conductive bucket liner shall be bonded to the energized conductor by means of a positive connection which shall remain attached to the energized conductor until the work on the energized circuit is completed.

(14) The minimum clearance distances for live-line bare-hand work shall be as specified in Table V–2. These minimum clearance distances shall be maintained from all grounded objects and from lines and equipment at a different potential than that to which the insulated aerial device is bonded unless such grounded objects or other lines and equipment are covered by insulated guards. These distances shall be maintained when approaching, leaving, and when bonded to the energized circuit.

TABLE V–2

MINIMUM CLEARANCE DISTANCES FOR LIVE-LINE BARE-HAND WORK (ALTERNATING CURRENT)

Voltage range (phase-to-phase) kilovolts	Distance in feet and inches for maximum voltage	
	Phase to ground	Phase to phase
2.1–15	2'0"	2'0"
15.1–35	2'4"	2'4"
35.1–46	2'6"	2'6"
46.1–72.5	3'0"	3'0"
72.6–121	3'4"	4'6"
138–145	3'6"	5'0"
161–169	3'8"	5'6"
230–242	5'0"	8'4"
345–362	[1] 7'0"	[1] 13'4"
500–552	[1] 11'0"	[1] 20'0"
700–765	[1] 15'0"	[1] 31'0"

[1] NOTE: For 345 kv., 500 kv., and 700 kv., the minimum clearance distance may be reduced provided they are not made less than the shortest distance between the energized part and a grounded surface.

(15) When approaching, leaving, or bonding to an energized circuit the minimum air-gap distances in Table V–2 shall be maintained between all parts of the insulated boom assembly and any grounded parts, including the lower arm or portions of the truck.

(16) When positioning the bucket along side an energizing bushing or insulator string, the minimum line-to-ground clearances of Table V–2 must be maintained between all parts of the bucket and the bushing or insulator string.

(17) (i) The use of hand lines between buckets, booms, and the ground is prohibited.

(ii) No conductive materials over 36 inches long shall be placed in the bucket(s), except for appropriate length jumpers, armor rods, and tools.

(iii) Nonconductive-type handlines may be used from line to ground when not supported from the bucket(s).

(18) The bucket(s) and upper insulated boom shall not be overstressed

by attempting to lift or support weights in excess of the manufacturer's rating.

(19) (i) A minimum clearance table (as shown in Table V–2) shall be printed on a plate of durable nonconductive material, and mounted in the buckets or its vicinity so as to be visible to the operator of the boom.

(ii) It is recommended that insulated measuring sticks be used to verify clearance distances.

§ 1926.956 Underground lines.

(a) *Grounding and ventilating manholes and street openings.* (1) Appropriate warning signs shall be promptly placed when covers of manholes, handholes or vaults are removed. What is an appropriate warning sign is dependent upon the nature and location of the hazards involved.

(2) When work is performed within a manhole or street opening, it shall be promptly protected with a barrier, temporary cover or other suitable guard.

(3) When working in manholes or unvented vaults:

(i) The atmosphere shall be tested for harmful gases and fumes. No entry shall be permitted unless the atmosphere is found to be safe.

(ii) Where unsafe conditions are detected, by testing or other means, the work area shall be ventilated and otherwise made safe before entry.

(iii) Provisions shall be made for an adequate continuous supply of air.

(b) *Work in manholes.* (1) While work is being performed in manholes, an additional employee shall be available in the immediate vicinity to render assistance as may be required, this requirement shall not preclude a qualified employee, working alone, from entering a manhole where energized cables or equipment are in service, for the purpose of inspection, housekeeping, taking readings, or similar work if such work can be performed safely.

(2) When open flames must be used or smoking is permitted in manholes, extra precautions shall be taken to provide adequate ventilation.

(3) Before using open flames in manholes, or excavations in areas where combustible gases or liquids may be present such as near gasoline service stations, the atmosphere of the manhole or excavation shall be tested and found safe or cleared of the combustible gases or liquids.

(c) *Trenching and excavating.* (1) During excavation or trenching in order to prevent the exposure of employees to the hazards created by damage to dangerous underground facilities efforts shall be made to determine the location of such facilities and work conducted in a manner designed to avoid damage.

(2) Trenching and excavation operations shall comply with §§ 1926.651 and 1926.652.

(3) When underground facilities are exposed (electric, gas, water, telephone, etc.) they shall be protected as necessary to avoid damage.

(4) Where multiple cables exist in an excavation, cables other than the one being worked on shall be protected as necessary.

(5) When multiple cables exist in an excavation, the cable to be worked on shall be identified by electrical means unless its identity is obvious by reason of distinctive appearance.

(6) Before cutting into a cable or opening a splice, the cable shall be identified and verified to be the proper cable.

(7) When working on buried cable or on cable in manholes, metallic sheath continuity shall be maintained by bonding across the opening or by equivalent means.

§ 1926.957 Construction in energized substations.

(a) *Work near energized equipment facilities.* (1) When construction work is performed in an energized substation, authorization shall be obtained from the designated, authorized person before work is started.

(2) When work is to be done in an energized substation, the following shall be determined:

(i) What facilities are energized, and

(ii) What protective equipment and precautions are necessary for the safety of personnel.

(3) Extraordinary caution shall be exercised in the handling of busbars, tower steel, materials, and equipment in the vicinity of energized facilities. The requirements set forth in § 1926.950(c), shall be complied with.

(b) *Deenergized equipment or lines.* When it is necessary to deenergize equipment or lines for protection of employees, the requirements of § 1926.950(d) shall be complied with.

(c) *Barricades and barriers.* (1) Barricades or barriers shall be installed to prevent accidental contact with energized lines or equipment.

(2) Where appropriate, signs indicating the hazard shall be posted near the barricade or barrier. These signs shall comply with § 1926.200.

(d) *Control panels.* (1) Work on or adjacent to energized control panels shall be performed by designated employees.

(2) Precaution shall be taken to prevent accidental operation of relays or other protective devices due to jarring, vibration, or improper wiring.

(e) *Mechanized equipment.* (1) Use of vehicles, gin poles, cranes, and other equipment in restricted or hazardous areas shall at all times be controlled by designated employees.

(2) All mobile cranes and derricks shall be effectively grounded when being moved or operated in close proximity to energized lines or equipment, or the equipment shall be considered energized.

(3) Fenders shall not be required for lowboys used for transporting large electrical equipment, transformers, or breakers.

(f) *Storage.* The storage requirements of § 1926.953(c) shall be complied with.

(g) *Substation fences.* (1) When a substation fence must be expanded or removed for construction purposes, a temporary fence affording similar protection when required, shall be provided. Adequate interconnection with ground shall be maintained between temporary fence and permanent fence.

(2) All substation gates shall be locked except when work is in progress or the substation is left unattended.

(h) *Footing excavation.* (1) Excavation for auger, pad and piling type footings for structures and towers shall require the same precautions as for metal tower construction (see § 1926.955(b)(1)).

(2) No employee shall be permitted to enter an unsupported auger-type excavation in unstable material for any purpose. Necessary clean-out in such cases shall be accomplished without entry.

§ 1926.958 External load helicopters.

In all operations performed using a Rotorcraft for moving or placing external loads, the provisions of § 1926.551 of Subpart N shall be complied with.

§ 1926.959 Requirements for safety belts and straps.

(a) *General requirements.* In addition to the specific requirements of this section the provisions of § 1926.104 (e) and (f) shall be complied with.

(b) *Specific requirements.* (1) (i) All fabric used for safety straps shall withstand an a.c. dielectric test of not less than 25,000 volts per foot "Dry" for 3 minutes, without visible deterioration.

(ii) All fabric and leather used shall be tested for leakage current and shall not exceed 1 milliampere when a potential of 3,000 volts is applied to the electrodes positioned 12 inches apart.

(iii) Direct current tests may be permitted in lieu of alternating current tests.

(2) The cushion part of the body belt shall: (i) Contain no exposed rivets on the inside;

(ii) Be at least three (3) inches in width;

(iii) Be at least five-thirty-seconds (5/32) inch thick, if made of leather; and

(iv) Have pocket tabs that extended at least 1½ inches down and three (3) inches inside of circle of each Dee ring for riveting on plier or tool pockets. On shifting "D" belts, this measurement for pocket tabs shall be taken when the Dee ring section is centered.

(3) A maximum of four (4) tool loops shall be so situated on the body belt that four (4) inches of the body belt in the center of the back, measuring from "Dee" ring to "Dee" ring, shall be free of loops.

(4) Suitable copper, steel, or equivalent liners shall be used around bar of "Dee" rings to prevent wear between these members and the leather or fabric enclosing them.

(5) All stitching shall be of nylon or equivalent thread and shall be lock stitched. Stitching parallel to an edge shall not be less than three-sixteenths (3/16) inch from edge of narrowest member caught by the thread. The use of cross stitching on leather is prohibited.

(6) The keeper of snap hooks shall have a spring tension that will not allow the keeper to begin to open with a weight of less than 2½ pounds. The keeper of snap hooks shall begin to open with a maximum of four (4) pounds when the

weight is supported on the keeper against the end of the nose.

§ 1926.960 Definitions for Subpart V.

(a) *Alive or live (energized).* The term means electrically connected to a source of potential difference, or electrically charged so as to have a potential significantly different from that of the earth in the vicinity. The term "live" is sometimes used in place of the term "current-carrying," where the intent is clear, to avoid repetition of the longer term.

(b) *Automatic circuit recloser.* The term means a self-controlled device for automatically interrupting and reclosing an alternating current circuit, with a predetermined sequence of opening and reclosing followed by resetting, hold closed, or lockout operation.

(c) *Barrier.* The term means a physical obstruction which is intended to prevent contact with energized lines or equipment.

(d) *Barricade.* The term means a physical obstruction such as tapes, screens, or cones intended to warn and limit access to a hazardous area.

(e) *Bond.* The term means an electrical connection from one conductive element to another for the purpose of minimizing potential differences or providing suitable conductivity for fault current or for mitigation of leakage current and electrolytic action.

(f) *Bushing.* The term means an insulating structure including a through conductor, or providing a passageway for such a conductor, with provision for mounting on a barrier, conducting or otherwise, for the purpose of insulating the conductor from the barrier and conducting current from one side of the barrier to the other.

(g) *Cable.* The term means a conductor with insulation, or a stranded conductor with or without insulation and other coverings (single-conductor cable) or a combination of conductors insulated from one another (multiple-conductor cable).

(h) *Cable sheath.* The term means a protective covering applied to cables. NOTE: A cable sheath may consist of multiple layers of which one or more is conductive.

(i) *Circuit.* The term means a conductor or system of conductors through which an electric current is intended to flow.

(j) *Communication lines.* The term means the conductors and their supporting or containing structures which are used for public or private signal or communication service, and which operate at potentials not exceeding 400 volts to ground or 750 volts between any two points of the circuit, and the transmitted power of which does not exceed 150 watts. When operating at less than 150 volts no limit is placed on the capacity of the system. NOTE: Telephone, telegraph, railroad signal, data, clock, fire, police-alarm, community television antenna, and other systems conforming with the above are included. Lines used for signaling puposes, but not included under the above definition, are considered as supply lines of the same voltage and are to be so run.

(k) *Conductor.* The term means a material, usually in the form of a wire, cable, or bus bar suitable for carrying an electric current.

(l) *Conductor shielding.* The term means an envelope which encloses the conductor of a cable and provides an equipotential surface in contact with the cable insulation.

(m) *Current-carrying part.* The term means a conducting part intended to be connected in an electric circuit to a source of voltage. Noncurrent-carrying parts are those not intended to be so connected.

(n) *Dead (deenergized).* The term means free from any electrical connection to a source of potential difference and from electrical charges: Not having a potental difference from that of earth. NOTE: The term is used only with reference to current-carrying parts which are sometimes alive (energized).

(o) *Designated employee.* The term means a qualified person delegated to perform specific duties under the conditions existing.

(p) *Effectively grounded.* The term means intentionally connected to earth through a ground connection or connections of sufficiently low impedance and having sufficient current-carrying capacity to prevent the build-up of voltages which may result in undue hazard to connected equipment or to persons.

(q) *Electric-supply equipment (supply equipment).* The term means equipment which produces, modifies, regulates, controls, or safeguards a supply of electric energy.

(r) *Enclosed.* The term means surrounded by a case, cage or fence, which will protect the contained equipment and prevent accidental contact of a person with live parts.

(s) *Equipment.* This is a general term which includes fittings, devices, appliances, fixtures, apparatus, and the like, used as part of, or in connection with, a supply or communications installation.

(t) *Exposed.* The term means not isolated or guarded.

(u) *Electric-supply lines.* The term means those conductors used to transmit electric energy and their necessary supporting or containing structures. Signal lines of more than 400 volts to ground are always supply lines within the meaning of the rules, and those of less than 400 volts to ground may be considered as supply lines, if so run and operated throughout.

(v) *Guarded.* The term means protected by personnel, covered, fenced, or enclosed by means of suitable casings, barrier rails, screens, mats, platforms, or other suitable devices in accordance with standard barricading techniques designed to prevent dangerous approach or contact by persons or objects. NOTE: Wires, which are insulated but not otherwise protected, are not considered as guarded.

(w) *Ground. (Reference).* The term means that conductive body, usually earth, to which an electric potential is referenced.

(x) *Ground (as a noun).* The term means a conductive connection whether intentional or accidental, by which an electric circuit or equipment is connected to reference ground.

(y) *Ground (as a verb).* The term means the connecting or establishment of a connection, whether by intention or accident, of an electric circuit or equipment to reference ground.

(z) *Grounding electrode (ground electrode).* The term grounding electrode means a conductor embedded in the earth, used for maintaining ground potential on conductors connected to it, and for dissipating into the earth current conducted to it.

(aa) *Grounding electrode resistance.* The term means that value of resistance low enough to permit prompt operation of protective devices to minimize hazards to personnel.

(bb) *Grounding electrode conductor (grounding conductor).* The term means a conductor used to connect equipment or the grounded circuit of a wiring system to a grounding electrode.

(cc) *Grounded conductor.* The term means a system or circuit conductor which is intentionally grounded.

(dd) *Grounded system.* The term means a system of conductors in which at least one conductor or point (usually the middle wire, or neutral point of transformer or generator windings) is intentionally grounded, either solidly or through a current-limiting device (not a current-interrupting device).

(ee) *Hotline tools and ropes.* The term means those tools and ropes which are especially designed for work on energized high voltage lines and equipment. No aerial equipment shall be considered hotline.

(ff) *Insulated.* The term means separated from other conducting surfaces by a dielectric substance (including air space) offering a high resistance to the passage of current. NOTE: When any object is said to be insulated, it is understood to be insulated in suitable manner for the conditions to which it is subjected. Otherwise, it is within the purpose of this subpart, uninsulated. Insulating covering of conductors is one means of making the conductor insulated.

(gg) *Insulation (as applied to cable).* The term means that which is relied upon to insulate the conductor from other conductors or conducting parts or from ground.

(hh) *Insulation shielding.* The term means an envelope which encloses the insulation of a cable and provides an equipotential surface in contact with cable insulation.

(ii) *Isolated.* The term means an object that is not readily accessible to persons unless special means of access are used.

(jj) *Manhole.* The term means a subsurface enclosure which personnel may enter and which is used for the purpose of installing, operating, and maintaining submersible equipment and/or cable.

(kk) *Pulling tension.* The term means the longitudinal force exerted on a cable during installation.

(ll) *Qualified person.* The term means a person who by reason of experience or training is familiar with the operation

to be performed and the hazards involved.

(mm) *Switch.* The term means a device for opening and closing or changing the connection of a circuit. In these rules, a switch is understood to be manually operable, unless otherwise stated.

(nn) *Tag.* The term means a system or method of identifying circuits, systems or equipment for the purpose of alerting persons that the circuit, system or equipment is being worked on.

(oo) *Unstable material.* The term means earth material, other than running, that because of its nature or the influence of related conditions, cannot be depended upon to remain in place without extra support, such as would be furnished by a system of shoring.

(pp) *Vault.* The term means an enclosure above or below ground which personnel may enter and is used for the purpose of installing, operating, and/or maintaining equipment and/or cable which need not be of submersible design.

(qq) *Voltage.* The term means the effective (rms) potential difference between any two conductors or between a conductor and ground. Voltages are expressed in nominal values. The nominal voltage of a system or circuit is the value assigned to a system for circuit of a given voltage class for the purpose of convenient designation. The operating voltage of the system may vary above or below this value.

(rr) *Voltage of an effectively grounded circuit.* The term means the voltage between any conductor and ground unless otherwise indicated.

(ss) *Voltage of a circuit not effectively grounded.* The term means the voltage between any two conductors. If one circuit is directly connected to and supplied from another circuit of higher voltage (as in the case of an autotransformer), both are considered as of the higher voltage, unless the circuit of lower voltage is effectively grounded, in which case its voltage is not determined by the circuit of higher voltage. Direct connection implies electric connection as distinguished from connection merely through electromagnetic or electrostatic induction.

Signed at Washington, D.C., this 3d day of May 1972.

(Sec. 107, 83 Stat. 96; 40 U.S.C. 333; sec. 6(b), 84 Stat. 1593; 29 U.S.C. 655)

G. C. GUENTHER,
Assistant Secretary of Labor.

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