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PART I

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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, 1973, and specifies how they are affected.

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MEMORANDUM OF JUNE 13, 1973

[Presidential Determination No. 73-15]

Transfer of Certain Supporting Assistance Fund to Administrative Expense Funds

Memorandum for the Administrator, Agency for International
Development

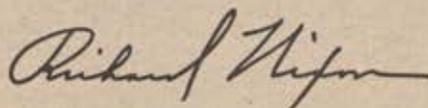
THE WHITE HOUSE
Washington, June 13, 1973.

SUBJECT: Determination under Section 610 of the Foreign Assistance Act of 1961, as amended, (the "Act"), to transfer up to \$2.9 million of Supporting Assistance funds to Administrative Expense funds.

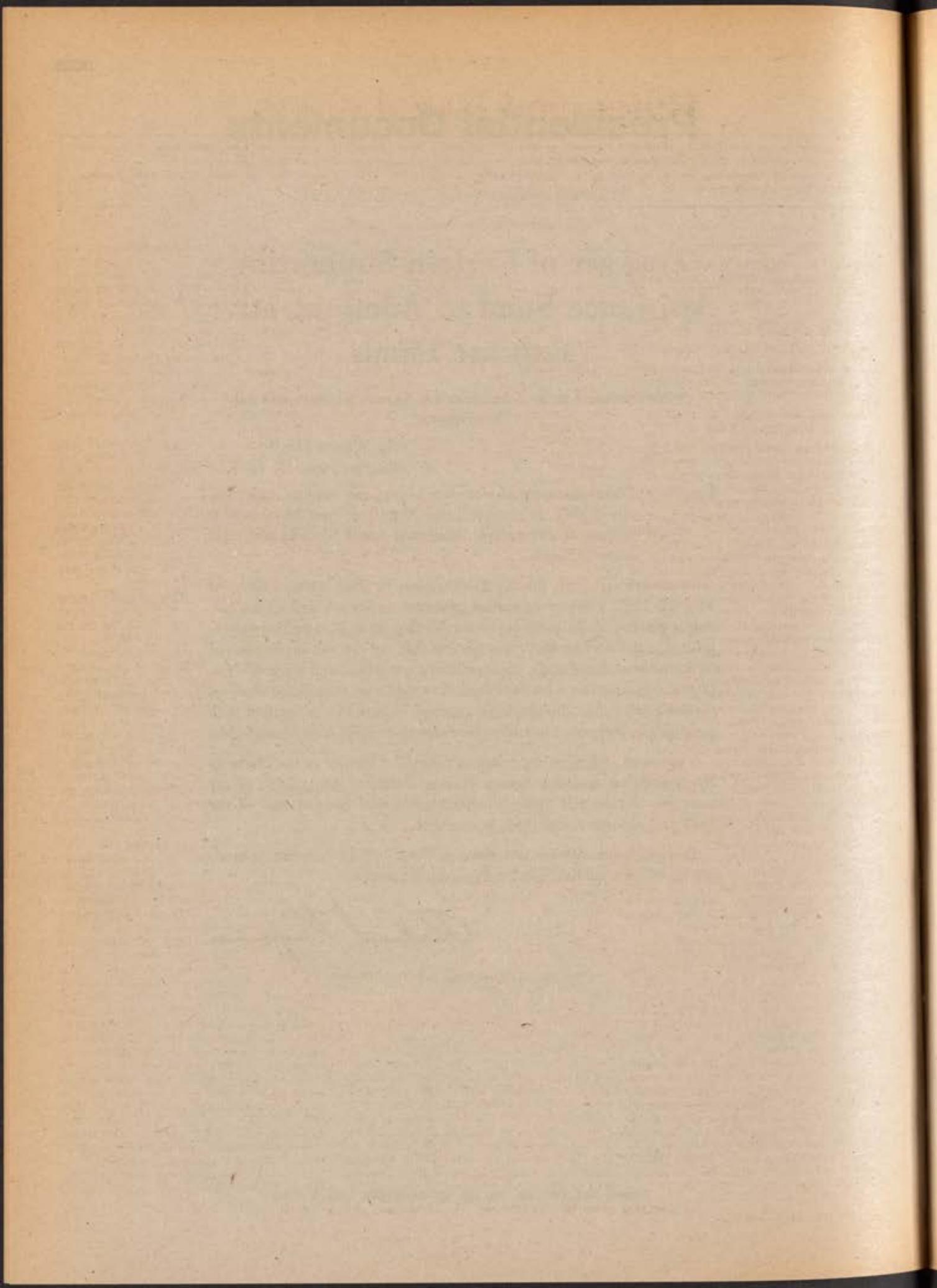
In accordance with the recommendation in your memorandum of May 18, 1973, I hereby determine, pursuant to Section 610 of the Act, that it is necessary for purposes of the Act that up to \$2.9 million appropriated under Section 402 (now Section 532) of the Act be transferred to, and consolidated with, appropriations made under Section 637(a) of the Act, subject to the limitation that funds so transferred shall be available solely for administrative expenses incurred in connection with programs in Vietnam. I hereby authorize such transfer and consolidation.

You are requested on my behalf to notify the Speaker of the House of Representatives and the Senate Foreign Relations Committee of my intention to take this action, in accordance with Section 652 of the Foreign Assistance Act of 1961, as amended.

In accordance with the provisions of 654(c) of the Act, this determination shall be published in the FEDERAL REGISTER.



[FR Doc. 73-13946 Filed 7-5-73; 2:59 pm]



Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 725—FLUE-CURED TOBACCO

Subpart—Proclamations, Determinations and Announcements of National Marketing Quotas and Referendum Results

PROCLAMATION OF QUOTAS, 1973-74 MARKETING YEAR

Basis and purpose. Section 725.1 is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", to proclaim national marketing quotas for flue-cured tobacco for the 1974-75, 1975-76, and 1976-77 marketing years. Section 725.2 is issued, pursuant to the Act, to determine and announce the reserve supply level for flue-cured tobacco; and to determine and announce for flue-cured tobacco for the marketing year beginning July 1, 1974, the amount of the national marketing quota; the national average yield goal; the national acreage allotment; the reserve for making corrections in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms; the national acreage factor; and the national yield factor. The material previously appearing in these sections under centerheads PROCLAMATION OF QUOTAS and DETERMINATIONS AND ANNOUNCEMENTS—1973-74 MARKETING YEAR remain in full force and effect as to the crop to which it was applicable.

Since the 1973-74 marketing year is the last of the three consecutive years for which marketing quotas, previously proclaimed on an acreage-poundage basis, will be in effect, section 317(d) of the Act provides that the Secretary shall proclaim marketing quotas for flue-cured tobacco on either an acreage basis or an acreage-poundage basis for the 1974-75, 1975-76, and 1976-77 marketing years, whichever he determines would result in a more effective quota. It is hereby determined that, in view of the better supply control resulting from the acreage-poundage quota program beginning in 1965, a more effective quota would result from marketing quotas on an acreage-poundage basis.

The determinations by the Secretary contained in §§ 725.1 and 725.2 have been made on the basis of the latest available statistics of the Federal Government. Due consideration has been given data, views and recommendations received from flue-cured tobacco producers and others pursuant to a notice (38 FR 13653) given in accordance with the provisions of 5 U.S.C. 553.

Since the Act requires the holding of a referendum of flue-cured tobacco producers within 30 days after the issuance of the proclamation of quotas to determine whether the producers favor quotas, and the Act requires, insofar as practicable, the mailing of farm allotment notices to farmers prior to the referendum, it is hereby found that compliance with the 30-day effective date provision of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, the proclamation, determinations and announcements contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

The reserve supply level is defined in the Act as 105 percent of the normal supply. The normal supply is defined in the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic consumption and 65 percent of a normal year's exports. A normal year's domestic consumption is defined in the Act as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A normal year's exports is defined in the Act as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports. The 10-year average domestic consumption, during the 10 marketing years preceding the 1973-74 marketing year (including estimate for the 1972-73 marketing year), was 695 million pounds, and the 10-year average exports, during such period (including estimate for the 1972-73 marketing year), was 505 million pounds. After adjustment for trends, a normal year's domestic consumption of 690 million pounds, and a normal year's exports of 480 million pounds appear reasonable and result in a reserve supply level of 2,824 million pounds.

The carryover of flue-cured tobacco in the hands of dealers and manufacturers and under Government loan on July 1, 1973, is estimated at 1,787 million pounds farm-sales weight. The 1973 crop is currently estimated at 1,144 million pounds. The sum of these, 2,931 million pounds, represents the total supply of flue-cured tobacco for the 1973-74 marketing year.

It is estimated that 690 million pounds of flue-cured tobacco will be utilized in the United States during the 1974-75 marketing year, and 455 million pounds will be exported. The sum of these, 1,145

million pounds, is the estimated total disappearance. Because it is desirable to maintain an adequate supply, an upward adjustment of 34 million pounds has been made. Accordingly, the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1974, is determined to be 1,179 million pounds. It is determined that the national marketing quota of 1,179 million pounds, in view of the anticipated carryover, will insure an adequate supply of flue-cured tobacco for the 1974-75 marketing year.

The "national average yield goal" has been determined to be 1,854 pounds per acre. It has been determined that this yield will improve or insure the usability of flue-cured tobacco and increase the net return per pound to the growers. In making this determination, consideration was given to research data of the Agricultural Research Service of the Department and one of the land-grant colleges in the flue-cured tobacco area.

The community average yields have been determined for flue-cured tobacco and published in the FEDERAL REGISTER, § 724.34u (30 FR 6207, 9875, 14487).

The national acreage allotment is 635,922.33 acres, determined in accordance with provisions of the Act by dividing the national marketing quota of 1,179 million pounds by the national average yield goal of 1,854 pounds.

In accordance with the Act, a reserve from the national acreage allotment is established in the amount of 300 acres for making corrections in farm acreage allotments, adjusting inequities and establishing allotments for new farms. It is estimated that the reserve acreage will be adequate.

Consideration in the light of the latest available statistics of the Federal Government was given as to whether any of the types of flue-cured tobacco should be treated as a kind of tobacco pursuant to section 301(b) (15) of the Act at the time the national marketing quota for the 1965-66 marketing year for flue-cured tobacco was determined (30 FR 6144), and it was determined that types 11, 12, 13 and 14 constitute one kind of tobacco for purposes of the Act for the 1965-66, 1966-67, 1967-68 marketing years. This finding was affirmed by the Secretary in his determination of January 18, 1966 (31 FR 881), and that determination was sustained in the case of *Brown et al. v. Freeman*. This finding was made applicable for the 1968-69, 1969-70 and 1970-71 marketing years (32 FR 9817), the 1971-72, 1972-73 and 1973-74 marketing years (35 F.R. 10838), and is determined to be applicable also to the 1974-75, 1975-76 and 1976-77 marketing years.

No action may be taken under section 313(i) of the Act unless a substantial

difference exists in the usage or market outlets for any one or more of the types comprising the kind of tobacco. On the basis of the facts recited (30 FR 6144) in connection with the consideration of section 301(b) (15), it was determined that there is no substantial difference existing in the usage or marketing outlets for any one or more of the types of flue-cured tobacco, and, therefore, no action was taken for the 1965-66 marketing year (nor for subsequent marketing years) under this section. The same conditions prevail with respect to usage or marketing outlets that prevailed at the time of the determination for the marketing quotas on an acreage-poundage basis for the 1965-66 and subsequent marketing years, and, therefore, no action is being taken under section 313(i) of the Act for the 1974-75 marketing year. In addition, section 313(i) of the Act applied only to marketing quotas and acreage allotments established pursuant to section 313. It is, therefore, concluded that, notwithstanding section 4 of Public Law 89-12, the better view is that section 313 (i) of the Act should not be applied to acreage allotments and marketing quotas determined under section 317.

PROCLAMATION OF QUOTAS

§ 725.1 1974-75, 1975-76 and 1976-77 marketing years.

Since marketing quotas have been made effective for flue-cured tobacco for the 1971-72, 1972-73 and 1973-74 marketing years (35 FR 10838), and since the 1973-74 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect for flue-cured tobacco, and since it is determined that a marketing quota program on an acreage-poundage basis will result in a more effective program for flue-cured tobacco, marketing quotas on an acreage-poundage basis are hereby proclaimed for flue-cured tobacco for the 1974-75, 1975-76 and 1976-77 marketing years.

DETERMINATIONS AND ANNOUNCEMENTS—1974-75 MARKETING YEAR

§ 725.2 Flue-cured tobacco.

(a) *Reserve supply level.* The reserve supply level for flue-cured tobacco is 2,824 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 690 million pounds and a normal year's exports of 480 million pounds.

(b) *National marketing quota.* A national marketing quota for flue-cured tobacco on an acreage-poundage basis for the marketing year beginning July 1, 1974, is hereby determined and announced in the amount of 1,179 million pounds. This quota is based upon an estimated utilization in the United States in such marketing year of 690 million pounds and exports in such marketing year of 455 million pounds, with an upward adjustment determined to be desirable for the purpose of maintaining an adequate supply.

(c) *National average yield goal.* The national average yield goal for flue-

cured tobacco for the marketing year beginning July 1, 1974, is determined and announced at 1,854 pounds. This goal is based on the yield per acre which on a national average basis it is determined will improve or insure the usability of flue-cured tobacco and increase the net return per pound to growers.

(d) *National acreage allotment.* The national acreage allotment for flue-cured tobacco on an acreage-poundage basis for the marketing year beginning July 1, 1974, is determined and announced to be 635,922.33 acres. This allotment was determined by dividing the national marketing quota of 1,179 million pounds by the national average yield goal of 1,854 pounds.

(e) *Reserve acreage for making corrections in farm acreage allotments, adjusting inequities and establishment of acreage allotments for new farms.* A national reserve from the national acreage allotment in the amount of 300 acres is hereby determined and announced. This reserve is for making corrections in farm acreage allotments, adjusting inequities and establishing allotments for new farms. Of the 300 acres, 80 acres are hereby set aside to be available for new farms. The remainder, 220 acres, is hereby made available for making corrections in farm acreage allotments and for adjusting inequities.

(f) *National acreage factor.* The national acreage factor for the 1974 crop of flue-cured tobacco is determined and announced to be 1.00.

(g) *National yield factor.* The national yield factor for the 1974 crop of flue-cured tobacco is determined and announced to be .9312.

(Secs. 301, 313, 317, 375, 52 Stat. 38, 47, 66, as amended, 79 Stat. 66; 7 U.S.C. 1301, 1313, 1314c, 1375)

Effective date: July 6, 1973.

Signed at Washington, D.C., on July 3, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 73-13834 Filed 7-3-73; 3:09 pm]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 125; Docket No. AO 226-A25]

PART 1125—MILK IN THE PUGET SOUND, WASHINGTON, MARKETING AREA

Order Amending Order

Correction

In FR Doc. 73-12527 appearing at page 16332 in the issue of Friday, June 22, 1973, the following changes should be made:

1. In § 1125.9, the word "produced" in the second line of paragraph (c) should read "producer"; and the word "distribution" in the second line of paragraph (d) should read "distributing".

2. In § 1125.13(c) (4) the word "of" in the fourth line should read "or".

3. In § 1125.71(b) the word "handling" in the 7th line should read "handler".

4. In § 1125.73(a) the word "from" in the second line should read "for".

[Milk Order No. 139; Docket No. AO 374]

PART 1139—MILK IN THE LAKE MEAD MARKETING AREA

Order Regulating the Handling of Milk

Correction

In FR Doc. 73-12406 appearing at page 16203 in the issue of Thursday, June 21, 1973, after the Table of Contents in the second column on page 16204, insert the following:

AUTHORITY: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 73—SCABIES IN CATTLE

Areas Released From Quarantine

This amendment releases Chaves, DeBaca, Guadalupe, and Lincoln Counties in New Mexico from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, do not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 73.1a. Further, the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 apply to the excluded areas.

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, and the Act of July 2, 1962 (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f), Part 73, Title 9, Code of Federal Regulations, restricting the interstate movement of cattle because of scabies, is hereby amended as follows:

In § 73.1a, paragraph (c) relating to the State of New Mexico is amended to read:

§ 73.1a Notice of quarantine.

(c) Notice is hereby given that cattle in certain portions of the State of New Mexico are affected with scabies, a contagious, infectious, and communicable disease; and therefore, the following areas in such State are hereby quarantined because of said disease:

New Mexico

- (1) Curry County.
- (2) Roosevelt County.
- (3) Torrance County.
- (4) Quay County.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113,

115, 117, 120, 121, 123-126, 134b, 134f; 37 FR 28464, 28477.)

Effective date. The foregoing amendment shall become effective July 2, 1973. The amendment relieves restrictions no longer deemed necessary to prevent the spread of cattle scabies, and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 2nd day of July, 1973.

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

[FR Doc.73-13868 Filed 7-6-73;8:45 am]

Title 28—Judicial Administration
CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 523-73]

PART 5—ADMINISTRATION AND ENFORCEMENT OF FOREIGN AGENTS REGISTRATION ACT OF 1938, AS AMENDED

Organizational Change

On March 26, 1973, the Internal Security Division of the Department of Justice was abolished and its functions were transferred to the Criminal Division. (38 FR 8152). This order conforms the Department's regulations prescribed under the Foreign Agents Registration Act to reflect this organizational change.

By virtue of the authority vested in me by section 10 of the Foreign Agents Registration Act of 1938, as amended (56 Stat. 257; 22 U.S.C. 620), Part 5 of Chapter I of Title 28, Code of Federal Regulations, is hereby amended as follows:

1. The term "Criminal Division" is substituted for the term "Internal Security Division" in paragraphs (a) and (c) of § 5.1, in paragraph (a) (3) of § 5.100, and in § 5.501.

2. The term "Registration Unit" is substituted for the term "Registration Section" in § 5.3, in paragraph (a) (7) of § 5.100, in paragraph (b) of § 5.201, in paragraph (a) of § 5.205, in paragraphs (b) and (c) in § 5.400, and in paragraphs (a) and (b) of § 5.601, and § 5.801.

3. Paragraph (a) (5) of § 5.100 is revised to read as follows: The term "Registration Unit" means the Registration Unit, Internal Security Section, Criminal Division, Department of Justice, Washington, D.C. 20530.

Dated July 1, 1973.

ELLIOTT RICHARDSON,
Attorney General.

[FR Doc.73-13810 Filed 7-6-73;8:45 am]

[Order No. 524-73]

PART 12—REGISTRATION OF CERTAIN PERSONS HAVING KNOWLEDGE OF FOREIGN ESPIONAGE, COUNTER-ESPIONAGE, OR SABOTAGE MATTERS UNDER THE ACT OF AUGUST 1, 1956

Registration of Certain Persons Trained in Foreign Espionage Systems

On March 26, 1973, the Internal Security Division of the Department of Justice was abolished and its functions were transferred to the Criminal Division. (38 FR 8152). This order conforms the Department's regulations concerning the registration of certain persons having knowledge of foreign espionage, counterespionage, or sabotage matters under the Act of August 1, 1956, to reflect this organizational change.

By virtue of the authority vested in me by Section 5 of the Act of August 1, 1956, 70 Stat. 900; 50 U.S.C. 854, Part 12 of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

1. Sections 12.3, 12.23, and paragraphs (a), (d), and (e) of § 12.25 are amended by substituting the term "Registration Unit" or "Registration Section" each place where the latter term appears.

2. Section 12.2 is revised to read as follows:

§ 12.2 Administration of act.

The administration of the act is assigned to the Registration Unit of the Internal Security Section, Criminal Division, Department of Justice. Communications with respect to the act shall be addressed to the Registration Unit Internal Security Section, Criminal Division, Department of Justice, Washington, D.C. 20530. Copies of the act, the regulations contained in this part, including the forms mentioned therein, may be obtained upon request without charge.

3. Section 12.20 is revised to read as follows:

§ 12.20 Filing of registration statement.

Registration statements shall be filed in duplicate with the Registration Unit, Internal Security Section, Criminal Division, Department of Justice, Washington, D.C. 20530. Filing may be made in person or by mail, and shall be deemed to have taken place upon the receipt thereof by the Registration Unit.

4. Section 12.40 is revised to read as follows:

§ 12.40 Public examination.

Registration statements shall be available for public examination at the offices of the Registration Unit, Department of Justice, Washington, D.C., from 10:00 a.m. to 4:00 p.m. on each official business day, except to the extent that the Attorney General having due regard for national security and public interest may withdraw such statements from public examination.

5. Paragraph (b) of § 12.41 is revised to read as follows:

§ 12.41 Photocopies.

(b) Estimates as to prices for photocopies and the time required for their

preparation will be furnished upon request addressed to the Registration Unit, Internal Security Section, Criminal Division, Department of Justice, Washington, D.C. 20530.

Dated July 1, 1973.

ELLIOTT RICHARDSON,
Attorney General.

[FR Doc.73-13811 Filed 7-6-73;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-42R]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLE OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD CARGO VESSELS

This amendment to Title 46 of the Code of Federal Regulations is to permit shipment of hazardous materials sold by the Department of Defense in packaging of equal or greater strength and efficiency than those specified for hazardous materials in 46 CFR Part 146.

In the March 22, 1973 FEDERAL REGISTER, a notice of proposed rulemaking (38 FR 7468) was published. A public hearing was held on April 17, 1973 and no comments (written or oral) were received.

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

Effective date. This amendment becomes effective on October 12, 1973.

Dated July 2, 1973.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

In consideration of the foregoing, part 146 of title 46 of the Code of Federal Regulations is revised to read as follows:

§ 146.02-8 U.S. Government shipments.

(a) Shipments of hazardous materials offered by or consigned to the Department of Defense (DOD) of the U.S. Government must be packaged, including limitations of weight, in accordance with the regulations in this subchapter or in containers of equal or greater strength and efficiency as required by DOD regulations.

(1) Hazardous materials sold by DOD in packagings that are not marked in accordance with the requirements of title 49 CFR 170 to 179 may be shipped from DOD installations if the DOD certifies in writing that the packagings are equal to or greater in strength and efficiency than the packaging prescribed in this subchapter and title 49 CFR parts 170 to 179. The shipper shall obtain such a certification in duplicate for each shipment. He shall give one copy to the originating carrier and retain the other for no less than 1 year.

(R.S. 4472, as amended; R.S. 4417a, as amended; sec. 1, 19 stat. 252, 49 stat. 1889, sec. 6(b) (1), 80 stat. 937; 46 U.S.C. 170, 391a, 49 U.S.C. 1655(b) (1); 49 CFR 7.46(b))

[FR Doc.73-13830 Filed 7-6-73;8:45 am]

Title 24—Housing and Urban Development
 CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
 SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-165]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of part 1914 of subchapter B of chapter X of title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Florida	Manatee	Anna Maria, City of.				July 1, 1970. Emergency. June 11, 1971. Regular. Sept. 15, 1972. Suspended. July 2, 1973. Reinstated. July 5, 1973. Emergency.
Illinois	Kendall	Unincorporated areas.				Do.
Maryland	Calvert	do.				Do.
New York	Livingston	Conesus, Town of.				Do.
Do.	Broome	Endicott, City of.				Do.
Pennsylvania	Lancaster	Manheim, Township of.				Do.

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

Issued: June 27, 1973.

[FR Doc. 73-13681 Filed 7-6-73; 8:45 am]

GEORGE K. BERNSTEIN,
 Federal Insurance Administrator.

[Docket No. FI-164]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of part 1914 of subchapter B of chapter X of title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Illinois	Du Page	Lisle, Village of.				July 6, 1973. Emergency.
New Jersey	Passaic	Little Falls, Township of.				Do.
Pennsylvania	Lancaster	Conoy, Township of.				Do.

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

Issued: June 29, 1973.

[FR Doc. 73-13682 Filed 7-6-73; 8:45 am]

GEORGE K. BERNSTEIN,
 Federal Insurance Administrator.

[Docket No. FI-163]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of part 1914 of subchapter B of chapter X of title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Colorado	Jefferson	Unincorporated areas				July 5, 1973. Emergency.
Illinois	St. Clair	Belleville, City of				Do.
Do.	Madison	Collinsville, City of				Do.
New York	Rockland	Suffern, Village of				Do.
Do.	Niagara	Wheatfield, Town of				Do.
Pennsylvania	Butler	Butler, City of				Do.
Do.	York	Conewago, Township of				Do.
Do.	Lancaster	Marietta, Borough of				Do.
Do.	Perry	Penn, Township of				Do.
Do.	Union	Union, Township of				Do.
Wisconsin	Racine	Unincorporated areas				Do.

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

Issued: June 27, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-13683 Filed 7-6-73;8:45 am]

[Docket No. FI-166]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding, a purpose which is accomplished pursuant to statute by denying subsidized flood insurance to structures thereafter built within such areas. The practice of issuing proposed identifications for comment or of delaying effective dates would tend to frustrate this purpose by permitting imprudent or unscrupulous builders to start construction within such hazardous areas before the official identification became final, thus increasing the communities' aggregate exposure to loss of life and property and the agency's financial exposure to flood losses, both of which are contrary to the statutory purposes of the program. Accordingly, the Department is not providing for public comment in issuing this amendment and it will become effective July 9, 1973.

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

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Florida	Manatee	Anna Maria, City of	H 12 981 0050 02	Department of Community Affairs, 309 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	City Hall, 10005 Gulf Dr., Anna Maria, Fla. 33501.	July 1, 1970.

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

Issued: June 27, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-13684 Filed 7-6-73;8:45 am]

Title 13—Business Credit and Assistance
CHAPTER I—SMALL BUSINESS
ADMINISTRATION

[Rev. 8]

PART 123—DISASTER LOANS

On May 11, 1973, the Small Business Administration published in the FEDERAL REGISTER a notice of proposed rulemaking which set forth proposed new policies relating to SBA's several disaster loan programs. The public was invited to comment by May 31, 1973. Such comment has been received and considered, and the proposed revision is adopted with minor modifications. This Revision 8 will be effective as of July 1, 1973, as follows:

Sec.	
123.0	Explanation of regulations.
123.1	General.
123.2	Eligibility.
123.3	Purposes of loans.
123.4	Where to apply.
123.5	Amount of loan and interest rate.
123.6	Collateral.
123.7	Repayment.
123.8	Step-by-step procedure for disaster loan applicant.
123.9	Cooperation with American Red Cross.
123.10	Obtaining loan funds.
123.11	Administration of loans.
123.12	Fees and charges.
123.13	Extension of loans, including RFC loans.
123.14	Restriction against loans to certain felons.
123.15	Certification of use of loan proceeds.
123.16	Compliance with Consumer Protection Laws.

AUTHORITY: 72 Stat. 385, 387, as amended; 83 Stat. 125, 742; 15 U.S.C. 636.

§ 123.0 Explanation of regulations.

(a) The regulations in this part set forth the information and procedures generally followed in Physical and other types of Disaster loans. However, because of the emergency nature of floods, hurricanes, earthquakes or other similar catastrophes, the regulations cannot anticipate all of the contingencies, problems, and needs which may arise in any given disaster. The SBA therefore advises that the regulations in this part must be, and are, subject to change without advance notice and publication in the FEDERAL REGISTER.

(b) SBA will, however, make every effort to publicize changes of substance and procedure by whatever means practicable under the circumstances, including, but not limited to press releases to newspapers, radio and television stations, posting notices in public places, and by direct mailings (when possible) to affected persons. Publication in the FEDERAL REGISTER of appropriate regulatory changes will follow at the earliest practicable time.

§ 123.1 General.

(a) SBA is authorized to make or guarantee loans where necessary or appropriate to victims of floods, riots and civil disorders, and other catastrophes to rehabilitate or replace damaged or lost physical property (Physical-Loss Disaster Assistance).

(b) SBA is also authorized to make or guarantee loans where necessary or appropriate to a small business concern:

(1) Located in an area declared to be a major disaster area by the President or declared to be a natural disaster area by the Secretary of Agriculture, or a physical disaster area declared by SBA after April 1, 1970, if SBA determines that the concern has suffered substantial economic injury as a result of such disaster (Economic Injury Assistance);

(2) To assist in reestablishing its business, continuing in business at its existing location, in purchasing a business, or in establishing a new business, if SBA determines that the concern has suffered substantial economic injury as a result of its displacement by, or location in, adjacent to, or near, a federally aided urban renewal program or a highway project or any other construction constructed by or with funds provided in whole or in part by the Federal Government (Displaced Business Disaster Assistance);

(3) To continue or reestablish its business if SBA determines that the concern has suffered substantial economic injury as a result of the inability of such concern to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes (Product Disaster Assistance);

(4) Which operates a coal mine, to make additions to or alterations in its equipment or facilities or methods of operation, in order to meet requirements of the Federal Coal Mine Health and Safety Act of 1969, if the SBA determines that the concern is likely to suffer substantial economic injury without SBA assistance (Coal Mine Health and Safety Assistance);

(5) To make additions to or alterations in its plant, facilities, or operating methods, in order to meet requirements of the Egg Products Inspection Act, the Wholesome Poultry Products Act, the Wholesome Meat Act of 1967, or State laws enacted by its provisions, if SBA determines that the concern is likely to suffer substantial economic injury without SBA assistance (Consumer Protection Assistance);

(6) To make additions to or alterations in the equipment, facilities, or operating methods, in order to comply with standards issued pursuant to the Occupational Safety and Health Act of 1970, or State laws enacted by its provisions, if SBA determines that the concern is likely to suffer substantial economic injury without SBA assistance (Occupational Safety and Health Assistance); and

(7) Which is directly and seriously affected by the significant reduction of Federal support for any project as a result of any international agreement limiting the development of strategic arms or the installation of such arms or facilities. SBA must determine that a small firm is likely to suffer substantial economic injury without SBA assistance. Refinancing of existing indebtedness is

authorized under this program. (Strategic Arms Economic Injury Assistance).

(c) (1) "Financial Assistance" as used in this part shall include direct loans made by SBA, immediate participation loans, and guaranteed loans.

(i) In an immediate participation loan either SBA or the financial institution makes the loan and the other party purchases an agreed percentage of the loan. SBA participation shall not exceed 90 percent of the outstanding amount of the loan.

(ii) In guaranteed loans the financial institution makes the entire loan and SBA is obligated to purchase pursuant to its guaranty agreement not more than 90 percent of the outstanding loan and accrued interest in the event the borrower has defaulted. Default as used in this subsection means nonpayment of principal or interest when due.

(iii) SBA has the right at any time to purchase the guaranteed percentage of any guaranteed loan.

(2) "Financial Institutions" as used in this part shall include, but not be limited to, banks and other lending institutions whose regular course of business entails the making of commercial, industrial and/or other loans of the type authorized to be made by SBA to eligible small business concerns, and who otherwise meet the criteria specified in Part 120, § 120.3(c) of the regulations in this part.

§ 123.2 Eligibility.

(a) *Disaster loans for physical property loss, or for substantial economic injury as a result of major or natural disasters, or inability to process or market a product because of disease or toxicity through natural or undetermined causes*—(1) *General-scope of assistance.* Financial assistance may be extended to rehabilitate or replace property damaged or lost as a result of a disaster concerning which an appropriate SBA notice is published in the FEDERAL REGISTER. Applicants for physical disaster loans include but are not limited to home or property owners, businesses of any size, and nonprofit institutions. Applicants for economic injury type of assistance must be small business concerns as defined in Part 121 of these Regulations. Such assistance will be considered on an individual basis in the light of circumstances of the applicant and of the particular disaster, and will be made as SBA determines to be necessary or appropriate to relieve the distress and hardships attendant upon the disasters. The age of any adult applicant may not be considered in determining whether a loan should be made or the amount of a loan.

(2) *Limitations on assistance*—(i) *Farmers, stockmen, and others primarily engaged in agricultural activities.* Farmers, stockmen, and others engaged primarily in agricultural activities are not eligible for SBA disaster loan assistance. No disaster loan funds will be provided to an otherwise eligible applicant which would be used primarily in a farming or other agricultural activity, which is

normally eligible for emergency assistance from the Farmers Home Administration of the U.S. Department of Agriculture, except where the disaster area is located beyond the territorial jurisdiction of any other Federal agency otherwise authorized to provide such assistance.

(ii) *Religious, eleemosynary, nonprofit, and other organizations.* Religious eleemosynary, and nonprofit organizations are eligible for physical disaster loans.

(3) *Evidence of Loss.* Assistance may be extended only to applicants determined by SBA to have suffered substantially the disaster loss (beneficial ownership as well as legal title may be considered in determining who suffered the loss); it will not be extended (i) if the applicant suffers flood loss as a result of action by a Federal agency which causes flooding of an area where the Government has been held harmless under a lease agreement covering a flowage easement, or (ii) where a substantial change of ownership occurred after the disaster. Substantial change of ownership does not include those instances in which a contract of sale had been entered into prior to the disaster and the transaction is completed after the disaster.

(4) *Substantial economic injury assistance—(i) Disaster declaration.* An area must be declared to be a major disaster area by the President, a disaster area by the Administrator of SBA, or declared to be a natural disaster area by the Secretary of Agriculture or his designee.

(ii) *Location.* An otherwise eligible small business concern must be located in the disaster area as defined by the disaster declaration made as provided in subparagraph (i) of this paragraph.

(5) *Product disaster assistance—(i) Disaster declaration.* The Administrator of SBA makes all product disaster declarations.

(ii) *Scope.* An otherwise eligible small business concern is eligible for product disaster assistance to continue or reestablish its business if SBA determines that the concern has suffered substantial economic injury as a result of the inability of such concern to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes.

(b) *Displaced business, coal mine health and safety, consumer protection, occupational safety and health, and strategic arms economic injury loans.—(1) General—Scope of assistance.—(i) Limitations on assistance. Availability of funds from other sources.* Personal and/or business assets must be used by the applicant to the greatest extent feasible without causing undue hardship to overcome economic injury. In addition, private credit to the extent obtainable on reasonable rates and terms must be used prior to obtaining economic injury assistance.

(ii) *Farmers, stockmen, and others primarily engaged in agricultural activi-*

ties. Farmers, stockmen, and others engaged primarily in agricultural activities are subject to the eligibility criteria set forth in § 120.2(d)(9) of these rules and regulations.

(iii) *Eligible small business concerns.* Religious, eleemosynary, and nonprofit organizations are not small business concerns. Gambling activities, financing, and those engaged in speculative activities, are not small business concerns for the purpose of economic injury loans. Therefore, they are ineligible for disaster assistance except for Physical-Loss Disaster Assistance. Persons or firms holding realty for lease or rent for the production of income, or real estate developers, are not small business concerns for economic injury assistance except that such persons or firms are eligible to apply for assistance under the Strategic Arms Economic Injury Assistance Program. A cooperative association may qualify as a small business concern if each of its members qualify as a small business concern. A consumer cooperative will not qualify as a small business concern.

(iv) *Substantial economic injury.* Assistance may be extended only to applicants determined by SBA to have suffered substantial economic injury. It will not be extended if SBA determines from the circumstances that the applicant assumed the loss of possibility of loss from the disaster. Therefore, applicants shall not be eligible, for example, where their concerns have been acquired or established, or where a substantial change of ownership therein occurred, during or following a period of disaster. See paragraph (a)(2) of this section.

(2) *Special Considerations—Displaced business loans.* In the discretion of SBA, an applicant for a displaced business loan may be considered eligible for assistance to purchase or construct other premises whether or not such applicant owned the premises occupied by the business.

(3) *Special considerations—Coal mine health and safety loans.* (i) To qualify for a coal mine health and safety loan, an applicant must be a small coal mine which must meet requirements of the Coal Mine Health and Safety Act of 1969. Coal mine services are not eligible for a Coal Mine Health and Safety Loan since they do not come under the jurisdiction of the Bureau of Mines.

(ii) *Inspection of mine by Bureau of Mines.* Based upon its inspection, the Bureau of Mines issues a notice of deficiency or similar notice to the coal mine operator. The notice is the basis upon which the applicant determines the amount and use of proceeds of a Coal Mine Health and Safety Loan necessary to correct the deficiencies cited. A copy of the notice of deficiency from the Bureau of Mines must accompany any formal application for loan. All applications must be supported by sufficient information so that SBA will be able to determine the economic life of the mine.

(4) *Special considerations—consumer protection loans.* (i) To qualify for a Consumer Protection Loan, an applicant must be a small concern engaged in meat,

poultry, or egg processing effecting additions to or alterations in the equipment, facilities, or methods of operation of such firm to meet requirements imposed by the Egg Products Inspection Act, the Wholesome Poultry Products Act, and the Wholesome Meat Act of 1967 or State laws enacted in conforming therewith, if the Administration determines that such concern is likely to suffer substantial economic injury without such a loan.

(ii) *Plant inspection.* Based upon its inspection, the appropriate Federal or State authority issues a notice of deficiency or similar notice to the firm. The notice is the basis upon which the applicant determines the amount and use of proceeds of a Consumer Protection Loan necessary to correct the deficiencies cited. A copy of the notice of deficiency from the inspection authority must accompany any formal application for loan.

(5) *Special Considerations—Occupational Safety and Health Loans.* (i) To qualify for an Occupational Safety and Health Loan, an applicant must be a small concern seeking to comply with standards established under the Occupational Safety and Health Act of 1970.

(ii) *Plant Inspection.* Based upon its inspection, the appropriate Federal or State authority issues a notice of deficiency or similar notice to the firm. The notice is the basis upon which the applicant determines the amount and use of proceeds of an Occupational Safety and Health Loan necessary to correct the deficiencies cited. A copy of the notice of deficiency from the inspection authority must accompany any formal application for loan.

(iii) *Voluntary Compliance.* Plant operators may on own initiative undertake action to meet OSH Act standards. If major construction or reconstruction is needed, the report of a licensed professional engineer and/or architect or other qualified professional is required and must be submitted with the loan application.

(6) *Special Consideration—Strategic Arms Economic Injury Loans.* To qualify for a Strategic Arms Economic Injury Loan, an applicant must be a small business concern, a small real estate developer, or a person or small firm holding realty for lease or rent for the production of income.

§ 123.3 Purposes of loans.

(a) *Physical-loss disaster assistance.* (1) The purpose of these loans is to restore a victim's home or homes (including a mobile home used as a residence of the applicant) or business property as nearly as possible to pre-disaster condition. A loan to an individual may be used to repair or replace damaged furniture and other household belongings or personal effects, except for irreplaceable or extraordinarily expensive items. Funds may be used to repair or replace destroyed or damaged inventory, machinery, or equipment. If the disaster victim elects to construct a new home or new business facilities on a different site,

the loan may be used for such purpose. However, the SBA's share or guaranteed percentage of any such loan shall not exceed the estimated cost of restoring or replacing the damaged or destroyed property, plus amounts eligible for refinancing of existing liens or mortgages, and SBA's lien position shall be at least as strong as it would have been if the victim had restored in the original location. In loans made for Physical-Loss Disaster Assistance, Substantial Economic Injury Assistance and Product Disaster Assistance to cover losses and damage and injury resulting from major disasters, SBA may authorize the repayment of temporary loans used solely to alleviate the disaster-caused injury. SBA shall cancel any loan made in connection with a disaster occurring on or after January 1, 1972, and prior to April 20, 1973, if declared by the President or the SBA Administrator, but in no event shall such cancellation of a loan exceed \$5,000 and the cancellation may not apply to any amount refinanced. Loans made in connection with disasters occurring on or after April 20, 1973, will not be canceled in any amount.

(2) **Refinancing:** Only where property suffers uninsured (or otherwise uncompensated for) damage of 30 percent or more of the market value at the time of the disaster, a part of all of existing liens as they apply to the specific real property lost or damaged may be refinanced by a part of the SBA loan. Such refinancing shall be limited to an amount which is no greater than the disaster-caused damage or loss in business loans, or home loans approved as the result of disaster occurring on and after July 1, 1973. In the case of a home loan, the monthly repayment of principal and interest may not be less than the amount of such payment made prior to the refinancing loan, in any loan approved as the result of a disaster occurring prior to July 1, 1973. Refinancing of personal property is not permitted in disaster home loans. Refinancing is permitted only when the damaged property is to be repaired, rehabilitated, or replaced.

(3) Any disaster victim located in a restricted building area (flood-prone, urban renewal, or other area where rebuilding is prevented by action of appropriate authority) that suffers real property damage may obtain funds for such purposes as are prescribed in paragraph (a)(1) of this section and such other funds as may be determined necessary by SBA to reestablish the borrower's real property at the new location. In any situation where physical-loss disaster assistance is provided to relocate real property outside of a flood disaster-prone area, no future flood disaster assistance will be provided by SBA for any future physical-loss disaster damage to the property located at the site from which the disaster victim was relocated. SBA shall require the borrower to execute and record in the local office where records of property ownership are recorded a document which shall give notice of this qualification to all subsequent purchasers

and encumbrancers of real property located at the disaster site. The recorded notice of disaster disqualification may be canceled (released or terminated) by the recording of a determination issued by SBA that adequate flood control measures have been effected to protect the property from future flood damage.

(b) **Substantial economic injury assistance.** The purpose of these loans is solely to provide relief to small business concerns for substantial economic injury sustained as a result of a major or natural disaster declared by the President or Secretary of Agriculture, or SBA declared physical disaster. Personal and/or business assets must be used by the applicant to the greatest extent feasible, without undue hardship, to alleviate the injury incurred. In addition, private credit to the extent obtainable on reasonable rates and terms must be used prior to obtaining disaster loan assistance from SBA. Loans may be used for working capital and to pay financial obligations which the borrower would have been able to pay had it not been for the loss of revenue resulting from the disaster. Unrealized profits or past sales may not be considered in arriving at the amount of injury incurred. No funds may be authorized which would provide for the payment of any stock dividends, bonuses, or for disbursements to owners, partners, officers, or stockholders not directly related to the performance of services.

(c) **Displaced business assistance.** (1) The purpose of these loans is to assist any small business concern in continuing in business at its existing location, in reestablishing its business, in purchasing a business, if the Administration determines that such concern has suffered substantial economic injury as the result of its displacement by, or location in, adjacent to, or near, a federally aided urban renewal program or a highway project or any other construction constructed by or with funds provided in whole or in part by the Federal Government.

(2) These loans may be used to provide:

(i) Working capital necessary to carry the concern until resumption of normal operations;

(ii) Replacement costs to owners of realty less net amounts received for indemnification of property from which displaced;

(iii) Funds for nonowners of the premises from which displaced to purchase or construct premises if no suitable rental property is available;

(iv) Purchase of machinery and equipment necessary to carry on business at the new location less any funds received from disposal of equipment owned at location from which displaced;

(v) Increases in the cost of fixed charges such as rents, insurance, and utility bills for a reasonable period of time;

(vi) Moving expenses not compensated for from some other source where the distance moved is less than 100 miles;

(vii) Purchase of equipment to upgrade the business in a new location where such upgrading is necessary.

(3) Where realty is needed, no loan shall provide funds which would increase the square footage of:

(i) Land space to more than one-half greater than that owned or occupied prior to displacement: Provided, however, That additional space to meet the minimum requirement of a local building code for parking space may be approved;

(ii) Building space to more than one-third greater than that owned or occupied prior to displacement.

(d) **Product disaster assistance.** The purpose of these loans is to assist small business concerns to reestablish or continue their business when they have suffered substantial economic injury as the result of inability of such concerns to market or process a product because of disease or toxicity occurring in such products through natural or undetermined causes. Loans may be used to provide working capital to support the business until such time as it is reestablished and to pay financial obligations which the borrower would have been able to pay if it had not been for the loss of revenue resulting from the disaster. Financial assistance may not be used for the replacement of equipment or expansion of facilities except as SBA may determine to be necessary or appropriate for the concern properly to process a product to insure its fitness for human consumption. Unrealized profits or past sales may not be considered in arriving at the amount of injury incurred. No funds may be authorized which would provide for the payment of any stock dividends, bonuses, or for disbursements to owners, partners, officers, or stockholders, not directly related to the performance of services.

(e) **Coal mine health and safety assistance.** The purpose of these loans is to assist small coal mines to effect additions to or alterations in the equipment, facilities, or operating methods in order to meet the requirements of the Federal Coal Mine Health and Safety Act of 1969, if SBA determines that such coal mine is likely to suffer substantial economic injury without SBA assistance. Working capital may be provided to:

(i) Replace working capital expended incidentally for compliance, such as meeting construction time limits;

(ii) Furnish funds, when construction is involved and the operations are thereby curtailed, to meet continuing fixed costs such as payment on equipment notes or mortgage payments;

(iii) Help finance startup costs;

(iv) Finance changes in methods of operation required by examining authorities. Approval of these loans is contingent upon receipt by SBA of a notice of deficiency from the Bureau of Mines, and the opinion from that Bureau that upon completion of the purchase, rebuilding, or conversion proposed in the loan application, the coal mine will be in compliance with the provisions of the Federal Coal Mine Health and Safety Act of 1969.

(f) Consumer protection assistance.

(1) The purpose of these loans is to assist small business concerns to effect additions to or alterations in the equipment, facilities, or methods of operation of such concern to meet requirements established pursuant to the Egg Products Inspection Act of 1970, the Wholesome Meat Act of 1967, and the Wholesome Poultry Products Act of 1968, if SBA determines that such concern is likely to suffer substantial economic injury without SBA assistance.

(2) Construction funds may be loaned to:

(i) Construct a new building, even in a new location, to replace an old building where remodeling is not feasible; or to replace rented quarters when needed rental arrangements cannot be obtained. Upgrading may not exceed the corresponding criteria in paragraph (c)(3) of this section;

(ii) Comply with inspection authority requirements issued to a new plant already under construction on January 1, 1971, and owned by a concern not previously involved in the activity in which it intends to engage, but falling within the control of any one of the consumer protection acts. Working capital may be provided for the purposes stated in paragraph (e), (i), (ii), (iii), and (iv) of this section. Approval of these loans is contingent upon receipt by SBA of a letter of survey to the plant operator from the U.S. Department of Agriculture or appropriate State authority, and an acceptance of the operator's proposal for correcting the deficiencies covered by the letter, from the agricultural inspection authority.

(g) Occupational safety and health assistance. The purpose is to assist small business concerns to adequately and efficiently effect additions to or alterations in the equipment, facilities, or operating methods of such business, in order to comply with the applicable standards issued pursuant to section 6 of the Occupational Safety and Health Act of 1970, or adopted by a State pursuant to a plan approved under section 18 of that Act, if SBA determines that such concern is likely to suffer substantial economic injury without SBA assistance. Construction funds may be loaned for the purposes stated in paragraph (f)(2)(i) and (ii) of this section. Working capital may be provided for the purposes stated in paragraph (e)(i), (ii), (iii), and (iv) of this section. Approval of these loans is contingent upon the receipt by SBA of an approval of the compliance authority of the proposal for either voluntary compliance or corrections of violations of standards established pursuant to the Occupational Safety and Health Act.

(h) Aid to major sources of employment. The purpose of loans authorized under section 237 of the Disaster Relief Act of 1970 is to enable an industrial or commercial enterprise, which has constituted a major source of employment in an area suffering a major disaster declared by the President, and

which is no longer is substantial operation as a result of such disaster, to resume operations in order to assist in restoring the economic viability of the disaster area. A major source of employment as used in this part, is defined as:

(1) A concern which employed 10 percent or more of the entire work force of a geographically identifiable community, no larger than a county; or (2) a concern which employed 10 percent or more of the total work force in an industry with the major disaster area; or (3) any business firm within the major disaster area which employed 1,000 or more employees.

(i) Strategic arms economic injury assistance. The purpose of loans made under section 7(b)(7) of the Small Business Act is to assist or to refinance the existing indebtedness of any small business concern directly and seriously affected by the significant reduction of the scope or amount of Federal support for any project as a result of any international agreement limiting the development of strategic arms or the installation of strategic arms or strategic arms facilities, if SBA determines that such concern is likely to suffer substantial economic injury without SBA assistance. Loan proceeds may be used for working capital and to pay financial obligations which the applicant would have been able to meet if he had not lost income because of significant reduction of the scope or amount of Federal support for the strategic arms project.

§ 123.4 Where to apply.

A single copy of an application on a form provided by SBA may be filed with the Regional or District Office, or Disaster Branch Office, if one has been established, which is most convenient to the applicant. If a bank is participating, two copies of the application should be filed with the bank which will send one copy to SBA. If a Disaster Branch Office has been established, applications generally should be filed there.

§ 123.5 Amount of loan and interest rates.

(a) SBA's share or guaranteed percentage of any disaster loan shall not exceed the actual physical loss or economic injury suffered as a result of a disaster except as may be permitted under § 123.3(a)(2), (3), (c), (e), (f), (g), (h), and (i).

(1) (i) SBA's share of a direct or immediate participation loan to any small business concern and/or any of its affiliates shall not exceed \$500,000 in the aggregate for any one disaster, except for an additional amount to refinance any prior SBA disaster loan, or except in those cases where the Administrator finds substantial hardship.

(ii) Such dollar limitation also applies to loans made to any other entity eligible to receive disaster assistance other than homeowners and householders. Provided, however, the foregoing dollar limitations do not apply to displaced business, coal mine health and safety,

consumer protection, occupational safety and health, strategic arms economic injury loans, and loans made under paragraph (e) of this section.

(2) SBA's share in a direct or in an immediate participation loan to any homeowner, including all members of the household, shall not exceed \$50,000 for repair or replacement of the land or building, and shall not exceed \$10,000 to repair or replace household goods and personal items: Provided, however, that SBA's share of any such loan or loans to repair or replace a home and household goods for any homeowner shall not exceed \$55,000 in the aggregate for any one disaster, excluding eligible refinancing in an amount not to exceed the lesser of the physical damage to the real property or the amount of loan made to repair such property. Persons living in a damaged home who are not dependents of the homeowner may also apply for disaster assistance for personal property loss, up to \$10,000. The cancellation feature, up to \$5,000, applies to these loans as well as to loans to the homeowner, for disasters occurring between Jan. 1, 1972, and April 20, 1973.

(3) SBA's share of immediate participation loans shall not exceed 90 percent of the loan. In guaranteed loans, the exposure of SBA under the guaranty may not exceed 90 percent of the unpaid principal balance and accrued interest.

(4) A guaranteed loan, where the entire loan is disbursed by a private lending institution, may be made, in addition to the direct loan limitation, for the total amount of an applicant's physical loss or the economic injury suffered less funds available from its own resources, including funds from insurance or condemnation proceedings. Such guaranteed disaster loans in conjunction with or exclusive of a direct loan shall not exceed the full amount of such loss or economic injury, except to the extent of allowable refinancing.

(5) Where an applicant's total physical loss or economic injury exceeds the dollar limitations imposed in this paragraph on SBA's share of direct or immediate participation disaster loans, then the balance of such loss may be assisted by a guaranteed loan. SBA's participation in or guaranty of any disaster loan may not exceed 90 percent of the total amount of the loan.

(b) In physical-loss disaster assistance, all direct and indirect costs attributable to restoring, rehabilitating, or replacing property damaged or destroyed by the disaster will be considered by SBA in determining the amount of loan. An SBA disaster loan may not include any amount to cover losses which have been compensated for by insurance or other sources, or other relief sources, such as the American Red Cross. Sums paid to a disaster victim subsequent to his filing an application by insurance companies representing the indemnification of loss in whole or in part for which the disaster victim is requesting SBA financial assistance shall be paid by the borrower to the SBA for the reduction of this loan.

(c) Interest rates on disaster loans are as follows:

(1) For disaster relief described under § 123.1(a), (b), (1), and (3), the interest rate shall be as follows: On SBA's share of financial assistance, interest shall be 3 percent per annum for disasters occurring between January 1 and December 31, 1971; at 1 percent per annum for disasters occurring between January 1, 1972, and prior to April 20, 1973, except that loans made in connection with natural disasters declared only by the Secretary of Agriculture during this period shall bear an interest rate of 3 percent per annum; and at a rate not to exceed 5 percent per annum on loans made in connection with disasters occurring on or after April 20, 1973. In any loan made under this subsection, except for loans approved as the result of disasters occurring prior to July 1, 1973, deferment may be made in payments of principal or interest, or both, for a period not to exceed 3 years. In participation or guaranteed loans, the interest rate on the participating institution's share shall be at a rate considered as reasonable by SBA at the time of approval.

(2) For disaster relief as described under § 123.1(b), (2), (4), (5), (6), and (7), interest on SBA's share of financial assistance shall be at a rate determined by SBA in conformity with the statutory formula set forth in the Small Business Act, as amended. Interest on the participating institution's share shall be at a rate considered by SBA to be legal and reasonable.

(d) *Major sources of employment.* In the case of a major disaster declaration by the President, Physical-Loss Disaster Assistance and Substantial Economic Injury Assistance loans may be made without dollar limitations, to any nonagricultural enterprise which has been a major source of employment and is no longer in substantial operation, to enable such enterprise to resume operations and restore the economy of the area. Loan payments may be deferred for a period of 3 years.

§ 123.6 Collateral.

(a) The Small Business Act, as amended, contains no specific requirements with respect to collateral as security for a disaster loan, nor has SBA established any rigid rule in regard to collateral. However, SBA requires applicants to pledge whatever collateral they can furnish. SBA will give consideration to the moral risk involved and to evidence showing a reasonable prospect that the loan will be repaid.

(b) Evaluation of collateral: In disaster loan cases the same general approach to establishing values will be used as for business loans keeping in mind the emergency and the urgency incident to a disaster loan.

§ 123.7 Repayment.

(a) Generally, disaster loans shall be repaid in monthly installments beginning not later than 5 months from the date of the note. For loans made under sec-

tions 7(b), (1), (2), and (4) of the Small Business Act, payments of principal or interest, or both, may be deferred during the first 3 years of the term of the loan. The maturity of the loan will be geared to the borrower's ability to repay. Final maturity of the loan shall not exceed 30 years. During a deferment period SBA may, upon request of the participant in the loan, purchase its participation. If necessary to avoid default, SBA may assume the borrower's obligation to the participant for the balance of the deferment period, provided the borrower agrees to reimburse SBA for such payments. In addition, for disasters occurring on or after January 1, 1972, but prior to July 1, 1973, in the case of a home loan to an individual who by reason of retirement, disability, or other similar circumstances relies for support on survivor, disability, or retirement benefits under a pension, insurance, or other program, SBA may consent to the suspension of the payments of principal during the lifetime of the individual and his spouse for so long as SBA determines that making such payments would constitute a substantial hardship.

(b) Displaced business loans may have other repayment terms if circumstances indicate the need, including (1) a moratorium on principal payments (not interest) not exceeding the 12 months which immediately follow disbursement; (2) smaller amortization payments during the first few years, increasing in later years; or (3) any other reasonable terms to fit the applicant's individual circumstances.

(c) Except as described elsewhere in paragraphs (a) and (b) of this section, and in the case of borrowers whose income is received on an annual or seasonal basis, all loans shall be repaid in equal monthly installments which will include principal and interest.

§ 123.8 Step-by-step procedure for disaster loan applicant.

(a) An applicant for physical-loss disaster assistance shall:

(1) Make a list of his damaged, destroyed, or lost property showing in as much detail as possible the extent of damage or loss, and, if possible, original cost of the property, desired to be repaired or replaced, recognizing that the burden of proof of loss is on the applicant;

(2) When deemed appropriate by SBA, obtain from a reliable contractor, supplier, or repairman, as appropriate, a signed estimate (in duplicate) of the cost of repairing damaged property or of replacing property which has been lost or damaged beyond repair, for which funds are requested;

(3) Make an overall estimate of his losses;

(4) Prepare a list of both his debts and assets and a financial statement;

(5) If the proposed loan is to rehabilitate his business, prepare a record of his business earnings and expenditures for the 3 years preceding and make a profit and loss statement;

(6) Obtain a disaster loan application form from a local bank or the nearest SBA office;

(7) Furnish the "Applicant's Agreement of Compliance," SBA Form 601 (see § 122.1(f) of this chapter) if such loan results in the alteration, rehabilitation, construction, conversion, extension, or repair of buildings, or other improvements to real estate, where the contract exceeds \$10,000.

(8) Submit such other information as SBA may require in order to verify or support the information on hand to permit an application to be properly evaluated and acted upon, including the names and addresses of any persons, having an interest in the lost or damaged property, and the names and addresses of any persons who sustained a separate loss at the applicant's location and who may file a separate application.

(9) Submit the above information to the nearest SBA disaster or other field office, preferably in person, within the time limit established for the filing of applications. SBA will accept applications after such time limit only when SBA determines that an extreme hardship existed and the late filing was the result of causes substantially beyond the control of the applicant.

(b) An applicant for Substantial Economic Injury or Product Disaster Assistance shall:

(1) Furnish a statement of the extent to which his business has been injured by the disaster conditions;

(2) For purposes of comparison, furnish financial and operating conditions covering the current period and a 12 month period of normal operations prior to the disaster;

(3) List any accounts and notes receivable which are delinquent due to the disaster conditions;

(4) Explain fully the reasons for any abnormally large and burdensome inventories;

(5) List all payables which are delinquent due to the disaster as well as current accruals;

(6) Point out any adopted or planned economies in operation designed to reduce costs of doing a lessened volume of business.

(c) An applicant for Displaced Business Disaster Assistance shall:

(1) Furnish financial and operating statements for the current year to date and for the past 3 previous fiscal or calendar years;

(2) Furnish figures on actual or contemplated reduction or loss of income and profits and estimate of period of time income and profits will be reduced;

(3) List all payables which are delinquent;

(4) List any additional or replacement equipment that will be required reasonably to upgrade operations in new location, with allowances or any other recoveries from disposal or trade-in of existing equipment;

(5) Advise if additional inventories will be required or if different grades of items must be carried to meet demands

of new location and effect on working capital position;

(6) Furnish projection of sales, normal percentage of profits, and fixed expenses, for a period of approximately 2 years following relocation in order to establish reasonable ability to repay loan;

(7) Make a list of collateral to be offered as security for repayment of the loan, showing in detail any existing obligations or liens against such collateral;

(8) Furnish the "Applicant's Agreement of Compliance," SBA Form 601 if such loan results in the alteration, rehabilitation, construction, conversion, extension, or repair of buildings or other improvements to real property, where the contract exceeds \$10,000;

(d) An applicant for Coal Mine Safety and Health Assistance shall follow the procedures in paragraph (b) of this section, and in addition shall furnish a notice of deficiency from the Bureau of Mines.

(e) An applicant for Consumer Protection Assistance shall follow the procedures in paragraph (b) of this section, and in addition shall furnish a letter of survey from the U.S. Department of Agriculture or appropriate State authority.

(f) An applicant for Occupational Safety and Health Assistance shall follow the procedures in paragraph (b) of this section, and in addition shall furnish an approval of the compliance authority of the proposal for either voluntary compliance or corrections of violations of standards established pursuant to the Occupational Safety and Health Act.

(g) An applicant for Strategic Arms Economic Injury Assistance shall follow the procedures in paragraph (b) of this section, and in applicable cases explain fully the need for any refinancing of debt owned by the applicant.

(h) Any entity other than a homeowner applying for SBA disaster assistance must agree not to discriminate on the basis of race, color, or national origin, including but not limited to employment practices. See Parts 112 and 113 of these rules and regulations.

§ 123.9 Cooperation with American Red Cross.

In its physical-loss program of assistance to disaster victims, SBA maintains close coordination with the American Red Cross. In many cases, rehabilitation assistance is given jointly by the Red Cross and SBA with part of the applicant's losses being covered by a grant from the Red Cross and part by a loan through SBA.

§ 123.10 Obtaining loan funds.

(a) Once a disaster loan has been approved by SBA, the disaster victim may obtain the loan funds upon compliance with conditions of SBA's loan authorization.

(b) If the approved loan is an immediate participation or guaranteed loan, the bank will notify the disaster victim of the loan approval, terms and condi-

tions, and arrange with him for actual closing of the loan.

(c) If the loan is a direct loan, the disaster victim will be notified by SBA of the loan approval, terms and conditions.

§ 123.11 Administration of loans.

Participation and guaranteed loans closed by the bank will be administered by the bank, and participation or direct loans closed by SBA will be administered by SBA.

§ 123.12 Fees and charges.

(a) *Service fees.* No service fees shall be charged by participating institutions for loans described in § 123.1 (a), (b), (1), and (3). For loans described in § 123.1 (b), (2), (4), (5), (6), and (1), a service fee is permitted for those financial institutions servicing immediate participation loans, or deferred participation loans where SBA has purchased its portion, on loans approved on or after July 1, 1969. The participating institution may deduct, only out of interest collected for the account of SBA, a service fee of three-eighths of 1 percent per annum where SBA's share is 75 percent or less or of one-fourth of 1 percent where SBA's share is more than 75 percent. Such fees are permitted only so long as the participating institution is servicing the loan. This fee shall not be added to any amount which borrower is obligated to pay under the loan. Participating institution shall not make a service charge to borrower for handling construction loans or accounts receivable and inventory collateral.

(b) *Guaranty charge.* A guaranty fee will be charged to the lender with respect to all guaranteed disaster loans as is set forth for business loans in § 120.3 (b), except that no fee will be charged in those cases where the lender elects to charge an interest rate of 5½ percent or less on the loan.

(c) *Closing fee.* No closing fee will be charged with respect to closing of any disaster loan.

§ 123.13 Extension of loans, including RFC loans.

Actions taken by SBA pursuant to the authority of section 7(c) (1) of the Small Business Act, as amended, are limited to such periods of time as appear necessary to avoid the forced liquidation of loans. Generally, a sequence of short extensions will be granted rather than one lengthy one. Extensions are only granted under this section when it appears that no other course of liquidation will result in a greater and earlier recovery of the indebtedness. No such extension may be made on any loan having a maturity in excess of 20 years.

§ 123.14 Restriction against loans to certain felons.

No person who has been convicted of committing a felony during and in connection with a riot or civil disorder shall be permitted, for a period of 1 year after the date of his conviction, to receive any benefit under any law of the United States providing relief for disaster victims.

§ 123.15 Certification of use of loan proceeds.

Recipients of SBA disaster loans described in § 123.1 (a), (b), (1), and (3) are required to file a certification, and evidence in support of such certification, that the loan proceeds have been properly used. Any loan recipient who wrongfully misapplies such loan proceeds shall be civilly liable to the SBA Administrator in an amount equal to one and one-half times the original principal amount of the loan.

§ 123.16 Compliance with consumer protection laws.

Any recipient of an approved disaster loan for any noncommercial purpose shall be entitled to rescind said loan pursuant to the Consumer Credit Protection Act, Public Law 90-321, and Regulation Z of the Federal Reserve Board, 12 CFR Part 226.

(Catalog of Federal Domestic Assistance Program Nos. 59.001, 59.002, 59.008, 59.010, 59.014, 59.017, and 59.018, National Archives Reference Services.)

Effective date: July 1, 1973.

ANTHONY G. CHASE,
Acting Administrator.

[FR Doc. 73-13828 Filed 7-6-73; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-CE-9-AD, Amdt. 39-1683]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models B-19 and C-23 Airplanes

An Airworthiness Directive (AD) was adopted on June 27, 1973, and made effective immediately as to all known owners of Beech Models B-19 and/or C-23 airplanes. This AD was issued because there have been instances where pilots of these model airplanes have experienced difficulty in recovering from normal spins. In order to prevent this situation from occurring, the Directive prohibits intentional spins in Beech Models B-19 and C-23 airplanes and prohibits operation of these airplanes in the acrobatic category. The AD also requires removal of all placards in these model airplanes pertaining to acrobatic flight and the replacement thereof with one which covers these operational limitations.

Since it was found that immediate action was required, notice and public procedure hereon was impracticable and contrary to the public interest and good cause existed for making the AD effective immediately to the owners of Beech Models B-19 and/or C-23 airplanes by individual letters dated June 27, 1973. These conditions may still exist and the AD is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation

Regulations is amended by adding the following new AD.

BEECH. Applies to Model B-19 (Serial Numbers MB-481 and after) and Model C-23 (Serial Numbers M-1285 and after) airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent in flight situations in which prompt spin recovery may not be assured, accomplish the following:

(A) Effective immediately, intentional spins and operation in the acrobatic category are prohibited.

(B) Within the next 20 hours' time in service or 10 calendar days, whichever comes first after the effective date of this Airworthiness Directive, remove all placards pertaining to acrobatic flight and install in place thereof a placard to be conspicuously located on the instrument panel which reads as follows:

THIS AIRPLANE MUST BE OPERATED AS A NORMAL OR UTILITY CATEGORY AIRPLANE. INTENTIONAL SPINS ARE PROHIBITED. NO ACROBATIC MANEUVERS APPROVED EXCEPT: CHANDELLES, LAZY EIGHTS, STEEP TURNS, AND STALLS (EXCEPT WHIP STALLS).

This amendment becomes effective July 12, 1973, to all persons except those to whom it was made effective by letter dated June 27, 1973.

(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. 1855(c))

Issued in Kansas City, Mo., on June 29, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73-13780 Filed 7-6-73; 8:45 am]

[Docket No. 73-GL-7, Amdt. 39-1686]

PART 39—AIRWORTHINESS DIRECTIVES Marvel Schebler Carburetors Models

Airworthiness Directive 72-6-5 was issued March 24, 1972, to prevent looseness or separation of the throttle arm of Marvel Schebler carburetors. The manufacturer has released a new design throttle arm and shaft which does not require the corrective action described in Airworthiness Directive 72-6-5. Accordingly, a revision to AD 72-6-5 is being issued to limit the applicability to the throttle arm configurations indicated in the illustrations in the AD.

Since the amendment is relieving in nature and does not require any additional action on the part of any person, compliance with the notice and public procedures provisions of the Administrative Procedures Act is not required and good cause exists for making this Amendment effective in less than thirty days. In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697, 14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following amended Airworthiness Directive:

72-6-5 MARVEL SCHEBLER: Amendment 39-1411 as amended by Amendment 39-1685.

Applies to Models MA-3, MA-3A, MA3-PA, MA-3SPA, MA4-SPA, MA4-5, M4-5AA, MA-6AA and HA-6 carburetors used on various Franklin (Aircooled), Continental, Lycoming and Ranger engines, having one of the throttle arm and shaft configurations shown in Illustrations A, B, C, or D.

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

To prevent looseness or separation of the throttle arm, accomplish the following or any equivalent procedure approved by Chief, Engineering and Manufacturing Branch, FAA, Great Lakes Region.

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

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

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

NOTE: The procedures specified in American Aviation Corporation Service Letter No. 89-4, dated October 3, 1969, Cessna Service Letter SE71-17 revised February 25, 1972, and Lycoming Service Bulletin No. 330A, dated October 30, 1970, are approved as equivalent procedures to those prescribed in this AD for the applicable carburetors.

Amendment 39-1411 was effective March 24, 1972.

This amendment becomes effective immediately on July 9, 1973.

(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. 1855(c))

Issued in Des Plaines, Ill., on June 29, 1973.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

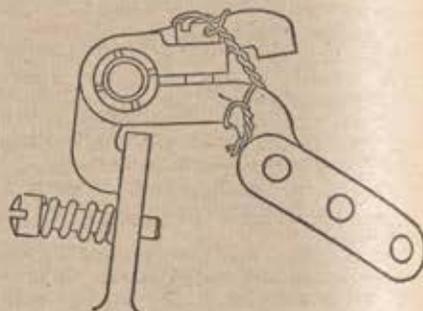
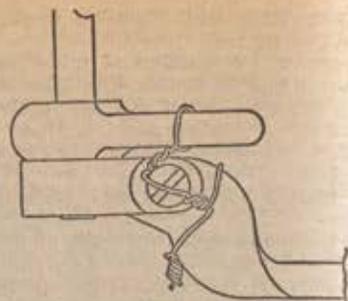


ILLUSTRATION A

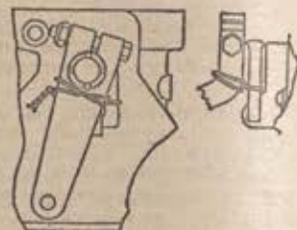


ILLUSTRATION B

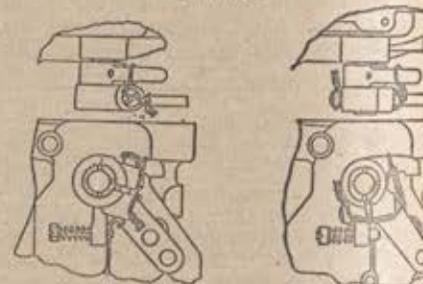


ILLUSTRATION C



ILLUSTRATION D

[FR Doc.73-13781 Filed 7-6-73; 8:45 am]

[Airspace Docket No. 73-CE-1]

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

Alteration of Transition Area

On page 8669 of the FEDERAL REGISTER dated April 5, 1973, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal

Aviation Regulations so as to alter the transition area at Larned, Kansas.

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

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

This amendment shall be effective 0901 G.m.t., September 13, 1973.

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

Issued in Kansas City, Mo., on June 15, 1973.

CHESTER W. WELLS,
Acting Director, Central Region.

In § 71.181 (38 FR 435), the following transition area is amended to read:

LARNED, KANS.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Larned, Kans. NDB, located at latitude 38°12'16" N., longitude 99°05'17" W., and within 3 miles either side of the 277° bearing from the NDB extending from the 5.5-mile radius to 8 miles west, and that airspace extending upward from 1,200 feet above the surface within 9.5 miles north, 5 miles south of the 277° bearing from the NDB extending from 18.5 miles West to 6 miles East of the NDB, excluding that area that overlaps the Great Bend, Kans., 700-foot transition area.

[FR Doc.73-13782 Filed 7-6-73;8:45 am]

[Airspace Docket No. 73-SW-13]

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

Designation and Alteration of Control Zones and Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Waco, Tex. (James Connally Airport), control zone; rename the Waco, Tex., control zone; and alter the Waco, Tex., transition area.

On March 9, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 6397) stating the Federal Aviation Administration proposed to designate the Waco, Tex. (James Connally Airport), control zone; rename the Waco, Tex., control zone; and alter the Waco, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 13, 1973, as hereinafter set forth.

In § 71.171 (38 FR 351), the following control zone is added:

WACO, TEX. (JAMES CONNALLY AIRPORT)

Within a 5-mile radius of James Connally Airport (latitude 31°38'00" N., longitude 97°04'00" W.) excluding the portion within the Waco, Tex. (Waco Municipal Airport), control zone. The control zone can be designated effective part time during times estab-

lished in advance by a notice to airmen continuously published in the Airman's Information Manual.

In § 71.171 (38 FR 351), the Waco, Tex., control zone is amended to read "Waco, Tex. (Waco Municipal Airport)."

In § 71.181 (38 FR 435), the Waco, Tex., transition area is amended by deleting "latitude 31°49'00" N., longitude 97°00'00" W." and substituting therefor "latitude 31°46'00" N., longitude 96°55'-00" W."

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

Issued in Fort Worth, Tex., on June 28, 1973.

R. V. REYNOLDS,
Acting Director,
Southwest Region.

[FR Doc.73-13783 Filed 7-6-73;8:45 am]

[Airspace Docket No. 73-SO-31]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Nashville, Tenn., control zone and transition area.

The Nashville control zone is described in § 71.171 (38 FR 351) and the Nashville transition area is described in § 71.181 (38 FR 435). In the descriptions, extensions are predicated on the ILS localizer north course to provide controlled airspace protection for IFR aircraft executing the Localizer (BC) Runway 20R Instrument Approach Procedure to Nashville Metropolitan Airport, Effective July 5, 1973, the procedure turn altitude for this instrument approach procedure will be raised from 2,000 to 2,500 feet MSL and the altitude over the final approach fix will be raised from 1,700 to 2,000 feet MSL, thereby eliminating the requirement for the two extensions. It is necessary to alter the descriptions to reflect these changes. Since these amendments lessen the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 5, 1973, as hereinafter set forth.

In § 71.171 (38 FR 351), the Nashville, Tenn., control zone is amended as follows:

" * * * within 1 mile each side, expanding to two miles each side of the ILS localizer north course, extending from the 5-mile radius zone to 13 miles north of the localizer * * * " is deleted from the description.

In § 71.181 (38 FR 435), the Nashville, Tenn., transition area is amended as follows:

" * * * within 9.5 miles west and 4.5 miles east of the ILS localizer north course, extending from the 14-mile

radius area to 23 miles north of the localizer * * * " is deleted from the description.

(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 East Point, Ga., on June 27, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.73-13784 Filed 7-6-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 3B2867) filed by Ciba-Geigy Corp., Ardsley, NY 10502, and other relevant material, concludes that the food additive regulations (21 CFR Part 121) should be amended, as set forth below, to provide for safe use of thiodiethylene-bis(3,5 - di - tert - butyl - 4 - hydroxyhydrocinnamate) as an adjuvant for polymers used in adhesives for food-packaging materials.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2520(c)(5) is amended by alphabetically inserting a new item in the list of substances as follows:

§ 121.2520 Adhesives.

* * *	* * *	* * *	* * *
(c) * * *	* * *	* * *	* * *
(5) * * *	* * *	* * *	* * *
COMPONENTS OF ADHESIVES *			
<i>Substances</i>	<i>Limitations</i>		
* * *	* * *		
Thiodiethylene - bis(3,5 -	-----		
di - tert - butyl - 4 - hy-			
droxyhydrocinnamate)			
* * *	* * *		

Any person who will be adversely affected by the foregoing order may at any time on or before August 8, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in

the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on July 9, 1973.

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

Dated: June 27, 1973.

SAM D. FINE,
Associate Commissioner for
Compliance.

[FR Doc.73-13796 Filed 7-6-73;8:45 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH DRY FOOD

In the FEDERAL REGISTER of January 4, 1972 (37 FR 28), notice was given that a petition (FAP 2B2756) had been filed by E. F. Houghton & Co., 303 West Lehigh Ave., Philadelphia, PA 19133, proposing that § 121.2526 (21 CFR 121.2526) be amended to provide for the safe use of polyamide polyamine-epichlorohydrin water-soluble thermosetting resins, prepared by reacting 1-(carboxy pentyl)-4-carboxy pyrrolidone with caprolactam, diethylenetriamine, and epichlorohydrin to form a basic polyamide and further reacting the polyamide with epichlorohydrin, as components of paper and paperboard for food contact use. The petitioner subsequently revised the petition to limit the additive for use as a component of paper and paperboard in contact with dry food under § 121.2571 (21 CFR 121.2571).

The Commissioner of Food and Drugs, having evaluated data in a petition, and other relevant material, concludes that the food additive regulations should be amended, to provide for the safe use of the petitioned additive as set forth below. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 (21 CFR 121) is amended in § 121.2571(b)(2) by alphabetically adding to the list of substances the following new items:

§ 121.2571 Components of paper and paperboard in contact with dry food.

- (b) * * *
- (2) * * *

List of substances

Polyamide - epichlorohydrin modified resins resulting from the reaction of the initial caprolactam-itaconic acid product with diethylenetriamine and then condensing this prepolymer with epichlorohydrin to form a cationic resin having a nitrogen content of 11-15 percent and chlorine level of 20-23 percent on a dry basis.

Limitations

Any person who will be adversely affected by the foregoing order may at any time on or before August 8, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on July 9, 1973.

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

Dated: June 27, 1973.

SAM D. FINE,
Associate Commissioner for
Compliance.

[FR Doc.73-13797 Filed 7-6-73;8:45 am]

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

Sterile Benzathine Penicillin G and Procaine Penicillin G Suspension, Veterinary

The Commissioner of Food and Drugs has evaluated a new animal drug application (65-169V) filed by Bristol Laboratories, Division of Bristol-Myers Co., Post Office Box 657, Syracuse, NY 13201, proposing the safe and effective use of sterile benzathine penicillin G and pro-

caïne penicillin G suspension, veterinary for the treatment of bacterial infections susceptible to penicillin G in horses, dogs, and beef cattle. The application is approved.

The drug is subject to batch certifications under the provisions of section 512(n) of the act; accordingly, the order provides for an appropriate amendment to the regulations in Part 141a of this chapter.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(d), (n), 82 Stat. 347, 350; 21 U.S.C. 360b(1)(n)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135b and 141a are amended as follows:

1. Part 135b is amended in § 135b.43 by revising paragraph (b) to read as follows:

§ 135b.43 Sterile benzathine penicillin G and procaine penicillin G suspension, veterinary.

(b) Sponsor. See code Nos. 017, 040, and 044 in § 135.501(c) of this chapter.

2. Part 141a is amended in § 141a.62 by revising paragraph (a) to read as follows:

§ 141a.62 Benzathine penicillin G and procaine penicillin for aqueous injection.

(a) Total potency, benzathine penicillin G content, procaine penicillin content:

(1) If the product does not contain procaine hydrochloride: Proceed as directed in § 141a.61(a)(1), (2), and (4).

(2) If the product contains procaine hydrochloride: (i) Total potency. Place one dose of the suspension in each of two centrifuge tubes. Label one tube "sample" and the other "blank". Add 9.0 ml. of 20 percent sodium sulfate solution to each tube and mix well. Centrifuge them at 10,000 r.p.m. for 15 minutes or until a clear supernatant solution is obtained.

Pour the supernatant solution from the sample tube into a 50-ml. volumetric flask and dilute to mark with 1 percent pH 6.0 buffer. Determine the amount of penicillin in this flask by the iodometric assay procedure.

Wash the penicillin residue from the tube labeled "sample" into a 200-ml. volumetric flask quantitatively with about 150 ml. of water. Add 10 ml. of 1.0N sodium hydroxide and allow to stand for 15 minutes. Acidify the solution with 10 ml. of 1.2N hydrochloric acid and dilute to mark with water. Determine the amount of penicillin in this solution by the iodometric assay procedure. Use as a blank a suspension prepared by discarding the supernatant solution from the tube labeled "blank".

washing the penicillin residue into a 200-ml. volumetric flask, and making to mark with water.

The total potency of the dose is the sum of the penicillin in the sample supernatant solution and in the insoluble residue of the sample.

(ii) *Procaine penicillin content.* Transfer 5.0 ml. of the solution from the 200-ml. volumetric flask containing the residue from the "sample" tube to a 50-ml. volumetric flask and make to mark with water. Assay 2.0 ml. of the solution by the Bratton-Marshall method.

The amount of procaine penicillin is the sum of the amount of penicillin in the sodium sulfate supernatant solution and the amount of penicillin determined by the Bratton-Marshall method.

(iii) *Benzathine penicillin content.* The amount of benzathine penicillin is the difference between the total potency and the amount of procaine penicillin.

Effective date. This order shall become effective on July 9, 1973.

(Sec. 512(1), (n), 82 Stat. 347, 350; 21 U.S.C. 390b(1)(n))

Dated: June 28, 1973.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary
Medicine.

[FR Doc.73-13798 Filed 7-6-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

CONTRACT ADMINISTRATION

The following is to update and provide more detailed instructions on the administration of contracts. The instructions reflect changes in the areas of termination, inspection and acceptance, contract administration, and the procurement of stock items.

PART 5A-1—GENERAL

The table of contents for Part 5A-1 is revised to reserve § 5A-1.373, as follows:

5A-1.373 [Reserved]

Subpart 5A-1.3—General Policies

§ 5A-1.373 [Reserved]

Section 5A-1.373 is reserved.

Subpart 5A-1.18—Postaward Orientation of Contractors

1. Section 5A-1.1803-2(a) is revised as follows:

§ 5A-1.1803-2 Initial action.

(a) Upon the award of a contract for which a regional Quality Control Division has responsibility for providing contract administration assistance (see § 5A-53.103), that Division also has the responsibility for conducting a postaward orientation conference (See the HB, Supply Operations, chap. 9 (FSSP 2900.5)). Ordinarily, such conferences will be conducted by the quality assurance specialist (QAS) on his initial visit

to the supplier's plant. Where, because of special circumstances, the contracting officer determines that GSA personnel in addition to the QAS should participate in the conference or that the conference should be held at the office of the contracting activity or at some place other than the supplier's plant, the contracting officer shall make special arrangements with the Quality Control Division responsible for contract administration assistance.

2. Section 5A-1.1803-4 is revised as follows:

§ 5A-1.1803-4 Participants.

Participants in postaward orientation conferences should include, as appropriate, quality control personnel, personnel of the requiring service or staff office to whom the contracting officer will delegate the authority for contract administration (see § 5A-53.103), legal counsel, accounting personnel, and other interested Government personnel. Personnel attending conferences as representatives of quality control or any other service or staff office to whom the authority for contract administration has been delegated, shall, whenever possible, be the same individuals who will be responsible for providing contract administration assistance in connection with the contract (see § 5A-1.1803-2(a)).

PART 5A-14—INSPECTION AND ACCEPTANCE

Subpart 5A-14.2—Acceptance

Section 5A-14.206-1 is amended as follows:

§ 5A-14.206-1 Acceptance of nonconforming supplies or services.

(b) If the contracting officer or his authorized representative determines that acceptance of nonconforming supplies or services is in the Government's best interest, and a significant deviation as defined in § 1-14.206 is involved, recommendations for deviation shall be referred direct to the appropriate Central Office Standardization Division branch listed below, except where a region has full responsibility for the development and maintenance of the specifications or stock item purchase descriptions involved, in which case the recommendation shall be sent to such region for action and decision by the appropriate Regional Commissioner.

Branch	Corresp. Symbol
Office Supplies, Textiles & Domestic	FMSO
Chemicals, Subsistence & Drugs	FMSO
Hardware & Construction	FMSH
Electrical	FMSE
Electronics & Magnetic Surfaces	
Equipment	FMSM
Furniture & Furnishings	FMSF
Packaging & Packing	FMSX
Hand Tools and Mech. Equip	FMSK
Paints	FMSB

(c) Recommendations for deviation shall contain (1) a copy of the pertinent specification and Invitation for Bids,

(2) the reasons why the item does not conform to contract requirements, (3) a statement as to whether or not a similar deficiency was the basis for rejection of an otherwise low bid received on the same IFB, and (4) the reasons why it is in the best interest of the Government to accept the nonconforming item. If urgency of acceptance is a factor, recommendations for deviation shall be handled by telephone or other expeditious means. When stock items are involved, the contracting officer shall coordinate with the regional Supply Control item managers on local contracts and the National Inventory Control Center Branch (FXIN) or national or zonal contracts to determine urgency of need.

(d) Where the recommendation for deviation is concurred in by the Standardization Division or Regional Commissioner, FSS, the appropriate Standardization Division branch or regional Quality Control Division shall furnish the contracting officer with an estimate of the savings in costs which will accrue to the contractor as a result of the deviation and the amount of surcharge (generally 15 percent of the cost savings) for any administrative costs incurred by GSA. The contracting officer shall be guided by the estimate in negotiating an equitable price reduction (including direct and indirect costs, plus profit) for the deviation.

(e) If the deviation involved is not considered significant, the item may be accepted at an appropriate reduction in price (such price to be established on the basis of the estimate of savings in costs described in paragraph (d) of this section), provided the approval of the requiring activity is obtained in the case of nonstock items (see § 1-14.206), and provided such regional cases are approved by the Regional Commissioner, FSS. An information copy of each such approval shall be furnished to the appropriate Standardization Division branch in Central Office.

(f) Contracting officers not accept nonconforming supplies or services if the deviation is similar to a deviation which was the basis for rejection of an otherwise low bid received on the same invitation for bids.

(g) When it is determined to accept nonconforming material, the contracting officer shall provide appropriate notice to the regional Quality Control Division that submitted the rejection report.

PART 5A-16—PROCUREMENT FORMS

The table of contents for Part 5A-16 is amended to delete § 5A-16.950-2172 and to add the following new entries:

Sec.	Description
5A-16.950-2718	GSA Form 2718, Preliminary Notice of Default—Definite Quantity Contract.
5A-16.950-2719	GSA Form 2719, Preliminary Notice of Default—Term Contract with Availability for Inspection and Testing and Delivery Clause.

- Sec.
5A-16.950-2720 GSA Form 2720, Preliminary Notice of Default—Term Contract.
5A-16.950-2721 GSA Form 2721, Attachment A (Preliminary Notice of Default).

PART 5A-53—CONTRACT ADMINISTRATION

The table of contents for Part 5A-53 is amended as follows:

- Sec.
5A-53.000 Scope of part.
Subpart 5A-53.1—General
5A-53.101 Definition.
5A-53.102 Elements of contract administration.
5A-53.103 Authority and responsibility.
Subpart 5A-53.4—Contract Performance
5A-53.401 General.
5A-53.470 Monitoring.
5A-53.471 Expediting.
5A-53.471-1 General.
5A-53.471-2 Nonstock and stock direct delivery orders.
5A-53.471-3 Stock replenishment orders.
5A-53.471-4 Stock availability improvement assistance.
5A-53.472 Use and issuance of preliminary notice of default.
5A-53.473 Use of GSA Form 1679, Contract Administration.

PART 5A-53—CONTRACT ADMINISTRATION

Section 5A-53.000 is added as follows:

§ 5A-53.000 Scope of part.

This Part 5A-53 describes contract administration responsibilities and establishes policies and procedures for the administration of FSS contracts.

Subpart 5A-53.1—General

Subpart 5A-53.1 is added as follows:

§ 5A-53.101 Definition.

Contract administration is defined as the performance and coordination of all actions subsequent to the award of a contract that the Government must take to obtain compliance with all contract requirements, including timely delivery of supplies or services, acceptance, payment, and closing of the contract. These actions also include all technical, financial, audit, legal, administrative, and managerial services in support of the contracting officer.

§ 5A-53.102 Elements of contract administration.

(See § 5-53.102.)

§ 5A-53.103 Authority and responsibility.

(a) The contracting officer is the Government agent in whom authority is vested to enter into and administer contracts. All contracting and related actions flow from the contracting officer's authority either directly or through authorized representatives. (See § 5A-1.404-70.) The quality assurance specialist (QAS) of the Quality Control Division is responsible for providing quality control and

field contract administration on contracts and orders if (1) the contract specifies origin inspection, (2) the contract is under the Federal Supply Schedule program and the Quality Control Division has been assigned responsibility for providing quality control and field contract administration, or (3) when field contract administration on contracts or orders which do not designate origin inspection has been requested by the contracting officer. In such cases, the QAS is responsible for initiating or requesting necessary action to ensure full compliance with all terms of the contract and for keeping the contracting officer advised of the status of the contract. Aggressive contract administration is essential to ensure timely contract performance.

(b) The contract administration responsibilities of the regional item manager, Inventory Management Branch, Supply Control Division, are contained in the HB, Supply Operations (FSS P 2900.3). These responsibilities include (1) issuing definite quantity stock replenishment and stock direct delivery orders from established sources; (2) issuing amendments to the above delivery orders, including editorial corrections, quantity changes, and other routine ordering problem corrections; and (3) the coordinated processing of: Over, short and damage discrepancies; the rejection, disposition, and replacement of unsuitable merchandise received from suppliers; and charges for failure by suppliers to mark shipments in accordance with contract requirements.

(c) Where contracts have been established to cover the particular requirements of another GSA service or staff office and the performance of the contract is an integral part of the program mission of the service or staff office for which the contract was established, the contracting officer shall delegate the authority for contract administration to activities or individuals designated by the requiring service or staff office, if requested. However, basic responsibility for adequate contract arrangements and final action in connection with such matters as disputes, terminations, etc., shall be retained by the contracting officer.

Subpart 5A-53.4—Contract Performance

Subpart 5A-53.4 is revised as follows:

§ 5A-53.401 General.

Contract performance requires effective and timely coordination directly between the contracting officer and supporting elements to ensure performance in accordance with the terms and conditions of the contract.

§ 5A-53.470 Monitoring.

Monitoring is the performance of all actions necessary to exercise effective surveillance over individual supply transactions while they are being processed through the total supply system. The Office of Supply Control performs the monitoring function and furnishes the indication to the expeditor of the

necessity to perform an expediting action. Instructions concerning the monitoring function are contained in the appropriate volumes of the HB, Supply Operations (FSS P 2900.1).

§ 5A-53.471 Expediting.

§ 5A-53.471-1 General.

Expediting is the performance of all necessary actions required to obtain delivery to satisfy customer needs and consists of delivery status inquiries, ensuring "on time" deliveries, and accelerating or moving back delivery schedules. Expediting between the Government and contractor should only be made by the contracting officer or his authorized representatives. (See § 5A-53.103.)

§ 5A-53.471-2 Nonstock and stock direct delivery orders.

(a) *Source inspection.* (1) Requests for expediting source inspected orders shall be made to the QAS responsible for the inspection. The QAS shall take prompt and appropriate action in accordance with the request and expeditiously reply to the requestor.

(2) Requests altering delivery schedules which may require contract modifications shall be sent directly to the contracting officer by the requestor or the QAS. The contracting officer shall take prompt and appropriate action consistent with the relative priorities of the work-in-process on hand (but not later than 5 working days after receipt of request for action), and expeditiously reply to the requestor.

(b) *Destination inspection.* Expediting of direct delivery orders requiring inspection at destination shall be performed by the regional order processing and control activities when scheduled delivery dates have been missed or are in jeopardy. Expediting shall be limited to requesting delivery status information. Any changes to the contract/order shall be made only by the contracting officer.

§ 5A-53.471-3 Stock replenishment orders.

(a) All requests for accelerated delivery (requests for delivery to be made prior to contract due date) on national and zonal contracts shall be referred to the National Inventory Control Center Branch (NICC) for review. If honored, NICC will refer the request to the appropriate national/zonal contracting officer. The contracting officer shall take prompt action consistent with the relative priorities of the work-in-process on hand (but not later than 5 working days after receipt of request for action) to (1) contact the contractors, (2) ascertain whether delivery can be improved with or without alteration of contract delivery schedules and/or price, (3) coordinate with NICC when other delivery schedules are affected, and (4) provide NICC with the resultant information. (For procedures regarding public exigency purchases of stock items, see §§ 5A-3.202 and 5A-72.105-31.)

(b) Requests from the Supply Control Division for delivery status information

and ensuring "on time" deliveries shall be made to the QAS for source inspected orders and the contracting officer for destination inspection orders, provided no current status information (GSA Form 1679) is on file. If the QAS has referred the problem to the contracting officer, in the case of source inspected orders, status requests shall be submitted to the contracting officer. Prompt and appropriate action, consistent with the relative priorities of the work-in-process on hand, shall be taken by the QAS and contracting officer and an expeditious reply shall be made to the requestor.

§ 5A-53.471-4 Stock availability improvement assistance.

GSA Form 6673, Request for Stock Availability Improvement Assistance, was developed for use by the National Inventory Control Center Branch in requesting assistance from procuring activities on items in critical stock position nationally. In the event contracting officers receive a GSA Form 6673 from the National Inventory Control Center Branch, immediate action shall be taken to expedite all items covered by the request. Coordination with the National Inventory Control Center Branch is required if the contracting officer encounters any difficulty in determining relative priority of need between the regions.

§ 5A-53.472 Use and issuance of preliminary notice of default.

(a) Quality Assurance Specialists (QAS) are only authorized to issue a preliminary notice of default pursuant to paragraph (a) (i), Article 11, General Provisions (Supply Contract). (See § 5A-53.103.) This authorization applies to stock and nonstock contracts requiring source inspection, excluding Federal Supply Schedule contracts, and AID contracts awarded by the National Buying Center Division. With approval from the regional Director, Procurement Division, or the Director, National Buying Center Division, as applicable, the contracting officer may direct the QAS to obtain clearance from the contracting officer prior to issuing a preliminary notice of default. When preliminary notices of default are issued by QAS, he shall immediately notify the contracting officer of such action by mailing a copy of all notices to the contracting officer the same day they are furnished to the contractor.

(b) Good judgment should be used by the contracting officer or the QAS in issuing a preliminary notice of default letter, considering such conditions as may be accomplished by the contractor within a short period (5 days): (1) Supplies are available for inspection and testing; (2) deliveries are in transit; or (3) other immediate conditions. If the QAS is in doubt about issuing a preliminary notice of default, he should contact the contracting officer direct.

(c) In all cases involving stock items, the Supply Control Division ordering activity shall be promptly notified of any action taken as a result of the preliminary notice of default letter.

(d) GSA Forms 2718, 2719, and 2720, Preliminary notice of default letters, (see §§ 5A-16.950-2718 through 5A-16.950-2720) are designed for use by the QAS in connection with the contract administration authorization stated in § 5A-53.472(a), above. GSA Form 2721, Attachment A, Preliminary Notice of Default, (see § 5A-16.950-2721) is used in conjunction with GSA Forms 2719 and 2720. Detailed procedures involving the QAS issuing preliminary notice of default letters are set forth in FSS P 2900.5, chap. 9.

§ 5A-53.473 Use of GSA Form 1679, Contract Administration.

The GSA Form 1679 is used to transmit contract status information directly between the QAS and the contracting officer. (See FSS P 2900.5, chap. 9.) Timeliness and clarity of purpose in the preparation of and response to GSA Form 1679 is of the essence. When a reply to the GSA Form 1679 is required or appropriate, contracting officers shall reply to the QAS within 5 working days from date of receipt of the GSA Form 1679. In the event final reply cannot be made within the 5 working days, contracting officers will furnish an interim reply with the estimated date final reply may be expected. To ensure timely replies, procurement offices shall establish appropriate controls. Contracting officers shall promptly notify the Supply Control Division ordering activity of any action taken as a result of a GSA Form 1679 (extensions, terminations, or other actions). Copies of GSA Form 1679 and replies thereto including copies of pertinent correspondence shall be used for this purpose.

PART 5A-72—REGULAR PURCHASE PROGRAMS OTHER THAN FEDERAL SUPPLY SCHEDULE

Subpart 5A-72.1—Procurement of Stock Items

1. Section 5A-72.103 is revised as follows:

§ 5A-72.105-16 Monthly Supply Potentialized Stock Item Purchase Descriptions.

The head of a procuring activity may authorize exceptions from the requirement of using Stock Item Purchase Descriptions (SIPD) when the purchase value is \$2,500 or less, provided the product(s) to be purchased are known to meet the applicable specifications or, if not known, are good quality off-the-shelf products. (For interim stock replenishments see § 5A-72.105-29.)

2. Section 5A-72.105-16(a) is revised as follows:

§ 5A-72.105-16 Monthly Supply Potential (MSP) and Method of Award clauses.

(a) *General.* The Monthly Supply Potential (MSP) clause and Method of Award clause (see paragraphs (d) and (e) of this section) shall be included in all solicitations for requirements-type

term contracts (see § 5A-72.105-3) under national and zone contracting assignments for stock items, except where (1) another authorized clause is used to limit the contractor's obligation to deliver (e.g., standby-stock clause), or (2) the Director, National Buying Center Division, or the Director of a regional Procurement Division authorizes an exception (in which case the file shall be documented accordingly). Use of these clauses is not mandatory in requirements-type term contracts issued by regional offices for their own regional requirements. However, the clauses should be used where the estimated requirements are substantial and it is anticipated that difficulties may otherwise be encountered because of inadequate production capacities of some offerors. Quantities refused by contractors as exceeding the MSP of a term contract shall be submitted by the regional Inventory Management activity to the Director, Procurement Division, in their region. The regional procuring activities are authorized to procure these requirements after coordination with the national/zonal contracting office; however, the Director of the regional procuring activity may choose not to procure the requirement. In this case, the regional Inventory Management Branch activity shall submit the requirements to the national/zonal contracting office who shall complete the purchase action.

3. Section 5A-72.105-20(c) is revised as follows:

§ 5A-72.105-20 Maximum order limitations—requirements and indefinite quantity contracts.

(c) Regional Inventory Management Branch activities shall submit their requirements in excess of the maximum order limitation on national or zonal term contracts to the Director, Procurement Division, in their region. The regional procuring activities are authorized to procure these requirements after coordination with the national/zonal contracting office; however, the Director of the regional procuring activity may choose not to procure the requirements. In this case, the regional Inventory Management Branch activity shall submit the requirements to the national/zonal contracting office who shall complete the purchase action.

4. Section 5A-72.105-23(b) is revised as follows:

§ 5A-72.105-23 Preparation and distribution of contractual information.

(b) Definite quantity buys by national/zone procuring activities. Where a national/zone contracting office makes definite quantity purchases for stock items, including repurchase actions, that office shall complete the purchase, prepare the purchase order(s), and make distribution in accordance with existing

procedures, except for the following special instructions:

(1) The purchase order number to be used shall be the number furnished by the requiring region.

(2) The purchase order shall include any special instructions (concerning shipping, etc.) specified in the purchase request.

(3) Procurement transaction reporting data shall be recorded by the contracting activity.

(4) For paying office addresses to be entered on purchase orders, see § 5A-76§ 307.

5. Section 5A-72.105-25 is revised as follows:

§ 5A-72.105-25 Expediting deliveries.

(See § 5A-53.471.)

6. Section 5A-72.105-29 is revised as follows:

§ 5A-72.105-29 Interim stock replenishments.

(a) Interim stock replenishment means regional purchase of stock items normally contracted for on a national or zonal basis when (1) there is temporarily no contract source for such items because of a gap between the time the previous contract expired and the time a new contract is available, or (2) there is temporarily no contract source for such items because there was no contract in effect for the prior period and there is a delay in contract award, or (3) a contract may or may not have been in effect for the prior period and a determination is made not to consummate a contract for the upcoming period due to specification problems, insufficient demand, no responsive bids, etc., or (4) there is a contract source but delivery thereunder is not being made because of special conditions, such as strikes or default.

(b) The national/zonal contracting office responsible for a national or zonal procurement assignment has the full and final responsibility (from the effective date of the assignment) for providing procurement support on the items involved. When any requirements arise due to the conditions set forth in (a), above, the national/zonal contracting office shall process those requirements in accordance with the procedures set forth in (c), below.

(c) When a lapse in contract coverage is expected to occur, the national/zonal contracting office is required to notify the National Inventory Control Center Branch (FXIN) and the stocking regional Inventory Management Branch activities of the approximate date contract award data will be furnished. (See § 5A-72.105-23(a)(6).) The notification shall be sent to FXIN and the stocking regional Inventory Management Branch activities 20 days prior to the contract expiration date, or if no contract was in effect for the prior period 20 days prior to the effective date of the new contract period, or at the time the special conditions take place; e.g., strikes or default. If the lapse in contract coverage is expected to exceed 30 days, the national/

zonal contracting office shall, in the notification, request interim requirements from FXIN. The national/zonal contracting office shall accept requirements for consolidated definite quantity purchases and shall complete the purchase action. However, if the national/zonal contracting office, for justifiable reasons, cannot make the purchase, local purchase authority may be authorized, provided that the Director of the national/zonal contracting office (regional or National Buying Center Division as applicable) obtains the concurrence of the appropriate regional Director(s), Procurement Division(s), to transfer the requirements to that region(s). Concurrences shall be requested by telephone or TWX. In the case of lapses in contract coverage which are not expected to exceed 30 days, as provided by the notification from the national/zonal contracting office, regional Inventory Management Branch activities may submit their requirements to the Director, Procurement Division, in their region. The regional procuring activities are authorized to procure these interim requirements; however, the Director of the regional procuring activity may choose not to procure the requirement. In this case, the regional Inventory Management Branch activity shall submit the requirements through FXIN to the national/zonal contracting offices who shall complete the purchase action. It should be emphasized that the national/zonal contracting office has the final responsibility in ensuring that the requirement is satisfied. When regional procuring activities procure interim requirements, the national/zonal contracting offices shall provide guidance as to sources, purchase descriptions, previous price analysis information, and current problems.

(d) Unless special instructions are issued, any of the following methods normally may be used, as appropriate, when purchasing interim stock replenishment requirements.

(1) If the amount is \$2,500 or less, products which are known to meet the applicable specifications or, if not known, good quality off-the-shelf products shall be purchased under the small purchase procedures. Small purchases of this type may be made from the prior contractor under the terms of the expired contract if the prices are considered reasonable and the prior contractor agrees.

(2) If the amount is in excess of \$2,500, purchase shall be made by formal advertising or negotiation, depending on the circumstances. Where public exigency procurement is justified, the instructions in §§ 5A-3.202 and 5A-72.105-31 shall apply.

7. Section 5A-72.105-31 is amended as follows:

§ 5A-72.105-31 Public exigency purchases of stock items.

(b) Where there is an existing national or zone term contract for the required items, the inventory management activ-

ity shall first explore the possibility of obtaining timely deliveries under the existing contract by requesting accelerated delivery through the National Inventory Control Center Branch (NICC) to the contracting officer. (See § 5A-53.471-3.) If the request is found valid by NICC, it shall be forwarded to the contracting officer for action. If the contractor agrees to make accelerated delivery only under the condition that delivery schedules in other Government orders must be extended or the contract price increased, the matter shall be discussed with the NICC, who will inform the contracting officer of the desired priorities to be observed, and the contracting officer will take appropriate action. If the established contractor cannot make delivery in the time required, the procurement may be made under public exigency procedures where the circumstances justify. Exigency purchases may be made by the regional procuring activity, if they so desire, after coordination with the national/zonal contracting office. The national/zonal contracting office has the final responsibility in ensuring that the requirement is satisfied.

(c) When there is no central or zone purchasing assignment involved for the item(s) required and the circumstances described in paragraph (a) of this section are present, the requirement may be procured locally under public exigency procedures.

PART 5A-76—EXHIBITS

The table of contents for Part 5A-76 is amended to delete §§ 5A-76.112, 5A-76.113, and 5A-76.120, and to add the following new entry: 5A-76.307 Paying office addresses to be entered on purchase orders.

NOTE: Copies of the forms and exhibit added to Parts 5A-16 and 5A-76 are filed with the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. This regulation is effective on the date shown below.

Dated: June 21, 1973.

M. S. MEEKER,
Commissioner,
Federal Supply Service.

[FR Doc. 73-13831 Filed 7-6-73; 9:45 am]

**Title 47—Telecommunication
CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION**

[Docket No. 18803]

**PART 97—AMATEUR RADIO SERVICE
Licensing and Operation of Repeater Stations**

Order. In the matter of amendment of Part 97 of the Commission's rules concerning the licensing and operation of repeater stations in the Amateur Radio Service, Docket 18803, RM-388, RM-1087, RM-1209, RM-1542, RM-1725.

1. The Commission has under consideration a "Petition for Postponement of Effective Date" filed by the American Radio Relay League (ARRL). Essentially, the ARRL requests that the date by which all existing remotely controlled stations must fully comply with the amended rules be extended from June 30 to October 30, 1973.

2. In support of its petition, the ARRL argues that the amended rules are relatively complex when compared to the rules pertaining to non-repeater applications; that they involve the use of techniques never before required of amateurs; and that the changes have raised a number of questions which were not readily and quickly answered. Regarding the latter point, the ARRL states that it was common knowledge among applicants that most applications for repeater stations filed prior to April 30, 1973, were being returned, and as a result, other potential applicants delayed the filing of their applications beyond the April 30 date so as to be able to submit a more complete and correct application that would not be returned for amendment. The end result of all this, according to the ARRL, is that full compliance by many existing repeater stations cannot be achieved by the June 30, 1973, deadline.

3. We have carefully considered the points set forth by the ARRL to justify an extension of the June 30 deadline, but we cannot agree that such an extension is justified. The rules adopted in Docket 18803 (37 FR 18540) became effective on October 17, 1972, but existing stations were allowed the necessary time to bring their operations into compliance, with all stations to be in compliance by June 30, 1973. See Memorandum Opinion and Order, FCC 72-1184, 38 FCC 2d 920. The Commission restated the requirement for full compliance by June 30, 1973, in a Public Notice issued on October 6, 1972, and in its Memorandum Opinion and Order, adopted December 20, 1972, dismissed several petitions for reconsideration. Moreover, the Public Notice stated that waivers of the June 30 date would not be granted except under the most exigent circumstances. Therefore, the Commission's intentions and policies have been affirmed and the amateur radio press has brought this information to the attention of potential applicants and licensees. For its part, the Commission's staff met with many applicants and licensees, answered numerous letters and telephone calls, and assigned ample manpower to process these applications.

4. It is important to note that the rules adopted in Docket 18803 represent the first comprehensive effort by the Commission to regulate the area of amateur repeater stations and the increasingly sophisticated remote control systems employed by amateurs. While repeater stations were licensed under the rules applicable to all amateur stations, prior to our action in this Docket, it has become apparent from the applications filed that many existing applicable requirements

were not understood, nor observed. Consequently, to correct this situation the rules must apply to all stations, old and new, as soon as practicably possible. On the other hand we also note that out of about 800 systems applications received to date only approximately 300 have met the new requirements. Thus, a large number of stations will be required to cease operations if we adhere to the June 30, 1973, date. Accordingly, we feel that some additional time for compliance is warranted but that the full 120-day extension which was requested is excessive. It is anticipated that the accumulated experience to date will enable amateurs to file proper applications in an expeditious fashion and meet a new deadline date of August 30, 1973.

5. Accordingly, the Commission by the Chief, Safety and Special Radio Services Bureau, pursuant to the delegated authority in § 0.331(b) (1) of the Commission's rules orders that the date by which all existing remotely controlled stations must comply with the amended rules is extended from June 30, 1973, to August 30, 1973. *It is further ordered*, That the ARRL petition is denied to the extent that it is at variance with this order.

Adopted: June 27, 1973.

Released: June 29, 1973.

FEDERAL COMMUNICATIONS
COMMISSION,

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

[FR Doc.73-13825 Filed 7-6-73; 8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE
COMMISSION

SUBCHAPTER A—GENERAL RULES AND
REGULATIONS

[Second Revised Service Order No. 1124]

PART 1033—CAR SERVICE

Demurrage and Free Time on Freight Cars

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 29th day of June 1973.

It appearing, that an acute shortage of boxcars, gondola cars, and covered hopper cars exists throughout the country; that certain carriers are unable to furnish adequate supplies of these types of freight cars to shippers located on their lines; that these shortages of freight cars are impeding the movement of many commodities; that many freight cars are held by shippers for excessive periods awaiting loading, unloading, or disposition instructions; that such practices immobilize large numbers of freight cars needed by shippers for the transportation of other freight; and that the existing demurrage and detention rules, regulations, and practices of the railroads are ineffective to control such use of freight cars. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public

and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty day's notice.

It is ordered, That:

1033.1124 Demurrage and free time on freight cars

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

(1) *Application*: (i) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(ii) This order shall apply to all freight cars which are listed in the Official Railway Equipment Register, I.C.C. R.E.R. No. 386, issued by W. J. Trezise, or successive issues thereof, as having one of the mechanical designations shown on pages 1154 and 1155 under the headings:

Class "X"—Box Car Type—All Class "X" except "XT."

Class "G"—Gondola Car Type—All Class "G" except "GW."

Class "L"—Special Car Type—"LC", "LO", "LU", only.

(iii) *Exception*: This order shall not apply to cars with inside length 69 ft. 0 in. and over.

(iv) *Exception*: This order shall not apply to cars held at, or outside of ocean, Great Lakes, or river ports, while subject to the provisions of Service Order No. 1121—Demurrage and Free Time at Ports—or revisions thereof.

(v) *Exception*: This order shall not apply to freight cars of Mexican ownership while held by or for shippers at Mexican border crossings, viz:

Brownsville, Texas
Laredo, Texas
Eagle Pass, Texas
Presidio, Texas
El Paso, Texas
Douglas, Arizona
Naco, Arizona
Nogales, Arizona
Calxico, California

(vi) *Exception*: This order shall not apply to cars subject to Freight Tariff 8-0, I.C.C. H-30, issued by B. B. Maurer, supplements thereto, or re-issues thereof, Car Demurrage Rules on Cars Used in Handling Coal or Coke Products at Coal Mines, etc.

(vii) *Exception*: The provisions of Rule 8, Items 935 of General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or re-issues thereof, or similar provisions of other applicable demurrage, detention, or storage tariffs shall govern the adjustment, cancellation, or refund of demurrage assessed as a result of the causes described in such rules.

(viii) *Exception*: Exceptions to this order may be authorized to carriers by the Railroad Service Board. Request for exceptions must be submitted in writing to R. D. Pfahler, Chairman, Railroad

Service Board, Interstate Commerce Commission, Washington, D.C. 20423. Each such request must specifically identify the type of cars for which an exemption is desired and must clearly state the reasons why such cars cannot be utilized in other services.

(ix) The terms "loading", "unloading", "constructive placement", and "forwarding directions" as defined in General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or re-issues thereof, shall apply to cars subject to this order.

(x) The term "holidays" means holidays as listed in Item 25 of General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or re-issues thereof.

(2) *Free Time:* (i) Not more than a total of 48 hours' free time, computed in accordance with the provisions of the applicable tariffs naming demurrage or detention rules and charges, shall be allowed for loading, unloading, or furnishing of forwarding or disposition instructions on cars held for orders.

(ii) If the maximum free time authorized in applicable tariffs is less than the 48-hour period described in paragraph (i) of this section, the free-time periods, if any, provided in such tariffs shall apply.

(3) *Demurrage, Detention, or Storage Charges—Cars Not Subject to Average Demurrage Basis:*

(i) After the expiration of the free-time period described in part (2) of this order, or without free-time allowance when none is provided, demurrage charges shall be assessed at the following rates, until car is released:

\$10.00 per car per day, or fraction of a day, for each of the first two days
 \$20.00 per car per day, or fraction of a day, for each of the next two days
 \$30.00 per car per day, or fraction of a day, for each of the next two days
 \$50.00 per car per day, or fraction of a day, for each subsequent day.

(ii) Except as provided in demurrage Rule 6, section B of General Car Demurrage Tariff 4-J, I.C.C. H-59, the applicable demurrage charges provided herein will accrue on all Saturdays, Sundays, and holidays subsequent to the free time, or without free time when none is provided, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins, provided such last day of free time begins to run at or before 7 a.m. or expires at or before 11:59 p.m. of the day immediately prior to the Saturday, Sunday, or holiday.

(4) *Cars Subject to Average Demurrage Basis:* (i) One credit will be allowed for each car released before the expiration of the first twenty-four (24) hours of free time. After the expiration of forty-eight (48) hours free time (or the adjusted free time if provided in applicable tariffs), one debit per car per day, or fraction of a day, will be charged for each of the first two days. In no case shall more than one credit be allowed on any one car, and in no case shall more than four credits be applied in cancellation of debits accruing on any one car. When

a car has accrued two debits, a charge of \$20.00 per car per day, or fraction of a day, will be made for each of the next two days, or fraction of a day, and \$30.00 per car per day, or fraction of a day, for each of the next two days, and \$50.00 per car per day, or fraction of a day, will be made for all subsequent detention. In computing time under this rule, all Saturdays, Sundays, and holidays will be counted after the free time, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins.

(ii) (a) Credits earned on cars held for loading shall not be used in offsetting debits accruing on cars held for unloading, nor shall credits earned on cars held for unloading be used in offsetting debits accruing on cars held for loading.

(b) Credits earned on cars loaded and unloaded in intraplant switching service shall not be used to offset debits accruing on cars handled in other services; nor shall credits earned on cars handled in other services be used to offset debits accruing on cars loaded and unloaded in intraplant switching service.

Note: The term "intraplant switching service" will be applied as defined in the applicable tariffs, and will include cars of grains, seeds, or soybeans, handled in "set-back service."

(iii) Credits cannot be earned by private cars subject to Rule 1, section B, paragraph 4(a) of General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or re-issues thereof, or subject to similar rules in other tariffs, but debits charged on such cars while under constructive placement may be offset by credits earned on other cars.

(iv) At end of the calendar month the total number of applicable credits will be deducted from the total number of debits at the ratio of two credits for one debit, and \$10.00 per debit will be charged for the remainder. (See Note.) If the total number of debits are offset by credits through deduction at the above ratio of two credits for one debit, no charge will be made for the detention of the cars except as otherwise provided herein for detention beyond the second debit day, and no payment will be made by the railroad on account of such excess of credits; nor shall the credits in excess of the debits of any one month be considered in computing the average detention for another month.

Note: For the purpose of applying Part (iv) of this paragraph, when an odd number of credits is earned, one of such credits will be disregarded in the computation.

(v) Credits earned on cars subject to this order shall not be used in offsetting debits accruing on cars not subject to this order; nor shall debits accruing on cars subject to this order be offset by credits earned on cars not subject to this order.

(6) Existing tariff rules requiring the placement or release, as a unit, of all cars in a multiple-car shipment shall remain in effect.

(6) The demurrage, detention, or storage rates provided herein shall super-

sede all published storage charges expressed in cents per hundred-weight, per bushel, or other unit of measure, for all freight held in cars in excess of the free-time periods provided in paragraph (2) of this section.

(7) If the demurrage, detention, or storage rates authorized in the applicable tariffs are greater than those described herein, such higher rates shall apply.

(8) *Notices of Arrival, Constructive Placement, etc.:* (i) Existing tariff provisions defining constructive placement and establishing the requirements for the placement, the giving of arrival or constructive placement notice of freight destined for unloading or trans-shipment, shall apply.

(ii) If no such rules with respect to arrival, or regarding constructive placement are published in the applicable tariffs, the rules published in General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or re-issues thereof, shall apply.

(b) *Rules and regulations suspended.* The operation of all rules and regulations, including rates, rules and free-time periods granted by authority of Part 1, Section 22 of the Interstate Commerce Act, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Notification of shipper required.*

(i) Carriers shall send or deliver a written notice to shippers or consignees of the requirements of this order at or prior to the time of actual or constructive placement of cars for loading or unloading or at the time notice of arrival or of constructive placement is given. On cars held for instructions from the shipper or qualified owner of the freight, such notices must accompany or precede the arrival notice.

(ii) If a notice described in paragraph (i) of this section has been given to a shipper or receiver at origin, destination, or hold point, no further notices of the requirements of this order need be given.

(iii) Carriers are required to maintain a copy of all notices of the requirements of this order sent to shippers, receivers, or qualified owners of freight, at the station or point from which sent.

(iv) Failure of a carrier to send and preserve copies of the notices required by Part (i) of this section shall not be deemed as nullifying the requirements of Sections (2) or (3) of this order.

(d) *Effective date.* This order shall become effective at 7:00 a.m., July 1, 1973.

(e) *Expiration date.* This order shall expire at 6:59 a.m., Oct. 1, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

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

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of

the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-13841 Filed 7-6-73; 8:45 am]

[Ex Parte No. MC-19 (Sub-No. 17)]

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Practices of Motor Common Carriers of Household Goods; Waiver of Order for Service

Order. At a General Session of the INTERSTATE COMMERCE COMMISSION, held at its office in Washington, D.C., on the 20th day of June, 1973.

It appearing, that by order dated August 21, 1972, in the above-entitled proceeding, this Commission promulgated a regulation (49 CFR 1056.9(c)) which provided that upon written request from the shipper, the requirement for an Order for Service may be waived for shipments moving for the account of the Department of Defense on Government Bills of Lading and for shipments transported under paragraph (c)(3) of the household goods commodity description (49 CFR 1056.1(a)(3)) consisting of articles, including objects of art, displays, and exhibits, which because of their unusual nature or value, require the specialized handling and equipment usually employed in moving household goods;

It further appearing, that by petition filed March 7, 1973, the Household Goods Carriers' Bureau seeks the amendment of § 1056.9(c) of the Commission's general rules and regulations (49 CFR 1056.9(c)) so as to permit waiver of the requirement for an Order for Service on all shipments moving on a Government Bill of Lading (not limited to shipments moving for the account of the Department of Defense) when so requested in writing by the shipper; that petitioner contends that such an amendment will permit all Federal agencies (including the General Services Administration) which utilize the Government Bill of Lading to waive the requirement for an Order for Service; that petitioner states that Government Bills of Lading are issued by knowledgeable, trained personnel thoroughly instructed in the technicalities involved in ordering moving services and that nothing contained in the Order for Service is of any value to the government agency or its transportation department; and that petitioner asserts that the Order for Service in these circumstances constitutes a burden to both shipper and carrier and that practical considerations demand that any government agency wishing to take the positive step of requesting

waiver of the requirement for Order of Service in writing should be permitted to exercise that prerogative;

It further appearing, That, pursuant to section 553 of the Administrative Procedure Act, notice of the said petition was published in the FEDERAL REGISTER, which notice stated that no oral hearings were contemplated; that persons desiring to participate in the proceeding were invited to file representations supporting or opposing the proposal; that individual representations were filed in support of the petition by the General Services Administration of the United States and by Allied Van Lines, Inc., a motor common carrier of household goods; and that no representations were filed in opposition to the petition;

It further appearing, that the uncontested evidence of record demonstrates that the Order for Service is unnecessary with respect to certain types of shipments of government shippers; that for the past 2.5 years, Orders for Service have not been issued on shipments of the Department of Defense, the largest shipper of household goods in the nation; that all government agencies utilizing Government Bills of Lading are entitled to the same advantages presently enjoyed by the Department of Defense; and that granting the relief sought should not adversely affect the positive value which the Order for Service has with respect to shipments by individual shipper-owners of household goods;

Wherefore, and good cause appearing therefor:

It is ordered, That Part 1056 of subchapter A of chapter X of title 40 of the Code of Federal Regulations be, and it is hereby, amended by modifying § 1056.9(c), so as to read as follows:

§ 1056.9 Order for service.

(c) *Waiver of Order for Service.* Upon written request from the shipper, the requirement for an Order for Service may be waived for shipments moving on Government Bills of Lading and for shipments transported under paragraph (c)(3) of the household goods commodity description (49 CFR 1056.1(a)(3)) consisting of articles, including objects of art, displays, and exhibits, which because of their unusual nature or value, require the specialized handling and equipment usually employed in moving household goods. (49 Stat. 546, as amended, 558, as amended, 560, as amended, 563, as amended, 565, as amended; 49 U.S.C. 304, 315, 317, 319, 320, and 323).

It is further ordered, That this order shall become effective on August 20, 1973, and shall continue in effect until further order of the Commission.

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

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-13837 Filed 7-6-73; 8:45 am]

[Ex Parte No. MC-1 (Sub-No. 4); Ex Parte No. MC-1 (Sub-No. 5)]

PART 1322—EXTENSION OF CREDIT TO SHIPPERS BY MOTOR CARRIERS

Payment of Rates and Charges of Motor Carriers Credit Regulations—Oilfield Carriers; Payment of Rates and Charges of Motor Carriers to Shippers

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 11th day of June 1973.

It appearing, that on May 8, 1972, the Commission entered an order instituting a rulemaking proceeding to determine whether rules and regulations governing the extension of credit by motor common carriers to shippers (49 CFR 1322) prescribed pursuant to authority granted in section 223 of the Interstate Commerce Act, and published in the Code of Federal Regulations, were serving their purpose;

And it further appearing, that the Commission, on the date hereof, has made and filed its report herein setting forth the basis for its conclusions and findings, which report and prior reports in 2 M.C.C. 365, as modified and amended by subsequent reports and orders, including those of the entire Commission in 105 M.C.C. 460 and 326 I.C.C. 483, are hereby referred to and made a part hereof:

It is ordered, That the following section of part 1322, be, and it is hereby, revised and modified as follows:

Amend § 1322.3 to read as follows:

§ 1322.3 Period of credit following delivery of freight.

Freight bills for all transportation charges shall be presented to the shippers within 7 calendar days from the first 12 o'clock midnight following delivery of the freight except that motor common carriers of household goods and motor common carriers of oilfield equipment shall present their freight bills for all transportation charges to the shipper within 15 calendar days, excluding Saturdays, Sundays, and holidays, from the first 12 o'clock midnight following delivery of the freight.

It is further ordered, That this amendment shall become effective on August 15, 1973, and shall remain in effect until modified or revoked in whole or in part by further order of the Commission.

And it is further ordered, That notice of this order be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing with the Director, Office of the Federal Register (49 U.S.C. 301, 302, and 308, 5 U.S.C. 553 and 559).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-13838 Filed 7-6-73; 8:45 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 725]

FLUE-CURED TOBACCO

Notice of Referendum

Notice is hereby given that on July 17, 1973, a referendum will be held at polling places of farmers engaged in the production of the 1973 flue-cured tobacco crop, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended. In a notice (38 FR 13653), it was proposed that the referendum be held at polling places on July 17, 1973. The views and recommendations received pursuant to such notice have been considered within the limits permitted by the Act.

The purpose of the referendum is to determine whether the farmers voting favor or oppose the establishment of marketing quotas for the three marketing years beginning July 1, 1974, July 1, 1975, and July 1, 1976.

The referendum will be conducted in accordance with the provisions of the Act and the regulations governing the holding of referenda on Marketing quotas (33 FR 18345; 34 FR 12940; 36 FR 12730; 38 FR 12891) including any amendments made prior to the referendum.

Signed at Washington, D.C. on: July 3, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 73-13835 Filed 7-3-73; 3:09 pm]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 233]

NEED AND AMOUNT OF ASSISTANCE RESOURCES LIMITATIONS

Notice of Proposed Rulemaking

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations establish limits on resources that may be retained or shall be considered.

For the adult categories, these limits are similar to those established by Public Law 92-603 for the new Supplemental Security Income program that will go

into effect on January 1, 1974. For AFDC, there are variations based on family size and specific limitations on certain kinds of resources. The regulations would also clarify that available income and resources include those which are available to the client, e.g., through a legal interest in community property or a trust, even though he does not secure them.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue S.W., Washington, D.C. 20201, on or before August 8, 1973. Comments received will be available for public inspection in Room 5121 of the Department's offices at 301 C Street S.W., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (area code 202-963-7361).

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

Dated: April 23, 1973.

FRANCIS D. DEGEORGE,
Acting Administrator, Social and Rehabilitation Service.

Approved: July 2, 1973.

FRANK CARLUCCI,
Acting Secretary.

Section 233.20(a)(3)(i) and (ii) (a) through (c), part 233, chapter II, title 45 of the Code of Federal Regulations is revised to read as set forth below:

§ 233.20 Need and amount of assistance.

(a) *Requirements for State plans.* * * *
(3) *Income and resources; OAA, AFDC, AB, APTD, AABD.* (i) Specify the amount and types of real and personal property, including liquid assets, that may be reserved, i.e., retained to meet the current and future needs while assistance is received on a continuing basis, and the manner in which various types of real and personal property shall be evaluated for purposes of (a) establishing initial and continuing eligibility and (b) inclusion in such reserves and allowances as are provided for by the State plan. In addition to the home, personal effects, automobile and income producing property allowed by the agency, for applicants or recipients of OAA, AB, APTD, and AABD, the amount of real and personal property, including liquid assets, that can be reserved for each individual applicant or recipient

of OAA, AB, APTD, or AABD shall not be in excess of \$1500 or, in case such individual has a spouse with whom he is living, \$2250. The amount which may be reserved by an AFDC family other than the reasonable value of a home as determined by the State agency, wedding and engagement rings, heirlooms, and equipment and material of reasonable value which are necessary to implement an employment, rehabilitation or self-support plan for the applicant or recipient, shall not be in excess of a market value of \$2250, of which not more than \$1200 shall consist of motor vehicles; the real and personal property shall be valued at their gross market value including encumbrances. Where there are more than three needy children in an eligible family an additional \$100 in personal property reserves above the \$2250 limit shall be permitted for each needy child in excess of three children. Policies may allow reasonable proportions of income from businesses or farms to be used to increase capital assets, so that income may be increased.

(ii) Provide that, in establishing financial eligibility and the amount of the assistance payment, after policies governing the reserves and allowances referred to in paragraph (a)(3)(i) of this section have been applied: (a) All income and resources, after policies governing the disregard or setting aside of income and resources have been applied, will be considered in relation to the State's standard of assistance, and will first be applied to maintenance costs; (b) if agency policies provide for allocation of the individual's income as necessary for the support of his dependents, such allocation shall not exceed the total amount of their needs as determined by the statewide standard; (c) net income available for current use and currently available resources shall be considered; income and resources are considered available both when actually available and when the applicant or recipient has a legal interest therein and has the legal ability to make them available but does not do so;

2. Section 233.90, chapter II, title 45 of the Code of Federal Regulations is revised to read as set forth below:

§ 233.90 Factors specific to AFDC.

(a) *State plan requirement.* A State plan under title IV-A of the Social Security Act must provide that the determination whether a child has been deprived of parental support or care by reason of the death, continued absence

from the home, or physical or mental incapacity of a parent, or (if the State plan includes such cases) the unemployment of his father, will be made only in relation to the child's natural or adoptive parent, or in relation to the child's stepparent who is ceremonially married to the child's natural or adoptive parent and is legally obligated to support the child under State law of general applicability which requires stepparents to support stepchildren to the same extent that natural or adoptive parents are required to support their children. Under this requirement, the inclusion in the family, or the presence in the home, of a "substitute parent" or "man-in-the-house" or any individual other than one described in this paragraph is not an acceptable basis for a finding of ineligibility or for assuming the availability of income by the State. In establishing financial eligibility and the amount of the assistance payment, the income only of the parent described in the first sentence of this paragraph will be considered available for children in the household in the absence of proof of actual contributions.

[FR Doc. 73-13656 Filed 7-6-73; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-SO-25]

CONTROL ZONE AND TRANSITION AREA

Proposed Redesignation and Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would redesignate the Biloxi, Miss., control zone and alter the Gulfport, Miss., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before August 8, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Biloxi control zone described in § 71.171 (38 FR 351) would be amended as follows:

" * * * This control zone is effective from 0600 to 2200 hours, local time, daily * * * " would be deleted.

The Gulfport transition area described in § 71.181 (38 FR 435) would be amended as follows:

" * * * within 3 miles each side of the 036° bearing from Keesler RBN, extending from the 8.5-mile radius area to 8.5 miles northeast of the RBN * * * " would be deleted.

The proposed redesignation is required to make the control zone effective 24 hours per day in lieu of 16 hours. This is required to accommodate the operation of the 53rd Weather Reconnaissance Squadron and the Fleet Aerospace Cartographic and Geodetic Squadron. The proposed alteration of the transition area is required to revoke the extension predicated on the 036° bearing from Keesler RBN which was designated to provide controlled airspace protection for IFR aircraft executing the NDB RWY 21 Instrument Approach Procedure during the time the control zone was not in effect.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on June 27, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 73-13785 Filed 7-6-73; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-SO-41]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Anniston, Ala., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before August 8, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Anniston transition area described in § 71.181 (38 FR 435) would be amended as follows:

" * * * longitude 86°03'36'' W) * * * " would be deleted and " * * * longitude 86°03'36'' W); within 9.5 miles southeast and 4.5 miles northwest of Talladega VORTAC 233° radial, extending from the 12-mile radius area to 18.5 miles southwest of the VORTAC; within 9.5 miles south and 4.5 miles north of the Talladega VORTAC 252° radial, extending from the 12-mile radius area to 18.5 miles west of the VORTAC * * * " would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR aircraft executing the revised VOR-A and VOR/DME RWY 3 Instrument Approach Procedures to Talladega Municipal Airport. The procedure turn altitude for these two approach procedures is being lowered from 3,000 to 2,700 feet MSL to comply with Terminal Instrument Procedures (TERPs) criteria.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on June 27, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 73-13786 Filed 7-6-73; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-WA-8]

ST. LOUIS, MO.

Proposed Terminal Control Area

Correction

In FR Doc. 73-12396 appearing at page 16239 in the issue of Thursday, June 21, 1973, in the third line of the description of Area C, the figure "10-mi. radius" should read "15-mi. radius".

[14 CFR Part 129]

[Docket No. 12198; Reference Notice No. 72-23]

AVIATION SECURITY: FOREIGN AIR CARRIERS

Withdrawal of Notice of Proposed Rule Making

The purpose of this notice is to withdraw Notice No. 72-23, published in the FEDERAL REGISTER September 2, 1972 (37 FR 17979), in which the FAA proposed to amend Part 129 of the Federal Aviation regulations to provide aviation security standards for foreign air carriers while operating within the United States.

Most of the comments received from interested persons in response to the notice were opposed to the proposal because it could conflict with security standards adopted by various states of aircraft registry or the International Civil Aviation Organization (ICAO). In this regard, it is noted that ICAO, by resolution of its Council on June 19,

1972, is currently refining "recommended standards and practices" to ensure the security of aircraft.

In light of all the comments received in response to Notice 72-23, the FAA has determined that the proposal is not appropriate and that Notice 72-23 should be withdrawn.

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

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

In consideration of the foregoing, the notice of proposed rule making published in the FEDERAL REGISTER September 2, 1972 (37 FR 17979), and circulated as Notice No. 72-23 entitled "Aviation Security: Foreign Air Carriers" is hereby withdrawn.

Issued in Washington, D.C., on June 29, 1973.

JAMES T. MURPHY,
Director, Office of
Air Transportation Security.

[FR Doc. 73-13787 Filed 7-6-73; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 61]

[Docket No. 19528]

MTS AND WATS SERVICES

Proposed New or Revised Classes; Order Extending Time

In the matter of proposals for new or revised classes of Interstate and Foreign Message Toll Telephone Service (MTS) and Wide Area Telephone Service (WATS), Docket No. 19528.

1. We have before us a Motion for Extension of Time in this proceeding filed by the Association of American Railroads (AAR) which requests that the time for filing of comments and reply comments herein be extended for ninety days, respectively. In support of its motion AAR states: (1) That there is a considerable volume of material to be reviewed in order to prepare meaningful comments, (2) that not all of the advisory committee reports have yet been released and that if past experience is a guide, may not become readily available for a significant time after their release date, (3) that petitions regarding possible consolidation with Docket 19691 remained pending until June 13, 1973, and that (4) in order to provide comments and proposals in the same detail as the proposals of the PBX Committee and the Office of the Chief Engineer, extensive preparation, discussion and internal review within AAR will be required.

2. Although we have previously granted a thirty day extension upon the request of the Ad Hoc Telecommunications Committee (38 FR 13663, May 24, 1973), it

appears that AAR has shown good cause for further extension of time. However, considering that the First Supplemental Notice herein was released April 3, 1973 (40 FCC 2d 315), and the previous extension, the full ninety days requested do not appear warranted. Therefore, it is ordered, That, pursuant to authority delegated by § 0.303(c) of the Commission's rules, the time for filing of comments in this proceeding is extended until September 17, 1973 and the time for filing of reply comments to November 16, 1973.

Adopted: June 29, 1973.

Released: July 2, 1973.

[SEAL] BERNARD STRASSBURG,
Chief, Common Carrier Bureau.

[FR Doc. 73-13823 Filed 7-6-73; 8:45 am]

[47 CFR Part 61]

[Docket No. 19741]

SCHEDULES FOR NEW OR REVISED CLASSIFICATIONS OF SERVICE

Proposed Requirements; Order Extending Time for Filing Comments

In the matter of amendment of Part 61 of the Commission's rules relative to Notice requirements for schedules for new or revised classifications of service, Docket No. 19741.

1. We have before us a telegraphic request for extension of time in this proceeding filed by ITT World Communications, Inc. (ITT World Com). The request is that the time for filing comments pursuant to the notice of proposed rule making in the above-captioned proceeding released May 21, 1973, FCC 73-513, (38 FR 13657), 40 FCC 2d 1099 (1973) be extended two weeks. In support of its request ITT World Com cites press of other matters rendering it impossible to prepare the requisite comments by June 28, 1973.

2. Therefore, good cause having been shown: It is ordered, That pursuant to the authority delegated by § 0.303(c) of the Commission's rules, the time for filing of comments in this proceeding is extended until July 12, 1973 and the time for filing reply comments is extended until July 23, 1973.

Adopted: June 28, 1973.

Released: June 29, 1973.

[SEAL] BERNARD STRASSBURG,
Chief, Common Carrier Bureau.

[FR Doc. 73-13824 Filed 7-6-73; 8:45 am]

[47 CFR Part 73]

[Docket No. 19727]

FM BROADCAST STATIONS IN NEW BERN AND MOREHEAD CITY, BEAUFORT, N.C.

Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202(b), Table of assignments, FM Broadcast Stations. (New Bern and Morehead City-Beaufort, North Carolina), Docket No. 19727, RM-1981.

1. On April 25, 1973, the Commission adopted a notice of proposed rule making in the above-captioned proceeding. Publication was given in the FEDERAL REGISTER on May 3, 1973, 38 F.R. 10968. By subsequent Order, the dates for comments and reply comments were specified as June 20 and June 29, 1973, respectively.

2. On June 26, 1973 (38 FR 14970) counsel for New Bern Broadcasting, Inc., petitioner in this proceeding, filed a request for an extension of time in which to file reply comments to and including July 31, 1973. Counsel states that the requested extension is necessary due to the press of preexisting commitments which require counsel to be out of town and the significant amount of legal and engineering preparation necessary to respond to the comments filed herein. Counsel further states that the other parties to this proceeding have stated no objection to this extension.

3. It appears that the requested extension is warranted. Accordingly, it is ordered, that the date for filing reply comments is extended to and including July 31, 1973.

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

Adopted: June 29, 1973.

Released: July 2, 1973.

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

[FR Doc. 73-13826 Filed 7-6-73; 8:45 am]

[47 CFR Part 83]

[Docket No. 19776; FCC 73-687]

IDENTIFICATION OF STATIONS

Notice of Proposed Rule Making

In the matter of amendment of §§ 83.326(a) and 83.364(a)(3) to allow ships and survival craft engaged in public correspondence to defer the 15-minute identification requirement until the end of a message or the end of a telephone conversation, Docket No. 19776.

1. Notice is hereby given of a proposed rule making in the above-captioned matter.

2. Sections 83.326(a) and 83.364(a)(3) require operators of ship and survival craft telegraphy and telephony stations to identify by call sign at intervals not exceeding 15 minutes whenever transmission is sustained for a period exceeding 15 minutes.

3. A review of violation notices issued for violation of these two sections shows that practically all of these involve stations handling public correspondence with public coast stations. The violations occurred because the operator failed to interrupt the transmission of a message or a telephone conversation at the 15-minute interval to identify by call sign.

4. We believe that the rules should be amended to allow operation of ship stations engaged in public correspondence

to defer station identification until the end of an exchange of communications when the transmission of station identification would interrupt a telephone conversation or a message.

5. The proposed amendments, as set forth below, are issued pursuant to the authority contained in section 4(i) and sections 303(e), (f) and (r) of the Communications Act of 1934, as amended.

6. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 13, 1973, and reply comments on or before August 22, 1973. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into consideration other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions set forth in Section 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.

Adopted: June 27, 1973.

Released: July 2, 1973.

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

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 83.326(a) is amended to read as follows:

§ 83.326 Identification of stations.

(a) All radiotelegraph emissions of a ship station or a survival craft station shall be clearly identified by transmission therefrom of the official call letters assigned to that station for telegraphy by the Commission. These call letters shall be transmitted by telegraphy in accordance with § 83.325 and the procedure set forth in the International Radio Regulations and by means of the class of emission normally used by the station for telegraphy: Provided, That they shall be transmitted at intervals not exceeding 15 minutes whenever transmission is sustained for a period exceeding 15 minutes, except when such station is engaged in transmitting public correspondence communications the identification may be deferred until completion of each communication with any other station.

2. Section 83.364(a) (3) is amended to read as follows:

§ 83.364 Identification of station.

(a) * * *

(3) At intervals not exceeding 15 minutes whenever transmission is sustained

for a period exceeding 15 minutes, except when a station is engaged in transmitting public correspondence communications in which case the identification may be deferred until completion of each communication with any other station.

[FR Doc. 73-13819 Filed 7-6-73; 8:45 am]

INTERSTATE COMMERCE
COMMISSION

[49 CFR Part 1106]

[Ex Parte No. 296]

PROCEDURES FOR PARTIAL RECOUPMENT OF INCREASED CARRIER LABOR COSTS

Proposed Rulemaking and Order

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 15th day of June, 1973.

Our procedures for handling general rate increase proposals have been under constant review and revision through the years in an effort to balance the interest of the carriers, shippers, and the public generally. By order served August 17, 1970, we established revised procedures governing rail general rate increase proceedings to "make possible prompt disposition of such cases, reduce the volume of submitted material and the cost of participation by carriers, shippers, and other interested parties, and aid in the elimination of uncertainty among users of the service as to future transportation costs." We required that railroads seeking increases in rates or charges on a national or territorial basis should file, concurrently with the tariff schedules containing such rates or charges, or petitions seeking authority to file the schedules, verified statements presenting and comprising the entire evidential case relied on in support of the proposal. In addition, the carriers were required to serve on each party of record in the last prior general rate increase proceeding, a copy of their evidence. The proceeding in which the most recent general increase was authorized, Ex Parte No. 281, *Increased Freight Rates and Charges, 1972*, 341 I.C.C. 290, was governed by that order. The report therein discussed the evidentiary deficiency of the record with respect to individual commodities, and under the heading "Future evidential requirements," we stated:

Looking beyond the exigencies of this proceeding, respondents are advised and forewarned that our acceptance of annualized costs and other data of a type submitted in this and in prior general revenue proceedings is not an irrevocable commitment; and that, in the future, we will require a much more variable data base to support an application for revenue relief. To this end, we intend promptly to institute a rulemaking proceeding looking toward prescription of minimum evidentiary requirements in railroad general increase cases to supplement the regulations in 49 CFR 1102. We realize, however, that the process leading to a ultimate determination of such requirements will consume considerable time, based on

our experience in Ex Parte No. MC-82, *New Procedures in Motor Carrier Rev. Proc.*, 339 I.C.C. 324, and 340 I.C.C. 1.

Accordingly, as an interim measure, we have determined to indicate the evidentiary showing which should be made in any rail revenue proceeding which might be instituted prior to the promulgation of specific procedures. Provisions relevant to such an evidentiary showing are set forth in appendix B and will be referred to as "interim procedures." They include the provisions regarding application, service, and verification previously promulgated in our procedural order of August 13, 1970, *supra*. We wish to make it clear, however, that respondents are not precluded from submitting additional evidence to support their proposals.

Shortly thereafter, by notice of proposed rulemaking and order entered on December 1, 1972, in Ex Parte No. 290, *Procedures Governing Rail Carrier General Increase Proceedings*, we proposed the detailed rules set forth in the appendix thereto. That notice and order was served on all railroads and on each party to the proceeding in Ex Parte No. 281, and it was published in the *FEDERAL REGISTER* as general public notice. Verified initial statements of facts and argument were due on or before May 28 and reply statements are due on or before June 29, 1973. While we have expedited all general revenue proceedings consistent with affording all parties equal opportunity to participate, it is believed that the proposed procedures, or those ultimately adopted, will shorten the time necessary to dispose of such proceedings, will achieve greater uniformity and reliability in the data submitted, and will provide adequate notice to the carriers and the public of the minimum evidence deemed necessary to render a decision in furtherance of the public interest.

Among the responses received to our order instituting the pending proceeding in Ex Parte No. 270, *Investigation of Railroad Freight Rate Structure*, were those of the eastern railroads suggesting for consideration the question of "whether expedited procedures can be devised to permit prompt adjustment in rates to offset increased costs." The western and southern railroads expressed similar interest in the development of more expeditious rate procedures. As previously indicated, we have revised procedures from time to time, always with the view of balancing the interests of all concerned in the performance and use of transportation services.

Labor costs represent a relatively high proportion of total operating revenues in the transportation industry. In recognition of the fact that the payment of higher negotiated labor costs cannot be immediately offset by increasing rates and charges, and that carriers could be financially disadvantaged and their service to the public adversely affected in the time required for normal disposition of revenue proceedings, we propose to institute this rulemaking proceeding for the purpose of enunciating a procedure for partial recoupment of increased labor costs where an urgent need exists therefor under sections 15a(2), 216(1), 307(f), and 406(d) considered in conjunction with the national transportation policy "to promote safe, adequate, economical, and efficient service and foster sound economic conditions in transportation * * *—all to the end of developing, coordinating, and preserving a national transportation system."

The proposed procedure with respect to each regulated mode follows:

It is proposed that a new part 1106 be added as follows:

PART 1106—PROCEDURE FOR PARTIAL RECOUPMENT OF INCREASED CARRIER LABOR COSTS

Sec.
1106.1 Application.
1106.2 Notice.

AUTHORITY: Sec. 15a(2), 216(i), 307(f) and 406(d) of Interstate Commerce Commission Act.

§ 1106.1 Application.

Where the total negotiated labor costs of the carriers, on a national or regional basis or by carrier members of major tariff publishing agencies, have increased 5 percent or more within any calendar year, and (1) where the total actual labor costs of the carriers for the calendar year immediately preceding the effective date of the increased negotiated labor costs, equal or exceed:¹ (a) 50 percent of operating revenues for the corresponding period in the case of railroads, (b) 50 percent of operating revenues for the corresponding period in the case of motor carriers, (c) 20 percent of operating revenues for the corresponding period in the case of Class A water carriers, (d) 15 percent of operating revenues for the corresponding period in the case of coastwise and intercoastal maritime carriers, and, (e) 20 percent of operating revenues for the corresponding period in the case of freight forwarders; and (2) where the average rate of return on shareholders' equity of the carriers (ratio of ordinary income to total of capital stock and surplus accounts, average of beginning and end of the calendar year immediately preceding the effective date of the negotiated increased labor costs) is less than:² (a) 3 percent in the eastern district; 6 percent in the southern district; 5 percent in the western district; or 3 percent nationwide; in the case of railroads; (b) 16 percent in the case of motor carriers; (c) 10 percent in the case of Class A water carriers; (d) 2 percent in the case of coastwise and intercoastal maritime carriers; and (e) 18 percent in the case of freight forwarders; the Commission will consider such showing, upon verification, as establishing an urgent

¹The relationships of labor costs to operating revenues were those experienced by the respective modes in 1971, expressed in the nearest round figure.

²These represent the approximate average rates of return experienced by the respective modes in 1971, except that those for the railroads were in 1972.

need of the carriers to recoup such negotiated labor costs in part and as establishing a prima facie case for granting the carriers authority to increase their rates and charges by amounts necessary to obtain revenues which would recoup 50 percent of the increased negotiated labor costs, but in no case to exceed an increase of 2.5 percent in their rates and charges, giving appropriate recognition to the extent practicable to the increased labor costs on various traffic, subject to conditions, such as those necessary to protect port and commodity relationships, as the Commission may deem appropriate.

§ 1106.2 Notice.

The detailed information called for herein shall be in writing and shall be verified by a person or persons having knowledge thereof. The original and 16 copies of each verified statement for the use of the Commission shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423. One copy of each statement shall be sent by first-class mail to each of the Regional Offices of the Commission in the area affected by the proposed increase, where it will be open to public inspection. A notice of the filing of a request for such relief, and a summary statement of the justification therefor, shall be served upon each party of record in the last formal proceeding concerning a general rate increase, and that fact shall be evidenced by a certificate of service filed with the request for relief.

Accordingly, *It is ordered*, That a proceeding be, and it is hereby, instituted with the objective of promulgating the special procedure set forth above, but that any procedures ultimately promulgated will be consistent with wage and price regulations then in effect.

It is further ordered, That all carriers by rail, motor, and water, and freight forwarders subject to the jurisdiction of this Commission be, and they are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearing be scheduled for the receiving of testimony unless a need therefor should later appear, but that respondents or any other interested parties may participate in this proceeding by submitting for consideration written statements of verified facts, views, and arguments regarding the proposed procedures, including whether or not the proposed procedure is a major Federal action significantly affecting the quality of the human environment within the meaning

of the National Environmental Policy Act of 1969.

It is further ordered, That any person interested in this proceeding shall notify this Commission, by filing with the Interstate Commerce Commission, Office of Proceedings, Room 5354, Washington, D.C. 20423, on or before August 3, 1973, the original and one copy of a statement of his interest. Inasmuch as the Commission desires wherever possible (a) to conserve time, (b) to avoid unnecessary expense to the public, and (c) the service of pleadings by parties in proceedings of this type only upon those who intend to take an active part in the proceeding, the statement of intention to participate shall include a detailed specification of the extent of such person's interest, including (1) whether such interest extends merely to receiving Commission releases in this proceeding, (2) whether he genuinely wishes to participate by receiving or filing initial and/or reply statements, (3) if he so desires to participate as described in (2), whether he will consolidate or is capable of consolidating his interests with those of other interested parties by filing joint statements in order to limit the number of copies of pleadings that need be served, such consolidation of interests being strongly urged by the Commission, and (4) any other pertinent information which will aid in limiting the service list to be used in this proceeding; that this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties desiring to participate in this proceeding and upon whom copies of all statements must be filed; and that at the time of service of this service list the Commission will fix the time within which initial statements and replies must be filed.

And it is further ordered, That a copy of this notice and order be served on each respondent and on each party to the proceeding in Ex Parte No. 281 *supra*, that a copy be deposited in the office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that statutory notice of the institution of this proceeding be given to the general public by delivering a copy thereof to the Director, Office of the Federal Register, for publication therein.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-13836 Filed 7-6-73; 8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Office of the Secretary
[Public Notice 394]

DOME PIPELINE CORP.

Application for Presidential Permit for a Liquid Hydrocarbon Pipeline

The Department of State has received an application dated March 9, 1973, from the Dome Pipeline Corporation, a North Dakota corporation having its registered office at Bismarck, North Dakota, which is a wholly-owned subsidiary of Dome Petroleum Limited, a company incorporated under the laws of Canada. The application by Dome Pipeline Corporation is for a permit under Executive Order 11423 to construct a liquid hydrocarbon pipeline at the international border between the United States and Canada near Marysville, Michigan, in the St. Clair River.

Notice is hereby given pursuant to section 2(a) of Executive Order 11423 of August 16, 1968, that copies of this application are available to the public from the Department of State, Office of the Legal Adviser, Washington, D.C. 20520, and that written comments thereon will be received by the Department of State until August 10, 1973.

For the Secretary of State.

[SEAL] J. DAPRAY MUIR,
*Assistant Legal Adviser for
Economic & Business Affairs.*

JUNE 28, 1973.

[FR Doc.73-13806 Filed 7-6-73;8:45 am]

[Public Notice 393]

PRESIDIO COUNTY

Application for Presidential Permit for a Bridge at Presidio, Tex.

The Department of State has received an application dated June 15, 1973, from the Presidio County Government at Marfa, Texas, for a permit to construct, operate, and maintain a bridge between Presidio, Texas and Ojinaga, Chihuahua, Mexico.

Notice is hereby given pursuant to section 2(a) of Executive Order 11423 of August 16, 1968, that copies of this application are available to the public from the Department of State, Office of the Legal Adviser, Washington, D.C. 20520, and that written comments thereon will

be received by the Department of State until August 10, 1973.

For the Secretary of State.

[SEAL] J. DAPRAY MUIR,
*Assistant Legal Adviser for
Economic & Business Affairs.*

JUNE 27, 1973.

[FR Doc.73-13805 Filed 7-6-73;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[T.D. 73-132; Treasury Department Order
165-23]

UNITED STATES CUSTOMS SERVICE

Redesignation

Correction

In FR Doc 73-9916 appearing on page 13037 of the issue for Friday, May 18, 1973, in the second line of the paragraph numbered "1", "U.S. Customs Service" should read "United States Customs Service".

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

[Docket No. M73-63]

USIBELLI COAL MINE, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Usibelli Coal Mine, Incorporated, has filed a petition to modify the application of 30 CFR 77.1605(k) to its Usibelli Mine.

30 CFR 77.1605(k) reads as follows:

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

Petitioner states that its mine is located in the foothills of the Alaska Range, an area which is noted for strong winds and snow and that it believes that guardrails and berms are not feasible in these climatic conditions. Petitioner contends that the majority of the road system is perpendicular to prevailing winds and that its experience shows that obstructions along the road cause drifting of snow and the formation of ice on the road's surface, thereby creating serious hazards to driving.

As an alternative method, petitioner intends to use the currently existing

roads and methods of road maintenance. Petitioner states that roadside obstructions also can be detrimental to road maintenance.

Petitioner avers that the implementation of the mandatory safety standard would result in a diminution of safety to the miners in the affected area because it would create hazardous driving conditions and prevent road maintenance. Petitioner contends that the Department of Highways of the State of Alaska concurs with petitioner's position concerning the construction of berms or guardrails.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 8, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84111. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director,

Office of Hearings and Appeals.

[FR Doc.73-13800 Filed 7-6-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

COMMUNICATION SITES ON TONGASS AND CHUGACH NATIONAL FORESTS

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 Communication Sites on the Tongass and Chugach National Forests, Forest Service Report Number USDA-PS-DES (Adm) 73-74.

The environmental statement concerns a proposed action to construct communication facilities at twenty-two (22) locations on the Tongass and Chugach National Forests in Alaska. The facilities will serve seven communication modes with the majority of sites serving two or more systems.

This draft environmental statement was filed with CEQ on June 12, 1973.

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

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
P.O. Box 1628
Juneau, Alaska 99801

and also at Forest Service offices in Alaska at the following locations: Juneau, Sitka, Petersburg, Ketchikan, Yakutat, Anchorage, Cordova, and Kenai.

A limited number of single copies are available upon request to Regional Forester, U.S. Forest Service, Box 1628, Juneau, Alaska 99801.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. 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 involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Regional Forester, U.S. Forest Service, Box 1628, Juneau, Alaska 99801. Comments must be received by July 15, 1973 in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

JUNE 29, 1973.

[FR Doc.73-13802 Filed 7-6-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

ADMINISTRATOR, HEALTH RESOURCES
ADMINISTRATION

Delegation of Authority

I hereby revoke the delegations previously made by me to the Administrator, Health Services and Mental Health Administration and the Director, National Institutes of Health, insofar as such delegations pertain to the functions assigned to the Health Resources Administration in the Reorganization Order effective July 1, 1973.

I hereby delegate to the Administrator, Health Resources Administration, all authority delegated to me by the Secretary of Health, Education, and Welfare which pertains to the functions assigned to the Health Resources Administration by the Reorganization Order effective July 1, 1973.

These authorities may be redelegated.

Pending issuances of redelegations, all delegations or redelegations to any other officer or employee of any office, bureau, division, center or other organizational unit which were in effect immediately

prior to July 1, 1973, shall continue in effect in them or their successors.

This delegation becomes effective July 1, 1973.

Dated June 18, 1973.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

[FR Doc.73-13792 Filed 7-6-73;8:45 am]

ADMINISTRATOR, HEALTH RESOURCES ADMINISTRATION

Delegation of Authority

I hereby delegate to the Commissioner of Food and Drugs and the Director, National Institutes of Health all those administrative management and financial management authorities previously delegated to them by the Assistant Secretary for Administration and Management and the Assistant Secretary Comptroller and which pertain to those functions assigned to their respective organizations by the Reorganization Order effective July 1, 1973.

I hereby delegate to the Administrator, Health Resources Administration, the Administrator, Health Services Administration, and the Director, Center for Disease Control the authority to exercise for their respective agencies all those administrative management and financial management authorities pertaining to those functions assigned to their respective organizations by the Reorganization Order effective July 1, 1973, which were formerly specifically delegated to the Administrator, Health Services and Mental Health Administration and the Director, National Institutes of Health.

Pending issuance of redelegations, all delegations or redelegations to any officer or employee of any office, bureau, division, center, or other organizational unit which were in effect immediately prior to July 1, 1973, shall continue in effect in them or their successors.

This delegation becomes effective July 1, 1973.

Dated July 2, 1973.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

[FR Doc.73-13799 Filed 7-6-73;8:45 am]

ADMINISTRATOR, HEALTH SERVICES ADMINISTRATION

Delegation of Authority

I hereby revoke the delegations previously made by me to the Administrator, Health Services and Mental Health Administration, insofar as such delegations pertain to the functions assigned to the Health Services Administration in the Reorganization Order effective July 1, 1973.

I hereby delegate to the Administrator, Health Services Administration, all authority delegated to me by the Secretary of Health, Education, and Welfare which pertains to the functions assigned to the Health Services Administration by the

Reorganization Order effective July 1, 1973.

These authorities may be redelegated. Pending issuances of redelegations, all delegations or redelegations to any other officer or employee of any office, bureau, division, center or other organizational unit which were in effect immediately prior to July 1, 1973, shall continue in effect in them or their successors.

This delegation becomes effective July 1, 1973.

Dated June 18, 1973.

CHARLES C. EDWARD,
Assistant Secretary for Health.

[FR Doc.73-13791 Filed 7-6-73;8:45 am]

ASSISTANT SECRETARY FOR HEALTH

Delegation of Authority

I hereby revoke the current delegations of those Administrative Management authorities previously made by me to the Administrator, Health Services and Mental Health Administration, the Director, National Institutes of Health and the Commissioner of Food and Drugs.

I hereby delegate to the Assistant Secretary for Health all the aforementioned administrative management authorities previously delegated to the Administrator, HSMHA, the Director, NIH, and the Commissioner of Food and Drugs within the Public Health Service, Department of Health, Education, and Welfare.

These authorities may be redelegated within the restrictions specified within pertinent DHEW manual instructions or other issuances.

Pending issuance of redelegations by the Assistant Secretary for Health, all delegations or redelegations to any other officer or employee of any office, bureau, division, center or other organizational unit which were in effect immediately prior to July 1, 1973, shall continue in them or their successors.

This delegation becomes effective July 1, 1973.

Dated June 29, 1973.

ROBERT H. MARIK,
*Assistant Secretary for
Administration and Management.*

[FR Doc.73-13794 Filed 7-6-73;8:45 am]

ASSISTANT SECRETARY FOR HEALTH

Delegation of Authority

I hereby revoke the current delegations of those financial management authorities previously made by me to the Administrator, Health Services and Mental Health Administration, the Director, National Institutes of Health and the Commissioner of Food and Drugs.

I hereby delegate to the Assistant Secretary for Health all the aforementioned financial management authorities previously delegated to the Administrator, HSMHA, the Director, NIH, and the Commissioner of Food and Drugs within the Public Health Service, Department of Health, Education, and Welfare.

These authorities may be redelegated within the restrictions specified within pertinent DHEW manual instructions or other issuances.

Pending issuance of redelegations by the Assistant Secretary for Health, all delegations or redelegation to any other officer or employee of any office, bureau, division, center or other organizational unit which were in effect immediately prior to July 1, 1973, shall continue in effect in them or their successors.

This delegation becomes effective July 1, 1973.

JAMES B. CARDWELL,
Assistant Secretary, Comptroller.

Dated June 27, 1973.

[FR Doc.73-13793 Filed 7-6-73;8:45 am]

DIRECTOR, CENTER FOR DISEASE CONTROL

Delegation of Authority

I hereby revoke the delegations previously made by me to the Administrator, Health Services and Mental Health Administration, insofar as such delegations pertain to the functions assigned to the Center for Disease Control in the Reorganization Order effective July 1, 1973.

I hereby delegate to the Director, Center for Disease Control, all authority delegated to me by the Secretary of Health, Education, and Welfare which pertains to the functions assigned to the Center for Disease Control by the Reorganization Order effective July 1, 1973.

These authorities may be redelegated. Pending issuances of redelegations, all delegations or redelegations to any other officer or employee of any office, bureau, division, center or other organizational unit which were in effect immediately prior to July 1, 1973, shall continue in effect in them or their successors.

This delegation becomes effective July 1, 1973.

Dated June 18, 1973.

CHARLES C. EDWARD,
Assistant Secretary for Health.

[FR Doc.73-13789 Filed 7-6-73;8:45 am]

DIRECTOR, NATIONAL INSTITUTES OF HEALTH

Delegation of Authority

I hereby revoke the delegations previously made by me to the Administrator, Health Services and Mental Health Administration, insofar as such delegations pertain to the functions assigned to the National Institutes of Health in the Reorganization Order effective July 1, 1973.

I hereby delegate to the Director, National Institutes of Health, all authority delegated to me by the Secretary of Health, Education, and Welfare which pertains to the functions assigned to the National Institutes of Health by the Reorganization Order effective July 1, 1973.

These authorities may be redelegated. Pending issuances of redelegations, all delegations or redelegations to any other officer or employee of any office, bureau, division, center or other organizational

unit which were in effect immediately prior to July 1, 1973, shall continue in effect in them or their successors.

This delegation becomes effective July 1, 1973.

Dated June 18, 1973.

CHARLES C. EDWARD,
Assistant Secretary for Health.

[FR Doc.73-13790 Filed 6-7-73;8:45 am]

PUBLIC HEALTH SERVICE Reorganization Order

Under the authority of section 6 of Reorganization Plan No. 1 of 1953 and section 2 of reorganization Plan No. 3 of 1966, and pursuant to the authorities vested in me as Secretary of Health, Education, and Welfare, I hereby order the reorganization of the Public Health Service which shall consist of five health agencies as hereinafter provided. The Health Services and Mental Health Administration is hereby abolished. Its functions shall be performed by three separate health agencies which are hereby established: the Center for Disease Control, the Health Resources Administration, and the Health Services Administration. There are hereby transferred: To the National Institutes of Health, the National Institute of Mental Health, formerly a part of HSMHA; to the new Health Resources Administration the Bureau of Health Manpower Education formerly a part of the National Institutes of Health; to the Center for Disease Control the National Institute for Occupational Safety and Health, formerly a part of HSMHA. The lead-based paint poisoning and rat control functions formerly in the Bureau of Community Environmental Management, HSMHA will be performed by the Center for Disease Control.

SECTION 1. Organization. The Public Health Service shall consist of the Office of the Assistant Secretary for Health and the following health agencies:

- (1) Center for Disease Control;
- (2) Food and Drug Administration;
- (3) Health Resources Administration;
- (4) Health Services Administration;
- (5) National Institutes of Health.

The restructured Public Health Service shall be under the direction and control of the Assistant Secretary for Health, who shall also serve as the principal Health Officer of the Department, and within the Office of the Secretary serves as principal advisor to the Secretary on all health matters.

FUNCTIONS AND RESPONSIBILITIES

Office of the Assistant Secretary for Health. The Assistant Secretary for Health shall be responsible for the direction and control of the functions herein assigned to the restructured Public Health Service. The Assistant Secretary for Health is also responsible for providing leadership and guidance for health-related activities throughout the Department and for maintaining relationships with other governmental and private agencies concerned with health.

Center for Disease Control. The Center for Disease Control shall be responsible for all of the functions presently assigned to it and to the National Institute for Occupational Safety and Health, as well as the functions for the prevention of lead-based paint poisoning, the rat control programs, and the Arctic Health Services Research Centers assigned to the former Bureau of Community Environmental Management.

The Center for Disease Control shall be headed by a Director who reports to the Assistant Secretary for Health. The Center for Disease Control shall carry out its responsibilities through the following Office of the Director and the newly established bureau-level organizations which shall perform those functions formerly carried out by those organizational units listed thereunder:

Office of Director
National Institute for Occupational Safety and Health

(All of the presently assigned functions)
Bureau of Epidemiology
Epidemiology Program
Bureau of Laboratories
Laboratory Division
Bureau of State Services
State and Community Services Division
Bureau of Community Environmental Management (only lead-based paint poisoning, rat control, and the Arctic Health Services Research Center functions)

Smallpox Eradication Program
(All of the presently assigned functions)
Training Program
(All of the presently assigned functions)
Tropical Disease Program
Malaria Program
National Clearinghouse for Smoking and Health
(All of the presently assigned functions)
Ecological Investigations Program
(All of the presently assigned functions)

Food and Drug Administration. The Food and Drug Administration shall be responsible for all of the functions presently assigned to the Food and Drug Administration. The Food and Drug Administration shall continue to be headed by a Commissioner who reports to the Assistant Secretary for Health.

Health Resources Administration. The Health Resources Administration shall be responsible for a monitoring, intelligence, assessment function on health status and the performance of the health delivery system; health services research and evaluation; development and testing of health delivery innovations; and development, testing and dissemination of methods for measuring and assuring the quality of health care; supporting recruitment and training of professional and non-professional personnel. Consistent with these functions, the Health Resources Administration will be a primary source of technical and professional assistance to the Assistant Secretary for Health and to the Department of Health, Education, and Welfare in policy analysis and policy research.

The Health Resources Administration shall be headed by an Administrator, who reports to the Assistant Secretary for Health. The Health Resources Administration shall carry out its responsibilities

through the following Office of the Administrator and the newly established bureau-level organizations which shall perform those functions formerly carried out by those organizational units listed thereunder:

Office of the Administrator
National Center for Health Statistics
National Center for Health Statistics
Bureau of Health Services Research and Evaluation
National Center for Health Services Research and Development
Regional Medical Programs Service
Bureau of Health Resources Development
Bureau of Health Manpower Education
Comprehensive Health Planning Service
Health Care Facilities Service
Office of Long-Term Care Services

Health Services Administration. The Health Services Administration shall be responsible for providing and financing the delivery of health services through grants, contracts, and direct delivery; for integrating service delivery programs with public and private health financing programs; for administering State formula grant-supported health service programs; and for assuring quality and containing costs of services provided through the public financing programs.

The Health Services Administration shall be headed by an Administrator, who reports to the Assistant Secretary for Health. The Health Services Administration shall carry out its responsibilities through the Office of the Administrator and the following newly established bureaus and services which shall perform those functions formerly carried out by those organizational units listed thereunder:

Office of the Administrator
Indian Health Service
(All of the presently assigned functions)
Federal Health Programs Service
(All of the presently assigned functions)
Bureau of Community Health Services
National Center for Family Planning Service
Maternal and Child Health Service
Community Health Service (except for the Office of Long-Term Care Services and the Division of Medical Care Standards)
National Health Service Corps
Health Maintenance Organization Service
Bureau of Quality Assurance
Division of Medical Care Standards

National Institutes of Health. The National Institutes of Health shall be responsible for all of the functions previously assigned to the National Institute of Mental Health as well as the functions presently assigned to the National Institutes of Health, including the National Library of Medicine, but excluding those functions previously assigned to the Bureau of Health Manpower Education.

The National Institutes of Health shall continue to be headed by a Director, who reports to the Assistant Secretary for Health.

Sec. 2. Continuation of regulations. Except as inconsistent with this Reorganization Order, all regulations, rules, orders, statements of policy, or interpretations with respect to the Public Health Service heretofore issued and in effect prior to the date of this Reorganization Order or to become effective subsequent to said date, are continued in full force and effect.

Sec. 3. Prior statements of organization, functions, and delegations of authority. To the extent inconsistent with this Reorganization Order all previous statements of organization, functions, and delegations of authority, as well as applicable present chapters of the Department's Organization Manual, are hereby superseded by this Reorganization Order, except that, pending further redelegations, respectively, by the Assistant Secretary for Health, the Assistant Secretary for Administration and Management, and the Assistant Secretary, Comptroller, all delegations to the Administrator of the former Health Services and Mental Health Administration are vested, for their respective organizational components, in the Director, Center for Disease Control; the Administrator, Health Resources Administration; the Administrator, Health Services Administration; and the Director, National Institutes of Health, with authority to redelegate, consistent with this Reorganization Order and the provisions of the respective delegation. All redelegations made by the Administrator of the former Health Services and Mental Health Administration or the Director, National Institutes of Health, to any other officer or employee of any office, institute, bureau, division, center, regional office, or other organizational unit in effect immediately prior to the effective date of this Reorganization Order shall continue in effect in them or their successors pending further redelegation.

Sec. 4. Redelegations of authority. The authorities delegated, respectively, to the Assistant Secretary for Health, the Assistant Secretary for Administration and Management, and the Assistant Secretary, Comptroller, may be redelegated as deemed appropriate. Such redelegations may be successively redelegated, except as any delegation may be explicitly limited.

Sec. 5. Funds, personnel, and equipment. Transfer of organizations and functions effected by this Reorganization Order shall be accompanied in each instance by direct and supporting funds, positions, personnel, records, equipment, supplies, and other resources.

Effective date. This reorganization Order shall be effective July 1, 1973.

FRANK CARLUCCI,
Acting Secretary.

JUNE 29, 1973.

[FR Doc. 73-13788 Filed 7-6-73; 8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit

[Docket No. N-73-180]

RELOCATION COSTS FOR LEASED HOUSING PROJECTS

Notice of Unavailability of Funds

The purpose of this notice is to make it clear that, subject to the detailed provisions set forth below, no local housing authority (LHA) is authorized to enter into any leasing arrangement as part of a HUD assisted leased housing project under the United States Housing Act of 1937, unless the dwelling units are vacant or unless the owner voluntarily undertakes liability for any relocation costs and provides assurance of funding for such purpose.

There is no available source of HUD funds which can be programmed for leased housing projects assisted under the United States Housing Act of 1937 for the payment of relocation costs, including costs of relocation assistance and payments, under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. It is therefore a matter of urgency that this notice be issued and become effective at the earliest possible date. For these reasons, it has been found to be impractical and contrary to the public interest to publish this notice for comment by the public, and it has further been found to be necessary that this notice shall take effect upon publication.

LEASING OF EXISTING HOUSING

1. Except as provided below, no LHA is authorized to enter into an agreement to lease or a lease for any dwelling unit which is occupied on the date the agreement to lease or lease is entered into unless the occupant will continue to reside in the same unit under the LHA's leased housing program. In the case of a unit alleged to be vacant, the agreement to lease or the lease, as the case may be, shall contain a certification by the owner substantially as follows:

The owner certifies that this unit is vacant and has been vacant since before the date of execution of this document. This certification is made subject to penalty under 18 U.S.C. 1001, which provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

2. (a) Where an agreement is entered into for the leasing of units as they become vacant through normal turnover (or a lease which contains provisions to the same effect), the procedures in (b) and (c) of this paragraph shall be complied with. Normal turnover as used

herein means that there is no fixed date by which the owner must make the units available, and that the units have been vacated only as a result of (1) voluntary decision of occupant, (2) action by landlord for cause, or (3) other action by landlord clearly unrelated to leasing of the unit to the LHA.

(b) The agreement to lease shall contain a provision that before a lease becomes effective with respect to any unit, the lease shall contain substantially the following provisions (in the case of a lease which provides for future renting of units made available through normal turnover, these provisions shall be made an addendum to the lease):

(1) The Owner certifies that _____ (Identify the unit) has been vacated as a result of: voluntary decision of occupant action by landlord for cause or other action by landlord clearly unrelated to leasing of the unit to the LHA [check box which is applicable], and the owner further certifies that the specific circumstances were as follows:

_____ This certification is made subject to penalty under 18 U.S.C. 1001, which provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

(ii) The owner agrees to hold harmless and to indemnify the LHA for any costs incurred under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 in connection with the vacation of said unit, and the owner further agrees that the LHA shall have the right to be reimbursed for any such costs by withholding from rents payable to the owner.

(c) The LHA shall review the Certificate and the facts stated therein, make such additional investigations as it deems necessary, and determine to its satisfaction that the unit was vacated as a result of one of the three categories mentioned in (a) above.

3. In the case of occupied units which involve repair, alteration or rehabilitation which requires that the units be vacated to accomplish the necessary work, an agreement to lease such occupied units (or a lease which provides for the future renting of such occupied units) may be entered into provided that the owner is apprised prior to the execution of the agreement to lease of all relocation requirements set forth in HUD's Codified Regulations dealing with relocation (24 CFR Part 42), in the HUD Relocation Handbook 1371-1, and other appropriate HUD issuances, and provided further that the owner voluntarily undertakes liability for and provides for the funding of all relocation costs as follows:

(a) The maximum potential amount of all relocation costs shall be calculated by the LHA and approved by HUD, and the owner shall deposit such amount in an escrow account under the terms of which payments may be made only upon presentation of written authorization by the LHA for the purpose of meeting relocation costs; and

(b) The owner shall agree that if the funds in the escrow account shall prove to be insufficient to meet all such relocation costs, he will deposit such additional amounts as the LHA determines to be necessary for such purpose.

CONSTRUCTION FOR LEASING

In the case of an agreement to lease housing which is to be constructed on a site which has occupants, no such agreement shall be entered into unless the owner voluntarily undertakes liability for and provides for the funding of all relocation costs as provided in paragraph 3 above.

This notice is issued pursuant to section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Effective date. This Notice shall become effective July 9, 1973.

WOODWARD KINGMAN,
Acting Assistant Secretary for
Housing Production and
Mortgage Credit.

[FR Doc.73-13850 Filed 7-6-73; 8:45 am]

Office of the Secretary

[Docket No. D-73-239]

ACTING AREA DIRECTOR, NEW YORK AREA OFFICE

Designation

Each of the officials appointed to the following positions is designated to serve as Acting Area Director, New York Area Office, during the absence of, or vacancy in the position of, the Area Director, with all the powers, functions, and duties re-delegated or assigned to the Area Director; *Provided*, That no official is authorized to serve as Acting Area Director unless all officials listed above him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Area Director.
2. The Director, Operations Division.
3. The Director, Housing Management Division.
4. The Director, Equal Opportunity Division.
5. The Area Counsel.

Effective date. This designation and delegation shall be effective as of June 1, 1973.

S. WILLIAM GREEN,
Regional Administrator,
Region II (New York).

[FR Doc.73-13833 Filed 7-6-73; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CG 73-138N]

NATIONAL COMMITTEE FOR PREVENTION OF MARINE POLLUTION

Notice of Open Meeting

This is to give notice pursuant to section 10(a) of the Federal Advisory Committee Act, Public Law 92-463, approved October 6, 1972, that the National Com-

mittee for Prevention of Marine Pollution will conduct an open meeting on Thursday, 12 July 1973, in room 3442, 400 Seventh St., SW, Washington, D.C., beginning at 1000.

The summarized agenda for this meeting consists of:

To discuss the reconstruction of the Inter-Governmental Maritime Consultative Organization (IMCO) to be more responsive to pollution problems.

The National Committee for Prevention of Marine Pollution was established by the Department of State to advise on the best information available to achieve the U.S. goal of complete elimination of willful discharge of oil (and noxious substances) by 1975, or the end of the decade at latest. Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing:

CAPT. S. M. SHUMAN, USCG
Chief, International Affairs Division (G-AIA/
83)

U.S. Coast Guard
400 Seventh St., SW
Washington, D.C. 20590

or calling (202) 426 2280.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

JULY 3, 1973.

[FR Doc.73-13829 Filed 7-6-73; 8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 23843]

AEROLINEAS ARGENTINAS

Notice of Postponement of Prehearing Conference and Hearing on Amendment and Renewal of Foreign Air Carrier Permit

Upon the written request of the applicant, the prehearing conference and hearing originally scheduled to be held on July 6, 1973, (38 FR 15649, June 14, 1973), are postponed to July 20, 1973.

The prehearing conference has been rescheduled for 10 am (local time), in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C. There being no objection, the hearing will be held immediately following conclusion of the prehearing conference.

Dated at Washington, D. C., June 29, 1973.

[SEAL] FRANK M. WHITING,
Administrative Law Judge.

[FR Doc.73-13847 Filed 7-6-73; 8:45 am]

[Docket 25588]

AMERICAN AIRLINES, INC.

Notice of Prehearing Conference on Certain Fare Reductions

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 23,

1973, at 10 am (local time), in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Alexander N. Argerakis.

In order to facilitate the conduct of the conference parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates on or before July 16, 1973.

Dated at Washington, D.C., July 2, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.
[FR Doc.73-13846 Filed 7-6-73;8:45 am]

COSTA LINE, INC.

[Docket 25523]

Notice of Postponement of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference and hearing previously set for July 9, 1973 (38 FR 15475, June 12, 1973), are hereby postponed indefinitely.

Dated at Washington, D.C., June 29, 1973.

[SEAL] THOMAS P. SHEEHAN,
Administrative Law Judge.
[FR Doc.73-13848 Filed 7-6-73;8:45 am]

[Docket No. 23333; Order 73-6-73]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

JUNE 18, 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names an additional specific commodity rate, as set forth below, reflecting a reduction from general cargo rates; and was adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated June 12, 1973. No rate increases are involved.

Specific Commodity Item No.	Description and Rate
0785-----	Vegetable Roots 53 cents per kg., minimum weight 1000 kgs. From Nandi to West Coast

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the

subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the condition hereinafter ordered.

Accordingly, it is ordered, That: Agreement C.A.B. 23734 be and hereby is approved, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.
[FR Doc.73-13845 Filed 7-6-73;8:45 am]

CIVIL SERVICE COMMISSION FEDERAL EMPLOYEES PAY COUNCIL Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Friday, July 13, 1973, to continue discussions on the fiscal year 1974 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it has been determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council will not be open to the public.

For the President's Agent,

FRANK S. MELLOR,
Advisory Committee Management,
Officer for the President's Agent.
[FR Doc. 73-13808 Filed 7-6-73;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Tuesday, July 10, 1973, to continue discussions on the fiscal year 1974 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it has been determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council will not be open to the public.

For the President's Agent,

FRANK S. MELLOR,
Advisory Committee Management,
Officer for the President's Agent.
[FR Doc.73-13809 Filed 7-6-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

RELATIONSHIP OF AUTOMOTIVE AFTER-MARKET PARTS AND AUTOMOTIVE SERVICE TO THE CLEAN AIR ACT AMENDMENTS OF 1970

Notice of Questionnaire

Notice is hereby given that on June 29, 1973, the Environmental Protection Agency mailed a voluntary Questionnaire (with forwarding letter) regarding the relationship of automotive after-market parts and automotive service to the Clean Air Act Amendments of 1970. The Questionnaire was sent to approximately 150 addressees including automobile manufacturers, aftermarket parts manufacturers and trade associations, automotive service companies and trade associations, selected State governments, and citizens organizations. The Questionnaire (with forwarding letter) is printed in its entirety below. Any person not receiving a Questionnaire, but desiring to respond to or comment on the Questionnaire may do so either directly from this notice or by obtaining a copy of the Questionnaire from the U.S. Environmental Protection Agency, Mobile Source Enforcement Division, Office of Enforcement and General Counsel, 401 M St. SW., Washington, D.C. 20460. All responses should be submitted by August 31, 1973.

Date: July 3, 1973.

ROBERT W. FRI,
Acting Administrator.

Dear Sir:

The Environmental Protection Agency is currently developing its policy with respect to implementation and enforcement of § 203(a)(3), § 207(a), § 207(b), § 207(c), and § 207(c)(3) of the Clean Air Act Amendments of 1970. The policy adopted regarding these provisions could have a major impact on the entire automotive industry and the automobile consumer. In order to develop a fair, balanced policy in this area, while pursuing the Agency's mandate to enhance air quality, EPA is soliciting comments from interested parties. Of primary interest is the interrelationship of the above provisions of the Amendments with automotive parts (especially "aftermarket" parts) and automotive service. To provide some background, the relevant provisions of the Amendments are outlined briefly below (and in more detail in enclosure 1). This is followed by a definition of "aftermarket" parts and a discussion of some of the issues raised in the

parts and service areas. Finally, a Questionnaire designed to organize and expedite our review of your comments is included as an enclosure.

RELEVANT PROVISIONS OF THE CLEAN AIR ACT AMENDMENTS OF 1970

In order to reduce substantially the amount of air pollution contributed by motor vehicles, Congress, by the 1970 Amendments, directed that the Administrator of EPA establish standards strictly controlling emissions from new vehicles and engines to determine whether they meet standards; only those which pass are certified for sale. Furthermore, under certain conditions, vehicle and engine manufacturers are required to warrant that vehicles and engines will not exceed emission standards for their useful life and to recall any class of vehicles or engines in which a substantial number is found not to comply. Vehicle and engine manufacturers also are required to provide maintenance instructions to the purchaser to assure the proper functioning of the emission controls over the useful life of the vehicle or engine. Interference with the emission controls ("tampering") is also prohibited in certain instances. Enclosure 1 summarizes the relevant provisions of the law.

AUTOMOTIVE AFTERMARKET PARTS

Automotive parts installed on a certified vehicle or engine at the time of its production are known as "OEM" parts (original equipment manufacturer) as are identical parts made by the same manufacturer and used to replace original parts. Presumably, replacement of OEM parts with OEM parts does not affect emissions.

Parts which are not both identical to OEM parts and made by the same manufacturer as OEM parts are non-OEM parts and are known as either "replacement parts" or "add-on parts". Replacement parts include those non-OEM parts designed to perform the same function as the OEM parts which they are intended to replace. If a replacement part performs exactly the same function as the OEM part replaced, it presumably does not affect emissions. Add-on parts include those parts designed to perform functions beyond or different from OEM parts. The effect on emissions of many add-on parts is very speculative without testing.

Replacement parts and add-on parts are known in the automotive industry as "aftermarket parts". Although some of these aftermarket parts are manufactured by vehicle and engine manufacturers, the bulk of them are manufactured by what is known in the U.S. as the automotive aftermarket parts industry. This industry is quite competitive, consisting of over 1500 manufacturers and a vast system of distribution. Approximately three-fourths of all parts installed on used vehicles are aftermarket parts. Many aftermarket parts are sold and/or installed by franchised dealers of vehicle manufacturers as well as by chain and independent service stations and garages, automotive parts shops, and mass merchandisers.

The aftermarket parts industry has expressed concern that they might be excluded from a large portion of the automotive parts market as a result of interpretation of the warranty, recall, maintenance instructions and tampering provisions of the Clean Air Act Amendments. On the other hand, vehicle and engine manufacturers are concerned that they might be subjected unjustly to potential liability under the warranty and recall provisions because of use of inferior aftermarket parts. They may believe that the Clean Air Act allows them to protect them-

selves by the use of §207(c)(3) "maintenance instructions" which suggests that the use of aftermarket parts may void the warranty or possibility of recall.

The automobile owner needs to know exactly what he must do in order to obtain maximum protection under the §207 warranty and recall provisions; he should not inadvertently jeopardize his warranty or recall protection because he has used aftermarket parts which the vehicle manufacturer may at a later date claim to have damaged the emission control system. In addition, clean air goals require that automotive parts do not cause vehicles or engines to fail to meet emission standards.

A program designed to resolve the potential problems raised by aftermarket parts could be a substantial undertaking. Perhaps some sort of voluntary or mandatory parts certification or registration procedure by either the parts manufacturer or the government is necessary. Given the large number of parts involved and the fact that prototype vehicles and engines must be tested over their useful life (50,000 miles in the case of light duty vehicles and engines; 100,000 miles for heavy duty diesel), it might prove very expensive and time consuming to test parts in the same way vehicles and engines are tested. EPA has made no determination as to what, if any, long range control over aftermarket parts is necessary.

AUTOMOTIVE SERVICE

Automotive service is conducted by approximately 750,000 mechanics in the United States who are self-employed or who work for independent and chain garages and service stations, for mass merchandisers, or for franchised dealers of automobile manufacturers.

Potential emissions problems arising from service per se can be distinguished from problems arising from the use of aftermarket parts per se. In many instances, no aftermarket part is involved. For example, mechanics may inadvertently or intentionally interfere with properly functioning emission controls (as by removing, blocking, or bypassing such controls). Or they may simply fail to diagnose and correct emission related malfunctions. Where aftermarket parts are involved, such parts may not be the cause of failure to meet emission standards. For example, an aftermarket part may be improperly installed or incorrectly adjusted. The caliber of automotive service may have a significant effect on emissions, especially in future years as emission standards are lowered and proper maintenance becomes more critical.

The automotive service industry has expressed concern that interpretation and implementation of the Amendments may discourage vehicle owners from having maintenance performed except by franchised dealers of vehicle manufacturers.

The vehicle and engine manufacturers believe that they need to protect themselves from potential warranty or recall liability for emissions problems which are caused by improper service.

Automobile owners should be protected from loss, or threatened loss, of warranty and recall protection due to automotive service over which they have little control. And proper maintenance and service are clearly essential to protection of air quality. As in the aftermarket parts area, a program designed to resolve the potential problems raised by automotive service could be a substantial undertaking. Automobile mechanics and/or garages could, if necessary, be licensed or certified by state or local governments or by the Federal government. However, EPA has made no determination that any such program is necessary or desirable.

THE QUESTIONNAIRE

EPA would like to receive your comments regarding automotive aftermarket parts and service and their relationship to the Clean Air Act Amendments of 1970. Enclosure 2 is a voluntary Questionnaire which we believe will help us to expedite our review of the responses received. If you reply, please answer the questions applicable to your organization.

RELEVANT PROVISIONS OF THE CLEAN AIR ACT AMENDMENTS OF 1970

1. *Standards and Testing.* The 1970 Amendments to the Clean Air Act greatly strengthened federal control over mobile source emissions. Section 202(a) requires the Administrator of the Environmental Protection Agency to establish emission standards for new motor vehicles. Section 202(b) of the Act further requires that hydrocarbon and carbon monoxide emissions from light duty vehicles and engines be reduced by 90 percent for the 1975 model year compared with allowable emissions for the 1970 model year. (However, on April 11, 1973, the Administrator exercised his statutory authority by extending the 1975 deadline until 1976 model year for several manufacturers while simultaneously establishing interim emission standards for 1975. Additional manufacturers may be granted extensions if they satisfy the statutory criteria.) Oxides of nitrogen emissions must be reduced by 90% for the 1976 model year compared with emissions from 1971 model year vehicles. Section 206(a) mandates that the Administrator test or require to be tested prototypes of new vehicles and engines to determine whether they meet emission standards and to issue certificates of conformity to those which pass.

2. *Production Warranties*—§ 207(a). Section 207(a) of the Act requires that the manufacturer of a vehicle or engine warrant "to the ultimate purchaser and each subsequent purchaser that such vehicle or engine is (1) designed, built, and equipped so as to conform at the time of sale with applicable regulations (including emission standards) under § 202, and (2) free from defects in materials and workmanship which cause such vehicle or engine to fail to conform with applicable regulations (including emission standards) for its useful life (50,000 miles or 5 years for light duty vehicles)". These section 207(a) "production" warranties are in effect for 1972 and later model year vehicles and engines and are included in the information given to the purchaser of a new vehicle or engine.

3. *Performance Warranty*—§ 207(b). Section 207(b) of the Act requires that, when the Administrator of EPA determines that a test is available which "correlates" with the certification test conducted under § 206(a) and is suitable for testing vehicles and engines in use, he shall prescribe regulations requiring manufacturers "to warrant the emission control device or system" of each new vehicle or engine. This warranty runs to the ultimate purchaser and each subsequent purchaser and provides that if "(A) the vehicle or engine is maintained and operated in accordance with instructions under subsection (c)(3), (B) it fails to conform at any time during its useful life (50,000 miles or 5 years for light duty vehicles) to the regulations prescribed under section 202 (including emission standards), and (C) such nonconformity results in the ultimate purchaser (or any subsequent purchaser) of such vehicle or engine having to bear any penalty or other sanction (including the denial of the right to use such vehicle or engine) under State or Federal law, then such manufacturer shall remedy such nonconformity under such warranty with the cost to be borne by the manufacturer." This

"performance" warranty is not yet in effect due to the difficulty in developing a reliable, economical, short test that exhibits the requisite degree of correlation with the certification test.

4. *Recall*—§ 207(c). Section 207(c) of the Act provides for "recall" of vehicles or engines at the manufacturer's expense when the Administrator determines that a substantial number of any class or category of vehicles or engines, although properly maintained and used, do not conform to the regulations prescribed under § 202 (including emission standards), when in actual use throughout their useful life (50,000 miles or 5 years for light duty vehicles)." Federal surveillance testing of 1972 model year vehicles, the first model year for which § 207(c) applies, has already commenced to determine whether vehicles in use conform to emission standards.

5. *Maintenance Instructions*—§ 207(c)(3). Section 207(c)(3) provides that "the manufacturer shall furnish with each new motor vehicle or motor vehicle engine such written instructions for the maintenance and use of the vehicle or engine by the ultimate purchaser as may be reasonable and necessary to assure the proper functioning of emission control devices and systems." These "maintenance instructions" are reviewed by EPA to determine whether they are "reasonable and necessary".

6. *Tampering*—§ 203(a)(3). By § 203(a)(3) it is prohibited "for any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations (including emission standards) * * * prior to its sale and delivery to the ultimate purchaser, or for any manufacturer or dealer knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser." This provision is known as the "tampering" provision and section 205 provides for a maximum \$10,000 civil penalty for any person subject to this provision who tampers.

Questionnaire: The Clean Air Act and Automotive Aftermarket Parts and Service

(Note: If there is not adequate space to answer any question on this form, please complete the answer on a separate page and attach it to this form.)

1. Identification of respondent. Please indicate your mailing address, telephone number, and names, titles, and responsibilities of officials or other parties whom EPA might wish to contact later concerning this Questionnaire or related matters.

2. If you represent an association, please attach to your response a mailing list of your member organizations.

3. Indicate whether your interest is primarily (more than one response may be appropriate)—

- a. new vehicles or engines.
- b. OEM parts.
- c. aftermarket parts.
- d. franchised dealer.
- e. chain service.
- f. independent service.
- g. consumers.
- h. other (specify)

4. Are the issues in the letter accurately stated? If your answer is no, please explain briefly.

5. Briefly indicate how the issues affect you or your constituents.

6. Aftermarket parts

a. Do you believe that some regulatory control of aftermarket parts is necessary—

(1) to ensure that used vehicles and engines meet emission standards? -----

(2) to safeguard the warranty and recall coverage given to vehicle owners? -----

(3) in order to protect the aftermarket parts industry from loss of business? -----

(4) to make more definite the prohibition against tampering? -----

Please furnish EPA with any objective information you have to support the above answers.

b. If you believe that some regulatory control of aftermarket parts is necessary, please outline your suggestions for such regulations.

c. Which aftermarket parts affecting emissions do you believe can be tested from a technically feasible and economic standpoint? (In answering this question it should be understood that new light duty vehicles and engines must meet emission standards for 50,000 miles or 5 years (100,000 miles for heavy duty diesel vehicles) and that many aftermarket parts are often intended for use in numerous makes or classes of vehicles or engines.)

d. Design specifications:

(1) What does the term "design specifications" mean to you in considering automotive parts in relation to the Clean Air Act? -----

(2) Are design specifications for individual parts generally available to the aftermarket parts industry? -----

(3) Would the general availability of design specifications for individual parts be desirable? -----

e. Performance specifications:

(1) What does the term "performance specifications" mean to you in considering automotive parts in relation to the Clean Air Act? -----

(2) Are performance specifications for individual parts generally available to the aftermarket parts industry? -----

(3) Would the availability of performance specifications for individual parts be desirable? -----

7. Automotive Service

a. Do you believe that some regulatory control of automotive service is necessary—

(1) to ensure that used vehicles and engines meet emission standards? -----

(2) to safeguard the warranty and recall coverage given to vehicle owners? -----

(3) to protect the automotive service industry from loss of business? -----

(4) to make more definite the prohibitions against tampering? -----

Please furnish EPA with any objective information you have to support the above answers.

b. If you believe that some regulatory control of automotive service is necessary, please outline your suggestions for such regulations.

8. Do you believe that new legislation is needed to resolve problems raised by the provisions of the Clean Air Act relating to automotive parts and service? If your answer is yes, briefly outline suggestions for such legislation including whether the enactment and enforcement should be primarily by state or federal government.

9. Other comments. Indicate your views or suggestions not previously expressed keeping in mind that EPA is searching for positive approaches allowing action within existing legislation, if this is practical.

[FR Doc.73-13869 Filed 7-6-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 19774-19775; FCC 73-872]

BLACKSTONE BROADCASTING CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues; Notice of Apparent Liability

In regard applications of Blackstone Broadcasting Corporation, Blackstone, Virginia, Docket No. 19774, File No. BR-1676, for renewal of license for Station WKLX, Blackstone Broadcasting Corporation, Blackstone, Virginia, Docket No. 19775, File No. BPH-7891, for a construction permit.

1. The Commission has before it for consideration (a) the captioned applications and (b) its inquiries into the operations of Station WKLX, Blackstone, Virginia.

2. Information before the Commission raises serious questions as to whether the applicant possesses the qualifications to be or to remain licensee of WKLX or to be the permittee of a new FM station in Blackstone. In view of these questions, the Commission is unable to find that a grant of the applications would serve the public interest, convenience and necessity, and must, therefore, designate the applications for hearing.

3. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(a) To determine whether, and, if so, the extent to which the applicant knowingly engaged in fraudulent billing practices in the operation of Station WKLX in violation of § 73.1205 of the Commission's rules;

(b) To determine whether, in the light of evidence adduced under the foregoing

issue, the applicant possesses the requisite qualifications to remain a licensee of the Commission or to hold a construction permit and whether the grant of the captioned applications would serve the public interest, convenience and necessity.

4. *It is further ordered*, That if it is determined that the hearing record does not warrant an order denying the captioned application for renewal, it shall also be determined whether the applicant has willfully violated § 73.1205 of the Commission's rules,¹ and, if so, whether an Order of Forfeiture pursuant to section 503(b) of the Communications Act of 1934, as amended, in the amount of \$10,000 or some lesser amount should be issued for violations which occurred within one year of the issuance of the Bill of Particulars in this matter.

5. *It is further ordered*, That this document constitutes a Notice of Apparent Liability for forfeiture for violations of the Commission's Rules set out in the preceding paragraph. The Commission has determined that, in every case designated for hearing involving revocation or denial of renewal of license for alleged violations which also come within the purview of section 503(b) of the Act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since the procedure is thus a routine or standard one, we stress that inclusion of this Notice is not to be taken as in any way indicating what the initial or final disposition of the case should be; that judgment is, of course, to be made on the facts of each case.

6. *It is further ordered*, That the Chief of the Broadcast Bureau is directed to serve upon the captioned applicant within thirty (30) days of the release of this Order, a Bill of Particulars with respect to issue (a).

7. *It is further ordered*, That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to issue (a), and applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be and to remain licensee of Station WKLV and to hold a construction permit and that a grant of either of its applications would serve the public interest, convenience and necessity.

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

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

advise the Commission thereof as required by § 1.594(g) of the rules.

10. *It is further ordered*, That the Secretary of the Commission send a copy of this order by Certified Mail—Return Receipt Requested to Blackstone Broadcasting Corporation.

Adopted: June 21, 1973.

Released: June 28, 1973.

FEDERAL COMMUNICATIONS
COMMISSION,²
[SEAL] BEN F. WAPLE,
Secretary,
[FR Doc.73-13818 Filed 7-6-73;8:45 am]

[Docket Nos. 16928, etc.; FCC 73-711]

CALIFORNIA WATER AND TELEPHONE CO. ET AL.

Order Extending Time for Filing Comments

In the matter of California Water and Telephone Company, Tariff F.C.C. No. 1 and Tariff F.C.C. No. 2 Applicable to Channel Service for Use by Community Antenna Television Systems, Docket No. 16928; In the matter of the Associated Bell System Companies, Tariffs for Channel Service for Use by Community Antenna Television Systems, Docket No. 16943; In the matter of the General Telephone System and United Utilities, Inc. Companies, Tariffs for Channel Service for Use by Community Antenna Television Systems, Docket No. 17098.

1. By our Memorandum Opinion and Order, FCC 73-541, released May 23, 1973, and published at 38 FR 14188 we ordered that oral argument would be held on July 24, 1973 on the issue of whether the Commission has jurisdiction over the agreements or arrangements of telephone companies, electric utilities, and others with respect to pole line attachment of conduit agreements or arrangements with CATV operators beyond that exercised in our decision in Docket 18509 and, if so, the extent and nature of such jurisdiction and what action, if any, we should take with respect thereto. We further ordered that each participant in the oral argument must file a brief directed to this issue on or before July 2, 1973. Our order further provided for the filing of replies on or before July 16, 1973.

2. Now before us is a motion filed on June 26, 1973 by the National Cable Television Association, Inc. (NCTA) requesting that the time for filing briefs and comments be extended from July 2, 1973 until July 6, 1973. NCTA states that counsel for the Associated Bell System Companies, the General Telephone System, United Utilities, Inc., Utilities Telecommunications Council, and the California Community Television Association have stated that they would have no objection to such extension if applicable to all parties to this proceeding.

3. In view of the foregoing, we will grant the relief requested. Furthermore, since we previously have provided for a two-week period for the filing of replies

and believe that such replies will materially aid our resolution of the issues in this proceeding, we will on our own motion extend the date for filing replies for approximately the same period.

Accordingly, it is ordered, That the time for filing briefs or other written comments, and for filing replies herein is extended to July 6, 1973 and to July 18, 1973, respectively.

Adopted: June 28, 1973.

Released: July 2, 1973.

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

[FR Doc.73-13820 Filed 7-6-73;8:45 am]

[Docket No. 16070; FCC 73-648]

COMMUNICATIONS SATELLITE CORP.

Memorandum Opinion and Order Enlarging Investigation¹

In the matter of Communications Satellite Corporation, Docket No. 16070, investigation into charges, practices, classifications, rates and regulations.

1. The Commission has before it: (a) Tariff F.C.C. No. 7 filed by the Communications Satellite Corporation (Comsat) under Transmittal 210 on May 22, 1973 and currently scheduled to become effective June 26, 1973; (b) a petition filed by RCA Global Communications, Inc. (RCA) on June 13, 1973 which seeks a one-day suspension of the above-referenced tariff to permit the imposition of an accounting order covering any charges made by Comsat thereunder; and (c) a petition filed on June 19, 1973 by the Secretary of Defense on behalf of the United States Department of Defense (DOD) requesting the Commission to investigate the lawfulness of the rates set out in the tariff and to establish just and reasonable rates.

2. Under this tariff, Comsat offers leased voice-grade channels to authorized common carriers for use in establishing communications paths, via an appropriate communications satellite, between the Comsat earth station at Jamesburg, California and an earth station on Kwajalein, Marshalls Islands District, Trust Territory of the Pacific Islands (Kwajalein). In developing the rates set out in the tariff, Comsat applied its "guideline" rates applicable to Western Pacific points.² For the uplink (between Comsat's Jamesburg earth station and a Pacific basin satellite) the guideline rate is \$4,900 per month. For the downlink (between the satellite and Kwajalein), the guideline rate was allegedly adjusted to reflect the fact that RCA will provide the earth station on Kwajalein. Comsat allocates .6666 of its guideline rates to the space segment and the balance to the earth station. Further, Comsat applies a "rate adjustment factor" of 2.5 to the space segment to compensate for the fact that

¹ First published at 37 FR 4742, March 4, 1972.

² See Comsat Tariff F.C.C. No. 1.

¹ See Bill of Particulars for specific dates and details of each alleged violation.

² Commissioner Hooks absent.

the RCA earth station is of less than standard size and therefore requires a greater portion of available satellite capacity. The resulting tariff rate for both links is \$13,050 per month. The present rate structure is based on the determination by the Common Carrier Bureau that Kwajalein should be regarded as a United States point since, although it is a trust territory, it has been placed under U.S. administration by a United Nations Security Council mandate.

3. The DOD petition raises several challenges to the reasonableness of the Comsat rates in Tariff No. 7 and asserts that investigation will prove the rates to be unjustified. First, DOD attacks the reasonableness of the guideline rate as it is applied to the Kwajalein route. DOD states that this rate does not accurately reflect Comsat's cost for either the uplink or the downlink. Second, DOD asserts that the Comsat rate base is inflated by the inclusion of some high-value items which should not be included therein. If these items were removed, DOD believes the resulting rate of return (estimated by DOD to be 22 percent) would be unconscionably high. DOD then requests the Commission to institute an investigation into the reasonableness of the rates, to make DOD a party to that investigation, and, after hearing, to set reasonable charges for the service.

4. RCA's petition requests the Commission to suspend the Comsat tariff for one day to permit an accounting order to be imposed so that, in the event the Commission determines that the rate is excessive, it can order a refund of the overcharges. Primarily, RCA attacks the determination of the Common Carrier Bureau, acting under authority delegated by the Commission, that Kwajalein should be treated as a United States point for Comsat rate-making purposes. RCA believes that this determination was erroneous and states that it intends to seek Commission review of it. The carrier believes that Kwajalein should be regarded as a foreign point to which the INTEL-SAT utilization charge applies. The purpose of the accounting order is to permit RCA to recover overcharges, in the event its petition for review is granted, and to pass those refunds on to its customer. Without this relief, RCA contends that its only other remedy, an action at law for damages, is inadequate since the outcome would not be known until after the tariff had expired by its own terms.

5. The rate-making principles and assumptions used by Comsat in constructing the subject tariff rates are, in large measure, the same as those used in developing other Comsat rates which are currently under investigation in Docket No. 16070. Indeed, Comsat's Transmittal specifically bases its rate on the provisions of its Tariff F.C.C. No. 1. In view of this, we believe that the question of the reasonableness and lawfulness of these rates should, just as those in its Tariff F.C.C. No. 1, be included in the investigation in Docket No. 16070. We

shall therefore enlarge that proceeding to include consideration of the charges, practices, classifications, rates and regulations contained in Tariff F.C.C. No. 7. Among the issues to be investigated in connection with this tariff are: (a) whether Comsat, which will furnish the space segment capacity between the satellite and the RCA Kwajalein earth station, should separately tariff such charges, and if so, at what rate (in this regard see Establishment of Regulatory Policies Relating to Authorizations under Section 214 of the Communications Act of 1934, 23 F.C.C. 2d 9 (1970) as clarified by Memorandum Opinion and Order, 30 F.C.C. 2d 513 (1971)); (b) whether RCA should be authorized to acquire such units of satellite utilization relating to the link between the satellite and Kwajalein at the INTEL-SAT charge or at another charge, and if so, what that charge should be; and (c) what, if anything, should be ordered with respect to the charge for the downlink, in light of the Commission's decision. If any shall have been issued, on the question whether Kwajalein is a United States point for the purposes of this tariff (See Paragraph 6, *infra.*)

6. The course of action taken herein will safeguard the interests of all interested entities by enabling us to investigate the lawfulness, *ab initio*, of the rates contained in Tariff No. 7. We will then be in a position to make appropriate findings as to what is the proper rate that should have been charged.² This action will not disrupt the orderly prosecution of Docket No. 16070, since the evidence already taken on the reasonableness of the rate-making principles employed by Comsat will be equally applicable to Tariff No. 7. The issue of whether Kwajalein is a United States point for the purposes of the tariff can be resolved when RCA files the petition for review, and therefore need not be addressed herein. Any findings we make or conclusions we reach on this issue upon such petition will of course be applicable herein insofar as relevant.

7. We turn now to RCA's petition for suspension and accounting order. We note at the outset that RCA seeks what we believe to be an inappropriate remedy. Section 204 of the Act provides that the Commission may order carriers to account for amounts they receive by reason of an increase in tariff rates. The section is silent as to the question of accounting orders when there is a new rate rather than an increase in an existing rate. We do not think that, in the present situation, it is necessary for us to decide whether the statute covers new rates as well. The purpose of an accounting order is to assure that, in the event the Com-

²In this respect, this matter is no different from the other rates under investigation herein where we reserve the right to order refunds. Comsat Tariff F.C.C. No. 1, 38 F.C.C. 1286, 1294-5 (1965). We of course expect the Administrative Law Judge to address himself to this matter and to afford us the benefit of his conclusions.

mission were to find all or any part of a rate increase to be unjustified, the persons who would be entitled to a refund would receive the amount to which the Commission finds they would be entitled. In the present case, since RCA is the only customer for the service, we can accomplish the same end by determining whether the rates set forth in Tariff No. 7 have been just and reasonable, and therefore lawful, from the effective date of the tariff. If we find that they were not, we shall be in a position, as we are with respect to all tariff schedules at issue herein, to order appropriate refunds. Since RCA's interests will receive the same protection under this procedure that they would receive under an accounting order, there is no need to grant the relief in the form requested or to address ourselves in the present factual context to the question of the scope of section 204. We shall therefore order that RCA's petition be denied.

Accordingly, it is ordered, That the investigation herein is enlarged, pursuant to sections 203, 205, and 403 of the Communications Act of 1934, to include consideration of the investigation into the lawfulness under sections 201 and 202 of the Communications Act of 1934 and sections 201(c)(2) and 201(c)(5) of the Communications Satellite Act of 1962, of Communications Satellite Corporation's Tariff F.C.C. No. 7 and any amendments thereof, as well as any successive issues of such tariff, as may hereafter be made until the close of the record herein.

It is further ordered, That the petition to suspend the above tariff and to institute an accounting order filed by RCA Global Communications, Inc. is hereby denied; and

It is further ordered, That, to the extent provided for herein, the petition filed by the United States Department of Defense seeking investigation of the above-referenced tariff is granted.

Adopted: June 25, 1973.

Released: June 27, 1973.

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

[FR Doc. 73-13821 Filed 7-6-73; 8:45 am]

RADIO BROADCAST STATIONS AND MUSICAL FORMAT SERVICE COS.

Order Extending Time for Filing Comments and Reply Comments Regarding Inquiry

In the matter of inquiry into subscription agreements between radio broadcast stations and musical format service companies, Docket No. 19743.

1. On May 17, 1973, the Commission adopted a Notice of Inquiry in the above-captioned proceeding. Publication was given in the FEDERAL REGISTER on May 29, 1973, 38 FR 14124. Comment and reply comment dates are presently designated as June 28 and July 10, 1973, respectively.

2. The law firm of Wilkinson, Cragun & Barker filed a request for an extension of time to July 5, 1973, for the filing

of comments. It states that it is in the process of assisting in the compilation and preparation of detailed comments on the issues raised in the Notice of Inquiry and finds that the task is requiring more time than anticipated. It therefore requests the additional time in order to submit a more helpful response.

3. We are of the view that the requested extension of time is warranted and would serve the public interest. Accordingly, it is ordered, That the time for filing comments and reply comments are extended to and including July 5 and July 19, 1973, respectively.

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

Adopted: June 26, 1973.

Released: June 29, 1973.

[SEAL] MARTIN I. LEVY,
Acting Chief, Broadcast Bureau.

[FR Doc. 73-13822 Filed 7-6-73; 8:45 am]

DIALER SUBCOMMITTEE REPORT

Availability and Inquiry

JUNE 29, 1973.

In the First Supplemental Notice in Docket No. 19528, In the Matter of Proposals for new or revised classes of Interstate and Foreign Message Toll Telephone Service (MTS) and Wide Area Service (WATS), released April 3, 1973, the Commission announced that further proposals would be forthcoming from the Dialer and Answering Devices Advisory Committee and that such proposals would be the subject of comments submitted on or before the due date for reply comments, now filed at September 17, 1973.

The Commission has received the report of the Dialer Subcommittee of the Dialer and Answering (D&A) Devices Advisory Committee, and by this notice the Commission is advising interested parties of the availability of the report and that any comments on the report should be submitted to the Commission on or before the date filed for reply comments.

Copies of the Subcommittee's report—FCC-CC-INTCN-D/A-73-1 Report of the FCC Dialer Advisory Subcommittee on DC Pulse Dialers, June 1973, may be obtained from Information Planning Associates, Inc., 310 Maple Drive, Rockville, Maryland 20850, Telephone—(301) 340-0250.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc. 73-13827 Filed 7-6-73; 8:45 am]

FEDERAL MARITIME COMMISSION

ALABAMA STATE DOCKS DEPT. AND OSBORNE TRUCK LINE, INC.

Notice of Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreements at the Field Offices located at New York, NY., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 30, 1973. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

Mr. C. D. Haig, Jr.
General Traffic Manager
Alabama State Docks Department
P.O. Box 1588
Mobile, Alabama 36601

Agreements Nos. T-2775 and T-2776, between the Alabama State Docks Department (State) and Osborne Truck Line, Inc. (Osborne), are identical non-exclusive agency agreements providing for Osborne's operation of the State's public docks and warehouses at Cordova (T-2775) and Decatur (T-2776), Alabama. Under these agreements, Osborne will, under the control and direction of the State, act as the State's agent in operating these facilities for a five-year term (with renewal options). Osborne will collect and pay the State (a) all State Docks charges made to the public for storage; (b) all State Docks charges made to the public for wharfage for rail and/or terminal use and such other charges as assessed by the State as set forth in its tariffs; and (c) one-half of all charges assessed against the public for use of the State's truck scales. Osborne's compensation for its services will be (a) one-half of all charges assessed

against the public for the use of the State's truck scales; (b) the difference between its tariff charges and the State's tariff charges against the public for storage; and (c) retaining all charges for handling cargo and freight at the facilities. Osborne is to operate the facilities on a nondiscriminatory public basis, with all charges assessed against the public subject to the State's approval.

Dated: June 29, 1973.

By order of the Federal Maritime
Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 73-13813 Filed 7-6-73; 8:45 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	
01055---	Farrell Lines Incorporated: Austral Endurance
01103---	Poseldon Schiffahrt Gesellschaft Mit Beschränkter Haftung: Hektor
01354---	H.E. Hansen-Tangen: Sunlandia Sunclipper
01797---	Grosvenor Shipping Company Limited: Horama
02021---	Atlantska Plovdba: Mavro Vetranc
02312---	Interessentskapet Saga Sea: Stolt Sea
02465---	Koch-Ellis Marine Contractors, Inc.: KE-38
02477---	American Dredging Company: Gates No. 25 Gates No. 26 Hopper Barge No. 200 Hopper Barge No. 201 Hopper Barge No. 202 Hopper Barge No. 203 Hopper Barge No. 204 Hopper Barge No. 205 Hopper Barge No. 206 Hopper Barge No. 207
02736---	Reichhold Chemicals, Inc.: ETT 104 ETT 112
02917---	Scherkate Sahami Keshtirani Melli Arya: Arya Man
02940---	J.S. Gissel & Company: Star Sun
02958---	Kawasaki Kisen K.K.: Queen's Way Bridge
03321---	Marunouchi Kisen Kabushiki Kaisha: Kasuga Maru

NOTICES

Certificate No.:	Owner/Operator and Vessels	Certificate No.:	Owner/Operator and Vessels	Certificate No.:	Owner/Operator and Vessels
03443	Kambara Kisen K.K.: Tropical Rainbow	07811	Campbell Industries and San Diego Marine Construction: Victoria Renown Coos Bay	08055	Graceous Navigation Inc.: Graceous
03459	Meiji Kaifu K.K.: Tsurumi Maru	07817	Yick Fung Shipping and Enterprises Co., Ltd.: Atlantic Ocean	08054	C. Katsikas & E. Damigos, E.A.N.E.: Sophia D
03501	Osaka Shosen Mitsui Senpaku K.K.: Alaska Maru	07859	P/F Skipafelagio Foroyar: Svanur	08056	Cape Breton Shipping Company Limited: Cape Breton
03507	Taiseimaru Kaifu K.K.: Taiseimaru No. 87	07925	Itel Taurus, Inc.: Itel Taurus	08057	Carmel Transport Corporation Inc.: Stolt Crown
03510	Takeda Kigyō Kabushiki Kaisha: Seishomaru No. 18	07926	Itel Carina, Inc.: Itel Carina	08064	Santa Fe-Pomeroy Marine Services Company: Navajo Shawnee Chickasaw Kiowa Sioux Mohawk
03511	Tamai Shosen K.K.: Kikutama Maru	07989	Nea Eftychia Maritime Co. Ltd.: Eftychia	08065	Mond Shipping Corporation: Adriatic
03679	Miami Terminal Transport Company: Freeport II	07991	Tex-Darien Shipping Company S.A. of Panama: Salamis	08066	Joarev Shipping Co.: Dekekan
03841	American Export Lines, Inc.: Export Patriot	07992	Philoship Shipping Company S.A.: Vrahos	08067	Acamar Navigation Corporation: Lorain
03934	Avondale Navigation Co. Ltd.: Eriboll	08003	Jan Van Der Schoot: Jaguar	08068	Capella Navigation Corporation: Warren
03971	Korea Shipping Corporation: Kimpō	08006	Imperio Delmar S.A.: Santa Clio	08069	Bellatrix Navigation Corporation: Akron
04226	National Marine Service, Incorporated: N.M.S. No. 1452 N.M.S. No. 3102 N.M.S. No. 3103 N.M.S. No. 1702	08006	Cheung Kong Shipping Co. Ltd. of Monrovia: Golden Knight	08070	Eltanin Navigation Corporation: Canton
04228	Compagnie Maritime Belge (Lloyd Royal) S.A.: Montalto	08014	Liberian Ponlard Transports, Inc.: Golden Dolphin	08071	Zapata Naess (Management) Limited: Naess Enterprise Armand Hammer Naess Pride Naess Spirit Naess Norseman Naess Leader Naess Mariner Frances Hammer Russell H. Green Naess Courier Naess Liberty Anco Normess Stolt Dragon Stolt Normess Stolt Sydness Naess Ranger Trachodon
04487	Sanwa Enyo Gyogyo Seisan Kumiai: Sanwa Maru No. 3	08015	Syrie Shipping Corporation: Syrie	08076	Paropys Compania Naviera S.A.: Pelopidas
04490	Junko Gyogyo Kabushiki Kaisha: Junkomaru No. 8	08016	Alessandra Shipping Corporation: Alessandra	08078	Amber Shipping Ltd.: Amber
04503	Okutsu Suisan Kabushiki Kaisha: Zenkomaru No. 36 Zenkomaru No. 38	08017	Nicola Shipping Corporation: Nicola	08079	IRS Transportation Company: IRS 101 IRS 102 IRS 103 IRS 104
04824	Ocean Oil Carriers, Inc.: Gaucho Taura Gaucho Pampa	08020	Maeda Kisen Kabushiki Kaisha: Wayo Maru	08080	Jacob Compania Naviera S.A.: Olga
04859	I/S Saga Stream (Ole Schroder & Co.): Saga Stream	08021	Maekatsu Gyogyo Kabushiki Kaisha: Katsu Maru No. 31	08083	Gantline Compania Naviera S.A.: Nedi
05298	Erich Drescher: Foldenfjord	08022	Nissei Shipping Co., Ltd.: Hosei Maru	08087	Ferruzzi S.P.A.: Massimiliano F.
05349	Trans-Caribbean Lines, Inc.: Mar Freeze	08024	Comp. De Vapores Stelvi S.A.: Tolmidis	08088	Caparra Stevedors & Maritime Agencies, Inc.: Venus II
05393	Okinawa Reito Suisan Kabushiki Kaisha: Ryuei Maru No. 8	08025	Compania Maritima Lounino S.A.: Nea Tihi	08089	Sonata Compania De Navegacion S.A.: Breeze
05425	Georgia Transporters, Inc.: White Bear	08027	Cala Sinzias Societa Per Azioni Di Navigazione: Barbagia Cabras	08090	Senatobia Compania De Navegacion: Lady Rita
05437	The Dow Chemical Company: UBL-929 UBL-930	08028	Cosmar Tankers S.A.: Laconian		
05743	Reederei Barthold Richters: Muggenburg	08032	Cabanel Naviera S.A.: Theodegmon		
05991	Fukukyu Gyogyo Kabushiki Kaisha: Fukukyu Maru No. 3	08034	Asia Africa Shipping Co. Ltd.: Shiwaku		
06374	Daisai Maritime Co., Ltd.: Ta Chuan	08035	Gold Topps Navigation Co., S.A. of Panama: Golden King		
06818	Globus-Reederei GMBH: Tugelaland Komatiland	08036	Saint Peter Shipping Company Limited: Seatrader		
06829	Shinsei Suisan Kabushiki Kaisha: Shinsei Maru No. 7	08039	Diamond River Co., Ltd.: Diamond River		
07040	Kyowa Kinkai Kisen Co., Ltd.: Pacific Corona	08041	Compania Alecos S.A.: Alecos		
07290	Hollywood Terminals, Inc.: C & H 106	08042	Compania Fila S.A.: Fila		
07493	Ithaca Shipping, Inc.: Stolt Argo	08044	Druidstan Limited: Cantaloup		
07736	Buques Mercantes Del Caribe, C.A.: Gabriela B	08045	Nagan (Panama) S.A.: Nagan Pioneer		
07802	Sun Line Greece Special Shipping Co., Inc.: Stella Solaris	08047	Samothraki S.A. Panama: Marabou		
		08049	Partnership Sea Cruises: Royal Viking Sky		
		08051	Emblema Pacifico Navegacion S.A. of Panama: Megaluck		
		08052	Sotal Shipping Co. S.A.: Alkyonis		

By the Commission.

FRANCIS C. FURNEY,
Secretary.

[FR Doc.73-13815 Filed 7-6-73;8:45 am]

[Docket No. 73-37; Independent Ocean Freight Forwarder License No. 1328]

FREDERICK D. HANNON

Order of Investigation and Hearing

Inasmuch as Frederick D. Hannon, FMC Licensee No. 1328, has failed to timely and fully comply with the terms and conditions under which his license was issued, it is hereby ordered pursuant to Section 44, Shipping Act, 1916 (46 U.S.C. 841b), to demonstrate at a hearing to be set at a later date, why the Federal Maritime Commission should not suspend or revoke his independent ocean freight forwarder license.

The license was issued on the condition that in view of the fact licensee personally lacked the necessary forwarding training and experience to qualify, it would employ, subject to Commission approval, experienced personnel to handle the technical operations of the firm. Moreover, licensee agreed that in the event the approved employee ceased to be an active participant in its business, such fact would be immediately reported to the Commission, and a person meeting Commission standards would be employed as a replacement.

Section 44(d) of the Shipping Act, 1916, (46 U.S.C. 841b) provides that licenses may, after notice and hearing, be suspended or revoked for willful failure to comply with any provision of the Act, or with any lawful order, rule or regulation of the Commission promulgated thereunder.

The grounds for the intended revocation or suspension of the license are:

1. Licensee knowingly and willfully failed to comply with the condition of its licensing by failing to continue in its employ Vincent W. Vignani, upon whose experience it relied for licensing, in violation of section 44(b), Shipping Act, 1916, (46 U.S.C. 841(b)).

2. Licensee knowingly and willfully disregarded notifying the Commission of its failure to employ or keep employed personnel experienced and trained in ocean freight forwarding, in violation of § 510.9(d) of Commission General Order 4.

3. Licensee knowingly and willfully altered its mode of operation from a sole proprietorship to a corporate entity without prior Commission approval in violation of § 510.8(d) of Commission General Order 4.

4. Licensee knowingly and willfully invalidated its \$10,000 surety bond, necessary to continue licensing, by altering its mode of operation from a sole proprietorship to a corporation without prior Commission approval in violation of section 44(c), Shipping Act, 1916 (46 U.S.C. 841(b)).

5. Licensee knowingly and willfully failed to notify the Commission that it has been dormant since its inception as a licensee; has no qualified personnel; and, is unable to conduct operations in violation of § 510.9(d) of Commission General Order 4.

Therefore, it is ordered, That pursuant to sections 22 and 44 of the Shipping

Act, 1916 (46 U.S.C. 821, 841b) that a proceeding is hereby instituted at a time and place to be set to determine whether Frederick D. Hannon possesses the necessary qualifications to remain licensed or whether Frederick D. Hannon's license should be suspended or revoked.

It is further ordered, That Frederick D. Hannon is made a respondent in this proceeding and that the matter be assigned for hearing before an Administrative Law Judge at a date and place to be announced by the Chief Administrative Law Judge.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and a copy thereof and notice of hearing be served upon Respondent, Frederick D. Hannon.

It is further ordered, That any person (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding, and desiring to intervene herein, shall file a petition to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure.

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of 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.73-13817 Filed 7-6-73; 8:45 am]

HAPAG-LLOYD AG

Order of Revocation

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation no. P-91 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages no. C-1,087.

Hapag-Lloyd AG, c/o North German Lloyd, Passenger Agency, Inc., 277 Park Avenue, New York, New York 10017.

Whereas, Hapag-Lloyd AG has ceased to operate the passenger vessel MS EUROPA to and from United States ports; and

Whereas, Hapag-Lloyd AG has returned Certificate (Performance) No. P-91 and Certificate (Casualty) No. C-1,087 for revocation.

It is ordered, That Certificate (Performance) No. P-91 and Certificate (Casualty) No. C-1,087 covering the MS EUROPA be and are hereby revoked effective June 27, 1973.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the Certificant.

By the Commission.

FRANCIS C. HURNEY,
Secretary.
[FR Doc.73-13816 Filed 7-6-73; 8:45 am]

SEA-LAND SERVICE, INC., AND SEATRAN LINES INTERCARIBBEAN, S.A.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 30, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

F. Hiljer, Jr., Commerce Manager
Sea-Land Service, Inc.
Corbin & Fleet Streets
P. O. Box 1050
Elizabeth, New Jersey 07207

Agreement No. 10063, between Sea-Land Service, Inc. and Seatrain Lines Intercaribbean S.A., would permit the establishment of a rate agreement applicable to and restricted to the trades between ports in Puerto Rico and the Virgin Islands, and ports of the Dominican Republic, Haiti, and Jamaica. Each carrier would be responsible for maintaining and filing its own tariffs with the Commission, and to each is reserved the right to act independently of the other upon forty-eight hours notice.

Dated: July 3, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-13812 Filed 7-6-73; 8:45 am]

STATE OF HAWAII AND UNITED STATES LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to

section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, NY., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 30, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. E. Alvey Wright
Acting Director
State of Hawaii
Department of Transportation
869 Punchbowl Street
Honolulu, Hawaii 96813

Agreement No. T-2812, between the State of Hawaii (State) and United States Lines, Inc. (USL), provides for the 20-year lease of certain terminal facilities at San Island, Honolulu Harbor, Hawaii, for use as a container facility and purposes related thereto. As compensation for the above, USL will pay the State a total of \$35,343.00 annually for the facilities plus all tariff charges derived from the operation of the facility, subject to a minimum of \$520,000 for the first 2 years of operations, \$260,000 for the third year and \$291,000 per year for the fourth through the 15th years. USL is required by the agreement to make certain improvements to portions of the facility. In addition, State is to increase the length of the wharf space available, at which time, the annual minimums will increase as further provided for in the basic agreement. USL is also required to allow use of its container cranes at the facility by the State or other common carriers when circumstances allow at rates, terms, and conditions set by USL, subject to approval by State.

Dated: June 29, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-13814 Filed 7-6-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8255]

ALABAMA POWER CO.

Notice of Revision to Tariff

JUNE 29, 1973.

Take notice that on June 8, 1973, Alabama Power Company (Alabama) tendered for filing an unsigned Agreement dated May 2, 1973, with the City of Alexander City expressing Alabama's intent to convert the three delivery points of Alexander City to Alabama's filed tariff as of July 31, 1973, when the existing electric service contract with Alexander City expires. Alabama also submits for filing a Third Revised Sheet No. 34 to the Index of Purchasers section of its tariff filed on November 1, 1971. The company states that a copy of this filing has been sent to Alexander City.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13755 Filed 7-6-73;8:45 am]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Purchased Gas Cost Adjustment Rate Change

JUNE 29, 1973.

Take notice that on June 15, 1973, Alabama-Tennessee Natural Gas Company (Alatenn) tendered for filing First Revised Sheet No. 3-A Superseding Original Sheet No. 3-A to Alatenn FPC Gas Tariff, Third Revised Volume No. 1. Alatenn states that the filing is submitted in conformity with the Purchased Gas Cost Adjustment Clause contained in section 20 of the General Terms and Conditions of Alatenn's effective FPC Gas Tariff.

Alatenn submits that the revised rates are designed solely to reflect an increase in the cost of gas purchased from Alatenn's sole supplier, Tennessee Gas Pipeline Company. An effective date of August 1, 1973, is proposed.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such

petitions or protests should be filed on or before July 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13743 Filed 7-6-73;8:45 am]

[Docket Nos. CP72-35, CP69-41]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Proposed Initial Rate Schedule

JUNE 28, 1973.

Take notice that Algonquin Gas Transmission Company (Algonquin) on June 8, 1973, tendered for filing an initial rate schedule for Synthetic Gas Sales pursuant to Commission Opinion Nos. 637 and 637-A. Algonquin states that this filing is necessitated by the Commission's order of June 5, 1973, rejecting proposed rate schedules for Synthetic Gas Sales filed on April 16, 1973, which the Commission found did not conform to the aforementioned opinions.

The proposed rate is described by the Company as being a one part rate of \$1.80 per Mcf, which rate was found by the Commission in its order of June 5, 1973, as being the most appropriate in this case. Algonquin estimates service under the proposed schedule will commence October 16, 1973. Finally, Algonquin requests a waiver of the 6 months notice requirement set out in Opinion No. 637 due to the fact that the previously tendered sheets were timely filed in compliance with that opinion.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 11, 1973.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13756 Filed 7-6-73;8:45 am]

[Docket No. E-8267]

ALLEGHENY POWER SERVICE CORP.

Notice of Modification to Tariffs

JUNE 29, 1973.

Take notice that on June 11, 1973, Allegheny Power Service Corporation (Allegheny) tendered for filing on behalf of

West Penn Power Company (West Penn), Monongahela Power Company (Monongahela), Pennsylvania Power Company (Penn Power) and Ohio Edison Company (Ohio Edison) an Amendment, dated as of June 1, 1973, to the Interchange Agreement among the aforesaid companies, designated West Penn's FPC Tariff No. 27, Monongahela's FPC Tariff No. 29, Penn Power's FPC Tariff No. 20 and Ohio Edison's FPC Tariff No. 69. Allegheny states that the amendment modifies "Schedule A-Emergency Service" to increase the minimum charge per KWH for emergency service which is not paid for by return of equivalent ("banked") energy from 7 mills per KWH on-peak and 4 mills per KWH off-peak to 17.5 mills per KWH for both periods. The company contends that the effect of this Amendment for emergency service not "banked" is to establish the per KWH price as the out-of-pocket cost thereof plus 10 percent or 17.5 mills, whichever is higher.

Allegheny states that the purpose of the proposed change is to enhance the availability of emergency energy and lessen the possibility of economic hardship on supplying parties. An effective date of June 15, 1973 is requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D. C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13858 Filed 7-6-73;8:45 am]

CONSOLIDATED GAS SUPPLY CORP.
Notice of Change in Tariff

JUNE 29, 1973.

Take notice that on June 15, 1973, Consolidated Gas Supply Corporation (Consolidated) tendered for filing First Substitute Eighteenth Revised Sheet No. 8 to its FPC Gas Tariff, First Revised Volume No. 1. Consolidated states that the change in tariff will generate an additional \$3.6 million in revenue annually and that the new rates are to reflect increases from Texas Gas Transmission Corporation and Texas Eastern Transmission Corporation as well as the effects from the revision of rates filed by Transcontinental Gas Pipe Line Corporation. An effective date of August 1, 1973, is requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in

accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 16, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13744 Filed 7-6-73;8:45 am]

[Docket No. CI73-889]

CORPENING, A. V., JR., AND CORPENING ENTERPRISES

Notice of Application

JUNE 29, 1973.

Take notice that on June 14, 1973, A. V. Corpening, Jr., d/b/a Corpening Enterprises (Applicant, 1308 Continental National Bank Building, Fort Worth, Texas 76102, filed in Docket No. CI73-889 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Cities Service Gas Company from Applicant's gathering system in Payne County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 90,000 Mcf of gas per month at 50.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment. Applicant intends to commence the sale of gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for two years from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore,

Any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13745 Filed 7-6-73;8:45 am]

[Docket Nos. RP69-6 etc.]¹

EL PASO NATURAL GAS CO.

Notice of Certification of Proposed Stipulation and Agreement

JUNE 29, 1973.

Take notice that on June 15, 1973, the Presiding Administrative Law Judge certified to the Commission a proposed Stipulation and Agreement which would dispose of all issues in the above-captioned rate proceedings of El Paso Natural Gas Company's (El Paso) Southern Division System, with the exception of the rate design issue and a tax depreciation issue, as described therein. There was also certified by the Presiding Judge a motion of El Paso for approval of the Stipulation and Agreement and the record of the hearing relating to the issues which would be disposed of by the proposed settlement, as described in the certification.

The Stipulation and Agreement, inter alia, (1) provides for rate reductions and refunds on the basis of the settlement rates specified for the periods involved in the various dockets; (2) provides for refunds due to sales in excess of test period volumes during the twelve month period ending December 31, 1973; (3) requires El Paso to flow-through the jurisdictional portion of producer-supplier refunds in accordance with the provisions of prior settlement agreements, tracking orders and El Paso's Purchase Gas Adjustment clause for its Southern Division System; (4) includes in the cost of service in Docket No. RP71-13 an allowance for exploration expense which equates to 1.28 cents per Mcf and provides a reserve for exploration; (5) provides for the withdrawal of El Paso's

¹ The "et al." proceedings are those pending in Docket Nos. RP73-130, RP73-153, RP73-15, RP73-19, RP73-20, RP73-21, RP73-44 and RP73-75.

outstanding petitions for court review related to certain of the pending rate proceedings; and (6) indicates justification for final approval of El Paso's Southern Division System Purchase Gas Adjustment clause in Docket No. RP72-155.

The Agreement reserves the rate design issue for trial and decision in Docket No. RP72-150 and provides the procedure for trial of that issue and reserves for decision in Docket No. RP71-13 the issue of El Paso's use of liberalized tax depreciation with normalization for accounting and rate purposes, with respect to pre-1970 property and post-1969 non-expansion property.

Comments relating to the proposed Stipulation and Agreement may be filed with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before July 13, 1973. The proposed Stipulation and Agreement and related record are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13746 Filed 7-6-73;8:45 am]

[Docket No. E-7798]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Notice of Further Extension of Time and Postponement of Hearing

JUNE 27, 1973.

On June 22, 1973, Vermont Electric Cooperative, Inc., filed a motion for a change in dates for filing testimony and the date for commencement of cross-examination. The motion states that all parties agree to the postponement.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of Intervener Evidence	September 10, 1973
Service of Company rebuttal evidence	October 1, 1973
Cross-examination	October 16, 1973 (10 am., e.d.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13766 Filed 7-6-73;8:45 am]

[Docket No. RP73-107]

CONSOLIDATED GAS SUPPLY CORP.

Filing and Suspending Proposed Rate Increase and Granting Intervention

JUNE 29, 1973.

On May 15, 1973, Consolidated Gas Supply Corporation (Consolidated) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2, providing for a general increase in rates to its jurisdictional customers. The filing consists of Original Sheet No. 260-A, First Revised Sheets Nos. 255, 257, and 272-B, Second Revised Sheet Nos. 260, 265, and 272-A, Third Revised Sheet Nos. 266 and 270, Fifth Revised Sheet Nos. 271 and 272, and Nineteenth Revised

Sheet No. 8. The proposed rate change would increase Consolidated's revenues from jurisdictional sales and service by \$16,852,465. Consolidated requests an effective date of July 1, 1973.

Consolidated states that the increase in jurisdictional costs of service is for a test year based on the twelve month period ending January 31, 1973, adjusted for known and measurable changes which will become effective by October 1, 1973. The company further states that the principal increased costs result from increased costs of transportation by others, increased costs of capital, increased depreciation rate from 3.5 percent to 4 percent, and the proposed rate of return of 9.5 percent.

The filing was noticed on May 23, 1973, with letters of protest and petition to intervene due on or before June 8, 1973. On June 8, and 11, 1973, various petitions to intervene were received from the following: (1) Iroquois Gas Corporation, (2) New York State Electric & Gas Corporation, (3) Niagara Mohawk Power Corporation, (4) North Penn Gas Company, (5) The Pavilion Natural Gas Company, (6) Pennsylvania Gas Co., (7) Rochester Gas and Electric Corporation, (8) United Natural Gas Company, and (9) Southern Tier Gas Corporation. Notices of intervention were filed by the Public Service Commission of West Virginia on June 8, 1973, and by the Public Service Commission for the State of New York on May 30, 1973.

Our review of the filing indicates that it raises certain issues which may require development in an evidentiary hearing. The proposed increases in rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. We shall therefore order a suspension of the rates proposed herein for the full statutory period.

Many issues raised by the subject filing are presently pending before the Commission in exceptions filed to the Administrative Law Judge's Decision in Docket No. RP71-77. In order to avoid relitigation of issues which may be substantially the same, we shall withhold establishing procedural dates in the instant case pending our action in the underlying case.

The Commission finds

(1) The proposed tariff sheets should be suspended and the use thereof deferred for five months until December 1, 1973, and until such time they are made effective in the manner provided in the Natural Gas Act.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Consolidated's FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2, as proposed to be amended in this docket.

(3) Good cause exists to permit the above-named petitioners for intervention to intervene.

The Commission orders

(A) The tariff sheets filed by Consolidated on May 15, 1973, are accepted for filing and suspended until December 1, 1973, and until such time as they are made effective in the manner provided in the Natural Gas Act.

(B) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission: Provided, however, that the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their petition to intervene; and Provided, further, that the admission of such intervenors shall not be construed as recognitions that they or any of them might be aggrieved because of any order issued by the Commission in this proceeding.

(C) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13859 Filed 7-6-73;8:45 am]

[Docket No. CP73-336]

EAST TENNESSEE NATURAL GAS CO.

Notice of Application

JUNE 29, 1973.

Take notice that on June 18, 1973, East Tennessee Gas Company (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP73-336 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a liquefied natural gas (LNG) plant with appurtenant facilities in Sullivan County, Tennessee, and authorizing supplemental winter sales for resale of natural gas through the storage of LNG at Chattanooga Gas Company (Chattanooga) LNG plant, pending completion of its own LNG plant, and thereafter at its own LNG plant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it receives its basic supply of natural gas from Tennessee Gas Pipeline Company, a Division of Tenneco Inc., and has a total daily availability of 333,065 Mcf of gas. It is stated that Applicant has been unable to provide additional volumes of gas to its customers for resale, and presently has unsolicited, written requests for an additional 58,000 Mcf of firm gas per day during the 1973-74 winter season, which it cannot satisfy.

In order to be able to render the proposed supplemental winter service Applicant proposes to construct and operate an LNG plant and appurtenant facilities in Sullivan County, Tennessee, with a designed capacity to liquefy 5,500 Mcf of gas per day and have a storage capacity of 341,000 barrels of LNG equivalent to 1,200,000 Mcf of vaporous gas. The plant will have re-gasification facilities for a vaporization of 100,000 Mcf of vaporous gas per day. Applicant also proposes to construct and operate a 1,100 horsepower gas compressor station located near Bristol, Tennessee, to be used in connection with the proposed sales of regasified LNG.

The total estimated cost of the proposed facilities is \$10,045,000 which will be financed from general available funds and/or loans from affiliated companies.

Applicant also proposes to store up to 10,000 Mcf of vaporous gas equivalent per day and up to 500,000 Mcf of vaporous gas equivalent per year at Chattanooga's LNG plant near Chattanooga, Tennessee, at \$1.73 per Mcf of gas at 14.73 psia. Applicant states that it would store the gas during the period of April through October of 1973 and 1974 and withdraw up to 23,000 Mcf of gas per day during the period of November through March of 1973-1974 and 1974-75 for supplemental winter sales of its customers. Applicant states that this interim storage service would be undertaken pending completion of its LNG plant. The application indicates that the interim service can be provided with no additional facilities except the compressor for which authorization is sought herein.

Applicant states that it intends to file Revised Tariff Sheet No. 4 to its FPC Gas Tariff, Sixth Revised Volume No. 1, providing for a rate of \$2.35 per Mcf of gas at 14.73 psia, subject to Btu adjustment, for gas sold in connection with its supplemental winter sales of LNG.

The purpose of Applicant's proposals is to convert, by use of the LNG facilities, summer valley gas into LNG that can be readily stored during the summer months for subsequent regasification and delivery during the winter heating season when such gas can be made available for high priority uses by its customers. It is stated that these proposals result in economies of scale which cannot be achieved by each customer constructing its separate peaking facility.

Any person desiring to be heard or to make protest with reference to said application should on or before July 24, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in deter-

mining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13768 Filed 7-6-73; 8:45 am]

[Docket No. RP72-140]

GREAT LAKES GAS TRANSMISSION CO.
Notice of Change in Tariff

JUNE 28, 1973.

Take notice that on June 15, 1973, Great Lakes Gas Transmission Company (Great Lakes) tendered for filing Fifth Revised Sheet No. 57 (Fourth Revised PGA-1) to Great Lakes' FPC Gas Tariff, First Revised Volume No. 1. Great Lakes states that the change in tariff is to reflect a decrease in the cost of gas purchased by Great Lakes from TransCanada Pipe Lines. An effective date of August 1, 1973, is proposed.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 16, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13758 Filed 7-6-73; 8:45 am]

[Docket No. CP66-110]

GREAT LAKES TRANSMISSION CO.
**Petition To Amend Certificate or for
Declaratory Order**

JUNE 29, 1973.

Take notice that on May 23, 1973, Great Lakes Transmission Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP66-110 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act so as to delete authorization to construct certain delivery points to serve Michigan Consolidated Gas Company (Michigan Consolidated), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner was authorized by the order of June 20, 1967, in said docket (37 FPC 1070) to construct a new pipeline across northern Minnesota and the Upper and Lower Peninsulas of Michigan in order to transport gas imported from Canada into the United States and to sell up to 57,000 Mcf of gas per day to Michigan Consolidated for resale in six communities in Michigan including Manistique, Newberry, Rudyard, and St. Ignace. After Michigan Consolidated failed to initiate service to Manistique, Michigan, Petitioner was ordered by the Commission in Opinion No. 640 issued December 13, 1972, in Docket No. CP72-68 to sell approximately 3,000 Mcf of gas to the Michigan Power Company (Michigan Power) for resale in the town of Manistique and to construct a delivery point to facilitate said sale, and to sell up to 57,000 Mcf per day of gas to Michigan Consolidated less the volume sold to Michigan Power. In the order of April 9, 1973, in Docket No. CP72-68 the Commission approved the settlement between Petitioner, Michigan Consolidated, and Michigan Power providing for sales by Petitioner to Michigan Power at a straight commodity rate, and a demand charge credit to Michigan Consolidated to the extent that Petitioner's deliveries be less than 57,000 Mcf of gas, computed on an annual basis.

Petitioner states that, in addition to Manistique, Michigan Consolidated has not yet requested Petitioner to install metering facilities or to deliver gas to it for resale to Newberry, St. Ignace, or Rudyard, Michigan. It is stated that Michigan Consolidated intends to request installation of facilities and commencement of deliveries for service to Rudyard within the foreseeable future, but does not intend to make such a request for service to Newberry and St. Ignace. Therefore, Petitioner requests that the authorization be deleted for the construction of delivery facilities necessary for Michigan Consolidated to sell gas to Newberry and St. Ignace, Michigan. In the alternative to amendment of the order issuing the certificate, Petitioner

requests the Commission issue a declaratory order clarifying Petitioner's obligations under the certificate issued in Docket No. CP66-110 respecting installation of delivery points and initiation of service which Michigan Consolidated has informed Petitioner will not be required.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13860 Filed 7-6-73;8:45 am]

[Docket No. E-8197]

GULF STATES UTILITIES CO.
Change in Delivery Points

JUNE 18, 1973.

Take notice that on May 11, 1973, Gulf States Utilities Company (Applicant) filed with the Federal Power Commission an application for changes in points of delivery under Agreements with Sam Rayburn Dam Electric Cooperative, Inc., designated in Rate Schedule FPC No. 98, and with Sam Houston Electric Cooperative, Inc., designated in Rate Schedule FPC No. 69.

Applicant states that it is constructing two new facilities:

(A) A new 3 phase, 13.8 Kv metering point, designated Hardin Substation delivery point, located one mile east of Hardin, Texas off FM Road 834.

(B) A new 3 phase, 13.8 Kv metering point, designated Spurger delivery point, located four miles west of Spurger, Texas on FM Road 1013.

These facilities will have an effective date of approximately June 1, 1973.

The application states that temporary service is being provided under the Agreements at a 3-phase, 13.8 Kv metering point, designated the North Hardin Temporary Delivery Point, located one mile north of Hardin on State Highway 146, effective March 29, 1973. This temporary delivery point and the temporary delivery point, designated Liberty in Docket No. E-8077, will be removed when Hardin Substation is completed.

Any person desiring to be heard or to make any protest with reference to said applications should, on or before July 6,

1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13851 Filed 7-6-73;8:45 am]

[Docket No. CI73-901]

HUGHES & HUGHES

Notice of Application

JUNE 29, 1973.

Take notice that on June 18, 1973, Hughes & Hughes (Applicant), P.O. Drawer 669, Beeville, Texas 78102, filed in Docket No. CI73-901 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Florida Gas Transmission Company from the Potrero Lopeno Field, Kenedy County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 5,000 Mcf of gas per day for one year at 42.5 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13759 Filed 7-6-73;8:45 am]

[Docket No. E-8205]

INTERSTATE POWER CO.

Notice of Initial Rate Schedule

JUNE 28, 1973.

Take notice that on April 30, 1973, Interstate Power Company (Interstate) tendered for filing an Electric Service Agreement with the City of Independence, Iowa (City) as an initial rate schedule. Interstate states that the Agreement provides that City will construct a 12.5KV interconnection and pay all expenses incidental to providing the interconnection and that the term of the Agreement is for three months from January 23, 1973, with provision for month-to-month extension if mutually agreed upon. Interstate submits that charges for service under the Agreement are identical to the charges approved by the Commission for Interstate's service to a number of municipal systems in Iowa, Illinois, and Minnesota by order issued May 9, 1972, in Docket No. E-7692.

An effective date of January 23, 1973, is requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13769 Filed 7-6-73;8:45 am]

[Docket No. E-8172]

KENTUCKY UTILITIES CO.**Order Rejecting in Part Proposed Increased Rates, Filing in Part and Suspending Proposed Increases in Rates, Providing for Hearing, Establishing Procedures and Permitting Interventions**

JUNE 29, 1973.

On May 1, 1973, Kentucky Utilities Company filed in Docket No. E-8172 a proposed increased rate, designated WPS-73, applicable to service provided by Kentucky to eleven all-requirements municipal customers in Kentucky¹ and to its wholly-owned subsidiary Old Dominion Power Company.² In addition Kentucky submitted as a part of its filing a proposed increase in rates for service to its partial requirements customer, the City of Paris.³ The proposed increases in rates amount in total to approximately \$733,000 annually, based on a 12-month test period ended July 31, 1972. Kentucky states that the purpose of its filing is to bring the company's wholesale rates to a level more nearly reflecting increases in costs which it has experienced in recent years. Kentucky requested the proposed increase be permitted to become effective on July 1, 1973.

Notice of Kentucky's filing was issued on May 30, 1973, providing for comments thereon to be filed on or before June 15, 1973. In response to the notice the eleven municipal wholesale customers filed, on June 14, 1973, a motion to reject the filing and a petition to intervene. On June 15, 1973, a similar request for rejection and petition to intervene was filed by the City of Paris. The above customers allege that their contracts with Kentucky are fixed-rate contracts, and that unilateral increases in rates thereunder, as proposed by Kentucky, are proscribed by the rule of law established in the Mobile and Sierra cases.⁴

A review of the contracts between Kentucky and the municipal all-requirements customers reveals that they are in fact fixed-rate contracts without any provision for unilateral changes in the specified rates during the term of the contracts. Under the Mobile-Sierra doctrine, a utility may not increase its contractually established rates by means of unilateral rate increase applications under section 205 of the Federal Power Act or section 4 of the Natural Gas Act. Under these circumstances, and in the absence of the concurrence of the customers, this Commission is without authority to entertain Kentucky's rate increase application as to the all-

requirements municipal customers and accordingly it must be rejected.

Paris also argues that its contract with Kentucky likewise prohibits unilateral rate filings. We cannot agree. Paris relies on section 8.01 of the subject contract, which provides, in pertinent part, as follows:

8.01 Each party shall designate an Operating Representative and an alternate who shall be fully authorized to:

(C) To cooperate and arrange for the interchange of power and energy, and to agree upon the charges for such power and energy or other items of value furnished incident thereto by one party to the other.

Paris takes the position that under the above provision no rate increase is permitted except as agreed to by it, and that not having agreed to the proposed increase by Kentucky, that increase must be rejected. The contract, however, also provides, in section 7.06, that:

In the event there should be substantial changes in the economic conditions which would substantially affect the cost of providing generating capacity or the cost of production of electric energy, it is the intention of the parties hereto that a revision in rates should be considered and effected.

We find this latter provision to be controlling. The rates in question are subject to the exclusive jurisdiction of this Commission, and even if Kentucky and Paris were to agree upon a new rate, such new rate would be subject to FPC approval. Where no such agreement is reached, the just and reasonable rate must be established by this Commission in order to give meaning to the express terms of the contract. Accordingly, the proposed increase in rates for service to Paris will be accepted for filing. Since the proposed rates for both Paris and Old Dominion may be excessive, such rates will be suspended, set for hearing, and permitted to become effective after suspension subject to refund.

The petitions to intervene appear reasonable and will be granted.

The Commission orders

(A) Pursuant to the authority of the Federal Power Act, particularly sections 205, 206, 301, 308, and 309 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of Kentucky's proposed increase in rates for jurisdictional service to the City of Paris and Old Dominion Power Company, commencing with a prehearing conference to be held on November 9, 1973.

(B) Pending such hearing and decision thereon, Kentucky's proposed increase in its rates to Paris and Old Dominion are hereby accepted for filing, suspended for a period of two months, and the effectiveness thereof deferred until September 1, 1973.

(C) The proposed increase in rates to Kentucky's above-mentioned all requirements municipal customers is rejected.

(D) At the prehearing conference on November 9, 1973, the direct evidence of the company and the staff shall be ad-

mitted into the record, and procedures adopted for an orderly and expeditious hearing.

(E) On or before November 2, 1973, the Commission's staff shall serve its prepared testimony and exhibits, if any. The prepared testimony and exhibits of other parties, if any, shall be served on or before November 23, 1973. Any rebuttal evidence by Kentucky shall be served on or before December 14, 1973. Cross-examination of the evidence filed shall commence at 10:00 a.m., e.s.t. on December 17, 1973, in a hearing room of the Federal Power Commission.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose shall preside at the hearing initiated by this order, and shall conduct such hearing in accordance with the Federal Power Act, the Commission's rules and regulations, and the terms of this order.

(G) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order issued by the Commission in this proceeding.

(H) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13861 Filed 7-6-73; 8:45 am]

KENTUCKY WEST VIRGINIA GAS CO.**Notice of Change in Tariff**

JUNE 28, 1973.

Take notice that on June 8, 1973, Kentucky West Virginia Gas Company (Kentucky) tendered for filing the following tariff sheet for Kentucky's FPC Gas Tariff Original Volume No. 1:

Third Revised Sheet No. 12-A, Superseding Second Revised Sheet No. 12-A, per Order dated May 31, 1973, in Docket No. RP73-97

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 10, 1973. Protests will be

¹The Cities of Barbourville, Bardstown, Bardwell, Benham, Corbin, Falmouth, Frankfort, Madisonville, Nicholasville, and Providence; and Berea College, serving the City of Berea at retail.

²Supplement No. 4 to Kentucky's FPC Rate Schedule No. 78 (supersedes Supplement No. 2).

³Supplement No. 1 to Kentucky's FPC Rate Schedule No. 83.

⁴*United Gas Pipe Line Co. v. Mobile Gas Service Co.*, 350 U.S. (1956); *F.P.C. v. Sierra Pacific Power Company*, 350 U.S. 348 (1956).

considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-13760 Filed 7-6-73; 8:45 am]

[Docket No. CI73-844]

**LACY ARMOUR AND ARMOUR
PROPERTIES**

Notice of Amendment to Application

JUNE 28, 1973.

Take notice that on June 22, 1973, Lacy Armour, d/b/a Armour Properties (Applicant), 1107 Oil and Gas Building, Wichita Falls, Texas 76301, filed in Docket No. CI73-844 and amendment to the application filed on June 4, 1973, in said docket pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company from the Manahulla Field, Goliad County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In its application of June 4, 1973, Applicant stated that it commenced the sale of natural gas on May 25, 1973, within the contemplation of § 157.29 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes in its application to sell up to 2,000 Mcf of gas per day at 50.0 cents per Mcf at 14.65 psia. Applicant now proposes to sell said gas at 45.0 cents per Mcf at 14.65 psia.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed protests and petitions to intervene need not file again.

KENNETH F. PLUMB,
Secretary,

[FR Doc. 73-13771 Filed 7-6-73; 8:45 am]

**LAWRENCEBURG GAS TRANSMISSION
CORP.**

Notice of Change in Tariff

JUNE 29, 1973.

Take notice that on June 20, 1973, Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing the following revisions to its FPC Gas Tariff, Original Volume No. 1:

(1) Second Revised Sheet No. 3-A, superseding Substitute First Revised Sheet No. 3-A

(2) Second Revised Sheet No. 18-B, superseding First Revised Sheet No. 18-B

Lawrenceburg states that the revised gas tariff sheets are being filed to reflect a change in the cost of gas purchased from Texas Gas Transmission Corporation, pursuant to the provisions of Lawrenceburg's Purchased Gas Adjustment Clause in its FPC Tariff, Original Volume No. 1, approved by Commission Order issued February 5, 1973, in Docket No. RP73-23. The company estimates the change will generate an additional annual revenue of \$50,708. An effective date of August 1, 1973, is proposed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 16, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-13747 Filed 7-6-73; 8:45 am]

[Docket No. CI73-904]

LOGUE AND PATTERSON, ET AL.

Notice of Application

JUNE 29, 1973.

Take notice that on June 20, 1973, Logue and Patterson, et al. (Applicant), 628 Meadows Building, Dallas, Texas 75206, filed in Docket No. CI73-904 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company from the McFaddin Field, Victoria County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on June 1, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue such sale for one year from

the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 37,500 Mcf of gas per month under a contract which provides for a rate of 50.0 cents per Mcf at 14.65 psia. Applicant is willing to accept a certificate conditioned to an initial rate of 45.0 cents but reserves its right to file for its full contractual entitlement.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-13748 Filed 7-6-73; 8:45 am]

[Docket No. CI73-903]

MARSHALL, DOUGLAS B., ET AL.

Notice of Application

JULY 2, 1973.

Take notice that on June 20, 1973, Douglas B. Marshall, et al. (Applicants), 500 Jefferson Building, Houston, Texas 77002, filed in Docket No. CI73-903 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery

[Docket No. E-8284]

**MISSISSIPPI POWER & LIGHT CO.
Notice of Application**

JULY 2, 1973.

Take notice that on June 13, 1973, Mississippi Power & Light Company (Applicant) filed an application seeking an order pursuant to section 203 of the Federal Power Act authorizing it to acquire certain electric transmission facilities from Delta Electric Power Association (Association).

Applicant is incorporated under the laws of the State of Mississippi with its principal business office at Jackson, Mississippi and is engaged in the electric utility business in parts of 45 of the 82 counties in the State.

The Association is an electric power association organized under the laws of Mississippi and owns and operates other facilities for the distribution and sale of electric energy in 13 counties of Western Mississippi.

The Applicant proposes, subject to regulatory approval, to perform its agreement of April 21, 1972 with the Association to lease, operate, maintain and to purchase at the end of ten (10) years (or earlier) approximately 2.5 miles of 115 KV transmission line to be located in Carroll County, Mississippi.

Applicant will pay an annual lease rental equal to 2½ percent of the original cost of said line and will make ten (10) annual payments equal to 7½ percent of said cost toward the purchase of the line. Upon completion of said payment, Delta will convey title of said line to Applicant. The cost of the facilities to be leased and purchased is estimated at \$155,000.

Any person desiring to be heard or to make any protest with reference to said application should, on or before July 10, 1973, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13750 Filed 7-6-73; 8:45 am]

[Docket No. RP72-132]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Rate Changes Pursuant to Amended Settlement Agreement

JUNE 29, 1973.

Take notice that on June 15, 1973, Natural Gas Pipeline Company of America

(Natural) tendered for filing to be a part of its FPC Gas Tariff, Third Revised Volume No. 1:

Substitute Ninth Revised Sheet No. 5
Second Substitute Ninth Revised Sheet No. 5

Natural states that the purpose of the filing is to give effect to a unit adjustment effective August 1, 1973, applicable to its base rates to reflect the cost of service effect for advance payments for gas made by June 15, 1973, that are in excess of the amount for such expenditures stipulated in its amended stipulation and agreement at Docket No. RP72-132 presently pending before the Commission.

Natural further states that it recognizes that the rate changes as filed will not become effective unless the Commission approves the amended stipulation and agreement and that the filing was made to comply with the 45 day notice of rate change as required by the amended settlement agreement.

Natural states that copies of the filing have been mailed to its customers and all interested parties to Docket No. RP72-132.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 16, 1973.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13751 Filed 7-6-73; 8:45 am]

[Docket No. E-8225]

NIAGARA MOHAWK POWER CORP.

Notice of Filing of Proposed Transmission Agreement

JULY 2, 1973.

Take notice that Niagara Mohawk Power Corporation (Niagara) on May 23, 1973, tendered for filing a Transmission agreement dated April 12, 1973, between Niagara and Rochester Gas & Electric Corporation (RG&E) which provides for the transmission of power and energy to and from the New York State Power Authority's (Power Authority) Blenheim-Gilboa Pumped-Storage Plant for the account of RG&E, to become effective on the date when the first unit of the Gilboa Plant is placed in commercial operation. Niagara states that a copy of this filing has been sent to RG&E.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in

of natural gas to Transcontinental Gas Pipe Line Corporation (Transco) from the South Gibson Area and Humphreys Area, Terrebonne Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants were authorized by the Commission's order of March 2, 1973, in Docket No. CI73-498 to sell up to 70,000 Mcf of gas per day at 45.0 cents per Mcf at 15.025 psia to Transco from said areas of Terrebonne Parish for a term expiring on July 24, 1973. Applicants propose to continue said sale within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70) for a period commencing on July 24, 1973, and not to exceed six months with the right of Applicants to terminate said sale upon 30 days notice to Transco after October 23, 1973, so that Applicants may sell the gas under a long term contract to Northern Michigan Exploration Company. Applicants propose to sell approximately 1,500,000 Mcf of gas per month at 50.0 cents per Mcf at 15.025 psia.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13749 Filed 7-6-73; 8:45 am]

accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 10, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13752 Filed 7-6-73; 8:45 am]

[Docket No. E-8130]

MIDDLE SOUTH SERVICES, INC.

Filing and Suspending Proposed Interconnection Agreement, Providing for Limited Hearing, and Establishing Procedures

JUNE 29, 1973.

On April 16, 1973, Middle South Services, Inc., on behalf of Arkansas Power and Light Company, Arkansas-Missouri Power Company, Louisiana Power and Light Company, Mississippi Power and Light Company, and New Orleans Public Service, Inc., tendered for filing in Docket No. E-8130 a proposed agreement governing the interconnection and sale and exchange of power between and among the participating utilities. These utilities are affiliates of the integrated Middle South Utilities, Inc., system. The proposed agreement supersedes various existing agreements between the participating companies. Middle South requests that the proposed new agreement be permitted to become effective on July 1, 1973.

Notice of the filing of the subject agreement was issued on April 25, 1973, providing for protests or petitions to intervene to be filed on or before May 10, 1973. No responses to the notice have been received.

Based on a review of the proposed agreement and the data submitted in support thereof, we find that, except as noted below, the agreement is reasonable and in the public interest and should be accepted for filing and approved.

The proposed agreement provides a formula for determining capability equalization charges and charges for equalization of transmission costs. The formula proposed to be used by the parties in determining equalization payments for capability and for ownership costs associated with inter-transmission investment utilize a return on common equity of 14 percent with incremental debt cost used in determining the capability equalization charges and embedded debt cost used in determining the equalization of transmission facility charges. We approve the formula except for the use of the 14 percent equity return. Such return appears to be excessive. We will therefore suspend operation of the proposed agreement for one day, and permit it to become effective there-

after subject to refund. We will provide for a limited hearing solely on the issue of the proper equity return to be used in the formula for determining charges under the agreement. In all other respects the agreement will be approved, provided that Middle South file a report of the operation and maintenance expenses incurred in the first year of actual experience under the proposed rates.

Middle South requests waiver of § 35.13(b)(5)(i) of the Commission's regulations requiring the submission of a formal case-in-chief in support of the proposed agreement. In view of the action taken herein with respect to the agreement, it appears that waiver of the regulation should be granted.

The Commission finds

(1) It is necessary and proper in the public interest and in carrying out the provisions of the Federal Power Act, that the Commission enter onto a hearing concerning the lawfulness of the proposed interconnection agreement, subject to the limitations hereinbefore described, and that the proposed agreement be suspended for one day as hereinafter ordered.

(2) The proposed increased rate and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

The Commission orders

(A) Pursuant to the authority of the Federal Power Act, particularly sections 205, 206, 301, 308, and 309 thereof, and the Commission's Rules and Regulations, a public hearing shall be held concerning the lawfulness of the proposed interconnection agreement submitted in this docket, commencing with a prehearing conference on July 27, 1973.

(B) The hearing ordered by paragraph (A) above shall be limited to the issue of the proper equity return to be utilized in the formulae used to determine charges under the agreement. In all other respects the agreement is approved, provided that Middle South file a timely report of the operation and maintenance expenses incurred in the first year of actual experience under the rates to be established herein.

(C) Pending hearing and decision thereon, the proposed agreement is hereby accepted for filing, suspended for one day, and the use thereof deferred until July 2, 1973.

(D) At the prehearing conference on July 27, 1973, the Presiding Judge shall determine the need for the filing of evidence by any party to the proceeding, and shall provide for the submission and cross-examination thereof as may be required.

(E) Section 35.13(b)(5)(i) of the Commission's regulations under the Federal Power Act is waived.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose shall preside at the hearing initiated by this order, and shall conduct such hearing in accordance with the

Federal Power Act, the Commission's rules and regulations, and the terms of this order.

(G) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13862 Filed 7-6-73; 8:45 am]

[Project No. 407]

MINERAL RANGE POWER CO. Order Vacating Land Withdrawal

JUNE 27, 1973.

Application has been filed by the U.S. Department of Agriculture for vacation in its entirety of the Land Withdrawal for Project No. 407, thereby requiring Commission consideration under section 24 of the Federal Power Act.

The following described lands are variously withdrawn pursuant to filings by the Mineral Range Power Company on April 12, 1923, and February 1, 1926, of original and amended applications for preliminary permit for Project No. 407 for which the Commission gave notices of land withdrawal to the General Land Office (now Bureau of Land Management) by letters dated May 22, 1923, and March 26, 1926.

PRINCIPAL MERIDIAN, MONTANA

T. 5 S., R. 15 E., sec. 32, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, and unsurveyed E $\frac{1}{2}$ SW $\frac{1}{4}$;
sec. 33, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 6 S., R. 15 E., (unsurveyed)
sec. 4, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
sec. 5, N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 6, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
sec. 7, N $\frac{1}{2}$ N $\frac{1}{2}$;
sec. 8, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

(approximately 1,840 acres)

The lands lie within the Custer National Forest and are located along the Stillwater River, a tributary of the Yellowstone River.

Project No. 407 (estimated potential 1,600 horsepower) contemplated construction of a diversion dam on the Stillwater River below Sioux Charley Lake with a conduit leading to a powerhouse near the mouth of Woodbine Creek. Diversion of flows from Woodbine Creek to the same powerhouse was also contemplated. A three-year preliminary permit for the project expired on February 7, 1927, and an application for license was not filed.

An engineering analysis of the project conducted in 1923 by the District Engineer of the U.S. Forest Service indicated

that development of the site was economically infeasible. A recent analysis by our staff concluded that the lands do not offer opportunity for the economical development of hydroelectric power.

The U.S. Geological Survey has reported that the lands have negligible power value and recommended that the withdrawal for Project No. 407 be vacated in its entirety.

The Commission's current inventory of developed and undeveloped hydroelectric sites does not include any sites in this reach of the Stillwater River.

The Commission finds.

The withdrawal for Project No. 407 serves no useful purpose and should be vacated.

The Commission orders.

The withdrawal of the subject lands pursuant to the applications for Project No. 407 is hereby vacated in its entirety.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13772 Filed 7-6-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON FUELS TASK FORCE ON ENVIRONMENTAL CONSIDERATIONS AND CONSTRAINTS

Agenda and Notice of Meeting

Agenda For a Meeting of the Technical Advisory Committee on Fuels Task Force on Environmental Considerations and Constraints, To be held at the Federal Power Commission Offices 825 North Capitol Street, NE, Washington, D.C., 9:30 a.m., July 12, 1973, Room 5200.

1. Meeting called to order by FPC Coordinating Representative.

2. Objectives and purposes of meeting:
A. Discuss Task Force final draft of report to Fuels Committee.

B. Other business.

3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13854 Filed 7-6-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY

Agenda and Notice of Meeting

Agenda for Meeting of the Technical Advisory Committee on Conservation of Energy; To be held at the Federal Power Commission Offices, 825 North Capitol Street, NE., Washington, D.C., 9:30 a.m., July 10, 1973, Room 5100.

1. Meeting called to order by FPC Staff Representative.

2. Objectives and purposes of meeting.

A. Review of Executive Advisory Committee and Coordinating Committee meetings by Dr. Bruce Netschert.

B. Review of draft report of Task Force on Environmental Aspects.

C. Review of work of Task Force on Technical Aspects.

D. Other business.

E. Date of next meeting.

3. Adjournment

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13859 Filed 7-6-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT TASK FORCE ON ENERGY CONVERSION RESEARCH

Agenda and Notice of Meeting

Agenda For a meeting of the TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT TASK FORCE ON ENERGY CONVERSION RESEARCH, to be held at the Federal Power Commission Offices, 825 North Capitol Street, NE., Washington, D.C., 1:00 p.m., July 10, 1973, 9:30 a.m., July 11, 1973, Room 5200.

1. Meeting called to order by FPC Coordinating Representative.

2. Approval of minutes of previous meeting.

3. Objectives and purposes of meeting.

A. Review status of the reports on individual energy conversion technologies.

B. Review progress in editing of the Task Force report to the TAC on R&D.

C. Discussion of R&D priorities and budgets.

D. Other business.

E. Dates for future meetings.

4. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13856 Filed 7-6-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY TASK FORCE ON ENVIRONMENTAL ASPECTS

Agenda and Notice of Meeting

Agenda For a Meeting of the Technical Advisory Committee on Conservation of Energy Task Force on Environmental Aspects, To be held at the Federal Power Commission Offices, 825 North Capitol Street, NE., Washington, D.C., 1:30 p.m., July 9, 1973, Room 5200.

1. Meeting called to order by the FPC Coordinating Representative.

2. Objectives and purposes of meeting.
A. Approval of minutes of May 29, 1973 meeting.

B. Review fourth draft of Jim MacKenzie's study entitled "Some Adverse Environmental Effects of Energy Consumption through the Year 2000".

C. Review the second draft of Fred Lawrence's study entitled "The Impact of Environmental Protection Legislation on Energy Use".

D. Review the first draft of Marc Roberts' study on economic and policy aspects of conservation of energy.

E. Other Business

3. Adjournment

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13857 Filed 7-6-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON FINANCE

Agenda and Notice of Meeting

Agenda for Fourth Meeting of the TECHNICAL ADVISORY COMMITTEE ON FINANCE TASK FORCE—FUTURE FINANCIAL REQUIREMENTS to be held at the Federal Power Commission Offices, 825 North Capitol Street, NE., Washington, D.C., 10 a.m., July 20, 1973, Room 5200.

1. Meeting called to order by FPC Coordinating Representative.

2. Objectives and purposes of meeting.

A. Review Task Force progress in development of Econometric Model.

B. Prepare Task Force report to TAC on finance.

C. Discussion of other business.

D. Schedule date of next meeting.

3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Task Force—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the Task Force.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13853 Filed 7-6-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON POWER SUPPLY

Agenda and Notice of Meeting

Agenda For a Meeting of the TECHNICAL ADVISORY COMMITTEE ON POWER SUPPLY to be held at the Federal Power Commission Offices; 825 North Capitol Street, NE., Washington, D.C., 8:30 a.m., July 24, 1973, Room 5200.

1. Meeting opened by FPC Coordinating Representative.

2. Objectives and purposes of meeting.

A. Additions and corrections to minutes of meeting of April 10, 1973.

B. Discussion of Generation Installations Study Area (Mr. Hanrahan).

C. Discussion of Power Operations Study Area (Mr. Dille).

D. Interim report on Contingency Planning (Mr. Biggerstaff).

E. Report on Task Force on Forecast Review (Mr. Lloyd).

F. Other Business.

G. Date of Next Meeting.

3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13852 Filed 7-6-73;8:45 am]

[Docket Nos. CP72-233, etc.]

NATURAL GAS PIPE LINE CO. OF AMERICA AND TEXACO INC.

Amended Notice of Further Postponement of Procedural Dates

JUNE 28, 1973.

Notice is hereby given that the procedural dates set by the order issued May 23, 1973, as modified by the notices issued June 13, 1973, and June 22, 1973, are further modified as follows:

Service of evidence by applicants and persons in support of the application, July 5, 1973

Service of answering evidence by applicants and intervenors, July 16, 1973

Commencement of hearing, July 31, 1973 (10 am., e.d.t.)

Action on the request for a prehearing conference will be by subsequent order.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13773 Filed 7-6-73;8:45 am]

[Docket No. E-8169]

NEW ENGLAND POWER CO.

Filing and Suspending Proposed Rate Schedule Amendment, Providing for Hearing, and Establishing Procedures

JUNE 29, 1973.

On April 30, 1973, New England Power Company (NEPCO) filed in Docket No. E-8169 an amendment to NEPCO's contract for primary service for resale to its affiliate, Narragansett Electric Company.¹ Narragansett's concurrence in the amendment was included in NEPCO's filing.² The proposed amendment provides for an increase in the credits allowed to Narragansett for the integration

¹ Third Revised Sheet No. 21 to NEPCO's FPC Rate Schedule No. 161.

² Supplement No. 6 to Narragansett's FPC Rate Schedule No. 24.

of its generation and transmission facilities into the NEPCO system. The proposed new generation credit amounts to \$631,333 monthly exclusive of municipal taxes, and the proposed monthly transmission credit amounts to \$291,450. NEPCO requests waiver of the Commission's regulations to permit the proposed contract amendment to become effective as of January 1, 1973.

Notice of NEPCO's filing was issued on May 15, 1973, providing for protests or petitions to intervene to be filed on or before May 23, 1973. In response to the notice a late petition to intervene was filed on June 8, 1973, by the NEPCO Municipal Customer Rate Committee, consisting of twenty-seven municipal electric plants and departments who are customers of NEPCO. These petitioners request that NEPCO's filing be suspended for at least one day, and that this proceeding be consolidated with NEPCO's recently filed wholesale rate proposal. NEPCO filed for a general rate increase on June 1, 1973, in Docket No. E-8251. Petitioners requests appear reasonable and will be granted with the exception of their request for consolidation. The Commission has not had an opportunity to review NEPCO's filing in Docket No. E-8251, and has taken no action with respect to it. The request for consolidation will therefore be denied as premature without prejudice, however, to a renewal of the request at a later date.

Our review of NEPCO's filing indicates the issues raised therein require development in an evidentiary hearing. The proposed credits to Narragansett have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Additionally the filing does not present grounds which are in our view adequate to support waiver of the applicable Regulations to permit a retroactive effective date. Accordingly, the proposed contract amendment will be suspended and set for hearing.

The Commission finds

(1) It is necessary and proper in the public interest and in carrying out the provisions of the Federal Power Act, that the Commission enter upon a hearing concerning the lawfulness of NEPCO's proposed contract amendment, and that such amendment be suspended as hereinafter provided.

(2) The proposed increased rate and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

The Commission orders

(A) Pursuant to the authority of the Federal Power Act, particularly sections 205, 206, 301, 308, and 309 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of NEPCO's proposed contract amendment herein, commencing with a prehearing conference to be held on November 6, 1973.

(B) Pending such hearing and decision thereon, NEPCO's proposed amendment of its contract with Narragansett is hereby accepted for filing, suspended for one day, and the use thereof deferred until July 1, 1973.

(C) The rates permitted to become effective herein, after suspension, shall be subjected to Executive Order No. 11723 and regulations promulgated thereunder.

(D) At the prehearing conference on November 6, 1973, the direct evidence of the company and the staff shall be admitted into the record, and procedures adopted for an orderly and expeditious hearing.

(E) On or before October 30, 1973, the Commission's staff shall serve its prepared testimony and exhibits, if any. The prepared testimony and exhibits of other parties, if any, shall be served on or before November 14, 1973. Any rebuttal evidence by NEPCO shall be served on or before November 28, 1973. Cross-examination of the evidence filed shall commence at 10:00 A.M. on December 6, 1973, in a hearing room of the Federal Power Commission.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose shall preside at the hearing initiated by this order, and shall conduct such hearing in accordance with the Federal Power Act, the Commission's Rules and Regulations, and the terms of this order.

(G) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their petition to intervene; and *Provided, further*, That the admission of such intervenors shall not be construed as recognitions that they or any of them might be aggrieved because of any order issued by the Commission in this proceeding.

(H) The request of the NEPCO Municipal Customer Rate Committee for consolidation of this proceeding with NEPCO's wholesale rate increase proposal in Docket No. E-8251 is denied, without prejudice however, to its renewal at a later date.

(I) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(J) The secretary shall order prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13863 Filed 7-6-73;8:45 am]

[Docket No. RP73-82]

PACIFIC GAS TRANSMISSION CO.**Notice of Extension of Time and Postponement of Prehearing Conference and Hearing**

JUNE 28, 1973.

On June 22, 1973, Pacific Gas Transmission Company filed a motion for continuance of the procedural dates fixed by the order issued June 4, 1973, in the above-designated matter. The motion states that staff counsel is not opposed to the request.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Service of testimony and exhibits by Pacific Gas Transmission Company, July 25, 1973
Service of testimony and exhibits by Staff, August 16, 1973

Prehearing Conference, August 23, 1973 (10 a.m., e.d.t.)

Service of testimony and exhibits by intervenors, August 30, 1973

Service of Rebuttal evidence by Pacific Gas Transmission Company, September 13, 1973
Cross-examination, September 27, 1973 (10 a.m., e.d.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-13774 Filed 7-6-73; 8:45 am]

[Docket No. E-8159]

PENNSYLVANIA POWER CO.**Order Accepting and Suspending Proposed Tariff Sheets, Denying Motion To Reject, Establishing Hearing Procedures, and Permitting Intervention**

JUNE 29, 1973.

On April 30, 1973, Pennsylvania Power Company (PPC) tendered for filing new PPC rate schedules for its municipal wholesale customers. The affected municipalities and the PPC rate schedules in effect for each are as follows:

New Wilmington	No. 14
Wampum	No. 15
Zellenople	No. 16
Ellwood City	No. 17
Grove City	No. 19

PPC stated that the proposed rate schedules would provide for an increase in rates of \$539,719 (54.62 percent) and the addition of a fuel cost adjustment clause and a load shedding clause. PPC explained that the proposed rate increase is necessary because its return is declining and is no longer just and reasonable. PPC claimed that its present rate of return related to the sales herein is 6.39 percent.

PPC said the fuel adjustment clause is necessary because of increased fuel costs and perhaps by a price decline. PPC stated that the purpose of the load shedding provision is to shift to the municipalities a commensurate share of the burden that PPC has undertaken in agreement with other interconnected systems to shed load in underfrequency system conditions to enhance reliability of the coordinated systems network by reducing the impact of widespread system operating problems.

PPC asked for an effective date of July 1, 1973.

Notice of the filing was issued on May 8, 1973, with protests and petitions to intervene due on or before May 24, 1973. A timely Protest was filed May 24, 1973, by the Borough of New Wilmington. A Protest, Motion To Reject and Petition To Intervene was timely filed by the Boroughs of Ellwood City, Grove City, Zellenople, New Wilmington, and Wampum, Pennsylvania (Boroughs). Boroughs protests the proposed rate as being in violation of sections 205 (a) and (b) of the Federal Power Act. Boroughs also moves to have the filing rejected as not in accordance with the Commission's Rules. In support of its motion to reject, Boroughs first argues that PPC failed to comply with § 35.13 (iv) of the regulations under the Federal Power Act in that PPC's Statement G fails to show the precise rate of return required. Our review of the filing indicates that PPC's filing is in substantial compliance with requirements of § 35.13 (iv) because a specific rate of return is set for on Schedule 13 of Exhibit 4 filed simultaneously with the rate filing.

Boroughs also alleges that PPC's rates contain a restrictive clause prohibiting Boroughs' from attaching load already served by the Company, a unique load shedding provision, and improperly force Boroughs to spend more for new equipment. These allegations cannot be dealt with summarily but rather need development at an evidentiary hearing.

In the event that the filing is not rejected, Boroughs strongly urges the Commission to suspend the proposed rate schedule changes for the full five month statutory period provided for in section 205(e) of the Federal Power Act, set the matter for hearing, and requests permission to intervene in these proceedings. On June 4, 1973, PPC filed an answer that refuted many of Boroughs' arguments, and asked that the Commission deny Boroughs' allegations.

Our review of PPC's filing, Boroughs' motion to reject the filing, and PPC's answer, indicates that issues are raised that may require a full evidentiary hearing.

The Commission finds

(1) The proposed rate schedules tendered for filing should be accepted for filing.

(2) The proposed increased rate and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in above-enumerated rate schedules, and that the tendered rate schedules be suspended as hereinafter

The Commission orders

(4) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(5) Participation of Boroughs may be in the public interest.

(6) The petition to reject by Boroughs should be denied.

(A) The above enumerated rate schedules are accepted for filing and their effectiveness suspended until December 1, 1973, or until such other time as they are made effective in the manner provided in the Federal Power Act.

(B) Boroughs' motion to reject is denied for the reasons heretofore stated.

(C) Pursuant to the authority of the Federal Power Act, including sections 205, 206, 308, and 309 thereof, the Commission's rules of practice and Procedure, and the Regulations under the Federal Power Act, a public hearing shall be held commencing with a pre-hearing conference on November 13, 1973, at 10:00 a.m. e.s.t. in a hearing room of the Federal Power Commission, Washington, D.C. 20426, concerning the lawfulness of the rate increase as set forth above.

(D) On or before November 1, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any or all intervenors shall be served on or before November 20, 1973. Any rebuttal evidence by FPL shall be served on or before December 7, 1973. Cross-examination on the evidence filed will commence on December 18, 1973.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, and shall prescribe relevant procedural matters not herein provided, and shall control the proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(F) Boroughs is hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission: *Provided, however*, that the participation of Boroughs shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and *Provided, further*, that the admission of Boroughs shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-13864 Filed 7-6-73; 8:45 am]

[Docket No. E-8280]
**PUBLIC SERVICE COMPANY OF
 NEW HAMPSHIRE**

Notice of Initial Rate Schedule

JUNE 28, 1973.

Take notice that on June 15, 1973, Public Service Company of New Hampshire (Public) tendered for filing an agreement with New Hampshire Electric Cooperative, Inc. (the Cooperative) for subtransmission service for power from the Maine Yankee Atomic Power Company, dated December 1, 1972, as an initial rate schedule. On its contention that a projection of the amount of power to be transmitted in the future is unfeasible, Public has omitted an estimate of revenues from the billing charge on a per entitlement kilowatt basis but states that subtransmission charges for the first four months of operation have totaled \$4871.28. Public states that copies of this filing have been sent to the Cooperative and the New Hampshire Public Utilities Commission. An effective date of December 1, 1973, is requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
 Secretary.

[FR Doc.73-13761 Filed 7-6-73; 8:45 am]

[Docket No. E-8207 etc.]

RATE SCHEDULE
Notice of Application

JUNE 29, 1973.

Take notice that each of the Applicants listed herein filed an application pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 20, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions

to intervene in accordance with the Commission's rules. The applications are on file with the Commission and available for public inspection.

Docket No.	Filing Date	Name of Applicant
E-8207	May 1, 1973...	Kentucky Utilities Co.

Applicant filed a contract for Electric Service, dated December 15, 1972, between Kentucky Utilities Company and the City of Providence, Kentucky. The contract states that service will be on Rate Schedule WPS-3R, which is on file with the Commission. Kentucky Utilities Company filed with this Commission on May 1, 1973, Rate Schedule WPS-73 which is proposed to become effective July 1, 1973 and is to supersede WPS-3R. In case of suspension of WPS-73 by the Commission, service will be rendered on WPS-3R during the suspension. Service is expected to begin on July 1, 1973.

Docket No.	Filing Date	Name of Applicant
E-8208	May 15, 1973...	Pennsylvania Power and Light Company

Applicant filed a Supplement dated May 1, 1973, to the interconnection operation principles and practices effective June 1, 1960, issued in accordance with the interconnection agreement dated August 1, 1935, between United Gas Improvement Corporation (formerly Luzerne Electric Division of the United Gas Improvement Company, formerly Luzerne County Gas and Electric Corporation) and Pennsylvania Power and Light Company (United Gas Improvement Corporation Rate Schedule FPC No. 3 and Pennsylvania Power and Light Company Rate Schedule FPC No. 46).

The supplement provides for: (a) Classification of the supply by Pennsylvania Power and Light Company to United Gas Improvement Corporation under the rate schedule into two categories, supplemental supply and interchange; (b) an increase in the rate for transmission services, which is part of the rate for installed capacity purchases by United Gas Improvement Corporation and is also applicable to delivery of United Gas Improvement Corporation's apportionment of Conemaugh output through the Pennsylvania Power and Light Company system; (c) changes in the interchange accounting with respect to transactions which directly involve only United Gas Improvement Corporation and PJM other than Pennsylvania Power and Light Company; and (d) payment by United Gas Improvement Corporation of a portion of the monthly costs to operate the PJM Control Center. It is estimated that the overall effect of these changes would have been a reduction in net payments by United Gas Improvement Corporation to Pennsylvania Power and Light Company of \$87,800 in the twelve month period from June, 1972 through May, 1973, and will be

71,300 in the twelve month period from June, 1973 through May, 1974.

Docket No.	Filing Date	Name of Applicant
E-8234	May 28, 1973...	Carolina Power and Light Company

Applicant filed May 24, 1973, Supplement to the Contract dated April 4, 1938, between the Town of Pikeville, North Carolina and the Carolina Power and Light Company. The supplement provides for the removal of certain restrictions on sizes of loads to be resold and areas of resale with the Town of Pikeville, which Carolina Power and Light Company serves at wholesale. The supplement eliminates part of Paragraph 4 and the last sentence of Paragraph 7(b) of the agreement between Customer and the Company. The supplement filed herewith is to become effective 30 days after filing.

Docket No.	Filing Date	Name of Applicant
E-8239	May 29, 1973...	Gulf States Utilities Company

Applicant filed a service agreement dated May 23, 1973, with Mid-South Electric Cooperative, Inc., pursuant to Rate Schedule FPC No. 76. The service agreement which becomes effective June 15, 1973, provides that an additional point of service has been provided on an emergency basis at Diamond Head, SW. Diamond Head Subdivision near Lake Conroe, Conroe, Texas.

Docket No.	Filing Date	Name of Applicant
E-8241	May 30, 1973...	Kentucky Utilities Co.

Applicant filed a Service agreement dated May 25, 1973, between the Tennessee Valley Authority, Hickman-Fulton Counties Rural Electric Cooperative Corporation and Kentucky Utilities Company which amends the present contract between the three parties, dated September 29, 1953. This contract was filed with the Commission on July 31, 1972 and designated by the Commission as Company Rate Schedule FPC No. 93, Supplement No. 6.

Docket No.	Filing Date	Name of Applicant
E-8241	May 30, 1973...	Kentucky Utilities Co.

The primary reason for changing the above contract is to reflect changes in delivery voltages and required changes in metering due to conversion to higher voltage.

Docket No.	Filing Date	Name of Applicant
E-8258	June 6, 1973...	American Electric Power Service Corp.

Applicant filed May 31, 1973, amendment on behalf of Indiana & Michigan Electric Company to the operating Agreement dated March 1, 1966 among Consumers Power Company, The Detroit Edison Company, and Indiana & Michigan Electric Company. The amendment, effective July 1, 1973, modifies the agreement to provide for a new interconnection service under a new Service Schedule E—off Peak Power. The proposed rate for the service consists of a demand charges \$0.25 per kilowatt of billing demand for each month and an energy charge at a rate per kilowatt-hour equal to the out-of-pocket cost of the energy supplied plus 10 percent thereof. This off Peak Power Service is aimed towards optimizing the economic use of fuel resources during off peak hours by allowing one party during periods of one or more months when its operating costs of producing energy are high to displace such energy with energy from the other party which may be produced at a substantially lower cost.

Docket No.	Filing Date	Name of Applicant
E-4260	June 7, 1973...	Interstate Power Co.

E-4260 June 7, 1973... Interstate Power Co.

Applicant filed May 17, 1973, amendment to the Transmission Utilization Agreement dated May 1, 1968, between Cooperative Power Association and Interstate Power Company and designated as Interstate Power Company's Rate Schedule FPC No. 88. The amendment to the Transmission Utilization Agreement provides for an additional delivery point at Easton, Minnesota.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-13770 Filed 7-6-73; 8:45 am]

[Docket No. R-462; Order No. 483]

RESEARCH AND DEVELOPMENT, ACCOUNTING AND REPORTING

Order Denying Rehearing

JUNE 28, 1973.

On May 29, 1973, Northern Natural Gas Company (Northern) filed an application for rehearing of Order No. 483, issued April 30, 1973, in Docket No. R-462, which order, inter alia, broadened the definition of Research and Development (R & D) expenditures, provided for advance rate assurance for certain R & D projects and provided for rate adjustment provisions to track R & D expenditures.

Northern alleges that Order No. 483 does not permit a pipeline to match costs and revenues "to the extent possible" because it does not provide for deferral and later recovery of costs not immediately subject to tracking as was provided for purchased gas costs in Order Nos. 452 and 452-A issued in Docket No. R-406. Northern's allegation is without foundation. § 154.38(d) (5) (b) (iii) and (iv) provide that an R & D tracking pro-

vision rate adjustment shall be computed based on the experience of the pipeline during the twelve month period ending three months prior to the proposed rate adjustment both as to currently expensed items (subsection (iii)) and rate base items (subsection (iv)). This provision allows a pipeline to recover all amounts associated with a legitimate R & D project above those amounts included in its existing rates.

Northern also objects to the "requirement" of prior Commission approval for rate base inclusion of R & D expenditures of \$50,000 or more on a given project or group of projects and foresees an administrative breakdown in our Staff's effort to review an increasing number of such projects. Northern proposes a cure for this undesirable situation which promises "to forestall the backlog of filings and to optimize the use of the Commission's Staff" by limiting the "requirement" of prior approval to projects of \$1,000,000 or more.

We agree with Northern that it is in the public interest to expedite Commission review of all findings submitted to us and to optimize the use of our trained and expert Staff personnel. For these reasons, we did not make prior approval of R & D projects a prerequisite to their inclusion in rates. Subsection 154.38(d) (5) (a) (v) of the Commission's Regulations under the Natural Gas Act provides that all R & D rate adjustments take effect on the proposed effective date "subject to reduction and refund of any portion found after hearing to be unjustified by a final and nonappealable Commission order". The purpose of the prior approval provision for rate base treatment of projects or groups of projects costing \$50,000 or more is to assure the pipeline in advance that such project(s), per se, fall within the definition of R & D expenditures in the Commission's Uniform Systems of Accounts for Class A and Class B Natural Gas Companies, rather than forcing the pipeline to wait until such project(s) is (are) examined in a rate proceeding after the pipeline has expended much money and has possibly collected increased rates related to such project(s). Therefore, the prior approval provision is not a requirement, but merely an option available to the pipeline to eliminate the uncertainty of rate treatment of such projects.

In a related matter, Northern complains about "the double barreled requirement" of prior approval of a project and collection of amounts related to such projects subject to refund. As noted above, the "prior approval" provision is not a requirement but an alternative option available to a pipeline to eliminate the uncertainty of rate treatment of certain projects. Amounts included in an R & D rate adjustment which relate to such prior-approved projects shall, of course, not be made subject to refund and shall not be reviewed a second time in a future rate proceeding.

Northern also requests a waiver of such provisions of Order No. 483 as "may be inconsistent with an R & D tracking

proposal which does not conform with all of strictures of said Order". We note that Order No. 483 represents our policy and the guidelines to implement such policy. Waiver of the provisions of that order will only be considered upon individual requests and for good cause shown.

The Commission finds

It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that Northern's application for rehearing of Order No. 483 be denied as hereinafter ordered.

The Commission orders

Northern's application for rehearing of Order No. 483 filed May 29, 1973, is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-13865 Filed 7-6-73; 8:45 am]

[Docket No. CP73-115]

TENNESSEE GAS PIPELINE CO. AND TENNECO INC.

Notice of Further Extension of Time and Postponement of Hearing Date

JULY 2, 1973.

Notice is hereby given that the procedural dates set by order issued May 1, 1973, as modified by notice issued May 21, 1973, are further modified as follows:

Service of testimony and exhibits by applicant, July 24, 1973

Service by each customer desiring to submit testimony and/or exhibits on the issue of volumetric requirements, etc. July 24, 1973
Hearing, August 8, 1973

MARY B. KIDD,
Acting Secretary.

[FR Doc. 73-13776 Filed 7-6-73; 8:45 am]

[Docket No. RP72-156]

TEXAS GAS TRANSMISSION CORP.

Notice of Proposed Changes in FPC Gas Tariff

JUNE 28, 1973.

Take notice that Texas Gas Transmission Corporation (Texas Gas) on June 15, 1973, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, the following sheet:

Seventh Revised Sheet No. 7

Texas Gas states that this sheet is being issued pursuant to Texas Gas' Purchased Gas Cost Adjustment Provision contained in section 23 of the General Terms and Conditions of its FPC Gas Tariff, Third Revised Volume No. 1 and that this provision was approved by order of the Federal Power Commission, dated July 31, 1972, in Docket No. RP72-156. The company submits that this change in Texas Gas' rates reflects a cost of gas adjustment to track increased purchased gas costs and to recover the balance in Account 191, "Unrecovered Purchased Gas Costs," and the increased

cost of offshore transportation. The proposed effective date of this filing is August 1, 1973.

Texas Gas states that copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 16, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13763 Filed 7-6-73; 8:45 am]

[Docket No. RP73-69]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice Deferring Procedural Dates

JUNE 27, 1973.

On June 5, 1973, Staff Counsel filed a motion for postponement of the procedural dates set by the order issued January 31, 1973, in the above-designated matter. The motion states that the parties attending the prehearing conference on June 1, 1973, had no objection to the motion.

Upon consideration, notice is hereby given that the procedural dates are deferred pending disposition of the settlement proposal submitted at the prehearing conference held on June 26, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13775 Filed 7-6-73; 8:45 am]

[Docket No. CP73-337]

TRANSWESTERN PIPELINE CO.

Notice of Application

JULY 2, 1973.

Take notice that on June 19, 1973, Transwestern Pipeline Company (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP73-337 an application pursuant to section 7 of the Natural Gas Act and § 157.7(g) of the regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval for the abandonment, for a 12-month period commencing on July 1, 1973, of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment will not exceed \$3,000,000 and the cost for any single project will not exceed \$500,000. These costs will be financed from available funds and may at some later date be financed through the issuance of long term debt or additional equity.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13866 Filed 7-6-73; 8:45 am]

[Docket No. RI73-268]

UNION OIL CO.

Notice of Petition for Special Relief From Area Rate Ceiling (Texas Gulf Coast Area)

JUNE 28, 1973.

Take notice that on April 17, 1973, Union Oil Company of California (Petitioner) P.O. Box 7600, Los Angeles, California 90051, filed a petition for special relief in Docket No. RI73-268 pursuant

to section 4 of the Natural Gas Act, § 1.7 (b) of the Commission's Rules of Practice and Procedure, and Commission Order No. 481, issued April 12, 1973. Petitioner requests the Commission to waive the January 1, 1976, moratorium date for filing for a rate increase in excess of the applicable area rate prescribed in Opinion No. 595, Area Rate Proceeding, et al. (Texas Gulf Coast Area), Docket Nos. AR64-2, et al., 45 F.P.C. 674 (1971), appeal pending sub nom. Public Service Commission for the State of New York, et al. v. F.P.C., No. 71-1828, (D.C. Cir.).

On April 12, 1973, the Commission issued Order No. 481, in Docket No. R-458, amending the general rules of practice and procedure by adding § 2.76. This section provides for examination of applications by independent producers for special relief from area rates with respect to sales of natural gas from reservoirs where reduced pressure, the need for reconditioning, or deeper drilling makes further production uneconomically at existing area rates. In March 1973 Union reports that one compressor was installed to compress filed gas. Petitioner alleges that this was done in reliance on the November 8, 1972, notice of proposed rulemaking in Docket No. R-458.

Petitioner claims that without compression facilities only one billion of the estimated three to four billion cubic feet of natural gas can be recovered economically. It avers that two compressors will be required to offset pressure declines. Petitioner's request is based on installation of the compressor placed in operation in March 1973, plus one additional compressor to be installed if this petition is granted.

Additional costs resulting from the installation of two compressors is stated to be \$19,345 per year for each compressor, or a total cost of \$38,690 per year for rental, maintenance, operating, and overhead expenses. If, as requested, Petitioner is authorized to collect 2.5¢ per Mcf over and above the rate presently authorized in Opinion No. 595 (Texas Gulf Coast Area), an additional \$100,000 will be collected over the life of the compression operation.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 16, 1973, file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13779 Filed 7-6-73; 8:45 am]

VALLEY GAS TRANSMISSION, INC.

[Docket No. RP73-94]

Notice of Revisions to Tariff

JUNE 28, 1973.

Take notice that on June 11, 1973, Valley Gas Transmission, Inc. (Valley Gas) tendered for filing the following tariff sheets:

Second Revised Sheet No. 3A
 First Revised Sheet No. 14
 First Revised Sheet No. 15
 Second Revised Sheet No. 25A
 First Revised Sheet No. 39
 First Revised Sheet No. 40
 Second Revised Sheet No. 52A
 Third Revised Sheet No. 107A
 First Revised Sheet No. 120
 First Revised Sheet No. 121
 Third Revised Sheet No. 138A
 First Revised Sheet No. 150
 First Revised Sheet No. 151
 First Revised Sheet No. 152
 Second Substitute Original Sheet No. 178
 Second Substitute Original Sheet No. 179
 Second Substitute Original Sheet No. 180

Valley Gas states that First Revised Sheet Nos. 14, 15, 39, 40, 120, 121, 150, 151 and 152 are all filed to restate its existing tariff in the manner required by § 154.52 of the regulations under the Natural Gas Act. The sheets are intended to incorporate within the pertinent rate schedule price provisions which are presently on file as supplement to such rate schedules. The company submits that Second Substitute Original Sheet Nos. 178, 179 and 180 effect certain minor changes in Valley Gas' proposed purchased gas adjustment clause. Valley Gas states that Second Revised Sheet Nos. 3A, 24A and 52A and Third Revised Sheet Nos. 170A and 138A are filed merely to refer a reader to the currently effective Sheet No. 2A for a statement of the currently effective rate.

Valley Gas proposes an effective date of May 16, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D. C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
 Secretary.

[FR Doc.73-13764 Filed 7-6-73;8:45 am]

[Docket No. CI71-882]

WENERT TRICH, ET AL.
 Notice of Petition To Amend

JUNE 29, 1973.

Take notice that on June 18, 1973, Wenert Trich, et al., (Applicant), P. O.

Box 1408, Longview, Texas 75601, filed in Docket No. CI71-882 a petition to amend the orders issued in said docket pursuant to section 7(c) of the Natural Gas Act and § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70) by authorizing Petitioner to continue the sale of natural gas in interstate commerce for an additional year to Texas Eastern Transmission Corporation (Texas Eastern) from the Woodlawn Field, Harrison County, Texas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner was authorized by the order of August 12, 1971, in said docket to sell gas to Texas Eastern for one year at 35.0 cents per Mcf at 14.65 psia and was authorized to continue said sale for an additional year by the Commission's order of August 23, 1972, in said docket.

Petitioner proposes to continue said sale within the contemplation of § 2.70 of the Commission's General Policy and Interpretations for one year commencing on August 12, 1973, and sell approximately 3,000 Mcf of gas per day at 45.0 cents per Mcf at 14.65 psia.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
 Secretary.

[FR Doc.73-13765 Filed 7-6-73;8:45 am]

[Docket No. E-8271]

WISCONSIN ELECTRIC POWER CO.
 Notice of Letter Agreement

JUNE 28, 1973.

Take notice that on June 11, 1973, Wisconsin Electric Power Company (WEP) tendered for filing a letter agreement dated May 2, 1973, between WEP, Wisconsin Public Service Corporation (WPS), Wisconsin Power and Light Company (WPL), and Madison Gas and Electric Company (MGE). WEP states that the agreement is in respect to WPS, WPL, and MGE, collectively, purchasing 150,000 Kilowatts of Limited Term Power for a period of six months beginning June 1, 1973, and ending November 30, 1973. WEP further states that the agreement is under the provisions of Service Schedule A, which is part of an amendment made effective May 1, 1973, to the Interconnection Agreement between WEP and individually with WPS (Rate Schedule FPC No.

30), WPL (Rate Schedule FPC No. 31), and MGE (Rate Schedule FPC No. 27). WEP maintains that it is not practical to estimate with any degree of accuracy the quantities of energy which will be delivered. An effective date of June 1, 1973, is requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
 Secretary.

[FR Doc.73-13777 Filed 7-6-73;8:45 am]

[Docket No. CI73-902]

SKELLY OIL CO.
 Notice of Application

JUNE 29, 1973.

Take notice that on June 18, 1973, Skelly Oil Company (Applicant), P.O. Box 1650, Tulsa, Oklahoma 74102, filed in Docket No. CI73-902 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company from the No. 1 Oasis Ranch "4" Strawn Gas Well, Terrell County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to commence the sale of natural gas, upon completion of certain production and gathering facilities adjacent to the well site, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for two years from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 30,000 Mcf of gas per month at 45.0 cents per Mcf of gas at 14.65 psia, subject to upward and downward Btu adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to

intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMS,
Secretary.

[FR Doc.73-13753 Filed 7-6-73; 8:45 am]

[Docket No. CI73-891]

WALLACE, E. R., AND LAQUEY, E. C.
Notice of Application

JUNE 29, 1973.

Take notice that on June 14, 1973, E. R. Wallace and E. C. Laquey (Applicants), P.O. Box 746, Refugio, Texas 78377, filed in Docket No. CI73-891 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipeline Company from the Old Refugio Field, Refugio County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they will commence the sale of natural gas on June 20, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and propose to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicants propose to sell approximately 15,000 Mcf of gas per month at 45.0 cents per Mcf at 14.65 psia.

It appears reasonable and consistent with the public interest in this case to

prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore,

Any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 1973 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirement of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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

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

KENNETH F. PLUMS,
Secretary.

[FR Doc.73-13754 Filed 7-6-73; 8:45 am]

[Docket No. E-7994]

DUKE POWER CO.

Order Denying Motion for Extension of Procedural Dates, and Denying Motion To Permit Certain Discovery Without Prejudice

JUNE 27, 1973.

By order of March 23, 1973, the rate increase proposed in this docket by Duke Power Company (Duke) was suspended for thirty days, the matter was set for hearing, and all petitions to intervene were granted.

On May 29, 1973, Electricities of North Carolina, Piedmont Municipal Power Systems, and the municipalities of Easley, Gaffney, Greenwood, Greer, Laurens, Newberry, Prosperity, and Rock Hill, all of South Carolina (Municipal Intervenor) filed a motion to: Revise the procedural schedule herein by extending by 120 days each deadline set in the Commission's Order of March 23, 1973; permit utilization of discovery materials obtained in an Atomic Energy Commission (AEC) proceeding; and clarify or revise the order of March 23 to permit use of certain evidence which originated

prior to the close of the record in Commission Docket No. E-7557.

The Municipal Intervenor states that seven North Carolina municipalities, all of which are represented in this proceeding by Intervenor Electricities of North Carolina, are presently party to an AEC proceeding involving issuance of certain nuclear facility licenses to Duke Power Company. In the course of that AEC proceeding those municipalities, according to the Municipal Intervenor, have had access to discovery which is purportedly relevant to allegations made in this docket of anticompetitive conduct and possible antitrust violations by Duke.

As the Municipal Intervenor points out in their motion, certain discovery related to anti-competitive or antitrust issues was requested in an earlier proceeding before this Commission in Docket No. E-7557 by the intervenors in that proceeding, many of whom are intervenors in the present proceeding. The Presiding Administrative Law Judge in Docket No. E-7557 denied those discovery requests, and that case is now on appeal to the United States Court of Appeals for the District of Columbia Circuit. The Municipal Intervenor states that they recognize the impropriety of attempting to relitigate issues concerning Duke's alleged conduct prior to the close of the record in Docket No. E-7557. The Commission's Order of March 23, 1973, in this proceeding stated in this regard that " * * * the proceeding herein instituted shall be limited to facts and circumstances with respect to alleged antitrust violations by Duke arising after the close of the record in that case (Docket No. E-7557)." The Municipal Intervenor nonetheless claim to now have access to many documents which, while originating prior to the close of the record in Docket No. E-7557, may be relevant to what Municipal Intervenor see as an anticompetitive situation and anticompetitive conduct by Duke since 1971, when the record in that earlier proceeding was closed. In requesting time and leave to make use of evidence discovered or to be discovered in the near future through depositions and interrogatories in the AEC proceeding, the Municipal Intervenor further ask that this Commission interpret the above-quoted language in its March 23, 1973, order issued in this docket to mean that, while no anticompetitive situation prior to 1971 is relevant to this proceeding, evidence which originated prior to 1971 and is relevant to an anticompetitive situation arising or existing after 1971 may be relevant to the present proceeding.

On June 8, 1973, a response to the Municipal Intervenor's motion was filed by Duke.

We recognize our responsibilities under the Federal Power Act in antitrust matters, but the motion of Municipal Intervenor does not indicate to us exactly what they seek from this Commission. In their motion, Municipal

¹ Commission order of March 23, 1973, page 2, Docket No. E-7994.

Intervenors petition the Commission to " * * * direct that materials discovered in the present AEC anti-trust proceeding involving Duke be treated as responsive to identical discovery requests in the present proceeding; * * * ". We find it impossible to grant such an open ended request when petitioners fail to specify the data or material sought to be discovered and introduced in this proceeding. We have no accurate indication of the scope of that request. Furthermore, we fail to see how the Municipal Intervenors motion qualifies as a discovery motion in this proceeding. Municipal Intervenors have only provided us with a copy of a discovery request presented to Duke at the AEC which they admit " * * * has been limited by a number of orders * * * ". Finally, the motion is unclear as to whether or not any or all of this evidence was available to petitioners in Docket No. E-7557, or whether it is the subject of the discovery motion under appeal in that proceeding.

The Commission finds.

The motion of Municipal Intervenors should be denied.

The Commission orders.

The Motion of Municipal Intervenors is denied without prejudice to the Municipal Intervenors right to make appropriate discovery requests before the Administrative Law Judge in this proceeding.

By the Commission.

[SEAL]

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-13767 Filed 7-6-73; 8:45 am]

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPMPR A-43]

GASOLINE SHORTAGES AND OFFICIAL GOVERNMENT TRAVEL

Reduction of Consumption

To: Heads of Federal agencies.

1. *Purpose.* This bulletin encourages Federal agencies to reduce motor vehicle fuel consumption for official Government travel to the maximum extent feasible.

2. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until canceled.

3. *Background.* Travelers in many areas of the United States have experienced gasoline shortages. During periods of restricted supplies, it is appropriate that the Government reduce the consumption of gasoline in connection with official travel. Although the Federal Travel Regulations (FTR) authorizes the use of privately owned automobiles and Government-owned or commercially rented automobiles, paragraph 1-2.2c(1) states that "Since travel by common carrier will generally result in the least costly and most expeditious performance of travel, this method shall be used unless the circumstances involved make travel by Government, privately owned, or special conveyance preferred for rea-

sons of cost, efficiency, or work requirements. The advantages which may result from common carrier transportation must be fully considered by the agency before it is determined that some other method of transportation should be used."

4. *Recommended interim measures.* Agency officials are requested to instruct personnel who authorize travel and officials needing to travel to take the following actions:

a. Use common carriers whenever practicable; and

b. Reduce travel in Government-owned, commercially rented, or privately owned automobiles to a minimum by:

(1) Using communication facilities, such as telephone, including conference calls;

(2) Postponing travel not of immediate importance, such as periodic routine inspection trips; and

(3) Reviewing travel itineraries in order to:

(i) Combine functions that can be carried out by one employee or by fewer employees than originally scheduled;

(ii) Accomplish in one trip several assignments at facilities in one geographical area instead of making several trips; and

(iii) Coordinate the schedules for trips of various employees so that they can use one automobile rather than several.

ARTHUR F. SAMPSON,
Administrator
of General Services.

JULY 5, 1973.

[FR Doc. 73-14054 Filed 7-6-73; 8:45 am]

[GSA Bulletin FPMPR G-82]

TRANSPORTATION AND MOTOR VEHICLES

Conservation of Motor Vehicle Fuels

To: Heads of Federal agencies.

1. *Purpose.* This bulletin sets forth a program for the conservation of motor vehicle fuels through proper driving techniques and recommended service and operating procedures.

2. *Expiration date.* This bulletin provides information of a continuing nature and will remain in effect until revised or canceled.

3. *Background.* The national situation concerning availability of motor vehicle fuels has reached such proportions that every citizen should join in a concerted effort to conserve fuels to ease the shortage.

4. *Suggested action.* a. The Federal Government should take the lead in conserving fuels by ensuring that motor vehicle travel is curtailed to the maximum extent practicable without jeopardizing essential business.

b. Each agency should take positive action to conserve fuels by giving wide publication to the driving techniques listed below and requiring that all vehicle operators diligently follow them.

(1) Travel at reduced speeds. Limit maximum speed to 60 miles per hour.

Fuel consumption generally increases significantly above 60 miles per hour. A bright-colored sticker on the dash may be used as a reminder.

(2) Avoid sudden bursts of speed and pumping the accelerator pedal while the vehicle is not in motion.

(3) Avoid sudden stops; plan ahead.

(4) Do not idle engine for long periods of time.

(5) Use routes with a minimum number of traffic signals and stop signs.

(6) Eliminate weight unnecessary to the particular trip; empty trunk and storage compartments of excess tires, chains, tools, etc.

(7) Minimize air resistance; remove any unneeded appurtenances such as hang-on type luggage racks.

(8) Refuel vehicle during the early part of the day.

(9) Avoid over-filling the fuel tank to allow for fuel expansion.

(10) Use the air-conditioner sparingly (disconnecting will damage seals and cause excess maintenance), but operate at least once each week during the year.

(11) Avoid one-person trips. Try to use one vehicle for several passengers traveling in the same general area. Always consider, "Is this trip necessary?" "Can the job be accomplished by some other means?" Use the telephone when practicable.

(12) Travel during off-peak traffic times.

(13) Rent appropriate size vehicle to accommodate the number of passengers and luggage when using authorized commercial rental vehicles.

(14) Use the smallest size vehicle feasible for the job.

c. Each agency should take positive action by enforcing the following service and operating procedures:

(1) Tune the engine, following the manufacturer's latest specifications with special attention to these items:

(a) Check the air cleaner and replace if necessary.

(b) Inspect and adjust the choke to specifications.

(c) Clean or replace the PCV valve; remove gum or sludge from hoses with approved cleaning solutions.

(d) Check all electrical ignition circuits and connections for voltage drop and resistance. Clean, tighten, and replace as necessary.

(e) Inspect ignition points and replace if necessary. Check the condenser.

(f) Set the timing to the manufacturer's specifications.

(g) Check the ignition advance mechanism (mechanical and vacuum).

(h) Purge foreign matter from the exhaust gas recirculatory valve and hoses. Check controls.

(i) Check the cooling system. Flush and replace the antifreeze if it is contaminated. Remove bugs and foreign matter from front of radiator and air-conditioner.

(j) Check the muffler for clogging or restrictions.

(k) Check the exhaust and tailpipes for kinks or restrictions that would impede the flow of exhaust.

(2) Maintain tire pressures to tire manufacturer's recommendations to reduce rolling resistance.

(3) Check and adjust wheel alignment to manufacturer's specifications. This will also reduce rolling resistance.

ARTHUR F. SAMPSON,
Administrator
of General Services.

JULY 5, 1973.

[FR Doc.73-14053 Filed 7-6-73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

PEABODY COAL CO.

Application for Renewal Permit; Notice of Opportunity for Public Hearing

Application for Renewal Permit for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) has been received as follows:

ICP Docket No. 20246, Peabody Coal Company, Star Underground Mine, USBM ID No. 15 03161 0, Central City, Kentucky
Section ID No. 009-0 (2nd North West off 1st South East Sub Main)
Section ID No. 005-0 (2nd South East Main (Spare))
Section ID No. 012-0 (4th North West off North East Main)
Section ID No. 011-0 (6th North West off South West)
Section ID No. 007-0 (3rd South East off South West Main)
Section ID No. 008-0 (3rd North West Sub off North East Main)
Section ID No. 010-0 (1st North West off 1st North East Sub Main)

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the Office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JULY 3, 1973.

[FR Doc.73-13832 Filed 7-6-73;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

THEATRE ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public

Law 92-463), notice is hereby given that a closed meeting of the Theatre Advisory Panel to the National Endowment for the Arts will be held at 9:30 am. on July 10, 1973, and 9:30 am. on July 11, 1973, in New York City.

This meeting is for the purpose of Panel review, discussion, and evaluation of grant applications. In accordance with section 10(d) of the Act it has been determined by the Chairman, by notice published in the FEDERAL REGISTER of January 10, 1973, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)).

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, Advisory Committee Management Officer, National Endowment for the Arts, 806-15th Street, NW., Washington, D.C. 20506, or call Area Code 202-382-2854.

PAUL BERMAN,
Director of Administration,
National Foundation on the Arts
and the Humanities.

[FR Doc.73-13807 Filed 7-6-73;8:45 am]

ATOMIC ENERGY COMMISSION

ACRS SUBCOMMITTEE MEETING ON OCONEE NUCLEAR STATION

Notice of Meeting

JULY 5, 1973.

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on the Oconee Nuclear Station will hold a meeting on July 23 and 24, 1973, in the Holiday Inn, Intersection of U.S. Routes 123 and 76, Clemson, South Carolina. The purpose of this meeting will be to review the application of the Duke Power Company for a license to operate Units 2 and 3 which are located in Oconee County, approximately 21 miles north of Anderson, South Carolina.

The following constitutes those portions of the Subcommittee's agenda for the above meeting which will be open to the public:

Monday, July 23, 1973, 1:30 p.m.-4:30 p.m.—Review of the application for an operating license (presentations by the AEC Regulatory Staff and Duke Power Company and its consultants, and discussions with these groups).

Tuesday, July 24, 1973, 9:00 a.m.-3:30 p.m.—Review of the application for an operating license (presentations by the AEC Regulatory Staff and Duke Power Company and its consultants, and discussions with these groups).

In connection with the above agenda, the Subcommittee will hold an executive session at 1 pm on July 23, and 8:30 am on July 24 which will involve a discussion of its preliminary views, and an executive session at the end of the day on July 24, consisting of an exchange of opinions of the Subcommittee members and internal

deliberations and formulation of recommendations to the full ACRS. In addition, prior to the executive session at the end of the day, the Subcommittee may hold a closed session with the Regulatory Staff and applicant to discuss privileged information relating to plant security and nuclear fuel design, if necessary.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive sessions at the beginning of the meeting on July 23 and the beginning and end of the meeting on July 24 will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b); and that a closed session may be held, if necessary, to discuss certain documents which are privileged, and fall within exemption (4) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect such privileged information and protect the free interchange of internal views and to avoid undue interference with Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than July 16, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the application for an operating license and related documents which are on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and through the Librarian, Oconee County Library, 201 S. Spring Street, Walhalla, South Carolina 29691.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1 pm and 3 pm on July 24, 1973.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on July 20, 1973, to the Office of the Executive Secretary of the Committee (telephone: 301-973-5651) between 8:30 am and 5:15 pm local time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) Copies of a transcript of the public sessions will be made available within approximately 24 hours of the meeting and copies of the official minutes of the public sessions will be made available for inspection on or after September 24, 1973, at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Acting Advisory Committee
Management Officer.

[FR Doc.73-13994 Filed 7-6-73;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Combined Environmental and Waste Management Subcommittees Meeting

JULY 5, 1973.

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 USC 2039, 2232 b.), the Advisory Committee on Reactor Safeguards Combined Environmental and Waste Management Subcommittees will hold a meeting on July 18-19, 1973, in Room 1046, 1717 H Street, NW., Washington, D. C. The purpose of the meeting will be to consider a variety of subjects and programs pertaining to protection of the environment and to the handling of radioactive waste.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Wednesday, July 18, 1973, 9 am-5 pm Review of Environmental Protection Agency's programs, radiation safety in transportation, criteria involved in achieving as low as practicable release of radioactive materials, and environmental surveillance programs.

Thursday, July 19, 1973, 8:30 am-4:30 pm. Review of probabilities and consequences of transportation accidents, research and development programs for transportation safety, current status of ANSI proposed standard, "On-Site Instrumentation for Continuously Monitoring Radioactivity in Effluents," and management of radioactive wastes.

In connection with the above agenda items, the Subcommittees will hold an executive session at 8:30 am on July 18

which will involve a discussion of their preliminary views, and an executive session at the end of the day (4:30 pm) on July 19, consisting of an exchange of opinions of the Subcommittees members and internal deliberations and formulation of recommendations to the ACRS.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect such privileged information and to protect the free interchange of internal views and to avoid undue interference with Agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The acting Chairman of the combined Subcommittees is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than July 13, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the combined Subcommittees. To the extent that the time available for the meeting permits, the combined Subcommittees will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the acting Chairman of the combined Subcommittees, between the hours of 11 am and 3 pm on the second day of the meeting, July 19, 1973.

(c) Requests for the opportunity to make oral statements shall be ruled on by the acting Chairman of the combined Subcommittees, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on July 16, 1973, to the Office of the Executive Secretary of the Committee (telephone: 301-973-5651) between 8:30 am and 5:15 pm local time.

(e) Questions may be asked only by members of the Subcommittees and their consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) Copies of a transcript of the public sessions will be made available within approximately 24 hours of the meeting and copies of the minutes of the meeting will be made available, on request, for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. on or after September 19, 1973. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Acting Advisory Committee
Management Officer.

[FR Doc.73-14009 Filed 7-5-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 201]

ASSIGNMENT OF HEARINGS

JULY 7, 1973.

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. No Amendments will be entertained after the date of this publication.

AB-8 Sub 2, Denver & Rio Grande Western Railroad Company Abandonment between Montrose & Ridgeway, Montrose and Ouray Counties, Colorado, now assigned July 9, 1973, at Montrose, Colo., is postponed indefinitely.

MC 136806, Aycock, Inc., now assigned July 9, 1973, at Washington, D.C., is postponed to August 22, 1973 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-7840, The Millenburgh Tours, Inc., -V- Lillian Hofmeister, now assigned July 9, 1973, at Baltimore, Md., is postponed to July 24, 1973, in U.S. Customs Courtroom Appraisers Stores Bldg., Gay & Lombard Streets, Baltimore, Md.

MC-C-5460 Sub 2, Mayflower Transit Lines, Inc.-Revocation of Certificate, now assigned July 10, 1973, at Newark, N.J., is postponed indefinitely.

I&S-8813, General Increase in Rates and Charges, Sea-Land Service Inc., I&S-8814 and Sub 1, General Increase, The Alaska Railroad, I&S 8814 Sub 2, Increased Rates & Charges, From and to Alaska, now assigned July 23, 1973, will be held in Room 1057, Federal Office Bldg., 909 First Ave., Seattle, Washington instead of Room 1151.

AB-5 Sub 73, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees of the Property of Penn Central Transportation Company, Debtor, Abandonment Between Nanticoke and Glen Lyon, Luzerne County, Pennsylvania, AB-5 Sub 99, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees of the Property of Penn Central Transportation Company, Debtor, Abandonment Portion of Wilkes-Barre Branch Between S. Danville and Wilkes-Barre, Northumberland, Montour, Columbia, and Luzerne Counties, Pennsylvania, FD 21989, Pennsylvania Railroad Company—Merger—New York Central Railroad Company, and NO. 35727, Penn Central Transportation Company (George P. Baker, Richard C. Bond, and Jervis Langdon, Jr. Trustees)—V-Delaware and Hudson Railroad Company, Et al, now assigned July 9, 1973, at Wilkes-Barre, Pa., postponed indefinitely.

B-5 Sub 4, Cleveland, Cincinnati, Chicago and St. Louis Railway Co. and George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees of the Property of Penn Central Transportation Company, Debtor, Abandonment of the Indiana State Line and Lynn, in Randolph County, Indiana, AB-5 Sub 5, Cleveland, Cincinnati, Chicago and St. Louis Railway Company and George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees of the Property of Penn Central Transportation Company, Debtor, Abandonment Between Lynn and New Castle, in Randolph and Henry Counties, Indiana, AB-5 Sub 6, Cleveland, Cincinnati, Chicago and St. Louis Railway Company and George P. Baker, Richard C. Bond and Jervis Langdon, Jr., Trustees of the Property of Penn Central Transportation Company, Debtor, Abandonment Between New Castle and Shirley, in Henry County, Indiana, AB-5 Sub 7, Cleveland, Cincinnati, Chicago and St. Louis Railway Company and George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees of the Property of Penn Central Transportation Company, Debtor, Abandonment Between Wilkinson and Hunter, in Hancock and Marion Counties, Indiana, AB-5 Sub 17, Cleveland, Cincinnati, Chicago and St. Louis Railway Company and George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees of the Property of Penn Central Transportation Company, Debtor, Abandonment Portion Springfield Branch Between Shirley and Wilkinson, Hancock County, Indiana, and AB-5 Sub 121, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees of the Property of Penn Central Transportation Company, Debtor, Abandonment Portion Anderson-Greensburg Secondary Track, Between Emporia and Knightstown, Madison, Hancock and Henry Counties, Indiana, now assigned July 9, 1973, at New Castle, Ind., is postponed indefinitely.

AB-3 Sub 2, Missouri Pacific Railroad Company Abandonment between Eudora, Arkansas, and Delhi, Louisiana, in Chicot County, Arkansas, and West Carroll and Richland Parishes, Louisiana, is continued to August 8, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

AB-71, Baltimore & Annapolis Railroad Co., Abandonment of Operations Between Clifford Junction, Baltimore City and Annapolis, in Baltimore and Anne Arundel Counties, Maryland, & No. 35735, Publication Corporation V. The Baltimore & Annapolis Railroad Co., now assigned July 10, 1973, at Baltimore, Md., is postponed indefinitely.

AB-1 Sub 12, Chicago and North Western Transportation Company Abandonment Between Albert Lea, Minnesota, and Lake Mills, Iowa, in Frebourn County, Minnesota, and Winnebago and Worth Counties, Iowa, now assigned July 10, 1973, at Albert Lea, Minn., is postponed indefinitely.

AB-5 Sub 131, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees of the Property of Penn Central Transportation Company, Debtor, Abandonment Between Richmond and New Castle, Wayne and Henry Counties, Indiana, now assigned July 16, 1973, at Richmond, Ind., is postponed indefinitely.

AB-43 Sub 2, Illinois Central Gulf Railroad Company Abandonment Between Packton, Winn Parish, and Concordia Junction, Concordia Parish, Abandonment of Operations from Concordia Junction to Vidalia, Concordia Parish, Abandonment of Ferry Facilities, Vidalia, all within the State of Louisiana, now assigned July 16, 1973, at Jena, La., is postponed indefinitely.

AB-5 Sub 132, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees of the Property of Penn Central Transportation Company, Debtor, Abandonment Between Elwood and Kokomo, Madison, Tipton and Howard Counties, Indiana, now assigned July 19, 1973, at Kokomo, Ind., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-13842 Filed 7-6-73;8:45 am]

[Ex Parte 241; Rule 19, Exemption 44]

CAR UTILIZATION MAP

Exemption From Mandatory Car Service Rules

It appearing, that Car Service Rule 2 authorizes the loading of cars owned by indirect connections of the lines having physical possession of the cars to destinations closer to the car owner than is the point of loading; that there is need for a quick reference guide to enable shippers and carriers to make a selection of the proper car for loading to remote destinations; and that the Car Service Division of the Association of American Railroads has prepared a Car Utilization Map which will enable shippers and carriers to determine whether or not such cars owned by indirect connections properly may be used for transporting the traffic available.

It is ordered, That, under authority vested in me by Car Service Rule 19, cars loaded in conformity with the Car Utilization Map issued by the Car Service Division of the Association of American Railroads, dated July 1, 1973, and attached hereto,¹ shall be deemed to be in compliance with the provisions of Car Service Rule 2(b).

Effective July 1, 1973.

Expires July 31, 1974.

Issued at Washington, D.C., June 27, 1973.

INTERSTATE COMMERCE
COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-13840 Filed 7-6-73;8:45 am]

¹ Filed as part of the original document.

[I.C.C. ORDER NO. 102

Under Revised Service Order No. 994]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Notice of Rerouting Traffic

To all railroads: In the opinion of R. D. Pfahler, Agent, the Chicago, Rock Island and Pacific Railroad Company is unable to transport traffic over its line between St. Joseph, Missouri, and Atchison, Kansas, because of damage to its bridge over the Missouri River.

It is ordered, That: (a) The Chicago, Rock Island and Pacific Railroad Company, being unable to transport traffic over its line between St. Joseph, Missouri, and Atchison, Kansas, because of damage to its bridge over the Missouri River, that carrier is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained. The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers. Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date. This order shall become effective at 5 pm, June 22, 1973.

(g) Expiration date. This order shall expire at 11:59 pm, July 8, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 22, 1973.

INTERSTATE COMMERCE
COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-13839 Filed 7-6-73;8:45 am]

[Notice 89]

**MOTOR CARRIER TEMPORARY
AUTHORITY APPLICATIONS**

JUNE 29, 1973.

The following are notices of filing of application, 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, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can, and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 71074 (Sub-No. 4 TA) filed June 13, 1973. Applicant: WAREHOUSE TRANSPORT, INC. 211 Plainfield Street Springfield, Mass. 01107. Applicant's representative: John J. McCarthy (same address as above) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business (except commodities in bulk)*, between Portland, Maine, on the one hand, and, on the other, Ashland, Auburn, Augusta, Bangor, Bar Harbor, Bath, Belfast, Bethel, Biddeford, Bingham, Brewer, Bridgton, Brunswick, Calais, Camden, Caribou, Dover-Foxcroft, Eastport, Ellsworth, Farmington, Fort Fairfield, Fryeburg, Gray, Greenville, Houlton, Howland, Jackman, Lincoln, Livermore Falls, Lubec, Machias, Milo, North Berwick, Portland, Presque Isle, Rumford, Saco, Skowhegan, South Portland, Southwest Harbor, York, Wells, Winslow, and Winthrop, Maine; Conto-

cook, Conway, Dover, Farmington, Franklin, Lancaster, Littleton, Meredith, North Conway, Pittsfield, Portsmouth, Somersworth, Tilton, Whitefield, Wolfeboro and Woodsville, N.H.; and Barre, Barton, Derby, Montpelier, and St. Johnsbury, Vt., for 180 days. RESTRICTION: Restricted to a transportation service to be performed under a continuing contract or contracts with the Great Atlantic & Pacific Tea Company, Inc. SUPPORTING SHIPPER: The Great Atlantic & Pacific Tea Company, Inc., 950 Stuyvesant Avenue, Union, N.J. 07083. SEND PROTESTS TO: District Supervisor Joseph W. Balin, Bureau of Operations, Interstate Commerce Commission, 338 Federal Building & U.S. Courthouse, 436 Dwight Street, Springfield, Mass. 01103.

No. MC 71652 (Sub-No. 4 TA) filed June 21, 1973. Applicant: BYRNE TRUCKING, INC. 1780 Antelope Road White City, Ore. 97501. Applicant's representative: George R. LaBlissoniere Suite 101 130 Andover Park East Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, which because of its size or weight, requires the use of special equipment, and *related parts* when moving therewith, between points in Humboldt, Trinity, Shasta, Modoc, Siskiyou and Del Norte Counties, Calif., on the one hand, and, on the other, points in Lake, Douglas, Josephine, Jackson, Klamath and Curry Counties, Ore., for 180 days. SUPPORTING SHIPPERS: Cal-Ore Machinery Co., 1105 Court St. (P.O. Box 39), Medford, Ore. 97501; Cubed Equipment, Inc., 2550 N. Pacific Highway, Medford, Ore. 97501; Elliott Equipment Co., 3366 Crater Lake Highway, Medford, Ore. 97501; Interstate Tractor & Equipment Co., 5100 Crater Lake, Ave., Medford, Ore. 97501; Northwest Roads, a Division of Consolidated Equipment Sales, Inc., 7739 First Avenue South, P.O. Box 46107, Seattle, Wash. 98146; Pake Bros., Inc., Sales Coordinator, 2199 N. Pacific Hwy., Medford, Ore. 97501; and Schetky Equipment Corp., 6740 Crater Lake, Ave., Medford, Ore. 97501. SEND PROTESTS TO: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 S.W. Pine Street, Portland, Ore. 97204.

No. MC 106398 (Sub-No. 669 TA) filed June 21, 1973 Applicant: NATIONAL TRAILER CONVOY, INC. 1925 National Plaza P.O. Box 51096 Dawson Station Tulsa, Okla. 74151 Applicant's representative: Irvin Tull (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from Marshfield, Wis., to points in Minnesota, South Dakota, Michigan, North Dakota, Iowa and Montana, for 180 days. SUPPORTING SHIPPER: Marshfield Homes, P.O. Box 530-2301 E. 4th Street, Marshfield, Wis. 54449.

SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240-Old Post Office Building, 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 106920 (Sub-No. 52 TA) filed June 21, 1973 Applicant: RIGGS FOOD EXPRESS, INC. P.O. Box 26, West Monroe St. New Bremen, Ohio 45869 Applicant's representative: Victor J. Tambascia (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except frozen foods and commodities in bulk), from Decatur, Ind., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Kansas, Kentucky, Maine, Maryland, Michigan, Massachusetts, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Central Soya Company, Inc., 1300 Fort Wayne National Bank Building, Fort Wayne, Ind. 46802. SEND PROTESTS TO: District Supervisor Keith D. Warner, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Bldg., 234 Summit Street, Toledo, Ohio 43604.

No. MC 107496 (Sub-No. 899 TA) filed June 21, 1973 Applicant: RUAN TRANSPORT CORPORATION Third and Keosauqua Way P. O. Box 855 (Box zip 50304) Des Moines, Iowa 50309 Applicant's representative: E. Check (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry phosphate*, in bulk, in tank vehicles, from Lawrence, Kans., to Frisco, Pa., for 150 days. SUPPORTING SHIPPER: FMC Corporation, 633 3rd Avenue, New York, N.Y. 10017. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, 911 Walnut Street, Des Moines, Iowa 50309.

No. MC 107515 (Sub-No. 856 TA) filed June 18, 1973 Applicant: REFRIGERATED TRANSPORT CO., INC. 3901 Jonesboro Road, S.E. P.O. Box 308 Forest Park, Ga. 30050 Applicant's representative: Paul M. Daniell Suite 1600 First Federal Bldg. Atlanta, Ga. 30303 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packing-houses as described in Sections A and C of Appendix 1 to the report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Missouri Beef Packers, Inc. at or near Boise, Idaho, to points in Alabama, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland,

Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Rhode Island, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia and Wisconsin, for 180 days. SUPPORTING SHIPPER: Missouri Beef Packers, Inc., 630 Amarillo Building, Amarillo, Tex. 79101. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street, N.W., Atlanta, Ga. 30309.

No. MC 111310 (Sub-No. 11 TA) filed June 21, 1973. Applicant: BEER TRANSPORT, INC., P.O. Box 338, Hartland, Wis. 53209. Applicant's representative: Michael J. Wyngaard, 329 W. Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and advertising equipment, premiums, materials and supplies* when shipped therewith, from Milwaukee, Wis., to points in Clearwater, Beltrami, Koochiching, Cass, Hubbard, and Itasca Counties, Minn., and (2) *return of empty malt beverage containers and rejected shipments*, from points in Clearwater, Beltrami, Koochiching, Cass, Hubbard, and Itasca Counties, Minn., to Milwaukee, Wis., for 180 days. SUPPORTING SHIPPER: Inverness Distributing Company, 902½ Midway Drive, Bemidji, Minn. 56601, (Keith A. Johanneson, Owner. SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street—Room 807, Milwaukee, Wis. 53203.

No. MC 112822 (Sub-No. 278 TA) filed June 22, 1973. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Joe W. Ballard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum wax*, in bulk, in tank vehicles, from Ponca City, Okla., to Lakeland, Fla. and Springhill, La., for 180 days. SUPPORTING SHIPPER: Continental Oil Company, B. P. Thompson, Supervisor, Petroleum Traffic, P.O. Box 2197, Houston, Tex. 77001. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240 Old P.O. Bldg., 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 112595 (Sub-No. 52 TA) filed June 22, 1973. Applicant: FORD BROTHERS, INC. 510 Riverside Drive Coal Grove, Ohio 45638 Applicant's representative: Walter S. Dail (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid coal tar*, in bulk, in tank vehicles, from Ironton, Ohio, to points in Kentucky and West Virginia, for 180 days. SUPPORTING SHIPPER: Allied Chemical Corporation, P. O. Box 1139R, Mor-

ristown, N. J. 07960, Att.: L. P. Lazarus, Distribution Analyst. SEND PROTESTS TO: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 113059 (Sub-No. 3 TA) filed June 21, 1973. Applicant: KELLER TRANSPORT, INC. Route 1, Christianson Rd. Billings, Mont. 59102 Applicant's representative: F. E. Keller (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, from Denver, Colo., to Casper and Sheridan, Wyo. and Billings, Mont., for 180 days. SUPPORTING SHIPPER: Witco Chemical Co., 3206 Reimer Park Dr., Billings, Mont. 59102. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 222 U.S.P.O. Bldg., Billings, Mont. 59101.

No. MC 113678 (Sub-No. 502 TA) filed June 20, 1973. Applicant: CURTIS, INC. Off: 4810 Pontiac St. Commerce City, Colo. 80022 and Mail: P.O. Box 16004 Box zip 80216 Stockyards Station Applicant's representative: Richard A. Peterson P.O. Box 80806 Lincoln, Nebr. 68501 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, from the facilities of Missouri Beef Packers, Inc. at or near Boise, Idaho, to points in Alabama, Colorado, California, Florida, Georgia, Illinois, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, Nevada, New York, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Pennsylvania, Texas and Utah, restricted to traffic originating at the named origins, for 180 days. SUPPORTING SHIPPER: Missouri Beef Packers, Inc., 630 Amarillo Building, Amarillo, Tex. 79101. SEND PROTESTS TO: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 115311 (Sub-No. 155 TA) filed June 11, 1973. Applicant: J & M TRANSPORTATION CO., INC. P.O. Box 488 Milledgeville, Ga. 31061 Applicant's representative: K. Edward Wolcott Suite 1600 First Federal Bldg. Atlanta, Ga. 30303 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood paneling* (finished and unfinished), from the plant site of Plywood Panels, Inc., New Orleans, La., to points in Alabama, Arkansas, Georgia, Florida, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia, for 180 days. SUPPORTING SHIPPER: Plywood Panels, Inc., Building 17, Napoleon and River, New Orleans, La. 70115. SEND PROTESTS TO: William L.

Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street, N.W., Atlanta, Ga. 30309.

No. MC 116763 (Sub-No. 258 TA) filed June 14, 1973. Applicant: CARL SUBLER TRUCKING, INC. North West Street Versailles, Ohio 45380 Applicant's representative: H. M. Richters (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except frozen foods and commodities in bulk), from Decatur, Ind., to points in Alabama, Connecticut, Delaware, Georgia, Florida, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to the plantsite of Central Soya Company, Inc. at Decatur, Ind., for 180 days. SUPPORTING SHIPPER: Central Soya Company, Inc., 1300 Ft. Wayne National Bank Bldg., Fort Wayne, Ind. 46802. SEND PROTESTS TO: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Bldg., 550 Main St., Cincinnati, Ohio 45202.

No. MC 117878 (Sub-No. 3 TA) filed June 22, 1973. Applicant: DWIGHT CHEEK doing business as DWIGHT CHEEK TRUCKING 2909 South Pierce, Box 1882 Amarillo, Tex. 79105 Applicant's representative: Dwight Cheek (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packing houses* as described in Sections A & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Amarillo, Tex., to points in Louisiana, for 180 days. SUPPORTING SHIPPER: Joe Young, Traffic Manager, Glover Packing Company, P.O. Box 92, Amarillo, Tex. 79105. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box H-4395 Her-ring Plaza, Amarillo, Tex. 79101.

No. MC 118318 (Sub-No. 25 TA) filed June 20, 1973. Applicant: IDA-CAL FREIGHT LINES, INC. 1798 Floral Avenue P.O. Box 422 Twin Falls, Idaho 83301 Applicant's representative: Bobby Shaw P.O. Box 188 Elm Springs, Ark. 72728 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, from the facilities of Missouri Beef Packers, Inc. at or near Boise, Idaho, to points in California, Idaho, Nevada, Oregon and Washington, restricted to traffic originating at the named origins, for 180 days. Note: Applicant does not intend to tack authority or interline with

any other carrier. SUPPORTING SHIPPER: Missouri Beef Packers, Inc., 630 Amarillo Bldg., Amarillo, Tex. 79101. SEND PROTESTS TO: C. W. Campbell, Bureau of Operations, Interstate Commerce Commission, 550 West Fort Street, Box 07, Boise, Idaho 83724.

No. MC 118989 (Sub-No. 97 TA) filed June 21, 1973 Applicant: CONTAINER TRANSIT, INC. 5223 South 9th Street Milwaukee, Wis. 53221 Applicant's representative: Robert H. Levy 29 So. LaSalle Street Chicago, Ill. 60603 Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Empty glass bottles*, not exceeding one gallon in capacity, from Marion, Ind., to Milwaukee, Wis., for 180 days. SUPPORTING SHIPPER: National Can Corporation, 5959 South Cicero Avenue, Chicago, Ill. 60638, (John R. Moosbrugger, T.M. Rates & Research). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street—Room 807, Milwaukee, Wis. 53203.

No. MC 119669 (Sub-No. 35 TA) filed June 22, 1973 Applicant: TEMPCO TRANSPORTATION, INC. 546 S. 31A, P.O. Box 886 Columbus, Ind. 47201 Applicant's representative: Donald McCameron (same address as applicant) Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, from Worthington, Ind., to points in Florida, Georgia, Maryland, Pennsylvania, New Jersey, New York, Massachusetts and Ohio, for 180 days. SUPPORTING SHIPPER: Corn County Pork, Inc., U.S. 231 North, Post Office Box 1, Worthington, Ind. 47471. SEND PROTESTS TO: District Supervisor James W. Habermehl, Bureau of Operations, Interstate Commerce Commission, 802 Century Bldg., 36 S. Penn. Street, Indianapolis, Ind. 46204.

No. MC 120859 (Sub-No. 2 TA) (CORRECTION) filed May 14, 1973, published in the FEDERAL REGISTER issue of May 29, 1973, and republished as corrected this issue. Applicant: SHANE TRUCK LINE, INC. 707 Jefferson Avenue Clovis, Calif. 93612 Applicant's representative: William H. Kessler 638 Davisadero St. Fresno, Calif. 93721 Note: The purpose of this partial republication is to show that applicant now seeks to operate as a common carrier, in lieu of a contract carrier, which was published in error. The rest of the application remains the same.

No. MC 123392 (Sub-No. 55 TA) filed June 21, 1973 Applicant: JACK B. KELLEY, INC. U.S. 66 West at Kelley Drive (Route 1, Box 400) Amarillo, Tex. 79106 Applicant's representative: Weldon M. Teague (same address as above) Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cryogenically liquefied oxygen*, in bulk, in cryogenic tank trailers, from Houston, Tex. and its commercial zone, to points

in Kansas, Missouri, and Oklahoma, for 180 days. SUPPORTING SHIPPER: I. V. Kimball, Transportation Manager, Chemetron Corp., Industrial Gases Div., 111 E. Wacker Dr., Chicago, Ill. 60601. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 123407 (Sub-No. 128 TA) filed June 20, 1973 Applicant: SAWYER TRANSPORT, INC. South Haven Square U.S. Highway 6 Valparaiso, Ind. 46383 Applicant's representative: Robert W. Sawyer (same address as above) Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Knocked down metal buildings, wrought iron or steel conduit, and conduit fittings*, from Parkersburg, W. Va., to points in Wisconsin, Illinois, Indiana, Kentucky, Michigan, Ohio, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, New Hampshire, Rhode Island, Maine, Massachusetts, Vermont and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Walker/Parkersburg, P.O. Box 1828, Parkersburg, W. Va. 26101. SEND PROTESTS TO: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, Ind. 46802.

No. MC 127090 (Sub-No. 2 TA) filed June 22, 1973 Applicant: PACIFIC STORAGE INC. Off: 440 East 19th Street Tacoma, Wash. 98421 and Mig: P.O. Box 1757 (Box zip 98401) Applicant's representative: George H. Hart 1100 IBM Building Seattle, Wash. 98101 Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, used household goods, commodities in bulk and commodities which because of size or weight require the use of special equipment), between Seattle, Wash., on the one hand, and, on the other, points in Tacoma, Wash. Commercial Zone, including Tacoma, restricted to shipments moving to or from the distribution facilities of Washington Oregon Shippers Cooperation Association, Inc. and Clipper Express Company at Seattle, Wash., for 180 days. SUPPORTING SHIPPER: Clipper Express Company, 1520—Utah Avenue South, Seattle, Wash. 98134 and Washington-Oregon Shippers Cooperative Association, Inc., 1818 Westlake Avenue North, Seattle, Wash. 98109. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 128343 (Sub-No. 24 TA) filed June 20, 1973 Applicant: C-LINE, INC. Tourtellot Hill Road Chepachet, R.I. 02814 Applicant's representative: Ronald N. Cobert 1730 M Street, N.W. Washington, D.C. 20036 Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting:

Plastic products and supplies, used in the manufacture and distribution of plastic materials and plastic products, from North Smithfield, R.I. and Jerome, Idaho, to points in Minnesota and Wisconsin, for 180 days. SUPPORTING SHIPPER: The Tupperware Co., North Smithfield, R.I. 02895. SEND PROTESTS TO: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, R.I. 02903.

No. MC 128645 (Sub-No. 6 TA) filed June 21, 1973 Applicant: RAY L. KRALL P.O. Box 335 Carson, Wash. 98610 Applicant's representative: David C. White 2400 S. W. Fourth Ave. Portland, Ore. 97201 Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Lumber* for the account of Wilkins, Kaiser & Olsen, Inc., (1) from Carson, Wash., to Albany, Molalla and Portland, Ore.; and (2) from Albany, Ore., to Portland, Ore.; and (3) from Portland, Ore., to Sumner, Wash., for 180 days. SUPPORTING SHIPPER: Wilkins, Kaiser & Olsen, Inc., Carson, Wash. 98610. SEND PROTESTS TO: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Bldg., 319 S.W. Pine Street, Portland, Ore. 97204.

No. MC 133708 (Sub-No. 7 TA) filed June 21, 1973 Applicant: FIKSE BROS., INC. 12647 East South Street Artesia, Calif. 90701 Applicant's representative: Carl H. Fritze 1545 Wilshire Boulevard Los Angeles, Calif. 90017 Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, having an immediate prior movement by rail, from Phoenix, Ariz., to the plant site of Consolidated Concrete and Supply, Ltd., at or near Sun City, Ariz., for 180 days. SUPPORTING SHIPPER: Kaiser Cement & Gypsum Corporation, Southern California Division, 600 South Commonwealth Avenue, Los Angeles, Calif. 90005. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 138026 (Sub-No. 1 TA) filed June 21, 1973 Applicant: LOGISTICS EXPRESS, INC. doing business as LOGEX 605 East Commercial Anaheim, Calif. 92801 Applicant's representatives: Handler, Baker and Greene 100 Pine Street Suite 2550 San Francisco, Calif. 94111 Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid nitrogen, liquid oxygen, liquid argon and liquid hydrogen*, in bulk, in shipper owned tank vehicles, from the plant sites of Linde Division, Union Carbide Corporation, at or near Fontana, Wilmington, Torrance, Ontario, and Pittsburg, Calif., to points in Arizona, Nevada, Colorado, Texas, Oregon, Washington, New Mexico and Utah, for 180 days. SUPPORTING SHIPPER: Union Carbide Corporation,

One California, San Francisco, Calif. 94111. SEND PROTESTS TO: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 138764 (Sub-No. 1 TA) filed May 25, 1973 Applicant: AIR FREIGHT CENTRAL, INC. 711 Mexico City Avenue Kansas City, Mo. 64153 Applicant's representative: Donald J. Quinn, Suite 900—1012 Baltimore Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ford automobile and truck parts and accessories and other articles* used in the service and maintenance of Ford automobiles and trucks, between Kansas City International Airport at Kansas City, Mo., on the one hand, and, the site of Airborne Freight Corporation at or near St. Louis, Mo., on the other hand, for 90 days. SUPPORTING SHIPPER: Airborne Freight Corporation, Kansas City, Mo. SEND PROTESTS TO: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 138814 (Sub-No. 1 TA) (CORRECTION) filed June 13, 1973, published in the FEDERAL REGISTER, Notice No. 88 as MC 138836 TA and corrected as republished this issue. Applicant: WILLIAM A. ADDISON & L. O. MCCULLOUGH doing business as AD MAC TRUCKING CO. 854 Forest Lake Drive South Macon, Ga. 31204 Applicant's representative: Andrew W. McKenna 200 American Federal Bldg. Macon, Ga. 31202 Note: The purpose of this republication is to cor-

rect the MC number to No. MC 138814 (Sub-No. 1 TA) in lieu of No. MC 138836 TA which was published in error. The rest of the application remains the same.

No. MC 138839 TA filed June 22, 1973 Applicant: WAYNE VOHLAND PRODUCE CO. 104 East 5th Street Kansas City, Mo. 64106 Applicant's representative: Lucy Kennard Bell 910 Fairfax Building 101 West 11th Street Kansas City, Mo. 64105 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal briquettes* (except in bulk, in tank vehicles), from Branson, Mo., to points in California and Arizona, for 180 days. SUPPORTING SHIPPER: Keeter Charcoal Company, P.O. Box 277, Branson, Mo. 65616. SEND PROTESTS TO: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Bldg., 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 138843 (Sub-No. 1 TA) filed June 21, 1973 Applicant: THORVALD GRESLIVOLD doing business as GRESLIVOLD TRUCK LINE 1229 7th Avenue N.E. P.O. Box 721 Minot, N. Dak. 58701 Applicant's representative: Harris P. Kenner 615 South Broadway P.O. Box 36 Minot, N. Dak. 58701 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete culverts, sewers, arch pipe, cattle pass, manholes and bridge beams, prestressed bridge beams, polyvinyl chloride (PVC) plastic pipe and other related precast concrete products* as manufactured by North Dakota Concrete Products Co., from its plants located at Bismarck, Minot, Jamestown and Williston, N. Dak., to points in Daniels, Sheridan, Roosevelt, McCone,

Richland, Dawson, Wibaux, Prairie, Fallon and Carter Counties, Mont., for 180 days. SUPPORTING SHIPPER: North Dakota Concrete Products Co., P.O. Box 815, Bismarck, N. Dak. 58501. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-13843 Filed 7-6-73; 8:45 am]

[Notice 310]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 3, 1973.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR Part 1132:

No. MC-FC-74342. By application filed June 27, 1973, 160 W. MASTER ST., INC., 160 W. Master Street, Philadelphia, PA 19122, seeks temporary authority to lease the operating rights of TRIP TRANSPORT, INC., 3301 S. Galloway Street, Philadelphia, PA 19148, under section 210a(b). The transfer to 160 W. MASTER ST., INC., of the operating rights of TRIP TRANSPORT, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-13844 Filed 7-6-73; 8:45 am]

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PART II



DEPARTMENT OF LABOR

Office of Labor-Management
and Welfare-Pension Reports



ELECTION OF OFFICERS OF LABOR
ORGANIZATIONS

Revision of Regulations

RULES AND REGULATIONS

Title 29—Labor

CHAPTER IV—OFFICE OF LABOR-MANAGEMENT AND WELFARE-PENSION REPORTS, DEPARTMENT OF LABOR

SUBCHAPTER A—LABOR-MANAGEMENT REPORTS

PART 452—GENERAL STATEMENT CONCERNING THE ELECTION PROVISIONS OF THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959

Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 532, 534, 29 U.S.C. 481-484) provides standards for the election of officers of labor organizations, and assigns enforcement of the standards to the Secretary of Labor through litigation, after complaint and exhaustion of internal remedies, in the federal courts. Shortly after enactment of the statute the Department promulgated an interpretative regulation (29 CFR Part 452) for the purpose of setting out the Department's interpretations or position with respect to many of the provisions of Title IV.

Since the original publication of the regulation the Department of Labor has litigated innumerable election cases under Title IV and has considered and reacted to many diverse problems in connection with elections of union officers. Accordingly, it is appropriate in the light of this experience to expand, revise and update the interpretative regulation.

Therefore, pursuant to sections 401, 402, 73 Stat. 532, 534, 29 U.S.C. 481, 482, Secretary's Order No. 11-72 (May 12, 1972), Part 452 of Chapter IV of Title 29 of the Code of Federal Regulations is revised to read as follows:

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AUTHORITY: Secs. 401, 402, 73 Stat. 532, 534, 29 U.S.C. 481, 482, Secretary's Order No. 11-72 (May 12, 1972).

Subpart A—General Considerations

§ 452.1 Introductory statement.

(a) This part discusses the meaning and scope of the provisions of Title IV of the Labor-Management Reporting and Disclosure Act¹ (hereinafter referred to as the Act), which deal with the election of officers of labor organizations. These provisions require periodic election of union officers, and prescribe minimum standards to insure that such elections will be fairly conducted. Specific provisions are included to assure the right of union members to participate in selecting their officers without fear of interference or reprisal, and to protect the right to nominate candidates, run for office, and vote in officer elections. Title IV also sets forth the rights of candidates, provides for secret ballots in appropriate cases, and requires notice of nominations and elections, preservation of election records, and other safeguards to insure fair elections. However, the Act does not prescribe complete, detailed procedures for the nomination and election of union officers.

(b) Interpretations of the Labor-Management Services Administrator with respect to the election provisions of Title IV are set forth in this part to provide those affected by these provisions of the Act with "a practical guide * * * as to how the office representing the public interest in its enforcement will seek to apply it."² The correctness of an interpretation can be determined finally and authoritatively only by the courts. It is necessary, however, for the Labor-Management Services Administrator to reach informed conclusions as to the meaning of the law to enable him to carry out his statutory duties of administration and enforcement. The interpretations of the Labor-Management Services Administrator contained in this part, which are issued upon the advice of the Solicitor of Labor, indicate the construction of the law which will guide him in performing his duties unless and until he is directed otherwise by authoritative rulings of the courts or unless and until he subsequently announces that a prior interpretation is incorrect. However, the fact that a particular problem is not discussed in this part, or in interpretations supplementing it, should not be taken to indicate the adoption of any position by the Labor-Management Services Administrator with respect to such problem or to constitute an administrative interpretation or practice.

(c) To the extent that prior opinions and interpretations relating to the election of officers of labor organizations under the Act are inconsistent or in conflict with the principles stated in this part, they are hereby rescinded and withdrawn.

§ 452.2 Application of union constitution and bylaws.

Elections required to be held as provided in the title are to be conducted in

accordance with the validly adopted constitution and bylaws of the labor organizations insofar as they are not inconsistent with the provisions of the Act.

§ 452.3 Interpretations of constitution and bylaws.

The interpretation consistently placed on a union's constitution by the responsible union official or governing body will be accepted unless the interpretation is clearly unreasonable.³

§ 452.4 Investigatory provision—application.

The provisions of section 601 of the Act provide general investigatory authority to investigate alleged violations of the Act including violations of Title IV. However, section 601 in and of itself provides no remedy, and the section must be read in conjunction with the remedy and statutory scheme of section 402, i.e., exhaustion of internal union remedies and a complaint to the Secretary following completion of the election before suit can be filed. In view of the remedy provided, an investigation prior to completion of an election may have the effect of publicizing the activities or unsubstantiated allegations of one faction to the prejudice of the opposition. To avoid this result, and as a matter of sound statutory construction, the Department will exercise its investigatory authority only in circumstances in which the outcome of the election could not be affected by the investigation.⁴ Thus, the Department ordinarily will employ its investigatory authority only where the procedural requirements for a Title IV investigation have been met; but in unusual circumstances or where necessary to collect or preserve evidence an investigation may be conducted after the conclusion of balloting.

§ 452.5 Effect of violation on outcome.

Since the remedy under section 402 is contingent upon a finding by the court, among other things, that the violation "may have affected the outcome of an election" the Secretary as a matter of policy will not file suit to enforce the election provisions unless the violations found are such that the outcome may have been affected.⁵

§ 452.6 Delegation of enforcement authority.

The authority of the Secretary under the Act has been delegated in part to

¹ English v. Cunningham, 282 F.2d 848 (C.A. D.C. 1960).

² However questions involving the use of force or violence or the threat of the use of force or violence under circumstances which may violate section 610 (29 U.S.C. 530) of the Act will be referred promptly to the Department of Justice for appropriate action.

³ Act, sec. 402(b) (29 U.S.C. 482).

⁴ The Secretary has delegated to the Solicitor, in agreement with the Labor-Management Services Administrator, the authority to make the finding required by the Act, that probable cause exists to believe that a violation of Title IV of the Act has occurred and has not been remedied. Secretary's Order No. 11-72 (May 12, 1972).

the Labor-Management Services Administrator and to the Director, Office of Labor-Management and Welfare-Pension Reports.

Subpart B—Other Provisions of the Act Affecting Title IV

§ 452.7 Bill of Rights, Title I.

The provisions of Title I, "Bill of Rights of Members of Labor Organizations" (particularly section 101(a)(1) "Equal Rights," section 101(a)(2) "Freedom of Speech and Assembly," and section 101(a)(5) "Safeguards against Improper Disciplinary Action") are related to the rights pertaining to elections. Direct enforcement of Title I rights, as such, is limited to civil suit in a district court of the United States by the person whose rights have been infringed.⁶ The exercise of particular rights of members is subject to reasonable rules and regulations in the labor organization's constitution and bylaws.⁷

§ 452.8 Trusteeship provisions, Title III.

Placing a labor organization under trusteeship consistent with Title III, may have the effect of suspending the application of Title IV to the trustee organization (see § 452.15).

§ 452.9 Prohibition against certain persons holding office; Sec. 504.

Among the safeguards for labor organizations provided in Title V is a prohibition against the holding of office by certain classes of persons.⁸ This provision makes it a crime for any person willfully to serve as an officer or employee of a labor organization (other than exclusively as a clerical or custodial employee) within five years after conviction or imprisonment for the commission of specified offenses, including violation of Titles II or III of the Act, or conspiracy to commit such offenses. It is likewise a crime for any labor organization or officer knowingly to permit such a person to serve in such positions. Persons subject to the prohibition applicable to convicted criminals may serve if their citizenship rights have been fully restored after being taken away by reason of the conviction, or if the United States Board of Parole determines that their service would not be contrary to the purposes of the Act.

§ 452.10 Retaliation for exercising rights.

Section 609, which prohibits labor organizations or their officials from disciplining members for exercising their rights under the Act, and section 610, which makes it a crime for any person to use or threaten force or violence for the purpose of interfering with or preventing the exercise of any rights protected under the Act, apply to rights relating to the election of officers under Title IV.

⁶ 73 Stat. 522, 29 U.S.C. 411.

⁷ But the Secretary may bring suit to enforce section 104 (29 U.S.C. 414).

⁸ Act, sec. 101(a)(1), 101(a)(2), and 101(b) (29 U.S.C. 411).

⁹ Act, sec. 504(a) (29 U.S.C. 504). See text at footnote 24.

¹ 73 Stat. 532-535, 29 U.S.C. 481-483.

² Skidmore v. Swift & Co., 323 U.S. 134 at 138 (1944).

Subpart C—Coverage of Election Provisions

§ 452.11 Organizations to which election provisions apply.

Title IV of the Act contains election provisions applicable to national and international labor organizations, except federations of such organizations, to intermediate bodies such as general committees, conferences, system boards, joint boards, or joint councils, certain districts, district councils and similar organizations and to local labor organizations.¹¹ The provisions do not apply to State and local central bodies, which are explicitly excluded from the definition of "labor organization." The characterization of a particular organizational unit as a "local," "intermediate," etc., is determined by its functions and purposes rather than the formal title by which it is known or how it classifies itself.

§ 452.12 Organizations comprised of government employees.

An organization composed entirely of government employees (other than employees of the United States Postal Service) is not subject to the election provisions of the Act. Section 3(e) of the Act, defining the term "employer," specifically excludes the United States Government, is wholly owned corporations, and the States and their political subdivisions from the scope of that term, and section 3(f) defines an "employee" as an individual employed by an "employer." Since a "labor organization" is defined in section 3(i) as one in which "employees" participate and which exists in whole or in part for the purpose of "dealing with employers," an organization composed entirely of government employees would not be a "labor organization" as that term is defined in the Act. However, section 1209 of the Postal Reorganization Act provides that organizations of employees of the United States Postal Service shall be subject to the Labor-Management Reporting and Disclosure Act. An international or national labor organization which has some locals of government employees not covered by the Act and other locals which are mixed or are composed entirely of employees covered by the Act would be subject to the election requirements of the Act. Its mixed locals would also be subject to the Act. The requirements would not apply to locals composed entirely of government employees not covered by the Act, except with respect to the election of officers of a parent organization which is subject to those requirements or the election of delegates to a convention of such parent organization, or to an intermediate body to which the requirements apply.

¹¹ For the scope of the term "labor organization," see Part 451 of this chapter.

¹² See § 451.5 of this chapter for a definition of "State or local central body."

¹³ Most labor organizations composed of Federal Government employees are subject to Executive Order 11491 and the Regulations issued pursuant thereto.

§ 452.13 Extraterritorial application.

Although the application of the Act is limited to the activities of persons and organizations within the territorial jurisdiction of the United States,¹⁴ an international, national or intermediate body is not exempted from the requirements of the Act by virtue of the participation of its foreign locals or foreign membership in its elections. For example, votes received from Canadian members in referendum elections held by an international must have been cast under procedures meeting the minimum requirements of the Act, and Canadian delegates participating at conventions of the international at which officers are elected must have been elected by secret ballot.

§ 452.14 Newly formed or merged labor organizations.

The initial selection of officers by newly formed or merged labor organizations is not subject to the requirements of Title IV.¹⁵ Such labor organizations may have temporary or provisional officers serve until a regular election subject to the Act can be scheduled. An election under all the safeguards prescribed in these regulations must be held within a reasonable period after the organization begins to function. What would be a reasonable time for this purpose depends on the circumstances, but after the formation or consolidation of the labor organization, a regular election subject to Title IV may not be deferred longer than the statutory period provided for that type of organization. However, when a pre-existing labor organization changes its affiliation without substantially altering its basic structure or identity the terms of its officers may not be extended beyond the maximum period specified by the Act for the type of labor organization involved.

§ 452.15 Effect of trusteeship.

Establishment of a valid trusteeship may have the effect of suspending the operation of the election provisions of the Act. When the autonomy otherwise available to a subordinate labor organization has been suspended consistent with the provisions of Title III of the Act, officers of the organization under trusteeship may be relieved of their duties and temporary officers appointed by the trustee if necessary to assist him in carrying out the purposes for which the trusteeship was established. However, when a regular election of officers or an election for purposes of terminating the trusteeship is being held during the trusteeship, Title IV would apply.

§ 452.16 Offices which must be filled by election.

Section 401 of the Act identifies the types of labor organizations whose officers must be elected and prescribes minimum standards and procedures for the conduct of such elections. Under that

¹⁴ See § 451.6 of this chapter.

¹⁵ However, the other provisions of the Act are applicable immediately upon such formation or merger.

section officers of national or international labor organizations (except federations of such organizations), local labor organizations, and intermediate bodies such as general committees, system boards, joint boards, joint councils, conferences, certain districts, district councils and similar organizations must be elected.¹⁶

§ 452.17 Officer.

Section 3(n) of the Act defines the word "officer" and it is this definition which must be used as a guide in determining what particular positions in a labor organization are to be filled in the manner prescribed in the Act. For purposes of the Act, "officer" means "any constitutional officer, any person authorized to perform the functions of president, vice president, secretary, treasurer, or other executive functions of a labor organization, and any member of its executive board or similar governing body."

§ 452.18 Constitutional officers.

A constitutional officer refers to a person holding a position identified as an officer by the constitution and bylaws of the labor organization. Thus, for example, a legislative representative of a labor organization who performs no executive functions and whose duties are confined to promoting the interests of members in legislative matters is nevertheless an officer who is required to be elected where the labor organization's constitution identifies the holder of such a position as an officer. On the other hand, legislative representatives who are required to be elected by the constitution and bylaws of a labor organization are not considered to be officers within the meaning of the Act if they are not designated as such by the constitution, are not members of any executive board or similar governing body, and do not perform executive functions. As defined in the Act, however, the term "officer" is not limited to individuals in positions identified as such or provided for in the constitution or other organic law of the labor organization.¹⁷ The post of Honorary President, President Emeritus or Past President that is to be assumed by the retiring chief executive officer of a union would not be an officer position unless it is designated as an officer position by the union's constitution, or the holder of the position performs executive functions or serves on an executive board or similar governing body.

§ 452.19 Executive functions.

The definitional phrase "a person authorized to perform the functions of president, vice president, secretary, treasurer, or other executive functions

¹⁶ See § 452.23 for a discussion of the frequency with which the different types of labor organizations must conduct elections of officers. See Part 451 of this chapter for the scope of the term "labor organization."

¹⁷ Cf. *NLRB v. Coca-Cola Bottling Co.*, 350 U.S. 264 (1956). See also, *Daily Cong. Rec.*, 5887, Sen., Apr. 23, 1959.

of a labor organization" brings within the term "officer" any person who in fact has executive or policy-making authority or responsibility, although he may not occupy a position identified as an officer under the constitution and bylaws of the organization. Authorization to perform such functions need not be contained in any provision of the constitution or bylaws or other document but may be inferred from actual practices or conduct. On the other hand, a person is not an officer merely because he performs ministerial acts for a designated officer who alone has responsibility. The normal functions performed by business agents and shop stewards, such as soliciting memberships, presenting or negotiating employee grievances within the work place, and negotiating contracts are not "other executive functions" as that phrase is used in section 3(n) of the Act. However, a directing business representative or a business manager usually exercises such a degree of executive authority as to be considered an officer and, therefore, must be elected. The duties normally pertaining to membership on a bargaining committee do not come within the phrase "other executive functions." However, persons occupying such non-executive positions may be "officers" if they are ex officio members of the organization's executive board (or similar governing body) or if the constitution or bylaws of the union designate such positions as officers.

§ 452.20 Nature of executive functions.

(a) The functions that will bring a particular position with a title other than president, vice-president, secretary-treasurer, or executive board member within the definition of "officer" cannot be precisely defined. They are the functions typically performed by officers holding these titles in current labor union practice. Decisions in each case will require a practical judgment. As a general rule, a person will be regarded as being authorized to perform the functions of president if he is the chief or principal executive officer of the labor organization. Similarly, he will be regarded as being authorized to perform the functions of treasurer if he has principal responsibility for control and management of the organization's funds and fiscal operation. A member of any group, committee, or board which is vested with broad governing or policymaking authority will be regarded as a member of an "executive board or similar governing body." The name or title that the labor organization assigns to the position is not controlling.

(b) The purpose of the election requirement of the Act is to assure that persons in positions of control in labor organizations will be responsive to the desires of the members.¹⁸ Professional and other staff members of the labor organization who do not determine the organization's policies or carry on its executive functions and who are employed merely to implement policy decisions and managerial directives established by the

governing officials of the organization are not officers and are not required to be elected.

§ 452.21 Members of executive board.

The phrase "a member of its executive board or similar governing body" refers to a member of a unit identified as an executive board or a body, whatever its title, which is vested with functions normally performed by an executive board. Members of a committee which is actually the executive board or similar governing body of the union are considered officers within the meaning of section 3 (n) of the Act even if they are not so designated by the union's constitution and bylaws. For example, members of an "Executive-Grievance Committee" which exercises real governing powers are officers under the Act. However, it should be noted that committee membership alone will not ordinarily be regarded as an indication of officer status, unless the committee or its members meet the requirements contained in section 3(n) of the Act.

§ 452.22 Delegates to a convention.

Under certain circumstances, delegates to a convention of a national or international labor organization, or to an intermediate body, must be elected by secret ballot among the members in good standing of the labor organization they represent even though such delegates are not "officers" of the organization. Such election is required by the Act¹⁹ when the delegates are to nominate or elect officers of a national or international labor organization, or of an intermediate body. There is, of course, no requirement that delegates be elected in accordance with the provisions of Title IV if they do not nominate or elect officers, unless delegates are designated as "officers" in the union's constitution and bylaws or unless, by virtue of their position, they serve as members of the executive board or similar governing body of the union.

Subpart D—Frequency and Kinds of Elections

§ 452.23 Frequency of elections.

The Act requires that all national and international labor organizations (other than federations of such labor organizations) elect their officers not less often than every five years. Officers of intermediate bodies, such as general committees, system boards, joint boards, joint councils, conferences, and certain districts, district councils and similar organizations, must be elected at least every four years, and officers of local labor organizations not less often than every three years.

§ 452.24 Terms of office.

The prescribed maximum period of three, four, or five years is measured from the date of the last election.²⁰ It

¹⁸ Act, sec. 401(a) and 401(d) (29 U.S.C. 481).

¹⁹ See § 452.14 for a discussion of the selection of officers in a new or newly-merged labor organization.

would not be consistent with these provisions of the Act for officers elected for the maximum terms allowable under the statute to remain in office after the expiration of their terms without a new election. Failure to hold an election for any office after the statutory period has expired constitutes a continuing violation of the Act, which may be brought to the attention of the Secretary in the form of a complaint filed in accordance with the appropriate procedure. Title IV establishes only maximum time intervals between elections for officers. Labor organizations covered by these provisions may hold elections of officers with greater frequency than the specified maximum period. For example, a local labor organization is required to hold an election of officers at least once every three years, but it must hold an election every year if its governing rules so provide. It should be noted, moreover, that the provisions of Title IV apply to all regular elections of officers in labor organizations subject to the Act. Thus, if a labor organization chooses to hold elections of officers more frequently than the statutory maximum intervals, it must observe the minimum standards set forth in Title IV for the conduct of such elections.

§ 452.25 Vacancies in office.

Title IV governs the regular periodic elections of officers in labor organizations subject to the Act. No requirements are imposed with respect to the filing by election or other method of any particular office which may become vacant between such regular elections. If, for example, a vacancy in office occurs in a local labor organization, it may be filled by appointment, by automatic succession, or by a special election which need not conform to the provisions of Title IV. The provisions of section 504 of the Act, which prohibit certain persons from holding office, are applicable to such situations. While the enforcement procedures of section 402 are not available to a member in connection with the filling of an interim vacancy, remedies may be available to an aggrieved member under section 102 of the LMRDA or under any pertinent State or local law.

§ 452.26 Elections in local labor organizations.

Local labor organizations must conduct their regular elections of officers by secret ballot among the members in good standing. All members in good standing of the local labor organization must be given an opportunity to vote directly for candidates to fill the offices that serve them. Indirect election of officers of a local labor organization would violate section 401(b) of the Act. For example, a procedure whereby the local's membership elects an executive board or some similar body by secret ballot which in turn selects (either from among its own membership or from the local's membership at large) the persons to fill specific offices would not comply with the Act.²¹

²¹ *Wirtz v. Independent Petroleum Workers of America*, 75 LRRM 2340, 63 L.C. ¶ 11,190 (N.D. Ind. 1970).

¹⁸ See, for example, S. Rept. 187, 86th Cong., 1st sess., p. 7.

Similarly, the election of a chief steward by the shop stewards would violate the Act if the chief steward, by virtue of that position, also serves as a member of the executive board, since members of the executive board must be elected directly by secret ballot among the members in good standing.

§ 452.27 National, international organizations, and intermediate bodies.

The officers of a national or international labor organization or of an intermediate body must be elected either directly by secret ballot among the members in good standing or indirectly by persons acting in a representative capacity who have been elected by secret ballot among all members in good standing.²²

§ 452.28 Unopposed candidates.

An election of officers or delegates that would otherwise be required by the Act to be held by secret ballot need not be held by secret ballot when all candidates are unopposed and the following conditions are met: (1) The union provides a reasonable opportunity for nominations; (2) write-in votes are not permitted, as evidenced by provisions in the constitution and bylaws, by an official interpretation fairly placed on such documents, or by established union practice; and (3) the union complies with all other provisions of Title IV.

§ 452.29 Primary elections.

Where a union holds primary elections or similar procedures for eliminating candidates prior to the final vote in connection with regular elections subject to these provisions, the primary election or other procedure must be conducted in accordance with the same standards required under the Act for the final election.

§ 452.30 Run-off elections.

A run-off election must meet the standards set forth in Title IV if the original election was subject to the requirements of the Act. For example, if the run-off is to be held at the same meeting as the original election, the original notice of election must have so stated and all records pertaining to the run-off must be retained.

§ 452.31 One candidate for several offices.

Where a union constitution or other validly adopted rule provides that a single elected officer will perform the functions of more than one office, a separate election need not be held for each office.

Subpart E—Candidacy for Office; Reasonable Qualifications

§ 452.32 Persons who may be candidates and hold office; secret ballot elections.

Section 401(e) provides that in any election of officers required by the Act which is held by secret ballot, every member in good standing with the ex-

ceptions explained in sections following shall be eligible to be a candidate and to hold office. This provision is applicable not only to the election of officers in local labor organizations, but also to elections of officers in national or international and intermediate labor organizations where those elections are held by secret ballot referendum among the members, and to the election of delegates to conventions at which officers will be elected.

§ 452.33 Persons who may be candidates and hold office; elections at conventions.

Where elections of national or international labor organizations or of intermediate bodies are held at a convention of delegates elected by secret ballot, protection of the right to be a candidate and to hold office is afforded by the requirement in section 401(f) that the convention be conducted in accordance with the constitution and bylaws of the labor organization insofar as they are not inconsistent with the provisions of Title IV. If members in good standing are denied the right to be candidates by the imposition of unreasonable qualifications on eligibility for office such qualifications would be inconsistent with the provisions of Title IV.

§ 452.34 Application of section 504, LMRDA.

The eligibility of members of labor organizations to be candidates and to hold office in such organizations is subject only to the provisions of section 504 (a), which bars certain individuals from holding office in labor organizations²³ and to reasonable qualifications uniformly imposed. A person who is

²²Section 504(a) (29 U.S.C. 504) of the Act reads: "No person who is or has been a member of the Communist Party or has been convicted of, or served any part of a prison term resulting from this conviction of, robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, or a violation of title II or III of this Act, or conspiracy to commit any such crimes, shall serve—

(1) As an officer, director, trustee, member of any executive board or similar governing body, business agent, manager, organizer, or other employee (other than as an employee performing exclusively clerical or custodial duties) of any labor organization, or

(2) As a labor relations consultant to a person engaged in an industry or activity affecting commerce, or as an officer, director, agent, or employee (other than as an employee performing exclusively clerical or custodial duties) of any group or association of employers dealing with any labor organization,

during or for five years after the termination of his membership in the Communist Party, or for five years after such conviction or after the end of such imprisonment, unless prior to the end of such five-year period, in the case of a person so convicted or imprisoned, (A) his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) the Board of Pardon of the United States Department of Justice determines that such person's service in any capacity referred to in clause (1) or

barred from serving in union office by section 504(a) is not eligible to be a candidate. However, a labor organization may permit a person who is barred from holding union office by section 504 (a) to be a candidate for office if the section 504 disability will terminate by the customary date for the installation of officers. A labor organization may within reasonable limits adopt stricter standards than those contained in section 504(a) by extending the period of disability beyond 5 years or by barring from union office persons who have been convicted of crimes other than those specified.

§ 452.35 Qualifications for candidacy.

It is recognized that labor organizations may have a legitimate institutional interest in prescribing minimum standards for candidacy and officeholding in the organization. On the other hand, a dominant purpose of the Act is to ensure the right of members to participate fully in governing their union and to make its officers responsive to the members. A basic assumption underlying the concept of "free and democratic elections," is that voters will exercise common sense and good judgment in casting their ballots. In union elections as in political elections, the good judgment of the members in casting their votes should be the primary determinant of whether a candidate is qualified to hold office. Therefore, restrictions placed on the right of members to be candidates must be closely scrutinized to determine whether they serve union purposes of such importance, in terms of protecting the union as an institution, as to justify subordinating the right of the individual member to seek office and the interest of the membership in a free, democratic choice of leaders.

§ 452.36 Reasonableness of qualifications.

(a) The question of whether a qualification is reasonable is a matter which is not susceptible of precise definition, and will ordinarily turn on the facts in each case. However, court decisions in deciding particular cases have furnished some general guidelines. The Supreme Court in *Wirtz v. Hotel, Motel and Club Employees Union, Local 6*, 391 U.S. 492 at 499 (1968) held that

Congress plainly did not intend that the authorization in section 401(e) of "reasonable qualifications uniformly imposed" should

(2) would not be contrary to the purposes of this Act. Prior to making any such determination the Board shall hold an administrative hearing and shall give notice of such proceeding by certified mail to the State, county, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The Board's determination in any such proceeding shall be final. No labor organization or officer thereof shall knowingly permit any person to assume or hold any office or paid position in violation of this subsection."

Note: The U.S. Supreme Court, on June 7, 1965, held unconstitutional as a bill of attainder the section 504 provision which imposes criminal sanctions on Communist Party members for holding union office; *U.S. v. Brown*, 381 U.S. 437.

²³ See § 452.119 and following for discussion of indirect elections.

be given a broad reach. The contrary is implicit in the legislative history of the section and in its wording that 'every member in good standing shall be eligible to be a candidate and to hold office * * *'. This conclusion is buttressed by other provisions of the Act which stress freedom of members to nominate candidates for office. Unduly restrictive candidacy qualifications can result in the abuses of entrenched leadership that the LMRDA was expressly enacted to curb. The check of democratic elections as a preventive measure is seriously impaired by candidacy qualifications which substantially deplete the ranks of those who might run in opposition to incumbents.

Union qualifications for office should not be based on assumptions that certain experience or qualifications are necessary. Rather it must be assumed that the labor organization members will exercise common sense and judgment in casting their ballots. "Congress' model of democratic elections was political elections in this country" (Wirtz v. Local 6, 391 U.S. at 502) and a qualification may not be required without a showing that citizens assumed to make discriminating judgments in public elections cannot be relied on to make such judgments when voting as union members.

(b) Some factors to be considered, therefore, in assessing the reasonableness of a qualification for union office are

1. The relationship of the qualification to the legitimate needs and interests of the union;

2. The relationship of the qualification to the demands of union office;

3. The impact of the qualification, in the light of the Congressional purpose of fostering the broadest possible participation in union affairs;

4. A comparison of the particular qualification with the requirements for holding office generally prescribed by other labor organizations; and

5. The degree of difficulty in meeting a qualification by union members.

§ 452.37 Types of qualifications.

Ordinarily the following types of requirements may be considered reasonable, depending on the circumstances in which they are applied and the effect of their application:

(a) *Period of prior membership.* It would ordinarily be reasonable for a local union to require a candidate to have been a member of the organization for a reasonable period of time, not exceeding two years, before the election. However, if a member is involuntarily compelled to transfer from one local to another, such a requirement would not be reasonable if he is not given credit for his prior period of membership.

(b) *Continuity of good standing.* A requirement of continuous good standing based on punctual payment of dues will be considered a reasonable qualification only if (1) it provides a reasonable grade period during which members may make up missed payments without loss of eli-

gibility for office,²⁴ and (2) the period of time involved is reasonable. What are reasonable periods of time for these purposes will depend upon the circumstances. Section 401(e) of the Act provides that a member whose dues have been withheld by the employer for payment to the labor organization pursuant to his voluntary authorization provided for in a collective bargaining agreement may not be declared ineligible to vote or be a candidate for office by reason of alleged delay or default in the payment of dues. If during the period allowed for payment of dues in order to remain in good standing, a member on a dues checkoff system has no earnings from which dues can be withheld, section 401(e) does not relieve the member of the responsibility of paying his dues in order to remain in good standing.

§ 452.38 Meeting attendance requirements.

(a) It may be reasonable for a labor organization to establish a requirement of attendance at a specified number of its regular meetings during the period immediately preceding an election, in order to insure that candidates have a demonstrated interest in and familiarity with the affairs of the organization. In the past, it was ordinarily considered reasonable to require attendance at no more than 50 percent of the meetings over a period not exceeding two years. Experience has demonstrated that it is not feasible to establish arbitrary guidelines for judging the reasonableness of such a qualification. Its reasonableness must be gauged in the light of all the circumstances of the particular case, including not only the frequency of meetings, the number of meetings which must be attended and the period of time over which the requirement extends, but also such factors as the nature, availability and extent of excuse provisions, whether all or most members have the opportunity to attend meetings, and the impact of the rule, i.e., the number or percentage of members who would be rendered ineligible by its application.²⁵

²⁴ In *Goldberg v. Amarillo General Drivers, Teamsters Local 577*, 214 F. Supp. 74 (N.D. Tex. 1963), the disqualification of five nominees for union office for failure to satisfy a constitutional provision requiring candidates for office to have maintained continuous good standing for two years by paying their dues on or before the first business day of the current month, in advance, was held to be unreasonable. See also *Wirtz v. Local Unions No. 9, 9-A and 9-B, International Union of Operating Engineers*, 254 F. Supp. 980 (D. Colo. 1965), aff'd, 366 F. 2d 911 (CA 10 1966), vacated as moot 387 U.S. 96 (1967).

²⁵ Cf. *Wirtz v. Hotel, Motel and Club Employees Union, Local 6*, 391 U.S. 492, at 502: "Plainly, given the objective of Title IV, a candidacy limitation which renders 93% of union members ineligible for office can hardly claim to be a 'reasonable qualification.'"

(b) Some guidance is furnished by court decisions which have held particular meeting attendance requirements to be unreasonable under the following circumstances: one meeting during each quarter for the three years preceding nomination, where the effect was to disqualify 99 percent of the membership (*Wirtz v. Independent Workers Union of Florida*, 65 LRRM 2104, 55 L.C. ¶11,857 (M.D. Fla. 1967)); 75 percent of the meetings held over a two-year period, with absence excused only for work or illness, where over 97 percent of the members were ineligible (*Wirtz v. Local 153, Glass Bottle Blowers Ass'n.*, 244 F.Supp. 745 (W.D. Pa. 1965), order vacating decision as moot, 372 F.2d 86 (C.A. 3 1966), reversed 389 U.S. 463; decision on remand, 405 F.2d 176 (C.A. 3 1968)); *Wirtz v. Local 262, Glass Bottle Blowers Ass'n.*, 290 F.Supp. 965 (N.D. Cal., 1968)); attendance at each of eight meetings in the two months between nomination and election, where the meetings were held at widely scattered locations within the state (*Hodgson v. Local Union No. 624 A-B, International Union of Operating Engineers*, 80 LRRM 3049, 68 L.C. ¶12,816 (S.D. Miss. Feb. 19, 1973)).

§ 452.39 Participation in insurance plan.

In certain circumstances, in which the duties of a particular office require supervision of an insurance plan in more than the formal sense, a union may require candidates for such office to belong to the plan.

§ 452.40 Prior office holding.

A requirement that candidates for office have some prior service in a lower office is not considered reasonable.²⁶

§ 452.41 Working at the trade.

(a) It would ordinarily be reasonable for a union to require candidates to be employed at the trade or even to have been so employed for a reasonable period. In applying such a rule an unemployed member is considered to be working at the trade if he is actively seeking such employment. Such a requirement should

²⁶ *Wirtz v. Hotel, Motel and Club Employees Union, Local 6*, 391 U.S. 492 at 504. The Court stated that the union, in applying such a rule, " * * * assumes that rank and file union members are unable to distinguish qualified from unqualified candidates for particular offices without a demonstration of a candidate's performance in other offices. But Congress' model of democratic elections was political elections in this country, and they are not based on any such assumption. Rather, in those elections the assumption is that voters will exercise common sense and judgment in casting their ballots. Local 6 made no showing that citizens assumed to make discriminating judgments in public elections cannot be relied on to make such judgments when voting as union members * * *."

not be so inflexible as to disqualify those members who are familiar with the trade but who because of illness, economic conditions, or other good reasons are temporarily not working.

(b) It would be unreasonable for a union to prevent a person from continuing his membership rights on the basis of failure to meet a qualification which the union itself arbitrarily prevents the member from satisfying. If a member is willing and able to pay his union dues to maintain his good standing and his right to run for office, it would be unreasonable for the union to refuse to accept such dues merely because the person is temporarily unemployed. Where a union constitution requires applicants for membership to be actively employed in the industry served by the union, a person who becomes a member would not be considered to forfeit his membership in the union or any of the attendant rights of membership merely because he is discharged or laid off.

(c) Ordinarily members working part-time at the trade may not for that reason alone be denied the right to run for office.

(d) A labor organization may postpone the right to run for office of members enrolled in a bona fide apprenticeship program until such members complete their apprenticeship.

§ 452.42 Membership in particular branch or segment of the union.

A labor organization may not limit eligibility for office to particular branches or segments of the union where such restriction has the effect of depriving those members who are not in such branch or segment of the right to become officers of the union.²²

§ 452.43 Representative categories.

In the case of a position which is representative of a unit defined on a geographic, craft, shift, or similar basis, a labor organization may by its constitution or bylaws limit eligibility for candidacy and for holding office to members of the represented unit. For example, a national or international labor organization may establish regional vice-presidencies and require that each vice-president be a member of his respective region. This kind of limitation would not be considered reasonable, however, if applied to general officers such as the president, vice-president, recording secretary, financial secretary, and treasurer. If eligibility of delegates to a convention which will elect general officers is limited to special categories of members, all such categories within the organization must be represented.

§ 452.44 Dual unionism.

While the Act does not prohibit a person from maintaining membership or holding office in more than one labor organization, it would be considered reason-

able for a union to bar from candidacy for office persons who hold membership in a rival labor organization.

§ 452.45 Multiple officeholding.

An officer may hold more than one office in a labor organization so long as this is consistent with the constitution and bylaws of the organization.

§ 452.46 Characteristics of candidate.

Where personal characteristics have a direct bearing on fitness for office, a labor organization may establish certain restrictions on the right to be a candidate. For example, it may require a minimum age for candidacy or it may establish a compulsory retirement age for officers. A union may not, however, establish such rules if they would be inconsistent with any other Federal law. Thus, it ordinarily may not limit eligibility for office to persons of any particular race, color, religion, sex, or national origin since this would be inconsistent with the Civil Rights Act of 1964.²³ A union may not require candidates for office to be registered voters and to have voted in public elections during the year preceding their nomination. Similarly, it cannot require that candidates have voted in the previous union election to be eligible. Such restrictions may not be said to be relevant to the member's fitness for office.

§ 452.47 Employer or supervisor members.

Inasmuch as it is an unfair labor practice under the Labor-Management Relations Act (LMRA) for any employer (including persons acting in that capacity) to dominate or interfere with the administration of any labor organization, it follows that employers, while they may be members, may not be candidates for office or serve as officers. Thus, while it is recognized that in some industries, particularly construction, members who become foremen, supervisors, or contractors traditionally keep their union membership as a form of job security or as a means of retaining union benefits, such persons may not be candidates for or hold office.²⁴ Whether a restriction on officeholding by members who are group leaders or others performing some supervisory duties is reasonable depends on the particular circumstances. For instance, if such persons might be considered "supervisors"²⁵

²² *Shultz v. Local 1291, International Longshoremen's Association*, 338 F. Supp. 1204 (E.D. Pa.), *aff'd*, 461 F.2d 1262 (C.A. 3, July 20, 1972).

²³ See *Nassau and Suffolk Contractors' Association*, 118 NLRB No. 19 (1957). See also *Local 636, Plumbers v. NLRB*, 287 F.2d 354 (C.A. D.C. 1961).

²⁴ Under section 2(11) of the Labor-Management Relations Act, supervisors include individuals "having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment."

under the LMRA, their right to be candidates under the Act may be limited. Another factor in determining the reasonableness of a ban on such persons is the position (if any) of the NLRB on the status of the particular employees involved. If, for example, the NLRB has determined that certain group leaders are part of the bargaining unit, it might be unreasonable for the union to prohibit them from running for office. An overall consideration in determining whether a member may fairly be denied the right to be a candidate for union office as an employer or supervisor is whether there is a reasonable basis for assuming that the person involved would be subject to a conflict of interest in carrying out his representative duties for employees and rank and file union members.

§ 452.48 Employees of union.

A labor organization may in its Constitution and By-Laws prohibit members who are also its full-time non-elective employees from being candidates for union office, because of the potential conflict of interest arising from the employment relationship which could be detrimental to the union as an institution.

§ 452.49 Other union rules.

(a) Unions may establish such other reasonable rules as are necessary to protect the members against leaders who may have committed serious offenses against the union. For example, a union may, after appropriate proceedings, bar from office persons who have misappropriated union funds, even if such persons were never indicted and convicted in a court of law for their offenses. Of course, the union would have to provide reasonable precautions to insure that no member is made ineligible to hold office on the basis of unsupported allegations and that any rights guaranteed him by the constitution and bylaws are protected. Similarly, a union may require an elected officer to sign an affidavit averring that he is not barred from serving as an officer by the provisions of section 504 of the Act since the union and its officers may not permit a person to serve as an officer if he is so barred (see footnote 24).

(b) It would not violate the Act for a union to prohibit successive terms in office or to limit the number of years an officer may serve. Such rules are intended to encourage as many members as possible to seek positions of leadership in the organization.

§ 452.50 Disqualification as a result of disciplinary action.

Section 401(e) was not intended to limit the right of a labor organization to take disciplinary action against members guilty of misconduct. So long as such action is conducted in accordance with section 101(a)(5), a union may, for example, if its constitution and bylaws so provide, bar from office for a period of time any member who is guilty of specific

²⁵ *Hodgson v. Local Unions No. 18, etc.*, IUOE, 440 F.2d 485 (C.A. 6), cert. den. 404 U.S. 852 (1971); *Hodgson v. Local 610, Unit. Elec. Radio & Mach. Work. of Am.*, 342 F. Supp. 1344 (W.D. Pa. 1972).

acts, such as strikebreaking, detrimental to the union as an institution. However, if a union has improperly disciplined a member and barred him from candidacy, the Secretary may, in an appropriate case, treat him as a member in good standing entitled to all of the rights of members guaranteed by Title IV.

§ 452.51 Declaration of candidacy.

A union may not adopt rules which in their effect discourage or paralyze any opposition to the incumbent officers. Therefore, it would not be a reasonable qualification to require members to file a declaration of candidacy several months in advance of the nomination meeting since such a requirement would have such effect and "serves no reasonable purpose which cannot otherwise be satisfied without resort to this procedure."

§ 452.52 Filing fee.

It would be unreasonable to require candidates for office to pay a filing fee because a fee limits the right of members to a reasonable opportunity to nominate the candidates of their choice and there is no objective relationship between the requirement and the ability to perform the duties of the office.

§ 452.53 Application of qualifications for office.

Qualifications for office which may seem reasonable on their face may not be proper if they are applied in an unreasonable manner or if they are not applied in a uniform way. An essential element of reasonableness is adequate advance notice to the membership of the precise terms of the requirement. A qualification which is not part of the constitution and bylaws or other duly enacted rules of the organization may not be the basis for denial of the right to run for office, unless required by Federal or State law.²² Qualifications must be specific and objective. They must contain specific standards of eligibility by which any member can determine in advance whether or not he is qualified to be a candidate. For example, a constitutional provision which states that "a candidate shall not be eligible to run for office who intends to use his office as a cloak to effect purposes inimical to the scope and policies of the union" would not be a reasonable qualification within the meaning of section 401(e) because it is so general as to preclude a candidate from ascertaining whether he is eligible and would permit determinations of eligibility based on subjective judgments. Further, such a requirement is by its nature not capable of being uniformly imposed as required by section 401(e).

§ 452.54 Retroactive rules.

(a) The reasonableness of applying a newly adopted restriction on candidacy retroactively depends in part upon the nature of the requirement. It would be unreasonable for a labor organization to enforce eligibility requirements which the members had no opportunity to satisfy. For example, it would not be reasonable for a union to apply a newly adopted meeting attendance requirement retroactively since members would have no opportunity to comply with such requirement prior to its effective date.²³ When such a rule is in effect the membership is entitled to advance notice of the requirements of the rule and of the means to be used in verifying attendance. It would not be unreasonable, however, for a union to adopt and enforce a rule disqualifying persons convicted of a felony from being candidates or holding office.

(b) It would not be proper for a labor organization to amend its constitution after an election to make eligible a person who had been elected but who was not eligible at the time of the election.

Subpart F—Nominations for Office

§ 452.55 Statutory provisions concerning nomination.

In elections subject to the provisions of Title IV a reasonable opportunity must be afforded for the nomination of candidates. Although the Act does not prescribe particular forms of nomination procedures, it does require that the procedures employed be reasonable and that they conform to the provisions of the labor organization's constitution and bylaws insofar as they are not inconsistent with the provisions of Title IV.

§ 452.56 Notice.

(a) To meet this requirement, the labor organization must give timely notice reasonably calculated to inform all members of the offices to be filled in the election as well as the time, place, and form for submitting nominations. Such notice should be distinguished from the notice of election, discussed in § 452.99. Notice of nominations need not necessarily be given at least 15 days before nominations are held, nor is it required to be given by mail. In an election which is to be held by secret ballot, accordingly, notice of nominations may be given in any manner reasonably calculated to reach all members in good standing and in sufficient time to permit such members to nominate the candidates of their choice, so long as it is in accordance with the provisions of the labor organization's constitution or bylaws. Mailing such notice to the last known address of each member within a reasonable time prior to the date for making nominations would satisfy this requirement. Likewise, timely publication in the union newspaper with sufficient prominence to be seen by all members would be ade-

quate notice. The method of making nominations, whether by mail, petition, or at meetings, could affect the determination of the timeliness of the notice. The nomination notice may be combined with the election notice if the requirements of both are met. Posting of a nomination notice may satisfy the requirement of a reasonable opportunity for making nominations if such posting is reasonably calculated to inform all members in good standing in sufficient time to permit such members to nominate the candidates of their choice.

(b) The requirement of a reasonable opportunity for the nomination of candidates has been met only when the members of a labor organization are fully informed of the proper method of making such nominations.

§ 452.57 Procedures for nomination.

(a) Since the Act does not prescribe particular procedures for the nomination of candidates, the labor organization is free to employ any method that will provide a reasonable opportunity for making nominations. There are various methods which, if properly and fairly employed, would be considered reasonable under the Act. For example, nominations may be by petition, or from the floor at a nomination meeting.

(b) Whether a particular procedure is sufficient to satisfy the requirements of the Act is a question which will depend upon the particular facts in each case. While a particular procedure may not on its face violate the requirements of the Act, its application in a given instance may make nomination so difficult as to deny the members a reasonable opportunity to nominate.

§ 452.58 Self-nomination.

A system of self-nomination, if this is the only method for making nominations, deprives union members of a reasonable opportunity to nominate candidates and thus is inconsistent with the provisions of Title IV.²⁴ Self-nomination is permissible only if the members are afforded additional methods whereby they may nominate the candidates of their choice.

§ 452.59 Presence of nominee.

A requirement that members must be present at the nomination meeting in order to be nominated for office might be considered unreasonable in certain circumstances; for example, in the absence of a provision for an alternative method under which a member who is unavoidably absent from the nomination meeting may be nominated, such a restriction might be regarded as inconsistent with the requirement in section 401(e) that there be a reasonable opportunity to nominate and to be a candidate.

§ 452.60 Nominations for national, international or intermediate body office.

(a) When officers of a national or international labor organization or of an

²² *Wirtz v. Local 30, IUOE*, 242 F. Supp. 631 (S.D. N.Y. 1965) reversed as moot 366 F.2d 438 (C.A. 2, 1966), reh. den. 366 F.2d 438.

²³ *Wirtz v. Local Union 559, United Brotherhood of Carpenters and Joiners of America*, 61 LRRM 2618, 53 L.C. ¶11,044 (W.D. Ky. 1966); *Hodgson v. Longshoremen's Local 1655 New Orleans Dray Clerks*, 79 LRRM 2893, 67 L.C. ¶12,466 (E.D. La. January 5, 1972).

²⁴ *Hodgson v. Longshoremen's Local 1655, New Orleans Dray Clerks*, 79 LRRM 2893, 67 L.C. ¶12,466 (E.D. La. January 5, 1972).

²⁵ See *Wirtz v. National Maritime Union of America*, 399 F.2d 544 (C.A. 2 1968).

intermediate body are to be elected by secret ballot among the members of the constituent local unions, it is not unreasonable for the organization to employ a nominating procedure whereby each local may nominate only one candidate for each office. When such a procedure is employed the organization may require that each candidate be nominated by a certain number of locals before his name will appear on the ballot. The reasonableness of the number of local union nominations or endorsements required depends upon the size and dispersion of the organization.

(b) Nominations for national, international or intermediate body office by locals or other subordinate organizations differ from primary elections in that they are not subject to all the technical requirements of secret ballot elections.³⁰ However, where nominations are made by locals or other subordinate organizations fundamental safeguards must be observed including the right of members to vote for and support the candidates of their choice without improper interference.

§ 452.61 Elimination contests—local unions.

(a) A procedure in a local under which nominees compete in an elimination process to reduce the number of candidates in the final balloting is also part of the election process and must be conducted by secret ballot.

(b) When such an elimination process is used it would be unreasonable for some nominees, such as those selected by a nominating committee, to be exempt from the process since they would thus be given an unfair advantage over other nominees.

§ 452.62 Disqualification of candidates: procedural reasons.

A candidate who is otherwise eligible for office may not be disqualified because of the failure of a union officer to perform his duties which are beyond the candidate's control. For example, the failure of a local recording secretary to perform his duty to complete and forward a candidate's nomination certificate to the district may not be used as the basis for disqualifying the candidate.

§ 452.63 Nominations at conventions.

In elections at conventions at which nominations are also made, delegates who have been elected by secret ballot must be given ample opportunity to nominate candidates on behalf of themselves or the members they represent. A union may adopt a rule limiting access to the convention floor to delegates. However, once the candidates have been nominated, they must be accorded equal

³⁰ In *Hodgson v. United Mine Workers of America*, the Court directed that the nomination proceedings within the local unions be conducted by secret ballot and in accordance with the provisions of Title IV. [80 LRRM 3451, 68 L.C. § 12,786 (D.D.C. June 15, 1972)]. This Order indicates that the use of secret ballot nominating procedures may be an appropriate remedial measure in a supervised election.

opportunity to campaign.³¹ Where delegates are instructed by locals to nominate candidates, the constitution of the organization or the convention rules should provide a specific procedure for the implementation of nominating instructions issued by any local to its delegate.

§ 452.64 Write-in votes.

The Act neither requires nor prohibits write-in candidacy or write-in votes. These matters are governed by appropriate provisions of the union's constitution and bylaws, applicable resolutions, or the established practice of the union.

§ 452.65 Interval between nominations and election.

The Act specifies no time interval between nominations and election. Thus, both may be scheduled to be held at the same meeting if, during a reasonable period prior to such nomination-election meeting, every member eligible to hold office who intends to run for office is afforded the protection provided in section 401(c), including sufficient opportunity to campaign for office.

Subpart G—Campaign Safeguards

§ 452.66 Statutory provisions.

The opportunity for members to have a free, fair, and informed expression of their choices among candidates seeking union office is a prime objective of Title IV of the Act. Voters can best be assured opportunity for an informed choice if certain campaign rights are guaranteed to candidates and their supporters. To this end, the statute provides that adequate safeguards to insure a fair election shall be provided, and states certain specific safeguards. These safeguards apply not only to candidates for officer positions as defined in the Act but also to candidates for delegate posts, if the delegates are to nominate or elect officers.

§ 452.67 Distribution of campaign literature.

The Act imposes the duty on the union and its officers to comply with all reasonable requests of any candidate to distribute his campaign literature to the membership at his expense. When the organization or its officers authorize distribution of campaign literature on behalf of any candidate, similar distribution under the same conditions must be made for any other candidate, if he requests it. In order to avoid charges of disparity of treatment among candidates, it is advised that a union inform all candidates in advance of the conditions under which distribution will be made and promptly advise them of any change in those conditions.

§ 452.68 Distribution to less than full membership.

Although section 401(c) specifies distribution to "all members in good standing," a labor organization must also honor requests for distribution of literature to only a portion of the membership if such distribution is practicable. Each

³¹ See § 452.79.

candidate may choose his own ways of campaigning for election according to his own ingenuity and resources. For example, some candidates for national or international union office may desire to limit distribution to delegates, but others may want to appeal directly to the membership or parts thereof in an effort to influence particular constituencies to choose delegates favorable to their candidacy.

§ 452.69 Expenses of campaign literature.

Each candidate must be treated equally with respect to the expense of such distribution. Thus, a union and its officers must honor a candidate's request for distribution where the candidate is willing and able to bear the expense of such distribution. However, should the candidate be unable to bear such expense, there is no requirement that the union distribute the literature of the candidate free of charge. In the event the union distributes any candidate's literature without charge, however, all other candidates are entitled to have their literature distributed on the same basis. Since labor organizations have an affirmative duty to comply with all reasonable requests of any candidate to distribute campaign literature (at the candidate's expense), a union rule refusing all such distributions would not be proper, even though applied in a nondiscriminatory fashion. In view of the fact that expenses of distribution are to be borne by the candidate a labor organization may not refuse to distribute campaign literature merely because it may have a small staff which cannot handle such distribution for all candidates. If this is the case, the organization may employ additional temporary staff or contract the job to a professional maller and charge the expense incurred to the candidates for whom the service is being rendered. The organization may require candidates to tender in advance the estimated costs of distributing their literature, if such requirement is applied uniformly.

§ 452.70 Contents of literature.

The Act does not and unions may not regulate the contents of campaign literature which candidates may wish to have distributed by the union. This is left to the discretion of each candidate. The labor organization may not require that it be permitted to read a copy of the literature before it is sent out, nor may it censor the statements of the candidates in any way, even though the statement may include derogatory remarks about other candidates. Furthermore, a union's contention that mailing of certain campaign literature may constitute libel for which it may be sued has been held not to justify its refusal to distribute the literature, since the union is under a statutory duty to distribute the material.³²

³² See *Philo v. Stellato*, (E.D. Mich. Civ. No. 21244, May 24, 1961); *Ansley v. Fulco*, (Calif. Ct. of Appeal, First App. District, Div. Three, 1 Civil No. 29483, May 31, 1972).

§ 452.71 Inspection of membership lists.

(a) Each bona fide candidate for office has a right, once within 30 days prior to any election in which he is a candidate, to inspect a list containing the names and last known addresses of all members of the labor organization who are subject to a collective bargaining agreement requiring membership therein as a condition of employment. The right of inspection does not include the right to copy the list but does include the right to compare it with a personal list of members. It is the intent of the Act that such membership lists be made available for inspection at the candidates' option any time within the 30-day period. The list is not required to be maintained continuously and may be compiled immediately before each election. The form in which the list is to be maintained is not specified by the Act. Thus, a card index system may satisfy the requirements of the Act. The list may be organized alphabetically or geographically, or by local in a national or international labor organization.

(b) It is the duty of the labor organization and its officers to refrain from discrimination in favor of or against any candidate with respect to the use of lists of members. Thus, if a union permits any candidate to use such lists in any way other than the right of inspection granted by the Act, it must inform all candidates of the availability of the list for that purpose and accord the same privilege to all candidates who request it. Such privileges may include permitting inspection of the list where members are not subject to a collective bargaining agreement requiring membership as a condition of employment, inspecting the list more than once, or copying the list.

§ 452.72 Period of inspection.

The Act specifies the maximum period during which the right of inspection of membership lists is to be granted. The opportunity to inspect the lists must be granted once during the 30-day period prior to the casting of ballots in the election. Thus, where a mail ballot system is employed under which ballots are returnable as soon as received by members, the right to inspect must be accorded within the 30-day period prior to the mailing of the ballot to members. It would be an unreasonable restriction to permit inspection of lists only after the ballots have been mailed or the balloting has commenced.

§ 452.73 Use of union funds.

In the interest of fair union elections, section 401(g) of the Act places two limitations upon the use of labor organization funds derived from dues, assessments, or similar levy. These limitations are: (a) No such funds may be contributed or applied to promote the candidacy of any person in an election subject to Title IV, either in an election within the organization expending the funds or in any other labor organization; and (b) no such funds may be used for issuing

statements involving candidates in the election. This section is not intended to prohibit a union from assuming the cost of distributing to the membership on an equal basis campaign literature submitted to the union by the candidates pursuant to the rights granted by section 401(c), as previously discussed, nor does it prohibit the expenditure of such funds for notices, factual statements of issues not involving candidates, and other expenses necessary for the holding of the election.

§ 452.74 Expenditures permitted.

The Act does not prohibit impartial publication of election information. Thus, it would not be improper for a union to sponsor a debate at which all candidates for a particular office are afforded equal opportunity to express their views to the membership prior to an election. Similarly, a union may issue information sheets containing biographical data on all candidates so long as all candidates are given equal opportunity to submit such data.

§ 452.75 Union newspapers.

The provisions of section 401(g) prohibit any showing of preference by a labor organization or its officers which is advanced through the use of union funds to criticize or praise any candidate. Thus, a union may neither attack a candidate in a union-financed publication nor urge the nomination or election of a candidate in a union-financed letter to the members. Any such expenditure regardless of the amount, constitutes a violation of section 401(g).²⁸

§ 452.76 Campaigning by union officers.

Unless restricted by constitutional provisions to the contrary, union officers and employees retain their rights as members to participate in the affairs of the union, including campaigning activities on behalf of either faction in an election. However, such campaigning must not involve the expenditure of funds in violation of section 401(g). Accordingly, officers and employees may not campaign on time that is paid for by the union, nor use union funds, facilities, equipment, stationery, etc., to assist them in such campaigning. Campaigning incidental to regular union business would not be a violation.

§ 452.77 Permissible use of union funds.

Certain uses of union funds are considered permissible under section 401(g). For example, a court ruled that money of a subordinate union may be contributed to a committee formed to challenge the results of a national union election under Title IV when such contributions are properly authorized by the members in an effort to pursue election remedies both within and outside the union. In holding such activity to be outside the prohibi-

tions of section 401(g), although the committee was formed by defeated candidates and their supporters, the court stated that ". . . It does not promote the candidacy of any person if an election is declared invalid by a court under Title IV's procedure despite the fact that in the rerun election the candidates may be identical. Neither the winner nor the loser of the disputed election gains votes by the setting aside of the election. Such action is not a vote-getting device but merely returns the parties to their pre-election status; it does not place any candidate into office."²⁹

§ 452.78 Expenditures by employers.

(a) As an additional safeguard, section 401(g) provides that no money of an employer is to be contributed or applied to promote the candidacy of any person in an election subject to the provisions of Title IV. This includes indirect as well as direct expenditures. Thus, for example, campaigning by union stewards on company time with the approval of the employer would violate section 401(g) unless it can be shown that they are on legitimate work assignments, and that their campaign activities are only incidental to the performance of their assigned task and do not interfere with its performance. This prohibition against the use of employer money includes any costs incurred by an employer, or anything of value contributed by an employer, in order to support the candidacy of any individual in an election. It would not, however, extend to ordinary business practices which result in conferring a benefit, such as, for example, a discount on the cost of printing campaign literature which is made available on the same terms to other customers.

(b) The prohibition against the use of employer money to support the candidacy of a person in any election subject to the provisions of Title IV is not restricted to employers who employ members of the labor organization in which the election is being conducted, or who have any business or contractual relationship with the labor organization.

§ 452.79 Opportunity to campaign.

There must be a reasonable period prior to the election during which office-seekers and their supporters may engage in the campaigning that the Act contemplates and guarantees. What is a reasonable period of time would depend upon the circumstances, including the method of nomination and the size of the union holding the election, both in terms of the number of members and the geographic area in which it operates. For example, a candidate for office in a local labor organization was improperly disqualified and then appealed to the international union which directed that his name be placed on the ballot. A complaint was considered properly filed alleging election violations because the candidate's name was restored to the

²⁸Hodgson v. Liquor Salesmen's Union, Local No. 2, 334 F.Supp. 1369 (S.D. N.Y.) aff'd 449 F.2d 1344 (C.A. 2 1971); Shultz v. Local Union 6799, United Steelworkers, 426 F.2d 969 (C.A. 9 1970).

²⁹Retail Clerks Union, Local 648 v. Retail Clerks International Association, 299 F.Supp. 1012, 1024 (D.D.C. 1969).

ballot two days prior to the election so that he was denied an equal opportunity to campaign. Similarly, in a mail ballot election a union's delay in the distribution of campaign literature until after the ballots have been distributed and some have been cast would not satisfy the requirement to distribute such literature in compliance with a reasonable request.⁴⁰ Such a delay would deny the candidate a reasonable opportunity to campaign prior to the election and would thus not meet the requirement for adequate safeguards to insure a fair election. Where access to the convention floor is limited exclusively to delegates at a convention at which officers are to be elected, there must, nevertheless, be equal opportunity for all nominees to campaign. Thus, if the privilege of addressing the convention is accorded to any of the nominees, it must be accorded to all nominees who request it, whether they are delegates or not.

§ 452.80 Bona fide candidates.

A person need not be formally nominated in order to be a bona fide candidate entitled to exercise the rights mentioned in § 452.67 and § 452.71.⁴¹ Thus, any qualified member seeking to be nominated and elected at a convention would be able to take advantage of the distribution rights even before the convention meets and thus attempt to influence members to select delegates favorable to his candidacy or to persuade the delegates to support his candidacy. A union may reasonably require that a person be nominated in order to be elected, but many not prevent a member who actively seeks office and is otherwise qualified from taking advantage of the campaign safeguards in the Act in an effort to gain the support necessary to be nominated.

§ 452.81 Rights in intermediate body elections.

While the literal language in section 401(c) relating to distribution of campaign literature and to discrimination with respect to the use of membership lists would seem to apply only to national, international and local labor organizations, two United States District Courts have held that these provisions also apply to intermediate bodies.⁴² The Department of Labor considers these rulings to be consistent with the intent of Congress and, therefore, has adopted this position.

§ 452.82 Reprisal for exercising rights.

A member has a right to support the candidate of his choice without being subject to penalty, discipline, or improper interference or reprisal of any kind by the labor organization conducting the election or any member thereof.

§ 452.83 Enforcement of campaign safeguards.

Certain of the safeguards of section 401(c) are enforceable at the suit of any bona fide candidate. This special statutory right to sue is limited to the distribution of campaign literature by the labor organization and the forbearance of such organization from discrimination among candidates with respect to the use of membership lists. Of course, all Title IV safeguards, including those discussed in this paragraph, are subject to enforcement as provided in section 402. It should be noted that the right of a bona fide candidate to sue in the circumstances described herein is limited to the period prior to election. After the election, the only remedy would be through a suit by the Secretary under section 402.

Subpart H—Right to Vote

§ 452.84 General.

Under the provisions of section 401 (e), every member in good standing is entitled to vote in elections required under Title IV which are to be held by secret ballot. The phrase "member in good standing" includes any person who has fulfilled the requirements for membership and who neither has withdrawn from membership nor has been expelled or suspended from membership after appropriate proceedings consistent with lawful provisions of the constitution and bylaws of the organization.⁴³

§ 452.85 Reasonable qualifications on right to vote.

The basic right of members to vote in elections of the labor organization may be qualified by reasonable rules and regulations in its constitution and bylaws.⁴⁴

§ 452.86 Vote conditioned on payment of dues.

A labor organization may condition the exercise of the right to vote upon the payment of dues, which is a basic obligation of membership. Such a rule must be applied uniformly. If a member has not paid his dues as required by the labor organization's constitution or bylaws he may not be allowed to vote. Thus, a rule which suspends a member's right to vote in an election of officers while the member is laid off and is not paying dues would not, in ordinary circumstances, be considered unreasonable, so long as it is applied in a nondiscriminatory manner. However, members must be afforded a reasonable opportunity to pay dues, including a grace period during which dues may be paid without any loss of rights. In the case where a member is laid off but desires to maintain his good standing and thus his membership rights by continuing to pay dues, it would be clearly unreasonable for the labor organization to refuse to accept his payment.

§ 452.87 Dues paid by checkoff.

A member in good standing whose dues are checked off by his employer pursuant

to his voluntary authorization provided for in a collective bargaining agreement may not be disqualified from voting by reason of alleged delay or default in the payment of dues. For example, the constitution and bylaws of a labor organization call for suspension of members whose dues are three months in arrears. Dues to be paid directly by a member are two months in arrears when the union changes to a checkoff system. The member may not be denied the right to vote merely because the employer is late in submitting the checked off dues for the first month. It would not be inconsistent with the Act, however, for a union to require a new member who executes a checkoff authorization to pay one month's dues in advance on the date he becomes a member in order to be in good standing for the current month.

§ 452.88 Resumption of good standing.

While it is permissible for a labor organization to deny the right to vote to those delinquent in paying their dues (with the exceptions noted) or to those who have been suspended or disciplined in accordance with section 101(a)(5) of the Act, a provision under which such persons are disqualified from voting for unextended period of time after payment of back dues or after reinstatement would not be considered reasonable. After a member has resumed his good-standing status, it would be unreasonable to continue to deprive him of his right to vote for a period longer than that for a new member. A new member may reasonably be required to establish a relationship with the union by remaining in good standing for a continuous period of time, e.g., 6 months or a year, before being permitted to vote in an election of officers. However, while the right to vote may be deferred within reasonable limits, a union may not create special classes of non-voting members.

§ 452.89 Apprentices.

A labor organization may condition the right to vote upon completion of a bona fide program of apprenticeship training which is designed to produce competent tradesmen in the industry the union serves.

§ 452.90 Visiting members.

A decision about the voting rights of visiting members is properly one for resolution by the union in accordance with the organization's constitution and bylaws or applicable resolutions. For purposes of the Act, a person is ordinarily considered to be a member of the local to which he pays his dues.

§ 452.91 Voting by employers, supervisors.

Voting in union elections by employers, self-employed persons, supervisors or other persons who are considered to be part of management is not precluded by Title IV of the Act even if they are not required to maintain union membership as a condition of employment. However, as mentioned in the discussion of qualifications for candidacy (see § 452.47), such persons may not dominate or inter-

⁴⁰ *Wirtz v. American Guild of Variety Artists*, 287 F. Supp. 527 (S.D.N.Y. 1967).

⁴¹ *Yablonski v. United Mine Workers*, 71 LRRM 2606, 60 L.C. 10,204 (D.D.C. 1969).

⁴² *Antal v. UMW District 5*, 64 LRRM 2222, 54 L.C. 11,621 (W.D. Pa. 1966); *Schonfeld v. Rarback*, 49 L.C. 19,039 (S.D.N.Y. 1964).

⁴³ Act, sec. 3 (c).

⁴⁴ Act, sec. 101(a) (1).

with the administration of any labor organization.

§ 452.92 Unemployed members.

Members who are otherwise qualified to vote may not be disqualified from voting merely because they are currently unemployed or are employed on a part-time basis in the industry served by the union, provided, of course, that such members are paying dues.

§ 452.93 Retired members.

The right of retirees to vote may be restricted to the extent provided by the constitution and bylaws of the labor organization.

§ 452.94 Reasonable opportunity to vote.

The statutory protection of the right to vote implies that there must be a reasonable opportunity to vote. Thus, there is an obligation on the labor organization to conduct its periodic election of officers in such a way as to afford all its members a reasonable opportunity to cast ballots. A union may meet this obligation in a variety of ways, depending on factors such as the distance between the members' work site or homes and the polling place, the means of transportation available, the nature of the members' occupations, and their hours of work. A reasonable opportunity to vote may require establishing multiple polling places or the use of a mail ballot referendum when the members are widely dispersed. It would also be reasonable for the time period for voting to be extended to accommodate members who might otherwise be prevented from voting due to conflicting work schedules. Shortening the voting period by a late opening of the polls would not, in itself, be improper unless the intent or practical effect of such action is to deprive members of their right to vote.

§ 452.95 Absentee ballots.

Where the union knows in advance that a substantial number or a particular segment of the members will not be able to exercise their right to vote in person, as, for example, when access to a polling place is impracticable for many members because of shipping assignments, absentee ballots or other means of voting must be made available.⁶⁶ In the event absentee ballots are necessary the organization must give its members reasonable notice of the availability of such ballots.⁶⁷

Subpart I—Election Procedures; Rights of Members

§ 452.96 General.

The Act safeguards democratic processes by prescribing, in section 401, minimum standards for the regular periodic election of officers in labor organizations subject to its provisions. It does not,

however, prescribe in detail election procedures which must be followed. Labor organizations are free to establish procedures for elections as long as they are fair to all members and are consistent with lawful provisions of the organization's constitution and bylaws and with section 401. The rights granted to members in section 401(e) refer to individuals, not labor organizations. For example, while locals may be members of an intermediate body, they are not entitled to the rights granted "members" in section 401(e).

§ 452.97 Secret ballot.

(a) A prime requisite of elections regulated by Title IV is that they be held by secret ballot among the members or in appropriate cases by representatives who themselves have been elected by secret ballot among the members. A secret ballot under the Act is "the expression by ballot, voting machine, or otherwise, but in no event by proxy, of a choice . . . cast in such a manner that the person expressing such choice cannot be identified with the choice expressed."⁶⁸ Secrecy may be assured by the use of voting machines or, if paper ballots are used, by providing voting booths, partitions, or other physical arrangements permitting privacy for the voter while he is marking his ballot. The ballot must not contain any markings which upon examination would enable one to identify it with the voter. Balloting by mail presents special problems in assuring secrecy. Although no particular method of assuring such secrecy is prescribed, secrecy may be assured by the use of a double envelope system for return of the voted ballots with the necessary voter identification appearing only on the outer envelope.

(b) Should any voters be challenged as they are casting their ballots, there should be some means of setting aside the challenged ballots until a decision regarding their validity is reached without compromising the secrecy requirement. For example, each such ballot might be placed in an envelope with the voter's name on the outside. Of course, it would be a violation of the secrecy requirement to open these envelopes and count the ballots one at a time in such a way that each vote could be identified with a voter.

(c) In a mail ballot election, a union may require members to sign the return envelope if the signatures may be used in determining eligibility. However, it would be unreasonable for a union to void an otherwise valid ballot merely because a member printed rather than signed his name if the union does not use the signatures to determine voter eligibility.

§ 452.98 Outside agencies.

There is nothing in the Act to prevent a union from employing an independent organization as its agent to handle the printing, mailing, and counting of ballots in such elections if all the standards of the Act are met.

⁶⁶ Act, sec. 3(k).

§ 452.99 Notice of election.

Elections required by Title IV to be held by secret ballot must be preceded by a notice of election mailed to each member at his last known home address not less than fifteen days prior to the election.⁶⁹ For purposes of computing the fifteen day period, the day on which the notices are mailed is not counted whereas the day of the election is counted. For example, if the election is to be held on the 20th day of the month, the notices must be mailed no later than the 5th day. The notice must include a specification of the date, time and place of the election and of the offices to be filled, and it must be in such form as to be reasonably calculated to inform the members of the impending election. Specification of the offices to be filled would not be necessary if it is a regular, periodic election of all officers and the notice so indicates. A statement in the union bylaws that an election will be held at a certain time does not constitute the notice required by the statute. Since the Act specifies that the notice must be mailed, other means of transmission such as posting on a bulletin board or hand delivery will not satisfy the requirement. A notice of election must be sent to every member as defined in section 3(c) of the Act, not only to members who are eligible to vote in the election. Where the notice, if mailed to the last known permanent or legal residents of the member, would not be likely to reach him because of a known extended absence from that place, the statutory phrase "last known home address" may reasonably be interpreted to refer to the last known temporary address of definite duration. A single notice for both nominations and election may be used if it meets the requirements of both such notices.⁷⁰

§ 452.100 Use of union newspaper as notice.

A labor organization may comply with the election notice requirement by publishing the notice in the organization's newspaper which is mailed to the last known home address of each member not less than fifteen days prior to the election. Where this procedure is used (a) the notice should be conspicuously placed on the front page of the newspaper, or the front page should have a conspicuous reference to the inside page where the notice appears, so that the inclusion of the election notice in a particular issue is readily apparent to each member; (b) the notice should clearly identify the particular labor organization holding the election; (c) the notice should specify the time and place of the election and the offices to be filled; and (d) a reasonable effort must be made to keep the mailing list of the publication current.

§ 452.101 Sample ballots as notice.

Sample ballots together with information as to the time and place of the

⁶⁹ Act, sec. 401(e).

⁷⁰ See § 452.56 for a discussion of the requirements for notices of nomination.

⁶⁶ Goldberg v. Marine Cooks and Stewards Union, 204 F. Supp. 844 (N.D. Cal. 1962).

⁶⁷ Wirtz v. Local Union 262, Glass Bottle Blowers Association, 290 F. Supp. 965 (N.D. Calif. 1968).

election and the offices to be filled, if mailed fifteen days prior to the election, will fulfill the election notice requirements.

§ 452.102 Notice in mail ballot election.

If the election is conducted by mail and no separate notice is mailed to the members, the ballots must be mailed to the members no later than fifteen days prior to the date when they must be mailed back in order to be counted.

§ 452.103 Primary elections.

The fifteen-day election notice provision applies to a "primary election" at which nominees are chosen. Likewise, the fifteen-day election notice requirement applies to any runoff election which may be held after an inconclusive election. However, a separate notice would not be necessary if the election notice for the first election advises the members of the possibility of a runoff election and specifies such details as the time and place of such runoff election as may be necessary.

§ 452.104 Proximity of notice to election.

(a) The statutory requirement for giving fifteen days' notice of election is a minimum standard. There is no objection to giving more notice than is required by law. However, it was clearly the intent of Congress to have members notified at a time which reasonably precedes the date of the election. For example, notice in a union publication which is expected to cover elections to be held six months later would not be considered reasonable.

(b) Should a union change the date of an election from the date originally announced in the mail notice to the members, it must mail a second notice, containing the corrected date, at least fifteen days before the election.

§ 452.105 Interference or reprisal.

Title IV expressly provides for the right of a member to vote for and otherwise support the candidates of his choice without being subject to penalty, discipline, or improper interference or reprisal of any kind by the labor organization conducting the election or any officer or member thereof.⁵⁰

§ 452.106 Preservation of records.

In every secret ballot election which is subject to the Act, the ballots and all other records pertaining to the election must be preserved for one year.⁵¹ The responsibility for preserving the records is that of the election officials designated in the constitution and bylaws of the labor organization or, if none is so design-

nated, its secretary. Since the Act specifies that ballots must be retained, all ballots, marked or unmarked, must be preserved. Independent certification as to the number and kind of ballots destroyed may not be substituted for preservation. In addition, ballots which have been voided, for example, because they were received late or because they were cast for an ineligible candidate, must also be preserved.

§ 452.107 Observers.

(a) Under the provisions of section 401(c), each candidate must be permitted to have an observer (1) at the polls and (2) at the counting of the ballots. This right encompasses every phase and level of the counting and tallying process, including the counting and tallying of the ballots and the totaling, recording, and reporting of tally sheets. If there is more than one polling place, the candidate may have an observer at each location. If ballots are being counted at more than one location or at more than one table at a single location, a candidate is entitled to as many observers as necessary to observe the actual counting of ballots. The observer may note the names of those voting so that the candidates may be able to ascertain whether unauthorized persons voted in the election. The observers should be placed so that they do not compromise, or give the appearance of compromising, the secrecy of the ballot. The observer is not required to be a member of the labor organization unless the union's constitution and bylaws require him to be a member. There is no prohibition on the use of alternate observers, when necessary, or on a candidate serving as his own observer. Observers do not have the right to count the ballots.

(b) The right to have an observer at the polls and at the counting of the ballots extends to all candidates for office in an election subject to Title IV, i.e., this includes elections in intermediate bodies as well as elections in locals and national and international labor organizations.

(c) In any secret ballot election which is conducted by mail, regardless of whether the ballots are returned by members to the labor organization office, to a mail box, or to an independent agency such as a firm of certified public accountants, candidates must be permitted to have an observer present at the preparation and mailing of the ballots, their receipt by the counting agency and at the opening and counting of the ballots.

(d) Paying election observers is the responsibility of the candidate they represent unless the union has a rule providing for the payment of observers. If the union does have such a rule, it must be uniformly applied to all candidates.

§ 452.108 Publication of results.

In any election which is required by the Act to be held by secret ballot, the votes cast by members of each local labor organization must be counted, and

the results published, separately.⁵² For example, where officers of an intermediate body are elected directly by members, the votes of each local must be tabulated and published separately. The publishing requirement is to assure that the results of the voting in each local are made known to all interested members. Thus, the presentation of the election report at a regular local membership meeting, and the entry of the report in the minutes, would normally accomplish this purpose in a local election. Such minutes would have to be available for inspection by members at reasonable times, unless copies of the report are made available. In an election that encompasses more than one local, publication may be accomplished by posting on appropriate bulletin boards, or in a union newspaper, or by any procedure which allows any member to obtain the information without unusual effort. Of course, the counting and reporting should account for all ballots cast in the election, although only valid votes will be counted in determining the successful candidates.

§ 452.109 Constitution of labor organization.

Elections must be conducted in accordance with the constitution and bylaws of the organization insofar as they are not inconsistent with the provisions of Title IV.⁵³

§ 452.110 Adequate safeguards.

(a) In addition to the election safeguards discussed in this Part, the Act contains a general mandate in section 401(c), that adequate safeguards to insure a fair election shall be provided. Such safeguards are not required to be included in the union's constitution and bylaws, but they must be observed. A labor organization's wide range of discretion regarding the conduct of elections is thus circumscribed by a general rule of fairness. For example, if one candidate is permitted to have his nickname appear on the ballot, his opponent should enjoy the same privilege.

(b) A union's failure to provide voters with adequate instructions for properly casting their ballots may violate the requirement of adequate safeguards to insure a fair election.

§ 452.111 Campaigning in polling places.

There must not be any campaigning within a polling place⁵⁴ and a union may forbid any campaigning within a specified distance of a polling place.

§ 452.112 Form of ballot, slate voting.

The form of the ballot is not prescribed by the Act. Thus, a union may, if it so

⁵⁰ Act, section 401(e). In *Wirtz v. Local 1752, I.L.A. 56 LRRM 2303*, 49 L.C. 118,998 (S.D. Miss. 1963), the court, under its equitable jurisdiction, granted a preliminary injunction on the motion of the Secretary to enjoin a union from taking disciplinary action against a member. The member had filed a complaint with the Secretary under section 402(a) that resulted in the Secretary filing suit under 402(b).

⁵¹ Act, section 401(e).

⁵² Act, sec. 401(e). See also Senate Report 187, 86th Cong. 1st sess., p. 47; Daily Cong. Rec. p. 13682, Aug. 3, 1959, and p. A6573, July 29, 1959.

⁵³ Act, sec. 401(e). Under 29 CFR 402.10, a labor organization is required to make available to all members a copy of its constitution and bylaws.

⁵⁴ See *Hodgson v. UMW*, 344 F.Supp. 17 (D.D.C. 1972).

desires, include a proposed bylaw change or other similar proposal on a ballot along with the candidates for office so long as this is permissible under the union's constitution and bylaws. A determination as to the position of a candidate's name on the ballot may be made by the union in any reasonable manner permitted by its constitution and bylaws, consistent with the requirement of fairness and the other provisions of the Act. For example, candidates may be listed according to their affiliation with a particular slate. However, while "slate voting" is permissible, the balloting must be consistent with the right of members to vote for the candidates of their choice. Thus, there must be provision for the voter to choose among individual candidates if he does not wish to vote for an entire slate. To avoid any misunderstanding in this regard, the voting instructions should specifically inform the voter that he need not vote for an entire slate.

§ 452.113 Sectional balloting.

The ballots may be prepared so that the names of candidates for positions representative of a particular area appear only on the ballots received by members living in that area.

§ 452.114 Write-in votes.

Where write-in votes are permitted in an election subject to Title IV, details of the format of the ballot are left to the discretion of the union. Ordinarily, the Secretary would become involved in such matters only in the context of an election complaint under section 402 and then only if the arrangements for write-in votes were so unreasonable that the outcome of the election may have been affected. Of course, a union may, in accordance with its constitution and bylaws or as a matter of stated policy, refuse to permit write-in votes.

§ 452.115 Distribution of ballots.

So long as secrecy of the ballot is maintained, there is no restriction on how the ballots are distributed to the voters. Any method which actually provides each eligible voter with one blank ballot would be in conformance with the law.

§ 452.116 Determining validity of ballots.

Generally, a labor organization has a right to establish reasonable rules for determining the validity of ballots cast in an election. However, where the union has no published guides for determining the validity of a voted ballot, it must count any ballot voted in such a way as to indicate fairly the intention of the voter. An entire ballot may not be voided because of a mistake made in voting for one of the offices on the ballot.

§ 452.117 Majority of votes not required for election.

A labor organization may by its constitution and bylaws provide for the election of the candidate who receives the greatest number of votes, although he does not have a majority of all the votes

cast. Alternatively, it may provide that where no candidate receives a majority of all the votes cast, a run-off election be held between the two candidates having the highest vote. Similarly, a labor organization conducting an election to choose five members of an executive board may designate as elected from among all the nominees the five candidates who receive the highest vote.

§ 452.118 Local unions agents in international elections.

An international union may establish internal rules which require local or intermediate union officials to act as agents of the international in conducting designated aspects of the international referendum election of officers. The consequences of the failure to perform as directed by such officials will, of course, depend on the totality of the circumstances involved.

§ 452.119 Indirect elections.

National or international labor organizations subject to the Act have the option of electing officers either directly by secret ballot among the members in good standing or at a convention of delegates or other representatives who have been elected by secret ballot among the members. Intermediate labor organizations subject to the Act have the option of electing officers either directly by secret ballot among the members in good standing or by labor organization officers or delegates elected by secret ballot vote of the members they represent. Local unions, in contrast, do not have the option of conducting their periodic elections of officers indirectly through representatives.

§ 452.120 Officers as delegates.

Officers of labor organizations who have been elected by secret ballot vote of their respective memberships may, by virtue of their election to office, serve as delegates to conventions at which officers will be elected, if the constitution and bylaws of the labor organization so provide. In such cases it is advisable to have a statement to this effect included on the ballots. Persons who have been appointed to serve unexpired terms of officers who are ex officio delegates to a convention at which officers will be elected may not vote for officers in such election.

§ 452.121 Limitations on national or international officers serving as delegates.

While officers of national or international labor organizations or of intermediate bodies who have been elected by a vote of the delegates to a convention may serve as delegates to conventions of their respective labor organizations if the constitution and bylaws so provide, they may not vote in officer elections at such conventions unless they have also been elected as delegates by a secret ballot vote of the members they are to represent. Of course, such officers may participate in the convention, i.e., they may preside over the convention, be

nominated as candidates, or act in other capacities permitted under the organization's constitution and bylaws.

§ 452.122 Delegates from intermediate bodies; method of election.

A delegate from an intermediate body who participates in the election of officers at a national or international convention must have been elected by a secret ballot vote of the individual members of the constituent units of that body. He may not participate if he was elected by the delegates who make up the intermediate body. The secret ballot election required by the Act is an election among the general membership and not an election of delegates by other delegates.

§ 452.123 Elections of intermediate body officers.

Section 401(d) states that officers of intermediate bodies shall be elected either by secret ballot among the members in good standing or by labor organization officers representative of such members who have been elected by secret ballot. The phrase "officers representative of such members" includes delegates who have been elected by secret ballot to represent labor organizations in intermediate bodies. Such delegates may therefore participate in the election of officers of intermediate bodies regardless of whether they are characterized as officers of the labor organization they represent.

§ 452.124 Delegates from units which are not labor organizations.

To the extent that units, such as committees, which do not meet the definition of a labor organization under the Act¹⁰ participate in the election of officers of a national or international labor organization or an intermediate body, through delegates to the convention or otherwise, the provisions of Title IV are, nevertheless, applicable to the election of such delegates. The following example is typical in organizations of railway employees. The chairman of a local grievance committee, which is not a labor organization under the Act, is not an officer within the meaning of the Act. If such a local chairman is a delegate to the general grievance committee, which is considered to be an intermediate body under the Act, however, he must be elected by secret ballot vote of the members he represents, if he votes for officers of the general grievance committee.

§ 452.125 Delegates from labor organizations under trusteeship.

It would be unlawful under section 303(a)(1) of the Act to count the votes of delegates from a labor organization under trusteeship in any convention or election of officers of the organization imposing the trusteeship unless such delegates were chosen by secret ballot

¹⁰ Act, sec. 3 (i) and (j) and Part 451 of this chapter.

vote in an election in which all the members in good standing of the subordinate organization were eligible to participate.²⁴

§ 452.126 Delegates to conventions which do not elect officers.

Delegates to conventions need not be elected by secret ballot when officers of the organization are elected by a secret ballot vote of the entire membership. However, if the only method of making nominations is by delegates, then the delegates must be elected by secret ballot.

§ 452.127 Proportionate representation.

When officers of a national, international or intermediate labor organization are elected at a convention of delegates who have been chosen by secret ballot, the structure of representation of the membership is a matter for the union to determine in accordance with its constitution and bylaws. There is no indication that Congress intended, in enacting Title IV of the Act, to require representation in delegate bodies of labor organizations to reflect the proportionate number of members in each subordinate labor organization represented in such bodies. Questions of such proportionate representation are determined in accordance with the labor organization's constitution and bylaws insofar as they are not inconsistent with the election provisions of the Act. Congress did not attempt to specify the organizational structure or the system of representation which unions must adopt. However, all members must be represented; the union may not deny representation to locals below a certain size.

§ 452.128 Under-strength representation.

A local union may elect fewer delegates than it is permitted under the union constitution as long as the local is allowed to determine for itself whether or not it will send its full quota of delegates to the union convention. The delegates present from a local may cast the entire vote allotted to that local if this is permitted by the constitution and bylaws.

§ 452.129 Non-discrimination.

Further, distinctions in representational strength among or within locals may not be based on arbitrary and unreasonable factors such as race, sex, or class of membership based on type of employment.

§ 452.130 Expenses of delegates.

A local may elect two groups—one which would receive expenses while the other would be required to pay its own way, provided each member has an equal opportunity to run for the expense-paid as well as the non-expense-paid positions.

²⁴ Section 303(b) of the LMRDA provides criminal penalties for violation of section 303(a)(1).

§ 452.131 Casting of ballots; delegate elections.

The manner in which the votes of the representatives are cast in the convention is not subject to special limitations. For example, the voting may be by secret ballot, by show of hands, by oral roll call vote, or if only one candidate is nominated for an office, by acclamation or by a motion authorizing the convention chairman to cast a unanimous vote of the delegates present.

§ 452.132 Proxy voting.

There is no prohibition on delegates in a convention voting by proxy, if the constitution and bylaws permit.

§ 452.133 Election of delegates not members of the labor organization.

A labor organization's constitution and bylaws may authorize the election of delegates who are not members of the subordinate labor organization they represent, provided the members of the subordinate organization are also eligible to be candidates.

§ 452.134 Preservation of records.

The credentials of delegates, and all minutes and other records pertaining to the election of officers at conventions, must be preserved for one year by the officials designated in the constitution and bylaws or by the secretary if no other officer is designated. This requirement applies not only to conventions of national or international labor organizations, but also to representative bodies of intermediate labor organizations.

Subpart J—Special Enforcement Provisions

§ 452.135 Complaints of members.

(a) Any member of a labor organization may file a complaint with the Director, Office of Labor-Management and Welfare-Pension Reports, alleging that there have been violations of requirements of the Act concerning the election of officers, delegates, and representatives (including violations of election provisions of the organization's constitution and bylaws that are not inconsistent with the Act).²⁵ The complaint may not be filed until one of the two following conditions has been met: (1) The member must have exhausted the remedies available to him under the constitution and bylaws of the organization and its parent body, or (2) he must have invoked such remedies without obtaining a final decision within three calendar months after invoking them.

(b) If the member obtains an unfavorable final decision within three calendar months after invoking his available remedies, he must file his complaint within one calendar month after obtaining the decision. If he has not obtained a final decision within three calendar months, he has the option of filing his complaint or of waiting until he has exhausted the available remedies within the organization. In the latter case, if the final decision is ultimately unfavorable,

²⁵ Act, sec. 402(a).

he will have one month in which to file his complaint.

§ 452.136 Investigation of complaint by Director, Office of Labor-Management and Welfare-Pension Reports and court action by the Secretary.

(a) The Director, Office of Labor-Management and Welfare-Pension Reports is required to investigate each complaint of a violation filed in accordance with the requirements of the Act and, if the Secretary finds probable cause to believe that a violation has occurred and has not been remedied, he is directed to bring within 60 days after the complaint has been filed a civil action against the labor organization in a Federal district court. In any such action brought by the Secretary the statute provides that if, upon a preponderance of the evidence after a trial upon the merits, the court finds (1) that an election has not been held within the time prescribed by the election provisions of the Act or (2) that a violation of these provisions "may have affected the outcome of an election", the court shall declare the election, if any, to be void and direct the conduct of an election under the supervision of the Secretary, and, so far as is lawful and practicable, in conformity with the constitution and bylaws of the labor organization.

(b) Violations of the election provisions of the Act which occurred in the conduct of elections held within the prescribed time are not grounds for setting aside an election unless they "may have affected the outcome." The Secretary, therefore, will not institute court proceedings upon the basis of a complaint alleging such violations unless he finds probable cause to believe that they "may have affected the outcome of an election."

(c) Elections challenged by a member are presumed valid pending a final decision. The statute provides that until such time, the affairs of the labor organization shall be conducted by the elected officers or in such other manner as the union constitution and bylaws provide. However, after suit is filed by the Secretary the court has power to take appropriate action to preserve the labor organization's assets.

Subpart K—Dates and Scope of Application

§ 452.137 Effective dates.

(a) Section 404 states when the election provisions of the Act become applicable.²⁶ In the case of labor organizations whose constitution and bylaws can be lawfully modified or amended by action of the organization's "constitutional officers or governing body," the election provisions become applicable 90 days after the enactment of the statute (December 14, 1959). Where the modification of the constitution and bylaws of a local labor organization requires action by the membership at a general meeting or by referendum, the general membership would be a "governing body" within the meaning of this provision. In the cases

²⁶ Act, sec. 404.

where any necessary modification of the constitution and bylaws can be made only by a constitutional convention of the labor organization, the election provisions become applicable not later than the next constitutional convention after the enactment of the statute, or one year after the enactment of the statute, whichever is sooner.

(b) The statute does not require the calling of a special constitutional convention to make such modifications. However, if no convention is held within the one-year period, the executive board or similar governing body that has the power to act for the labor organization between conventions is empowered by the statute to make such interim constitutional changes as are necessary to carry out the provisions of Title IV of the Act. Any election held thereafter would have

to comply with the requirements of the Act.

§ 452.138 Application of other laws.

(a) Section 403²⁰ provides that no labor organization shall be required by law to conduct elections of officers with greater frequency or in a different form or manner than is required by its own constitution or bylaws, except as otherwise provided by the election provisions of the Act.

(b) The remedy²¹ provided in the Act for challenging an election already conducted is exclusive.²² However, existing

²⁰ Act, sec. 403.

²¹ Act, sec. 402.

²² Act, sec. 403. See Daily Cong. Rec. 86th Cong., 1st sess., pp. 9115, June 8, 1959, pp. 13017 and 13090, July 27, 1959. H.Repr. No. 741, p. 17; S.Rept. No. 187, pp. 21-22, 101, 104. Hearings, House Comm. on Education and Labor, 86th Cong., 1st sess., pt. 1, p. 1611.

rights and remedies to enforce the constitutions and bylaws of such organizations before an election has been held are unaffected by the election provisions. Section 603²³ which applies to the entire Act, states that except where explicitly provided to the contrary, nothing in the Act shall take away any right or bar any remedy of any union member under other Federal law or law of any State.

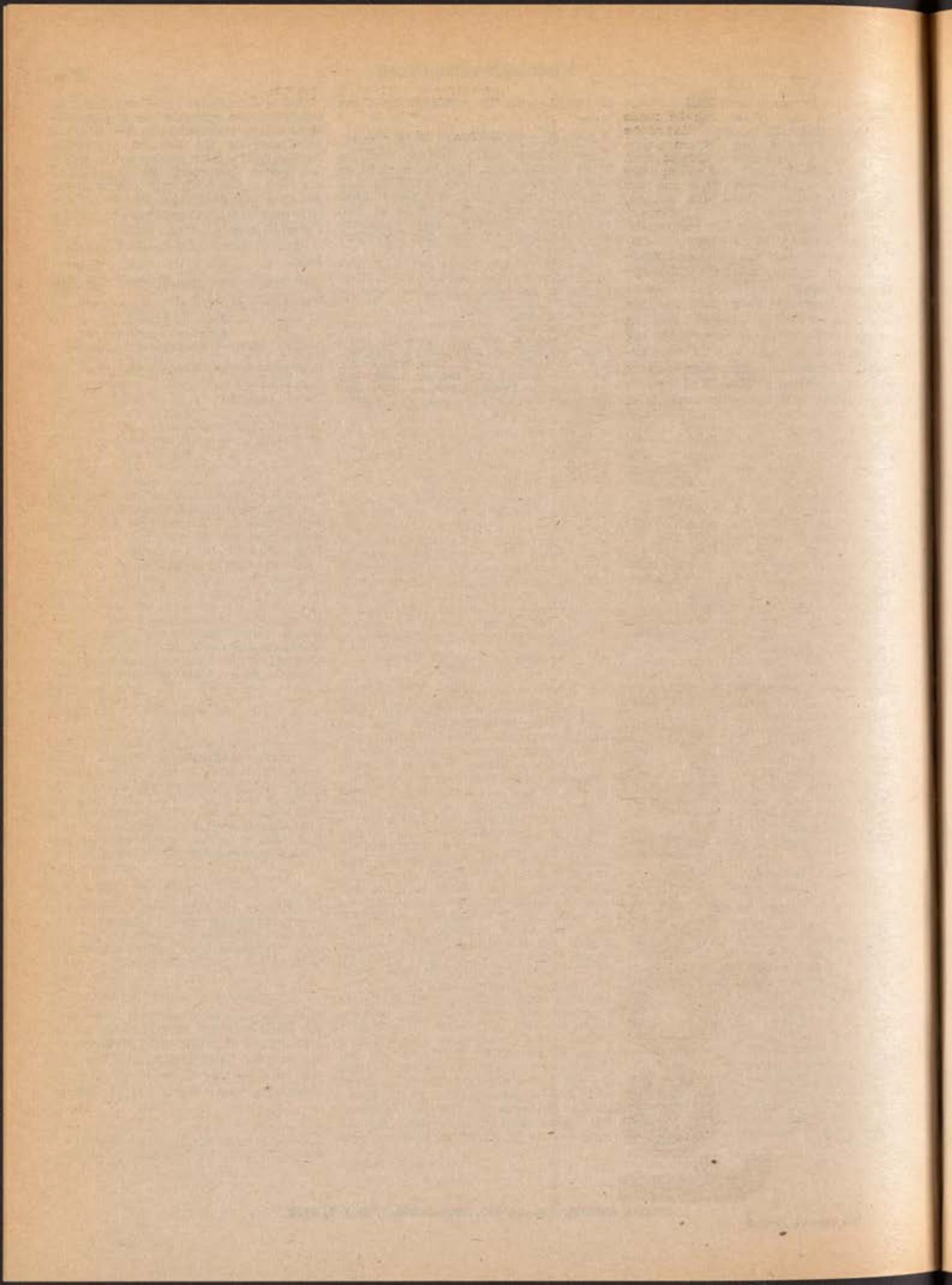
This revision shall take effect on July 9, 1973.

Signed at Washington, D.C., this 27th day of June 1973.

PAUL J. FASSER, Jr.,
Assistant Secretary for
Labor-Management Relations.

[FR Doc. 73-13613 Filed 7-6-73; 8:45 am]

²³ Act, sec. 603.



federal register

MONDAY, JULY 9, 1973

Volume 38 ■ Number 130



PART III

DEPARTMENT OF THE TREASURY

Fiscal Service,
Bureau of Accounts

■

CIRCULAR 570; 1973 REVISION

Surety Companies Acceptable
on Federal Bonds

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circular 570; 1973 Rev.]

COMPANIES HOLDING CERTIFICATES OF AUTHORITY AS ACCEPTABLE SURETIES ON FEDERAL BONDS AND AS ACCEPTABLE REINSURING COMPANIES

JULY 1, 1973.

This circular is published annually, as of July 1, solely for the information of Federal bond-approving officers and persons required to give bonds to the United States. Copies of this circular may be obtained from: Audit Staff, Bureau of Accounts, Treasury Department, Washington, D.C. 20226. Telephone: (202) 964-5284. Interim changes in this circular are published in the Federal Register as they occur.

The following companies, except where otherwise noted, have complied with the law and the regulations of the Treasury Department and are acceptable as sureties on Federal bonds, to the extent and with respect to the localities indicated opposite their respective names.

[SEAL]

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS (A)

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) See footnote (b) (in thousands of dollars)	States and other areas in which licensed to transact surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
AID Insurance Company (Mutual), Des Moines, Iowa *	3,147	Ariz., Cal., Colo., Idaho, Ill., Ind., Iowa, Kans., Minn., Mo., Mont., Nebr., N. Mex., N. Dak., Okla., Oreg., S. Dak., Tex., Utah, Wyo.	IOWA—Ariz., Colo., D.C., Idaho, Kans., Minn., Nebr., N. Dak., Okla., S. Dak., Utah, Wyo.
The Aetna Casualty and Surety Company, Hartford, Conn.	52,586	All	CONN.—All
Aetna Fire Underwriters Insurance Company, Hartford, Conn.	697	All except Ala., C.Z., Guam, La., N. Dak., Oreg., Virgin Islands.	CONN.—D.C., Md., wPa.
Aetna Insurance Company, Hartford, Conn.	18,625	All except C.Z., Guam	CONN.—All except C.Z., Guam, Hawaii, Virgin Islands.
Aetna Life and Casualty Company, Hartford, Conn.	128,242	Conn.	CONN.—D.C., Mont.
Allegheny Mutual Casualty Company, Meadville, Pa.	111	Alaska, Fla., Ill., Ind., La., Md., Mich., N.J., Ohio, Pa., Wis.	PA.—D.C., sFla., nIll., Ind., Md., eMich., N.J., Ohio, eVa., eWis.
Allied Fidelity Insurance Co., Indianapolis, Ind.	110	Ind., Ky., N. Mex., Tex., Utah	IND.—D.C.
Allied Insurance Company, Philadelphia, Pennsylvania	450	All except C.Z., Guam, Hawaii, La., Puerto Rico, Virgin Islands.	CAL.—D.C., Tex.
Allied Surety Company, Portland, Me.	40	Pa.	PA.—D.C.
Allstate Insurance Company, Northbrook, Ill.	116,183	All except C.Z., Guam, Virgin Islands	ILL.—eCal., Colo., Conn., D.C., mFla., nGa., sInd., Kans., eMich., sMiss., N.J., eN.Y., wN.C., nOhio, ePa., sTex., wVa., eWis.
American Agricultural Insurance Company, Park Ridge, Ill.	1,823	Ariz., Colo., Fla., Ga., Idaho, Ill., Ind., Iowa, Mo., N.M., N.C., N. Dak., Oreg., Pa., S.C., Tex., Wash., Wis., Wyo. (Reinsurance only in Kans., Mass., N.Y., Va.)	IND.—D.C.
American Automobile Insurance Company, San Francisco, Cal.	8,237	All except C.Z., Guam, Puerto Rico, Virgin Islands	MO.—All except C.Z., Guam, Virgin Islands.
American Bonding Company, Los Angeles, Cal.	87	Alaska, Ariz., Ark., Cal., Colo., D.C., Idaho, Iowa, Kans., Mo., Mont., Nebr., Nev., N. Mex., Oreg., Utah	NEBR.—Alaska, Ariz., Ark., neCal., Colo., D.C., Idaho, Iowa, Mo., Mont., Nev., N. Mex., Oreg., Utah, wWash.
American Casualty Company of Reading, Pennsylvania, Chicago, Ill.	4,943	All except C.Z., Guam, Virgin Islands	PA.—All except Guam, Virgin Islands.
American Credit Indemnity Company of New York, Baltimore, Md.	3,290	Cal., Colo., Conn., Del., Ill., Ind., Iowa, Ky., Me., Md., Mass., Minn., Mo., N.H., N.J., N. Mex., N.Y., N.C., Ohio, Okla., Pa., R.I., Va., Wash., W. Va.	N.Y.—D.C.
American Economy Insurance Company, Indianapolis, Ind.	2,683	All except C.Z., Conn., Del., Guam, Hawaii, Mass., Miss., N.J., N.Y., Puerto Rico, R.I., Va., Virgin Islands	IND.—All except mAla., eCal., C.Z., Guam, Hawaii, Me., Mass., Puerto Rico, S.C., Virgin Islands.
American Empire Insurance Company, Watertown, N.Y. *	2,675	All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands	N.Y.—Ariz., Cal., Colo., Conn., Del., D.C., eIll., sInd., nIowa, Ky., Me., Md., Mich., Minn., Mont., Nebr., N.H., N.J., N. Mex., N. Dak., nOhio, Pa., R.I., S. Dak., Tenn., Utah, Va., wWis.
American Employers' Insurance Company, Boston, Mass.	7,066	All except Guam	MASS.—All except Guam.
American Fidelity Company, Manchester, N.H.	545	Conn., Iowa, Me., Mass., Miss., N.H., R.I., Vt.	VT.—All except C.Z., Guam, Kans., Puerto Rico, Virgin Islands.
American Fidelity Fire Insurance Company, Woodbury, N.Y.	981	All except Alaska, C.Z., Colo., Guam, Hawaii, Kans., Mo., Nebr., N.H., Virgin Islands	N.Y.—Ariz., Cal., D.C., nGa., Idaho, nIll., La., Mich., Nev., N. Mex., Oreg., Puerto Rico, Utah, eVa., Wash., wWis.
American Fire and Casualty Company, Hamilton, Ohio	897	Ala., Ark., Colo., D.C., Fla., Ga., Kans., Ky., La., Md., Miss., Mo., N.C., Okla., S.C., Tenn., Tex., Va.	FLA.—Ala., Ark., Colo., D.C., Ga., Kans., Ky., La., Md., Miss., Mo., N.C., Okla., S.C., Tenn., Tex., Va.
American and Foreign Insurance Company, New York, N.Y.	2,247	All except C.Z., Del., Guam, La., Oreg., Puerto Rico, S.C., Va., Virgin Islands	N.Y.—D.C., Tex.
American General Insurance Company, Houston, Tex.	45,550	Mich., Pa., Tex.	TEX.—All except Guam, Puerto Rico, Virgin Islands.
American Guarantee and Liability Insurance Company, Chicago, Ill.	1,832	All except C.Z., Del., Guam, Hawaii, Puerto Rico, S.C.	N.Y.—Alaska, Cal., Conn., D.C., nFla., neGa., nIll., nInd., Me., Md., Mass., eMich., Minn., Mo., N.H., N.J., N. Mex., Ohio, Pa., nwTex., Vt.
American Home Assurance Company, New York, N.Y.	5,138	All except Ark., C.Z., Guam, Me., Oreg.	N.Y.—D.C.
American Indemnity Company, Galveston, Tex.	839	Ala., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Miss., Mo., Mont., N. Mex., N.C., Ohio, Okla., S.C., Tenn., Tex., Va., Wis., Wyo.	TEX.—All except Alaska, wArk., C.Z., Guam, Hawaii, wMich., nOkla., Puerto Rico, Virgin Islands, wVa.
The American Insurance Company, Principal Office: Newark, N.J. Home Office: San Francisco, Cal.	19,558	All except C.Z., Guam, Virgin Islands	N.J.—All except C.Z., Guam, Virgin Islands.
American International Insurance Company, New York, N.Y.	349	All except C.Z., Del., Guam, Hawaii, N.H., Puerto Rico, Virgin Islands	N.Y.—D.C.
American Manufacturers Mutual Insurance Company, Long Grove, Ill.	2,173	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands	N.Y.—All except C.Z., Guam, Virgin Islands.
American Motorists Insurance Company, Long Grove, Ill.	3,839	All except Guam, Oreg., Virgin Islands	ILL.—All except C.Z., Guam, Virgin Islands.
American Mutual Liability Insurance Company, Wakefield, Mass.	5,314	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands	MASS.—D.C.
American National Fire Insurance Company, Los Angeles, Cal.	573	All except C.Z., Conn., Guam, La., Me., Mich., N.J., Puerto Rico, S.C., Virgin Islands	N.Y.—All

*See footnotes at end of table.

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
American Re-Insurance Company, New York, N.Y.	12,306	All except C.Z., Guam, Virgin Islands	N.Y.—All except Guam.
American States Insurance Company, Indianapolis, Ind.	7,920	All except C.Z., Conn., Del., Guam, Mass., N.Y., Puerto Rico, Va., Virgin Islands.	IND.—All except Ala., C.Z., Guam, Hawaii, Me., Mass., Nev., Puerto Rico, S.C., Virgin Islands.
Argonaut Insurance Company, Menlo Park, Cal.	8,230	All except C.Z.	CAL.—Alaska, D.C., nGa., Idaho, eLa., Mont., Nev., Oreg., Puerto Rico, Utah, Wash.
Associated Indemnity Corporation, San Francisco, Cal.	1,999	All except C.Z., Guam, Virgin Islands	CAL.—All except C.Z., Colo., Guam, Virgin Islands.
Athletic Insurance Company, Dallas, Tex.	1,349	All except C.Z., Colo., Conn., Del., Guam, Hawaii, Idaho, Iowa, La., Me., Mass., Nebr., N.H., N.Y., N. Dak., Oreg., Puerto Rico, R.I., Vt., Virgin Islands, Wash., Wis., Wyo.	TEX.—All except Alaska, C.Z., Guam, Hawaii, eN.Y., Puerto Rico, Virgin Islands.
Atlantic Mutual Insurance Company, New York, N.Y.	7,179	All except Ala., C.Z., Guam, Hawaii, Virgin Islands	N.Y.—D.C.
Auto-Owners Insurance Company, Lansing, Mich.	5,357	Ala., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., Mich., Minn., Mo., Nebr., N.C., N. Dak., Ohio, Pa., S.C., S. Dak., Tenn., Wis.	MICH.—D.C., nFla., Ill., Ind., Iowa, Minn., Mo., N. Dak., Ohio, S. Dak.
Balton Insurance Company, Newport Beach, Cal.	1,344	All except Ala., Ark., C.Z., Kans., La., Me., Mass., Miss., Nebr., N.H., N.J., N.C., N. Dak., Puerto Rico, R.I., S.C., S. Dak., Tenn., Va., Virgin Islands, W. Va., Wis.	CAL.—D.C.
Bankers Fire & Casualty Insurance Company, St. Petersburg, Fla.	86	Fla.	FLA.—D.C.
Bankers Multiple Line Insurance Company, Chicago, Ill.	981	All except C.Z., Del., Ga., Guam, Idaho, Kans., La., Me., Oreg., Puerto Rico, S.C., Tenn., Virgin Islands.	IOWA—D.C.
Bankers and Shippers Insurance Company of New York, Burlington, N.C.	507	All except C.Z., Conn., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—Ala., Ariz., Ark., Del., D.C., nFla., nGa., sInd., sIowa, sKy., Me., Mass., Mich., Minn., sMiss., wMo., N.H., N.J., sOhio, wOkla., R.I., S. Dak., nW. Tex., Wyo.
Boston Old Colony Insurance Company, New York, N.Y.	1,349	All except C.Z., Guam	MASS.—Ala., Alaska, Ark., nCal., Conn., Del., D.C., sFla., Ga., Hawaii, Idaho, Kans., La., Me., Md., Minn., Miss., eMo., Mont., Nebr., N. Mex., wseN.Y., N.C., S.C., Wyo.
The Buckeye Union Insurance Company, Columbus, Ohio.	8,379	D.C., Fla., Ill., Ind., Kans., Ky., Mich., Mo., N.Y., Ohio, Pa., Va., W. Va.	OHIO—D.C., Ill., Ind., Ky., Mich., Minn., Pa., eTenn., Va., W. Va.
The Camden Fire Insurance Association, Philadelphia, Pa.	6,126	Alaska, Ariz., Cal., C.Z., Colo., Conn., D.C., Fla., Ill., Ind., Iowa, Kans., Ky., Md., Mass., Mich., Minn., Mo., Nev., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Pa., R.I., Utah, Vt., W. Va., Wis., Wyo.	N.J.—D.C.
Capitol Indemnity Corporation, Madison, Wis.	254	Ariz., Fla., Ill., Ind., Iowa, La., Mich., Minn., Mont., N. Mex., N. Dak., Okla., S. Dak., Wis.	WIS.—D.C., mFla., nGa., Ill., Ind., Iowa, La., Mich., Minn., wMo., Mont., N. Dak., wOkla.
Cascade Insurance Company, Philadelphia, Pa.	250	Alaska, Ariz., Cal., Colo., D.C., Hawaii, Idaho, Ind., Minn., Mont., Nev., Oreg., Utah, Wash.	WASH.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
The Cellina Mutual Insurance Company, Cellina, Ohio.	870	Colo., Ill., Ind., Kans., Ky., Mich., Ohio, Pa., W. Va.	OHIO—D.C.
Centennial Insurance Company, New York, N.Y.	2,388	All except Ala., C.Z., Guam, Virgin Islands	N.Y.—D.C.
Century Indemnity Company, Hartford, Conn.	580	All except Ala., C.Z., Del., Guam, Oreg., Virgin Islands	CONN.—D.C., Md., wPa.
The Charter Oak Fire Insurance Company, Hartford, Conn.	2,600	All except C.Z., Guam, Virgin Islands	CONN.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
The Cincinnati Insurance Company, Cincinnati, Ohio.	2,734	Ala., Ariz., Fla., Ga., Ill., Ind., Ky., Mich., Ohio, Pa., Tenn.	OHIO—mAla., D.C., sFla., nGa., sInd., Ky.
Colonial Surety Company, Philadelphia, Pa.	206	Del., N.J., Pa.	PA.—D.C.
Commercial Insurance Company of Newark, N.J., New York, N.Y.	3,798	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.J.—All except Guam.
Commercial Standard Insurance Company, Fort Worth, Tex.	835	All except C.Z., Conn., Del., Guam, Hawaii, Me., Mass., Mich., N.H., N.J., N.Y., Pa., Puerto Rico, R.I., Vt., Virgin Islands, W. Va.	TEX.—All except Alaska, C.Z., Guam, Hawaii, Minn., Miss., Puerto Rico, S. Dak., Virgin Islands.
Commercial Union Insurance Company, Boston, Mass. ¹	29,245	All except Guam	MASS.—All except C.Z., Guam.
The Connecticut Indemnity Company, Hartford, Conn.	901	All except Alaska, C.Z., Del., Guam, Hawaii, Oreg., Puerto Rico, S.C., Virgin Islands	CONN.—All except Alaska, eCal., C.Z., Guam, Hawaii, Oreg., Virgin Islands, Wash.
Consolidated Insurance Company, Indianapolis, Ind.	402	Ill., Ind., Ky., Mich., Ohio	IND.—D.C., Ill., Ky., Mich., Ohio.
Consolidated Mutual Insurance Company, Brooklyn, N.Y.	1,938	All except Ala., Alaska, C.Z., Del., Guam, La.	N.Y.—D.C.
Continental Casualty Company, Chicago, Ill.	39,624	All except Guam	ILL.—All except C.Z., Guam, Virgin Islands.
The Continental Insurance Company, New York, N.Y.	65,391	All	N.Y.—All except Guam.
Cornhusker Casualty Company, Omaha, Nebr.	567	Colo., Iowa, Nebr., S. Dak.	NEBR.—D.C.
Cosmopolitan Mutual Insurance Company, New York, N.Y.	736	All except Alaska, Ariz., C.Z., Colo., Del., Guam, Hawaii, Idaho, Iowa, Kans., Minn., Miss., Mont., Nebr., Nev., N. Mex., N. Dak., Ohio, Oreg., S. Dak., Utah, Virgin Islands, Wash., Wyo.	N.Y.—D.C.
Cotton States Mutual Insurance Company, Atlanta, Ga.	1,242	Ala., Fla., Ga.	GA.—Ala., D.C., Fla.
Covenant Mutual Insurance Company, Hartford, Conn.	1,257	Cal., Conn., N.H., Oreg., Wash.	CONN.—eCal., D.C.
Cumulis Insurance Society, Inc., Madison, Wis.	546	All except Guam	WIS.—nAla., Colo., D.C., Fla., Ill., Md., Mich., Nev., Utah.
Dependable Insurance Company, Inc., Jacksonville, Fla.	247	Ala., Fla., Ga., Miss., Va.	FLA.—D.C.
Emeco Insurance Company, South Bend, Ind.	2,260	All except C.Z., Conn., Guam, Mass., Puerto Rico, Virgin Islands	IND.—D.C.
Empire Fire and Marine Insurance Company, Omaha, Nebr.	717	Ala., Alaska, Ariz., Colo., Ga., Hawaii, Idaho, Ill., Ind., Iowa, Kans., Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Ohio, Okla., S. Dak., Utah, Vt., Wash., Wyo.	NEBR.—D.C.
The Employers' Fire Insurance Company, Boston, Mass.	3,162	All except Guam	MASS.—All except C.Z., Guam.
Employers Mutual Casualty Company, Des Moines, Iowa.	3,314	All except Ala., C.Z., Guam, La., Puerto Rico, Virgin Islands	IOWA—Alaska, Colo., D.C., Ill., Ind., Kans., Md., Minn., Miss., Mo., Nebr., N.C., N. Dak., Ohio, Okla., Oreg., Pa., S.C., S. Dak., Wis.
Employers Mutual Liability Insurance Company of Wisconsin, Wausau, Wis.	15,885	All except C.Z., Virgin Islands	WIS.—nCal., D.C., Idaho, Minn., Mont., Oreg., Wash.
Employers Reinsurance Corporation, Kansas City, Mo.	7,307	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands	MO.—All except Guam.

¹See footnotes at end of table.

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Farmers Alliance Mutual Insurance Company, McPherson, Kans.	1,126	Ark., Colo., Idaho, Ill., Iowa, Kans., Md., Mass., Mich., Mo., Nebr., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., S.C., S. Dak., Tex., Vt., Wyo.	KANS.—Colo., D.C., Mo., Nebr., N. Mex., N. Dak., Okla., S. Dak., Tex.
Farmers Elevator Mutual Insurance Company, Des Moines, Iowa	757	Colo., Ill., Iowa, Kans., Minn., Mo., Nebr., N. Dak., Okla., S. Dak., Tex., Wyo.	IOWA—Colo., D.C., Ill., Kans., Nebr., Okla., S. Dak.
Farmers Home Mutual Insurance Company, Minneapolis, Minn.	958	Alaska, Ariz., Cal., Colo., Idaho, Iowa, Mich., Minn., Mont., Nev., N. Dak., Oreg., S. Dak., Utah, Wash., Wis., Wyo.	MINN.—Alaska, Ariz., Cal., D.C., Nev., Utah.
Farmers Mutual Hill Insurance Company of Iowa, Des Moines, Iowa	2,022	Iowa	IOWA—D.C.
Federal Insurance Company, New York, N.Y.	25,068	All	N.J.—All
Federated Mutual Insurance Company, Owatonna, Minn.	3,218	All except Alaska, C.Z., Del., Guam, Me., Puerto Rico, Virgin Islands	MINN.—Ala., Ark., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., Miss., Mo., Mont., Nebr., N.C., N. Dak., Okla., S.C., S. Dak., Tenn., Va., W. Va., Wis.
The Fidelity and Casualty Company of New York, New York, N.Y.	9,936	All except Guam, Virgin Islands	N.Y.—All except Guam, Hawaii, Virgin Islands.
Fidelity and Deposit Company of Maryland, Baltimore, Md.	11,776	All except Guam	MD.—All except Guam.
Financial Indemnity Company, Los Angeles, Cal.	836	Ariz., Cal., Colo., Mo., Oreg., Wash.	CAL.—Ariz., Colo., D.C., wMo., Oreg.
Fireman's Fund Insurance Company, San Francisco, Cal.	55,013	All except C.Z.	CAL.—All
Firemen's Insurance Company of Newark, New Jersey, New York, N.Y.	22,848	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.J.—All except C.Z.
First General Insurance Company, Philadelphia, Pennsylvania*	197	Ariz., Ark., Cal., Colo., Del., D.C., Fla., Ga., Idaho, Ill., Ind., Md., Miss., Mo., Nev., N.J., N.C., Pa., R.I., Tex., Utah, Wash., Wis.	GA.—
First Insurance Company of Hawaii, Ltd., Honolulu, Hawaii	1,130	Alaska, Cal., Colo., Hawaii, Ill., Ind., Minn., Mo., Oreg., Utah, Wash.	HAWAII—D.C.
First National Insurance Company of America, Seattle, Wash.	1,648	All except C.Z., Conn., Del., Guam, Hawaii, N.H., Puerto Rico, Vt., Virgin Islands	WASH.—All except C.Z., Del., Guam, Hawaii, La., Me., N.H., Puerto Rico, Vt., Virgin Islands.
General Fire and Casualty Company, Carle Place, N.Y.	668	All except C.Z., Puerto Rico	N.Y.—D.C.
General Insurance Company of America, Seattle, Wash.	6,263	All except Virgin Islands	WASH.—All
General Reinsurance Corporation, New York, N.Y.	23,479	All except C.Z., Guam, Hawaii, Nev., Pa., Puerto Rico, Virgin Islands	DEL.—All except C.Z., Guam, Virgin Islands.
The Glens Falls Insurance Company, New York, N.Y.	8,825	All except C.Z., Guam, Virgin Islands	N.Y.—D.C.
Globe Indemnity Company, New York, N.Y.	9,821	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.Y.—All except Alaska, Guam, Virgin Islands.
Grain Dealers Mutual Insurance Company, Indianapolis, Ind.	1,150	All except Ala., Alaska, C.Z., Conn., Del., D.C., Fla., Guam, Hawaii, Idaho, Me., Md., Mass., Mont., N.H., N. Dak., Oreg., Puerto Rico, R.I., Utah, Vt., Virgin Islands	IND.—Ark., Colo., D.C., Ill., Iowa, Kans., Nebr., Ohio, wOkla.
Granite State Insurance Company, Manchester, N.H.	637	All except C.Z., Conn., Del., Guam, Hawaii, Idaho, Puerto Rico, Virgin Islands	N.H.—All except Guam, Puerto Rico.
Great American Insurance Company, Los Angeles, Cal.	15,315	All except C.Z., Guam	N.Y.—All
Great Northern Insurance Company, Minneapolis, Minn.	1,251	Ariz., Colo., Ill., Ind., Iowa, Minn., Mo., Mont., Nebr., Nev., N. Mex., N.Y., N. Dak., S. Dak., Vt., Wis., Wyo.	MINN.—D.C., nIll., Iowa, Mo., Mont., N. Dak., S. Dak., Wis.
Greater New York Mutual Insurance Company, New York, N.Y.	4,070	All except Alaska, Ark., C.Z., Del., Guam, Hawaii, La., S.C., Virgin Islands	N.Y.—D.C.
Gulf American Fire and Casualty Company, Montgomery, Ala.	334	Ala., Fla., Ga., La., Miss., S.C., Tenn.	ALA.—Alaska, D.C., nGa., nMiss.
Gulf Insurance Company, Dallas, Tex.	7,170	All except C.Z., Conn., Del., Guam, Idaho, Puerto Rico, Virgin Islands	MO.—All except C.Z., Guam, Hawaii, N.J., nN.Y., Puerto Rico, Virgin Islands.
The Hamilton Mutual Insurance Company of Cincinnati, Ohio, Cincinnati, Ohio	538	Ind., Ky., Mich., Ohio	OHIO—D.C.
The Hanover Insurance Company, Worcester, Mass.	6,711	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.H.—All except Guam.
Hartford Accident and Indemnity Company, Hartford, Conn.	35,688	All except Guam	CONN.—All except Guam, Virgin Islands.
Hartford Casualty Insurance Company, Hartford, Conn.	3,762	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.J.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Hartford Fire Insurance Company, Hartford, Conn.	86,661	All except C.Z.	CONN.—Ariz., Cal., D.C., Guam, Hawaii, La., N.Y., Va.
Hawkeye-Security Insurance Company, Des Moines, Iowa	1,117	Ariz., Colo., D.C., Idaho, Ill., Ind., Iowa, Kans., Md., Mich., Minn., Mo., Mont., Nebr., Nev., N.J., N. Mex., N. Dak., Ohio, Okla., Pa., S. Dak., Tex., Utah, Wis., Wyo.	IOWA—Colo., D.C., nFla., Ill., sInd., Kans., wMich., Mo., Nebr., N. Mex., S. Dak., Wyo.
Highland Insurance Company Houston, Tex.	4,420	All except C.Z., Guam, Hawaii, N.H., Puerto Rico, Virgin Islands	TEX.—All except nAla., wArk., esCal., C.Z., Conn., Del., nFla., nGa., Guam, Hawaii, esIll., nInd., nIowa, Ky., Mass., wMich., nMiss., wMo., Nev., N.H., nN.Y., N.C., nOkla., nPa., Puerto Rico, R.I., nTenn., wVa., Virgin Islands, eWash., nW. Va., eWis.
Highlands Underwriters Insurance Company, Houston, Tex.	247	Ark., Cal., La., Tex.	TEX.—D.C.
The Home Indemnity Company, Inc., New York, N.Y.*	6,687	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.H.—
The Home Insurance Company, New York, N.Y.	27,968	All except C.Z., Virgin Islands	N.Y.—Alaska, D.C., Guam, Oreg., wPa., Puerto Rico, S.C., wWash.
Houston General Insurance Company, Fort Worth, Tex.	796	All except Alaska, C.Z., Conn., Del., Guam, Hawaii, Me., Md., Mass., Mich., Mont., N.H., N.J., N.Y., N.C., Oreg., Puerto Rico, R.I., S.C., Vt., Virgin Islands, W. Va.	TEX.—Ala., Ariz., Ark., Cal., Colo., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Minn., Miss., Mo., Nebr., Nev., N. Mex., N. Dak., Ohio, Okla., Pa., S. Dak., Tenn., Utah, Va., Wash.
Hudson Insurance Company, New York, N.Y.	600	Iowa, N.Y., Utah	N.Y.—D.C.
INA Reinsurance Company, Philadelphia, Pa.	2,940	All except Ariz., C.Z., Conn., Guam, Hawaii, Ill., Kans., Me., Miss., N.Y., Tenn., Virgin Islands, Wash., Wyo.	DEL.—D.C.
Illinois National Insurance Co., Springfield, Ill.	815	Ill., Ind., Iowa, Ky., Mo., Nebr., N. Mex., Ohio, Tex.	ILL.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Imperial Insurance Company, Los Angeles, Cal.	1,308	Ala., Ariz., Cal., Hawaii, Ind., Iowa, La., Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., N.Y., N. Dak., Okla., Oreg., S.C., Utah, Va., Wash.	CAL.—D.C.

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Indiana Bonding and Surety Company, Indianapolis, Ind.	114	D.C., Ind.	IND.—D.C.
Indiana Insurance Company, Indianapolis, Ind.	2,681	Ill., Ind., Ky., Mich., Ohio, Wis.	IND.—D.C., Ill., Ky., Mich., Ohio.
Industrial Indemnity Company, San Francisco, Cal.	4,980	All except Ala., C.Z., Conn., Guam, Ohio, Puerto Rico, Virgin Islands, W. Va.	CAL.—Alaska, Ariz., Ark., Colo., D.C., Fla., Ga., Hawaii, Idaho, Ill., Ind., Md., Mich., Mo., Mont., Nev., N.J., N. Mex., N.C., Okla., Ore., S. Dak., Tenn., Tex., Utah, Wash., Wyo.
Inland Insurance Company, Lincoln, Nebr.	548	Colo., Iowa, Kans., Minn., Nebr., N. Dak., Okla., S. Dak., Wyo.	NEBR.—Ariz., Ark., Colo., D.C., Ill., Iowa, Kans., Ky., Minn., Mo., Mont., Nev., N. Mex., N. Dak., Ohio, Okla., Ore., S. Dak., Tex., Utah, Wash., Wyo.
Insurance Company of North America, Philadelphia, Pa. The Insurance Company of the State of Pennsylvania, New York, N.Y.	72,151	All	PA.—All
Integrity Mutual Insurance Company, Appleton, Wis.	307	Iowa, Minn., Wis.	WIS.—D.C., Kans., Minn., W. Mo., N. Dak.
International Fidelity Insurance Company, Newark, N.J.	92	Alaska, Ariz., Del., Ill., Mass., Mich., Nev., N.J., N. Mex., N.Y., Okla., Ore., Pa., Tex.	N.J.—Ariz., Del., D.C., Ga., Ill., Ind., Iowa, Md., Mass., Minn., Nev., N.Y., N. Dak., N. Okla., S. Dak., N. Tex., Va., Wyo.
International Insurance Company, Morristown, N.J.	1,956	All except C.Z., Del., Guam, Hawaii, La., Miss., S.C., Virgin Islands.	ILL.—All except Alaska, C.Z., Conn., Del., Guam, Me., Md., Mass., N.H., N.J., Ohio, Pa., Puerto Rico, R.I., Tenn., Va., Virgin Islands, W. Va.
International Service Insurance Company, Fort Worth, Tex.	1,162	Alaska, Cal., C.Z., Nebr., N. Mex., Tex.	TEX.—D.C.
Iowa Mutual Insurance Company, Des Moines, Iowa.	1,025	Colo., Idaho, Ill., Iowa, Kans., Minn., Mo., Mont., Nebr., N.C., N. Dak., Okla., S.C., S. Dak., Wash., Wis., Wyo.	IOWA—Ala., Colo., D.C., Ill., Kans., Minn., Mont., Nebr., N.C., N. Okla., Ore., S. Dak.
John Deere Insurance Company, Moline, Ill.	319	All except Del., Virgin Islands.	N.Y.—All except Ala., C.Z., Del., Guam, Idaho, Puerto Rico, Virgin Islands, W. Va.
The Kansas Bankers Surety Company, Topeka, Kans.	95	Kans.	KANS.—D.C.
Kansas City Fire and Marine Insurance Company, New York, N.Y.	824	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	MO.—Ala., Alaska, Ark., Colo., D.C., Fla., Ga., Ill., Iowa, Kans., Minn., Nebr., Okla., S.C., Tex., Va., Wis., Wyo.
Lakeland Fire and Casualty Company, Minneapolis, Minn.	298	Minn.	MINN.—D.C.
Lawyers Surety Corporation, Dallas, Tex.	296	Okla., Tex.	TEX.—D.C.
Leatherby Insurance Company, Fullerton, Cal.	2,740	Alaska, Ariz., Cal., Colo., Fla., Hawaii, Idaho, Ind., Me., Minn., Mont., Nev., N. Mex., N.Y., N.C., Ohio, Okla., Ore., S.C., Utah, Va., Wash.	N.Y.—Ariz., Cal., Colo., D.C., Fla., Ga., Hawaii, Idaho, Ind., Md., Mass., Mont., Nev., N.J., N. Mex., N.C., Ohio, Ore., S.C., Utah, Va., Wash., Wyo.
Liberty Mutual Insurance Company, Boston, Mass.	30,875	All except Virgin Islands.	MASS.—All except C.Z., Guam.
London Guarantee & Accident Company of New York, New York, N.Y.	2,220	All except Alaska, Ariz., C.Z., Conn., Guam, Idaho, Kans., La., N. Dak., Ore., Puerto Rico, Virgin Islands.	N.Y.—D.C.
Lumbermen Mutual Casualty Company, Long Grove, Ill.	13,200	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	ILL.—All except C.Z., Guam, Virgin Islands.
MGIC Indemnity Corporation, Milwaukee, Wis.	1,066	All except Ala., Cal., C.Z., Guam, Hawaii, Kans., La., N.H., Ore., Puerto Rico, S.C., Virgin Islands, W. Va.	N.Y.—D.C.
Maine Bonding and Casualty Company, Portland, Me.	707	Me., Mass., N.H., Vt.	ME.—Conn., D.C., Mass., N.H., R.I., Vt.
The Manhattan Fire and Marine Insurance Company, Stamford, Conn.	443	All except Alaska, C.Z., Conn., Del., Guam, La., Ore., S.C., Tenn., Virgin Islands.	N.Y.—D.C.
Maryland American General Insurance Company, Houston, Tex.	1,175	N. Mex., Tex.	TEX.—D.C., La., N. Mex., Okla.
Maryland Casualty Company, Baltimore, Md.	18,280	All except Guam.	MD.—All except Guam.
Massachusetts Bay Insurance Company, Worcester, Mass.	475	All except Ala., Alaska, Ariz., Ark., C.Z., Del., Guam, Hawaii, Idaho, Ky., La., Miss., Mont., Nev., N. Mex., N. Dak., Ore., Puerto Rico, S. Dak., Utah, Virgin Islands, W. Va.	MASS.—Colo., D.C., Fla., Ga., Ind., Iowa, Kans., Ky., Me., Md., Mich., N.H., Ohio, Okla., Pa., R.I., S.C., Tenn., Tex., Vt., Wash., Wis., Wyo.
Merchants Mutual Bonding Company, Des Moines, Iowa.	52	Ariz., Iowa, Kans., Mont., Nebr., N. Dak., Okla., S. Dak., Tex.	IOWA—D.C., Ill., Nebr., W. Okla.
Michigan Millers Mutual Insurance Company, Lansing, Mich.	2,037	All except Ala., Alaska, Ariz., C.Z., Ga., Guam, Hawaii, Idaho, La., Nev., N. Mex., Ore., Puerto Rico, Virgin Islands, W. Va., Wyo.	MICH.—Ark., Cal., Colo., D.C., Ill., Ind., Iowa, Kans., Ky., Minn., Miss., Mo., Mont., Nebr., N. Dak., N. Okla., S. Dak., Tenn., Utah, Wash., Wyo.
Mid-Century Insurance Company, Los Angeles, Cal.	1,366	All except Ala., Alaska, C.Z., Conn., Del., D.C., Guam, Hawaii, Ky., La., Me., Md., Mass., Miss., N.H., N.J., N.Y., N.C., Pa., Puerto Rico, R.I., S.C., Tenn., Va., Virgin Islands, W. Va.	CAL.—Ariz., Ark., Colo., D.C., Idaho, Ill., Ind., Iowa, Kans., Mich., Minn., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Okla., Ore., S. Dak., Tex., Utah, Wash., Wis., Wyo.
Midland Insurance Company, New York, N.Y.	1,292	All except C.Z., Guam, Virgin Islands.	N.Y.—D.C., Kans., Nebr., N. Okla., Pa.
Mid-States Insurance Company, Chicago, Ill.	230	Ala., Ariz., Cal., Colo., Ga., Idaho, Ill., Ind., Ky., La., Mich., Minn., Miss., Nebr., Nev., N. Mex., N.C., Ohio, Okla., S.C., Tenn., Tex., Utah, Wash., Wis.	ILL.—
Midwestern Casualty & Surety Company, West Des Moines, Iowa.	69	Iowa	IOWA—D.C.
The Millers Casualty Insurance Company of Texas, Fort Worth, Tex.	232	Ark., Colo., D.C., Idaho, La., Miss., Mo., Mont., N. Mex., Okla., Tex., Wyo.	TEX.—Ark., D.C., Fla., La., Miss., Mo., N. Mex., Okla.
The Millers Mutual Fire Insurance Company of Texas, Fort Worth, Tex.	1,228	All except Alaska, C.Z., Conn., Del., Guam, Hawaii, Me., Md., Nev., N.H., N.C., Puerto Rico, R.I., S.C., Va., Virgin Islands, W. Va.	TEX.—All except Ala., Alaska, C.Z., Conn., Del., Guam, Hawaii, Idaho, Me., Md., Nev., N.H., N.C., Puerto Rico, R.I., S.C., Va., Virgin Islands, Wash., W. Va., Wyo.
Millers' Mutual Insurance Association of Illinois, Alton, Ill.	2,468	All except Ala., Alaska, Ariz., Cal., C.Z., Conn., Del., D.C., Guam, Hawaii, Idaho, Ky., La., Me., Mass., Miss., Nebr., Nev., N.H., N. Mex., Ore., Puerto Rico, R.I., Tenn., Utah, Virgin Islands.	ILL.—Ala., Ark., Colo., D.C., Ind., Iowa, Kans., Minn., Mo., Mont., N. Dak., S. Dak.
Millers National Insurance Company, Chicago, Illinois.	729	All except Alaska, C.Z., Colo., Conn., Del., Guam, Hawaii, La., Me., Miss., Nev., N.H., Puerto Rico, Va., Virgin Islands.	ILL.—Ariz., Cal., Colo., D.C., Ind., Iowa, Kans., Ky., Mass., Mich., Minn., Mo., Mont., Nev., N. Mex., N. Dak., R.I., S. Dak., N. Tex., Utah, Wash., Wyo.
Mission Insurance Company, Los Angeles, Cal.	2,011	Ala., Alaska, Ariz., Cal., Colo., Hawaii, Idaho, Ill., Iowa, La., Miss., Mo., Mont., Nev., N. Mex., N.Y., Okla., Ore., Tex., Wash.	CAL.—Ariz., D.C., Ore., Wash.

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Mobawk Insurance Company, Allentown, Pa. ^{7*}	238	All except Ariz., C.Z., Conn., Del., Guam, Hawaii, Mo., N. Mex., Virgin Islands, Wyo.	N.Y.—D.C.
National Automobile and Casualty Insurance Company, Los Angeles, Cal.	441	Alaska, Ariz., Cal., Colo., Hawaii, Idaho, Ill., Ind., Kans., Ky., La., Mich., Mo., Mont., Nev., N. Mex., Okla., Oreg., Tenn., Tex., Utah, Wash., Wyo.	CAL.—All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
National-Ben Franklin Insurance Company of Illinois, New York, N.Y.	2,960	D.C., Ill., Ind., Iowa, Ky., Minn., N.Y., N. Dak., Wis.	ILL.—
National Bonding and Accident Insurance Company, St. Louis, Mo.	165	Colo., Del., D.C., Idaho, Ind., Iowa, Kans., Minn., Mo., N. Mex., N.Y., N. Dak., Oreg., R.I., S. Dak., Tex., Utah, Va., Wash.	N.Y.—D.C., eMo.
National Fire Insurance Company of Hartford, Chicago, Ill.	14,904	All except C.Z., Guam, Virgin Islands.	CONN.—All except Ariz., C.Z., Guam, Nev., Virgin Islands.
National Grange Mutual Insurance Company, Keene, N.H.	3,522	Conn., Del., D.C., Ill., Ind., Me., Md., Mass., Mich., N.H., N.J., N.Y., N.C., Ohio, Pa., R.I., S.C., Tenn., Vt., Va., W. Va., Wis.	N.H.—All except Alaska, C.Z., Guam, Hawaii, Virgin Islands.
National Indemnity Company, Omaha, Neb.	3,457	All except C.Z., Guam, Hawaii, Mass., N.Y., Puerto Rico, Vt., Virgin Islands.	NEBR.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
The National Reinsurance Corporation, New York, N.Y.	5,231	All except Ala., C.Z., Conn., Fla., Ga., Guam, La., Me., Miss., Mo., N.C., Oreg., Puerto Rico, S.C., S. Dak., Tenn., Va., Virgin Islands.	N.Y.—D.C., sOhio.
National Standard Insurance Company, Houston, Tex.	414	La., N. Mex., Tex.	TEX.—D.C.
National Surety Corporation, San Francisco, California ^{8*}	9,550	All except Puerto Rico.	ILL.—All except Guam, Mass., nOhio, Puerto Rico, nTex., Virgin Islands.
National Union Fire Insurance Company of Pittsburgh, Pa., New York, N.Y.	2,170	All except C.Z., Guam, Puerto Rico, Virgin Islands.	PA.—All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands.
Nationwide Mutual Insurance Company, Columbus, Ohio.	21,461	All except C.Z., Guam, Hawaii.	OHIO—D.C.
New Hampshire Insurance Company, Manchester, N.H.	9,332	All except C.Z., Guam, Puerto Rico, Virgin Islands.	N.H.—All except Guam.
New York Underwriters Insurance Company, Hartford, Conn.	3,070	All except C.Z., Guam, Puerto Rico, Virgin Islands.	N.Y.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Newark Insurance Company, New York, N.Y.	2,931	All except C.Z., Guam, Oreg., Puerto Rico, Virgin Islands.	N.J.—All except Alaska, nCal., C.Z., Guam, Hawaii, Idaho, Virgin Islands, Wyo.
Niagara Fire Insurance Company, New York, N.Y.	2,028	All except C.Z., Guam.	N.Y.—All except C.Z., Guam.
North American Reinsurance Corporation, New York, N.Y.	6,037	All.	N.Y.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
The North River Insurance Company, Morristown, N.J.	6,836	All except C.Z., Guam, Virgin Islands.	N.J.—All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Northeastern Insurance Company of Hartford, Des Moines, Iowa	1,278	Cal., Colo., Conn., Ill., Iowa, N.H., N.J., N.Y., Ohio, Tex., W. Va.	CONN.—D.C.
The Northern Assurance Company of America, Boston, Mass.	2,306	All.	MASS.—All except C.Z., Guam, Virgin Islands, sW. Va.
Northern Insurance Company of New York, Baltimore, Md.	3,355	All except C.Z., Guam, Hawaii, La., Puerto Rico, Virgin Islands.	N.Y.—D.C., eMe.
Northwestern National Casualty Company, Milwaukee, Wis.	1,077	All except Alaska, C.Z., Conn., Del., Guam, Hawaii, La., Me., Mass., Miss., Nev., N.H., N.J., N.Y., N.C., N. Dak., Puerto Rico, S. Dak., Tenn., Vt., Virgin Islands.	WIS.—nAla., Ariz., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., Md., Mich., Minn., Mo., Mont., Neb., N. Mex., Ohio, Okla., Pa., R.I., S. Dak., nTex., Wash., W. Va., Wyo.
Northwestern National Insurance Company of Milwaukee, Wisconsin, Milwaukee, Wis.	3,768	All except C.Z., Guam, Virgin Islands.	WIS.—All except C.Z., Guam, Virgin Islands.
The Ohio Casualty Insurance Company, Hamilton, Ohio	10,364	All except C.Z., Guam, Puerto Rico, Virgin Islands.	OHIO—All except C.Z., Guam.
Ohio Farmers Insurance Company, Westfield Center, Ohio.	4,211	All except Alaska, C.Z., Conn., Guam, Hawaii, Kans., La., Me., Puerto Rico, Virgin Islands.	OHIO—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Oklahoma Surety Company, Tulsa, Okla.	101	Okla.	OKLA.—D.C.
Oregon Automobile Insurance Company, Portland, Oreg.	1,459	Cal., Idaho, Nev., Oreg., Utah, Wash.	OREG.—Cal., D.C., Hawaii, Idaho, Nev., Utah, Wash.
Pacific Employers Insurance Company, Los Angeles, Cal.	3,078	All.	CAL.—Ariz., Conn., Del., D.C., sFla., wKy., Md., Mass., N. Mex., N.Y., Ohio, R.I., wTex., W. Va., Wis.
Pacific Indemnity Company, Los Angeles, Cal.	5,676	All except C.Z., Guam, Virgin Islands.	CAL.—All except Conn., Guam, Me., N.H., Vt., Virgin Islands.
Pacific Insurance Company, New York, N.Y.	4,189	Alaska, Ariz., Ark., Cal., Colo., D.C., Fla., Hawaii, Idaho, Ill., Ind., Iowa, Mich., Mont., Nev., N.J., N. Mex., N.Y., N.C., Okla., Tex., Utah, Va., Wash., Wyo.	CAL.—D.C.
Pacific Insurance Company, Limited, Honolulu, Hawaii	1,604	Guam, Hawaii.	HAWAII—D.C.
Parliament Insurance Company, Chicago, Ill.	326	Ariz., Cal., Fla., Ill., Mo.	ILL.—D.C., Md., eMich., ePa.
Peerless Insurance Company, Keene, N.H.	1,525	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.H.—All except Guam, Hawaii, Virgin Islands.
Pekin Insurance Company, Pekin, Ill.	225	Ill., Ind., Iowa.	ILL.—D.C., Ind., Iowa.
Pennsylvania Manufacturers' Association Insurance Company, Philadelphia, Pa.	3,945	Del., D.C., Md., Mass., N.J., N.Y., Ohio, Pa., W. Va.	PA.—D.C.
Pennsylvania Millers Mutual Insurance Company, Wilkes-Barre, Pa.	1,344	D.C., Pa.	PA.—D.C.
Pennsylvania National Mutual Casualty Insurance Company, Harrisburg, Pa.	3,116	All except Alaska, Ariz., Cal., C.Z., Conn., Guam, Hawaii, Idaho, Ill., Me., Mass., Nev., N.H., N.Y., N. Dak., Oreg., Puerto Rico, S. Dak., Virgin Islands, Wash., Wyo.	PA.—D.C., Kans., Md., Mo., N.J., N.C., Okla., Tenn., Va.
Phoenix Assurance Company of New York, New York, N.Y.	4,871	All except C.Z., Guam, Virgin Islands.	N.Y.—All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands.
The Phoenix Insurance Company, Hartford, Conn.	23,300	All except C.Z., Guam, Puerto Rico.	CONN.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Planet Insurance Company, Philadelphia, Pa.	565	All except C.Z., Conn., Guam, Hawaii, Md., Puerto Rico, Virgin Islands.	WIS.—All except C.Z., Guam, Virgin Islands.
Potomac Insurance Company, Philadelphia, Pa.	11,211	Ariz., Cal., Colo., Conn., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Md., Mass., Mich., Minn., Miss., Mo., Neb., N.J., N. Mex., N.Y., N.C., Ohio, Okla., Oreg., Pa., R.I., Tenn., Tex., Utah, Va., Wash., W. Va., Wis., Wyo.	PA.—All except Ala., Alaska, Ark., C.Z., Del., Guam, Hawaii, Idaho, Me., Mont., Nev., N.H., N. Dak., Oreg., Puerto Rico, S. Dak., Vt., Virgin Islands.
Progressive Casualty Insurance Company, Cleveland, Ohio	1,815	All except Ariz., C.Z., Conn., Del., D.C., Guam, Hawaii, Ill., Kans., La., Md., Neb., N.H., N.Y., Pa., Puerto Rico, S.C., Tex., Utah, Va., Virgin Islands, W. Va., Wis.	OHIO—D.C.

* See footnotes at end of table.

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
The Progressive Mutual Insurance Company, Cleveland, Ohio	651	N.J., Ohio	OHIO—D.C.
Protective Insurance Company, Indianapolis, Ind.	1,167	All except C.E., Guam, Hawaii, Puerto Rico, Virgin Islands	IND.—D.C.
The Prudential Insurance Company of Great Britain Located in New York, New York, N.Y.	1,131	Cal., D.C., N.Y., Ohio, Pa., Wis.	N.Y.—D.C.
Public Service Mutual Insurance Company, New York, N.Y.	2,460	Conn., Del., D.C., Fla., Ga., Idaho, Ill., Iowa, Me., Md., Mass., Mich., Minn., N.H., N.J., N.Y., N.C., Pa., R.I., Vt., Va., W. Va., Wis.	N.Y.—D.C., sFla., nJ., sPa., wTex.
Puerto Rican-American Insurance Company, San Juan, Puerto Rico	789	Puerto Rico, Virgin Islands	PUERTO RICO—D.C.
The Reinsurance Corporation of New York, New York, N.Y.	4,278	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands. (In Fla., Mass., Va., licensed for co-surety only.)	N.Y.—D.C.
Reliance Insurance Company, Philadelphia, Pa.	25,592	All except Guam	PA.—All except Guam.
Republic Insurance Company, Dallas, Tex.	6,194	All except Ala., C.Z., Fla., Guam, Hawaii, Me., Mass., Mont., N.H., N. Dak., R.I., S.C., S. Dak., Vt., Virgin Islands, Wyo.	TEX.—D.C.
Reserve Insurance Company, Chicago, Ill.	2,783	All except C.Z., Conn., Guam, N.Y., Puerto Rico, S.C., Virgin Islands	ILL.—All except C.Z., Conn., Guam, Hawaii, N.Y., Puerto Rico, Virgin Islands
Resolute Insurance Company, Hartford, Conn.	1,096	All except Alaska, C.Z., Ill., La., Me., N.H., N.Y., Pa., Puerto Rico, R.I., S.C., Vt., Virgin Islands, W. Va., Wis.	R.I.—All except wArk., C.Z., mGa., Guam, Hawaii, La., Me., wMich., nMiss., nN.Y., N.C., Oreg., Puerto Rico, S.C., S. Dak., wTenn., Utah, Vt., wVa., Virgin Islands, nW. Va., wWis.
Royal Globe Insurance Company, New York, N.Y.	7,239	All except C.Z., Guam, Oreg., Puerto Rico, Virgin Islands	ILL.—
Royal Indemnity Company, New York, N.Y.	7,567	All	N.Y.—All except Guam, Virgin Islands.
Rural Mutual Insurance Company, Madison, Wis.	737	D.C., Wis.	WIS.—D.C.
Safeco Insurance Company of America, Seattle, Wash.	13,858	All except C.Z., Me., Puerto Rico, Vt.	WASH.—All except C.Z., Mass., Puerto Rico, Virgin Islands
Safeguard Insurance Company, New York, N.Y.	2,708	All except Puerto Rico, Virgin Islands	CONN.—All except C.Z., Guam, nMiss., wOkla., Puerto Rico, Virgin Islands, W. Va.
St. Paul Fire and Marine Insurance Company, St. Paul, Minn.	32,478	All except C.Z., Guam	MINN.—All except Guam.
Seaboard Surety Company, New York, N.Y.	3,978	All	N.Y.—All
Security Insurance Company of Hartford, Hartford, Conn.	4,624	All except C.Z., Guam, Virgin Islands	CONN.—All except Alaska, sCal., C.Z., Guam, Hawaii sIll., sIowa, sTenn., Virgin Islands, sWash., sW. Va.
Security Mutual Casualty Company, Chicago, Ill.	693	All except Alaska, C.Z., Conn., Guam, Hawaii, Puerto Rico, S.C., Virgin Islands	ILL.—D.C.
Security National Insurance Company, Dallas, Tex.	428	Ark., Cal., Colo., Ga., Ind., Kans., Ky., Minn., N. Mex., N. Dak., Okla., S. Dak., Tex., Wash., Wis.	TEX.—All except C.Z., Guam, Mont.
Select Insurance Company, Dallas, Tex.	743	All except Ariz., Ark., C.Z., Conn., Del., Guam, Hawaii, Kans., Ky., La., Me., Md., Mass., N.H., N.Y., N. Dak., Pa., Puerto Rico, R.I., S.C., Tenn., Utah, Va., Virgin Islands, Wis.	TEX.—All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Sentry Indemnity Company, Stevens Point, Wis.	473	All except Alaska, C.Z., Conn., Del., D.C., Guam, Hawaii, Kans., Me., Mass., Mich., Nebr., N.H., N.J., N. Mex., N.Y., Pa., Puerto Rico, R.I., S.C., Utah, Vt., Va., Virgin Islands, W. Va., Wyo.	WIS.—Cal., D.C., msFla., eLa., wWash.
Sentry Insurance a Mutual Company, Stevens Point, Wis.	7,878	All except C.Z., Guam, Puerto Rico, Virgin Islands	WIS.—Cal., D.C., msFla., nGa., nIll., eLa., Me., Mass., Mich., sN.Y., sTex., wWash.
Sigal Insurance Company, Los Angeles, Cal.	1,480	Ariz., Cal., Fla., Iowa, Mont., Nev., N. Mex., N.C., Oreg., Utah, Wash.	CAL.—D.C.
South Carolina Insurance Company, Columbia, S.C.	1,550	Ariz., Cal., Colo., Fla., Ga., Ill., Ind., Iowa, Ky., Md., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.Y., N.C., Ohio, Okla., Pa., S.C., Tenn., Tex., Va., Wash. (Reinsurance only in Conn., N.J., and W. Va.)	S.C.—nmAla., D.C., Fla., Ga., N.C., Va.
The Standard Fire Insurance Company, Hartford, Conn.	3,781	All except C.Z., Del., Guam, N.J., Puerto Rico, Virgin Islands	CONN.—All
State Automobile Mutual Insurance Company, Columbus, Ohio	3,777	Ala., Fla., Ga., Ind., Ky., Md., Mich., Miss., Mo., N.J., N.C., Ohio, Pa., S.C., Tenn., Va., W. Va.	OHIO—Ala., D.C., Fla., Ga., Ky., Md., Mich., Miss., eMo., N.C., Pa., S.C., Tenn., Va., W. Va.
State Farm Fire and Casualty Company, Bloomington, Ill.	18,962	All except C.Z., Guam, Puerto Rico, Virgin Islands	ILL.—eCal., Colo., D.C., mGa., Md., Minn., nMiss., Mont., wOkla., mPa.
State Surety Company, Des Moines, Iowa	101	Colo., D.C., Iowa, Kans., Minn., Mo., Nebr., S. Dak.	IOWA—eArk., Colo., D.C., sFla., Ill., Kans., eLa., wMich., Minn., sMiss., Mo., Nebr., sN.Y., N. Dak., nOhio, wOkla., S. Dak.
Statesman Insurance Company, Indianapolis, Ind.	263	Ala., D.C., Fla., Ill., Ind., Iowa, Kans., Ky., La., Md., Minn., Miss., Mont., N. Mex., N. Dak., Pa., S. Dak., Tenn.	IND.—Ariz., eCal., Colo., D.C., Ill., nIowa, Kans., eLa., Minn., wMo., Mont., Nebr., N. Mex., N. Dak., nWOkla., wPa., S. Dak., neTex., Wyo.
The Stayvant Insurance Company, Allentown, Pa.	1,524	All except C.Z., Guam, Virgin Islands	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Virgin Islands
Summit Insurance Company of New York, Houston, Tex.	886	All except Ala., C.Z., Conn., D.C., Guam, Iowa, Kans., Ky., Md., Mich., Miss., Nebr., N.H., Puerto Rico, R.I., S. Dak., Tenn., Tex., Virgin Islands	N.Y.—Ariz., wArk., nCal., Colo., D.C., Fla., Ga., nIll., sInd., Mass., Minn., Mo., Mont., N.J., N.C., N. Dak., Ohio, nWOkla., wPa., S.C., Utah, eVa., Wyo.
Sun Insurance Company of New York, New York, N.Y.	1,203	All except Ala., Alaska, Ariz., Ark., C.Z., Colo., Fla., Ga., Guam, Hawaii, Idaho, Ind., Kans., Miss., Nebr., Nev., N.C., N. Dak., Puerto Rico, S.C., S. Dak., Utah, Virgin Islands, W. Va.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Surety Company of the Pacific, Los Angeles, Cal.	78	Cal.	CAL.—D.C.
Surety Insurance Company of California, La Habra, Cal.	51	Alaska, Cal., Colo., N. Mex., Tex.	CAL.—Alaska, Colo., D.C., N. Mex., Tex.
Traders & General Insurance Company, Fort Worth, Tex.	495	Colo., Kans., La., Miss., Mo., N. Mex., Okla., Tex.	TEX.—D.C.
Transamerica Insurance Company, Los Angeles, Cal.	10,461	All except Guam	CAL.—All except C.Z., Guam, Virgin Islands.
Transcontinental Insurance Company, Chicago, Ill.	3,172	All except C.Z., Del., Guam, Hawaii, La., Oreg., Virgin Islands	N.Y.—All except Alaska, C.Z., Del., msGa., Guam Hawaii, La., Miss., Oreg., S.C., Vt., Virgin Islands
Transport Indemnity Company, Los Angeles, Cal.	886	All except C.Z., Guam, Virgin Islands	CAL.—All except Alaska, C.Z., Guam, eKy., eLa., Nev., nN.Y., eOkla., Puerto Rico, mTenn., wVa., Virgin Islands, nW. Va.
Transportation Insurance Company, Chicago, Ill.	1,159	All except C.Z., Guam, Hawaii, Puerto Rico, S.C., Virgin Islands	ILL.—All except Alaska, nCal., C.Z., Conn., sFla., Guam, Hawaii, eKy., Minn., wMo., Nev., N.H., wN.Y., Ohio, ePa., Puerto Rico, S. Dak., Virgin Islands, wWash., nW. Va., Wis.
The Travelers Indemnity Company, Hartford, Conn.	36,400	All	CONN.—All except Guam.

* See footnotes at end of table.

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
The Travelers Indemnity Company of Rhode Island, Hartford, Conn.	2,000	All except C.Z., Guam, La., Ore.	R.I.—All except C.Z., Guam, Ill., W.Va., Puerto Rico, Virgin Islands.
Trinity Universal Insurance Company, Dallas, Tex.	3,414	All except Alaska, C.Z., Conn., Del., Fla., Hawaii, Me., Md., Mass., Mont., Nev., N.H., N.J., N.Y., Puerto Rico, R.I., S.C., Tenn., Utah, Vt., Va., Virgin Islands, W. Va., Wyo.	TEX.—All except Guam.
Tri-State Insurance Company, Tulsa, Okla.	457	All except Alaska, Cal., C.Z., Conn., Del., D.C., Guam, Hawaii, Me., Md., Mass., Mich., Nev., N.H., N.J., N.Y., N.C., Ohio, Ore., Pa., Puerto Rico, R.I., S.C., Va., Vt., Virgin Islands, W. Va., Wis.	OKLA.—All except Cal., C.Z., Conn., Del., Guam, Hawaii, Me., Md., Mass., Mich., N.H., N.J., N.Y., N.C., Ohio, Ore., Pa., Puerto Rico, R.I., S.C., Va., Vt., Virgin Islands, W. Va., Wis.
Twin City Fire Insurance Company, Hartford, Conn.	1,101	All except C.Z., Guam, Puerto Rico, Virgin Islands.	MINN.—Cal., Conn., D.C., La., Va.
Unigard Mutual Insurance Company, Seattle, Wash.	7,101	All except C.Z., Guam, Me., Puerto Rico, Virgin Islands.	WASH.—All except Alaska, C.Z., Guam, Hawaii, Mass., Puerto Rico, Virgin Islands.
United Fire & Casualty Company, Cedar Rapids, Iowa.	531	Colo., Ill., Ind., Iowa, Kans., Minn., Mo., Nebr., N. Dak., S. Dak., Wis., Wyo.	IOWA—D.C., Ill., Minn., Mo., Nebr., S. Dak., Wis.
United Pacific Insurance Company, Philadelphia, Pa.	3,848	All except C.Z., Guam, Puerto Rico, S.C., Virgin Islands.	WASH.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
United States Fidelity and Guaranty Company, Baltimore, Md.	74,036	All except Guam.	MD.—All except Guam.
United States Fire Insurance Company, Morristown, N.J.	14,644	All except C.Z., Guam, N.H.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Virgin Islands.
Universal Surety Company, Lincoln, Nebr.	341	Ariz., Ark., Colo., Ill., Iowa, Kans., Minn., Mo., Mont., Nebr., N. Mex., N. Dak., Ohio, Okla., S. Dak., Utah, Wash., Wis., Wyo.	NEBR.—Ariz., Ark., Colo., D.C., Ill., Iowa, Kans., Minn., Mo., Mont., N. Mex., N. Dak., Ohio, Okla., S. Dak., Utah, W. Va., Wyo.
Utica Mutual Insurance Company, Utica, N.Y.	3,547	All except C.Z., Guam, Kans., La., Virgin Islands.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Me., Puerto Rico, Virgin Islands.
Valley Forge Insurance Company, Chicago, Ill.	1,471	All except Alaska, Cal., C.Z., Del., Fla., Guam, Hawaii, Idaho, Kans., Ky., La., Nebr., N.H., N. Mex., N.C., Ore., Puerto Rico, S. Dak., Tenn., Virgin Islands, Wyo.	PA.—All except Guam, Virgin Islands, Wis.
Vigilant Insurance Company, New York, N.Y.	2,937	All except Alaska, C.Z., Guam, Hawaii, Puerto Rico.	N.Y.—All except Alaska, Guam, Hawaii, Puerto Rico, Virgin Islands.
West American Insurance Company, Hamilton, Ohio	3,152	All except Alaska, C.Z., Conn., Guam, Hawaii, Idaho, Me., Mass., Mont., N.H., Puerto Rico, R.I., S. Dak., Va., Virgin Islands, W. Va.	CAL.—Ala., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Md., Mich., Minn., Mo., Nev., N. Mex., N. Dak., Ohio, Okla., Ore., Pa., Tenn., Tex., Utah, Va., Wash., Wis., Wyo.
Westchester Fire Insurance Company, Morristown, N.J.	6,584	All except C.Z., Guam, N.H., Virgin Islands.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
The Western Casualty and Surety Company, Fort Scott, Kans.	7,608	All except Alaska, C.Z., Conn., Del., Guam, Hawaii, Me., Mass., N.H., N.Y., N.C., Puerto Rico, R.I., Vt., Va., Virgin Islands.	KANS.—All except Guam, Puerto Rico, Virgin Islands.
The Western Fire Insurance Company, Fort Scott, Kans.	4,586	All except Alaska, C.Z., Conn., Del., D.C., Ga., Guam, Hawaii, Idaho, La., Me., Md., Mass., Mont., N.H., N.J., N.C., Ore., Pa., Puerto Rico, R.I., S.C., Tex., Vt., Va., Virgin Islands, W. Va.	KANS.—All except Guam, Puerto Rico, Virgin Islands.
Western Surety Company, Sioux Falls, S. Dak.	1,640	All except Alaska, C.Z., Guam, Hawaii, N.Y., Puerto Rico, Virgin Islands.	S. DAK.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Westfield Insurance Company, Westfield Center, Ohio	1,848	All except Ala., Alaska, Ark., C.Z., Conn., Fla., Ga., Guam, Hawaii, La., Me., Miss., Mo., N.H., N. Mex., Puerto Rico, Virgin Islands.	OHIO—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Wiltshire Insurance Company, Los Angeles, Cal.	315	Ariz., Cal., Colo., Hawaii, Idaho, Iowa, Mont., Nev., N. Mex., Ore., Utah, Wash.	CAL.—D.C., Idaho, Mont., N. Mex., Ore., Wash.
Wisconsin Surety Corporation, Madison, Wis.	127	Alaska, Cal., Colo., D.C., Ill., Ind., Iowa, Minn., Mo., Nev., N. Mex., Pa., S. Dak., Tex., Wis.	WIS.—D.C., Iowa, Minn., Mo., Pa., S. Dak., Tex.
Wolverine Insurance Company, Battle Creek, Mich.	2,700	Ark., Cal., Fla., Ga., Ill., Ind., Iowa, Kans., Mich., Minn., Nebr., N. Mex., N. Dak., Ohio, Pa., S. Dak., Vt., W. Va., Wyo.	MICH.—D.C., Ga., Ill., Ind., Iowa, Minn., Ohio, S. Dak.

* See footnotes at end of table.

¹ Allied Mutual Insurance Company—Name changed to AID Insurance Company (Mutual). (See FEDERAL REGISTER of June 7, 1973, pg. 14972 for details.)

² Agricultural Insurance Company—Name changed to American Empire Insurance Company. (See FEDERAL REGISTER of July 19, 1972, pg. 14322 for details.)

³ Employers Commercial Union Insurance Company—Name changed to Commercial Union Insurance Company. (See FEDERAL REGISTER of December 30, 1972, pg. 28914 for details.)

⁴ Southern General Insurance Company—Name changed to First General Insurance Company. (See FEDERAL REGISTER of January 23, 1973, pg. 223 for details.)

⁵ The Home Indemnity Company merged into The Home Insurance Company of New Hampshire, Inc.—Name changed to The Home Indemnity Company, Inc. (See FEDERAL REGISTER of April 17, 1973, pg. 9522 for details.)

⁶ New York Guaranty Corporation—Name changed to MGIC Indemnity Corporation. (See FEDERAL REGISTER of November 8, 1972, pg. 23735 for details.)

⁷ Jersey Insurance Company of New York—Name changed to Mohawk Insurance Company. (See FEDERAL REGISTER of January 11, 1973, pg. 1287 for details.)

⁸ Fireman's Fund Insurance Company of Illinois merged with National Surety Corporation and adopted its name. (See FEDERAL REGISTER of March 16, 1973, pg. 7129 for details.)

NOTICES

18349

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM THE SECRETARY OF THE TREASURY AS ACCEPTABLE REINSURING COMPANIES UNDER TREASURY CIRCULAR NO. 297, REVISED JANUARY 20, 1972

Name of Companies	Underwriting limitations (net limit on any one risk) (in thousands of dollars)	Judicial Districts in which process agents have been appointed
Accident and Casualty Insurance Company of Winterthur, Switzerland (U.S. Office, New York, N.Y.)	3,443	D.C.
Alliance Assurance Company, Limited, London, England (U.S. Office, New York, N.Y.)	1,311	D.C.
Atlas Assurance Company, Limited, London, England (U.S. Office, New York, N.Y.)	1,458	D.C.
Constellation Reinsurance Company, New York, N.Y.	2,594	D.C.
General Accident Fire and Life Assurance Corporation, Limited, Perth, Scotland (U.S. Office, Philadelphia, Pa.)	15,896	D.C.
The London Assurance, London, England (U.S. Office, New York, N.Y.)	2,301	D.C.
The London & Lancashire Insurance Company, Limited, London, England (U.S. Office, New York, N.Y.)	1,050	D.C.
The Marine Insurance Company, Limited, London, England (U.S. Office, New York, N.Y.)	746	D.C.
Metropolitan Fire Assurance Company, Hartford, Conn.	727	D.C.
Munich Reinsurance Company, Munich, Germany (U.S. Office, New York, N.Y.)	2,351	D.C.
The Netherlands Insurance Company, Est. 1845, The Hague, Holland (U.S. Office, Keene, N.H.)	937	D.C.
Rockdale Insurance Company, New York, N.Y.	469	D.C.
Royal Insurance Company, Limited, Liverpool, England (U.S. Office, New York, N.Y.)	5,333	D.C.
The Sea Insurance Company, Limited, Liverpool, England (U.S. Office, New York, N.Y.)	1,211	D.C.
The Skandia Insurance Company, Stockholm, Sweden (U.S. Office, New York, N.Y.)	2,438	D.C.
Sun Insurance Office, Limited, London, England (U.S. Office, New York, N.Y.)	1,943	D.C.
Swiss Reinsurance Company, Zurich, Switzerland (U.S. Office, New York, N.Y.)	5,788	D.C.
Zurich Insurance Company, Zurich, Switzerland (U.S. Office, Chicago, Ill.)	10,602	D.C.

NOTES

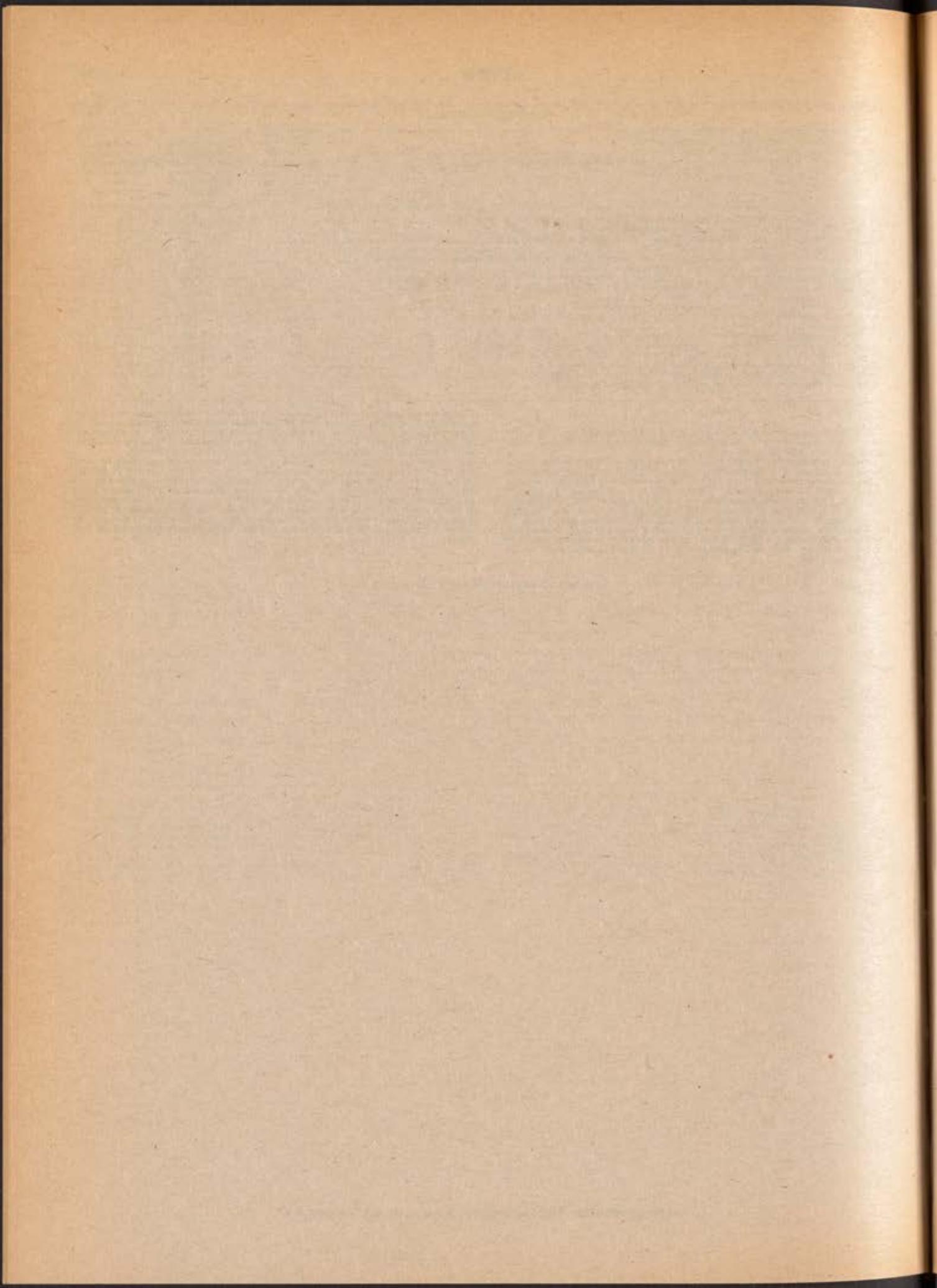
(a) All certificates of authority expire June 30, and are renewable July 1, annually. Companies holding certificates of authority as acceptable sureties on Federal bonds are also acceptable as reinsuring companies.

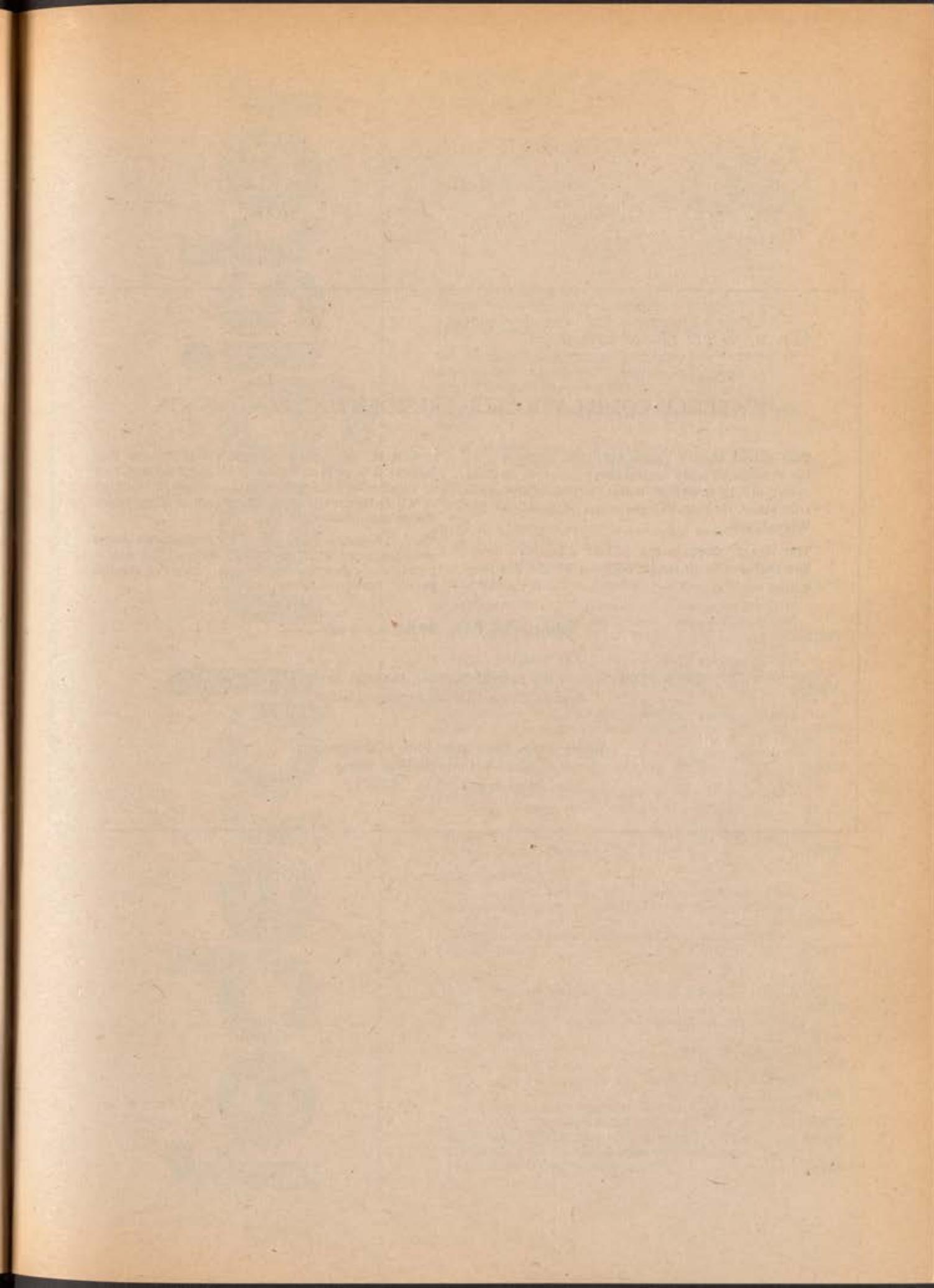
(b) Treasury requirements do not limit the penal sum of bonds which surety companies may execute. The net retention, however, cannot exceed the underwriting limitation and excess risks must be protected by coinsurance, reinsurance, or other methods in accordance with Treasury Circular 297, Revised January 20, 1972 (31 CFR § 223.10, § 223.11). When excess risks on bonds in favor of the United States are protected by reinsurance, such reinsurance is to be effected by use of a Treasury reinsurance form to be filed with the bond or within 45 days thereafter. Risks in excess of limit fixed herein must be reported for quarter in which they are executed. In protecting such excess, the rating in force on the date of the execution of the risk will govern absolutely. This limit applies until a new rating is established by the Treasury Department.

(c) A surety company must be licensed in the State or other area in which it executes (signs) the bond, but need not be licensed in the State or other area in which the principal resides or where the contract is to be performed (28 Op. Atty. Gen. 127, Dec. 24, 1909; 31 CFR § 223.5(b)). The term "other areas" includes the Canal Zone, District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

(d) Abbreviated capital letters preceding judicial districts indicate State or other area in which the company is incorporated. Process agents are required in the following districts: Where principal resides; where obligation is to be performed; and where the bond is returnable or filed. No process agent required in State or other area wherein company is incorporated. Letters "n, s, e, m, c, and w" preceding names of States indicate respectively the Northern, Southern, Eastern, Middle Central, and Western judicial districts of States indicated. If letters do not precede names of States, process agents have been appointed in all judicial districts of such States.

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