

SATURDAY, DECEMBER 11, 1971

WASHINGTON, D.C.

Volume 36 ■ Number 239

Pages 23609-23712

## PART I



(Part II begins on page 23665)

### HIGHLIGHTS OF THIS ISSUE

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

SOURIS-RED-RAINY RIVER BASINS COMMISSION—Presidential Executive order for continuation of activities	23615
ECONOMIC STABILIZATION—IRS notice of published ruling of the Price Commission relating to the economic stabilization program and the definition of allowable costs which may justify a price increase	23661
ALIENS—Justice Dept. miscellaneous amendments to regulations; effective 12-11-71	23619
SECURITIES CREDIT—FRS amendments to regulations	23619
FOREIGN TRADE AGREEMENTS—Commerce Dept. recodification of regulations; effective 12-11-71	23620
NEW ANIMAL DRUG—FDA approval of application for revised labeling of coumaphos for use in pelleted feeds; effective 12-11-71	23624
DRUG IMPORT/EXPORT PERMIT APPLICATIONS—Justice Dept. amendments to regulations; effective 12-11-71	23624
MINIMUM WAGE RATES—Labor Dept. regulations to increase wages for workers in the tobacco industry and in the textile and textile products industries in Puerto Rico (2 documents)	23626
WOOD CROSSARMS, TRANSMISSION TIMBERS, AND POLE KEYS—REA proposal to amend specification	23630
NEWSPAPER PRESERVATION ACT—Justice Dept. extension on time for comment on proposed rules approving joint newspaper operating arrangements to 1-5-72	23630

(Continued inside)

## *Current White House Releases*

### WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS

This unique service makes available transcripts of the President's news conferences; messages to Congress; public speeches, remarks, and statements; and other Presidential materials released by the White House.

The Weekly Compilation carries a Monday date-line and covers materials released during the preceding week. It includes an Index of Contents and a

system of cumulative indexes. Other finding aids include lists of laws approved by the President and of nominations submitted to the Senate, a checklist of White House releases, and a digest of other White House announcements.

This systematic publication of Presidential items provides users with up-to-date information and a permanent reference source concerning Presidential policies and pronouncements.

**Subscription Price: \$9.00 per year**

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from: Superintendent of Documents  
U.S. Government Printing Office,  
Washington, D.C. 20402



Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$2.50 per month or \$25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (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.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.



<b>YELLOWFIN TUNA</b> —Commerce Dept. proposal to amend regulations; hearing on 12-15-71.....	23630	<b>STOCKYARDS</b> —USDA notice of changes in names of posted stockyards and deposited stockyards (3 documents).....	23640, 23641
<b>AIRPORT TERMINAL AREA</b> —FAA withdrawal of proposal for revision of special air traffic rules for Anchorage, Alaska.....	23633	<b>FEDERAL BUILDING LOCATIONS</b> —HUD notice of procedures to assure availability of housing for low- and moderate-income employees of new and relocated Federal facilities; comments by 1-14-72.....	23642
<b>STATE OR LOCAL FAIR HOUSING LAWS</b> —HUD proposal for procedures and performance standards; comments by 1-14-72.....	23631	<b>DOMESTIC AIR FARES</b> —CAB notice permitting certain air lines to reduce from 40 to 15 the minimum group size applicable to their Chicago-Las Vegas group inclusive tour basing fares.....	23646
<b>MODIFICATION OF REPORTING REQUIREMENTS</b> —CAB proposal for banks, study group charterers, and tour operators; comments by 1-13-72.....	23634	<b>COUNCIL ON ENVIRONMENTAL QUALITY</b> —Notice of opportunity to comment on possible revision of Council's guidelines and on agency implementing procedures; comments within 30 days.....	23665
<b>INTERCITY RAIL PASSENGER SERVICE</b> —ICC proposal establishing standards of adequacy.....	23636	Notice on Environmental Impact Statements received by the Council from various agencies.....	23646
<b>COAL MINE SAFETY</b> —Interior Dept. notice of procedure on coal mine operator's request for modification of safety standard; comments within 30 days.....	23640		

## Contents

### THE PRESIDENT

#### EXECUTIVE ORDER

Continuation of Souris-Red-Rainy River Basins Commission.....	23615
---	-------

### EXECUTIVE AGENCIES

#### AGRICULTURE DEPARTMENT

See Consumer and Marketing Service; Packers and Stockyards Administration; Rural Electrification Administration.

#### ATOMIC ENERGY COMMISSION

##### Notices

Battelle Memorial Institute; issuance of facility license.....	23644
Establishment of Atomic Safety and Licensing Board; designation of third member of Appeal Board; schedule for prehearing conference:	
Philadelphia Electric Co.....	23645
Public Service Electric and Gas Co.....	23645
Wilson, Daniel W.; certification to appear before Commission.....	23645

#### CIVIL AERONAUTICS BOARD

##### Proposed Rule Making

Modification of reporting requirements for depository banks, study group charterers and tour operators.....	23634
---	-------

##### Notices

##### Hearings, etc.:

International Air Transport Association.....	23645
Trans World Airlines, Inc.....	23646

#### COMMERCE DEPARTMENT

See Maritime Administration; National Oceanic and Atmospheric Administration.

#### CONSUMER AND MARKETING SERVICE

##### Rules and Regulations

Lemons grown in California and Arizona; handling limitation.....	23618
Oranges and grapefruit grown in lower Rio Grande Valley in Texas; exemption from shipment requirements.....	23617
Oranges grown in Florida; shipment limitation.....	23617

#### DEFENSE DEPARTMENT

##### Rules and Regulations

Allocation of reserve forces units to local communities.....	23626
Determination of manpower available for reserve units in specific areas.....	23627
Unsatisfactory performance of ready reserve obligation.....	23627

#### ENVIRONMENTAL QUALITY COUNCIL

##### Notices

Environmental impact statements; public availability.....	23646
Implementation of Environmental Policy Act; opportunity for comment on procedures.....	23666

#### FEDERAL AVIATION ADMINISTRATION

##### Proposed Rule Making

Anchorage, Alaska, airport traffic area; special air traffic rules and airport patterns; withdrawal.....	23633
Federal airway; extension.....	23633
Federal airway segment; alteration.....	23633

#### FEDERAL MARITIME COMMISSION

##### Notices

New Shoreham Boat Line, Inc., and American Canadian Line, Inc.:	
Issuance of casualty certificate.....	23648
Issuance of performance certificate.....	23649

(Continued on next page)



**FEDERAL POWER COMMISSION****Proposed Rule Making**

Reserve dedications in Texas Gulf Coast and southern Louisiana areas ..... 23635

**Notices**

Maynard Oil Co. et al.; applications for certificates, abandonment of service and petitions to amend certificates ..... 23649

**FEDERAL RESERVE SYSTEM****Rules and Regulations**

Securities credit; maximum loan value of stocks ..... 23619

**Notices**

American Bancorp.; formation of one-bank holding company ..... 23650  
 Clearing Bancorporation, Inc.; formation of bank holding company ..... 23650  
 First Virginia Bankshares Corp.; acquisition of bank ..... 23650  
 Marine Bancorporation; proposed acquisition of Far West Securities Co. .... 23651  
 Orders denying acquisition of bank stock by bank holding company:  
 Combanks Corp. .... 23650  
 Florida National Banks of Florida, Inc. .... 23651  
 Southeast Banking Corp. .... 23651  
 United Bancshares of Florida, Inc.; order approving acquisition of bank stock by bank holding company ..... 23651

**FISH AND WILDLIFE SERVICE****Rules and Regulations**

Sport fishing on Upper Souris National Wildlife Refuge, N. Dak.; correction ..... 23629

**FOOD AND DRUG ADMINISTRATION****Rules and Regulations**

New animal drugs; coumaphos ..... 23624

**GENERAL SERVICES ADMINISTRATION****Notices**

Environmental statements; procedures for preparation ..... 23652

**HEALTH, EDUCATION, AND WELFARE DEPARTMENT**

See Food and Drug Administration.

**HEARINGS AND APPEALS OFFICE****Notices**

Knife River Coal Mining Co. et al.; petition for modification of mandatory safety standard ..... 23640

**HOUSING AND URBAN DEVELOPMENT DEPARTMENT****Proposed Rule Making**

Fair housing; recognition of substantially equivalent laws ..... 23631

**Notices**

New and relocating Federal facilities; procedures assuring availability of housing on non-discriminatory basis for low and moderate-income employees ..... 23642

**IMMIGRATION AND NATURALIZATION SERVICE****Rules and Regulations**

Miscellaneous amendments to chapter ..... 23619

**INTERIOR DEPARTMENT**

See Fish and Wildlife Service; Hearings and Appeals Office; Land Management Bureau.

**INTERNAL REVENUE SERVICE****Notices**

Wage increases; Price Commission ruling ..... 23661

**INTERSTATE COMMERCE COMMISSION****Proposed Rule Making**

Adequacy of intercity rail passenger service ..... 23636

Payment of rates and charges of motor carriers; credit regulations; oilfield carriers ..... 23638

**Notices**

Assignment of hearings (2 documents) ..... 23658

Fourth section application for relief ..... 23658

**Motor carriers:**

Temporary authority applications ..... 23659

Transfer proceedings ..... 23660

**JUSTICE DEPARTMENT**

See also Immigration and Naturalization Service; Narcotics and Dangerous Drugs Bureau.

**Proposed Rule Making**

Newspaper Preservation Act; filing and approval of joint newspaper operating arrangements; extension of time for comment ..... 23630

**LABOR DEPARTMENT**

See also Wage and Hour Division.

**Notices**

Avondale Mills; certification of eligibility of workers to apply for adjustment assistance ..... 23657

**LAND MANAGEMENT BUREAU****Notices**

Arizona; proposed withdrawal and reservation of lands ..... 23640

**MARITIME ADMINISTRATION****Notices**

American President Lines, Ltd.; application ..... 23641

**NARCOTICS AND DANGEROUS DRUGS BUREAU****Rules and Regulations**

Controlled substances; hearing procedures for denial of import and/or export permits ..... 23624

**NATIONAL CAPITAL PLANNING COMMISSION****Notices**

Site and building plans; proposed requirements ..... 23654

**NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION****Proposed Rule Making**

Eastern Pacific Tuna Fisheries; yellowfin tuna ..... 23630

**Notices**

Charlevoix Transit Co.; hearing regarding transfer of fishery ..... 23641

**PACKERS AND STOCKYARDS ADMINISTRATION****Notices**

Athens Stockyard et al.; posted stockyards ..... 23640

Florida Agricultural Marketing Association, Inc., et al.; changes in names of posted stockyards ..... 23641

Sam Giddens Livestock Auction et al.; deposting of stockyards ..... 23641

**POSTAL SERVICE****Rules and Regulations**

Third class; books and catalogs; correction ..... 23629

**RURAL ELECTRIFICATION ADMINISTRATION****Proposed Rule Making**

Wood crossarms, transmission timbers and pole keys; specification ..... 23630

**SECURITIES AND EXCHANGE COMMISSION****Rules and Regulations**

Investment Company Act of 1940; contractual plans for mutual fund shares and variable annuities; correction ..... 23623

**Notices****Hearings, etc.:**

Associated Mobile Schools and Modern Training Centers, Inc. .... 23656

Bagprint, Ltd. .... 23657

Continental Vending Machine Corp. .... 23657

Ecological Science Corp. .... 23657

**SMALL BUSINESS ADMINISTRATION****Notices**

Capital Marketing Corp.; filing of application for approval of conflict-of-interest transaction between associates ..... 23657



**SPECIAL REPRESENTATIVE FOR  
TRADE NEGOTIATIONS  
OFFICE**

**Rules and Regulations**

Organization and functions.....	23620
Redesignation .....	23620

**TRANSPORTATION DEPARTMENT**

See Federal Aviation Administration.

**TREASURY DEPARTMENT**

See Internal Revenue Service.

**WAGE AND HOUR DIVISION**

**Rules and Regulations**

Wage orders; Puerto Rico:

Textile and textile products in-	23626
dustry .....	23626
Tobacco industry .....	23626

**List of CFR Parts Affected**

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1971, and specifies how they are affected.

**3 CFR**

**EXECUTIVE ORDERS:**

11359 (amended by EO 11635) .....	23615
11635 .....	23615

**7 CFR**

905 .....	23617
906 .....	23617
910 .....	23618

**PROPOSED RULES:**

1701 .....	23630
------------	-------

**8 CFR**

235 .....	23619
238 .....	23619
245 .....	23619
248 .....	23619
316a .....	23619

**12 CFR**

207 .....	23619
220 .....	23619
221 .....	23619

**14 CFR**

**PROPOSED RULES:**

71 (2 documents) .....	23633
93 .....	23633
373 .....	23634
378 .....	23634

**15 CFR**

Ch. XI .....	23620
2001 .....	23620
2002 .....	23620
2003 .....	23621

**17 CFR**

270 .....	23623
-----------	-------

**18 CFR**

**PROPOSED RULES:**

250 .....	23635
-----------	-------

**21 CFR**

135 .....	23624
135e .....	23624
312 .....	23624

**24 CFR**

**PROPOSED RULES:**

73 .....	23631
----------	-------

**28 CFR**

**PROPOSED RULES:**

48 .....	23630
----------	-------

**29 CFR**

657 .....	23626
699 .....	23626

**32 CFR**

67 .....	23626
68 .....	23627
100 .....	23627

**39 CFR**

134 .....	23629
-----------	-------

**49 CFR**

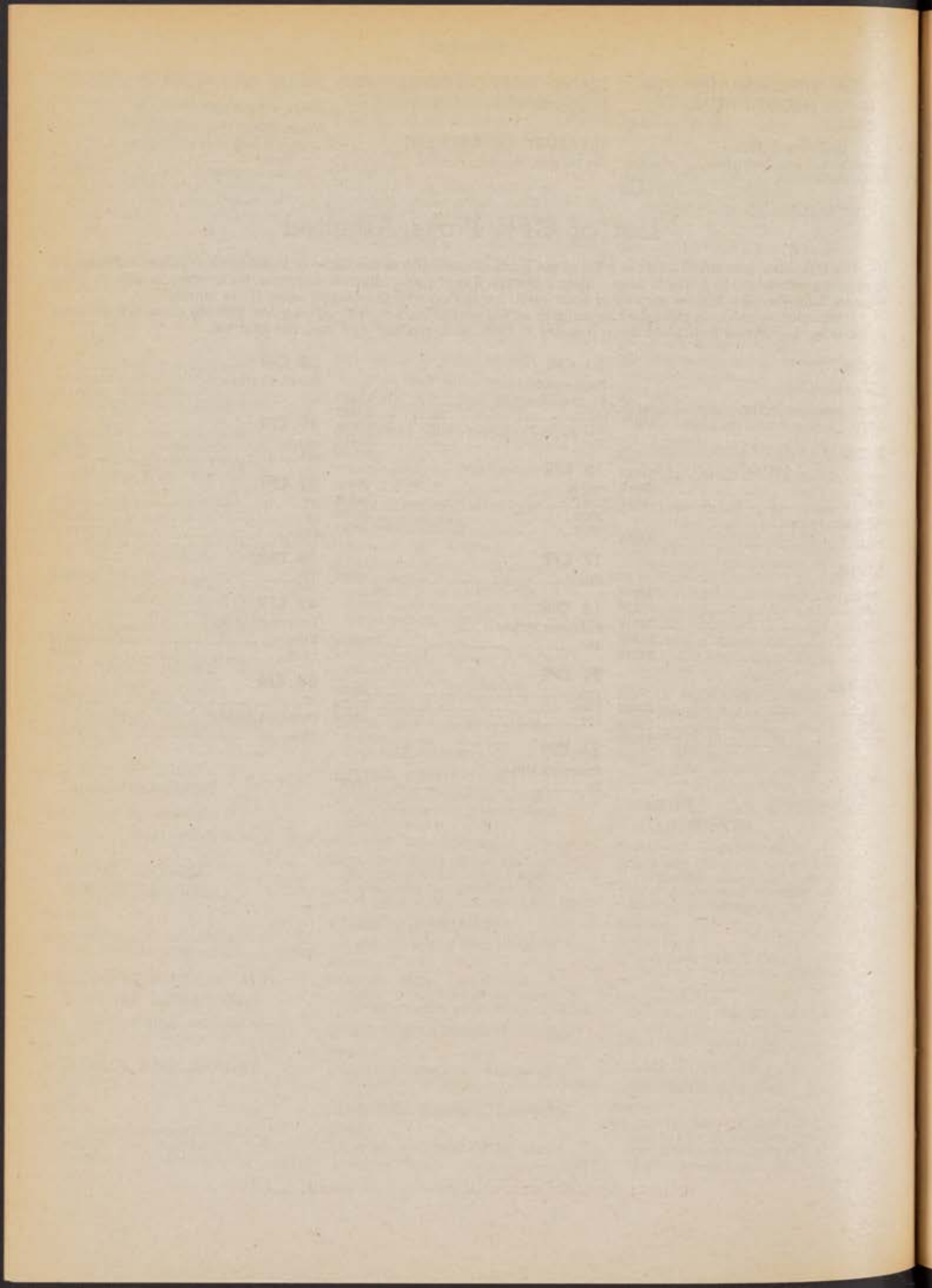
**PROPOSED RULES:**

1124 .....	23636
1322 .....	23638

**50 CFR**

33 .....	23629
<b>PROPOSED RULES:</b>	
280 .....	23630







# Presidential Documents

## Title 3—The President

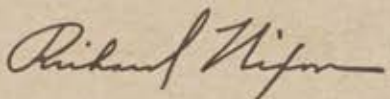
### EXECUTIVE ORDER 11635

#### Continuation of Souris-Red-Rainy River Basins Commission

The Governors of the member States of the Souris-Red-Rainy River Basins Commission and the Water Resources Council have requested the continuation of the Commission beyond its present termination date. I have determined that it would be in the public interest to comply with that request and continue the joint Federal-State water and related land resources planning and coordination activities being carried out by the Commission.

NOW, THEREFORE, by virtue of the authority vested in me by section 201 of the Water Resources Planning Act (42 U.S.C. 1962b), and as President of the United States, section 7 of Executive Order No. 11359 of June 20, 1967, is hereby amended to read as follows:

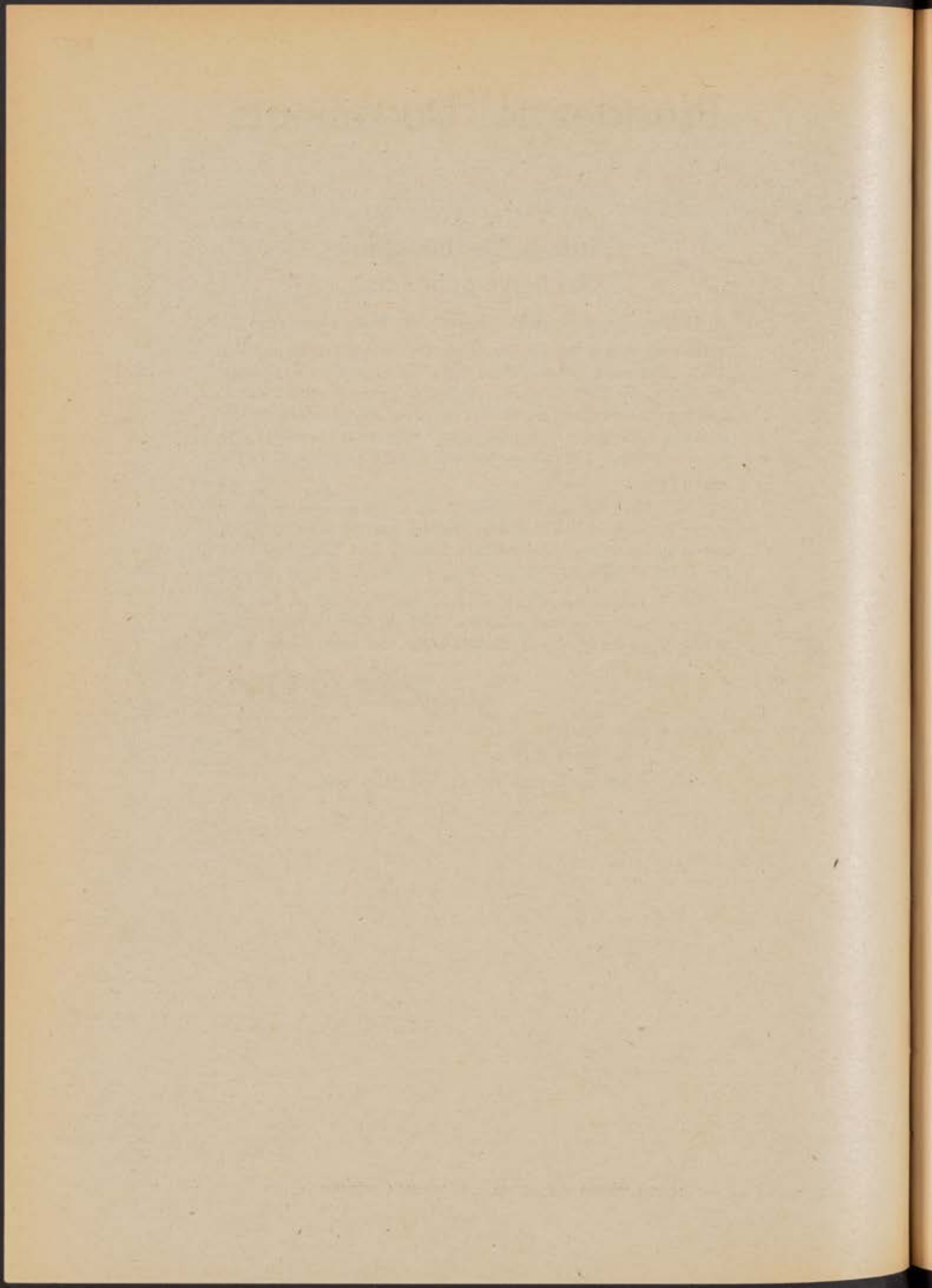
"SEC. 7. *Termination.* The Commission shall terminate on June 30, 1973, unless, upon recommendation of both the Council and not less than one-half the number of member States, this order is extended."



THE WHITE HOUSE,  
December 9, 1971.

[FR Doc. 71-18306 Filed 12-10-71; 12:50 pm]







# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Orange Reg. 69, Amdt. 4]

#### PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

##### Limitation of Shipments

**Findings.** (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Navel, Temple, and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the committees reflect their appraisal of the Florida orange crop and the current and prospective market conditions during the period December 13, 1971, through January 9, 1972. The minimum grade and size requirements specified for Temple and Murcott Honey oranges are prescribed during the present stage of maturity to prevent the shipment of oranges of a lower quality or smaller size which could adversely affect the overall price structure for better quality fruit. The minimum grade and size requirements specified for oranges, other than Navel, Temple, and Murcott Honey oranges is consistent with the available supply of and demand for such oranges and reflects the good external appearance and size development of the fruit at the present stage of maturity.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the pro-

visions hereof effective during the period herein specified. Domestic shipments of Florida oranges, except Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong and similar late maturing oranges of the Valencia type, are currently regulated pursuant to Orange Regulation 69 (36 F.R. 20215, 22054, 22666, 23353) and determinations as to the need for, and extent of, regulation of domestic shipments of Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong and similar late maturing oranges of the Valencia type must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of such orange shipments during the period December 13, 1971, through January 9, 1972, and in the manner herein provided, were promptly submitted to the Department after an assembled meeting of the Growers Administrative Committee on December 2, 1971, held to consider recommendations for regulation; the provisions of this regulation are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of such oranges; it is necessary to make this amendment effective, as hereinafter set forth, to preclude the shipment of Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong and similar late maturing oranges of the Valencia type which are immature or of an inferior quality and to otherwise effectuate the declared policy of the act; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

**Order.** In § 905.536 (Orange Regulation 69; 36 F.R. 20215, 22054, 22666, 23353) the provisions of paragraph (a) are revised by amending subparagraphs (1) and (2) thereof and adding thereto new subparagraphs (5) through (8) reading as follows:

##### § 905.536 Orange Regulation 69.

(a) Except as otherwise provided in this section, during the period December 13, 1971, through January 9, 1972, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any oranges, except Navel, Temple, and Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 1, except that such oranges shall meet the minimum external quality requirements prescribed by the Florida No. 1 grade for oranges;

(2) Any oranges, except Navel, Temple, and Murcott Honey oranges, grown in the production area, which are of a size smaller than 2 $\frac{1}{16}$  inches in diameter,

except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Oranges and Tangelos; *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2 $\frac{1}{16}$  inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2 $\frac{1}{16}$  inches in diameter or smaller;

(5) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1;

(6) Any Temple oranges, grown in the production area, which are of a size smaller than 2 $\frac{1}{16}$  inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos;

(7) Any Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 1; and

(8) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than 2 $\frac{1}{16}$  inches in diameter, except that a tolerance of 10 percent, by count, of Murcott Honey oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos.

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

Dated: December 9, 1971.

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

[FR Doc. 71-18257 Filed 12-10-71; 8:51 am]

#### PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

##### Exemption From Shipment Requirements

On November 23, 1971, notice was published in the FEDERAL REGISTER (36 F.R. 22240) that consideration was being given to proposed additions to the rules and regulations (Subpart—Rules and Regulations), pursuant to § 906.120 and other applicable provisions of the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges



and grapefruit grown in the Lower Rio Grande Valley in Texas. This regulatory program is effective under applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This notice allowed interested persons 10 days during which they could submit written data, views, or arguments pertaining to these proposals. None were submitted.

The amendatory provisions hereinafter set forth will provide safeguards with respect to gift fruit shipments and establish the conditions for the exemption from pack requirements issued pursuant to the order for special purpose shipments.

After consideration of all relevant matter presented, including the proposals set forth in the aforesaid notice, which were submitted by the Texas Valley Citrus Committee (established pursuant to said amended marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of said rules and regulations, is in accordance with the provisions of said amended marketing agreement and order and will tend to effectuate the declared policy of the act. Such amendment is hereby approved; and said rules and regulations are amended as follows:

**§ 906.120 Fruit exempt from regulations.**

(d) *Safeguards for gift fruit shipments.* Gift packages of fruit handled pursuant to § 906.41 shall be in containers stamped or marked with the handler's name and address.

(e) *Special purpose shipments and safeguards.* Fruit may be handled exempt from regulations issued pursuant to § 906.40(d), except as hereinafter provided, if the following conditions are met:

(1) The handler each fiscal period submits prior to any such handling, a written application containing the following information, to the committee requesting approval to so handle fruit:

(i) Name and address of handler; and  
(ii) A description of the container or containers in which such fruit would be handled.

(2) The fruit grades at least U.S. No. 1.

(3) The fruit is handled in six-packs, 12-packs, or baskets of a capacity of 1 bushel or less, or any of the containers authorized under § 906.340: *Provided*, That if any of the containers, currently authorized under § 906.340 are so used to handle fruit, each such container shall be stamped or marked "special purpose shipment."

(4) The committee shall approve or deny each applicant's request to handle fruit under this provision and promptly notify such handler in writing of its decision: *Provided*, That if a handler's application to so handle fruit is approved, the committee shall issue a certificate of privilege, as provided in § 906.44, to so handle fruit: *Provided further*, That if a handler's application to so handle fruit

is denied, he shall be advised why the application was denied.

(5) Each handler shall file a report with the committee within 1 business day after each shipment handled pursuant to this section. Such report shall contain the following:

- (i) Name and address of the handler;
- (ii) Date fruit is so handled;
- (iii) The number and type of containers and packs in such shipment;
- (iv) The inspection certificate numbers applicable to such shipment;
- (v) Name and address of the purchaser; and
- (vi) The license number of the truck, trailer, or automobile, as the case may be, in which the shipment was loaded.

(f) *Meaning of terms.* When used herein, the term "bushel" means a unit of measure equivalent to 2150.42 cubic inches; the term "six-pack" means any container with a capacity of one-eighth bushel; the term "12-pack" means any container with a capacity of one-fourth bushel; the term "basket" means any container made of interwoven material; and the term "U.S. No. 1" shall have the same meaning as given to such term in the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona) designated as §§ 51.680-51.712 of this title, and the U.S. Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) designated as §§ 51.620-51.653 of this title, as applicable.

It is hereby found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the handling of the aforementioned fruit is now in progress and to be of maximum benefit the provisions of this amendment should become effective as soon as possible, (2) notice of proposed rule making concerning this amendment was published in the FEDERAL REGISTER (36 F.R. 2240), and no objection to this amendment was received; and (3) the effective date hereof will not require of handlers any preparation that cannot be completed prior thereto.

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

Dated December 8, 1971, to become effective upon publication in the FEDERAL REGISTER (12-11-71).

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

[FR Doc. 71-18178 Filed 12-10-71; 8:48 am]

[Lemon Reg. 511]

**PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA**

**Limitation of Handling**

**§ 910.811 Lemon Regulation 511.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the han-

dling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 7, 1971.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period December 12, through December 18, 1971, is hereby fixed at 200,000 cartons.

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

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

Dated: December 9, 1971.

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

[FR Doc. 71-18266 Filed 12-10-71; 8:51 am]



# Title 8—ALIENS AND NATIONALITY

## Chapter I—Immigration and Naturalization Service, Department of Justice

### MISCELLANEOUS AMENDMENTS TO CHAPTER

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

#### PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

The first sentence of subparagraph (1) of paragraph (f) of § 235.1 *Scope of examination* is amended to read as follows:

(f) *Arrival-Departure Card, Form I-94*—(1) *Nonimmigrant applicants*. A completely executed Form I-94 endorsed to show date and place of admission, period of admission, and nonimmigrant classification shall be issued to each nonimmigrant alien admitted to the United States, except a nonimmigrant alien coming within the purview of § 212.1(a) of this chapter and 22 CFR 41.129(a) who is admitted as a visitor for business or pleasure or to proceed in direct transit through the United States; a nonimmigrant alien who has his residence in the British Virgin Islands and was admitted only to the U.S. Virgin Islands as a visitor for business or pleasure under the provision of § 212.1(b) of this chapter, and a Mexican national in possession of a valid Form I-186 who is admitted at a Mexican border port of entry as a border crosser or as a nonimmigrant visitor for a period of not more than 15 days to visit within the States of Texas, New Mexico, Arizona, or California. \* \* \*

#### PART 238—CONTRACTS WITH TRANSPORTATION LINES

The listing of transportation lines in paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by adding the following transportation lines in alphabetical sequence: "Dorado Wings" and "Puerto Rico International Airlines, Inc."

#### PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

The first sentence of subparagraph (3) *Departure of paragraph (a) General of § 245.2 Application* is amended to read as follows: "The departure from the United States of an applicant under section 245 of the Act prior to decision in his case shall be deemed an abandonment of his application constituting grounds for termination thereof unless he had previously been granted permission by the Service for such absence and he was thereafter inspected upon his return, or it is determined by the officer having jurisdiction over his application that his

departure was unintended or innocent and casual, that his absence was brief, and that he was inspected upon his return."

#### PART 248—CHANGE OF NON-IMMIGRANT CLASSIFICATION

In § 248.2 *Ineligible classes* the second sentence is amended and a new sentence is added to read as follows: "An alien classified as a nonimmigrant under section 101(a)(15)(C) of the Act is not eligible for any change of nonimmigrant classification other than a change to classification under section 101(a)(15)(A) or (G) of the Act. An alien classified as a nonimmigrant under section 101(a)(15)(J) of the Act is not eligible for any change of nonimmigrant classification other than a change to classification under section 101(a)(15)(A) or (G) of the Act, or, if he is not subject to the foreign residence requirement of section 212(e) of the Act or has been granted a waiver thereof, a change to classification under section 101(a)(15)(H) or (L) of the Act, if otherwise qualified."

#### PART 316a—RESIDENCE, PHYSICAL PRESENCE AND ABSENCE

The listing of institutions of research in § 316a.2 *American institutions of research* is amended by adding in alphabetical sequence the following institution of research: "Brookhaven National Laboratory, Associated Universities, Inc."

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

This order shall be effective on the date of its publication in the FEDERAL REGISTER (12-11-71). Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendment to § 235.1 (f) (1) relates to agency procedure; the amendment to § 238.3 (b) adds transportation lines to the listing; the amendment to § 245.2 (a) (3) is technical in nature; the amendment to § 248.2 confers a benefit on persons affected thereby; and the amendment to § 316a.2 adds an institution of research to the listing.

Dated: December 7, 1971.

RAYMOND F. FARRELL,  
Commissioner of  
Immigration and Naturalization.

[FR Doc. 71-18192 Filed 12-10-71; 8:49 am]

# Title 12—BANKS AND BANKING

## Chapter II—Federal Reserve System

### SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Regs. G, T, U]

#### SECURITIES CREDIT

##### Maximum Loan Value of Stocks

Parts 207, 220, and 221 of Title 12 are amended as follows:

#### PART 207—SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS

1. Effective December 6, 1971, § 207.5 (a) (the Supplement to Regulation G) is amended to read as follows:

##### § 207.5 Supplement.

(a) *Maximum loan value of margin securities*. For the purpose of § 207.1, the maximum loan value of any margin security, except convertible securities subject to § 207.1(d), shall be 45 percent of its current market value, as determined by any reasonable method.

#### PART 220—CREDIT BY BROKERS AND DEALERS

2. Effective December 6, 1971, § 220.8 (a) (1) and (d) (the Supplement to Regulation T) is amended to read as follows:

##### § 220.8 Supplement.

(a) *Maximum loan value for general accounts*. The maximum loan value of securities in a general account subject to § 220.3 shall be:

(1) Of a registered nonequity security held in the account on March 11, 1968, and continuously thereafter, and of a margin equity security (except as provided in § 220.3(c) and paragraphs (b) and (c) of this section), 45 percent of the current market value of such securities.

(d) *Margin required for short sales*. The amount to be included in the adjusted debit balance of a general account, pursuant to § 220.3(d) (3), as margin required for short sales of securities (other than exempted securities) shall be 55 percent of the current market value of each security.

#### PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

3. Effective December 6, 1971, § 221.4 (a) (the Supplement to Regulation U) is amended to read as follows:

##### § 221.4 Supplement.

(a) *Maximum loan value of stocks*. For the purpose of § 221.1, the maximum loan value of any stock, whether or not registered on a national securities exchange, shall be 45 percent of its current market value, as determined by any reasonable method.

4a. These amendments are issued pursuant to section 7(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78g(b)). The changes are to lower the margin requirements for purchasing or carrying stocks from 65 to 55 percent.

b. The requirements of section 553 of title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with these amendments



because following such requirements would have prevented the Board's action from becoming effective as promptly as necessary in the public interest.

By order of the Board of Governors,  
December 3, 1971.

[SEAL]

TYNAN SMITH,  
Secretary of the Board.

[FR Doc.71-18176 Filed 12-10-71;8:48 am]

## Title 15—COMMERCE AND FOREIGN TRADE

### Subtitle B—Regulations Relating to Commerce and Foreign Trade

#### Chapter XI—Office of the Special Representative for Trade Negotiations REDESIGNATION

Pursuant to the provisions of section 401, 76 Stat. 902; 19 U.S.C. 1802, the regulations formerly appearing in this chapter are redesignated as Chapter XX of this title.

As redesignated and republished, Chapter XX appears simultaneously in this issue of the FEDERAL REGISTER.

Dated: December 7, 1971.

WILLIAM D. EBERLE,  
Special Representative  
for Trade Negotiations.

[FR Doc.71-18170 Filed 12-10-71;8:47 am]

### Subtitle C—Regulations Relating to Foreign Trade Agreements

#### Chapter XX—Office of the Special Representative for Trade Negotiations FOREIGN TRADE AGREEMENTS Redesignation and Republication

The regulations of the Office of the Special Representative for Trade Negotiations and of the Trade Information Committee are republished to remove obsolete references, update miscellaneous provisions and remove the former appendices dealing with hearing procedures relating to Kennedy Round tariff discussions. For convenience to the users of these regulations, Executive Order 11075, as amended, formerly codified in discontinued Title 48 of the Code of Federal Regulations, is carried as an Appendix A to this chapter.

Therefore, pursuant to section 401, 76 Stat. 902; 19 U.S.C. 1802, the following amendments are made to title 15 of the Code of Federal Regulations:

1. Subtitle C is added to read as set forth above.

2. Former Parts 1101, 1102, and 1111 are hereby redesignated Parts 2001, 2002, and 2003, respectively, and republished to read as follows:

#### PART 2001—CREATION, ORGANIZATION, AND FUNCTIONS

Sec.

2001.0 Scope and purpose.

Sec.

2001.1 Creation and location.

2001.2 Organization.

2001.3 Functions.

AUTHORITY: The provisions of this Part 2001 issued under sec. 401, 76 Stat. 902; 19 U.S.C. 1802, E.O. 11075, as amended (Appendix A).

##### § 2001.0 Scope and purpose.

This chapter sets out the basic terms of reference of the Office of the Special Representative for Trade Negotiations and the procedures whereby it carries out its general responsibilities under the trade agreements program. One of the primary purposes of this chapter is to inform the public of the unit in the Office known as the Trade Information Committee, whose function is to afford an opportunity to interested parties to present oral and written statements concerning the trade agreements program and related matters.

##### § 2001.1 Creation and location.

(a) The Office of the Special Representative for Trade Negotiations was established as an agency in the Executive Office of the President by section 2 of Executive Order No. 11075, as amended (Appendix A).

(b) The Office of the Special Representative for Trade Negotiations is located at 1800 G Street NW., Washington, D.C. 20506.

##### § 2001.2 Organization.

(a) The Office of the Special Representative for Trade Negotiations is headed by the Special Representative for Trade Negotiations provided for in section 241 of the Trade Expansion Act of 1962 (76 Stat. 878; 19 U.S.C. 1871), who is directly responsible to the President. In addition, the Office consists of two Deputy Special Representatives for Trade Negotiations provided for in section 2 of Executive Order No. 11075, as amended (Appendix A), and a professional staff.

(b) Established by, and under the direction and control of the Special Representative for Trade Negotiations are three interagency committees, the Trade Executive Committee, the Trade Staff Committee, and the Trade Information Committee, provided for in Part 2002 of this chapter.

##### § 2001.3 Functions.

(a) The Special Representative for Trade Negotiations (1) advises and assists the President in the administration of, and facilitates the carrying out of, the trade agreements program, and (2) advises the President with respect to nontariff barriers to international trade, international commodity agreements, and other matters which are related to the trade agreements program, as provided in section 3 of Executive Order 11075, as amended (Appendix A).

(b) The Special Representative for Trade Negotiations is Chairman of the Trade Expansion Act Advisory Committee established by section 4 of Executive Order 11075, as amended (Appendix A).

## PART 2002—OPERATION OF COMMITTEES

Sec.

2002.1 Trade Executive Committee.

2002.2 Trade Staff Committee.

2002.3 Trade Information Committee.

2002.4 Participation by other agencies.

AUTHORITY: The provisions of the Part 2002 issued under sec. 401, 76 Stat. 902; 19 U.S.C. 1802; secs. 9 and 11 of E.O. 11075, as amended (Appendix A), unless otherwise noted.

##### § 2002.1 Trade Executive Committee.

(a) The Trade Executive Committee consists of the Deputy Special Representative for Trade Negotiations, as chairman, and of officials designated from their respective agencies by the Secretaries of Agriculture, Commerce, Defense, Interior, Labor, State, and Treasury, who are each in status not below that of an Assistant Secretary. The Special Representative for Trade Negotiations and each Secretary may designate from his respective agency an official, who is in status not below that of a Deputy Assistant Secretary, to serve as a member of the Committee in the event the regular member is unable to attend any meeting of the Committee.

(b) The Trade Executive Committee—

(1) Coordinates interagency activities concerning the trade agreements program and related matters;

(2) Recommends policies and actions, and transmits appropriate materials, to the Special Representative for Trade Negotiations concerning the trade agreements program and related matters, or, when appropriate, approves such policies and actions; and

(3) Performs such other functions as the Special Representative for Trade Negotiations may from time to time determine.

##### § 2002.2 Trade Staff Committee.

(a) The Trade Staff Committee consists of a chairman designated by the Special Representative for Trade Negotiations from his Office, and of officials designated from their respective agencies by the Secretaries of Agriculture, Commerce, Defense, Interior, Labor, State, and Treasury, and by the Chairman of the Tariff Commission. The Special Representative for Trade Negotiations, each Secretary, and the Chairman of the Tariff Commission may designate from his respective agency an official to serve as a member of the Committee in the event the regular member is unable to attend any meeting of the Committee. The official from the Tariff Commission will be a nonvoting member of the Committee and will not participate in the discussion of any policy matter or in the consideration of any report submitted by the Tariff Commission.

(b) The Trade Staff Committee—

(1) Obtains information and advice from agencies and other sources concerning any proposed trade agreement, and furnishes summaries of such information and advice, together with recommendations of action, to the Trade Executive Committee;



(2) Reviews summaries of information concerning any proposed trade agreement furnished by the Trade Information Committee, and transmits such summaries, together with recommendations of action, to the Trade Executive Committee;

(3) Reviews summaries of information concerning foreign import restrictions furnished by the Trade Information Committee, and transmits recommendations of action, through the Trade Executive Committee to the Trade Expansion Act Advisory Committee;

(4) Reviews reports concerning tariff adjustment submitted by the Tariff Commission, and transmits such reports, together with recommendations of action, through the Trade Executive Committee to the Trade Expansion Act Advisory Committee;

(5) Reviews all materials required by section 5 of Executive Order 11075, as amended (Appendix A) to be furnished by the Tariff Commission to the President through the Special Representative for Trade Negotiations, and transmits such materials, together with recommendations of action, to the Trade Executive Committee, except as provided in subparagraph (4) of this paragraph;

(6) Recommends policies and actions to the Trade Executive Committee concerning the trade agreements program and related matters, or, when appropriate, approves such policies and actions;

(7) Keeps regularly informed of the operation and effect of the trade agreements program and related matters; and

(8) Performs such other functions as the Special Representative for Trade Negotiations may from time to time determine.

#### § 2002.3 Trade Information Committee.

(a) The Trade Information Committee consists of a chairman designated by the Special Representative for Trade Negotiations from his Office, and of officials designated from their respective agencies by the Secretaries of Agriculture, Commerce, Defense, Interior, Labor, State, and Treasury. The Special Representative for Trade Negotiations and each Secretary may designate from his respective agency an official to serve as a member of the Committee in the event the regular member is unable to attend any meeting of the Committee.

(b) The Trade Information Committee—

(1) Provides an opportunity, by the holding of public hearings and by such other means as it deems appropriate, for any interested party to present an oral or written statement concerning any proposed trade agreement, and furnishes summaries of such hearings and other pertinent information so received to the Trade Staff Committee;

(2) Provides an opportunity, by the holding of public hearings, upon request by an interested party, and by such other means as it deems appropriate, for any interested party to present an oral or written statement concerning foreign import restrictions, and furnishes summaries of such hearings and other per-

tinent information so received to the Trade Staff Committee;

(3) Provides an opportunity, by such means as it deems appropriate, for any interested party to present an oral or written statement concerning any other aspect of the trade agreements program and related matters, and furnishes summaries of pertinent information so received to the Trade Staff Committee;

(4) Issues regulations governing the conduct of its public hearings and the performance of such of its other functions as it deems necessary; and

(5) Performs such other functions as the Special Representative for Trade Negotiations may from time to time determine.

#### § 2002.4 Participation by other agencies.

Each committee may invite the participation in its activities of any other agency when matters of interest to such agency are under consideration.

### PART 2003—REGULATIONS OF TRADE INFORMATION COMMITTEE

- Sec.
- 2003.1 Office, mailing address, telephone number, and hours.
  - 2003.2 Notice of public hearings.
  - 2003.3 Requests for public hearings under section 252(d).
  - 2003.4 Submission of written briefs.
  - 2003.5 Presentation of oral testimony at public hearings.
  - 2003.6 Presentation of oral testimony at informal conferences.
  - 2003.7 Information open to public inspection.
  - 2003.8 Information exempt from public inspection.
  - 2003.9 Information available to U.S. Government agencies.

**AUTHORITY:** The provisions of this Part 2003 issued under § 2002.3(b) of this chapter; secs. 223, 252(d), 76 Stat. 875, 880; 19 U.S.C. 1843, 1882(d).

#### § 2003.1 Office, mailing address, telephone number, and hours.

(a) The Office of the Trade Information Committee (hereinafter referred to as the Committee) is at 1800 G Street NW., Washington, DC 20506.

(b) All communications to the Committee should be addressed to the "Chairman, Trade Information Committee, Office of the Special Representative for Trade Negotiations, 1800 G Street NW., Washington, DC 20506."

(c) The telephone number of the office of the Committee is area code 202, 395-3434.

(d) The regular hours of the office of the Committee are from 9 a.m. to 5:30 p.m. on each business day, Monday through Friday.

#### § 2003.2 Notice of public hearings.

The Committee shall publish in the *FEDERAL REGISTER* a notice of a proposed public hearing, the subject matter of the proposed public hearing, the period during which written briefs may be submitted, the period during which requests may be submitted to present oral testimony, and the time and place of the

proposed public hearing, in the following instances—

(a) Upon publication of a list of articles by the President under section 221(a) of the Trade Expansion Act of 1962 (hereinafter referred to as the Act), as a result of which public hearings are required to be held by section 223 of the Act with respect to any matter relevant to a proposed trade agreement.

(b) Upon the granting by the Committee of a request, made by an interested party in accordance with § 2003.3 for a public hearing under section 252(d) of the Act with respect to a foreign import restriction, or

(c) Upon instructions of the Special Representative for Trade Negotiations.

#### § 2003.3 Requests for public hearings under section 252(d).

(a) A request by an interested party for a public hearing under section 252(d) of the Act may be submitted in writing at any time. Such request will be granted only if it identifies with particularity the foreign import restriction complained of, states the reasons why the restriction is believed to be of the kind covered by section 252 of the Act, and describes concisely the effect of the restriction upon U.S. commerce.

(b) A request for a public hearing under section 252(d) of the Act shall be submitted in not less than fifteen (15) copies, which shall be legibly typed, printed, or duplicated.

(c) After receipt and consideration of a request for a public hearing under section 252(d) of the Act, the Committee will notify the applicant whether the request is granted, and if so, will take action under § 2003.2, and if not, will give the reasons for the denial.

#### § 2003.4 Submission of written briefs.

(a) Participation by an interested party in a public hearing announced under § 2003.2 shall require the submission of a written brief before the close of the period announced in the public notice for its submission. Such brief may be, but need not be, supplemented by the presentation of oral testimony in accordance with § 2003.5.

(b) A written brief by an interested party concerning any aspect of the trade agreements program or any related matter not subject to paragraph (a) of this section and submitted pursuant to a public notice shall be submitted before the close of the period announced in the public notice for its submission.

(c) A written brief by an interested party concerning any aspect of the trade agreements program or any related matter not subject to paragraph (a) or paragraph (b) of this section may be submitted at any time.

(d) A written brief shall state clearly the position taken and shall describe with particularity the evidence supporting such position. It shall be submitted in not less than twenty (20) copies which shall be legibly typed, printed, or duplicated.

(e) In order to assure each party equal opportunity to contest the information provided by other interested parties, the



Committee will entertain rebuttal briefs filed by any party within 1 week after the close of hearings on a particular schedule. Rebuttal briefs shall conform, in form and number, to the provisions of paragraph (d) of this section. Rebuttal briefs should be strictly limited to demonstrating errors of fact or analysis not pointed out in the briefs or hearing and should be as concise as possible.

#### § 2003.5 Presentation of oral testimony at public hearings.

(a) A request by an interested party to present oral testimony at a public hearing shall be submitted in writing before the close of the period announced in the public notice for its submission, and shall state briefly the interest of the applicant and the position to be taken by the applicant. Such request will be granted only if a written brief has been prepared and submitted in accordance with § 2003.4.

(b) After receipt and consideration of a request to present oral testimony at a public hearing, the Committee will notify the applicant whether the request is granted, and if so, the time and place for his appearance and the amount of time allotted for his oral testimony, and if not, the reasons for the denial.

(c) The interested party may briefly summarize and should supplement the information contained in the written brief, and should be prepared to answer questions relating to such information.

(d) A stenographic record shall be made of every public hearing.

#### § 2003.6 Presentation of oral testimony at informal conferences.

(a) A request by an interested party to present oral testimony to the Committee concerning any aspect of the trade agreements program or any related matter at an informal conference may be submitted in writing at any time.

(b) After receipt and consideration of a request to present oral testimony to the Committee at an informal conference, the Committee will notify the applicant whether the request is granted, and if so, the time and place for his appearance and the amount of time allotted for his oral testimony, and if not, the reasons for the denial.

(c) At an informal conference the interested party may briefly summarize and should supplement the information contained in the written brief, if any, and should be prepared to answer questions relating to such information.

(d) A request to present oral testimony to the Committee at an informal conference will not be granted if the Committee determines that the subject matter of the proposed oral testimony comes within the subject matter of a contemporaneous public hearing as announced by a public notice.

#### § 2003.7 Information open to public inspection.

With the exception of information covered by § 2003.8, an interested party may, upon request, inspect at the office of the Committee—

(a) Any written request, brief, or similar submission of information.

(b) Any stenographic record of a public hearing.

(c) Other public written information concerning the trade agreements program and related matters.

#### § 2003.8 Information exempt from public inspection.

(a) The Committee shall exempt from public inspection business information submitted by an interested party if the Committee determines that such information concerns or relates to the trade secrets, processes, operations, style or work, or apparatus, or the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association, the disclosure of which is not authorized by law or by the interested party furnishing such information.

(b) A party requesting that the Committee exempt from public inspection business information submitted in writing shall clearly mark each page "For Official Use Only" at the top. A party may request that the Committee exempt from public inspection business information submitted orally at an informal conference.

(c) The Committee may deny a request that it exempt from public inspection any particular business information if it determines that such information is not entitled to exemption. In the event of such denial, the party submitting the particular business information will be notified of the reasons for the denial and will be permitted to withdraw his submission.

#### § 2003.9 Information available to U.S. Government agencies.

All information received by the Committee shall be available to the agencies of the U.S. Government represented on the Committee.

3. Former appendices A, B, and C to Chapter XI of this title are hereby deleted.

**Effective date.** This redesignation and republication is effective on the date of publication in the FEDERAL REGISTER (12-11-71). Compliance with 5 U.S.C. 553 is unnecessary since these regulations are merely restatements in a new codified form of regulations formerly issued by the Special Representative for Trade Negotiations.

Dated: December 7, 1971.

WILLIAM D. EBERLE,  
Special Representative  
for Trade Negotiations.

[Executive Order No. 11075, As Amended]

#### APPENDIX A

#### ADMINISTRATION OF THE TRADE AGREEMENTS PROGRAM

Text of Executive Order No. 11075 of January 15, 1963 (28 F.R. 473), as amended by Executive Order No. 11106 of April 18, 1963 (28 F.R. 3911), and Executive Order No. 11113 of June 13, 1963 (28 F.R. 6183).

By virtue of the authority vested in me by the Trade Expansion Act of 1962 (Public

Law 87-794, approved October 11, 1962; 76 Stat. 872), and by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

**SECTION 1. Definitions.** (a) As used in this order the term "the Act" means the Trade Expansion Act of 1962 (Public Law 87-794), approved October 11, 1962), exclusive, however, of chapters 2, 3, and 5 of title III thereof.

(b) As used in this order the term "the trade agreements program" includes all activities consisting of, or related to, the negotiation or administration of trade agreements (other than treaties), concluded pursuant to the authority vested in the President by the Constitution, section 350 of the Tariff Act of 1930, as amended, or the Act.

**Sec. 2. Office of Special Representative.** (a) There is hereby established in the Executive Office of the President an agency which shall be known as the Office of the Special Representative for Trade Negotiations.

(b) There shall be at the head of the said Office the Special Representative for Trade Negotiations provided for in section 241 of the Act (hereinafter referred to as the Special Representative), who shall be directly responsible to the President.

(c) There shall be in the said Office two officers, each of whom shall have the title "Deputy Special Representative for Trade Negotiations", with the rank of Ambassador. The principal functions of each shall be to conduct negotiations under title II of the Act, and each shall perform such additional duties as the Special Representative may direct.

**Sec. 3. Functions of Special Representative.** (a) The Special Representative shall have the functions conferred upon him by the Act, the functions delegated or otherwise assigned to him by the provisions of this order, and such other functions as the President may from time to time direct.

(b) The Special Representative shall advise and assist the President in the administration of, and facilitate the carrying out of, the trade agreements program. In addition, the Special Representative shall advise the President with respect to nontariff barriers to international trade, international commodity agreements, and other matters which are related to the trade agreements program.

(c) As he may deem to be necessary for the proper administration and execution of the trade agreements program and of this order, the Special Representative (1) shall draw upon the resources of Federal agencies, and of bodies established by or under the provisions of this order, in connection with the performance of his functions, and (2) except as may be otherwise provided by this order or by law, may assign to the head of any such agency or body the performance of duties incidental to the administration of the trade agreements program.

(d) In connection with the performance of his functions, the Special Representative shall, as appropriate and practicable, consult with Federal agencies.

(e) The Special Representative shall from time to time furnish the President lists of articles proposed for publication and transmittal to the Tariff Commission by the President under the provisions of section 221(a) of the act.

(f) The functions conferred upon the President by section 222 of the Act are hereby delegated to the Special Representative.

(g) The functions conferred upon the President by the first sentence of section 223 of the Act are hereby delegated to the Special Representative. The Special Representative is hereby designated to perform the functions prescribed by the second sentence of that section.



(b) After the President has entered into a trade agreement which provides for any new tariff concession, the Special Representative shall submit to the President, for transmission by him to each House of Congress, copies of such trade agreement, together with a draft of the statement relating thereto provided for in section 226 of the Act. In addition, the Special Representative shall transmit to each House of Congress copies of agreements supplementary to trade agreements which do not provide for any new tariff concession, and of such other documents relating to the trade agreements program as he considers appropriate, together with a brief statement describing each such supplementary agreement or other document.

(1) The Special Representative shall make arrangements under which the committee established by section 4 of this order shall provide for public hearings in pursuance of the second sentence of section 252(d) of the Act. The functions conferred upon the President by the first sentence of that section are hereby delegated to the Special Representative.

(j) Advice furnished by the Secretaries of Commerce and Labor under section 351(c) of the Act shall be transmitted by the respective Secretaries to the President through the Special Representative.

(k) Subject to available financing, the Special Representative may employ such personnel as may be necessary to assist him in the performance of his functions.

(l) The Special Representative shall prepare or have prepared for consideration by the President, in a form suitable for inclusion in Title 48 of the Code of Federal Regulations, any proclamation which relates wholly or primarily to the trade agreements program. Any such proclamation shall be subject to the provisions of Executive Order No. 11030 of June 19, 1962 (27 F.R. 5847), except that such proclamation need not be submitted for approval to the Director of the Bureau of the Budget as provided in section 2 (a) and (b) of that order but may be transmitted directly to the Attorney General for his consideration as to both form and legality.

**Sec. 4. Trade Expansion Act Advisory Committee.** (a) There is hereby established the Trade Expansion Act Advisory Committee (hereinafter referred to as the Committee). The Committee shall be composed of the Special Representative, who shall be its chairman, and the following other members: The Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor.

(b) Each Secretary referred to in section 4(a) of this order may designate an official from his department, who is in status not below that of an Assistant Secretary of an executive or military department, to serve as a member of the Committee in lieu of the designating Secretary when the latter is unable to attend any meeting of the Committee. In corresponding circumstances, the Special Representative may designate the Deputy Special Representative for Trade Negotiations, for a corresponding purpose. Except for his accountability to his designating authority, any person while so serving shall have in all respects the same status, as a member of the Committee, as do other members of the Committee.

(c) The Special Representative may from time to time designate any member of the Committee (including any person serving as a member of the Committee under the provisions of section 4(b) hereof) to act as chairman of the Committee when the Special Representative is unable to attend any meeting of the Committee.

(d) The Committee shall have the functions conferred by the Act upon the inter-agency organization referred to in section 242 of the Act and shall also perform such other functions as the President may from time to time direct.

(e) The recommendations made by the Committee under section 242(b)(1) of the Act, as approved or modified by the President, shall guide the administration of the trade agreements program.

(f) Before making recommendations to the President under section 242(b)(2) of the Act, the Committee shall, through the Special Representative, request the advice of the Adjustment Assistant Advisory Board, created by the provisions of section 361 of the Trade Expansion Act of 1962, concerning the feasibility of adjustment assistance to workers and firms.

(g) The functions conferred upon the President by the second sentence of section 242(c) of the Act, to the extent that they are in respect of procedures, are hereby delegated to the Committee.

**Sec. 5. Tariff Commission.** (a) The U.S. Tariff Commission is requested to determine the ad valorem equivalent, and, for this purpose, the authority conferred upon the President by the provisions of section 256(7) of the Act is hereby delegated to the Commission.

(b) Reports required to be made, and transcripts of hearings and briefs required to be furnished, by the Tariff Commission under the provisions of section 301(f)(1) of the Act (1) shall, in respect of investigations made by it under section 301(c)(1) of the Act, be transmitted by the Commission to the President through the Secretary of Commerce, and (2) shall, in respect of investigations made by it under section 301(c)(2) of the Act, be transmitted to the President through the Secretary of Labor.

(c) All other reports, findings, advice, hearing transcripts, briefs, and information which, under the terms of the Act, the Tariff Commission is required to furnish, report, or otherwise deliver to the President shall be transmitted to him through the Special Representative.

(d) Advice of the Tariff Commission under section 221(b) of the Act shall not be released or disclosed in any manner or to any extent not specifically authorized by the President or by the Special Representative.

**Sec. 6. Secretary of the Treasury.** There is hereby delegated to the Secretary of the Treasury the authority to issue regulations, conferred upon the President by the provisions of section 352(b) of the Act.

**Sec. 7. Secretary of Commerce.** The authority to certify, conferred upon the President by the provisions of section 302(c) of the Act, to the extent that such authority is in respect of firms, is hereby delegated to the Secretary of Commerce.

**Sec. 8. Secretary of Labor.** There are hereby delegated to the Secretary of Labor the authority to certify, conferred upon the President by the provisions of section 302(c) of the Act, to the extent that such authority is in respect of groups of workers, and the authority conferred upon the President by the provisions of section 302(e) of the Act.

**Sec. 9. Committees and task forces.** To perform assigned duties in connection with functions under the Act or this order and as may be permitted by law, the Special Representative may from time to time cause to be constituted appropriate committees or task forces made up in whole or in part of representatives or employees of interested agencies, of representatives of the committee established by the provisions of section 4 of this order, or of other persons. Assignments of personnel from agencies, in connection with the foregoing, and assignments

of duties to them, shall be made with the consent of the respective heads of agencies concerned.

**Sec. 10. Threat of impairment of national security.** Executive Order No. 11051 of September 27, 1962, is hereby amended by striking from section 404(a) thereof the text "section 2 of the Act of July 1, 1954 (68 Stat. 360; 19 U.S.C. 1352a)" and inserting in lieu of the stricken text the following: "Section 232 of the Trade Expansion Act of 1962".

**Sec. 11. Redlegation.** Delegations of authority made by this order to the Special Representative, the Secretary of Commerce, and the Secretary of Labor, and other assignments of authority made by this order to the Special Representative, shall be deemed to include the power of successive redelegation.

**Sec. 12. References.** Except as may for any reason be inappropriate, references in this order to any other Executive order or to the Act or to the Trade Expansion Act of 1962 or to any other statute, and references in this order or in any other Executive order to this order, shall be deemed to include references thereto, respectively, as amended from time to time.

**Sec. 13. Prior bodies and orders.** (a) The pending business, and the records and property of the Trade Policy Committee, Trade Agreements Committee, and the Committee for Reciprocity Information (now existing under orders referred to in section 13(b) below) shall be completed or transferred as the Special Representative, consonant with law and with the provisions of this order, shall direct; and the said committees are abolished effective as of the 30th day following the date of this order.

(b) Subject to the foregoing provisions of this section, the following are hereby superseded and revoked:

- (1) Executive Order No. 10082 of October 5, 1949.
- (2) Executive Order No. 10170 of October 12, 1950.
- (3) Executive Order No. 10401 of October 14, 1952.
- (4) Executive Order No. 10741 of November 25, 1957.

JOHN F. KENNEDY.

THE WHITE HOUSE,  
January 15, 1963.

[FR Doc.71-18169 Filed 12-10-71;8:47 am]

## Title 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter II—Securities and Exchange Commission

[Release No. IC-6866]

#### PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

##### Contractual Plans for Mutual Fund Shares and Variable Annuities; Correction

On June 10, 1971, in Release No. IC-6559, which was published in the FEDERAL REGISTER for June 14, 1971 at 36 F.R. 11645, the Commission announced, among other things, an amendment to § 270.27a-3 of Chapter II of Title 17 of the Code of Federal Regulations to include therein a reference to paragraph (5) of section 27(h) of the Investment Company Act of 1940.



Because of a typographical error, the caption to § 270.27a-3 included a reference to "section 27(f) (5)" instead of the correct reference as intended.

Commission action: The reference in the caption to § 270.27a-3 of Chapter II of Title 17 of the Code of Federal Regulations which reads "section 27(f) (5)" is amended to read "section 27(h) (5)", and as so amended said caption will read as follows:

§ 270.27a-3 Exemption from section 27(a) (4) and section 27(h) (5) of the Act for certain registered separate accounts.

For the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

DECEMBER 6, 1971.

[FR Doc. 71-18160 Filed 12-10-71; 8:46 am]

## Title 21—FOOD AND DRUGS

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

#### SUBCHAPTER C—DRUGS

#### PART 135—NEW ANIMAL DRUGS

##### Subpart C—Sponsors of Approved Applications

#### PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

##### Coumaphos

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (40-001V) filed by Chemagro, Division of Baychem Corp., Hawthorn Road, Post Office Box 4913, Kansas City, Mo. 64120, proposing that labeling for coumaphos be revised to permit use of the drug in pelleted feeds. The supplemental application is approved.

As requested by the sponsor, the name of the firm is being changed in the list of firms in § 135.501 (21 CFR 135.501).

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

1. Section 135.501 is amended in paragraph (c) by changing the firm name for Code 007, Chemagro Corp., as follows:

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

Code No.	Firm name and address
007	Chemagro, Division of Baychem Corp., Hawthorn Road, Post Office Box 4913, Kansas City, Mo. 64120.

2. Section 135e.39 is amended in paragraph (f) by revising the text in the "Limitations for use" column for item 3 to read as follows:

#### § 135e.39 Coumaphos.

(f) Conditions of use. It is used as follows:

Amount	Limitations	Indications for use
***	***	***
3. Coumaphos.....	For chickens in complete feed; administer continuously for from 10 to 14 days; do not feed to chickens under 8 weeks of age nor within 10 days of vaccination or other conditions of stress; when reinfection occurs, treatment should be repeated 3 weeks after end of previous treatment; as sole medication; treatment of colored breeds of commercial layers should be avoided while in production since these breeds appear to be more sensitive to coumaphos than white breeds.	***

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (12-11-71).

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

Dated: December 1, 1971.

C. D. VAN HOUWELING,  
Director.

Bureau of Veterinary Medicine.

[FR Doc. 71-18077 Filed 12-10-71; 8:45 am]

### Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

#### PART 312—IMPORTATION AND EXPORTATION OF CONTROLLED SUBSTANCES

##### Hearing Procedures for Denial of Import and/or Export Permits

On November 3, 1971, the Bureau of Narcotics and Dangerous Drugs published a notice of proposed rule making amending the hearing procedures provided for denial of import and/or export permits (36 F.R. 21057). No comments nor objections were received within the 30-day period so provided.

Therefore, under the authority vested in the Attorney General by sections 1002, 1003, 1007, and 1008 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513) and re-delegated to the Director, Bureau of Narcotics and Dangerous Drugs, by § 0.100 of Title 28 of the Code of Federal Regulations, the Director hereby orders that Part 312 of Title 21 of the Code of Federal Regulations be amended as follows:

1. By deleting § 312.13 and replacing it with the following:

##### § 312.13 Issuance of import permit.

(a) The Director may authorize importation of any controlled substance listed in schedule I or II or any narcotic drug listed in schedule III, IV, or V if he finds:

(1) That the substance is crude opium or coca leaves in such quantity as he finds necessary to provide for medical, scientific, or other legitimate purposes;

(2) That the substance is necessary to provide for medical and scientific needs

or other legitimate needs of the United States during an emergency where domestic supplies of such substance or drug are found to be inadequate, or in any case in which the Director finds that competition among domestic manufacturers of the controlled substance is inadequate and will not be rendered adequate by the registration of additional manufacturers under section 303 of the Controlled Substances Act (21 U.S.C. 823); or

(3) That the domestic supply of any controlled substance is inadequate for scientific studies, and that the importation of that substance for scientific purposes is only for delivery to officials of the United Nations, of the United States, or of any State, or to any person registered or exempted from registration under sections 1007 and 1008 of the Act (21 U.S.C. 957 and 958).

(b) If after careful consideration of the application, it is found that approval cannot be given, and if additional information is required, or other action is necessary to correct any mistake or irregularity in the application or accompanying documents, opportunity will be afforded the prospective importer by the Director to furnish such additional information or to correct such mistake or irregularity before the application is finally disapproved.

(c) Each import permit shall be issued in sextuplet and serially numbered, with all six copies bearing the same serial number and being designated "original" (Copy 1), "duplicate" (Copy 2), etc., respectively. All copies of import permits shall bear the signature of the Director or his delegate, and facsimiles of signatures shall not be used. No permit shall be altered or changed by any person after being signed by the Director or his delegate and any change or alteration upon the face of any permit after it shall have been signed by the Director or his delegate shall render it void and of no effect. Permits are not transferable. Each copy of the permit shall have printed or stamped thereon the disposition to be made thereof. Each permit shall be dated and shall certify that the importer named therein is thereby permitted as a registrant under the Act, to import, through the port named, one shipment of not to exceed the specified quantity of



the named controlled substances, shipment to be made before a specified date. Not more than one shipment shall be made on a single import permit. The permit shall state that the Director is satisfied that the consignment proposed to be imported is required for legitimate purposes.

2. By deleting § 312.23 and replacing it with the following:

**§ 312.23 Issuance of export permit.**

(a) The Director may authorize exportation of any controlled substance listed in schedule I or II or any narcotic controlled substance listed in schedule III or IV if he finds that such exportation is permitted by subsections 1003 (a), (b), (c), or (d) of the Act (21 U.S.C. 953 (a), (b), (c), or (d)).

(b) If after careful consideration of the application it is found that approval cannot be given, and additional information is required, or other action is necessary to correct any mistake or irregularity in the application or accompanying documents, opportunity will be afforded the prospective exporter by the Director to furnish such additional information or to correct such mistake or irregularity before the application is finally disapproved.

(c) Each export permit shall be issued in septuplet and serially numbered, with all seven copies bearing the same serial number and being designated "original" (Copy 1), "duplicate" (Copy 2), etc., respectively. Each export permit shall be predicated upon an import certificate or other documentary evidence. Export permits are not transferable.

(d) No export permit shall be issued for the exportation of any narcotic drug to any country when the Director has information to show that the estimates submitted with respect to that country for the current period, under the Narcotic Limitation Convention of 1931, or the Single Convention on Narcotic Drugs of 1953, have been, or, considering the quantity proposed to be imported, will be exceeded. If it shall appear through subsequent advice received from the International Narcotic Control Board of the United Nations that the estimates of the country of destination have been adjusted to permit further importation of the narcotic drug, an export permit may then be issued if otherwise permissible.

3. By adding seven new sections as follows:

**§ 312.41 Hearings generally.**

(a) In any case where the Director shall hold a hearing regarding the denial of an application for an import or export permit, the procedures for such hearing shall be governed generally by the rule making procedures set forth in the Administrative Procedure Act (5 U.S.C. 551-559) and specifically by sections 1002 and 1003 of the Act (21 U.S.C. 952 and 953), by §§ 312.42-312.47, and by the procedures for administrative hearings

under the Act set forth in §§ 316.41-316.67 of this chapter.

**§ 312.42 Purpose of hearing.**

(a) If requested by an interested person who presents reasonable grounds therefor, the Director shall hold a hearing for the purpose of receiving factual evidence regarding the issues involved in the denial of an application for an import or export permit.

(b) The Director need not hold a hearing on the denial of an application for an import or export permit separate from a hearing on the suspension, revocation or denial of a registration to import or export, held pursuant to §§ 311.51-311.53 of this chapter.

(c) Extensive argument should not be offered into evidence but rather presented in opening or closing statements of counsel or in memoranda or proposed findings of fact and conclusions of law.

**§ 312.43 Waiver or modification of rules.**

The Director or the presiding officer (with respect to matters pending before him) may modify or waive any rule in this part by notice in advance of the hearing, if he determines that no party in the hearing will be unduly prejudiced and the ends of justice will thereby be served. Such notice of modification or waiver shall be made a part of the record of the hearing.

**§ 312.44 Request for hearing or appearance; waiver.**

(a) Any person who desires a hearing on the denial of his application for an import or export permit shall, within 30 days after the date of receipt of the denial of his application for an import or export permit, file with the Director a written request for a hearing in the form prescribed in § 316.47 of this chapter.

(b) Any interested person who desires to participate in a hearing on the denial of an application for an import or export permit shall, within 30 days of the date of publication of notice of the hearing in the FEDERAL REGISTER, file with the Director a written notice of his intention to participate in such hearing in the form prescribed in § 316.48 of this chapter. Any person filing a request for a hearing need not also file a notice of appearance; the request for a hearing shall be deemed to be a notice of appearance.

(c) Any person entitled to a hearing or to participate in a hearing pursuant to § 312.13 or § 312.23 may, within the period permitted for filing a request for a hearing or a notice of appearance, file with the Director a waiver of an opportunity for a hearing or to participate in a hearing, together with a written statement regarding his position on the matters of fact and law involved in such hearing. Such statement, if admissible, shall be made a part of the record and shall be considered in light of the lack of opportunity for cross-examination in

determining the weight to be attached to matters of fact asserted therein.

(d) If any person entitled to a hearing or to participate in a hearing pursuant to § 312.13 or § 312.23, fails to file a request for a hearing or a notice of appearance, or if he so files and fails to appear at the hearing, he shall be deemed to have waived his opportunity for the hearing or to participate in the hearing, unless he shows good cause for such failure.

(e) If all persons entitled to a hearing or to participate in a hearing waive or are deemed to waive their opportunity for the hearing or to participate in the hearing, the Director may cancel the hearing, if scheduled, and issue his final order pursuant to § 312.47 without a hearing.

**§ 312.45 Burden of proof.**

At any hearing regarding the denial of an application for an import or export permit, each person entitled to, or participating in, the hearing shall have the burden of proving any propositions of fact or law asserted by him in the hearing.

**§ 312.46 Time and place of hearing.**

(a) If any person entitled to a hearing or to participate in a hearing pursuant to § 312.13 or § 312.23 requests a hearing on the denial of an application for an import or export permit, the Director shall hold such hearing. Notice of the time and place of the hearing shall be given at least 30 days prior to the hearing, unless such notice is waived and it is requested that the hearing be held at an earlier time, in which case the Director shall fix a date for such hearing as early as reasonably possible.

(b) The hearing will commence at the place and time designated in the notice given pursuant to paragraph (a) of this section or in the notice of hearing published in the FEDERAL REGISTER pursuant to § 312.44(b), but thereafter it may be moved to a different place and may be continued from day to day or recessed to a later day without notice other than announcement thereof by the presiding officer at the hearing.

**§ 312.47 Final order.**

As soon as practicable after the presiding officer has certified the record to the Director, the Director shall issue his order on the denial of the application for an import or export permit. The order shall include the findings of fact and conclusions of law upon which the order is based. The Director shall serve one copy of his order upon each party in the hearing.

This order is effective upon its publication in the FEDERAL REGISTER (12-11-71).

Dated: December 8, 1971.

JOHN E. INGERSOLL,  
Director, Bureau of  
Narcotics and Dangerous Drugs.

[FR Doc. 71-18201 Filed 12-10-71; 8:49 am]



## Title 29—LABOR

### Chapter V—Wage and Hour Division, Department of Labor

#### PART 657—TOBACCO INDUSTRY IN PUERTO RICO

##### Wage Rates

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 618 (36 F.R. 7686), the Secretary of Labor appointed and convened Industry Committee No. 104 for the Tobacco Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 104 are hereby published, amending § 657.2 of Title 29, Code of Federal Regulations.

As amended, § 657.2 reads as follows:

##### § 657.2 Wage rates.

(a) *Pre-1961 coverage classifications.* The classifications for pre-1961 coverage apply to all activities in the industry to which section 6 of the Fair Labor Standards Act would have applied prior to the Fair Labor Standards Amendments of 1961.

(1) *Filler tobacco processing classification.* (i) The minimum wage for this classification is 76 cents an hour.

(2) *Wrapper type tobacco processing classification.* (i) The minimum wage for this classification is \$1.31 an hour.

(3) *Machine threshing, other operations classification.* (i) The minimum wage for this classification is \$1.50 an hour.

(4) *Cigarette classification.* (i) The minimum wage for this classification is \$1.60 an hour.

(ii) This classification is defined as the manufacture of cigarettes, and all operations incidental thereto.

(5) *General classification.* (i) The minimum wage for this classification is \$1.57 an hour.

(b) *1961 coverage classification.* (i) The minimum wage for this classification is \$1.57 an hour.

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

*Effective date.* This amendment shall become effective upon the expiration of 15 days after the date of publication.

Signed at Washington, D.C., this 6th day of December 1971.

HORACE E. MENASCO,  
Administrator, Wage and Hour  
Division, U.S. Department of  
Labor.

[FR Doc. 71-18152 Filed 12-10-71; 8:45 am]

#### PART 699—TEXTILE AND TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

##### Wage Rates

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 618 (36 F.R. 7686), the Secretary of Labor appointed and convened Industry Committee No. 103 for the Textile and Textile Products Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 103 are hereby published, amending § 699.2 of Title 29, Code of Federal Regulations.

As amended, § 699.2 reads as follows:

##### § 699.2 Wage rates.

(a) *Pre-1961 coverage classifications.* The classifications for pre-1961 coverage apply to all activities in the industry to which section 6 of the Fair Labor Standards Act would have applied prior to the Fair Labor Standards Amendments of 1961.

(2) *Multiple-needle power-driven machine operations on hooked rugs classification.* (i) The minimum wage rate for this classification is \$1.55 an hour.

(3) *Other operations on hooked rugs classifications.* (i) The minimum wage for this classification is \$1.30 an hour.

(4) *General classification.* (i) The minimum wage for this classification is \$1.45 an hour.

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

*Effective date.* This amendment shall become effective upon the expiration of 15 days after the date of publication.

Signed at Washington, D.C., this 6th day of December 1971.

HORACE E. MENASCO,  
Administrator, Wage and Hour  
Division, U.S. Department of  
Labor.

[FR Doc. 71-18153 Filed 12-10-71; 8:46 am]

## Title 32—NATIONAL DEFENSE

### Chapter I—Office of the Secretary of Defense

#### SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

#### PART 67—ALLOCATION OF RE- SERVE FORCES UNITS TO LOCAL COMMUNITIES

The Deputy Secretary of Defense approved the following:

##### Sec.

- 67.1 Purpose.
- 67.2 Applicability.
- 67.3 Procedure.
- 67.4 Limitation.

*AUTHORITY:* The provisions of this Part 67 issued under sec. 301, 80 Stat. 379; 5 U.S.C. 301.

##### § 67.1 Purpose.

The purpose of this part is to establish a uniform procedure in the allocation of reserve forces units of the military departments to local communities in accordance with the reserve manpower potential.

##### § 67.2 Applicability.

This part is applicable to the military departments when allocating a new reserve unit to a local community.

##### § 67.3 Procedure.

When a military department formulates a plan for the allocation of a reserve unit to a local community where a unit of that department did not formerly exist, the appropriate commander of the department concerned will coordinate such tentative location with the Assistant Secretary of Defense (Manpower and Reserve Affairs), the appropriate commanders of the other military departments and, when appropriate, with the governor of the State concerned. He may also, through command channels, utilize the advice of all military (including the State Reserve Forces Facilities Boards; Reserve Forces Policy Board, Office of the Secretary of Defense) and civilian agencies concerned with reserve facilities.



§ 67.4 Limitation.

Nothing in this part shall be construed in any way to limit the rights of the governors of the several States to determine and fix the location of units of the National Guard within their respective borders, as authorized by section 104(a) of Title 32, United States Code.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives Division, OASD  
(Comptroller).

[FR Doc.71-18183 Filed 12-10-71;8:48 am]

**PART 68—DETERMINATION OF MANPOWER AVAILABLE FOR RESERVE UNITS IN SPECIFIC AREAS**

The Assistant Secretary of Defense (Manpower and Reserve Affairs) approved the following:

Sec.

- 68.1 Purpose.
- 68.2 Applicability.
- 68.3 Procedures for facilities for reserve nonflying units.
- 68.4 Procedures applicable to facilities for reserve flying units.

**AUTHORITY:** The provision of this Part 68 issued under 10 U.S.C. 2234; sec. 301, 80 Stat. 379; 5 U.S.C. 301.

§ 68.1 Purpose.

This part provides procedures for making the necessary determination required by section 2234(1) of Chapter 133, Title 10, United States Code, and is issued under authority of subsection I.B. of DOD Directive 5100.10, "Delegation of Authority With Respect to Reserve Forces Facilities," August 20, 1962 (27 F.R. 8630).

§ 68.2 Applicability.

(a) Section 2234(1) of Chapter 133, Title 10, United States Code, provides that the Secretary of Defense shall make a determination, prior to the expenditure or contribution of funds for a reserve forces facility, that the number of reserve units located or to be located in an area is not and will not be larger than the number that can reasonably be expected to be maintained at authorized strength, considering the number of persons living in the area who are qualified for membership in those reserve units.

(b) The procedures established under §§ 68.3 and 68.4 will implement section 2234(1) of Chapter 133, Title 10, United States Code. They are applicable to all military departments when seeking authority to construct reserve forces facilities. The Deputy Assistant Secretary of Defense for Reserve Affairs will review the determinations made under the procedures and, whenever it is deemed necessary, request further information to substantiate them. Final determination with respect to the requirements of section 2234(1) will be made by the Assistant Secretary of Defense (Manpower and Reserve Affairs).

§ 68.3 Procedures for facilities for reserve nonflying units.

(a) When approval is sought for the construction of a reserve forces facility

for a reserve nonflying unit, the Service concerned shall review the reserve manpower potential of the area to determine whether it is adequate to meet and maintain the authorized strengths (approved manning levels) of its reserve nonflying units, after taking into consideration the manpower requirements needed to meet and maintain authorized strengths of nonflying units of the reserve components of all other armed forces (Army, Navy, Air Force, Marine Corps, Coast Guard) located in the area to include units which have been allocated to the area for future activation. This review shall address, but not be limited to, the following factors:

- (1) Male population of the area between the ages of 17 and 35.
- (2) Authorized and actual strengths of reserve nonflying units of all Services located in the area; authorized strengths of reserve nonflying units of all Services allocated to, but not yet activated in, the area.
- (3) Record of actual strength growth of nonflying units in the area.
- (4) Community attitude toward reserve units.
- (5) Industrial composition of the community as related to the skill requirements of the units.
- (6) Projected growth and composition of the population.
- (7) Prior-service reservists located in the area.

(b) If a positive determination is made, the Service concerned shall coordinate this determination with other Services having reserve nonflying units in the area including, in the case of the National Guard, the appropriate State official. Based on this coordinated determination, the following statement shall be prepared and submitted to the Assistant Secretary of Defense (Manpower and Reserve Affairs), through the Assistant Secretary of Defense (Installations and Logistics), over the signature of the official having final Departmental responsibility for approving reserve forces facilities construction projects:

The reserve manpower potential to meet and maintain authorized strengths of all reserve nonflying units in the area in which this facility is to be located has been reviewed in accordance with the procedures described in paragraph (a) of this section and it has been determined, in coordination with all other Services having reserve nonflying units in the area, that the number of units of the reserve components of the Armed Forces presently located in the area, and those which have been allocated to the area for future activation, is not and will not be larger than the number that reasonably can be expected to be maintained at authorized strength, considering the number of persons living in the area who are qualified for membership in those reserve units.

(c) In the event complete coordination cannot be effected, the case shall be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) for resolution.

§ 68.4 Procedures applicable to facilities for reserve flying units.

The procedures described in § 68.3 shall also be used in seeking authority

for construction of reserve forces facilities for flying units, substituting the words, "flying" for "nonflying" in each instance.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives Division OASD  
(Comptroller).

[FR Doc.71-18184 Filed 12-10-71;8:48 am]

**PART 100—UNSATISFACTORY PERFORMANCE OF READY RESERVE OBLIGATION**

The Deputy Secretary of Defense approved the following revision of Part 100:

Sec.

- 100.1 Purpose and applicability.
- 100.2 Definitions.
- 100.3 Policies and responsibilities.

**AUTHORITY:** The provisions of this Part 100 issued under sec. 301, 80 Stat. 379; 5 U.S.C. 301.

§ 100.1 Purpose and applicability.

This part provides the Military Departments with Department of Defense policies concerning the actions to be taken in regard to members of the Ready Reserve whose performance of duty or participation in reserve training is determined to be unsatisfactory.

§ 100.2 Definitions.

(a) "Selected Reserve" consists of members of the Ready Reserve in pay groups A, B, C and F. These reservists are either (1) members of units who (i) regularly participate in drills and annual active duty for training or annual field training in the case of the National Guard, or (ii) are on initial active duty for training; or (2) individuals who participate in regular drills and annual active duty for training on the same basis as members of reserve units. Excluded from the Selected Reserve are reservists who only participate in annual active duty for training but are not paid for attendance at regular drills (pay categories D and E), reservists enrolled in ROTC training, members of the individual Ready Reserve pool, and reservists on extended active duty. (See Part 102 of this subchapter and 10 U.S.C. 268(b).)

(b) "Unsatisfactory participation" by a member of the Ready Reserve consists of failure to fulfill individual obligation or agreement to be a member of a unit of the Ready Reserve as described in 10 U.S.C. 268(b); or failure to meet the standards as prescribed by the Military Departments concerned for attendance at training drills, attendance at active duty for training, for training advancement, or for performance of duty.

(c) "Reasonable commuting distance" is the maximum distance a member of a reserve component can be expected to travel involuntarily between residence and drill training site and is normally defined as any distance within a 50-mile radius of a drill training site. However, in congested areas the distance shall not exceed that which can be traveled by automobile under average conditions of traffic, weather, and roads, within a



period of 1½ hours. (This definition applies only to the policy in § 100.3(c) (2).)

### § 100.3 Policies and responsibilities.

(a) *Satisfactory participation in the Ready Reserve.* (1) Personnel without prior military service who enlist or have enlisted in one of the reserve components under the provisions of 10 U.S.C. 511, 32 U.S.C. 302 or section 262, Reserve Forces Act of 1955 (69 Stat. 598, 600), as amended by Public Law 88-110 (77 Stat. 134, 136) are expected to participate and perform satisfactorily as a member of the Ready Reserve in fulfillment of their obligation and/or agreement and in accordance with the standards prescribed in Parts 102 and 101 of this subchapter and by the Military Department concerned.

(2) It is the responsibility of the Secretaries of the Military Departments concerned to insure to the maximum extent practicable that applicants for enlistment in the reserve components understand prior to their enlistment the obligations and requirements as members of the Ready Reserve for satisfactory participation, and for active service in the event of mobilization.

(b) *Compliance measures for unsatisfactory participation.* (1) Members of the Ready Reserve who (i) fail, or are unable, to participate satisfactorily in units of the Ready Reserve, (ii) have not fulfilled their statutory reserve obligation, and (iii) have not served on active duty or active duty for training for a total of twenty-four (24) months will be ordered to active duty under the provisions of 10 U.S.C. 673a and Executive Order 11366.

(2) A member of the Ready Reserve ordered to active duty under these provisions may be required to serve on active duty until his total service on active duty or active duty for training equals twenty-four (24) months.

(3) Where the enlistment or period of military service of a member of the Ready Reserve ordered to active duty under the provisions of 10 U.S.C. 673a and Executive Order 11366 expires before he has served the prescribed period of active duty, the enlistment or period of military service may be extended until his obligated active duty service has been completed.

(4) If delivery of orders to active duty cannot be accomplished by registered mail with return receipt, they should be hand-delivered by military personnel. If the individual refuses to accept the orders and sign the receipt, he should be informed of the contents of the orders. If, on the appointed date, the individual does not report to the command to which he has been ordered, he will then become an "unauthorized absentee" and the normal procedures for handling unauthorized absences should be followed.

(5) It is the responsibility of each member of the Ready Reserve to assure that all organizational records pertaining to him reflect an accurate and current mailing address where he can be reached. Individuals who fail to fulfill their individual obligations or agree-

ments and who cannot be located will become subject to the provisions of paragraph (d) (2) of this section.

(c) *Exceptions.* As exceptions to the policies in paragraph (b) of this section above, individuals who do not, or are unable to, participate satisfactorily in units of the Selected Reserve for any of the following reasons will be processed as indicated:

(1) Except as provided in subparagraphs (3) and (4) of this paragraph, individuals eligible for discharge from the reserve components for dependency, hardship or other cogent reasons authorized by regulations of the Military Department concerned will, upon application, be discharged.

(2) Individuals unable to participate in a unit of the Selected Reserve by reason of action taken by the Military Department concerned (e.g., unit inactivation or relocation), to the effect that they reside beyond a reasonable commuting distance of a reserve unit, will be assigned to the Individual Ready Reserve until they are able to rejoin or be assigned to another reserve unit, or become eligible for transfer to the Standby Reserve or discharge upon completion of their obligation. However, such individuals are still subject to involuntary order to active duty in the event:

(i) Of any mobilization, if they qualify under the statutory provisions of the involuntary order to active duty;

(ii) They fail to satisfactorily participate in any annual active duty for training periods (15 to 30 days each year) when so ordered.

(3) An individual whose involuntary order to active duty would result in extreme community or personal hardship may, upon request, be transferred to the Standby Reserve or discharged in accordance with Part 125 of this chapter.

(4) Individuals who are preparing for or are engaged in critical civilian occupations will be screened in accordance with Part 125 of this chapter.

(5) Individuals who have served on active duty for a total of not less than twenty (20) months and who cannot be effectively employed or utilized in active service in the short time remaining if ordered to active duty under the provisions of 10 U.S.C. 673a will, as considered appropriate by the Military Department concerned:

(i) Be assigned to the Individual Ready Reserve, or

(ii) Be ordered to active duty for training for not more than forty-five (45) days in any year of unsatisfactory service in accordance with 10 U.S.C. 270.

(6) Individuals whose remaining period of statutory reserve obligation is less than three (3) months (which does not afford adequate time for administratively effecting their assignment to active duty pursuant to 10 U.S.C. 673a may be ordered to active duty for training for not more than forty-five (45) days in accordance with 10 U.S.C. 270 or be discharged as considered appropriate.

(7) Individuals who incur a bona fide, temporary, nonmilitary obligation requiring overseas residency outside the United States, or incur a religious mis-

sionary obligation will be processed in accordance with Part 103 of this chapter.

(8) Individuals who change their residences within the United States, its possessions, and the Commonwealth of Puerto Rico:

(i) If such individuals lose their unit positions because of the voluntary change of residence, they will (a) be transferred to another paid drill unit within the same reserve component whenever practicable; or (b) depending upon the circumstances, be given a period of up to sixty (60) days after departing from their original unit to locate and join another reserve component unit where they will fill an existing vacancy, or be assigned as overstrength pursuant to subdivision (iv) of this subparagraph.

(ii) If such individuals locate position vacancies which require different specialties than the ones they now possess, the Secretary of the Military Department concerned may provide for the retraining of these individuals (with their consent) by ordering them to active duty for training in a new specialty.

(iii) Reservists who effect a voluntary change of residence must be accepted in a reserve unit by their parent Military Department regardless of vacancies, subject to determinations outlined in (a), (b), and (c) of this subdivision. Additionally, transfers between reserve components are authorized under the provisions of Part 123 of this subchapter.

(a) The move is essential because of business or other cogent reasons.

(b) The losing unit certifies in writing that the reservist's performance of service has been satisfactory.

(c) The reservist's specialty is usable in the unit or that he can be retrained by on-the-job training or is willing to be retrained as outlined in subdivision (ii) of this subparagraph.

(iv) In carrying out the provisions of subdivision (iii) of this subparagraph the authorized "paid drill strength" for Selected Reserves may be exceeded by three (3) percent in order to absorb these reservists and to compensate for administrative delays encountered during recruiting and separation processing.

(a) The Military Departments shall manage this program closely to assure that overstrength enlistment is not automatic, e.g., if a reservist moves to a locality where there are two (2) or more reserve units, he should not be assigned to the nearest unit if the more distant unit has a vacancy or a lesser degree of overstrength.

(b) The provisions of this subdivision (iv), should tend to bring drill pay attendance closer to 100 percent of authorized paid drill strength.

(v) If members of the Selected Reserve subdivision (i), of this subparagraph, fail to join another unit within a period of sixty (60) days, they will be ordered to active duty in accordance with paragraph (b) of this section, unless they are considered eligible to be handled as "exceptions" under policies outlined under subparagraphs (1) through (7) of this paragraph.

(9) Individuals who change residence outside the United States, its possessions



and the commonwealth of Puerto Rico—

(1) Regardless of physical location, are subject to the provisions of paragraph (a) (8) of this section.

(ii) Will be directed to notify their units if they plan to leave the areas listed in subparagraph (8) of this paragraph and will be counseled by their unit commander as to the consequences.

(d) *Other compliance measures*—(1) *Active duty for training for forty-five (45) days.* Except as provided in paragraph (c) of this section the active-duty-for-training for forty-five (45) days measure authorized by 10 U.S.C. 270 will be used primarily for members of the Ready Reserve who do not participate satisfactorily and who have completed twenty-four (24) months of active duty.

(2) *Priority induction.* Priority for induction under the provisions of section 6(c) (2) (D), of the Military Selective Service Act of 1967 will be invoked only in cases of non-locatable members.

(e) *Delay from involuntary order to active duty.* (1) Individuals who become subject to being ordered to active duty under this part may be delayed, as prescribed by the Secretary of the Military Department concerned, from active duty for the purposes of taking State or Federal examinations, seasonal employment, and for similar cogent reasons. Upon termination of such delays, reservists will be ordered to active duty.

(2) Those members whose orders to active duty have been delayed for reasons other than willful unsatisfactory participation and who join a unit during

the period of delay will not be ordered to active duty.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives Division, OASD  
(Comptroller).

[FR Doc.71-18194 Filed 12-10-71;8:49 am]

## Title 39—POSTAL SERVICE

### Chapter I—U.S. Postal Service

#### PART 134—THIRD CLASS

##### Books and Catalogs; Correction

In the daily issue of December 9, 1971 (36 F.R. 23386) the Postal Service published regulations which would require books and catalogs having less than full-sized covers to be enclosed in envelopes (39 CFR 134.4(f)). Through inadvertence the published document did not contain the effective date of the new regulations, which is May 14, 1972. Accordingly, the cited document is hereby corrected to provide that the regulations set out in § 134.4(f) of Title 39 are effective May 14, 1972.

This correction notice does not affect the amendment made to § 134.7(a) of Title 39, which also appears in the cited document.

(39 U.S.C. 401)

DAVID A. NELSON,  
Senior Assistant Postmaster  
General and General Counsel.

[FR Doc.71-18292 Filed 12-10-71;10:25 am]

## Title 50—WILDLIFE AND FISHERIES

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

#### PART 33—SPORT FISHING

##### Upper Souris National Wildlife Refuge, N. Dak.; Correction

In F.R. Doc. 71-16372, appearing on page 21520 of the issue for Wednesday, November 10, 1971, in § 33.5, subparagraph (4) under special conditions should read as follows:

(4) Legal hook and line equipment for each fisherman while fishing from shoreline and road crossings of Lake Darling and banks of the Mouse (Souris) River, shall consist of one pole equipped with one line to which is attached one hook or lure.

DON R. PERKUCHIN,  
Refuge Manager, Upper Souris  
National Wildlife Refuge,  
Foxholm, N.D.

DECEMBER 6, 1971.

[FR Doc.71-18155 Filed 12-10-71;8:46 am]



# Proposed Rule Making

## DEPARTMENT OF JUSTICE

[ 28 CFR Part 48 ]

### NEWSPAPER PRESERVATION ACT

#### Filing and Approval of Joint Newspaper Operating Arrangements; Extension of Time for Comment and Further Amendment

Proposed regulations setting forth procedures for securing the Attorney General's approval for new joint newspaper operating arrangements and for filing renewals and amendments, pursuant to the Newspaper Preservation Act, 84 Stat. 466, were published on October 22, 1971, 36 F.R. 20435, and interested persons were invited to submit their comments within 30 days. The time for submitting written views to the Assistant Attorney General, Antitrust Division, Department of Justice, Washington, D.C. 20530 is extended to January 5, 1972.

In addition, the following provision is added to proposed § 48.1:

#### § 48.1 Purpose.

\*\*\* The Newspaper Preservation Act does not require that all joint newspaper operating arrangements obtain the prior written consent of the Attorney General. The Act and these regulations provide a method for newspapers to obtain the benefit of a limited exemption from the antitrust laws if they desire to do so. Joint newspaper operating arrangements that are put into effect without the prior written consent of the Attorney General remain fully subject to the antitrust laws.

Dated: December 3, 1971.

JOHN N. MITCHELL,  
Attorney General.

[FR Doc. 71-18173 Filed 12-10-71; 8:47 am]

## DEPARTMENT OF AGRICULTURE

### Rural Electrification Administration

[ 7 CFR Part 1701 ]

#### WOOD CROSSARMS, TRANSMISSION TIMBERS AND POLE KEYS

##### Proposed Specification

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to revise its Bulletin 44-3:345-4, REA Specification DT-5B (Electric), PE-16 (Telephone), for Wood Crossarms, Transmission Timbers, and Pole Keys. Appendix A referred to in Part 1701 will be modified accordingly.

Persons interested in the revision of this specification, may submit written data, views, or arguments to the Director,

Power Supply, Management and Engineering Standards Division, Room 3313, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division, during regular business hours.

A copy of REA Specification DT-5B: PE-16 incorporating the revisions summarized in the proposed bulletin may be secured, in person or by written request from the Director, Power Supply, Management and Engineering Standards Division.

The text of the proposed revision of the REA bulletin, summarizing the proposed changes in this REA specification, is as follows:

#### REA BULLETIN 44-3:345-4

REA SPECIFICATION DT-5B (ELECTRIC), PE-16 (TELEPHONE), FOR WOOD CROSSARMS (SOLID AND LAMINATED), TRANSMISSION TIMBERS, AND POLE KEYS

I. Purpose. To announce the revision of REA Specification DT-5B (Electric), PE-16 (Telephone), for Wood Crossarms (Solid and Laminated), Transmission Timbers, and Pole Keys.

II. General. A. REA Specification DT-5B (Electric), PE-16 (Telephone) applies to all treated forest products in the form of crossarms, transmission timbers and pole keys that are purchased by or for REA electric and telephone borrowers with REA loan funds.

B. The revision of this specification is the result of extensive review, consultation and circulation of drafts throughout the industry and among other interested parties. It reflects the general purpose of the entire softwood lumber industry as described in NBS Voluntary Product Standard PS 20-70.

C. This revision of the specification will become effective July 1, 1972, but may be used prior to the effective date as agreed upon between purchaser and supplier.

III. Principal revisions—A. Inspection. 1. All material supplied under this specification shall be independently inspected.

2. Testing inspection of the laminating process shall be in accordance with "American Institute of Timber Construction" 200-63, Inspection Manual, with 1967 and 1970 supplements.

B. Material and grade. 1. All solid sawn Douglas-fir and western hemlock crossarms and structural timbers shall conform to the provisions of the West Coast Lumber Inspection Bureau, "Standard Grading and Dressing Rules for West Coast Lumber," No. 16, effective September 1, 1970.

2. All solid sawn southern pine crossarms and structural timbers shall conform to the provisions of the Southern Pine Inspection Bureau, "Standard Grading Rules for Southern Pine," effective as of September 1, 1970.

3. All laminated crossarms and structural timbers shall conform to the provisions of U.S. Commercial Standard 253-63, "Structural Glued Laminated Timber."

C. Manufacturing. 1. The lamination techniques shall be in accordance with U.S. CS 253-63, "Structural Glued Laminated Timber," and AITC 114-65, "Guide Specification, Structural Glued Laminated Crossarms."

2. All solid sawn Douglas-fir crossarms shall be incised.

D. Preservatives. 1. Oilborne preservatives include three hydrocarbon solvents for use with pentachlorophenol.

2. Waterborne preservatives include ammoniacal copper arsenite and three types of chromated copper arsenate.

E. Conditioning prior to treatment. Material for solid sawn crossarms and structural timbers shall be dried to a maximum 19 percent moisture content.

F. Results of treatment. 1. Penetration requirements have been revised.

2. Methods of sampling are described.

3. Retention minima and retention sampling are included.

G. Marking. Type designations have been provided for each crossarm for identification purposes.

H. Dimensions and drawings. Crossarm cross-sectional dimensions are changed slightly to adopt the stock sizes of the 1970 American Softwood Lumber Standard, NBS Voluntary Product Standard PS 20-70. The drawings have been revised accordingly. The drawings for transmission crossarms have been rearranged and numbered according to crossarm length.

I. Related specifications and standards. All related specifications and standards are listed.

Dated: December 6, 1971.

E. C. WEITZELL,  
Acting Administrator.

[FR Doc. 71-18179 Filed 12-10-71; 8:48 am]

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[ 50 CFR Part 280 ]

#### EASTERN PACIFIC TUNA FISHERIES

##### Yellowfin Tuna

The National Marine Fisheries Service has received a request from representatives of industry to allow vessels on restricted, closed season fishing trips, to remain in the regulatory area and commence fishing at the beginning of the new yellowfin tuna season without unloading fish caught on such restricted trips. To determine what the overall attitude of industry is concerning the proposal, a public hearing will be held at the National Marine Fisheries Service's Southwest Fisheries Center (formerly Fishery-Oceanography Center), 8604 La Jolla Shores Drive, La Jolla, CA, on Wednesday, December 15, 1971, beginning at 9:30 a.m. Interested persons will be afforded an opportunity to comment orally on the proposed amendment. Written views or arguments will be accepted



through December 16, by the Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731.

This amendment is proposed under authority contained in subsection (c) of section 6 of the Tuna Conventions Act of 1950 as amended (16 U.S.C. 955(e)) as modified by Reorganization Plan No. 4, effective October 3, 1970 (35 F.R. 15627).

Issued at Washington, D.C., and dated December 8, 1971.

ROBERT W. SCHONING,  
Director,  
National Marine Fisheries Service.

The proposed amendment is described below:

1. Add new subdivision (v) of § 280.6 (e) (2) to read as follows:

§ 280.6 Restrictions applicable to fishing vessels.

(e) \* \* \*

(v) Notwithstanding the first sentence of paragraph (d) of this section, vessels with incidental yellowfin tuna catches aboard which were taken pursuant to restrictions in paragraph (c) of this section in the regulatory area during the 1971 closed season and wish to begin on January 1, 1972, to fish for yellowfin tuna without restriction during the open season may do so: *Provided*, That the following procedures are observed: such vessels are made available for inspection by a U.S. enforcement agent at Balboa, Canal Zone or Puntarenas, Costa Rica, during the period of December 27th through December 31, 1971; a request for such inspection is made to the Regional Director no later than December 23, 1971; and notification is given to the Regional Director of the date and place of any unloading of the fish taken on such fishing voyages 48 hours prior to unloading. Fish in the wells at the time of inspection are subject to the applicable closed season incidental catch limitation for yellowfin tuna. Furthermore, vessels inspected during this period will not be allowed to resume fishing activities until 0001 hours, January 1, 1972. Vessels failing to follow the procedures required in this paragraph shall be restricted to the incidental catch limits prescribed for the closed season for the entire voyage.

[FR Doc. 71-18191 Filed 12-10-71; 8:49 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[ 24 CFR Part 73 ]

[ Docket No. R-71-152 ]

### FAIR HOUSING

#### Recognition of Substantially Equivalent Laws

Pursuant to title VIII of the Civil Rights Act of 1968, section 7(d) of the Department of Housing and Urban De-

velopment Act, 42 U.S.C. 3535(d), and the delegation of authority with respect to Fair Housing by the Secretary of Housing and Urban Development to the Assistant Secretary for Equal Opportunity, 35 F.R. 6877, it is proposed to amend Subtitle A of Title 24 of the Code of Federal Regulations by establishing a new Part 73 to read as set forth below.

The proposed new part sets forth the procedures the Department will follow in determining whether to recognize State and local fair housing laws as providing substantially equivalent rights and remedies for discriminatory housing practices to those provided for in title VIII. Also set forth are the criteria to be used in issuing, denying, or withdrawing such recognition and the list of jurisdictions for which recognitions of equivalency are currently in effect. There are also included performance standards which will be used in determining whether a State or local fair housing law to which the Department has referred complaints is in fact providing rights and remedies which are substantially equivalent to those provided under title VIII.

The policy of the United States as set forth in title VIII is to provide, within constitutional limits, for fair housing throughout the United States. The effective implementation of this policy depends on affirmative action at all levels of government and requires, in addition to effective administrative action, an opportunity for adequate access to the courts.

Under section 810 of title VIII, a person aggrieved whose complaint has not been conciliated by the Secretary has an opportunity to commence a civil action in the U.S. District Court. Many State and local laws do not have comparable provisions for access to the State or local courts. A person who files a complaint with the Secretary under title VIII and whose complaint is referred to a State or local agency whose law does not provide for access to State or local courts may have inadequate protection of his rights.

In order to implement the title VIII referral requirements with respect to State and local agencies, the Secretary will make referrals to those State and local agencies having substantially equivalent administrative procedures for the receipt, investigation, and conciliation of complaints alleging discriminatory housing practices. However, the Secretary will administratively recall referred complaints in cases where he finds that the protection of the rights of the parties or the interests of justice require such action because the applicable State or local law fails to provide access to the State or local court and the complaint has never been satisfactorily resolved. This action will provide the complainant with an opportunity for access to the U.S. District Court under section 810 if the Secretary is unable to obtain compliance with title VIII.

In any event, during the statutory period of 180 days after the alleged discriminatory housing practice occurs, the complainant always retains his right of

access to the U.S. District Court under section 812 of title VIII, without regard to whether any complaint he may have filed with the Department is referred to a State or local agency.

Although this proposed part is procedural in nature, the Assistant Secretary for Equal Opportunity desires to have the views of all interested persons wishing to submit comments or suggestions with respect to this proposed part. Communications should be filed in triplicate with the above docket number and title with the Rules Docket Clerk, Office of General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. All relevant material received on or before January 14, 1972, will be considered by the Assistant Secretary before taking action on the proposal. Copies of comments submitted will be available during business hours, both before and after the specified closing date, at the above address, for examination by interested persons.

The proposed Part 73 reads as follows:

Sec.	
73.1	Purpose.
73.2	Procedure for recognition.
73.3	Criteria.
73.4	Issuance of recognition.
73.5	Temporary recognition.
73.6	Consequence of recognition.
73.7	Denial of recognition.
73.8	Performance standards.
73.9	Withdrawal of recognition.
73.10	Conferences.
73.11	Jurisdictions with substantially equivalent laws.

AUTHORITY: The provisions of this Part 73 issued under 82 Stat. 81-89, 79 Stat. 669; 42 U.S.C. 3601-3619; 42 U.S.C. 3535(d).

#### § 73.1 Purpose.

(a) Section 810 of the Federal Fair Housing Law (title VIII, Civil Rights Act of 1968, hereinafter referred to as the "Act") provides in effect that whenever a State or local fair housing law provides rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in the Act, the Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary") shall take no action upon a complaint pending an opportunity for the appropriate State or local government body to assume responsibility for the matter upon his reference of the complaint.

(b) It is the purpose of this Part 73 to set forth:

(1) The procedure by which the Assistant Secretary for Equal Opportunity (hereinafter referred to as the "Assistant Secretary") recognizes State and local fair housing laws as providing substantially equivalent rights and remedies for discriminatory housing practices to those provided for in the Act.

(2) The criteria to be used in issuing or withdrawing such recognition.

(3) The procedure to be afforded where such recognition is denied.

(4) The procedure for withdrawal of such recognition.



(5) Performance standards for determining whether a State or local fair housing law is in fact providing rights and remedies which are substantially equivalent to those provided under the Act.

(6) The list of jurisdictions for which currently effective recognitions of equivalency are in effect.

#### § 73.2 Procedure for recognition.

(a) Recognition under this part shall be based on a consideration of the following materials and information: (1) The text of the jurisdiction's fair housing law and any regulations or directives issued thereunder; (2) the organization of the agency responsible for administering and enforcing such law; (3) the amount of funds and personnel made available to such agency for fair housing purposes during the current operating year; and (4) any additional documents which the Agency may wish to have considered.

(b) Recognition may be requested by submission of the materials and information referenced in paragraph (a) of this section by the official of the State or local government who has been assigned principal responsibility by its fair housing law for its administration. Such a request shall be filed with the Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410.

(c) In a situation where a jurisdiction has a fair housing law and has not filed a request for recognition in accordance with this section, the Assistant Secretary may, at any time, upon his own motion, commence proceedings in accordance with §§ 73.3 through 73.11.

#### § 73.3 Criteria.

In order for a determination to be made that a State or local fair housing law provides rights and remedies for alleged discriminatory housing practices which are substantially equivalent to those provided in the Act, the law or ordinance must:

(a) Provide for an administrative enforcement body to receive and process complaints;

(b) Delegate to the administrative enforcement body comprehensive authority to investigate the allegations of complaints, and power to conciliate complaint matters;

(c) Not place any excessive burdens on the complainant which might discourage the filing of complaints; and

(d) Be sufficiently comprehensive in its coverage of housing accommodations and its prohibitions so as to be an effective instrument in carrying out and achieving the intent and purposes of the Act, i.e., the prohibition of the following acts if they are based on discrimination because of race, color, religion, or national origin:

- (1) Refusal to sell or rent.
- (2) Refusal to negotiate for a sale or rental.
- (3) Making a dwelling unavailable.

(4) Discriminating in terms, conditions or privileges of sale or rental, or in the provision of services or facilities.

(5) Advertising in a discriminatory manner.

(6) Falsely representing that a dwelling is not available for inspection, sale, or rental.

(7) Blockbusting.

(8) Discrimination in financing.

(9) Denying a person access to or membership or participation in multiple listing services, real estate brokers' organizations, or other services.

*Provided*, That a complaint may be referred by the Secretary if the State or local law meets all of the criteria set forth in this section but does not contain adequate prohibitions with respect to one or more of the acts described in subparagraphs (7), (8), or (9) of this paragraph, unless the complaint relates, in whole or in part, to an act described in one of such subparagraphs and not prohibited by the State or local law.

#### § 73.4 Issuance of recognition.

(a) If the Assistant Secretary determines, after applying the criteria set forth in § 73.3, and considering the materials and information referenced in § 73.2(a), that the law and its administration provide rights and remedies substantially equivalent to those provided in the Act, he shall notify the State or local agency that he proposes to grant the recognition provided for in this part.

(b) Such proposal shall be published in the FEDERAL REGISTER and shall provide interested persons and organizations not less than 15 days in which to file written comments on the proposal with the Assistant Secretary.

(c) If after evaluating any comments so received the Assistant Secretary is still of the opinion that issuance of the proposed recognition as published in the FEDERAL REGISTER is appropriate, he shall grant such recognition by amending § 73.11.

#### § 73.5 Temporary recognition.

(a) If after proceedings have been commenced in accordance with § 73.2, it is the opinion of the Assistant Secretary that a determination in accordance with § 73.4(a) must await the resolution of an unresolved issue, and it appears that such issue cannot be resolved with reasonable dispatch, he may issue and cause to be published in the FEDERAL REGISTER a notice of temporary recognition of such law pending a final disposition of the matter.

#### § 73.6 Consequence of recognition.

Every complaint concerning alleged violations of the Act all of which appear to constitute violations of a State or local fair housing law within a jurisdiction listed in § 73.11 received by the Assistant Secretary shall be referred forthwith to the appropriate State or local agency, and no further action shall be taken by the Assistant Secretary with respect to such complaint except as provided for by the Act and Part 71 of this chapter.

#### § 73.7 Denial of recognition.

(a) If the Assistant Secretary determines, after applying the criteria set forth in § 73.3, and considering the materials and information referenced in § 73.2(a) of this chapter and the comments received in accordance with § 73.4, that the law and its administration fail to provide substantially equivalent rights and remedies as those provided in the Act, he shall send to the State or local agency a notice of his decision stating why the law in question fails to so qualify.

(b) Such notice shall grant to the agency not less than 15 days to request a conference concerning the matter in accordance with § 73.10.

#### § 73.8 Performance standards.

(a) The continued recognition by the Secretary that a State or local fair housing law provides substantially equivalent rights and remedies to those provided for in title VIII will be dependent upon the State or local agency's demonstrated willingness and ability consistently to administer its law in a timely manner so as to satisfy the performance standards set forth in paragraph (b) of this section.

(b) The State or local agency must:

- (1) Provide for the elimination of the practice complained of.
- (2) Require remedies which will prevent recurrences of such practices, and
- (3) Establish a mechanism for monitoring compliance with the resolution of the discriminatory housing practice.

#### § 73.9 Withdrawal of recognition.

(a) The Assistant Secretary may upon his own motion or upon the petition of an interested person or organization withdraw the recognition previously granted a State or local law under this part. Such action may be based upon a reconsideration of the application of the criteria and of the materials and information referenced in § 73.4(a) of this chapter and upon the application of the performance standards set forth in § 73.8.

(b) Before taking such action, he shall notify the State or local agency of his intention to withdraw such recognition. Such notification shall set forth his reasons for the proposed withdrawal and provide the agency not less than 15 days to submit data, views, and arguments in opposition and to request an opportunity for a conference in accordance with § 73.10.

(c) Such proposed withdrawal of recognition shall be published in the FEDERAL REGISTER and shall provide interested persons and organizations not less than 15 days in which to file written comments on the proposal with the Assistant Secretary.

(d) If a request for a conference in accordance with § 73.10 is not received within the time provided, the Assistant Secretary shall evaluate any arguments in opposition or other materials received from the State or local agency and other interested persons or organizations, and if after such evaluation the Assistant Secretary is still of the opinion that



recognition should be withdrawn, he shall withdraw such recognition by an appropriate amendment to § 73.11.

#### § 73.10 Conferences.

(a) Whenever an opportunity for a conference is requested by a State or local agency pursuant to § 73.7 or § 73.9 within the time allowed by said sections for making such request, the Assistant Secretary shall issue an order designating a conference officer who shall preside at the conference. The order shall indicate the issues to be resolved and any initial procedural instructions which might be appropriate for the particular conference. It shall fix the date, time and place of the conference. The date shall be not less than 20 days after the date of the order. The date and place shall be subject to change for good cause.

(b) A copy of such designation shall be served on the State or local agency and on any person or organization who files a written comment in accordance with § 73.4(b) or § 73.9(c) or files a petition in accordance with § 73.9(a). The agency and all such persons and organizations shall be deemed to be participants in the conference. After service of the designation of a conference officer and until such officer submits his recommended determination, all communications relating to the subject matter of the conference shall be addressed to him.

(c) The conference officer shall have full authority to regulate the course and conduct of the conference. A transcript shall be made of the proceedings at the conference. The transcript and all comments and petitions relating to the proceeding shall be made available for inspection by interested persons.

(d) The conference officer shall prepare his proposed findings and recommended determination, a copy of which shall be served on each participant. Within 20 days after such service any participant may file written exceptions. After the expiration of the period for filing exceptions, the conference officer shall certify the entire record, including his proposed findings and recommended determination and exceptions thereto, to the Assistant Secretary, who shall review the record and issue a final determination. Where applicable such determination shall be effected by an appropriate amendment to § 73.11.

#### § 73.11 Jurisdictions with substantially equivalent laws.

The following jurisdictions are recognized as providing rights and remedies for alleged discriminatory housing practices substantially equivalent to those in the Act, and complaints will be referred to them as provided in § 73.6. (Jurisdictions will be listed in this § 73.11 as appropriate in accordance with the provisions of this part.)

SAMUEL J. SIMMONS,  
Assistant Secretary  
for Equal Opportunity.

[FR Doc.71-18212 Filed 12-10-71; 8:50 am]

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 71-RM-27]

### FEDERAL AIRWAY SEGMENT

#### Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the segment of VOR Federal airway No. 231 between Missoula, Mont., and Kalispell, Mont.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, Post Office Box 7213, Denver, CO 80207. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

V-231 segment between Missoula, Mont., and Kalispell, Mont., is presently aligned via the intersection of Missoula 354° T (334° M) and Kalispell 180° T (160° M) radials. The action proposed in this docket would align this segment of V-231 direct between Missoula and Kalispell. This realignment would provide for a direct route and the lowering of the minimum en route altitude to 11,000 feet MSL.

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 section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 6, 1971.

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

[FR Doc.71-18149 Filed 12-10-71; 8:45 am]

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 71-NW-21]

### FEDERAL AIRWAY

#### Proposed Extension

The Federal Aviation Administration (FAA) is considering an amendment to

Part 71 of the Federal Aviation Regulations that would extend VOR Federal Airway No. 187 from Missoula, Mont., to Pasco, Wash., via Lewiston, Idaho.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Northwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

It is estimated that approximately 15 flights would use the proposed extension to V-187 daily.

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 section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 6, 1971.

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

[FR Doc.71-18150 Filed 12-10-71; 8:45 am]

#### [ 14 CFR Part 93 ]

[Docket No. 10264; Reference Notice 70-17]

### ANCHORAGE, ALASKA, AIRPORT TRAFFIC AREA

#### Special Air Traffic Rules and Airport Traffic Patterns; Withdrawal of Notice of Proposed Rule Making

The purpose of this notice is to withdraw Notice 70-17 (35 F.R. 6326) in which the Federal Aviation Administration solicited comments on a proposed amendment of Part 93 of the Federal Aviation Regulations that would have revised the special air traffic rules for the Anchorage, Alaska, Airport Terminal Area, and would have redesignated Subpart D as the Anchorage, Alaska, Airport Traffic Area.

While the number of comments on Notice 70-17 was not large, it represented the opinions of a good cross section of the aviation public in the area. With the exception of concurrences from ATA and ALPA, the public was emphatically opposed to revising Part 93, Subpart D, as proposed in the notice.



Opposition to the proposal was directed largely to the following points. Members of the general aviation public thought that the additional airspace to be designated in the terminal area was excessively restrictive. There was concern by much of the aviation public that the Anchorage Air Traffic Control Facilities could not cope with the additional work load which would result if the proposal were adopted, and finally, there was a general concern that the proposed Anchorage, Alaska, Airport Traffic Area would not provide adequate separation for the many aircraft used in the area.

In view of the divergence of opinions expressed by the chief users of the terminal area, the FAA has determined that further study of the Anchorage, Alaska, Airport Terminal Area is appropriate at this time, and that Notice 70-17 should be withdrawn.

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

In consideration of the foregoing, the notice of proposed rule making published in the *FEDERAL REGISTER* (35 F.R. 6326) on April 18, 1970, and circulated as Notice 70-17, entitled "Anchorage, Alaska, Airport Traffic Area, Special Air Traffic Rules, and Airport Traffic Patterns" is hereby withdrawn.

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

Issued in Washington, D.C., on December 6, 1971.

RAYMOND G. BELANGER,  
Acting Director,  
Air Traffic Service, AT-1.

[FR Doc. 71-18148 Filed 12-10-71; 8:45 am]

## CIVIL AERONAUTICS BOARD

[14 CFR Parts 373, 378]

[Docket No. 24047]

### MODIFICATION OF REPORTING REQUIREMENTS

#### Notice of Proposed Rule Making

DECEMBER 8, 1971.

Notice is hereby given that the Civil Aeronautics Board has under consideration modification of the reporting requirements for depository banks, study group charterers and tour operators in Parts 373 and 378 of the special regulations (14 CFR Parts 373 and 378). The principal features of the proposed rule are set forth in the attached explanatory statement. The amendments are proposed under the authority of sections 204(a), 407, and 416(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766, and 771; 49 U.S.C. 1324, 1377, and 1386.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written

data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in communications received on or before January 13, 1972, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, DC, upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL]

PHYLLIS T. KAYLOR,  
Acting Secretary.

#### EXPLANATORY STATEMENT

Parts 373 and 378 of the Board's regulations contain surety bond requirements for study group charterers and inclusive tours, respectively.<sup>1</sup> Under the rules, as an alternative to filing as security a surety bond only, a study group charterer or tour operator may file a surety bond in a lower amount together with a tripartite depository agreement between himself, a bank, and the direct air carrier. The rules also provide that the total amount paid by the bank from the depository account shall not exceed 80 percent of total deposits received by the bank, less refunds,<sup>2</sup> so that at least 20 percent of all student or tour participant deposits received by the bank must remain in the depository account until the return of the study group charter or inclusive tour.

Also, where the bond-depository agreement alternative is used, the rules prescribe "reporting requirements" under which monthly reports are to be filed with the Board: (1) By the depository bank, showing the total amount of deposits received and disbursed during the reporting period; and (2) by the tour operator or study group charterer, showing, inter alia, the total amount of customer deposits received by him or his agents, and, in the case of a tour operator's report, the total amount of commissions deducted from deposits during the reporting period. These reports are intended to facilitate the Board's enforcement of the surety bond rules discussed above, by insuring that funds received by study group charterers and tour operators are being deposited with banks and that the 20-percent minimum balance requirement is being met.

In practice, the reports submitted by depository banks, study group charterers, and tour operators have generally set forth only a lump sum reflecting the aggregate of deposits, disbursements, and refunds for an entire study group or tour program, rather than referring separately to particular study groups or tours. Thus, since a tour or study group program usually consists of several study group charters or inclusive tours, with

each individual tour or study group scheduled to depart at different dates, the lump sum report does not indicate whether payments from the depository account are, in fact, being used for expenses incurred in connection with each study group charter or inclusive tour within the overall study group or tour program.<sup>4</sup>

Our staff has maintained that the rule should be interpreted to require a breakdown of the reported financial statistics relative to each study group charter or inclusive tour. This interpretation is consistent with the purpose of the rules, and, at least with respect to depository banks, seems clearly contemplated by the provisions under which they are required to maintain a separate accounting for each study group charter and inclusive tour.<sup>5</sup> However, the staff's informal efforts to effect compliance with its interpretation of the rules have not been entirely successful. We therefore propose to amend the "reporting requirements" section of Parts 373 and 378 so as to require explicitly that all monthly reports filed thereunder shall include a breakdown by individual study group charter and inclusive tour. Moreover, in order to help the staff monitor the requirement that no more than 80 percent of deposits be disbursed, we propose to further amend said "reporting requirements" section so as to require the bank's monthly report to specifically include the balance remaining in each account.

In our view, the more detailed reporting requirements here proposed will provide a more effective means of protecting tour and student participants against the risk of nonperformance by study group charterers or tour operators, occasioned by their failure to pay for essential surface accommodations at destination points.

It is proposed to amend Parts 373 and 378 of the special regulations (14 CFR Parts 373 and 378) as follows:

#### PART 373—STUDY GROUP CHARTERS BY DIRECT AIR CARRIERS AND STUDY GROUP CHARTERERS

1. Amend § 373.17 to read as follows:

##### § 373.17 Reporting requirements.

If a study group charterer relies upon the bond-depository option of § 373.15(b) for compliance with the requirements of that section, the following monthly reports shall be filed with the Board's Bureau of Operating Rights not later than the 10th day of the month succeeding the reporting period: (a) By the depository bank, showing separately for each

<sup>4</sup> For example, if a tour program is comprised of five individual tours scheduled to debark at successive intervals during the summer, and the tour operator pays suppliers for surface accommodations for only three of the tours, the lump sum report would not disclose the fact that he had failed to meet his contractual obligations for the remaining tours.

<sup>5</sup> Paragraph (b)(2)(vii) of §§ 373.15 and 378.16.

<sup>1</sup> 14 CFR 373.15 and 378.16.

<sup>2</sup> Paragraph (b)(2)(v) of §§ 373.15 and 378.16.

<sup>3</sup> Sections 373.17 and 378.16a.



study group charter, identified by departure date, the total amount of deposits received and disbursed during the reporting period, and the balance in the depository account at the end of the reporting period; and (b) by the study group charterer, showing separately for each study group charter, identified by departure date, the total amount of customer deposits received by him or his agents and the amount of refunds made by the study group charterer or the bank to student participants: *Provided*, That the depository bank may, in lieu of paragraph (a) of this section, elect to file a duplicate monthly statement of the same type it provides to depositors showing the information as specified in paragraph (a) of this section. When so elected, the reporting period for the study group charterer in paragraph (b) of this section shall correspond to the reporting period of the bank. The term "bank" shall have the meaning set forth in § 373.15. The reports shall be certified by the officer in charge of the bank's or the study group charterer's accounts, as the case may be, and the certification shall be in the following form:

## CERTIFICATION \*

I, the undersigned \_\_\_\_\_  
(Title of officer in charge of accounts)  
of the \_\_\_\_\_ do certify  
(Full name of reporting company)  
that this report and all supporting documents which are submitted herewith, filed for the above indicated period, have been prepared by me or under my direction; that I have carefully examined them and declare that, to the best of my knowledge and belief, the information contained therein is complete and accurate.

(Signature)

(Bank or study group charterer's post office address)

Date \_\_\_\_\_, 19\_\_\_\_

# **PART 378—INCLUSIVE TOURS BY SUPPLEMENTAL AIR CARRIERS, CERTAIN FOREIGN AIR CARRIERS, AND TOUR OPERATORS**

## **2. Amend § 378.16a to read as follows:**

### **§ 378.16a Reporting requirements.**

If a tour operator or foreign tour operator relies upon the bond-depository option of § 378.16(b) for compliance with the requirements of that section, the following monthly reports shall be filed with the Board's Bureau of Operating Rights not later than the 10th day of the month succeeding the reporting period: (a) By the depository bank, showing separately for each inclusive tour, identified by departure date, the total amount of deposits received and disbursed during the reporting period, and

the balance in the depository account at the end of the reporting period; and (b) by the tour operator or foreign tour operator, showing separately for each inclusive tour, identified by departure date, the total amount of customer deposits received by him or his agents, the amount of commissions deducted therefrom by said agents, the amount of commissions repaid by said agents to the depository account, and the amount of refunds made by the tour operator or foreign tour operator or the bank to tour participants: *Provided*, That the depository bank may, in lieu of paragraph (a) of this section, elect to file a duplicate monthly statement of the same type it provides to depositors showing the information as specified in paragraph (a) of this section. When so elected, the reporting period for the tour operator or foreign tour operator in paragraph (b) of this section shall correspond to the reporting period of the bank. The term "bank" shall have the meaning set forth in § 378.16. The reports shall be certified by the officer in charge of the bank's or the tour operator's or foreign tour operator's accounts, as the case may be, and the certification shall be in the following form:

## CERTIFICATION \*

I, the undersigned \_\_\_\_\_  
(Title of officer in charge of accounts)  
of the \_\_\_\_\_ do certify  
(Full name of reporting company)  
that this report and all supporting documents which are submitted herewith, filed for the above indicated period, have been prepared by me or under my direction; that I have carefully examined them and declare that, to the best of my knowledge and belief, the information contained therein is complete and accurate.

(Signature)

(Bank or tour operator's or foreign tour operator's post office address)

Date \_\_\_\_\_, 19\_\_\_\_

[FR Doc. 71-18198 Filed 12-10-71; 8:49 am]

## **FEDERAL POWER COMMISSION**

[ 18 CFR Part 250 ]

[Docket No. R-433]

### **RESERVE DEDICATIONS IN TEXAS GULF COAST AND SOUTHERN LOUISIANA AREAS**

#### **Notice of Proposed Rule Making**

DECEMBER 1, 1971.

Notice is hereby given pursuant to 5 U.S.C. 553 and sections 4, 5, 7, and

\*Title 18 U.S.C. sec. 1001, Crimes and Criminal Procedure, makes it a criminal offense, subject to a maximum fine of \$10,000 or imprisonment for not more than 5 years or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States.

16 of the Natural Gas Act that the Commission proposes to establish a form for reporting reserve dedications<sup>1</sup> in the Texas Gulf Coast and Southern Louisiana Areas for the purpose of implementing certain determinations in Opinion No. 595 issued May 6, 1971 in Docket No. AR64-2 and Opinion No. 598 issued July 16, 1971 in Dockets Nos. AR61-2, et al., respectively.

The Commission in those opinions provided that any refunds due in each area from a producer therein may be reduced by a credit of 1 cent for each Mcf of new gas reserves from the area involved committed by the producer to jurisdictional sales within certain specified periods. The Commission also provided that the area rates for natural gas sold under contracts dated prior to October 1, 1968, in each area would be increased by the commitment of specified volumes of new gas reserves in each area to jurisdictional sales within certain specified periods. Such commitments, however, are first to be applied to the satisfaction of each producer's outstanding refund obligation.

The form proposed herein for establishing and revising the amount of reserves in new dedications in each area will enable the Commission to maintain adequate records pertaining to the reduction of each producer's refund obligation in each area and to the date at which area rates in each area for sales under contracts dated prior to October 1, 1968, would be increased. The form would be submitted by the purchaser of new gas reserves in either the Texas Gulf Coast or Southern Louisiana Areas. However, the form may also be utilized in the future in any other area where the Commission provides a similar incentive for new dedications.

It should be noted that the term "new gas reserves" is defined more precisely in footnote one of the form proposed herein than it is in either Opinion No. 595 or Opinion No. 598.

The proposed amendment to Part 250 of Subchapter G, Approved Forms, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations would be issued under the authority granted the Federal Power Commission by the Natural Gas Act, particularly sections 4, 5, 7, and 16 (52 Stat. 822, 823, 824, 825, 830; 56 Stat. 83, 84, 61 Stat. 459, 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f and 717g).

All interested persons may submit to the Federal Power Commission, Washington, D.C. 20426, not later than January 14, 1972, data, views, comments, and suggestions in writing, concerning the proposed form. Written submissions will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. An original and 14 conformed copies should be filed with the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed form pursuant to 44 U.S.C.

<sup>1</sup> "Dedication" as that term is used herein refers to the date at which a jurisdictional sale commences.

\*Title 18 U.S.C. sec. 1001, Crimes and Criminal Procedure, makes it a criminal offense, subject to a maximum fine of \$10,000 or imprisonment for not more than 5 years or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States.



3501-3511 may at the same time submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Policy, Office of Management and Budget, Washington, D.C. 20503. Submittals to the Commission should indicate the name, title, and address of the person to whom correspondence in regard to the proposal should be addressed and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed form. The staff, in its discretion, may grant or deny requests for conference. The Commission will consider all such written submissions before acting on the form herein proposed.

Accordingly, the Commission proposes to amend Part 250, Forms, in Subchapter G—Approved Forms, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations by adding a new § 250.13, prescribing a new form, Form No. P334, entitled "Reserve dedication report", as follows:

#### § 250.13 Reserve dedication report.

Purchaser Name: \_\_\_\_\_  
Report No.: \_\_\_\_\_  
Area: \_\_\_\_\_

Line No.: \_\_\_\_\_  
1. Producer Name: \_\_\_\_\_

2. Produced Rate Schedule No.: \_\_\_\_\_  
3. Rate Schedule Supplement No.: \_\_\_\_\_  
4. Certificate Docket No.: \_\_\_\_\_

Contract Date: \_\_\_\_\_  
Supplement Date: \_\_\_\_\_

5. Field Name(s) and/or Plant Name(s): \_\_\_\_\_

6. County (or Parish) and State: \_\_\_\_\_

7. Reservoir Name and Volume of Reserves Dedicated: \_\_\_\_\_

Reservoir name	Dedicated reserves <sup>1</sup>	Discovery dates <sup>2</sup>

8. Revised estimate of previously reported dedicated reserves.<sup>1</sup> (This supersedes reserve estimate originally submitted on our Reserve Dedication Report No. \_\_\_\_\_)

Reservoir name	Dedicated reserves

9. ☐ Reserves to be applied toward discharge of refund obligation.

<sup>1</sup> Dedicated reserves are proved reserves of natural gas as that term is defined in the American Petroleum Institute's Technical Report No. 1, "Standard Definitions for Petroleum Statistics," first edition (July 1, 1969). The volumes should be reported in Mcf at 14.73 p.s.i.a. at 60° F.

<sup>2</sup> Provide discovery date only if dedicated reserves are from a new reservoir under previously dedicated acreage.

(a) ☐ Partial discharge of refund obligation owed to purchaser.

(b) ☐ Complete discharge of refund obligation owed to purchaser.

(c) ☐ Reserves dedicated are greater than necessary to discharge producer's refund obligation by \_\_\_\_\_ Mcf.

(d) ☐ The producer named in Line No. 1 above has advised that a bona fide offer of these reserves was previously made to another purchaser and was rejected.

10. ☐ Reserves to be applied toward contingent escalation of area ceiling price.

11. Breakdown, by interest owner, of reserves dedicated on Line 7 or 8 of this filing if they are to be applied toward discharge of refund obligation:

Interest owner (Mcf at 14.73 p.s.i.a.)	Reserves owned	Percent of total reserves dedicated

12. Remarks: \_\_\_\_\_

#### CERTIFICATION

We certify that the information submitted is correct to the best of our knowledge. These reserves are not committed directly or indirectly to any other independent producer or any other purchaser. (The term independent producer is as presently defined in the Federal Power Commission's Regulations under the Natural Gas Act.)

#### PURCHASER

Name \_\_\_\_\_  
By (Signature) \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

#### PRODUCER<sup>4</sup>

Name \_\_\_\_\_  
By (Signature) \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

Individual to be contacted concerning this report:

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone No. \_\_\_\_\_  
(Area Code) (Number)  
(Extension)

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 71-18075 Filed 12-10-71; 8:45 am]

<sup>3</sup> All interest owners shown are to be sent a copy of this report by the purchaser.

<sup>4</sup> (a) If Line No. 9(c) is checked, the producer shall advise the Commission, in detail, how he has reduced his remaining refund obligations to each of the other purchasers in the area.

(b) If Line No. 9(d) is checked, the producer shall advise the Commission as to the amount, if any, of reserve credit over and above that which can be used to reduce its refund obligation to the actual purchaser, that has been credited to reduce the refund obligation to the prospective purchaser which first rejected the offered reserves.

## INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1124]

[Ex Parte No. 277 (Sub-No. 1)]

### ADEQUACY OF INTERCITY RAIL PASSENGER SERVICE

#### Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 3d day of December 1971.

Pursuant to section 801 of the Rail Passenger Service Act (84 Stat. 1339, 45 U.S.C. 641), notice is hereby given that the Commission proposes to establish standards of adequacy of intercity rail passenger service, including regulations governing train reservations, performance of trains, stations, equipment, and personnel on trains.

Section 801 authorizes the Commission to prescribe such regulations as it considers necessary to provide safe and adequate service, equipment, and facilities for intercity rail passenger service. Safety regulations (49 CFR 1124.1) were adopted on April 26, 1971 (36 F.R. 8211) as a partial exercise of such authority.

Under section 301 of the act (84 Stat. 1330, 45 U.S.C. 541), the National Railroad Passenger Corporation (Amtrak) is obligated to employ " \* \* \* innovative operating and marketing concepts so as to fully develop the potential of modern rail service \* \* \*." Fulfillment of this goal would give the United States a high standard of rail service. Toward that end, the Commission hereby proposes the regulations as set forth below. Amtrak has been operating the intercity system since May 1, 1971, and has now had sufficient time to gain actual experience to effectively participate in this proceeding.

Respondents and participants in this rulemaking proceeding are invited to submit statements on any or all of the regulations set forth below and relating to the listed topics, in addition to any other factors they deem relevant to this proceeding; and they are also invited to submit their views concerning the sufficiency of the safety regulations now in force as prescribed or proposed by the Federal Railroad Administration, Department of Transportation, and adopted by this Commission by order of April 26, 1971, Ex Parte No. 277, so that the Commission may determine whether a proceeding is necessary to amend, modify or add to these regulations as they apply to intercity passenger service.

It is ordered, That a proceeding be, and it is hereby, instituted under the authority of section 801 of the Rail Passenger Service Act (45 U.S.C. 641), the Interstate Commerce Act (49 U.S.C. 1 et seq.), including more specifically sections 12 and 17, and 5 U.S.C. 553 and 559 (the Administrative Procedure Act) to determine whether facts and circumstances require or warrant the adoption



of the proposed regulations set forth below, or other regulations of similar purport applicable to Amtrak and all other class I railroads subject to the Interstate Commerce Act, and for the purpose of taking such other and further action as the facts and circumstances may justify or require.

*It is further ordered*, That Amtrak and all other class I railroads subject to the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding.

*It is further ordered*, That the Bureau of Enforcement be, and it is hereby, authorized and directed to participate in this proceeding.

*It is further ordered*, That the Federal Railroad Administration, Department of Transportation; the Surgeon General of the U.S. Public Health Service, Department of Health, Education, and Welfare, and the National Association of Railroad Passengers be given notice of the institution of this proceeding.

*It is further ordered*, That no oral hearing be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any other interested persons may participate in this proceeding by submitting for consideration written statements of facts, views, and arguments on the subject mentioned above, or any other subjects pertaining to this proceeding.

*It is further ordered*, That any person intending to participate in this proceeding by submitting initial statements shall notify this Commission by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before January 6, 1972, the original and one copy of a statement of his intention to participate; that this Commission then shall prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed; and that at the time of the service list this Commission will fix the time within which initial statements and reply statements must be filed.

*It is further ordered*, That other interested persons not indicating an intention to exchange initial and reply statements but desiring to be kept informed of this proceeding may have their names placed on a separate list for service of copies of future notices, orders, and releases by the Commission.

*It is further ordered*, That written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, DC, during regular business hours; and

*It is further ordered*, That statutory notice of the institution of this proceeding be given to the general public by mailing a copy of this order to the Governor of each State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy of this order in the Office of the Secretary, Interstate

Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission,

[SEAL] ROBERT L. OSWALD,  
Secretary.

#### § 1124.1 Definitions, applicability, and exemptions.

(a) *Definitions*. (1) "Amtrak" means the National Railroad Passenger Corporation.

(2) "Train" means an intercity passenger train subject to the regulations in this part and to the Rail Passenger Service Act of 1970.

(3) "Amtrak train" means an intercity passenger train operated by Amtrak.

(4) "Non-Amtrak train" means an intercity passenger train operated other than by Amtrak.

(5) "Station" means any point at which passengers may board or leave a passenger train. Stations not listed as regularly scheduled stops, but at which trains will stop to entrain or detrain passengers only on signal or advance notice are referred to as flag stops.

(b) *Applicability and exemptions*. (1) All intercity passenger trains, Amtrak and non-Amtrak, are subject to the regulations in this part.

(2) The Commission may exempt particular trains, such as charter and excursion trains, trains operated by tour companies for tour members rather than for the general public, and regularly scheduled intercity trains for good cause shown by petition.

(3) The regulations in this part are promulgated as an aid to the rail passenger and shall not be so construed as to subject a passenger to a civil penalty for failure to comply therewith.

#### § 1124.2 Reservations.

(a) *General*. (1) Reservation and information services shall be readily available at any time of day or night to customers wherever located in the continental United States for the reservation of space on trains and for the dissemination of general train information. A nationwide toll-free telephone reservation and information service will meet this requirement.

(2) Every carrier shall provide the type and quality of accommodations on the train and departure date it confirmed to the customer and for which the customer paid.

(3) If a carrier cannot supply a customer with the type and quality of accommodations on the train and departure date for which the customer paid, it shall fulfill its obligation under this regulation if it:

(i) Tenders to the customer accommodations of better type and quality on the train and departure date in question; or

(ii) Tenders a full refund of the ticket price coupled with free of charge accommodations of a lesser type and qual-

ity on the train and departure date in question; or

(iii) Tenders equal or better type and quality of accommodations on a train scheduled to arrive within 4 hours of the train in question plus \$25 liquidated damages per customer; or

(iv) Tenders a full refund on the ticket price coupled with liquidated damages of \$25 or 50 percent of the ticket price whichever is greater.

(4) All revenue sleeping car space and all revenue parlor car space shall be made available for specific assignment. For trips of 3 hours or more, all revenue seat space in coaches shall be made available for specific assignment.

(5) Every carrier shall permit a customer to make advance reservations for revenue sleeping car space, revenue parlor car space, and, for trips of 3 hours or more, revenue coach seat space.

(b) *Confirmation of reservations*. (1) Carriers shall confirm each advance reservation within 1 hour from the time a request is made for it by the customer, provided the request is made at least 2 hours prior to the scheduled departure of the train from that customer's point of boarding.

(2) Reservations, once confirmed, shall be held by the carrier for the customer at least until 30 minutes prior to the scheduled departure of the train from the customer's boarding point without requiring the customer to prepay the tickets in full.

(i) The carrier may require a deposit, not to exceed 25 percent of the total ticket cost, to hold a confirmed reservation.

(ii) If a deposit is required, the carrier shall allow the customer a reasonable time in which to tender such deposit during which time his reservations will not be cancelled without his authority.

(iii) The deposit shall be refundable.

(c) *Guaranteeing a confirmed reservation*. (1) A carrier shall guarantee a confirmed reservation upon a customer's procurement of tickets or the prepayment of tickets in full.

(2) A carrier shall hold a guaranteed reservation for 1 hour after actual train departure from the scheduled boarding point unless the customer notifies the carrier to hold such space for a longer period of time, in which case, the carrier shall hold the space for the period specified by the customer.

(3) In event of nonuse of a guaranteed reservation:

(i) If a guaranteed reservation is canceled at least 30 minutes prior to scheduled departure of the train from customer's boarding point, the carrier must refund the ticket price and must not impose a service charge.

(ii) When a guaranteed reservation is not canceled at least 30 minutes prior to scheduled departure of the train from the customer's boarding point, the carrier must refund the ticket price and must not assess a service charge exceeding: 25 percent of the ticket price, the actual cost of the unsold portion of ticket, or \$25, whichever of these is the least. No service charge can be imposed if the



space held for the customer is entirely resold, or if the carrier failed to actually hold such space for the customer.

(iii) If a customer notifies the carrier to hold guaranteed space for more than 1 hour after scheduled departure, and then fails to claim his space, the carrier must refund the ticket price and must not assess a service charge exceeding \$25 plus the actual cost of the space for the length of time the customer requested it to be held. No service charge can be imposed if the carrier failed to hold the space for the customer for at least that period of time.

(4) At points where tickets are available only on train, carrier shall consider confirmed reservations guaranteed and shall hold them until the departure time of the train from the point where the customer was to board, unless the customer cancels the reservations.

#### § 1124.3 Performance of trains.

(a) Arrival and departure times:

(1) Insofar as the scheduling and operation of any train is within a carrier's control, trains shall not depart earlier than their scheduled departure time, from stations where passengers are permitted to board.

(2) Insofar as the scheduling and operation of any train is within a carrier's control, the train shall depart its origin terminal no later than 15 minutes after scheduled departure time.

(3) Insofar as the scheduling and operation of any train is within a carrier's control, the train shall arrive at its final terminus no later than 15 minutes after scheduled arrival time per 500 miles of operation.

(b) Schedules shall be designed so as to provide expeditious service and the sidetracking of passenger trains for freight trains shall not be permitted except in emergency.

(c) Except in emergency, individual runs of scheduled trains shall not be canceled.

(1) When a run is terminated en route, the carrier must:

(i) Provide or procure alternate service to its onboard customers and shelter them until it does so;

(ii) Notify all stations en route ahead of such cancellation;

(iii) Provide or procure alternate service for all customers scheduled to board such train within 2 hours of cancellation and shelter them until it does so.

(2) When a train is canceled to avoid operation of the regulations in this part, the carrier shall be deemed to violate § 1124.2(a)(2) against each and every customer scheduled to ride said train unless it complies with § 1124.2(a)(3).

(d) At points where passenger lines meet so as to form a reasonably direct rail route between points on one line and points on the other line, reasonable connections for the interchange of passengers must be provided, as follows:

(1) If the connection is made during the hours of 12 midnight to 6 a.m., it is deemed reasonable if through cars are provided.

(2) If the connection is made at any other time of the day, it is deemed rea-

sonable if the layover does not exceed 6 hours.

(3) For good cause shown by petition, a carrier may be excused from the through-car rule and the 6-hour rule.

#### § 1124.4 Stations.

(a) *Hour of operation.* (1) Stations at which a train originates shall be open to the public from at least 2 hours before the scheduled departure to at least 1 hour after the actual departure of the train from that station.

(2) Stations at which a train terminates shall be open to the public from at least 1 hour before the scheduled arrival to at least 1 hour after the actual arrival of the train at that station.

(3) All other stations listed as scheduled stops shall be open to the public from at least 2 hours before the scheduled arrival to at least 1 hour after the actual departure of the train from that station.

(b) *Consist of stations.* (1) All stations and their adjoining service and parking areas shall be lighted well enough for passengers and carrier to function safely and efficiently therein.

(2) All stations shall be equipped with telephone service and train information service.

(3) Stations other than flag stops shall be equipped with operating ticket sales facilities, telegraph or wire services, and clean, serviceable restroom facilities with adequate toilet supplies.

(c) *Facilities for checked baggage.*

(1) Stations other than flag stops shall have facilities for the checking of baggage available up to 20 minutes prior to a train's departure from that station.

(2) All checked baggage must be made available to the passenger within a reasonable time not to exceed 20 minutes after the passenger's arrival at his destination.

#### § 1124.5 Consist for trains.

(a) Carriers shall provide sleeping cars, coaches, dining cars, lounge cars, parlor cars, and dome cars in sufficient numbers to meet the travel demands of the public, including periods of predictable peak demands.

(b) Carriers shall provide and maintain services on trains sufficient to assist all passengers with baggage, train rooms, meals, and general train information.

(c) *Food and beverage service:*

(1) Trains traveling for 3 hours or more shall provide food and beverages. These may range from complete servings at the customary dining hours to light snacks during off hours.

(2) Food and beverages and the surroundings in which they are made available must comply with the health regulations of the Public Health Service as set forth in §§ 12.21 through 12.47 of Title 42 of the Code of Federal Regulations.

(3) A train traveling for 12 hours or more must have at least one full service dining car unless it meets all the following criteria:

(i) It travels for 16 hours or less;

(ii) It travels at least 8 hours between 10 p.m. and 8 a.m.;

(iii) It has a lounge car or dome car;

(iv) It has dining service available in the lounge car or dome car or has room service available to sleeping car rooms and at coach seats, serving complete meals and beverages.

(d) *Temperature control:* All regularly scheduled train cars must be equipped with operable climate conditioning equipment and maintained at a room temperature of at least 60° above zero Fahrenheit and no higher than 80° above zero Fahrenheit.

(e) *Sleeping cars:*

(1) Private room standard sleeping car service which includes private rest room facilities shall be provided for all trains having a journey of at least 6 hours during the time period from 10 p.m. to 8 a.m.

(2) In addition to private room standard sleeping car service, each train traveling at least 6 hours during the time period from 10 p.m. to 8 a.m., shall have at least one slumber-coach car (i.e., private rooms with private rest room facilities but usually smaller than standard sleeping car rooms and always rented at a budget price) or at least one berth car (open section cars with beds enclosed behind draperies but without private bath always rented at a budget price).

(3) Sleeping rooms and their rest rooms, and berth cars, shall be sanitary, free of debris and objectionable odors, and water tight.

(f) *Coaches:*

(1) All coaches shall have rest room facilities and drinking water available.

(2) Leg rests, reclining seats, and clean pillows shall be provided in all coaches on all trains having a journey of at least 4 hours during the time period from 10 p.m. to 8 a.m. Blankets shall be available during the winter months.

(3) Coaches, including rest rooms, shall be sanitary, water tight, and free of debris and objectionable odors.

(g) *Allocation of space for nonsmokers:*

(1) A portion of coach space on each train shall be allocated to the seating of nonsmokers.

(2) A portion of dome car space on trains with dome cars shall be allocated to the seating of nonsmokers.

(3) A portion of dining car space on trains with dining cars shall be allocated to the seating of nonsmokers.

(4) A portion of parlor car space on trains with parlor cars shall be allocated to the seating of nonsmokers.

[FR Doc. 71-18207 Filed 12-10-71; 8:50 am]

### [ 49 CFR Part 1322 ]

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

## PAYMENT OF RATES AND CHARGES OF MOTOR CARRIERS

### Credit Regulations; Oilfield Carriers

NOVEMBER 22, 1971.

Notice is hereby given that by joint petition filed February 18, 1971, the Oil Field Haulers Association, Inc., and the Oil Field Haulers Conference of American Trucking Associations, Inc., request



the Commission to institute a rule making proceeding pursuant to the provisions of 5 U.S.C.A. Section 553(e) and Rule 44 of the Commission's general rules of practice (49 CFR 1100.44) for the purpose of amending or modifying 49 CFR 188.1 and 188.3 (now renumbered §§ 1322.1 and 1322.3 respectively) of the Commission's rules and regulations governing the Extension of Credit to Shippers by Motor Carriers.

As here pertinent, the current regulations provide:

Section 1322.1 *Carrier may extend credit to shipper*—(a) *Extension of credit*. Upon taking precautions deemed by them to be sufficient to assure payment of the tariff charges within the credit period herein specified, common carriers by motor vehicle may relinquish possession of freight in advance of the payment of the tariff charges thereon and may extend credit in the amount of such charges to those who undertake to pay them, such persons herein called shippers, for a period of 7 days excluding Saturdays, Sundays, and legal holidays.

(b) *Exceptions—Carriers of household goods*. The provisions of paragraph (a) of this section shall not apply in any instance in which the carrier shall be required by § 1056.8(b) of this chapter, "Transportation of household goods in interstate or foreign commerce," to relinquish possession of a shipment of household goods in advance of the payment of the total amount of the tariff charges thereon \* \* \*.

Section 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 p.m. following delivery of the freight except that motor common carriers of household goods shall present their freight bills for all transportation charges to the shippers within 15 calendar days, excluding Saturday, Sunday, and holidays, from the first 12 p.m. following delivery of the freight.

Acting on behalf of member motor common carriers, petitioners seek to have the following proviso added as a

paragraph immediately following paragraph (b) of § 1322.1:

For carriers of oilfield equipment, the period of time set forth in paragraph (a) of this section during which credit may be extended to shippers shall be 15 days.

Petitioners also seek to amend § 1322.3 by addition of the proviso, "and oilfield equipment" as follows:

\* \* \* except that motor common carriers of household goods and oilfield equipment shall present their freight bills for all transportation charges to the shippers within 15 calendar days, \* \* \*.

In support of the request the petitioners aver that it is impossible for specialized carriers to comply with the requisites of the current regulations regarding the 7-day credit extension period because of certain unique features of shipping oilfield equipment, that is, (1) the exact location of the jobsite is often not known to the carriers, (2) the shipping of oilfield equipment requires dismantling and reassembling the equipment, (3) shipments often comprise numerous truckloads, (4) vehicles often require special permits, (5) charges for accessorial services must be approved, (6) assembly of charges is time consuming, (7) carriers must examine charges in detail, (8) shippers must examine charges in detail, and (9) time in transit in the U.S. Mails.

A copy of this notice will be served upon the petitioners and notice of the filing of the petition will be given to the general public by depositing a copy of this notice 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.

Any person interested in any of the matters in the petition, and desiring to participate therein may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the petition indicating whether they support or oppose the determination sought.

An original and 15 copies of such replies must be filed with the Office of Proceedings of this Commission and must show service of two copies thereof upon petitioners' attorney, James R. Boyd, Post Office Box 488, Austin, TX 78767. Thereafter, the nature of further proceedings herein, if any, will be designated. Written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, DC 20423 during regular business hours.

The proceeding sought to be instituted by the petition filed herein is similar to that sought by the petition filed by the American Association of Oilwell Drilling Contractors, and the Shippers Oil Field Traffic Association on August 5, 1971, and assigned Ex Parte No. MC-1 (Sub-No. 5). Payment of Rates and Charges of Motor Carriers to Shippers, covered by "Notice to the Public" dated October 15, 1971, and published in the FEDERAL REGISTER on October 28, 1971 (36 F.R. 20706). A letter dated November 10, 1971, received from Oil Field Haulers Association and Oil Field Haulers Conference advised that the petition assigned Ex Parte No. MC-1 (Sub-No. 5) was filed by shippers and designed to be in support of the petition assigned Ex Parte No. MC-1 (Sub-No. 4). The letter requests that proceedings be consolidated and that the time for filing statements in support or in opposition be extended to January 14, 1972. In order to avoid the filing of duplicate statements, it is contemplated that all statements filed in response to the FEDERAL REGISTER notice in Ex Parte No. MC-1 (Sub-No. 5) and the FEDERAL REGISTER notice herein will be considered in each proceeding. Thereafter, consideration will be given to consolidating the proceedings for disposition.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.71-18206 Filed 12-10-71;8:50 am]



# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[A 6607]

#### ARIZONA

#### Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, has filed an application, serial No. A 6607, for withdrawal of lands from mineral location and entry under the General Mining Laws.

Much of the area described below has been managed for a number of years as a botanical area and has afforded the University of Arizona, and others, opportunities to study and research the high-mountain type of plants and trees representative of the Southwest. This withdrawal is needed to protect the area from mining activities which may be adverse to the scientific value and use of the lands. The withdrawal would be made subject to valid existing rights.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, AZ 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party.

The lands involved in the application are as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

PHELPS CABIN RESEARCH NATURAL AREA

T. 6 N., R. 27 E.,

Sec. 9, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , and S $\frac{1}{4}$ SE $\frac{1}{4}$ ;Sec. 10, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , and W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;Sec. 15, N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;Sec. 16, lot 1 and N $\frac{1}{2}$ NE $\frac{1}{4}$ .

The area described aggregates 291.94 acres within the Apache National Forest.

JOE T. FALLINI,  
State Director.

DECEMBER 3, 1971.

[FR Doc.71-18151 Filed 12-10-71;8:45 am]

### Office of Hearings and Appeals

[Docket No. M 72-19]

#### KNIFE RIVER COAL MINING CO., ET AL.

#### Notice of Filing of Petition

In regard petition of Knife River Coal Mining Co., Consolidation Coal Co., and Baukol-Noonan, Inc., for modification of mandatory safety standard (30 CFR 77.201-1), Docket No. M 72-19.

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. section 861(c) (1970)), notice is given that Knife River Coal Mining Co., Consolidation Coal Co., and Baukol-Noonan, Inc., have filed a petition to modify the application of 30 CFR 77.201-1, 36 F.R. 9367 to the following coal mines:

Consolidation Coal Co., Glenharold Mine, I.D. No. 32-00042-0, Stanton, N. Dak.

Consolidation Coal Co., Velva Mine, I.D. No. 32-00045-0, Velva, N. Dak.

Baukol-Noonan, Inc., Noonan Mine, I.D. No. 32-00041-0, Noonan, N. Dak.

Baukol-Noonan, Inc., Center Mine, I.D. No. 32-00218-0, Center, N. Dak.

Knife River Coal Mining Co., Beulah Mine, I.D. No. 32-00043-0, Beulah, N. Dak.

Knife River Coal Mining Co., Gascoyne Mine, I.D. No. 32-00040-0, Gascoyne, N. Dak.

Knife River Coal Mining Co., Savage Mine, I.D. No. 24-00106-0, Savage, Mont.

30 CFR 77.201-1 reads as follows:

Tests for methane in structures, enclosures, or other facilities, in which coal is handled or stored shall be conducted by a qualified person with a device approved by the Secretary at least once during each operating shift, and immediately prior to any repair work in which welding or an open flame is used, or a spark may be produced.

Petitioners ask that this standard be suspended as to the mines listed above on the grounds that there is no record of methane occurrences in lignite mines in the State of North Dakota since the first recorded production of lignite in the State in 1884, that there is no known or recorded instance in the lignite fields of Montana or North Dakota of a fire or explosion caused by methane, and that there is a historical absence of methane being detected in underground lignite mines of the two States except at the time of a mine fire when the methane is a product of combustion. Petitioners state that in view thereof suspension of the regulation would in no way guarantee less than the same measure of protection now afforded the miners in the mines listed above and will not result in diminution of safety to such miners.

Parties interested in this petition should file their answers or comments within 30 days from the publication of this notice in the FEDERAL REGISTER with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84111. Copies of the petition are available for inspection at that address.

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

DECEMBER 6, 1971

[FR Doc.71-18171 Filed 12-10-71;8:47 am]

## DEPARTMENT OF AGRICULTURE

### Packers and Stockyards Administration

#### ATHENS STOCKYARD, ET AL.

#### Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302.

Name, location of stockyard, and date of posting

#### ALABAMA

Athens Stockyard, Athens, November 16, 1971.

#### IOWA

Carroll Livestock Sales, Carroll, November 19, 1971.

#### MISSISSIPPI

Central Mississippi Livestock Commission Co., Carthage, November 15, 1971.

#### UTAH

Golden Spike Coliseum, Ogden, November 4, 1971.

Done at Washington, D.C., this 7th day of December 1971.

G. H. HOPPER,  
Chief, Registrations, Bonds, and  
Reports Branch, Livestock  
Marketing Division.

[FR Doc.71-18180 Filed 12-10-71;8:48 am]



## FLORIDA AGRICULTURAL MARKETING ASSOCIATION, INC., ET AL.

## Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting

Current name of stockyard and date of change in name

## FLORIDA

Glades Livestock Market, Belle Glade, Feb. 25, 1960. Florida Agricultural Marketing Association, Inc., Nov. 1, 1971.

## NORTH DAKOTA

Valley City Livestock Auction, Valley City, May 18, 1960. Triple S Cattle Co., Nov. 26, 1971.

Done at Washington, D.C., this 7th day of December 1971.

G. H. HOPPER,  
Chief, Registrations, Bonds, and Reports  
Branch, Livestock Marketing Division.

[FR Doc. 71-18181 Filed 12-10-71; 8:48 am]

SAM GIDDENS LIVESTOCK AUCTION  
ET AL.

## Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, location of stockyard, and date of posting

Sam Giddens Livestock Auction, Booneville, Ark., February 19, 1971.  
Producers Livestock Marketing Association, Quincy, Wash., July 22, 1964.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER (12-11-71).

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 7th day of December 1971.

G. H. HOPPER,  
Chief, Registrations, Bonds, and  
Reports Branch, Livestock  
Marketing Division.

[FR Doc. 71-18182 Filed 12-10-71; 8:48 am]

## DEPARTMENT OF COMMERCE

## Maritime Administration

[Docket No. S-273]

## AMERICAN PRESIDENT LINES, LTD.

## Notice of Application

Notice is hereby given that American President Lines, Ltd., has applied for an increase in maximum sailings on its subsidized Line A-2 Service on Trade Route No. 29 (U.S. Pacific/Far East) from 54 sailings per annum to 104 sailings per annum. In the event responsive petitions for leave to intervene are filed within the specified time, hearing on this application is to be consolidated with the existing proceedings in Dockets Nos. S-267, S-268, and S-271, involving applications of American Mail Line Ltd., Pacific Far East Line, Inc., and States Steamship Co., respectively.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should by the close of business on December 17, 1971, notify the Presiding Hearing Examiner in the aforementioned proceedings, Room 4610, Department of Commerce Building, 14th and E Streets NW., Washington, DC, in writing, in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event that a consolidated hearing is held on this application, involving Dockets Nos. S-267, S-268, and S-271, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on an essential service,

served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry on such essential service is inadequate, and (2) whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Presiding Hearing Examiner determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Presiding Hearing Examiner shall so indicate to the Maritime Subsidy Board which will then take such action as may be deemed appropriate.

By Order of the Maritime Subsidy Board/Maritime Administration.

Dated: December 8, 1971.

JAMES S. DAWSON, Jr.,  
Secretary.

[FR Doc. 71-18272 Filed 12-10-71; 8:51 am]

National Oceanic and Atmospheric  
Administration

[Docket No. Sub-B-4]

## CHARLEVOIX TRANSIT CO.

Notice of Hearing Regarding Transfer  
of Fishery

DECEMBER 9, 1971.

Charlevoix Transit Co. has applied for permission to transfer the operations of the 124-foot length overall fishing vessel *Sturgeon Bay*, constructed with the aid of a fishing vessel construction-differential subsidy, from the fishery for groundfish (cod, cusk, haddock, hake, pollock, and ocean perch), to the fishery for groundfish (cod, cusk, haddock, hake, pollock, and ocean perch), hering, tuna, and lobsters (excluding lobsters within the contiguous fisheries zone established by the laws of the United States).

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act, as amended (46 U.S.C. 1401 et seq.) and Notice and Hearing on Subsidies (50 CFR Part 257) and Reorganization Plan No. 4 of 1970, that a hearing in the above-entitled proceedings will be held on January 12, 1972, at 10 a.m., e.s.t., in Room 730, 1325 G Street NW., Washington, DC. Any person desiring to intervene must file a petition of intervention with the Director, National Marine Fisheries Service, Interior Building, Washington, D.C. 20235, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is



granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

ROBERT W. SCHONING,  
Acting Director.

[FR Doc.71-18273 Filed 12-10-71;8:54 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[N-71-106]

### NEW AND RELOCATING FEDERAL FACILITIES

#### Procedures for Assuring Availability of Housing on Nondiscriminatory Basis for Low and Moderate-Income Employees

Interested persons are invited to submit written data, views, or suggestions with respect to the following proposed procedures in triplicate to the Rules Docket Clerk, Room 10256, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, on or before January 14, 1972. All communications timely received will be considered before taking action on the proposed procedures. The proposals contained in this Notice may be changed in light of comments received. A copy of each submittal will be available for public inspection during business hours, both before and after the closing date set forth above at the above address.

**I. Purpose.** This notice establishes the procedures by which the Department of Housing and Urban Development (HUD) will implement the Memorandum of Understanding Between the Department of Housing and Urban Development and the General Services Administration Concerning Low- and Moderate-Income Housing executed on June 12, 1971, and published in the FEDERAL REGISTER on December 1, 1971 (36 F.R. 22873). The Memorandum of Understanding is intended to assure the availability of housing on a nondiscriminatory basis for low- and moderate-income employees of new and relocating Federal facilities.

**II. Background.** A. Decisions of the Federal Government concerning location or relocation of Federal facilities have a major impact on Federal employees, particularly lower grade and minority employees.

1. The impact on employees can be seriously adverse if facilities are established in areas with an inadequate supply of low- and moderate-income housing.

2. The problem is even more acute for minority employees if problems of racial and ethnic discrimination further constrain the housing supply near a new or relocated facility.

B. The General Services Administration (GSA) has the responsibility for planning, developing, and constructing

Government-owned public buildings for housing Federal agencies, and for acquiring leased space for Federal agency use.

C. The Secretary of the Department of Housing and Urban Development has the responsibility under the Federal fair housing law (title VIII of the Civil Rights Act of 1968) for coordinating the efforts of all Federal departments and agencies to administer their programs of housing and urban development in a manner affirmatively to further the goals of fair housing.

D. The Department of Housing and Urban Development has prime responsibility for development of the Nation's supply of low- and moderate-income housing.

E. The Memorandum of Understanding was agreed to as a means of coordinating the respective responsibilities of GSA and HUD.

**III. Responsibility.** A. The Department of Housing and Urban Development has the responsibility:

1. To investigate, determine, and report findings to GSA on the availability of low- and moderate-income housing to Federal employees on a nondiscriminatory basis to serve proposed locations for a federally constructed building or a major lease action where there may be a substantial adverse effect on low- and moderate-income employees.

2. To participate in site investigations for the purpose of providing a report to GSA on the availability of low- and moderate-income housing on a nondiscriminatory basis in the delineated area within which specific sites will be considered.

3. To develop jointly with GSA, the Federal agency involved and the community an Affirmative Action Plan where HUD has determined that GSA's preferred location for the federally constructed building or leased space is not readily accessible to an adequate supply of low- and moderate-income housing on a nondiscriminatory basis.

4. To give priority consideration to applications for assistance under HUD housing programs for housing proposed to be provided in accordance with the plan.

B. The General Services Administration has the responsibility:

1. To consider the availability of low- and moderate-income housing on a nondiscriminatory basis to the maximum possible extent compatible with other considerations in making determinations with respect to the location of federally constructed buildings and the acquisition of leased space.

2. To provide HUD with the information necessary to carry out its responsibilities, including, but not limited to, notice that GSA is undertaking a project development investigation, notice of the time and place for site investigations, copies of the prospectus for each public building or lease-construction project, and any pertinent information supplied to GSA by the agency involved in the relocation, including number of low- and moderate-income employees expected to be employed at the new location.

3. To advise HUD when the GSA site investigators recommend a site for selection which HUD has reported unsuitable because it is not reasonably accessible to an adequate supply of low- and moderate-income housing on a nondiscriminatory basis.

4. To provide HUD with a written explanation when, after headquarters' review, a location is selected which HUD has reported unsuitable because it is not reasonably accessible to an adequate supply of low- and moderate-income housing on a nondiscriminatory basis.

5. To develop jointly with HUD, the Federal agency involved and the community an Affirmative Action Plan where HUD has determined that GSA's preferred location for the federally constructed building or leased space is not readily accessible to an adequate supply of low- and moderate-income housing on a nondiscriminatory basis.

C. Federal agencies considering relocation have the responsibility:

1. To consider to the maximum possible extent the availability of low- and moderate-income housing on a nondiscriminatory basis.

2. To provide such data with respect to employees being relocated as may be requested by GSA and HUD.

3. To develop jointly with HUD, GSA and the community an Affirmative Action Plan where HUD has determined that GSA's preferred location for the federally constructed building or leased space is not readily accessible to an adequate supply of low- and moderate-income housing on a nondiscriminatory basis.

**IV. Responsibilities for implementation of agreement within HUD.** A. The Assistant Secretary for Equal Opportunity is responsible for the implementation of the Department's responsibilities under this agreement. He will maintain liaison at the national level with the Commissioner, Public Buildings Service, GSA, concerning questions of policy and overall implementation.

B. The HUD Regional Administrator is responsible for coordinating the implementation of this program in the region, and for providing GSA with HUD's recommendation on specific sites.

C. The Assistant Regional Administrator for Equal Opportunity is responsible for consolidating information and recommendations to the HUD Regional Administrator including any affirmative action plans that may be required. In this connection he shall be assisted by the Assistant Regional Administrators for HPM and CPM, the Regional Economist and other appropriate staff.

D. Directors of Area Offices are responsible for providing the data needed for making recommendations to the HUD Regional Administrator concerning the adequacy of specific sites.

E. The Director of the Equal Opportunity Division in the Area Office will serve as the Department's representative on site investigation teams.

**V. Actions subject to the procedures in this notice.** A. All project development investigations are subject to the procedures herein.



B. Site selections for public buildings (or leased space in buildings to be erected by the lessor) are subject to the procedures herein in all cases in which 25 or more low- or moderate-income employees are expected to be employed in the new building.

C. Lease actions (other than those included in B, above) are subject to the procedures herein where:

1. One hundred or more low- or moderate-income employees are expected to be employed in the space to be leased, and

2. If the lease involves residential relocation of a majority of the existing low- and moderate-income work force, or a significant increase in their transportation or parking costs, or traveltime to the new location will exceed 45 minutes or a 20 percent increase if traveltime to the present facility already exceeds an average of 45 minutes.

3. GSA requests HUD review in lease actions of special importance not covered by 1 and 2.

#### VI. Project development investigation.

A. Project development investigations are general surveys of a metropolitan area conducted by GSA for the purpose of identifying specific needs for Federal or lease construction or major alteration projects for housing Federal activities.

B. The Regional Director, Public Buildings Service, (PBS) will inform the HUD Regional Administrator of the initiation of a project development investigation and the area being surveyed.

C. The HUD Regional Administrator will develop and transmit to the Regional Director, PBS, a report on the survey area which includes the following information:

1. Summary information on general type, location, cost, and vacancy rates for all housing in the survey area. Recent PHA market analyses are acceptable for this purpose.

2. A listing, by location, of all HUD subsidized housing in the survey area. The racial occupancy of such housing and its vacancy rate should be included. (Use data from HUD Forms 9801 and 51235.)

3. A listing, by location, of all other low- and moderate-income housing in the survey area which would meet the standards for relocation housing contained in the HUD Relocation Handbook (1371.1) chapters 2 and 4. The racial occupancy of such housing, or the neighborhood in which it is located, should be included, as well as vacancy rates.

4. A listing, by location, of all subsidized housing planned within the survey area for the 1-year period following the survey.

5. A listing of competing displacement needs for the subsidized housing planned in 4, above.

6. A delineation of the geographic boundaries of all urban renewal, neighborhood development project, code enforcement, and model cities areas.

7. A delineation of those subareas within the survey area which appear accessible to a supply of low- and moderate-income housing on a nondiscrimina-

tory basis, and those which do not so appear.

VII. Site investigation and selection. A. In cases where the Regional Office of GSA is investigating sites for construction of a specific proposed facility, the Regional Director, PBS, will transmit to the HUD Regional Administrator in whose region the facility is to be located the following information:

1. The number of low- and moderate-income jobs anticipated at the new or relocated facility when fully staffed.

2. The delineated area within which specific sites will be considered or, if available, the sites under consideration.

B. The HUD Regional Administrator, within a time period mutually agreed upon with the Regional Director, PBS, will:

1. Upon the existence of a current General Area Survey (see V.I.C., above) (completed within the preceding 12 months)—

a. Review the delineated areas against affirmative or negative recommendations suggested by the General Area Survey and update judgments pertaining to the availability of low- and moderate-income housing on a nondiscriminatory basis in the delineated area(s).

b. Make recommendations to the Regional Director, PBS, as to those areas which appear accessible to a supply of low- and moderate-income housing on a nondiscriminatory basis, and those which do not so appear.

2. In the absence of a current General Area Survey the HUD Regional Administrator will:

a. Develop a survey of the delineated area similar to the General Area Survey described in V.I.C., above.

b. Make recommendations to the Regional Director, PBS, as to those areas which appear accessible to a supply of low- and moderate-income housing on a nondiscriminatory basis, and those which do not so appear.

C. Where specific sites are identified, the HUD Regional Administrator will examine them in the light of the General Area Survey and the transportation linkages between the specific sites and any housing deemed available.

1. *Public transportation.* Public transportation should be available to the facility from any low- or moderate-income housing deemed nondiscriminatory on a scheduled basis providing arrival and departure conveniently close to the opening and closing of business. Travel time should not exceed by more than one-quarter hour the estimated travel time from housing for higher-grade (GS-9 to 15) employees.

2. *Private transportation and parking.* Where public transportation is unavailable, or does not meet the standard of C.1., above, travel time by automobile to the facility from any low- or moderate-income housing deemed nondiscriminatory should not exceed by more than one-quarter hour the estimated travel time from housing for higher-grade (GS-9 to 15) employees. In addition, parking should be available and accessible to the facility for low- and moderate-income

employees at a monthly cost not exceeding the average 8 hours' wage of low- and moderate-income employees at the facility.

D. The HUD Regional Administrator will transmit to the Regional Director, PBS, his evaluation of the sites being considered. In any case in which a proposed site is deemed inadequate on one or more grounds, i.e., insufficient supply of low- and moderate-income housing, housing not freely available to employees without regard to race, color, religion, or national origin, or inadequate transportation from housing to site, the HUD Regional Administrator shall include an outline of corrective actions which, in his judgment, will be required to overcome the deficiency noted.

E. The Regional Director, PBS, shall promptly notify the HUD Regional Administrator after reaching a decision on the sites to be recommended for a facility and their priority. In the event any of the preferred sites are identified by HUD as not readily accessible to low- and moderate-income housing on a nondiscriminatory basis, the HUD Regional Administrator shall so advise the Assistant Secretary for Equal Opportunity. The Assistant Secretary will notify the Commissioner, Public Buildings Service, GSA of HUD's concerns within 5 workdays after notification to the HUD Regional Administrator and specify the time required to properly present HUD's views.

F. GSA will provide a written explanation when, after Headquarters review, a location is selected which HUD reported inadequate with respect to the accessibility of such location to low- and moderate-income housing on a nondiscriminatory basis.

G. Prior to the announcement of a site selected contrary to the recommendation of HUD, the involved Federal Agency, GSA, HUD and the community in which the proposed site is located will utilize the items indicated in the report of the HUD Regional Administrator as a basis for developing a written Affirmative Action Plan.

The Affirmative Action Plan will insure that an adequate supply of such housing will be available before the building or space is to be occupied or within a period of 6 months thereafter. The plan should provide for commitments from the community involved to initiate and carry out all feasible efforts to obtain a sufficient quantity of low- and moderate-income housing available to the agency's personnel on a nondiscriminatory basis with adequate access to the location of the building or space. It should include commitments by the local officials having the authority to remove obstacles to the provision of such housing, when such obstacles exist, and to take effective steps to assure its provision. The plan should also set forth the steps proposed by the agency to seek out and assist its personnel to obtain such housing. As part of any plan during, as well as after its development, HUD agrees to give priority consideration to applications for assistance under its housing programs for the



housing proposed to be provided in accordance with the plan.

H. The HUD Regional Administrator shall be responsible for monitoring compliance with the written Affirmative Action Plan. In the event of noncompliance HUD and GSA shall undertake appropriate action to secure compliance.

VIII. *Lease actions.* A. In cases where the Regional Office of GSA is seeking to lease space meeting the tests set forth in V.C. of this circular, the Regional Director, PBS, will transmit to the HUD Regional Administrator in whose region the leased space is to be located the following information:

1. The number of low- and moderate-income jobs anticipated at the new or relocated facility when fully staffed.

2. The delineated area within which lease action is anticipated.

B. The HUD Regional Administrator, within 4 weeks or such time period as may be mutually agreed upon with the Regional Director, PBS, will:

1. Upon the existence of a current General Area Survey (see V.C., above) completed within the preceding 12 months,

a. Review the delineated areas against affirmative or negative recommendations suggested by the General Area Survey and update judgments pertaining to the availability of low- and moderate-income housing on a nondiscriminatory basis in the delineated area(s).

b. Make recommendations to the Regional Director, PBS, as to those areas which appear accessible to a supply of low- and moderate-income housing on a nondiscriminatory basis, and those which do not so appear.

2. In the absence of a current General Area Survey the HUD Regional Administrator will:

a. Develop a survey of the delineated area similar to the General Area Survey described in V.C., above.

b. Make recommendations to the Regional Director, PBS, as to those areas which appear accessible to a supply of low- and moderate-income housing on a nondiscriminatory basis, and those which do not so appear.

C. The HUD Regional Administrator will transmit to the Regional Director, PBS, his evaluation of the delineated area. The evaluation may include suggestions for altering the delineated area to make it more accessible to a supply of low- and moderate-income housing on a nondiscriminatory basis. Where inadequacies are identified, the HUD Regional Administrator shall include an outline of corrective actions which, in his judgment, will be required to overcome such inadequacies.

D. The Regional Director, PBS, shall promptly notify the HUD Regional Administrator after reaching a decision on the delineated area in which lease action will be undertaken. In the event that the area delineated (or subareas within it) was identified by HUD as not accessible to low- and moderate-income housing on a nondiscriminatory basis, the HUD Regional Administrator shall so advise the Assistant Secretary for Equal Opportunity. The Assistant Secretary will notify

the Commissioner, Public Buildings Service, GSA, of HUD's concerns within 5 workdays after notification by GSA to the HUD Regional Administrator, and specify the time required to properly present HUD's views.

E. GSA will provide a written explanation when, after Headquarters review, GSA selects a delineated area which was wholly or in part identified by HUD as not accessible to low- and moderate-income housing on a nondiscriminatory basis.

F. Where the entire delineated area is deemed inadequate by HUD, or the leased space is located within a subarea deemed inadequate, the involved Federal Agency, GSA, HUD, and the community in which the leased space is located will develop an Affirmative Action Plan.

G. Prior to the award of a lease contract in an area deemed inadequate by HUD, the involved Federal Agency, GSA, HUD, and the community in which the proposed site is located will utilize the items indicated in the report of the Regional Administrator as a basis for developing an Affirmative Action Plan.

The Affirmative Action Plan will insure that an adequate supply of such housing will be available before the building or space is to be occupied or within a period of 6 months thereafter. The plan should provide for commitments from the community involved to initiate and carry out all feasible efforts to obtain a sufficient quantity of low- and moderate-income housing available to the agency's personnel on a nondiscriminatory basis with adequate access to the location of the building or space.

It should include commitments by the local officials having the authority to remove obstacles to the provision of such housing, when such obstacles exist, and to take effective steps to assure its provision. The plan should also set forth the steps proposed by the agency to seek out and assist its personnel to obtain such housing. As part of any plan during, as well as after, its development, HUD agrees to give priority consideration to applications for assistance under its housing programs for the housing proposed to be provided in accordance with the plan.

H. The HUD Regional Administrator shall be responsible for monitoring compliance with the written Affirmative Action Plan. In the event of noncompliance HUD and GSA shall undertake appropriate action to secure compliance.

RICHARD C. VAN DUSEN,  
Under Secretary of Housing  
and Urban Development.

[FR Doc. 71-18211 Filed 12-10-71; 8:50 am]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-360]

### BATTELLE MEMORIAL INSTITUTE

#### Notice of Issuance of Facility License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of pro-

posed action in the FEDERAL REGISTER on November 11, 1971 (36 F.R. 21615), the Atomic Energy Commission (the Commission) has issued Facility License No. CX-26 to Battelle Memorial Institute (BMI), Richland, Wash. The license authorizes BMI to operate the Plutonium Recycle Critical Facility (PRCF), located near Richland, Wash., at steady-state power levels not to exceed 10 kilowatts (thermal), in accordance with the provisions of the license and the Technical Specifications appended thereto and BMI's application notarized April 27, 1970, as amended.

The license was issued as proposed except that the amount of contained uranium 235 which BMI is authorized to receive, possess and use in connection with operation of the PRCF has been changed from 15 kilograms to 40 kilograms, in accordance with BMI's amendment request dated November 4, 1971. The increase in the quantity of uranium 235 is necessary to accommodate a series of experimental programs that BMI developed since filing of the original application for license. This increase does not affect the safety of the PRCF operations.

The Commission has found that the application for the license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations as published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

With regard to the request to increase the amount of uranium 235 that BMI is authorized to receive, possess, and use in connection with operation of the reactor that was not incorporated in the proposed notice, the Commission has found that prior public notice is not required since this action does not present significant hazards considerations different from those previously evaluated. In this connection, the applicant may file a request for a hearing and any person whose interest may be affected by the proceeding may file a petition for leave to intervene within 15 days from the date of publication of this notice in the FEDERAL REGISTER. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene with regard to the authorization to receive, possess and use up to 40 kilograms of contained uranium 235 in lieu of 15 kilograms is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

Copies of License No. CX-26 and BMI's amendment dated November 4, 1971, relating to the increase in the quantity of contained uranium 235 are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. A copy of the license may be obtained upon request



sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 29th day of November 1971.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,  
Assistant Director for Reactor  
Operations, Division of Reactor  
Licensing.

[FR Doc.71-18167 Filed 12-10-71;8:47 am]

#### DANIEL W. WILSON

##### Certification To Appear Before Commission

Pursuant to the proviso contained in section 207 of title 18 U.S.C. (Public Law 87-849, 76 Stat. 1124), having found that Dr. Daniel W. Wilson, formerly an Environmental Radioactivity Specialist of the Division of Biology and Medicine, Atomic Energy Commission, and presently an employee of the University of California at the Lawrence Livermore Laboratory, Livermore, Calif., possesses outstanding scientific qualifications, I certify that the national interest would be served by the said Dr. Daniel W. Wilson acting as agent for or appearing personally before the Atomic Energy Commission on behalf of the University of California in connection with the performance of work under Contract No. W-7405-ENG-48 with the Atomic Energy Commission, on matters in which he participated personally and substantially as an employee of the Atomic Energy Commission or which were under his official responsibility as an AEC employee.

This publication is directed to be published in the FEDERAL REGISTER.

Dated: December 2, 1971.

R. E. HOLLINGSWORTH,  
General Manager.

[FR Doc.71-18172 Filed 12-10-71;8:47 am]

[Dockets Nos. 50-352, 50-353]

#### PHILADELPHIA ELECTRIC CO.

##### Establishment of Atomic Safety and Licensing Board; Designation of Third Member of Appeal Board; and Schedule for Prehearing Conference

On December 3, 1971, the Commission published in the FEDERAL REGISTER (36 F.R. 23087) a notice of hearing to consider the application filed by the Philadelphia Electric Co. for construction permits for two boiling water nuclear reactors designated as the Limerick Generating Station Units 1 and 2. That notice indicated that the Licensing Board and the third member of the Appeal Board for this proceeding would be designated at a later date, and that notice of such designation would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations in Title 10, Code of Federal Regulations,

Part 2 (Rules of Practice) and the notice of hearing referred to above, notice is hereby given that the Licensing Board in this proceeding will consist of Dr. J. M. B. Kellogg, Mr. Warren E. Nyer, and Mr. Samuel W. Jensch, Chairman. Dr. J. V. Leeds has been designated as a technically qualified alternate and Mr. Robert M. Lazo has been designated as an alternate qualified in the conduct of administrative proceedings.

With respect to this proceeding, Dr. Lawrence R. Quarles has been designated by the Commission as the third member of the Appeal Board.

As provided in the notice of hearing, a prehearing conference in this matter will be held on January 5, 1972. This conference will be held on the above date at 10 a.m., local time, in Courtroom No. 5, Montgomery County Court House, Swede and Airy Streets, Norristown, PA 19401.

Dated at Washington, D.C., this 9th day of December 1971.

JAMES R. YORE,  
Executive Secretary, Atomic  
Safety and Licensing Board  
Panel.

[FR Doc.71-18290 Filed 12-10-71;10:26 am]

[Dockets Nos. 50-354, 50-355]

#### PUBLIC SERVICE ELECTRIC AND GAS CO.

##### Establishment of Atomic Safety and Licensing Board; Designation of Third Member of Appeal Board; and Schedule for Prehearing Conference

On December 7, 1971, the Commission published in the FEDERAL REGISTER (36 F.R. 23266) a notice of hearing to consider the application filed by the Public Service Electric and Gas Co. for construction permits for two boiling water nuclear reactors designated as the Newbold Island Nuclear Generating Stations, Units 1 and 2. That notice indicated that the Licensing Board and the third member of the Appeal Board for this proceeding would be designated at a later date, and that notice of such designations would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations in Title 10, Code of Federal Regulations, Part 2 (Rules of Practice) and the notice of hearing referred to above, notice is hereby given that the Licensing Board in this proceeding will consist of Dr. J. M. B. Kellogg, Mr. Warren E. Nyer, and Mr. Samuel W. Jensch, Chairman. Dr. J. V. Leeds has been designated as a technically qualified alternate and Mr. Robert M. Lazo has been designated as an alternate qualified in the conduct of administrative procedures.

With respect to this proceeding, Dr. Lawrence R. Quarles has been designated by the Commission as the third member of the Appeal Board.

As provided in the notice of hearing, a prehearing conference in this matter

will be held on January 6, 1972. This conference will be held on the above date at 10 a.m., local time, in Courtroom No. 2, Third Floor, U.S. Courthouse and Federal Building, 402 East State Street, Trenton, NJ 07008.

Dated at Washington, D.C., this 9th day of December 1971.

JAMES R. YORE,  
Executive Secretary, Atomic  
Safety and Licensing Board  
Panel.

[FR Doc.71-18291 Filed 12-10-71;10:26 am]

## CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 71-12-11]

### INTERNATIONAL AIR TRANSPORT ASSOCIATION

#### Order Regarding Specific Commodity Rates

Issued under delegated authority December 2, 1971. Agreement adopted by the Joint Conferences of the International Air Transport Association relating to specific commodity rates, Docket 20993, Agreement CAB 22332, R-50.

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 Conferences of the International Air Transport Association (IATA) and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unopposed notices to the carriers and promulgated in an IATA letter dated November 23, 1971, names additional specific commodity rates, as set forth below, which reflect reductions from the general cargo rates.

Commodity Item No. 9555—Umbrellas and Parasols, 138 cents per kg., minimum weight 100 kgs., from Melbourne to Los Angeles, 168 cents per kg., minimum weight 100 kgs., from Melbourne to New York.

Pursuant to authority duly delegated by the Board in the Board's Economic Regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 22332, R-50, be and hereby is deferred with a view toward eventual approval, 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 Economic Regulations, 14 CFR 385.50, may, within 10 days after the



date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL]

HARRY J. ZINK,  
Secretary.

[FR Doc.71-18199 Filed 12-10-71; 8:49 am]

[Dockets Nos. 23958, 24016; Order 71-12-32]

## TRANS WORLD AIRLINES, INC.

### Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of December 1971.

By tariff revisions<sup>1</sup> marked to become effective December 15, 1971, Trans World Airlines, Inc. (TWA) proposes to reduce the minimum group size of its transcontinental GIT fares from 40 to 15. The fares apply between Chicago and numerous points east, on the one hand, and Las Vegas and west coast points on the other, and are discounted 30 percent during the peak season (June 15 through September 14) and 40 percent the remainder of the year. Travel-related ground services of at least \$75 (\$35 to Las Vegas/Reno) must be purchased, and the fares are marked to expire September 30, 1972. American Airlines, Inc. (American) and United Air Lines, Inc. (United) have filed to match the proposal.

In support of its proposal, TWA alleges that the reduction in group size will more closely align the minimum size to the needs of markets having lesser passenger volume.

Frontier Airlines, Inc. (Frontier) has complained against the proposals insofar as they apply in the Chicago-Las Vegas market and requests suspension and investigation. It alleges that the application of these GIT fares to a group of 15 will have a highly diversionary impact on its traffic in the market, which allegedly accounted for 24 percent of its Chicago revenue in the most recent quarter. Frontier also alleges that the effective GIT fares have already diverted 25 percent of its standby and group-fare traffic in the Chicago-Las Vegas market, and that passenger boardings in that market declined in October in contrast to its other Las Vegas markets which showed improvement during the same period. Additionally, the carrier contends that, in dismissing the complaint against TWA's original fares, the Board indicated that the larger group size of 40, coupled with the other restrictions, would minimize potential diversion, and that the instant proposal would entirely defeat the Board's rationale.

In answer to the complaint, TWA contends that since Frontier has submitted no diversion estimates and is a minimal participant in the market it should not be considered a rate-making carrier, particularly in the absence of meaningful data relating the adverse impact of the

proposed change. The carrier further asserts that little or no diversion will occur and that, in any event, such diversion as might occur would not be unlawful since it would result from the use of a lawful fare.

Upon consideration of all relevant matters, the Board finds that the complaints do not set forth sufficient facts to warrant investigation. The requests therefor, and consequently requests for suspension, will be denied and the complaints dismissed.

Similar fares have been in effect in the New York-Las Vegas market for some time and allegedly have proven successful. On this basis, the carriers recently proposed and were permitted to extend comparable fares to additional major east coast points, and we find no basis upon which to distinguish the Chicago-Las Vegas market. Frontier alleges that it is already suffering substantial diversion of its Chicago revenues as a result of present group fares with a 40-passenger minimum. However, we believe it probable that any such diversion as may have occurred is more the result of this carrier's very limited service in the market as compared to that provided by TWA and United,<sup>2</sup> and we are unable to conclude that a reduction in the group size will, in and of itself, result in significant further deterioration of its market position.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. The complaints of Frontier Airlines, Inc. in Dockets 23958 and 24016 are hereby dismissed; and
2. A copy of this order be served upon Frontier Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL]

PHYLLIS T. KAYLOR,  
Acting Secretary.

[FR Doc.71-18200 Filed 12-10-71; 8:49 am]

## COUNCIL ON ENVIRONMENTAL QUALITY

### ENVIRONMENTAL IMPACT STATEMENTS

#### Notice of Public Availability

Environmental impact statements received by the Council on Environmental Quality, November 29-December 3, 1971.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

<sup>1</sup>TWA and United provide four and six nonstop round-trip flights daily, respectively, whereas Frontier has no through flights and only one two-stop service (westbound only) that provides a convenient connection.

## DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, (202) 388-7803.

### OFFICE OF THE SECRETARY

Final, November 18

Legislative proposal to designate Sycamore Canyon Primitive Area as Sycamore Canyon Wilderness, in the Coconino, Kaibab, and Prescott National Forests, Ariz. Involves 46,542 acres, 1,050 of which are contiguous to the primitive area. Comments made by USDA, DOC, DOD, FAA, FPC, HEW, DOI, two Members of Congress, Pima, Coconino, and Yavapai Counties boards of supervisors, and cities of Tucson and Flagstaff. (ELR Order No. 1269, 38 pages) (NTIS Order No. PB-204 454-F)

Legislative proposal to designate Pine Mountain Primitive Area as Pine Mountain Wilderness, in the Prescott and Tonto National Forests, Ariz. Involves 19,569 acres, 3,671 of which are contiguous to the primitive area. Comments made by USDA, DOC, DOD, FAA, FPC, HEW, Arizona Game and Fish Commission, and Yavapai County board of supervisors. (ELR Order No. 1270, 38 pages) (NTIS Order No. PB-204 455-F)

### RURAL ELECTRIFICATION ADMINISTRATION

Final, November 24

Mooreland Electric Generating Station Unit No. 3, Woodward County, Okla. Loan application from the Western Farmers Electric Cooperative for construction of additional 135,000-kw. unit. Comments made by USDA, FPC, DOI, Oklahoma Office of Community Affairs and Planning, and Oklahoma Department of Health. (ELR Order No. 1302, 166 pages) (NTIS Order No. PB-204 505-F)

### SOIL CONSERVATION SERVICE

Draft, November 23

Tallulah Creek Watershed, Long Creek portion, North Carolina. Application of conservation land treatment on 410 acres and construction of a multipurpose municipal storage and flood prevention structure; 53 million gallons of water to be stored. Will remove 36 acres of agricultural and forest land from production, limit use of 36 acres in the detention pool and destroy 4,000 feet of trout stream. (ELR Order No. 1261, 20 pages) (NTIS Order No. PB-204 457-D)

### DEPARTMENT OF DEFENSE

#### DEPARTMENT OF ARMY

##### Corps of Engineers

Contact: Francis X. Kelly, Assistant for Conservation Liaison, Public Affairs Office, Office, Chief of Engineers, 1010 Independence Avenue SW., Washington, DC 20314, (202) 693-6329.

Draft, November 19

Vermilion Harbor, Erie County, Ohio. Construction of detached breakwater, two approach channels and a river channel extension of 2,275 feet to permit safe harbor entry and provide adequate depths in river channel. (ELR Order No. 1262, 17 pages) (NTIS Order No. PB-204 461-D)

Draft, November 22

Diked Disposal Area Program, Duluth-Superior Harbor, Minn. and Wis. Construction of sand dikes for polluted dredge spoil containment at Duluth in 21st Avenue west slip area and at Superior adjacent to sewage treatment plant. Will convert 35 surface acres of water to land at each site. (ELR Order No. 1263, 13 pages) (NTIS Order No. PB-204 456-D)

<sup>1</sup>Revisions to Airline Tariff Publishers, Inc., Agent, Tariffs Nos. CAB 136 and 142.



## Draft, November 26

Flood control at Muscatine, Iowa. Improvement of earthen levees, construction of new levees, concrete floodwalls, closure structures, ponding areas, pumping plant, and partial realignment of Mad Creek. Will alter 5,500 feet of creek shoreline. (ELR Order No. 1280, 18 pages) (NTIS Order No. PB-204 500-D)

## Final, November 29

Papillion Creek and tributaries flood protection project, Douglas, Sarpy, and Washington Counties, Nebr. Construction of 20 dams and lakes and implementation of a flood plain management program. Will eliminate 44 miles of riparian wildlife habitat. Comments made by USDA, EPA, DOI, three State agencies, Sarpy County Board of Commissioners, city of Omaha, Papio Watershed Board, Metropolitan Area Planning Agency, Quality Environment Council, and Omaha League of Women Voters. (ELR Order No. 1285, 49 pages) (NTIS Order No. PB-202 292-F)

## FEDERAL POWER COMMISSION

Contact: Frederick H. Warren, Advisor on Environmental Quality, 441 G Street NW., Washington, DC 20426 (202) 386-6084.

## Final, November 11

Application to construct and operate 74.5 miles of 36-inch natural gas pipeline and related facilities in the Gulf of Mexico, offshore Louisiana. Filed by Columbia Gulf Transmission Co., Columbia Offshore Pipeline Co., Tennessee Gas Pipeline Co., and Bonita Transmission Co. Docket No. CP68-231. (ELR Order No. 1273, 11 pages) (NTIS Order No. PB-198 996-F)

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Richard H. Broun, Director, Environmental and Land Use Planning Division, Washington, D.C. 20410 (202) 755-6188.

## Draft, November 22

Foss Reservoir, Custer County, Okla. Construction of 5 m.g.d. pretreatment and 3 m.g.d. demineralization water treatment facilities. (ELR Order No. 1264, 36 pages) (NTIS Order No. PB-204 460-D)

## Draft, November 26

Woodlands New Community, Montgomery County, Tex. Loan guarantee for 17,000-acre community with resident population of 150,000, primary open space of 2,800 acres, roads and utilities requiring 1,500 acres and industrial and/or employment planned for 2,000 acres. Target completion date, 1992. (ELR Order No. 1309, 111 pages) (NTIS Order No. PB-204 498-D)

## DEPARTMENT OF TRANSPORTATION

Contact: Martin Convisser, Director, Office of Program Coordination, 400 Seventh Street SW., Washington, DC 20590, (202) 462-4357.

## FEDERAL HIGHWAY ADMINISTRATION

## Draft, November 17

Park and Lake Freeways: Milwaukee, Wis. Construction of the eastern end of the Park Freeway, the Lake Park interchange at Juneau Park and the Lake Freeway south from that interchange across a high-level bridge (under construction) above Milwaukee Harbor entrance and south to Mitchell Field. Requires relocation of 500 families. 4(f) determinations required for use of public recreational lands. (ELR Order No. 1223, 158 pages) (NTIS Order No. PB-204 257-D)

## Draft, November 19

SR-33: Monroe County, Tenn. Construction of roadway from northeast of Madisonville at the Madisonville bypass to the Little Tennessee River east of Vonore. All three alternatives involve relocation of residences and businesses. State project 62004-0214-04, Federal project F-033-1 ( ). (ELR Order No. 1265, 25 pages) (NTIS Order No. PB-204 458-D)

## Draft, November 24

US-171 and La.-8: Leesville, Vernon Parish, La. Construction of south bound two lanes of a one-way couplet through Leesville, a distance of 2.6 miles. Will displace 16 families and one shop. State project 24-06-16, 25-01-16, 25-01-19, Federal projects F-151 (6), (7), and (9). (ELR Order No. 1266, 17 pages) (NTIS Order No. PB-204 459-D)

## Draft, November 19

Cobb County, Ga. Three construction projects: a four-lane facility beginning at I-75 south of Roberts Road interchange to Big Shanty, then northeast in the vicinity of Parkway Drive; a six-lane section beginning at SR-5 near Sandy Plains Road and ending at Bells Ferry Road; and a multilane facility beginning at I-75 north to SR-5. Will displace 44 families and 16 businesses. Projects F-057-1(4), S-1378 and S-2556. (ELR Order No. 1268, 39 pages) (NTIS Order No. PB-204 462-D)

## Draft, November 24

I-40: Winslow, Navajo County, Ariz. Construction of bypass from US-66 3 miles west of Winslow east for 8.4 miles. Revision of draft circulated March 29. Project I-40-4 (60), (61), (62), and (62). (ELR Order No. 1272, 24 pages) (NTIS Order No. PB-204 465-D)

## Draft, November 29

SH-35: San Patricio and Aransas Counties, Tex. Improvements to a four-lane divided highway for approximately 22 miles from Gregory to the Copano Bay Causeway. Will use 475 acres of brushland, 95 acres of farmland, 163 undeveloped subdivided acres. Texas project F-377. (ELR Order No. 1276, 21 pages) (NTIS Order No. PB-204 464-D)

## Draft, November 16

Route 60: Wright County, Mo. Construction of 17 miles of dual highway from 2.5 miles east of Mansfield to 3.6 miles west of Route 95(A). Removes approximately 410 acres of land from present use. Job No. 9-P-60-10 and 9-P-60-23, F-60-3(13). (ELR Order No. 1278, 7 pages) (NTIS Order No. PB-204 503-D)

## Draft, November 23

US-54: Wichita, Sedgwick County, Kans. Improvement of 2.7 miles of highway to provide two lanes in each direction between Seville Lane and Hoover Road. Requires relocation of residences and businesses. Project (SF)54-87 U-038-3 (35). (ELR Order No. 1279, 25 pages) (NTIS Order No. PB-204 501-D)

US-14: Brookings County, S. Dak. Construction of a 16-mile, four-lane divided highway beginning southeast of Arlington and ending west of Brookings. Project F 030-6. (ELR Order No. 1281, 7 pages) (NTIS Order No. PB-204 504-D)

## Draft, November 26

Northern Lights Boulevard Couplet: Anchorage, Alaska. Construction of couplet pair of one-way, four-lane roadways for 2 miles between Lois Drive and LaTouche Street and a six-lane divided section from LaTouche Street east 0.75

mile to Lake Otis Parkway. Involves displacement of families, businesses, and two churches. Project S-0547(12) (ELR Order No. 1282, 36 pages) (NTIS Order No. PB-204 502-D)

## Draft, November 29

Route 127: Greenville, Bond County, Ill. Relocation involving three alternatives, extending from intersection with I-70 north to 1.7 miles north of west intersection with Route 140. Job P-98-207-70. (ELR Order No. 1286, 25 pages) (NTIS Order No. PB-204 499-D)

## Final, November 23

Arizona Forest Highway 3: Coconino National Forest, Ariz. Construction of 6.1 miles of two-lane facility, the final segment involving major realignment and reconstruction. Comments made by USDA, Army COE, EPA, FPC, DOT, HUD, DOI, Arizona Department of Economic Planning and Development and Coconino County Highway Department. (ELR Order No. 1275, 50 pages) (NTIS Order No. PB-201 567-F)

South Wilmington Connector to I-95: Wilmington, Del. Construction of interchange connection and four-lane divided highway along the Front Street corridor, beginning at Adams Street and running east along Front Street to Walnut Street between French and Walnut Streets the corridor turns north and continues to Fourth Street. Comments made by HUD, DRBC, 3 State offices, New Castle County, and city of Wilmington. (ELR Order No. 1277, 55 pages) (NTIS Order No. PB-200 766-F)

Vermont Route 102: Lemington, Essex County, Vt. Two projects to pave surface and to realign roadway, one from Bloomfield-Lemington town line north for 2 miles and one from 2.89 miles south of the Lemington-Canaan town line north for 1.8 miles. Highway projects S 0271( ) and S 0271(5). Comments made by EPA, FHWA, HUD, State Clearinghouse, and Vermont Agency of Environmental Conservation. (ELR Order No. 1283, 43 pages) (NTIS Order No. PB-200 525-F)

## Final, November 29

Cincinnati Avenue: Tulsa, Okla. Upgrading with partial reconstruction on new alignment from East 31st Street north to East 42nd Street north (1 mile). Highway project SU-7251 (100)C. Comments made by HEW, DOI, Tulsa Metropolitan Area Planning Commission, Oklahoma Grant-in-Aid Clearinghouse, and State Archeologist. (ELR Order No. 1284, 52 pages) (NTIS Order No. PB-201 859-F)

## Final, November 23

SR-2: Chelan County, Wash. Replacement of interchange at the Wenatchee Avenue approach to the Columbia River bridge and construction of Stevens Street from the bridge to its intersection with Mission Street. 4(f) determination relates to use of 0.1 acre of city park. Project F-028-1. Comments made by EPA, HUD, DOI, DOT, Washington Planning and Community Affairs Agency, Washington Parks and Recreation Commission, and city of Wenatchee. (ELR Order No. 1287, 16 pages) (NTIS Order No. PB-199 609-F)

## Final, November 21

US-53 Hawthorne-US-2 Road: Douglas County, Wis. Upgrading to freeway standards on new location between Hawthorne and the junction with US-2 (6 miles). Requires 380 acres of land. Project F 08-5( ). Comments made by USDA, DOI, and Wisconsin Department of Natural Resources. (ELR Order No. 1288, 36 pages) (NTIS Order No. PB-201 575-F)

<sup>1</sup> Mr. Convisser's office will refer you to the regional office from which the statement originated.



Final, November 23

Moultrie-Meigs Road: Colquitt County, Ga. Replacement of narrow bridges. Project S-1205(2). Comments made by USDA, EPA, and HUD. (ELR Order No. 1289, 10 pages) (NTIS Order No. PB-198 677-F)

Routes 210, 10, and 13: Clay and Ray Counties, Mo. Construction on Route 210 of a two-lane facility from east of Route JJ to relocated Route 10 south-west of Richmond (15 miles); on Route 10, a two-lane facility from east of Route C to 2.7 miles east of Route 13; and on Route 13, a two-lane facility north of Richmond, a four-lane facility through Richmond to the interchange with Route 10 and a two-lane facility south of Route 10 (4 miles). Jobs 4-P-210-35, 4-P-10-28, and 4-P-13-29. Projects S-SG-581(2), F-PG-10-1(6), and F-13-4 (3). Comments made by Army COE, USDA, EPA, DOI, State Clearinghouse Coordinator, Kansas City Metropolitan Planning Commission, and Orrick Drainage and Levee District. (ELR Order No. 1290, 22 pages) (NTIS Order No. PB-201 228-F)

US-69 (Switzer Bypass): Johnson County, Kans. Construction of 2.9-mile, four-lane highway from 127th Street in Overland Park, to a point near I-435, involving construction of 10 bridges. Highway project (SF) 69-46 F 063-3(20). Comments made by USDA, Army COE, EPA, HUD, DOI, DOT and four State agencies. (ELR Order No. 1291, 45 pages) (NTIS Order No. PB-201 251-F)

SR-316: Callaway County, Ga. Construction of 6.28 miles of four-lane highway from 1 mile west of Lawrenceville to 1 mile west of Dacula. Job 5-P-54-1, Project F-108-1(4). Comments made by USDA, EPA, DOI, State Clearinghouse Coordinator, and Mid-Missouri Regional Planning Commission. (ELR Order No. 1292, 17 pages) (NTIS Order No. PB-204 515-F)

US-63: Davis County, Iowa. Construction of a two-lane facility partially on new location from Missouri State line north to its junction with Iowa 2 (10.9 miles). Project F-63-1. Comments made by USDA, EPA, DOI, and three State agencies. (ELR Order No. 1293, 21 pages) (NTIS Order No. PB-200 366-F)

US-59: Douglas County, Kans. Upgrading and widening 5.37 miles of highway from Lawrence to the Oklahoma line. Projects (SF) 59-23 F-067-2(23), (SF) 59-23 U-067-2(25). Comments made by USDA, Army COE, AEC, DOC, EPA, HEW, HUD, OEO, DOT, and three State agencies. (ELR Order No. 1294, 71 pages) (NTIS Order No. PB-199 626-F)

SR-674: Marcy, Pickaway, and Fairfield Counties, Ohio. Reconstruction of 2.1 miles from SR-752 north to CR-89. Project PIC-674-5.92, S-1625(2). (ELR Order No. 1296, 7 pages) (NTIS Order No. PB-204 510-F)

20th Street: Tifton, Tift County, Ga. Reconstruction beginning at Baldwin Drive and ending at SR-125. Project SU 1536 (2). Comments made by USDA, EPA, and HUD. (ELR Order No. 1297, 9 pages) (NTIS Order No. PB-204 509-F)

SR-111: Colquitt County, Ga. Removal of bridge and reconstruction of drainage structure and approaches on Moultrie-Meigs Road. Project S-0519(4). Comments made by USDA, Army, EPA, HUD, DOI, and Bureau of State Planning and Community Affairs. (ELR Order No. 1298, 15 pages) (NTIS Order No. PB-198 677-F)

LaConte to Nashville Road: Cook and Berrien Counties, Ga. Surfacing and im-

provement of road from US-41 to near the Cook-Berrien County line. Project S-2698(1). Comments made by USDA, Army COE, EPA, DOI, and Bureau of State Planning and Community Affairs. (ELR Order No. 1299, 10 pages) (NTIS Order No. PB-204 513-F)

Route 100: St. Louis County, Mo. Replacement of 2.2 miles of highway from Melrose and Allentown Roads east to Glencoe Road. Project F-100-1(4). Comments made by USDA, EPA, DOI, State Clearinghouse Coordinator, and East-West Gateway Coordinating Council. (ELR Order No. 1300, 13 pages) (NTIS Order No. PB-198 839-F)

KY-54: Owensboro, Daviess County, Ky. Widening Parrish Avenue between Owensboro Interchange limits and Bosley Road (1.05 miles). Comments made by Army COE, HUD, DOI, DOT, Kentucky Department of Natural Resources, Green River Area Development District, and Owensboro Chamber of Commerce. (ELR Order No. 1301, 21 pages) (NTIS Order No. PB-204 514-F)

Ryan Road (SR-100): Oak Creek, Milwaukee County, Wis. Widening and upgrading of 2.8 miles of road on partial new location. Project U 059-1(6) ID 2040-4-00. Comments made by USDA, EPA, HUD, DOI, DOT, Wisconsin Department of Natural Resources, Southeastern Wisconsin Regional Planning Commission, and Milwaukee County Department of Public Works. (ELR Order No. 1303, 28 pages) (NTIS Order No. PB-200 746-F)

SR-28: East Wenatchee, Douglas County, Wash. Construction of 0.6-mile, two-lane frontage road on both sides of SR-28 from Grant Road south. Project F-030-1. Comments made by EPA, FHWA, HUD, DOI, and six State agencies. (ELR Order No. 1304, 18 pages) (NTIS Order No. PB-204 506-F)

SR-20: Okanogan County, Wash. Reconstruction of two-lane highway from SR-153 to its crossing of Beaver Creek (14 miles). Project F-052-3. Comments made by USDA, EPA, FHWA, HUD, DOI, and six State agencies. (ELR Order No. 1305, 22 pages) (NTIS Order No. PB-204 507-F)

SR-12: Walla Walla County, Wash. Construction of four-lane divided highway between Walla Walla and Waiilatburg. Project F-018-5. Comments made by USDA, Army COE, EPA, FHWA, HUD, eight State agencies and Walla Walla Regional Planning Commission. (ELR Order No. 1306, 45 pages) (NTIS Order No. PB-200 020-F)

Route 8: Sidney, Delaware, and Otsego Counties, N.Y. Relocation of route (3.5 miles) beginning near Thorp Hill Road north as a connector interchange with I-85 and ending at an intersection with Route 7. Project PIN 9067.00. Comments made by Army COE, DOT, and Pennsylvania Department of Environmental Resources. (ELR Order No. 1307, 40 pages) (NTIS Order No. PB-200 757-F)

Final, November 29

US-95: Adams County, Idaho. Improvement of 7.3-mile highway beginning near Alpine Store area and ending 1 mile south of Cottonwood Creek in two sections, Mesa North and Mesa South. New concrete bridge will be constructed over the Middle Fork of the Weiser River. Projects F-3112(21) and F-3112(30). Comments made by USDA, Army COE, FHWA, HUD, DOI, six State agencies, three conservation organizations, a utility, and private citizens. (ELR Order No. 1308, 34 pages) (NTIS Order No. PB-200 533-F)

Final, November 23

US-169 and K-279 (Osawatimie Bypass): Miami County, Kans. Relocation of US-169 from its junction with K-7 to its crossing the Marais Des Cynges River downstream from First Street (7 miles) and relocation of K-279 to connect with Main Street. Involves construction of 12 bridges. Projects 169-61 F 081-1(22) and 279-61 K 100-1(1). Comments made by USDA, Army COE, AEC, EPA, HEW, DOI, OEO, and DOT. (ELR Order No. 1310, 28 pages) (NTIS Order No. PB-199 729-F)

Final, November 29

Homer Bypass: Alaska. Construction of two-lane bypass around Homer from the northwest side to the Homer Spit. Project F-201-1(14). Comments made by USDA, EPA, FHWA, HUD, DOI, three State agencies, and Kenai Peninsula Borough. (ELR Order No. 1311, 35 pages) (NTIS Order No. PB-200 375-F)

## FHWA 4 (f) Statements:

The following are not 102 statements. They are explanations of the Secretary of Transportation's approval of projects to be implemented under section 4(f) of the Department of Transportation Act. (49 U.S.C. 1653(f))

November 23

I-77: Charlotte, N.C. Highway project requires use of approximately five of the 23 acres of Double Oaks Park. (Order through ELR by title, date, and Department—5 pages)

I-64: East St. Louis, St. Clair County, Ill. Requires use of 10.8 acres of Jones Park for highway project. (Order through ELR by title, date, and Department—3 pages)

## COAST GUARD

Contact: D. B. Charter, Jr., Commander, U.S. Coast Guard, Chief, Environmental Coordination Branch, 400 Seventh Street SW., Washington, DC 20591, (202) 426-2012.

Draft, November 23

Small Scale Explosive Icebreaker (RED-SOD). Test of 12' x 15' scale model ice-breaking technique utilizing high-pressure exhaust at Muskegon, Mich. Test project 721314. (ELR Order No. 1274, 8 pages) (NTIS Order No. PB-204 463-D)

TIMOTHY ATKESON,  
General Counsel.

[FR Doc.71-18210 Filed 12-10-71;8:50 am]

## FEDERAL MARITIME COMMISSION

NEW SHOREHAM BOAT LINE, INC.  
AND AMERICAN CANADIAN LINE,  
INC.Notice of Issuance of Casualty  
Certificate

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal

<sup>1</sup>These statements cannot be ordered through NTIS.



Maritime Commission General Order 20, as amended (46 CFR Part 540):

New Shoreham Boat Line, Inc., and American Canadian Line, Inc., 461 Water Street, Warren, RI 02885.

Dated: December 7, 1971.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.71-18186, Filed 12-10-71; 8:49 am]

# NEW SHOREHAM BOAT LINE, INC. AND AMERICAN CANADIAN LINE, INC.

## Notice of Issuance of Performance Certificate

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a certificate of financial responsibility for indemnification of passengers for nonperformance of transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

New Shoreham Boat Line, Inc., and American Canadian Line, Inc., 461 Water Street, Warren, RI 02885

Dated: December 7, 1971.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.71-18187 Filed 12-10-71; 8:49 am]

# FEDERAL POWER COMMISSION

[Docket No. G-10949, etc.]

## MAYNARD OIL CO. ET AL.

### Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates<sup>1</sup>

NOVEMBER 30, 1971.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 20, 1971, 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.

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 all applications in which no petition to intervene is filed within the time required

herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-10949 E 9-30-71	Maynard Oil Co. (successor to Homa Oil & Gas Co.), 2050 One Main Pl., Dallas, TX 75250.	Florida Gas Transmission Co., Flores Field, Starr and Hidalgo Counties, TX.	17.0	14.65
CI60-182 D 11-1-71	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	Cities Service Gas Co., Northeast Waynoka Field, Woods County, Okla.	Assigned	
CI63-708 C 11-4-71	CRA, Inc., Post Office Box 7305, Kansas City, MO 64116.	Northern Natural Gas Co., Mertzon Plant, Irion County, Tex.	24.5	14.65
CI64-5 11-15-71	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Columbia Gas Transmission Corp., Garden City et al. Fields, St. Mary, et al. Parishes, La.	26.0	15.025
CI66-561 E 9-30-71	Maynard Oil Co. (successor to Homa Oil & Gas Co.), 2050 One Main Pl., Dallas, TX 75250.	Michigan-Wisconsin Pipe Line Co., Boston Bayou Field, Vermilion Parish, La.	21.25	15.025
CI66-1106 C 11-4-71	CRA, Inc., Post Office Box 7305, Kansas City, MO 64116.	Northern Natural Gas Co., Mertzon Plant, Irion County, Tex.	24.5	14.65
CI68-903 D 11-12-71	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001 (partial abandonment).	Arkansas Louisiana Gas Co., Southwest Waukombs Field, Garfield, Okla.	Depleted	
CI69-282 D 11-17-71	J. E. Williams, Inc., Post Office Box 51411 O.C.S., Lafayette, LA 70501.	United Gas Pipe Line Co., Maxie Field, Acadia Parish, La.	Depleted	
CI71-346 C 10-18-71	Cabot Corp. (SW) Post Office Box 1101, Pampa, TX 79065.	Michigan Wisconsin Pipe Line Co., Eugene Island, Block 285, Offshore Louisiana.	* 26.0	15.025
CI71-355 C 10-22-71	Felmont Oil Corp., 6 East 43d St., New York, NY 10017.	Michigan Wisconsin Pipe Line Co., Eugene Island 285 portion of Eugene Island Block 275 Field, Offshore Louisiana.	* 26.0	15.025
CI72-262 (G-4208) (G-11376) F 11-10-71	Salmon Corp. (successor to Sohio Petroleum Co. et al.), 823 South Detroit Ave., Suite 230, Tulsa, Ok. 74120.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Deckers Prairie Field, Harris and Montgomery Counties, Tex.	* 16.66225	14.65
CI72-266 B 11-6-71	Dixon Management Corp. et al., 3210 One Shell Plaza, Houston, TX 77002.	Tennessee Gas Transmission Co., Mach Field, Wharton County, Tex.	Depleted	
CI72-267 B 11-6-71	do.	Tennessee Gas Transmission Co., Southwest Hutchins Field, Wharton County, Tex.	Depleted	
CI72-268 B 11-6-71	Texaco, Inc., Post Office Box 430, Bellare, TX 77401.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., South Decker's Prairie Field, Montgomery County, Tex.	Depleted	
CI72-269 B 11-6-71	do.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Praxifia Field, Wharton County, Tex.	Depleted	
CI72-270 A 11-6-71	Marathon Oil Co., 539 South Main St., Findlay, OH 45840.	Arkansas Louisiana Gas Co., Haynesville Field, Claiborne Parish, La.	24.0	15.025
CI72-271 A 11-6-71	Texaco, Inc., Post Office Box 2100, Denver, CO 80201.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Oregon Basin Field, Park County, Wyo.	* 26.62	14.65
CI72-273 B 11-4-71	Pemco Gas, Inc., 3829 Willow Ave., Pittsburgh, PA 15234.	Equitable Gas Co., C. A. Linger Well No. 1, Skin Creek District, Lewis County, W. Va.	Assigned	
CI72-274 B 11-3-71	do.	Equitable Gas Co., C. R. Summers Well No. 1, Skin Creek District, Lewis County, W. Va.	Assigned	
CI72-275 A 11-6-71	Phillips Petroleum Co., Bartlesville, Okla. 74004.	El Paso Natural Gas Co., James Ranch Area, Eddy County, N. Mex.	* 30.0	14.65
CI72-276 A 11-8-71	The Superior Oil Co., Post Office Box 1521, Houston, TX 77001.	Michigan Wisconsin Pipe Line Co., Block 71 Field, West Cameron Area, Offshore Louisiana.	* 32.0	15.025
CI72-277 A 11-6-71	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Bay Marchand Block 2 Field-Extension, Lafourche Parish, Louisiana.	* 26.0	15.025
CI72-278 A 11-11-71	The Superior Oil Co., Post Office Box 1521, Houston, TX 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Lac Blanc Field, Vermilion Parish, La.	32.0	15.025
CI72-279 (CI69-456) F 11-6-71	Petroleum, Inc. (successor to Texaco, Inc.), 300 West Douglas, Wichita, KS 67202.	Natural Gas Pipeline Co. of America, Lorena West Field, Texas County, Okla.	* 18.775	14.65

Filing code: A—Initial service.  
B—Abandonment.  
C—Amendment to add acreage.  
D—Amendment to delete acreage.  
E—Succession.  
F—Partial succession.

See footnotes at end of table.

<sup>1</sup> This notice does not provide for consolidation for hearing of the several matters covered herein.



Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pres- sure base
C172-280 (C170-841) F 11-8-71	Coastal State Gas Producing Co. (suc- cessor to Humble Oil & Refining Co.), Post Office Drawer 521, Corpus Christi, TX 78403.	El Paso Natural Gas Co. acreage in Crane County, Tex.	\$19.3278	14.65
C172-281 B 11-10-71	Houston Natural Gas Production Co. (Operator), et al., Post Office Box 1188, Houston, TX 77001.	Valley Gas Transmission, Inc., La- Huerta Field, Duval County, Tex.	Depleted	-----
C172-282 B 11-10-71	do	Valley Gas Transmission, Inc., Or- cones Field, Duval County, Tex.	Depleted	-----
C172-283 A 11-10-71	Tenneco Oil Co., Post Office Box 2511, Houston, TX 77001.	Grand Gas Corp., A. W. Cullen Well, Clisco Dome Area, Grand County, Utah.	15.0	15.025
C172-285 (C161-259) F 11-8-71	South Texas Petroleum, Inc. (succe- ssor to Occidental Petroleum Corp. (Operator), et al.), Post Office Box 1873, Corpus Christi, TX 78403.	Tennessee Gas Pipeline Co., a divi- sion of Tenneco, Inc., Potrero Lo- peno Field, Kenedy County, Tex.	17.24347	14.65
C172-286 A 11-10-71	Ashland Oil, Inc., Post Office Box 18605, Oklahoma City, OK 73118.	Mountain Gas Co., Kanawha District, Fayette County, W. Va.	30.0	15.325
C172-287 A 11-12-71	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Transwestern Pipeline Co., Lipscomb Field, Lipscomb County, Tex.	\$26.5	14.65
C172-288 A 11-12-71	Union Texas Petroleum, a division of Allied Chemical Corp., Post Office Box 2120, Houston, TX 77001.	Grand Gas Corp., Clisco Dome Field, Grand County, Utah.	15.0	15.025
C172-289 A 11-15-71	Skelly Oil Co., Post Office Box 1650, Tulsa, OK 74102.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Ante- lope Field, Sweetwater County, Wyo.	\$23.16	14.65

<sup>1</sup> Amendment to certificate filed to increase daily contract quantity.

<sup>2</sup> Application previously noticed Nov. 10, 1971, in G-9224 et al., at a rate of 27 cents per Mcf; however the application should have been noticed at 26 cents per Mcf.

<sup>3</sup> Rate in effect subject to refund in Dockets Nos. R166-278 and R170-1337.

<sup>4</sup> Subject to upward and downward B.t.u. adjustment.

<sup>5</sup> Excluding B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.

<sup>6</sup> Subject to upward and downward B.t.u. adjustment. Applicant proposes to collect 1 cent per Mcf differential for offshore gas delivered onshore for such volumes as are delivered at Superior's Lowry plant.

<sup>7</sup> Applicant is willing to accept a certificate conditioned to an initial rate of 26 cents per Mcf; however, the contract price is 32 cents per Mcf, subject to upward and downward B.t.u. adjustment.

<sup>8</sup> Rate in effect subject to refund in Docket No. R171-484.

<sup>9</sup> Includes 0.60 cent per Mcf upward B.t.u. adjustment—Atoka Formation. Includes 3.50 cents per Mcf upward B.t.u. adjustment—Morrow Formation.

[FR Doc.71-18074 Filed 12-10-71; 8:45 am]

## FEDERAL RESERVE SYSTEM

### AMERICAN BANCORP

#### Formation of One-Bank Holding Company

American Bancorp, Dover Township, N.J., has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company through acquisition of 100 percent of the voting shares of First State Bank of Ocean County, Dover Township, N.J. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than December 29, 1971.

Pursuant to § 225.3(b) of Regulation Y, this application shall be deemed to be approved on January 13, 1971, unless the applicant is notified to the contrary before that time, or is granted approval at an earlier date.

Board of Governors of the Federal Reserve System, December 3, 1971.

[SEAL]

TYNAN SMITH,  
Secretary of the Board.

[FR Doc.71-18161 Filed 12-10-71; 8:46 am]

## CLEARING BANCORPORATION, INC.

### Formation of Bank Holding Company

Clearing Bancorporation, Inc., Chicago, Ill., has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company through acquisition of 89.9 percent or more of the voting shares of State Bank of Clearing, Chicago, Ill. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 6, 1971.

Board of Governors of the Federal Reserve System, December 6, 1971.

[SEAL]

TYNAN SMITH,  
Secretary of the Board.

[FR Doc.71-18174 Filed 12-10-71; 8:48 am]

## COMBANKS CORP.

### Order Denying Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Combanks Corp., Winter Park, Fla., for approval of acquisition of 55.1 percent or

more of the voting shares of South Seminole Bank, North Orlando Bank, The Commercial Bank at Apopka, and The Commercial Bank at Pine Castle, all in the State of Florida.

There has come before the Board of Governors, pursuant to section 3(a) (3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a) (3)) and § 225.3 (a) of Federal Reserve Regulation Y (12 CFR 225.3(a)), an application by Combanks Corp., Winter Park, Fla., for the Board's prior approval of the acquisition of 55.1 percent or more of the voting shares of South Seminole Bank, Fern Park, Fla.; North Orlando Bank, Fairville, Fla.; The Commercial Bank at Apopka, Apopka, Fla., and The Commercial Bank at Pine Castle, Pine Castle, Fla.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Florida Commissioner of Banking, and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on September 22, 1971 (36 FR. 18817), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired, and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in Board's Statement<sup>1</sup> of this date, that said application be and hereby is denied.

By order of the Board of Governors,  
December 3, 1971.

[SEAL]

TYNAN SMITH,  
Secretary of the Board.

[FR Doc.71-18163 Filed 12-10-71; 8:47 am]

## FIRST VIRGINIA BANKSHARES CORP.

### Acquisition of Bank

First Virginia Bankshares Corp., Arlington, Va., has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire 100 percent of the voting shares of the successor by merger to Schoolfield Bank & Trust Company, Danville, Va. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or

<sup>1</sup> Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

<sup>2</sup> Voting for this action: Chairman Burns and Governors Robertson, Daane, and Malsel. Absent and not voting: Governors Mitchell, Brimmer, and Sherrill.



at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 7, 1972.

Board of Governors of the Federal Reserve System, December 7, 1971.

[SEAL] TYNAN SMITH,  
Secretary of the Board.

[FR Doc.71-18175 Filed 12-10-71;8:48 am]

## FLORIDA NATIONAL BANKS OF FLORIDA, INC.

### Order Denying Acquisition of Bank Stock By Bank Holding Company

In the matter of the application of Florida National Banks of Florida, Inc., Jacksonville, Fla., for approval of acquisition of 80 percent or more of the voting shares of Ormond Beach First National Bank, Ormond Beach, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 225.3 (a) of Federal Reserve Regulation Y (12 CFR 225.3(a)), an application by Florida National Banks of Florida, Inc., Jacksonville, Fla., for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Ormond Beach First National Bank, Ormond Beach, Fla. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on September 2, 1971 (36 F.R. 17630), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

It is hereby ordered, For the reasons set forth in the accompanying Statement,<sup>1</sup> that said application be and hereby is denied.

By order of the Board of Governors,<sup>2</sup> December 3, 1971.

[SEAL] TYNAN SMITH,  
Secretary of the Board.

[FR Doc.71-18164 Filed 12-10-71;8:47 am]

<sup>1</sup> Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

<sup>2</sup> Voting for this action: Chairman Burns and Governors Robertson, Daane, and Maisel. Absent and not voting: Governors Mitchell, Brimmer, and Sherrill.

## MARINE BANCORPORATION

### Proposed Acquisition of Far West Securities Co.

Marine Bancorporation, Seattle, Wash., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Far West Securities Co., Spokane, Wash. Notice of the application was published on October 23, 1971, in the Spokane Review, a newspaper circulated in Spokane County, Wash.

It appears from the application that the proposed subsidiary would engage in the activities of mortgage lending, servicing mortgages, and acting as an insurance agent or broker of insurance that is directly related to an extension of credit by any subsidiary of Marine Bancorporation. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 3, 1972.

Board of Governors of the Federal Reserve System, December 3, 1971.

[SEAL] TYNAN SMITH,  
Secretary of the Board.

[FR Doc.71-18162 Filed 12-10-71;8:46 am]

## SOUTHEAST BANKING CORP.

### Order Denying Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Southeast Banking Corp., Miami, Fla., for approval of acquisition of 100 percent (less directors' qualifying shares) of the voting shares of Combanks Corp., Winter Park, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 225.3 (a) of Federal Reserve Regulation Y (12 CFR 225.3(a)), an application by Southeast Banking Corp., Miami, Fla., for the Board's prior approval of the acquisition of 100 percent (less directors' qualifying shares) of the voting shares of Combanks Corp., Winter Park, Fla.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Florida Commissioner of Banking, and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on September 22, 1971 (36 F.R. 18817), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired, and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement<sup>1</sup> of this date, that said application be and hereby is denied.

By order of the Board of Governors,<sup>2</sup> December 3, 1971.

[SEAL] TYNAN SMITH,  
Secretary of the Board.

[FR Doc.71-18165 Filed 12-10-71;8:47 am]

## UNITED BANCSHARES OF FLORIDA, INC.

### Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of United Bancshares of Florida, Inc., Miami, Fla., for approval of the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of United National Bank of Westland, Hialeah, Fla., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 225.3 (a) of Federal Reserve Regulation Y (12 CFR 225.3(a)), an application by United Bancshares of Florida, Inc., Miami, Fla., for the Board's prior approval of the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of United National Bank of Westland (Bank), Hialeah, Fla., a proposed new bank.

<sup>1</sup> Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

<sup>2</sup> Voting for this action: Chairman Burns and Governors Robertson, Daane, and Maisel. Absent and not voting: Governors Mitchell, Brimmer, and Sherrill.



As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller had no objection to approval of the application.

Notice of receipt of the application was published in the *FEDERAL REGISTER* on October 9, 1971 (36 F.R. 19719), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant has five subsidiary banks with aggregate deposits of approximately \$348 million, representing 2.5 percent of the commercial bank deposits in Florida. (Banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved by the Board through November 30, 1971.) Approval of the acquisition of Bank would not increase applicant's percentage shares of such deposits in Florida since Bank is a proposed new bank.

Though applicant presently has four subsidiary banks in Dade County in which Hialeah is located, applicant does not dominate the county and none of its banks presently draw any significant amount of business from the proposed service area of Bank. Moreover, there is little likelihood of significant future competition developing between these banks and Bank because of the large number of intervening banks and Florida's restrictive branching laws. Based on the record before it, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area. In fact, competition will be benefited by the opening of a new banking alternative in an area which is relatively underbanked (as measured by the ratio of persons to banking offices in the proposed service area of Bank relative to the State ratio of persons to banking offices).

The financial and managerial resources and prospects of applicant, its subsidiary banks and Bank are regarded as satisfactory, and these considerations are consistent with approval of the application. Considerations related to the convenience and needs of the community lend weight for approval of the application in that applicant will be opening a new banking office in an area which, as mentioned earlier, is relatively underbanked. Additionally, the prospects for growth of the area are good because of a regional shopping center being constructed in the area. It is the Board's judgment that the proposed acquisition

would be in the public interest and that the application should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, and provided further that (c) United National Bank of Westland shall be open for business not later than 6 months after the date of this order. Each of the periods described in (b) and (c) hereof may be extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,<sup>1</sup>  
December 3, 1971.

[SEAL]

TYNAN SMITH,  
Secretary of the Board.

[FR Doc.71-18166 Filed 12-10-71;8:47 am]

## GENERAL SERVICES ADMINISTRATION

### ENVIRONMENTAL STATEMENTS

#### Procedures for Preparation

EDITORIAL NOTE: This document, formerly appearing at page 23274 in the issue of Tuesday, December 7, 1971, is being republished to reflect certain substantive changes.

Notice is hereby given of the procedures to be followed by the Transportation and Communications Service in preparing environmental statements.

Dated: November 26, 1971.

ELMER D. JONES,  
Acting Commissioner, Transportation and Communications Service.

[TCS 1095.1]

1. *Purpose.* This order prescribes the procedures to be followed in implementing section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190), hereinafter referred to as the Act, Executive Order 11514 of March 5, 1970, entitled Protection and Enhancement of Environmental Quality, section 309 of the Clean Air Act, as amended, and the Guidelines issued by the Council on Environmental Quality (CEQ), for preparing environmental statements, hereinafter referred to as the Guidelines, published in the *FEDERAL REGISTER* on April 23, 1971, Volume 36, page 7724, et seq.

2. *Background.* a. Section 102 of the Act directs all Federal agencies (1) to develop methods and procedures which will insure that environmental amenities and values are given appropriate consideration in decision-making along with economic and technical considerations and (2) to prepare a detailed statement on major Federal actions and recommendations or favorable reports on proposals for legislation that would significantly affect the quality of the human environment.

<sup>1</sup> Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Deane, Maisei, and Brimmer. Absent and not voting: Governor Sherrill.

ment. Executive Order 11514 of March 5, 1970, Protection and Enhancement of Environmental Quality, effectuates the purpose and policy of this Act, and Guidelines implementing the Act have been issued by the CEQ. A copy of these Guidelines is included as Attachment 2.<sup>1</sup>

b. Section 309 of the Clean Air Act, as amended, provides that the Administrator of the Environmental Protection Agency (EPA) shall review and comment in writing on the environmental impact of major Federal actions to which section 102(2)(C) of the Act applies when areas of EPA responsibility are significantly affected. Further, section 309 requires that all proposed legislation and regulations related or touching upon areas of EPA responsibility must be submitted to the Administrator of EPA for review and comment whether or not section 102(2)(C) applies. (See also paragraph 10, Attachment 1.) EPA responsibilities include air and water quality, noise abatement and control, pesticide regulation, solid waste disposal, and radiation criteria and standards.

3. *Responsible officials.* The official initially responsible (1) for determining whether an action is "major" and will "significantly affect the quality of the human environment" and (2) for preparation and submission of environmental statements will be the Assistant Commissioner or the Regional Director, TCS, for those projects and actions within their jurisdiction. Staff support and assistance will be furnished by the Office of Program Management.

4. *Procedures.* Implementation procedures are contained in the attachment to this order.

5. *Reports.* The report required by this order is exempt from the reports control program.

WILLIAM B. FOOTE,  
Acting Commissioner, Transportation and Communications Service.

#### ATTACHMENT 1

1. *Determination of what is a "major Federal action significantly affecting the quality of the human environment."* This is in large part a judgment based on the circumstances of the proposed action, and the determination shall be included as a normal part of the decisionmaking process.

a. Types of major Federal actions requiring environmental statements include:

(1) Recommendations or reports relating to legislation with a significant environmental impact;

(2) Administrative actions such as projects and continuing activities with a significant environmental impact supported in whole or in part by a Federal agency through contracts, grants, subsidies, loans, lease permit, license, certificate, or other entitlement for use;

(3) Establishment of environmental policy including regulations and procedure making;

(4) Actions with significant environmental impact initiated as a result of projects or programs started prior to January 1, 1970, the date of enactment of the Act; and

(5) Any proposed action which is likely to be environmentally controversial.

b. Actions significantly affecting the human environment can be construed to be those that:

(1) Degrade environmental quality even if beneficial effects outweigh the detrimental ones;

(2) Curtail range of possible beneficial uses of the environment including irreversible and irretrievable commitments of resources;

<sup>1</sup> Attachment 2 filed as part of the original document.



(3) Serve short term rather than long term environmental goals;

(4) May be localized in their effect, but nevertheless, have a harmful environmental impact; and

(5) Are attributable to many small actions, possibly taken over a period of time, that collectively have an adverse impact on the environment.

c. Environmental subject areas include, but are not limited to:

(1) Ecological systems, such as wildlife, fish, and other marine life;

(2) Human population distribution changes and its effect upon urban congestion (including vehicular traffic), water supply, sewage treatment facilities, other public services, and threats to health;

(3) Actions which directly and indirectly affect human beings through water, air, noise pollution, and undesirable land use patterns; and

(4) Actions which impact upon the historic, cultural, and natural aspects of our national heritage.

2. *Actions having no environmental impact.* If a proposed action is determined not to be "a major Federal action significantly affecting the quality of the human environment" so as to warrant the preparation of an environmental statement, the responsible TCS official shall immediately notify the Office of Program Management, TCS, Central Office, in writing, and that office will so advise the Office of Environmental Affairs (ADP). The Central Office, TCS, upon concurrence from the Office of Environmental Affairs, will notify the TCS official when to proceed with the action.

3. *Actions having an environmental impact.* If the responsible TCS official determines that the action constitutes a "major Federal action significantly affecting the quality of the human environment," an environmental statement shall be prepared.

4. *Responsibility for environmental statement preparation in multiagency actions.* When two or more agencies are involved in an action, the "lead agency" (the one having primary authority for committing the Federal Government to a course of action) shall prepare the statement. Where there is a question as to primary authority, the Commissioner, TCS, will report the conflict to the Office of Environmental Affairs, for resolution. In cases where GSA is the "lead agency" but one or more other agencies have partial responsibility for an action, the other agencies shall be requested to provide such information to the responsible TCS official as may be necessary to prepare a suitable and complete environmental statement as described below.

5. *Preparation of draft environmental statements.* a. Each environmental statement shall be prepared in accordance with the precept in section 102(2) (A) of the Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on man's environment." Each statement must reflect that the particular economic and technical benefits of its proposed action have been assessed and then weighed against the environmental costs.

b. It is advisable, in the early stages of draft environmental statement preparation, for the responsible TCS official to consult with those Federal, State, and local agencies possessing environmental expertise on potential impacts of a proposed action. This will assist in providing the necessary data and guidance for the analyses required to be included in environmental statements as described below.

c. *Technical content:*

(1) A description of the proposed action and/or a reasonable number of alternatives including the information and technical data adequate to permit a careful assessment of the environmental impact of proposed action(s) by commenting agencies. If appropriate, three copies of site maps and/or topographic maps at suitable scales shall be provided;

(2) The probable impact of the proposed action(s) on the environment, including impact on ecological systems such as wildlife, fish, and marine life. Consequences of direct and indirect impacts on the environment shall be included in the analysis. For example, any effect of the action(s) on population distribution or concentration shall be estimated and an assessment made of the effect of any possible change in population patterns upon the resources of the area including land use, water supply, public services, and traffic patterns;

(3) Any probable adverse environmental effects that cannot be avoided, such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 101(b) of the Act;

(4) Section 102(2) (D) of the Act requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." A rigorous exploration and objective evaluation of possible alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their costs and impact on the environment shall accompany the proposed action(s) through the agency review process so as not to prematurely foreclose consideration of options which might have less detrimental effects;

(5) The relationship between local short term uses of man's environment and the maintenance and enhancement of long term productivity shall be discussed. This in essence requires assessment of the action(s) for cumulative and long term effects from the perspective that each generation is trustee of the environment for succeeding generations;

(6) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action(s) should it be implemented. Identify the extent to which the action(s) curtails the range of beneficial use of the environment; and

(7) The economic and environmental costs and benefits of the proposed action must be balanced. Alternate courses of action must be discussed as to their effect upon this cost and benefit balance. If a formal cost benefit analysis on the proposed action(s) is prepared, it shall be submitted with the statement.

d. *Format requirements:*

(1) A summary sheet shall be prepared in accordance with the format prescribed in Appendix 1 of the guidelines and shall be attached to the environmental statement as the second page; and

(2) A top sheet or title sheet shall also be prepared for each environmental statement. (See Attachment 3.)

6. *Submission and distribution of draft environmental statement.* a. The copies of the draft environmental statement shall be transmitted to the Commissioner, TCS. The Commissioner, TCS, after review and approval, will submit the necessary copies of the draft environmental statement to the Office of Environmental Affairs for their concurrence prior to transmittal of the statement to the Deputy Administrator. After being signed by the Deputy Administrator, the statement shall be submitted to CEQ,

the appropriate Congressmen, and governor. The draft environmental statement will automatically be made available to the public by the National Technical Information Service of the Department of Commerce.

b. Upon receipt of the signed copy of the transmittal letter to CEQ the responsible TCS official shall immediately send copies of the draft environmental statement to the appropriate city mayor and to Federal, State, and local agencies for comments. (See also subparagraphs c, d, and e below.) In addition, the comments of appropriate State, regional, or metropolitan clearinghouses (using the procedures in the Office of Management and Budget Circular A-95 Revised) shall be solicited unless the governor of the State involved has designated some other point for obtaining this review. The allowable commenting period for draft environmental statements shall be 30 calendar days, except that EPA shall have a 45-day commenting period. All commenting parties shall be advised that if no reply is received within the appropriate period it will be presumed that they have no comment to offer. However, if requests for extension are made, a maximum period of 15 calendar days may be granted whenever practicable, except for EPA which is held to its 45-day review period. The transmittal letters sent to commenting parties shall indicate that the draft environmental statement is based on the best information currently available.

c. The Federal agencies that shall be asked to comment on draft environmental statements are those which have "jurisdiction by law or special expertise with respect to any environmental impact involved" or "which are authorized to develop and enforce environmental standards." These Federal agencies (depending on the aspect or aspects of the environment involved) include components of the:

- (1) Advisory Council on Historic Preservation;
- (2) Department of Agriculture;
- (3) Department of Commerce;
- (4) Department of Defense;
- (5) Department of Health, Education, and Welfare;
- (6) Department of Housing and Urban Development;
- (7) Department of the Interior;
- (8) Department of State;
- (9) Department of Transportation;
- (10) Atomic Energy Commission;
- (11) Federal Power Commission;
- (12) Environmental Protection Agency; and
- (13) Office of Economic Opportunity.

For actions specifically affecting the environment of their geographic jurisdictions, the following Federal and Federal-State agencies are also to be consulted:

- (1) Tennessee Valley Authority;
- (2) Appalachian Regional Commission;
- (3) National Capital Planning Commission;
- (4) Delaware River Basin Commission; and
- (5) Susquehanna River Basin Commission.

d. TCS officials circulating draft environmental statements for comment shall have determined which of the above-listed agencies are appropriate to consult on the basis of the areas of expertise identified in Appendix 2 of the guidelines. Draft environmental statements shall be submitted for comment to the regional contact points of agencies being consulted when such offices have been established pursuant to section 7 of the guidelines.

e. In implementing the provisions of section 309 of the Clean Air Act, as amended, the responsible official will submit to the appropriate regional office of EPA for review and comment seven (7) copies of all draft



environmental statements related to air or water quality, noise abatement and control, pesticide regulation, solid waste disposal, and radiation criteria and standards.

7. *Preparation of final environmental statements.* Whenever a draft environmental statement is prepared, a final statement must also be prepared by the responsible TCS official before the proposed action can be initiated. Preparation of the final statement entails attaching all comments received on the draft statement from Federal, State, and local agencies and officials, and a revision of the text of the draft to take these comments into consideration. If some environmental aspects of a project have been certified by an agency having appropriate jurisdiction and responsibility, GSA still has the overall responsibility for project evaluation.

Copies of comments received by the Central Office TCS shall be referred to the responsible TCS official for use in final environmental statement preparation.

8. *Submission and distribution of final environmental statements.* The responsible TCS official shall transmit 10 copies of the final environmental statement as soon as practicable, together with the original and two copies of each agency's comments, to the Commissioner, TCS. The Commissioner, TCS, after review and approval will transmit the necessary copies of final text of the environmental statement to the Office of Environmental Affairs for their concurrence. Upon concurrence, the final statement will be sent to the Deputy Administrator for submission to CEQ with self-addressed accession notice card, NTIS Form 79. This form may be requisitioned through normal forms supply channels.

9. *Public availability.* Public availability of environmental impact statements is provided automatically by the National Technical Information Service of the Department of Commerce. The National Technical Information Service is also prepared to accept and make available to the public all backup reports and studies that were not made an integral part of the environmental impact statements. In an effort to facilitate prompt public availability of environmental statements, NTIS asks all participating agencies to cooperate with them in the following manner:

a. Prepare draft and final statements on 8½ x 11 white paper with clear black type to enhance reproduction at NTIS.

b. Submit backup reports and studies to NTIS with self-addressed accession notice card.

c. Refer all requestors for copies of environmental statements and backup material to NTIS quoting to them the accession (order) number assigned and shown on the returned accession notice card.

10. *Time requirements for preparation and submission of draft and final environmental statements.* a. To the maximum extent practicable, no action is to be taken sooner than 90 calendar days after a draft environmental statement has been circulated for comment, and furnished to CEQ. Action also is not to be taken sooner than 30 calendar days after the final text of the environmental statement has been made available to CEQ and the public. If the final text of an environmental statement is filed at least 60 days after a draft statement has been furnished to CEQ and made public, the 30-day period and 90-day period may run concurrently to the extent that they overlap.

b. Time requirements prescribed in this order shall be followed to the maximum practicable extent, except where (1) advanced public disclosure of a proposed action will result in significantly increased costs to the Government; (2) emergency cir-

cumstances make it necessary to proceed without conforming to time requirements; and (3) there would be impaired program effectiveness if such time requirements were followed. Any deviation from standard procedures must be approved by the Office of Environmental Affairs.

#### ATTACHMENT 3

##### DRAFT

Environmental statement for the (Short Title of the Proposed Action) as required by section 102(2)(C) of the National Environmental Policy Act of 1969 prepared by The General Service Administration (date).

[FR Doc.71-17780 Filed 12-6-71; 8:45 am]

## NATIONAL CAPITAL PLANNING COMMISSION SITE AND BUILDING PLANS Proposed Requirements

Proposed requirements respecting site and building plans submitted to the National Capital Planning Commission pursuant to section 5 of the National Capital Planning Act of 1952, as amended, and section 16 of the Act of June 20, 1938, as amended.

The National Capital Planning Commission will consider the adoption of the proposed requirements set out below at its meeting on February 3, 1972. Interested parties are requested to make their views known to the Commission by submitting their views in writing, within thirty (30) days from the filing date of this notice in the FEDERAL REGISTER, and addressed to:

Ben Reifel, Chairman, National Capital Planning Commission, Washington, D.C. 20576.

#### SECTION 1—INTRODUCTION

Section 5(a) of the National Capital Planning Act of 1952, as amended, provides that each Federal and District of Columbia agency, prior to the preparation of construction plans originated by such agency for proposed developments and projects or to commitments for the acquisition of land, to be paid for in whole or in part from Federal or District funds, shall advise and consult with the Commission in the preparation by the agency of plans and programs in preliminary and successive stages which affect the plan and the development of the National Capital.

The Act authorizes the Commission to determine in advance the type or kinds of plans which need not be submitted for review by the Commission. The Commission was determined heretofore that plans for the following types of projects need not be submitted for review:

A. Projects involving the replacement of walks, roadways, and parking areas where no change in location or the existing character or extent of the improvement is involved.

B. Projects involving the rehabilitation and improvement of buildings and structures when no change in the existing character or extent of the building or structure is involved.

C. Projects involving the replacement of trees, shrubs and other plant material and minor changes in plant material that do not change the concept in the approved landscape plan.

These requirements respecting the submission of site and building plans are intended to be used in connection with proposed developments of the District of Columbia Government and the Federal Government, including civilian and military installations and facilities in the National Capital Region.

The Executive Director of the Commission may extend, modify or waive any requirement as it pertains to any project proposal or development plan submitted for the review of the Commission that does not meet such requirement because of its unique or special character or quality.

#### SECTION 2—PRESUBMISSION REQUIREMENTS

The general location and/or the site boundaries of a proposed development should be submitted for review by the Commission prior to the preparation and submission of preliminary site and building plans, either as a separate submission or as part of a master plan or capital improvements program, unless the site was previously established by legislation.

Sponsoring agencies are urged to contact the Commission staff at the earliest possible time in the siting and initial planning and design of proposed new developments within the Region. The Commission staff is available at all times to advise and consult with sponsoring agencies prior to formal submission of plans for Commission review.

Sponsoring agencies may submit proposed developments for Commission review at a design concept stage if they desire to solicit the Commission's views prior to the submission of preliminary site and building plans. Such submissions should be conceptual and their contents determined by consultation with the Commission's staff.

#### SECTION 3—CONTENTS OF SITE AND BUILDING PLANS, PRESENTATION MATERIALS, AND SUPPORTING MATERIALS

A. *Site and Building Plans*—(1) *Site plan.* The site plan shall be uncolored and presented at a scale of at least 1 inch equals 50 feet, and shall contain the following basic elements:

(a) Existing and proposed topography of the site (preferably at 1- or 2-foot intervals). Topography need not be shown if included on landscape plan;

(b) Site boundaries for the building or facility; and

(c) Outline of all proposed buildings, structures, and related improvements and uses immediately adjacent to the proposed development—including, but not limited to, access ways, drives, sidewalks, walls, and fences, loading areas, and off-street parking.

When the proposed improvements involve only a portion of the site of a facility, the site plan shall include all of the site area of the facility, showing the relationship between the portion of the



site to be improved and the portion to remain unchanged. When an adjacent facility has an integral supporting relationship to the facility to be constructed or improved (such as a recreation center which provides play space for an adjacent school), the site of the adjacent facility shall be included in the site plan to show the functional relationship of the facilities and the effects of the proposed improvements thereon.

(2) *Landscape and grading plan.* The landscape and grading plan should preferably be presented as a separate plan but may be incorporated in the site plan if the proposed project is small and the combination plan is clear and readable.

If presented as a separate plan, the landscape and grading plan shall be at the same scale as the site plan. The following information shall be included in all cases:

(a) Existing and proposed topography on the site (preferably at 1- or 2-foot intervals);

(b) General location of all existing-to-remain, existing-to-be-removed, and proposed trees, shrubs, and other plant materials; and

(c) A list (either on the map or in a separate table) of the type, quantity and size of the plant materials proposed (final site and building plans only).

(3) *Elevations and sections.* All elevations of the proposed buildings, structure, or improvements shall be provided at the same scale as the site plan. Elevations shall indicate, but not be limited to, the following:

(a) The height of the building, its bulk and general massing for all sites;

(b) All pedestrian and vehicular entrances and to the building;

(c) The fenestration and building materials proposed to be used on all exterior surfaces. A detailed exterior wall section that shows this information shall be included;

(d) The treatment of the roof and all related roof extrusions (penthouses, ventilations, ventilation shafts, chimneys, smoke stacks);

(e) At least two cross sections; and

(f) Identification of the point of measurement of the height of proposed buildings in the District of Columbia in accordance with the Act of June 1, 1910, 36 Stat. 452.

(4) *Floor plans.* Plans for each floor of the building at the same scale as the elevations, which indicate the following:

(a) Labeling of all interior spaces to indicate use;

(b) Interior partitions, stairs, and elevators;

(c) Overall dimensions;

(d) Dimensions of interior spaces; and

(e) Elevations of various floor levels.

(5) *Roof plans.* The roof plan shall be submitted at the same scale as the floor plans and shall indicate the following:

(a) The proposed design of the roof and all building materials and finishes to be used; and

(b) Proposed roof appurtenances, mechanical equipment and structures indicating all proposed screening, if any.

B. *Presentation materials.* One set of all presentation materials shall be submitted by the sponsoring agency for use in the various presentations. Maps used by sponsoring agencies in presentation to the Commission should be in color—using zippotone, magic marker, or other suitable materials.

(1) *Rendered plans and perspectives.* Sponsoring agencies shall prepare and submit one copy of rendered plans and perspectives in color as part of their final site and building plan submission to aid in the presentation and review of proposed developments by the Commission.

(2) *Models.* Sponsoring agencies shall prepare and submit a model of all major construction proposals indicating topography, existing-to-remain and proposed new buildings and improvements, pedestrian and vehicular circulation, and parking and loading areas. Models shall be prepared at the same scale as the site plan or at a larger scale if preferred by the sponsoring agency. The Commission staff will advise sponsoring agencies as to whether a proposed project is a "major" project requiring a model.

C. *Supporting Materials.* At least two copies of the following supporting materials shall be submitted for Commission review:

(1) *Project data sheet.* The project data sheet shall indicate the following:

(a) Agency project manager;

(b) Narrative description of the project;

(c) Total area of site and allocation of land to the various proposed uses;

(d) Area of building, or buildings, and site coverage;

(e) Employment, by grade level and income, including

(i) Presently existing, and

(ii) New employment generated by the project;

(f) Traffic impact of proposed development on adjacent highways both on and off the site;

(g) Total parking proposed for employees and visitors and ratios assumed for each;

(h) Relocation of individuals, businesses, and families required by the proposal, if any;

(i) Community participation and/or views, when applicable;

(j) Schedule for construction and occupancy;

(k) Total cost of project and funding status; and

(l) Housing required, if any, for proposed new employees

(i) On-site and/or

(ii) Off-site.

(2) *Vicinity map.* A vicinity map shall be submitted for presentation purposes at a scale of 1 inch equals either 100 or 200 feet. It shall include an area that is at least 500 feet around the proposed development.

(3) *Construction and equipment drawings.* Construction details that are accurately and fully dimensioned shall be submitted on a set of drawings indicating the location, size, and other aspects of the mechanical and electrical equipment to permit a complete understanding and

thorough review of the project, particularly those features which will affect the exterior of the building.

(4) *Housing availability.* Pursuant to the interim policy adopted by the Commission on April 18, 1969, if a proposed master plan, or a modification thereof or a proposed project involves a significant increase in employment, an analysis of the housing available for low and moderate income employees and their families within reasonable commuting distance to the proposed project shall be included in the submission.

(5) *Environmental impact.* Pursuant to the Commission's Policies and Procedures for Implementing the Goals and Policies of the National Environmental Policy Act of 1969, Executive Orders 11507 and 11514 for the Protection and Enhancement of Environmental Quality in the National Capital Region, an environmental statement or a description of the environmental impact of the proposed development shall be included in the submission.

#### SECTION 4—FORM OF SITE AND BUILDING PLANS

A. *Map scales.* Required map scales are indicated in section 2C(2) above.

B. *Sheet sizes.* All drawings submitted shall not exceed a sheet size of 33 x 44 inches to be compatible with the Commission's microfilm process. For projects involving larger plans, multiple sheets, covering portions of the plan may be submitted so that the maximum sheet size may be maintained. No minimum sheet size has been established. However, proposed drawings should be large enough to be readable by the Commission in a large meeting room at a distance of 20 to 25 feet.

C. *Number of copies.* At least three complete sets of the site and building plans are to be submitted for all projects. At least two complete sets of supporting materials shall be included in the submission. When site and building plans for a small installation in essence constitute the master plan for such a facility, the number of complete sets required shall be determined pursuant to the Commission's requirements for submission of master plans.

#### SECTION 5—PROCEDURES FOR THE SUBMISSION OF PRELIMINARY AND FINAL SITE AND BUILDING PLANS

Sponsoring agencies shall submit site and building plans to the Commission at both a "preliminary" and a "final" stage in the planning for any proposed development.

All elements of the site and building plans shall be submitted at both preliminary and final stages. Preliminary plans should be submitted early in the design phase of a project while the design is still flexible. Final plans should be submitted after all design decisions, including building materials and landscaping materials, have been made and prior to advertisement and awarding of construction contracts.

If major changes are made in either the design or the program for a proposed



development after the Commission has reviewed and made recommendations on the preliminary site and building plans, sponsoring agencies shall submit revised preliminary plans for review prior to completing and submitting final site and building plans.

The Commission does not ordinarily review construction drawings. Final plans submitted to the Commission should be about 50 percent to 60 percent of the final design work. The designs should be sufficiently advanced to represent what the agency actually intends to build.

Final site and building plans for Federal public buildings within the District of Columbia and for District Government public buildings within the Central area of the District of Columbia or defined by concurrent action of the Commission and the District of Columbia Council will ordinarily constitute the required submission under section 16 of the Act of June 20, 1938, 52 Stat. 802 (D.C. Code, sec. 5-428). Since the Commission may not lawfully qualify or condition its approval of a proposed development pursuant to D.C. Code, sec. 5-428, and a sponsoring agency may not lawfully deviate from the plans as approved by the Commission, sponsoring agencies are urged to resolve all outstanding issues with affected agencies and organizations prior to submission of the final site and building plans. The staff of the Commission is available to assist in the resolution of all such questions.

When a proposed development does not involve the construction of buildings or structures, sponsoring agencies need submit only the site plan and landscape plan.

#### SECTION 6—STEPS IN COMMISSION REVIEW OF SITE AND BUILDING PLANS

A. The sponsoring agency shall submit plans, in accordance with established monthly deadlines, to the Commission for review pursuant to section 5(a) of the National Capital Planning Act of 1952.

B. If the proposed development is located in, or adjacent to, the District of Columbia, the submission is referred to the Commission's Coordinating Committee, pursuant to section 2(d) of the National Capital Planning Act of 1952. The purpose of this referral is to insure that such projects are properly coordinated with interested and affected District of Columbia and Federal agencies.

C. If, in the opinion of the Executive Director, the proposed development is an architectural and/or historic landmark or would appear to significantly affect an existing landmark, it is referred to the Joint Committee on Landmarks.

D. Site and building plans proposed for small installations outside the District of Columbia are referred to the affected local, subregional and regional planning agencies and to the affected state clearinghouse where no separate master plan has been, or is to be, prepared and the site and building plans represent the master plan for the installation.

E. Review, evaluation, and recommendation of the proposed development, by the staff, to the appropriate committee of the Commission—including consideration of any comments resulting from referral under Paragraphs B, C, and/or D.

F. Review, evaluation, and recommendation by the appropriate committee of the Commission to the Commission.

G. Review, evaluation, and action by the Commission.

H. When the Commission has approved a master plan for an installation outside of the District of Columbia but within the National Capital Region, the Executive Director may approve final site and building plans for a project which conforms to applicable recommendations made by the Commission in its approval of the preliminary site and building plans for the project.

I. Formal notification to the sponsoring agency of the action of the Commission.

The sponsoring agency and/or its consultants shall make oral presentations of the proposed plans to the Coordinating Committee and the Joint Committee on Landmarks, if necessary, to the appropriate committee of the Commission, and to the Commission. The Commission staff will advise sponsoring agencies of the nature and type of presentations usually made to the Commission, the characteristics of the meeting room, and available methods for exhibit presentations.

MARTIN KLAUBER,  
Acting General Counsel.

[FR Doc. 71-18188 Filed 12-10-71; 8:49 am]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 24B-1706]

### ASSOCIATED MOBILE SCHOOLS AND MODERN TRAINING CENTERS, INC.

#### Order Temporarily Suspending Exemption, Statement of Reasons, and Notice of Opportunity for Hearing

DECEMBER 3, 1971.

I. Associated Mobile Schools and Modern Training Centers, Inc. (Associated), 1 Flagg Street, Southboro, MA, incorporated November 3, 1969, in Delaware and located at 1 Flagg Road, Southboro, MA, filed with the Commission on February 18, 1970, a notification on Form 1A and an offering circular relating to a proposed offering of 100,000 shares of \$0.01 par value common stock at \$3 per share. The shares were to be offered by the Company's officers and directors. Subsequent amendments reduced the selling price to \$1 per share, or a total of \$100,000 and a post-effective amendment cleared May 11, 1971, named First New York Equities Co., of 132 Nassau Street, New York, NY, as the underwriter on a best efforts basis with a commission of \$0.10 per share. A 2-A report dated June 25, 1971, indicated all 100,000 shares were

sold by June 14, 1971, with unexpended net proceeds to the issuer of \$83,088.04. A second 2-A report received on August 9, 1971, indicated that the proceeds were still unexpended and that the issuer had not yet commenced any business activities.

The Commission has reasonable cause to believe from information reported to it by the staff that:

A. Associated's stock was offered and sold on the basis of an offering circular which contained untrue statements of material facts and omissions to state facts necessary to make statements made in the light of the circumstances in which they were made not misleading, concerning among other things:

1. That if the offering is successful the company will open and operate a speed reading training school in the Boston area and a mobile training school as well as begin to develop a franchise system.

2. That the company offices are located at 1 Flagg Road, Southboro, MA.

3. That upon the closing of the offering, Harold Wolcott, president and director of the company, would be paid a salary of \$10,000 per year plus 4 percent of gross cash revenue with an option to purchase the company's common stock.

4. That a public offering of 100,000 shares will be made by the underwriter First New York Equities Co.

B. Associated, by the use of this offering circular, has violated the terms and conditions of the Regulation A exemption in the following respects:

1. The offering circular failed to state that the issuer was entirely dependent upon the services of Harold Wolcott, president and that his absence would have a serious effect upon the intended business of the company.

2. The offering circular failed to state that the underwriter First New York Equities Co., did not intend to make a bona fide public offering of the 100,000 shares and would dominate and control the market for shares of Associated.

C. The use of the offering circular containing the misstatements and omissions referred to in Paragraphs A and B above constitute violations of section 17(a) of the Securities Act of 1933, as amended.

D. The issuer has failed to cooperate with the Commission in violation of Rule 261(a)(7) under the Securities Act of 1933, by ignoring and refusing to respond to inquiries from the Commission's staff during the period October 13 through October 20, 1971.

II. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.



Notice is hereby given that any person having any interest in the matter, including any person against whom the entry of this temporary suspension order may have an adverse effect pursuant to Rule 252 (c), (d) or (e) of Regulation A, may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.71-18156 Filed 12-10-71;8:46 am]

[File No. 1-6302]

#### BAGPRINT, LTD.

#### Notice of Application To Withdraw From Listing and Registration

DECEMBER 3, 1971.

The above named issuer (\$0.01 par value, common stock) has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the National Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The Board of Directors has determined that it is in the best interests of the Company to discontinue its Common Stock listing on the National Stock Exchange in order to trade solely in the over-the-counter market. In letters dated October 18, 1971, and November 16, 1971, which are on file with the delisting application, the Exchange disagrees with the company's reasons, and opposes the delisting application.

Any interested person may, on or before December 21, 1971, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order granting the application

will be issued after the date mentioned above, on the basis of the application and any other information furnished to the Commission, unless it orders a hearing on the matter.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.71-18157 Filed 12-10-71;8:46 am]

[File No. 500-1]

#### CONTINENTAL VENDING MACHINE CORP.

#### Order Suspending Trading

DECEMBER 6, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being trading otherwise on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 7, 1971, through December 16, 1971.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.71-18158 Filed 12-10-71;8:46 am]

[File No. 1-4847]

#### ECOLOGICAL SCIENCE CORP.

#### Order Suspending Trading

DECEMBER 3, 1971.

The common stock, 2-cent par value, of Ecological Science Corp. being traded on the American Stock Exchange, the Philadelphia - Baltimore - Washington Stock Exchange and the Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for

the period December 5, 1971, through December 14, 1971.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.71-18159 Filed 12-10-71;8:46 am]

## SMALL BUSINESS ADMINISTRATION

### CAPITAL MARKETING CORP.

#### Notice of Filing of Application for Approval of Conflict-of-Interest Transaction Between Associates

Notice is hereby given that Capital Marketing Corp. (Capital), 9001 Ambassador Row, Dallas, TX 75247, a Federal licensee under the Small Business Investment Act of 1958, as amended (Act), License No. 06/10-0150, has filed an application, pursuant to section 107.1004 of the regulations governing small business investment companies (13 CFR 107.1004 (1971)), for approval of a conflict-of-interest transaction.

Mr. Carlo Angelo, secretary-director and 0.5 percent owner of Capital, has acquired the ownership of and assumed the indebtedness of L & S Food Marts, Inc. (L & S), 3530 Sunnyvale, Dallas, TX, a portfolio concern of Capital. The previous owners of L & S desired to dispose of their interests in this grocery store. Mr. Angelo is the owner of two large volume stores and has approximately 15 years experience in the minority enterprise area.

Notice is hereby given that any interested person may, no later than 15 days from the publication of this notice, submit to the Small Business Administration (SBA), in writing, relevant comments on this transaction. Any such communication should be addressed to the Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Dallas, Tex.

Dated: November 30, 1971.

A. H. SINGER,  
Associate Administrator for  
Operations and Investment.

[FR Doc.71-18197 Filed 12-10-71;8:49 am]

## DEPARTMENT OF LABOR

### Office of the Secretary AVONDALE MILLS

#### Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of November 15, 1971, the U.S. Tariff Commission made a report



of the results of its investigation (TEA-W-116) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance submitted on behalf of workers of the Avondale Mills' Birmingham plant located in Birmingham, Ala. In this report, a majority of the Commission found that articles like or directly competitive with the broad woven polyester-cotton fabrics of the type produced by the Birmingham plant of Avondale Mills are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such plant.

Upon receipt of the Tariff Commission's affirmative finding, the Department, through the Acting Director of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation. Following this, the Director made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation, 34 F.R. 18342; 36 F.R. 22207; 29 CFR 90.5). In the recommendation, he noted that imports of products like or directly competitive with the broad woven polyester-cotton fabrics of the type produced by the Birmingham plant of Avondale Mills had increased substantially. To remain competitive the Company had attempted to produce a fancier fabric. However, the Company suffered losses and announced on August 10, 1971, that the plant would be closed. Production was halted in the latter half of October 1971, and as of November 18, 1971, six employees remained at the plant participating in the final stages of its closure. Several of these employees will remain at the plant until it is sold. After due consideration, I make the following certification:

All hourly and salaried workers of Avondale Mills' Birmingham plant, located at Birmingham, Ala., who became or will become unemployed or underemployed after August 10, 1971, are eligible to apply for adjustment assistance under title III, chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 2d day of December 1971.

DONALD M. IRWIN,  
Deputy Under Secretary,  
International Affairs.

[FR Doc.71-18154 Filed 12-10-71; 8:46 am]

## INTERSTATE COMMERCE COMMISSION

### ASSIGNMENT OF HEARINGS

DECEMBER 7, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only

once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 124211 Sub 199, Hilt Truck Line, Inc., now assigned December 8, 1971, at Denver, Colo., canceled and application dismissed.  
MC 110585 Sub 15, Republic Van & Storage Co., Inc., heard November 29, through December 3, 1971, at Washington, and continued to December 15, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F 11228, Refrigerated Transport Co., Inc.—Purchase—(Portion) Subler Transfer, Inc., now assigned March 20, 1972, at Washington, D.C. is canceled and transferred to modified procedure.

MC 115331 Sub 303, Truck Transport, Inc., now assigned January 10, 1972, at Chicago, Ill., is canceled and transferred to modified procedure.

MC 43867 Sub 20, Alton Leander McAllister, application dismissed.

MC 117119 Sub 438, Willis Shaw Frozen Express, Inc., now being assigned February 22, 1972, at Dallas, Tex., in a hearing room to be later designated.

MC 133095 Sub 6, Texas Continental Express, Inc., now being assigned February 23, 1972, at Dallas, Tex., in a hearing room to be later designated.

MC 133615 Sub 3, Raymond L. Nelson & Patrick Fitzmorris, doing business as Brick Cartage Co., now being assigned February 24, 1972, at Dallas, Tex., in a hearing room to be later designated.

MC 1756 Sub 18, People Express, now being assigned hearing February 17, 1972, at New York, N.Y., in a hearing room to be designated later.

MC 15770 Sub 3, Calore Freight System, now being assigned hearing February 18, 1972, at New York, N.Y., in a hearing room to be designated later.

MC 135382, S & S Rental, Inc., heard November 29, through December 1, 1971, at Washington, is continued to December 14, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.71-18126 Filed 12-9-71; 8:51 am]

### ASSIGNMENT OF HEARINGS

DECEMBER 8, 1971.

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.

W-1255, Potomac Boat Tours, Inc., now assigned December 16, 1971, at Washington, D.C., postponed to February 7, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 123048 Sub 199, Diamond Transportation System, now being assigned February 2, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 116892 Sub 11, Fuchs, Inc., now being assigned January 19, 1972, in Room 1738A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Ill.

MC 107993 Sub 20, J. J. Willis Trucking Co., assigned January 31, 1972, will be held in Room 1010 Federal Building, 230 First Avenue, Phoenix, AZ.

MC 61592 Sub 236, Jenkins Truck Line, Inc., now being assigned hearing March 3, 1972, in Room 1540, U.S. Courthouse, 312 North Spring Street, Los Angeles, CA.

MC 112822 Sub 212, Bray Lines, Inc., now being assigned hearing March 2, 1972, in Room 1540, U.S. Courthouse, 312 North Spring Street, Los Angeles, CA.

MC 75651 Sub 69, R. C. Motor Lines, Inc., now being assigned hearing January 10, 1972, at Jacksonville, Fla., in a hearing room to be later designated.

MC-C-7276, Manhattan Transit Co. v. National Ski Tours, Inc., now assigned December 13, 1971, at New York, N.Y., postponed to January 24, 1972, same time and place.

MC 2869 Sub 56, National Freight, Inc., now being assigned January 17, 1972, at the Interstate Commerce Commission, Washington, D.C.

MC 107456 Sub 16, Harry L. Young & Sons, Inc., now being assigned January 31, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F 11267, Transport Service Co.—Purchase (Portion)—Refiners Transport & Terminal Corp., now being assigned February 2, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 19105 Sub 34, Forbes Transfer Co., Inc., now being assigned February 2, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 123115 Sub 4, Ben Packer, doing business as Packer Transportation Co., assigned January 10, 1972, will be held in Room 302 Federal Building, 705 North Plaza Street, Carson City, NV.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.71-18202 Filed 12-10-71; 8:50 am]

### FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 3, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 42313—Vinyl chloride to Burlington, Flemington, N.J., and Reybold, Del. Filed by Southwestern Freight Bureau, agent (No. B-272), for interested rail carriers. Rates on vinyl chloride, in tank carloads, from points in southwestern territory to Burlington, Flemington, N.J., and Reybold, Del.

Grounds for relief—Market competition.



Tariff—Supplement 11 to Southwestern Freight Bureau, agent, tariff ICC 4966. Publication is scheduled to become effective on January 2, 1972.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 71-18203 Filed 12-10-71; 8:50 am]

[Notice 409]

# MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 7, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

## MOTOR CARRIERS OF PROPERTY

No. MC 20110 (Sub-No. 8 TA), filed November 29, 1971. Applicant: MESSINGER TRUCKING & WAREHOUSE CORP., 610 West 37th Street, New York, NY 10018. Applicant's representative: Arthur J. Piken, Suite 1515, 1 Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a contract carrier by motor vehicle, over irregular routes, transporting: (1) (a) *Ironers, ranges, refrigerators, and washing machines*; (b) from Newark, N.J., to points in Connecticut within 55 miles of Columbus Circle, N.Y., and points in Nassau, Suffolk, Westchester, Rockland, and Putnam Counties and New York, N.Y.; (2) *refrigerators, washers, ironers, ranges, commercial units, and coolers*; (b) between Newark, N.Y., on the one hand, and, on the other, points in New Jersey north of the line beginning at Phillipsburg, N.J., and extending along New Jersey Highway S28 to junction New Jersey Highway S28, thence along New Jersey Highway S28 to New Brunswick, N.J., thence east of the line beginning at New Brunswick, N.J., and extending along New Jersey Highway 25 to Hightstown, N.J., thence north of the line beginning at Hightstown, N.J., and extending along New Jersey Highway 33 to Ocean Road, N.J., including points on the indicated portions of the highways specified; (3) (a) *household appliances*;

(b) between Newark, N.J., on the one hand, and, on the other, points in New Jersey and Connecticut; (4) (a) *radios, radio receiving sets, high fidelity and stereo receivers, components of high fidelity and stereo receivers, record players, tape recorders, radio-television record player combinations, radio-television combinations and television sets*; (b) from Newark, N.J., to points in New Jersey and Connecticut and points in Nassau, Suffolk, Westchester, Rockland, and Putnam Counties and New York, N.Y.; and *used, returned, and refused shipments of the above-specified commodities*. From points in New Jersey and Connecticut and in Nassau, Suffolk, Westchester, Rockland, Putnam Counties, and New York, N.Y., to Newark, N.J., for 180 days. Supporting shippers: Korvette's, Inc., 450 West 33d Street, New York, NY 10001; Gimbel Brothers, New York Division, New York, N.Y. 10001; and S. Klein Department Stores, Inc., 360 Park Avenue South, New York, NY. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10001.

No. MC 30887 (Sub-No. 172 TA), filed November 30, 1971. Applicant: SHIPLEY TRANSPER, INC., 49 Main Street, Box 55, Reisterstown, MD 21136. Applicant's representative: R. M. Crouse (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Limestone*, in bulk, in pneumatic unloading vehicles, from Texas, Md., to Acton, Mass., for 180 days. Supporting shipper: Harry T. Campbell Sons' Co., Campbell Building, Towson, Md. 21204. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 87476 (Sub-No. 9 TA), filed November 29, 1971. Applicant: CARL SCHAEFER JR. TRUCK LINE, INC., 2600 Willowburn Avenue, Dayton, OH 45427. Applicant's representative: W. L. Jordan, 2609 Fenwood Avenue, Terre Haute, IN 47803. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A, B, C, and D of appendix I to the report in Description of Motor Carriers Certificate, 61 M.C.C. 209 and 760. Also including *dairy products and like commodities requiring refrigeration and/or temperature control* (excluding commodities in bulk) and having a prior out-of-State movement and shipped and consigned to applicant, with specific delivery instructions by consignor, between points in Marion County (Indianapolis), Ind., on the one hand, and, on the other, points in Indiana on and south of U.S. Highway 24 from Indiana-Illinois State line east of Junction 224 from Huntington, Ind., to Indiana-Ohio State line, and between points in Marion County, Ind., on the one hand, and, on the other, points in Anderson, Boone, Bourbon, Boyle,

Bracken, Bullitt, Campbell, Carroll, Clark, Fayette, Fleming, Franklin, Gallatin, Garrard, Grant, Greene, Hardin, Harrison, Henry, Jassamine, Jefferson, Kenton, Larue, Lewis, Madison, Mason, Meade, Mercer, Montgomery, Nelson, Nicholas, Oldham, Owen, Pendleton, Powell, Robertson, Scott, Spencer, Trimble, Washington, and Woodford Counties, Ky., for 180 days. Supporting shipper: Geo. A. Hormel & Co., Austin, Minn. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 115654 (Sub-No. 14 TA), filed November 29, 1971. Applicant: TENNESSEE CARTAGE CO., INC., 809 Ewing Avenue, Post Office Box 1193, Nashville, TN 37202. Applicant's representative: Walter Harwood, 404 James Robertson Parkway, Nashville, TN 37219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Confectionery, confectionery products, chocolates and related chocolate items, and advertising and promotional materials moving in conjunction with said commodities* (except in bulk), in vehicles mechanically equipped for protection against heat and cold, from Nashville, Tenn., to points in Tennessee east of U.S. Highway 127, points in Montgomery and Robertson Counties, Tenn., Barren, Christian, Logan, and Warren Counties, Ky., Jackson, Limestone, and Madison Counties, Ala., 180 days. Applicant proposes to tack with other authority and to interline traffic at Nashville, Tenn. Supporting shippers: Hershey Foods, Hershey, Pa. 17033; Hollywood Brands, Centralia, Ill. 62801; Brach & Sons, Box 802, Chicago, Ill. 60690; Peter Paul, Inc., Naugatuck, Conn.; M&M Mars, Hackettstown, N.J.; Crown Candy Corp., Post Office Box 3256, Atlanta, GA 30302; King Candy Co., Post Office Box 2080, Fort Worth, TX 76101; Standard Candy Co., Nashville, Tenn. 37202; Whitman's Chocolates Division, East Point, Ga. 30044; and Deran Confectionery Co., Inc., 4715 Frederick Drive SW., Atlanta, GA 30336. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission.

No. MC 117799 (Sub-No. 21 TA), filed December 1, 1971. Applicant: BEST WAY FROZEN EXPRESS, INC., Room 205, 3033 Excelsior Boulevard, Minneapolis, MN 55416. Applicant's representative: K. O. Petrick (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 packinghouses* (except hides and commodities in bulk), from Tama, Iowa, to points in Arizona, New Mexico, California, Utah, Idaho, Nevada, Washington, Oregon, Colorado, Montana, and Texas, for 180 days. Supporting shipper: Tama Corp., Tama, Iowa. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.



No. MC 119075 (Sub-No. 2 TA), filed November 29, 1971. Applicant: ELLIS INTERSTATE CORPORATION, 815-31 Industrial Place, Post Office Box 336, Indio, CA 92201. Applicant's representative: Phil Jacobson, 510 West Sixth Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphaltic oil* in tank vehicles, from the Los Angeles area, Calif., to material pit and location located northerly of Interstate Highway 10 approximately 2 miles east of the Colorado River in Arizona, also to haul the *asphaltic paving materials and rock base*, from said Arizona location in bottom hopper trucks and trailers to highway construction locations in the Blythe Area in Riverside and Imperial Counties, Calif., for 180 days. Supporting shipper: Massey Sand & Rock Co., Interstate 10 and Monroe, Post Office Box 1767, Indio, CA 92201. Send protests to: District Supervisor, Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 127476 (Sub-No. 1 TA) (Correction), filed November 15, 1971, published FEDERAL REGISTER December 2, 1971, corrected and republished in part as corrected this issue. Applicant: J. D. McClymonds, INC., Rural Delivery No. 1, Portersville, PA 16051. Applicant's representative: George E. McCandless (same address as above). Note: The purpose of this partial republication is to add New Jersey in part I above as a destination point, and to add Minnesota, in part 2 above as a destination point, the rest of the notice remains the same.

No. MC 129657 (Sub-No. 11 TA), filed December 1, 1971. Applicant: KEN McCARVILLE DISTRIBUTING COMPANY, INC., 436 Rainbow Road, Spring Green, WI 53588. Applicant's representative: Michael J. Wynaard, 125 West Dote Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising equipment, premiums, materials and supplies*, when shipped therewith, from Chicago, Ill., to Manitowoc, Sheboygan, Watertown, Winneconne, Beaver Dam, and Wisconsin Dells, Wis., for 180 days. Supporting shippers: Joseph Kaiser, Box 32, Wisconsin Dells, Wis. 53985; Vic Gauthier, 245 West Street, Two Rivers, WI 54241; Fritz Johnson, Winneconne, Wis. 54986; Charles Beaumont, 3455 Paine Avenue, Sheboygan, WI 53081; Richard Helbing, Route 4, Beaver Dam, Wis. 53916. Send protests to: Barney L. Hardin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 135058 (Sub-No. 2 TA), filed November 11, 1971. Applicant: MJR ENTERPRISES, 12500 Inglewood Avenue, Hawthorne, CA 90250. Applicant's representative: Donald Murchison, Suite 400 Glendale Federal Building, 9454 Wilshire

Boulevard, Beverly Hills, CA 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated, from plantsite of Gem Furniture Division, of Consolidated Foods Corp., located at or near North Hollywood, Calif. (Los Angeles), to points in Arizona, Colorado, Missouri, Montana, Nevada, Oregon, Texas, Utah, and Washington (Under contract or contracts with Gem Furniture, Supra), for 180 days. Supporting shipper: Gem Furniture Division, Consolidated Foods Corp., 7100 Tujunga Avenue, North Hollywood, CA 91605. Send protests to: District Supervisor, Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 135882 (Sub-No. 1 TA), filed December 1, 1971. Applicant: MIDWEST-PACIFIC AGRICULTURAL CO-OP, 9020 Northeast Vancouver Way, Portland, OR 97211. Applicant's representative: Wallace J. Larsen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, and household goods as defined by the Commission), between Astoria and Portland, Oreg., and Longview, Seattle, and Blaine, Wash., on the one hand, and, on the other, points in Washington, Oregon, and Idaho, for 180 days. Supporting shipper: Market Group (Asia) TC Ltd., Suite 1200, 618 Southwest Fifth Avenue, Portland, OR 97204, Norcrest China Co., 115 Northwest First Avenue, Portland, OR 97209, International Shipping Co., World Trade Building, Portland, OR 97204, Overseas Shipping Co., 611 Standard Plaza, Portland, OR 97204. Send protests to: District Supervisor, W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 456 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.71-18204; Filed 12-10-71; 8:50 am]

[Notice 794]

### MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 8, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to

<sup>1</sup> Name change from Midwest-Coast Agricultural Co-op by means of amendment to articles of Incorporation.

section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73010. By supplemental order of December 2, 1971, the Motor Carrier Board approved the transfer to Texas-Continental Express, Inc., Eules, Tex., of a portion of Certificate No. MC-119789 (Sub-No. 41), issued September 2, 1971, to Caravan Refrigerated Cargo, Inc., Dallas, Tex., authorizing the transportation of: Meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as restricted, from the plantsite of Missouri Beef Packers, Inc., at Friona, Tex., to points in Massachusetts, Connecticut, Rhode Island, and Maine. Paul M. Daniel, Post Office Box 872, Atlanta, GA 30301, attorney for applicants.

No. MC-FC-73190. By order of November 30, 1971, the Motor Carrier Board approved the transfer to Robert L. Kemper and Noreta P. Kemper, a partnership, doing business as Nevada Merchants Delivery, Nevada, Mo., of Certificate No. MC-1912, issued October 28, 1960, to Olen Kelly and Clay Kelly, doing business as Nevada Transfer and Storage Co., Nevada, Mo., authorizing the transportation of: Household goods as defined by the Commission, between Nevada, Mo., and points in Missouri within 25 miles of Nevada, on the one hand, and, on the other, points in Kansas. Thomas P. Rose, Jefferson Building, Post Office Box 205, Jefferson City, MO 65101, attorney for applicants.

No MC-FC-73315. By order of December 6, 1971, the Motor Carrier Board approved the transfer to James J. Grumbly, doing business as Pend Oreille Lines, North 1226 University Road, Spokane, WA, of Certificate No. MC-116415 issued June 25, 1969, to Coronet Enterprises, Inc., South 110 Sheridan, Spokane, WA, authorizing the transportation of: Passengers and their baggage, express, newspapers, and mail, between specified points in Washington and Idaho, over specified regular routes, serving numerous intermediate points.

No. MC-FC-73322. By order of December 6, 1971, the Motor Carrier Board approved the transfer to Noble Gibson, Inc., Big Flats, N.Y., of Certificate No. MC-134281 issued June 22, 1971, to E. R. Wolcott, Inc., Big Flats, N.Y., authorizing the transportation of: Salt, from the plantsite of Morton International at Milo, N.Y., to points in Pennsylvania, New Jersey, Delaware, Maryland, Connecticut, Massachusetts, Vermont, Rhode Island, and New Hampshire. Russell R. Sage, Attorney, 421 King Street, Alexandria, VA 22314.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.71-18205 Filed 12-10-71; 8:50 am]



## DEPARTMENT OF THE TREASURY

## Internal Revenue Service

[Price Commission Ruling 1971-3]

## WAGE INCREASES

## Price Commission Ruling

**Facts.** On November 18, 1971, Company A agreed to pay a wage increase to its employees of approximately 16 percent per year. Company A wants to raise its prices to reflect in full this wage increase on the grounds that the increase is an "allowable cost" within the meaning of Price Commission regulations, § 300.101 (c) (2).

**Issue.** Is the wage increase which exceeds the general guidelines of 5.5 percent per year granted by Company A an

allowable cost within the meaning of Price Commission regulations, § 300.101 (c) (2)?

**Ruling.** For a company which agreed to a general wage increase after the guideline of 5.5 percent per year for wage increases had been announced on November 8, 1971, increased "allowable costs" for the purpose of justifying a price increase shall not generally include increased wage payments, including fringe benefits, in excess of 5.5 percent per year. Payments to replenish major deficiencies in a welfare fund which are necessary to protect the pensions of men already retired constitute an exception. This interpretation does not apply to wage increases for workers making less than minimum wage standards of general applicability. Nor does it preclude a com-

pany from obtaining an "exception by ruling" as provided by Price Commission regulations, § 300.612, if the company can demonstrate that not counting the increased wage costs in excess of 5.5 percent with respect to its particular situation constitutes a gross inequity.

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

Dated: December 10, 1971.

K. MARTIN WORTHY,  
Chief Counsel,  
Internal Revenue Service.

Approved:

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

[FR Doc. 71-18315 Filed 12-10-71; 1:41 pm]

## CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during December.

3 CFR	Page	7 CFR—Continued	Page	7 CFR—Continued	Page
PROCLAMATIONS:		PROPOSED RULES—Continued		PROPOSED RULES—Continued	
4095	23519	929	23072	1098	23222
4096	23521	932	23072, 23222	1099	23222
EXECUTIVE ORDERS:		966	22831	1101	23222
10865 (see EO 11633)	23197	971	23304	1102	23222
11248 (amended by EO 11634)	23287	982	23304	1103	23222
11359 (amended by EO 11635)	23615	987	22831	1104	23222
11633	23197	1001	23222	1106	23222
11634	23287	1002	23222	1108	23222
11635	23615	1004	22831, 23222	1120	23222
5 CFR		1006	23222	1121	23222
213	22899, 23135, 23526	1007	23222, 23223	1124	23222
550	23548	1011	23222	1125	23222
2412	23353	1012	23222	1126	23222
6 CFR		1013	23222	1127	23222
201	23219	1015	23222	1128	23222
7 CFR		1030	23222	1129	23222
331	23353	1032	23222	1130	23222
500	22807	1033	23222	1131	23222
722	22966, 23523	1036	23222	1132	23222
845	23047	1040	23161, 23222	1133	23222
905	23353, 23354, 23617	1043	23222	1134	23222
906	23617	1044	23222	1136	23222
907	22975, 23289, 23354	1046	23222	1137	23222
910	22808, 23135, 23618	1049	23222	1138	23222
912	23048, 23135	1050	23222	1207	23393
913	22808	1060	23222	1701	23394, 23630
929	22808	1061	23222	1807	23306
944	23136	1062	23222		
971	23199	1063	23222	8 CFR	
987	23137	1064	23222	235	23619
993	23355	1065	23222	238	23619
1464	23355	1068	23222	245	23619
PROPOSED RULES:		1069	23222	248	23619
15	23448	1070	23222	316a	23619
722	23574	1071	23222		
734	23221	1073	23222	9 CFR	
812	23574	1075	23222	76	23139, 23513
818	23069	1076	23222	78	23199
846	23071	1078	23222	97	23356
905	23575	1079	23222	151	23356
928	22985	1090	23222	201	23139
		1094	23222	445	22810, 23112
		1096	23222	446	22810, 23112
		1097	23222	447	22810, 23112



## 9 CFR—Continued

Page

## PROPOSED RULES:

11	23072
301	23161
307	23393
312	23161
318	23393
320	23393
327	23161

## 10 CFR

20	23138
----	-------

## PROPOSED RULES:

4	23450
30	22848
40	22848
50	22848, 22851
70	22848
115	22848

## 12 CFR

2	22979
207	23619
220	23619
221	23619
226	22809
524	22979
525	22979
701	23140
703	23048

## PROPOSED RULES:

207	22855
220	22855
221	22855
222	23256
545	22992

## 13 CFR

## PROPOSED RULES:

112	23452
113	23400
115	23401
120	23402
121	23401

## 14 CFR

25	23548
39	22809, 23048, 23140, 23200, 23301, 23302, 23357, 23549

71	22809, 22810, 23049, 23201, 23202, 23302, 23357, 23358, 23549, 23550
----	--

73	23049, 23202, 23358
75	23202, 23358, 23359
97	23141, 23550
121	23050, 23552
135	23552
212	23141
214	23145
217	23050, 23146
218	23146
241	23051
243	23051

## PROPOSED RULES:

39	23237
71	22846-22848, 23076, 23238, 23312, 23398, 23576-23579, 23633
75	22848, 23238
93	23633
245	23312
373	23634
378	23634
379	23453
1250	23455

## 15 CFR

Ch. XI	23620
2001	23620
2002	23620
2003	23621

## PROPOSED RULES:

8	23456
---	-------

## 16 CFR

1	22814
13	22815-22825
502	23056
503	23058

## 17 CFR

1	22810
231	23289
241	23289, 23359
270	22900, 23623

## PROPOSED RULES:

239	23256
240	22994
249	22994

## 18 CFR

35	23523
154	23523
260	23359
304	22901

## PROPOSED RULES:

11	22854
101	22855
104	22855
105	22855
141	22855, 23163
154	22855
201	22855
204	22855
205	22855
250	23635
260	22855
302	23463

## 19 CFR

19	23149
24	23150
153	23360

## 20 CFR

404	23291, 23361
614	22975

## PROPOSED RULES:

405	22987
-----	-------

## 21 CFR

2	22826
8	23552
14	23150
17	23202
121	22827, 22900, 23150, 23202, 23291
125	23553
131	23292
135	22829, 23624
135a	22829
135c	23203
135e	23293, 23624
135g	22827, 23203
141	23204, 23293
141a	22827
144	23293
145	23205
146	23205
146a	22827
146b	22829
146c	22827
146e	22827

## 21 CFR—Continued

Page

147	23205
148k	23152
150g	23205
191	23556
308	22830
312	23624

## PROPOSED RULES:

3	23307
15	23074
17	23074
141	23236, 23307, 23312
141a	23236, 23307
141c	23307
141d	23307
141e	23307
146a	23307
146c	23307
146d	23307
146e	23307
148e	23307
148i	23307
148n	23307
148q	23307
148w	23236
304	23304

## 22 CFR

## PROPOSED RULES:

141	23464
209	23466

## 24 CFR

1914	23214
1915	23215

## PROPOSED RULES:

1	23467
73	23631
501	23576

## 25 CFR

## PROPOSED RULES:

221	23321
-----	-------

## 26 CFR

25	22899
----	-------

## PROPOSED RULES:

1	23163
---	-------

## 28 CFR

## PROPOSED RULES:

42	23473
48	23630

## 29 CFR

12	23361
520	22976
541	22976
657	23628
699	23609
1518	23207
1910	23207

## PROPOSED RULES:

31	23474
525	23235

## 30 CFR

51	23366
52	23366
53	23366
75	23370

## PROPOSED RULES:

57	23392
75	23392

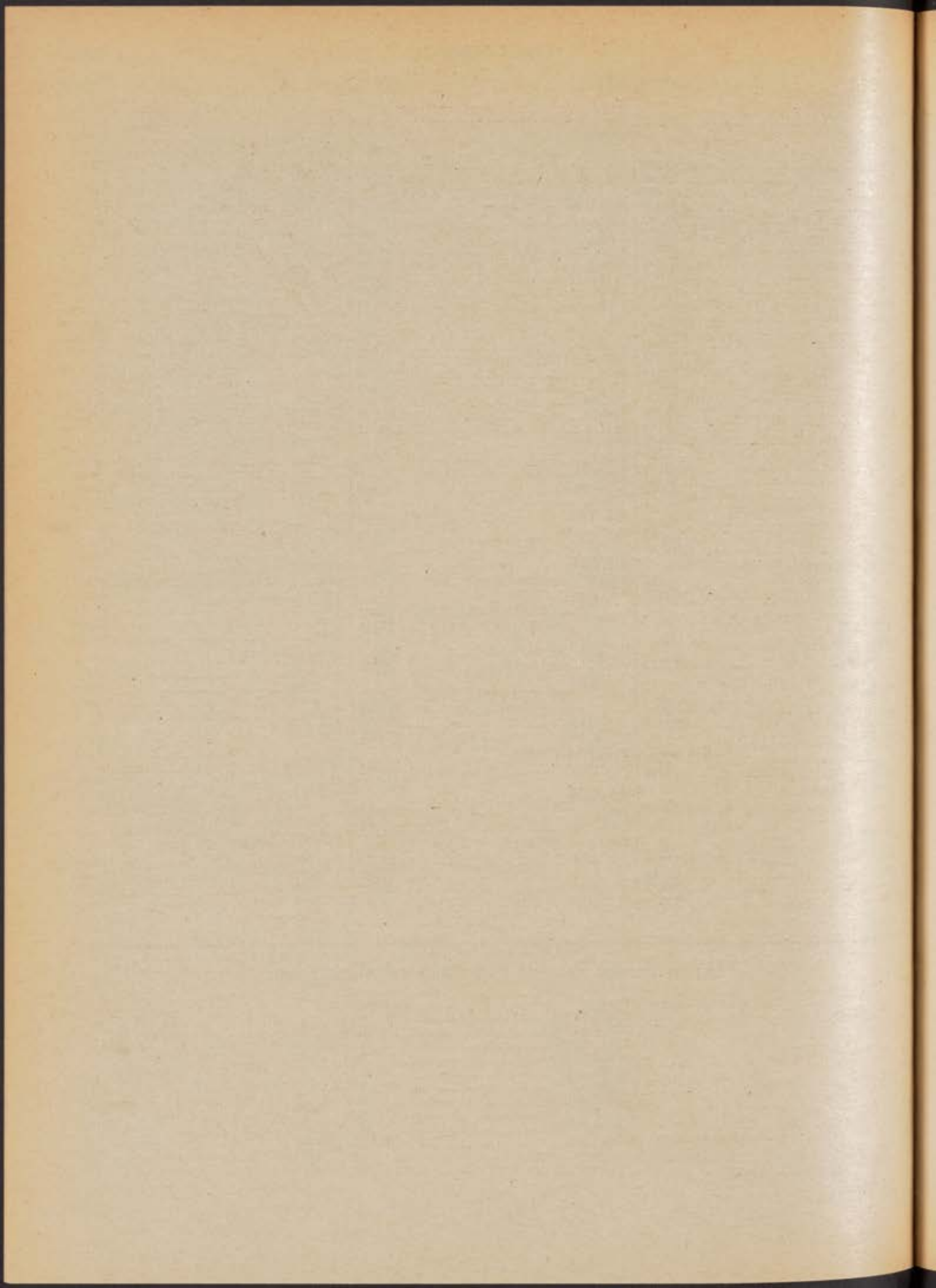


31 CFR	Page	40 CFR	Page	46 CFR	Page
PROPOSED RULES:		2	23058	10	23296
223	22985	54	23386	12	23296
32 CFR		PROPOSED RULES:		146	23218
44	23209	2	23077	548	23524
47	23296	61	23239	PROPOSED RULES:	
67	23626	115	23398, 23399	281	23395
68	23627	41 CFR		283	22839
100	23627	3-1	22979	351	23307
190	23371	3-16	23060	390	23395
888e	23209	7-1	23556	542	23069
1600	23373	7-8	23556	47 CFR	
1602	23374	7-10	23557	0	23297
1603	23374	7-16	23557	1	23390
1604	23373, 23374	7-30	23561	15	23563
1606	23373	9-1	23562	73	23565
1609	23373	9-7	23562	81	23566
1611	23375	9-53	23562	83	23566
1613	23373	50-204	23217	89	23567, 23571
1617	23373, 23375	60-2	23152	91	23567, 23571
1619	23373	101-19	23302	93	23390, 23571
1621	23373, 23376	101-26	23387	97	23298
1622	23376	101-27	23387	PROPOSED RULES:	
1623	23378	114-25	22812	0	23313
1625	23378	114-26	22812	2	23313, 23322
1627	23379	114-47	22812	15	23322
1628	23380	PROPOSED RULES:		73	23077, 23078, 23322, 23399
1630	23381	101-6	23488	49 CFR	
1631	23381	42 CFR		7	22812
1632	23383	78	23523	567	23571
1642	23383	43 CFR		571	22902, 23067, 23220, 23299, 23392
1655	23383	PUBLIC LAND ORDERS:		1033	23571
1660	23383	4582:		1062	23391
PROPOSED RULES:		Modified by PLO 5145	23157	1270	23068
300	23476	Modified by PLO 5146	23388	1271	23068
1704	23481	4962:		PROPOSED RULES:	
32A CFR		See PLO 5145	23157	1124	23636
PROPOSED RULES:		See PLO 5146	23388	1243	23078
Ch. X	23158	5081:		1322	23638
36 CFR		See PLO 5145	23157	50 CFR	
7	23293-23296	See PLO 5146	23388	17	22813
272	23220	5145	23157	28	23572
38 CFR		5146	23388	32	22814
2	23385	PROPOSED RULES:		33	22814
17	23385	17	23491	22983, 22984, 23157, 23220, 23300,	
PROPOSED RULES:		45 CFR		23301, 23573, 23629	
18	23485	640	23388	PROPOSED RULES:	
39 CFR		1068	23065	240	22841
134	23386, 23629	PROPOSED RULES:		261	22986
156	23216	80	23494	276	22986
601	23216	611	23500	280	23630
619	22811	1010	23502		
		1110	23507		

## LIST OF FEDERAL REGISTER PAGES AND DATES—DECEMBER

Pages	Date
22801-22894	Dec. 1
22895-23040	2
23041-23128	3
23129-23189	4
23191-23280	7
23281-23345	8
23347-23512	9
23513-23608	10
23609-23712	11







SATURDAY, DECEMBER 11, 1971  
WASHINGTON, D.C.

Volume 36 ■ Number 239

PART II



---

## **COUNCIL ON ENVIRONMENTAL QUALITY**



### **Implementation of National Environmental Policy Act**

**Notice of Opportunity for Public  
Comment on Procedures**



# COUNCIL ON ENVIRONMENTAL QUALITY

## IMPLEMENTATION OF NATIONAL ENVIRONMENTAL POLICY ACT

### Notice of Opportunity for Public Comment on Procedures

DECEMBER 3, 1971.

Following its annual practice, the Council on Environmental Quality invites comment and suggestions from interested parties with respect to possible revisions of the Council's Guidelines on the preparation of environmental impact statements pursuant to section 102 (2)(C) of the National Environmental Policy Act (NEPA) (42 U.S.C. sec. 4332 (2)(C)). These Guidelines, dated April 23, 1971, are available from the Council and appear at 36 F.R. 7724-7729.

The Council also invites similar comment and suggestions with respect to the procedures adopted by agencies to implement NEPA and the Council's Guidelines. These procedures, to the extent they have been adopted, are available as follows:

#### DEPARTMENT OF AGRICULTURE

Departmental procedures dated November 12, 1971 (text follows this notice).  
Agricultural Stabilization and Conservation Service (no separate procedures).  
Animal Plant and Health Service (no separate procedures).  
Cooperative State Research Service (no separate procedures).  
Economic Research Service (no separate procedures).  
Extension Service (no separate procedures).  
Farmers Home Administration (no separate procedures).  
Forest Service  
Procedures dated July 31, 1971 (text follows this notice).  
Rural Electrification Administration, Procedures dated June 17, 1971 (text follows this notice).  
Soil Conservation Service, Procedures dated November 15, 1971 (text follows this notice).

#### APPALACHIAN REGIONAL COMMISSION

Procedures dated June 7, 1971 (text follows this notice).

#### ATOMIC ENERGY COMMISSION

Regulatory activities—procedures dated September 9, 1971; 36 F.R. 18071-18076; Supplement, 36 F.R. 22851-22854.  
Nonregulatory activities—procedures dated July 16, 1971; 36 F.R. 13233-13235.

#### CANAL ZONE GOVERNMENT

Procedures dated July 1, 1971 (text follows this notice).

#### CIVIL AERONAUTICS BOARD

Procedures dated July 1, 1971; 36 F.R. 12513-12515.

#### DELAWARE RIVER BASIN COMMISSION

Procedures dated October 21, 1971; 36 F.R. 20381-20382.

#### DEPARTMENT OF COMMERCE

Departmental procedures dated November 6, 1971; 36 F.R. 21368-21370.  
Economic Development Administration, Procedures dated November 16, 1971.

Maritime Administration (no separate procedures).  
National Bureau of Standards (no separate procedures).  
National Oceanographic and Atmospheric Administration (no separate procedures).

#### DEPARTMENT OF DEFENSE

Departmental procedures dated August 18, 1971; 36 F.R. 15750-15754.  
Army Corps of Engineers, procedures dated June 11, 1971; 36 F.R. 11309-11318.

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Departmental procedures dated November 23, 1971 (text follows this notice).  
Facilities Engineering and Construction Agency (no separate procedures).  
Food and Drug Administration (no separate procedures).  
Health Service and Mental Health Administration (no separate procedures).  
National Institute of Health (no separate procedures).

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Departmental procedures dated November 19, 1971.  
Federal Housing Authority (no separate procedures).  
Urban Renewal Program (no separate procedures).  
Water and Sewer Grants (no separate procedures).  
Model Cities Program (no separate procedures).  
Open Space and Public Facilities Assistance (no separate procedures).  
Mortgage Insurance Programs (no separate procedures).

#### DEPARTMENT OF THE INTERIOR

Departmental procedures dated October 2, 1971; 36 F.R. 19343-19347.  
Bonneville Power Administration (no separate procedures received).  
Bureau of Indian Affairs (no separate procedures received).  
Bureau of Land Management (no separate procedures received).  
Bureau of Mines (no separate procedures received).  
Bureau of Outdoor Recreation (no separate procedures received).  
Bureau of Reclamation (no separate procedures received).  
Bureau of Sport Fisheries and Wildlife (no separate procedures received).  
National Park Service (no separate procedures received).  
Office of Coal Research (no separate procedures received).  
Office of Saline Water (no separate procedures received).  
U.S. Geological Survey (no separate procedures received).

#### DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration, Procedures dated October 27, 1971; 36 F.R. 20613-20617.

#### DEPARTMENT OF STATE

Departmental procedures dated December 1, 1971.  
Agency for International Development, Special procedures for Capital Projects dated September 1, 1971.  
International Boundary Water Commission (United States-Mexico), Procedures dated August 21, 1971.

#### DEPARTMENT OF TRANSPORTATION

Departmental procedures dated October 4, 1971 (text follows this notice).  
Coast Guard, Procedures dated October 13, 1971 (text follows this notice).

Federal Aviation Administration, Airport Development Aid Program Procedures dated December 7, 1970, amended June 25, 1971 (text follows this notice).  
Federal Highway Administration, Procedures dated August 24, 1971 (text follows the notice).  
St. Lawrence Seaway Administration (no separate procedures received).  
Urban Mass Transportation Administration (no separate procedures received).

#### ENVIRONMENTAL PROTECTION AGENCY

Procedures dated December 1, 1971 (text to be published separately).

#### FEDERAL COMMUNICATIONS COMMISSION

(No procedures received.)

#### FEDERAL MARITIME COMMISSION

(No procedures received.)

#### FEDERAL POWER COMMISSION

Procedures dated December 15, 1970; 35 F.R. 18958-18960.  
Amendments dated April 16, 1971; 36 F.R. 7232-7233; November 30, 1971; 36 F.R. 22738-22741.

#### FEDERAL TRADE COMMISSION

Procedures dated December 1, 1971; 36 F.R. 22814-22815.

#### GENERAL SERVICES ADMINISTRATION

Federal Supply Service, Procedures dated September 15, 1971 (text follows this notice).  
Property Management and Disposal Service, Procedures dated September 15, 1971 (text follows this notice).  
Public Buildings Service, Procedures dated September 15, 1971; 36 F.R. 23336-23338, 23652-23654.  
Transportation and Communications Service, Procedures dated June 30, 1971; 36 F.R. 23274-23275.

#### INTERSTATE COMMERCE COMMISSION

Procedures dated May 26, 1971; 36 F.R. 10807-10810.

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Procedures dated October 31, 1971; 36 F.R. 21753-21755 (Published in the FEDERAL REGISTER under Title 14, Chapter V, Subpart 1204.11).

#### NATIONAL CAPITAL PLANNING COMMISSION

Procedures dated August 9, 1971 (text follows this notice).

#### NATIONAL SCIENCE FOUNDATION

Procedures dated November 15, 1971 (text follows this notice).

#### OFFICE OF ECONOMIC OPPORTUNITY

Procedures dated July 1, 1971.

#### OFFICE OF MANAGEMENT AND BUDGET

Procedures dated September 14, 1971 (text follows this notice).

#### SMALL BUSINESS ADMINISTRATION

(No procedures received.)

#### TENNESSEE VALLEY AUTHORITY

Procedures dated November 2, 1971; 36 F.R. 21010-21014.

#### DEPARTMENT OF THE TREASURY

Departmental procedures dated July 31, 1971; 36 F.R. 14221-14222.  
Internal Revenue Service, Procedures dated August 12, 1971; 36 F.R. 15061-15062.

#### UNITED STATES POSTAL SERVICE

(No procedures received.)



## VETERANS ADMINISTRATION

(No procedures received.)

## WATER RESOURCES COUNCIL

Procedures dated February 10, 1971 (text follows this notice).

Comments and suggestions should be filed with the Council (Attention: General Counsel) no later than 30 days from the date of publication of this notice and, in the case of agency procedures, should be addressed directly to the agency concerned, with copies to the Council.

RUSSELL E. TRAIN,  
Chairman.

## DEPARTMENT OF AGRICULTURE

## OFFICE OF THE SECRETARY

[Secretary's Memorandum No. 1695, Supplement 4 (Rev.)]

**GUIDELINES FOR PREPARING  
STATEMENTS REQUIRED BY SECTION 102(2)  
(C) OF PUBLIC LAW 91-190**

NOVEMBER 12, 1971.

**Directive and scope.** These guidelines are to be followed by all agencies of the Department in preparing statements required by section 102(2)(C) of the National Environmental Policy Act, Public Law 91-190 (83 Stat. 852).

The Act requires the preparation and submission of a detailed environmental statement with every recommendation or favorable report on legislation and other major Federal actions significantly affecting the quality of the human environment.

Statements are to be prepared in connection with (A) legislation involving substantive bills referred to this Department for comment and for which this Department has responsibility, and substantive legislative proposals originating within this Department, and (B) other major USDA actions. Additional details regarding these topics are included in Appendices A-C.

Pursuant to Executive Order 11514 of March 5, 1970 (35 F.R. 4247), the Council on Environmental Quality (CEQ) issued "guidelines" on April 23, 1971 (36 F.R. 7724), hereinafter referred to as guidelines. The Office of Management and Budget (OMB) issued Bulletin No. 72-6 on "Proposed Federal Actions Affecting the Environment" on September 14, 1971. USDA guidelines are designed within the framework of these government-wide guidelines.

**Objectives.** The objectives of this memorandum are to provide (1) a uniform system for determining whether proposed or pending legislation and other major Federal (USDA) actions will significantly affect the quality of the human environment, (2) criteria for defining major USDA actions and (3) guidelines for preparing environmental statements.

**Policy.** It is the policy of the Department of Agriculture to use the general approach of section 102(2)(C) as a significant part of its procedures to "monitor, evaluate, and control" its activities for the protection and enhancement of the quality of the environment on a continuing basis as required by section 2(a) of Executive Order 11514. In addition to the general use of this approach in administering USDA programs, the specific procedure for developing environmental statements will be followed where required by the guidelines or Bulletin No. 72-6.

**Types of environmental statements.** Section 102(2)(C) provides for consideration of environmental impacts in connection with legislative and administrative actions. Two stages of development of environmental

statements are required by the guidelines, particularly in connection with administrative actions: (1) Draft environmental statements and (2) final environmental statements.

A draft environmental statement comes into being when it is first sent to CEQ and made available to the public and when legislative reports are sent to OMB for executive agency review and clearance. There will be no draft statement prior to that time. Preliminary papers leading to the development of a draft environmental statement do not constitute a draft statement and shall not be so labeled.

After modification and expansion of a draft statement, based on full consideration of comments by reviewing agencies, a final environmental statement comes into being when it is sent to CEQ and made available to the public or in the case of pending or proposed legislation when forwarded to Congress following clearance by OMB.

**Decision, preparation, and record.** Agency heads, with the assistance of their representatives on the Environmental Quality Executive Committee, will be responsible for determining (for actions within programs for which they have assigned responsibility) whether the quality of the human environment may be significantly affected. In some instances they must also determine whether actions of other than a legislative nature are "major actions."

In all instances where required by the guidelines and Bulletin No. 72-6, and in others as appropriate, agency heads will be responsible for (1) preparing environmental statements, (2) consulting with other Federal departments or agencies with jurisdiction by law or special expertise with respect to any environmental impact involved, (3) providing for review by State and local agencies authorized to develop and enforce environmental standards, and (4) making statements available to the public.

As early as possible and in all cases prior to agency decision concerning major action (other than a recommendation or a favorable report on legislation to the Congress) that significantly affects the environment, USDA agencies will, in consultation with other appropriate Federal, State and local agencies, assess in detail the potential environmental impact in order that adverse effects are avoided, and environmental quality is restored or enhanced, to the fullest extent practicable. In particular, alternative actions that will minimize adverse impact should be explored and both the long- and short-range implications evaluated in order to avoid to the fullest extent practicable undesirable consequences for the environment.

In certain instances where several USDA agencies have program responsibilities relative to an environmental matter and no lead agency has been designated for the programs to which it relates, the Office of the Coordinator of Environmental Quality Ac-

<sup>1</sup> All significant effects of legislation and other major Federal actions on the environment must be assessed as specified in this memorandum. Section 101(b) of the Act indicates the broad range of aspects of the environment to be surveyed in assessing "significant effect." Such "significant effect" may be either beneficial or adverse, or both types of effects. Such effects may affect human beings directly. They may also affect them indirectly through the environment.

The guidelines indicate that significant detrimental effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment, or serve short-term, to the disadvantage of long-term, environmental goals.

tivities may arrange for completion of (1) to (4) above.

USDA environmental statements will include all the elements listed as subheadings under section 102(2)(C). They will also include an additional element dealing with favorable environmental effects. Following the general discussion of "environmental impact," separate sections will be used to summarize "favorable environmental effects" and "adverse environmental effects."

In addition to a project's impact on the physical environment, economic factors must also be known for complete assessment and are to be included as a part of environmental statements. Significant economic impacts on the public and on the affected areas and industries are to be described, including employment, unemployment, and others.

In instances where a benefit-cost analysis has been made a summary of the findings should be attached to and made a part of the statement.

Where a subheading does not apply, it will be followed by the words "not applicable" or "none." Each statement should be prepared in accordance with the precept in section 102(2)(A) of the Act.

Environmental statements will be documents complete enough to stand on their own. Each draft and final environmental statement will be accompanied by a summary sheet. The general outline to be followed is described in Appendix D.<sup>2</sup>

The environmental statement will be prepared (1) when there is a potential that the environment may be significantly affected by a USDA action, even though such action may be localized in its impact; (2) when it is reasonable to assume a cumulatively significant impact on the environment from successive implementation of several similar actions; (3) when one decision involving a limited expenditure is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several Government agencies individually make decisions about partial aspects of a major action; (4) when a proposed action has an environmental impact which is likely to be highly controversial.

Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these guidelines concerning minimum periods for agency review and advance availability of environmental statements, the agency proposing to take the action shall work through the Coordinator of Environmental Quality Activities in consulting with the Council on Environmental Quality about alternative arrangements. Similarly, where there are overriding considerations of expense to the Government or impaired program effectiveness, this Department should consult the Council concerning appropriate modifications of the minimum periods.

**Consultation and review.** Wherever applicable in connection with the preparation of environmental statements, the Department of Agriculture will extend and intensify its policy of acting in concert with Federal, State, and local agencies. This will specifically include (1) consultation with Federal agencies having jurisdiction by law or special expertise and (2) review by State and local agencies authorized to develop and enforce environmental standards.

Consultation and review activities relating to environmental statements will be accomplished within the framework of USDA policy on procedures, including public hearings where appropriate, to insure the fullest

<sup>2</sup> Appendix D filed as part of the original document.



practicable provision of timely public information and understanding of USDA plans and programs with environmental impact in order to obtain the views of interested parties.

Any consultations with Federal agencies having jurisdiction by law or special expertise relating to environmental impacts of legislative proposals or major actions will be documented in connection with environmental statements sent to CEQ and OMB.

**Forwarding USDA environmental statements and comments on statements of other agencies.** USDA agencies will submit to CEQ and OMB, through the Coordinator of Environmental Quality Activities, all environmental statements required by the Guidelines and Bulletin No. 72-6. USDA agencies will not submit environmental statements to CEQ or OMB where it is clear that another Federal department or agency has the primary responsibility for the subject matter involved. Where necessary, USDA agencies will work through the Coordinator of Environmental Quality Activities to seek assistance from the Council on Environmental Quality to resolve questions of lead agency designation.

Ten (10) copies of draft environmental statements (when prepared), 10 copies of all comments made thereon (to be forwarded to the Council by the entity making comment at the time comment is forwarded to the responsible agency), and ten (10) copies of the final text of environmental statements (together with all comments received thereon by the responsible agency from Federal, State, and local agencies and from private organizations and individuals) shall be supplied to the Council on Environmental Quality in the Executive Office of the President (this will serve as making environmental statements available to the President).

Draft environmental statements shall be prepared and circulated for comment and furnished to the Council early enough in the agency review process before an action is taken in order to permit meaningful consideration of the environmental issues involved.

**Availability of statements to the public.** Environmental statements will be made available to the public as described in the appendices. Compliance with the public information aspect of Public Law 91-190 will be carried out within the provisions of the Freedom of Information Act (5 U.S.C. sec. 552).

Agencies which hold hearings on proposed administrative actions or legislation should make the draft environmental statement available to the public at least fifteen (15) days prior to the time of the relevant hearings except where the agency prepares the draft statement on the basis of a hearing subject to the Administrative Procedure Act and preceded by adequate public notice and information to identify the issues and obtain comments.

Where an agency follows a practice of declining to favor an alternative until public hearings have been held on a proposed action, a draft environmental statement may be prepared and circulated indicating that two or more alternatives are under consideration.

**Coordination, assistance and review.** In consultation with the Coordinator on Environmental Quality, each USDA agency will establish a procedure for developing responses to environmental statements from other departments and from agencies within USDA.

The Office of the Coordinator of Environmental Quality Activities will provide leadership in coordinating procedures for dealing with CEQ. This office will provide general guidance for the preparation and distribu-

tion of environmental statements required by CEQ and OMB and will be available for consultation with Executive Committee members and others regarding all aspects of these activities.

**Procedural guidelines.** The Office of the Coordinator of Environmental Quality Activities will provide leadership in developing any further departmental procedural guidelines needed to implement and carry out the requirements of this memorandum.

J. PHIL CAMPBELL.

#### APPENDIX A—ENVIRONMENTAL STATEMENTS FOR RECOMMENDATIONS OR REPORTS ON LEGISLATION

**Scope.** This appendix deals with recommendations or reports on legislation involving (1) substantive bills referred to the Department for comment and (2) substantive legislative proposals from this Department.

**Decision, preparation, and record.** Where required by this memorandum, USDA agencies designated for preparing reports on legislation of the type covered herein will be responsible for developing environmental statements, acting on their own or in consonance with others in USDA as appropriate. All agencies will respond promptly and fully to requests from other USDA agencies for information or other assistance needed for developing statements.

Environmental statements required by CEQ and OMB will accompany legislative reports; all such reports will include reference to the environmental statements in the main body of the report.

Copies of all environmental statements related to legislation covered by this appendix will be kept on file by the Secretary's Records and Communication Division as a part of the usual file on legislative reports. The Office of the Coordinator of Environmental Quality Activities, with the assistance of appropriate staff offices, will determine if there are any needs for records other than these.

**Consultation and review.** Consultation with appropriate Federal departments or agencies having jurisdiction by law or special expertise prior to preparation of environmental statements will be described in those statements. Comments on the statements will be obtained through the normal legislative report review and clearance process led by OMB.

In connection with bills referred to the Department, agencies need not seek comments about environmental impacts from State and local agencies authorized to develop and enforce environmental standards. Such agencies have the opportunity to submit their comments and views during other stages of the legislative process.

In cases where USDA develops legislative proposals, preparing agencies will seek comments from State and local agencies authorized to develop and enforce environmental standards.

**Forwarding environmental statements.** The Office of Budget and Finance will be responsible for furnishing copies of environmental statements on the subjects covered in this appendix to CEQ and OMB through the Office of the Coordinator of Environmental Quality.

**Availability of statements to the public.** With respect to recommendations or reports on proposals for legislation to which section 102(2)(C) applies, the final text of the environmental statement and comments thereon should be available to the Congress and to the public in support of the proposed legislation or report. In cases where the scheduling of congressional hearings on recommendations or reports on proposals for legislation which the Federal agency has forwarded to the Congress does not allow adequate time for the completion of a final text

of an environmental statement (together with comments), a draft environmental statement may be furnished to the Congress and made available to the public pending transmittal of the comments as received and the final text.

#### APPENDIX B—SUMMARY LISTS TO ACCOMPANY ANNUAL BUDGET ESTIMATES

**Scope.** This appendix deals with the preparation of a summary list of those specific actions covered by annual budget estimates which, in accordance with Department procedures, require the preparation of 102(2)(C) statements.

**Decision, preparation, and record.** As required by this memorandum and by OMB Bulletin No. 72-6, USDA agencies shall prepare a summary list of agency actions, projects or activities for which a 102(2)(C) statement is required pursuant to this memorandum.

The summary list shall be in the format of Exhibit 1, in OMB Bulletin No. 72-6. It will include information on (1) the funds involved, (2) the status of the statement and (3) unusual aspects of the statement.

For annual authorizing legislation, agencies shall submit section 102(2)(C) statements as required for other legislative proposals.

In the case of programs for which it is not possible to make an assessment of the potential impact on the environment, or to identify 102(2)(C) statements that will be required, agencies may include a narrative statement containing information about general environmental impact and when decisions are expected on the need for 102(2)(C) statements.

Individual draft or final statements and information to update the listings required above shall be provided to members of the staff of the Office of Management and Budget upon their request.

#### APPENDIX C—ENVIRONMENTAL STATEMENTS FOR USDA ADMINISTRATIVE ACTIONS

**Scope.** This appendix deals with major USDA actions, other than proposals for legislation.

**Major actions.** The phrase "major actions" is to be construed with a view to the overall, cumulative impact of the administrative action proposed and of further actions contemplated.

"Major actions" may include, but are not limited to:

(a) Projects and continuing activities:<sup>1</sup> Directly undertaken by USDA agencies; Supported in whole or in major part through educational, technical or other forms of USDA assistance and contracts, grants, cost-sharing, subsidies, loans or other forms of funding support;

Involving a USDA lease, permit, license, certificate or other entitlement for use.

(b) Policy, regulations and procedure-making.

Some examples are:

1. New programs initiated or current ones significantly modified under existing legislation.

2. Projects requiring local sponsorship which are initiated or significantly modified.

3. Decisions to initiate actions that are likely to be highly controversial, some of which may result in administration appeals or court actions.

Major actions may relate to the development of a national program and to the implementation of projects within that program.

<sup>1</sup> Does not include research except for any actions that are likely to be highly controversial.



*Decision, preparation, and record.* Where required by this memorandum, USDA agencies responsible for "major actions" significantly affecting the quality of the human environment will prepare environmental statements for all such actions, either within the agency or in cooperation with others as appropriate.

Copies of all environmental statements sent to CEQ will be kept by the Washington offices of the preparing agencies. The Coordinator of Environmental Quality Activities will work with members of the Environmental Quality Executive Committee to determine if there are any needs for maintaining centralized environmental statement records other than these.

To the maximum extent practicable, no administrative action (i.e., any proposed action to be taken by the agency other than agency proposals for legislation to Congress or agency reports on legislation) subject to section 102(2)(C) is to be taken sooner than ninety (90) days after a draft environmental statement has been circulated for comment, furnished to the Council and, except, where advance public disclosure will result in significantly increased cost of procurement to the Government, made available to the public pursuant to these guidelines; neither should such administrative action be taken sooner than thirty (30) days after the final text of an environmental statement (together with comments), has been made available to the Council and the public. If the final text of an environmental statement is filed within (90) days after a draft statement has been circulated for comment, furnished to the Council and made public pursuant to this section of these guidelines, the thirty (30) day period and ninety (90) day period may run concurrently to the extent that they overlap.

*Consultation and review.* Prior to the development of draft environmental statements, USDA agencies may consult with appropriate Federal departments or agencies. The draft environmental statements shall be circulated for review and comments by other Federal departments and agencies having jurisdiction by law or special expertise with respect to environmental impacts, with a time limit of not less than 30 days for reply (45 day minimum for the Environmental Protection Agency), after which it may be presumed that they have no comment. Agencies seeking comment should endeavor to comply with requests for extensions of time of up to fifteen (15) days.

USDA agencies, working in collaboration with the USDA Office of Intergovernmental Affairs (see Secretary's Memorandums No. 1689 and No. 1693 of April and May 1970), will provide for review of draft environmental statements by State and local agencies authorized to develop and enforce environmental standards. In certain instances this review may be provided by formal procedures such as hearings or required administrative actions.

(a) For direct Federal development projects and projects assisted under programs listed in Attachment D of the Office of Management and Budget Circular No. A-95, review by State and local governments will be through procedures set forth under Part I of Circular No. A-95.

(b) State and local review of agency procedures, regulations, and policies for the administration of Federal programs of assistance to State and local governments will be conducted pursuant to procedures established by Office of Management and Budget Circular No. A-85.

The comments and views of such agencies may be obtained by a direct request and by distributing the draft environmental state-

ment to the appropriate State, regional and metropolitan clearinghouses unless the Governor of the State involved has designated some other point for obtaining this review. Comments and views of the public will be solicited by publication of a notice in the *FEDERAL REGISTER*, or other appropriate media. Such comments shall relate to the proposed major action about which an environmental statement is being prepared. USDA agencies may require that comments and views relating to environmental impacts of proposed actions shall be received from State and local agencies within 30 days after the date of communication.

The nature and extent of the review procedure shall be described in the final environmental statement.

*Forwarding environmental statements.* Agency heads responsible for preparing "major action" environmental statements will be responsible for furnishing copies of such statements to CEQ, and for furnishing two copies of the summary sheet of each environmental statement to the Office of Management and Budget, through the Office of the Coordinator of Environmental Quality Activities.

An Accession Notice Form NTIS-79 (National Technical Information Service, U.S. Department of Commerce) should also be submitted to the office of the Coordinator of Environmental Quality Activities. The card should be addressed to the originating agency within USDA, the date of submission should be filled in, the report number and title from the cover page should be listed as the "report identifying information," and "one" should be listed under number of copies submitted. If more than one office needs to know the NTIS accession number, attach a separate card for each office.

*Availability of statements to the public.* Agency heads will be responsible for making environmental statements and the comments received accessible to the public after copies have been sent to CEQ. This will be done pursuant to the provisions of the Freedom of Information Act (5 U.S.C., sec. 552), without regard to the exclusion of inter-agency memoranda, when such memoranda transmit comments of Federal agencies listed in section 7 of CEQ guidelines on the environmental impact of proposed actions subject to section 102(2)(C). Agency procedures prepared pursuant to these guidelines shall implement public information requirements presented in Supplement 5 to Secretary's Memorandum 1695 (rev.), and shall include arrangements for accessibility to environmental statements and comments at the head and appropriate regional offices of the responsible agency, and at appropriate State, regional, and metropolitan clearinghouses unless the Governor of the State involved designates some other point for receipt of this information.

#### [Emergency Directive No. 1]

#### CHAPTER 1940—ENVIRONMENTAL STATEMENTS

JULY 13, 1971.

This is the first directive issued under the new Title 1900—Environmental Planning and Management. A great number of people throughout the Forest Service have contributed to its development. However, because the requirements and process are new and dynamic, additional change and revisions are expected to be needed. Comments will be welcomed on a continuing basis and revisions will be made as necessary. It is expected this chapter will be issued in permanent form early next year. Additional chapters in this title are being developed and will be issued in the near future.

JOHN R. MCGUIRE,  
Associate Chief.

- 1940.1 Authority.
- 1940.2 Purpose of environmental statements.
- 1940.3 Policy.
- 1940.4 Responsibility.
- 1941 Actions requiring environmental statements.
- 1941.1 Legislation.
- 1941.2 Other major actions.
- 1941.21 Policy, regulations, and procedures.
- 1941.22 Plans, programs, and major projects.
- 1941.3 Application of requirement to existing projects and programs.
- 1942 Environmental statement preparation.
- 1942.1 Basis for environmental statements.
- 1942.2 Contents of an environmental statement.
- 1942.3 Summary of statement.
- 1942.4 Letter of transmittal.
- 1943 Consultation and review process for Forest Service environmental statements.
- 1943.1 Preliminary consultation and advice.
- 1943.2 Draft environmental statement.
- 1943.21 Forest Service processing.
- 1943.22 Reviews outside of the Forest Service.
- 1943.3 Final statements.
- 1943.4 Time periods for review process.
- 1944 Forest Service review and comment on other agency statements.
- 1944.1 Responsibility for review.
- 1944.2 Coordination.
- 1944.3 Distribution of comments.

*1940.1 Authority.* The Forest Service is authorized and directed by the National Environmental Policy Act of 1969 (Public Law 91-190) to use all practical means and measures in a manner calculated to foster and promote the general welfare, create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social and economic and other requirements for present and future generations of Americans. The purposes of the Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere; to stimulate health and welfare of man; and to enrich the understanding of the ecological systems and natural resources important to the Nation.

Section 102(2)(C) of the Act requires environmental statements on proposed major Federal actions affecting the environment. The objective of this section is to build into a decisionmaking process an appropriate and careful consideration of the environmental aspects of proposed action and to assist agencies in implementing not only the letter, but the spirit of the Act.

Additional authority, direction, and instructions are contained in:

- 1. Executive Order 11514.
- 2. Council on Environmental Quality (CEQ) Revised Guidelines for Statements on the Proposed Federal Action Affecting the Environment as published in the *FEDERAL REGISTER*, Vol. 36, No. 79, April 23, 1971, Part II.
- 3. OMB Bulletin No. 71-3, Proposed Federal Actions Affecting the Environment (8-31-70).
- 4. Secretary's Memorandum No. 1695 and supplements.
- 5. Section 309 Clean Air Act Amendments of 1970.
- 1940.2 Purpose of environmental statements. The objective of an environmental statement is to provide a means for giving



environmental quality careful and appropriate consideration in the decisionmaking process. The environmental statement must be of sufficient detail to allow a responsible official to make an accurate decision regarding the environmental impacts to be expected from program implementation. This means environmental quality must be objectively weighed with economic development and social well-being goals over both the short and the long run. The environmental statement process also provides a formalized procedure for informing and taking account of comments from other agencies, individuals, and groups having expertise or interest in the subject area under consideration.

Also, it is a requirement that all environmental statements be submitted to the Council on Environmental Quality. While the Council does not formally approve or disapprove the statements, they are an arm of the Executive Office of the President. As such their comments on statements they choose to review must be fully recognized and considered as the voice of this office. The major purpose of Public Law 91-190 is to assure the Executive and the Congress that environmental quality is fully considered in all Federal activities affecting the environment.

**1940.3 Policy.** As early as possible and in all cases prior to agency decision concerning major action or recommendation or a favorable report on legislation that significantly affects the environment, the Forest Service will consult with other appropriate Federal, State, and local agencies and will assess in detail the potential environmental impact. In particular, alternative actions that will reduce adverse impacts or enhance positive effects will be thoroughly explored. Long- and short-range implications to man, to his physical and social surroundings, and to nature will be evaluated.

The analysis supporting an environmental statement should utilize a systematic, interdisciplinary approach integrating the natural and social sciences and the environmental design arts in planning and in decisionmaking.

All existing policies will be periodically reviewed. If at any time a policy is found to be inconsistent with the National Environmental Policy Act, the policy will be revised.

**1940.4 Responsibility.** Responsibility for Forest Service environmental statements follows the delegations of authority specified in Forest Service Manual 1230. Responsibility for the proposed action determines responsibility for the environmental statement. The procedure specified herein for forwarding statements to the Council on Environmental Quality does not alter these basic delegations of authority.

1. **Responsible official.** Chief Regional Foresters, Area Directors, Station Directors, Forest Supervisors, and District Rangers are responsible for determining the need for, and preparation of, environmental statements on specific Forest Service actions. Cooperators such as States can be required to prepare analysis for statements, but the deciding Forest Service official is responsible for the environmental statement. The Washington office will handle actions relating to legislation, appropriations, and proposed national programs.

2. **Lead agency.** Where other Federal agencies are involved, the Forest Service will prepare an environmental statement when it is the lead agency. The "lead agency" is defined as the Federal agency having primary authority for committing the Federal Government to a course of action. The Washington office can assist in resolving questions of lead agency responsibility. Where the authority of

agencies is more or less equal, and the consequences are major for each agency, statements may be jointly prepared. Where determination of lead agency cannot be resolved, then each agency claiming a lead role may have to require a statement adequate for its decisionmaking process.

**1941 Actions requiring environmental statements.** The National Environmental Policy Act requires that environmental statements be prepared and submitted with every recommendation or report on proposals for legislation and for other major Federal actions significantly affecting the quality of the environment.

Environmental statements are required for proposed actions with major environmental impacts or which are highly controversial.

"Major" actions and "significant" environmental effects are difficult to define precisely and uniformly because of the great variation in social, political, and ecological conditions. The official responsible for taking action must use good judgment in determining when formal environmental statements are appropriate and useful in the decisionmaking and public involvement processes. The following categories of criteria should be considered by officials in determining whether or not a statement is appropriate.

1. Degree of ecosystem disturbance. Both on-site and off-site effects should be recognized.
2. Irreversible effects on basic resources; short-term versus long-term commitments.
3. Cumulative effects of many small actions.
4. Chain reactions or secondary effects of interrelated activities.
5. National versus regional and local importance.
6. Uniqueness or rareness of resource.
7. Precedent setting cases.
8. Scope of anticipated public involvement and controversy anticipated.

**1941.1 Legislation.** Although the Act is not specific, CEQ guidelines and OMB instructions indicate that environmental statements are only needed for favorable reports relating to legislation. Environmental statements are also required on appropriate legislation. Section 102(2)(C) of the Act applies to both (1) agency recommendation on their own proposals for legislation, and (2) agency reports on legislation initiated elsewhere. In the latter case only the agency which has primary responsibility for the subject involved will prepare an environmental statement.

**1941.2 Other major actions.**

**1941.21 Policy, regulations, and procedures.** An environmental statement will be prepared for new regulations, policies, and procedures which have major environmental effects.

**1941.22 Plans, programs, and major projects.** Environmental statements will be prepared on major proposed plans, programs, and major projects directly undertaken by the Forest Service, or supported in whole or in part through land use permits, leases, contracts, grants, cooperative agreements, subsidies, technical assistance or granting of rights.

1. In most cases, any activity that will significantly affect the following will require an environmental statement:

- a. Rare and endangered species—plants or animals.
- b. Formally classified areas, such as wilderness areas, primitive areas, wild and scenic rivers, national recreation areas, natural areas, scenic areas, historical areas, archeological areas, geological areas, and national trails.
- c. Municipal watersheds.
- d. Shorelines.

- e. Large unroaded areas.
  - f. Scenic attractions.
  - g. Wetlands and estuaries.
  - h. Adjacent national parks and monuments, wildlife refuges, or similar State and locally designated areas.
  - i. Free-flowing streams.
  - j. Air quality.
  - k. Water quality.
  - l. Key wildlife or fish areas.
2. The need for environmental statements should be seriously considered for the activities given below:
- a. Multiple use plan (forest or unit).
  - b. Timber management plan.
  - c. Forest 5-year timber sale action plan.
  - d. Rural area development plan.
  - e. Mining permits and certain prospecting permits. This applies to minerals owned by United States. May also apply to certain aspects of removal of reserved minerals (e.g., operating plan of mineral operator).
  - (1) Surface mining except for minor sand, gravel, and stone excavation and minor mineral activities (mica, feldspar, etc.).
  - (2) Deep mining.
  - (3) Development of major oil and gas fields with appurtenant facilities.
  - f. Major public service developments (e.g., winter sport sites, resorts, and marinas).
  - g. Chemical programs including pesticides, fertilizers, and other programs.
  - h. Water resource development projects.
  - i. Cooperative State programs.
  - j. Large-scale on-the-ground research activities such as some pilot tests involving chemicals or drastic treatment of sizable areas.
  - k. Vegetative-type conversion involving substantial acreage.
  - l. Forest transportation system plan.
  - m. Major highways and bridges if not included under 1.
  - n. Prescribed burning program if not included under c, including roller chopping, rock raking, shearing, cabling, etc.
  - o. Rights-of-way permits for major transmission lines.
  - p. Major sewage treatment facilities.
  - q. Major acquisition or exchange.

A definitive list of activities requiring environmental statements cannot be specified because of the complexity of Forest Service programs. The above list is certainly not all-inclusive, nor will all plans and actions within the activities require statements. The responsible official must consider the criteria in section 1941 of this chapter and use reasonable judgment.

**1941.3 Application of requirements to existing projects and programs.** To the maximum extent practicable, the environmental statement requirements should be applied to additional major actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of the Act on January 1, 1970. When it is not practicable to reassess the basic course of action, it is still important that additional incremental major actions be shaped so as to minimize adverse environmental consequences. It is also important that account be taken of environmental consequences not fully evaluated at the outset of the project or program. The rationale leading to the original decision should be exposed.

**1942 Environmental statement preparation.** An environmental statement is prepared in two stages. A draft environmental statement is the first formal statement for filing with the Council on Environmental Quality and for review and comment by other agencies and the public. A final statement reflects the results of the draft review process and it is also filed with the Council.



The preparation of a draft environmental statement should follow an analysis of alternatives from a multiple-objective viewpoint. The draft statement specifically focuses on the environmental aspects of the alternatives. This should be a useful document for review and comment by other agencies and the public. The statement should clearly describe the analysis process so reviewers may comment specifically. The comments received must then be considered and evaluated in preparation of the final environmental statement.

**1942.1 Basis for environmental statements.** Planning and analysis procedures will provide basic information for environmental statements. New planning and analysis procedures are under development. In the meantime, current procedures for analysis and coordination discussed in various sections of the manual will provide some of the data necessary for environmental statements. Examples of these procedures may be found in FSM 2406, Multiple Use Coordination; FSM 2514 E.D. No. 3, 12/14/70, Environmental Impact Analysis Guides; FSM 2100, Multiple Use; and FSM 3510.

Environmental statements will be documents complete enough to stand on their own. Analysis reports may be incorporated as supporting material to the environmental statement. In some situations analysis reports may be written in the same format as the environmental statement and used as the draft statement.

**1942.2 Contents of an environmental statement.** Forest Service environmental statements shall generally follow the outline following<sup>1</sup> and will include information pertinent to each of the subject headings listed. The headings can be supplemented or rearranged if a clearer presentation results. However, the Act requires that each of the main points be covered.

The following comments are intended to further clarify the intent of the headings in the outline.

**I. Description.** The proposed action or alternative should be clearly described by including enough information and technical data to give readers a clear understanding of the nature of the proposed action. Where relevant, maps, photographs, and other materials may be used, but publication costs and difficulty should be considered. Give the relevant background information on the project including its purpose, the origin of the proposal, the social, economic, or environmental objectives, and the demand or relative urgency of need. If appropriate, describe the location, size, landownership and status, physiography, ecosystems, climate, and other special features.

**II. Environmental impacts.** Identify, analyze, and discuss those social, physical, and biological factors which change as a result of direct or indirect effects of the proposal. Discuss any planned measures to minimize the environmental impacts of the proposal. Both primary and secondary consequences should be considered in the analysis. For example, the implications, if any, of the action on population distribution or concentration should be objectively estimated and an assessment made of the probable effect of such changes in population patterns upon the and uses, water, transportation systems, and other factors. The material in this section should be as objective as possible leaving the value judgments of good or bad for the succeeding sections.

**III. Favorable environmental effects.** Discuss the beneficial aspects of the environ-

mental changes or disturbances by placing some relative value on the impacts described in II above. The basis for such value judgments should be as explicit as possible. Discuss the effects not only with reference to the project area but in relation to any applicable region or ecosystem. Clearly identify the target groups involved and assess the relative differences in values to each group. Favorable environmental effects may be described as any probable beneficial effects that result from the proposed action such as (1) improved air and water quality, (2) improved land use patterns, (3) improved life systems, (4) improved social and economic conditions, and (5) other beneficial environmental effects as set out in section 101(b) of the Act.

**IV. Adverse environmental effects which cannot be avoided.** Identify and discuss the nature and extent of probable adverse effects and explain why they can't be avoided. Such adverse effects may include water, air, sound, or visual pollution; damage to life systems; and threats to human health, or other environmental degradation.

**V. Alternatives to the proposed action.** The intent of this section is to assure that the responsible officer has studied the alternatives based upon a rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects. The alternatives should be described, and the analysis presented, including costs and impacts on the environment. The viable alternatives should not be foreclosed prematurely in the agency review and decision process. Creativity is required in recognizing and developing alternatives. In almost all cases a "no action" alternative should be considered in addition to any substitute action proposal. The range of alternatives to be considered may involve other alternate means to reach the objectives, including alternatives as to location, design, scale, sequence, timing, and combinations.

**VIII. Consultation with others.** In the draft environmental statement list the agencies, groups, and individuals consulted in the preliminary consultation phases and summarize the comments received. Also, list the agencies and groups to whom the draft environmental will be sent.

In the final environmental statement this section will include a discussion of reviews and comments on the draft statement. Comments received from Federal, State, and local agencies, leading national organizations and substantive comments from individuals which influence decisionmaking must be attached to the final statement.

A list and summary of meetings and hearings held should be attached to the final statement.

**1942.3 Summary of statement.** All Forest Service environmental statements will be preceded by a summary sheet.<sup>2</sup>

**1942.4 Letter of transmittal.** Use the following heading for forwarding copies of the statement to Washington:

Subject: USDA (draft/final) environmental statement on title.

To: Hon. Russell E. Train, Chairman, Council on Environmental Quality.

Through: T. C. Byerly, Coordinator of Environmental Quality Activities, USDA.

Leave the signature block blank. The transmittal letters should clearly identify the responsible Forest Service official. A minimum of 30 copies of either draft or final statements and appended material shall be submitted to the Chief.

A copy of the following sample transmittal letter should be attached to each copy of the environmental statement.<sup>3</sup>

**1943 Consultation and review process for Forest Service environmental statements.** The consultation and review process normally will involve six steps as follows:

1. Individual agency and public inputs and preliminary consultation leading to a development of a draft environmental statement.
2. Development of a draft statement.
3. Filing draft statement with Council on Environmental Quality.
4. Review of the draft statement by appropriate agencies and the public.
5. Preparation of final statement.
6. Filing final statement with CEQ.

The following flow chart<sup>4</sup> shows the review points through which environmental statements must pass before a final decision is made. The chart also shows the minimum time required for review.

**1943.1 Preliminary consultation and advice.** For Forest Service proposals, consultation with other appropriate agencies and the public should be obtained at the earliest possible time. Generally, this should be during the analysis phase and before the draft environmental statement is prepared. The approach can be varied to best fit the situation. This preliminary consultation should be documented, but early proposals and analyses should not be titled draft environmental statements.

**1943.2 Draft environmental statement.** The official review period for other agencies and the public begins when the draft environmental statement is transmitted to CEQ. Documents titled "draft environmental statement" should not be sent to other agencies and the public prior to transmission to CEQ.

**1943.21 Forest Service processing.** All draft environmental statements will be processed through the line officers and Deputy Chiefs for transmission through the Department Environmental Coordinator to CEQ. The Deputy Chief for Programs and Legislation will handle the Washington office processing and coordination.

He will:

1. Forward required copies of the draft environmental statement through the Department's Environmental Coordinator to CEQ.

2. Notify the responsible official that he may send the draft statement to appropriate agencies and groups for comment.

**1943.22 Reviews outside the Forest Service.** After notification that the draft environmental statement has been officially transmitted to CEQ, the responsible official should distribute copies to, and solicit comments from, appropriate Federal, State, and local agencies and the public. State and local agencies should be contacted directly and through clearing houses as described in OMB Circular No. A-95 and FSM 1562 (to be written).

Guidelines for determination of appropriate Federal agencies are found in exhibit I. Regions, stations, and area supplements should identify regional, State, and local agencies with jurisdiction, expertise, or interest in the proposed action and should establish review procedures with these agencies.

Draft environmental statements must also be submitted to the Environmental Protection Agency for review and comment by the Administrator in accordance with section

<sup>1</sup> Transmittal letter filed as part of the original document.

<sup>2</sup> Flow chart filed as part of original document.

<sup>1</sup> Outline filed as part of the original document.

<sup>2</sup> Summary sheet filed as part of the original document.



309 of the Clean Air Act, as amended. This review must be made whenever a Federal action is related to air or water quality, noise abatement and control, pesticide regulation, solid waste disposal, radiation criteria and standards, or other provisions of the authority of the Environmental Protection Agency is involved, but all statements should be submitted for their review and comment unless they specifically ask that the statement not be sent to them. For regional actions, statements may be sent to the appropriate Regional Administrator for EPA.

The draft environmental statement can be the basis for news releases, discussion, public meetings, or hearings. The public must be informed about actions having an impact on the environment, and public comments and suggestions will be encouraged.

**1943.3 Final statements.** A final environmental statement is prepared after careful consideration of comments received from other Federal, State, and local agencies and the public on a Forest Service draft statement. The rejection of comments or problems raised in the review process should be explained. Oral consultations with other agencies should also be documented, and copies of all written comments must be attached to the final statement.

Copies of final environmental statements may be sent to those agencies who submitted comments. If appropriate, copies may also be sent to other agencies, groups, or individuals.

The final environmental statement is processed in the same manner as the draft statement.

For environmental statements concerning recommendations or reports on legislative proposals, the final text and comments should be available to the Congress and to the public. When scheduling of congressional hearings does not allow adequate time for completing the final text, a draft environmental statement may be furnished to the Congress and to the public pending transmittal of the final text and comments.

**1943.4 Time periods for review process.** As soon as possible after being notified that the draft environmental statement has been filed with CEQ, the responsible official must make available and distribute copies of the statement for review and comment to other Federal, State, and local agencies with expertise and regulating authority in environmental matters. A time limit for comment of not less than 30 days must be permitted, except that a period of 45 days shall be allowed the Environmental Protection Agency. Longer periods may be specified or extensions may be granted by the responsible official. The draft statement is available to the public and sufficient copies must be produced to meet anticipated demand. Copies of the Statement will be available to the public at the Washington office, the office of the responsible official, and forest, region, area, station offices and other locations as appropriate. If hearings are scheduled for a proposed administrative action requiring an environmental statement, the draft environmental statement should be made available to the public at least 15 days prior to the time of the relevant hearings.

No decision or administrative action should be taken sooner than 90 days after a draft environmental statement has been filed with the CEQ and circulated for comment. Neither should decisions be made or administrative action be taken sooner than 30 days after the final environmental statement is filed with CEQ and made available to the public. This 30-day period and the 90-day period may run concurrently to the extent that they overlap.

In rare cases, emergency circumstances, overriding considerations of expense to the government or impaired program effectiveness, may make it necessary to take an action with significant environmental impact without observing the time provisions. Before taking such proposed action, the Forest Service will consult with CEQ. These consultations will be handled by the Washington Office.

**1944 Forest Service review and comment on other agency statements.** The Forest Service will consult with and comment on proposals for legislation or other major actions initiated by other agencies as requested and/or determined appropriate to do so because of jurisdiction by law or special expertise with respect to the environmental impact involved.

In those cases where another agency's proposal will involve National Forest System land, the Forest Service is obligated to participate in the review of the proposed Federal action because of jurisdiction by law, and by special expertise. Such proposals, unless fully recognized early in the planning stages could result in major Forest Service replanning of the total area involved. The proposed action will require analysis of environmental effects and the effects on social and economic values.

The Forest Service will respond to other agency statements where it has special expertise or legal jurisdiction even though no National Forest System lands are involved.

**1944.1 Responsibility for review—1. Legislative or other major policy, regulations, and national actions.** Unless assigned otherwise by the Chief, the Washington office will review and comment on legislative or other major policy, regulations, or national program proposals.

**2. Other major Federal actions.** The responsible official in whose decisionmaking subject area or jurisdiction the proposal is located will review and prepare comments. To simplify procedures and instructions to other agencies, Regional Foresters will receive all other agency statements. If the action falls in the primary responsibility of S&PF or Research, the Regional Forester will transmit the statement to the appropriate official. Where special expertise is required, the Regional Foresters and Area Directors should consult with Station Directors or Research in the Washington office. It is possible that Station Directors may be contacted directly by a lead agency for review and comments on a proposed action. In such cases, the Station Director should coordinate his reply with the appropriate Regional Forester and/or Area Director. The need to coordinate with the appropriate State agency should be considered.

**1944.2 Coordination.** Agencies requesting review and comment on environmental statements are expected to coordinate review directly with the Forest Service. At the field level, contacts for consultation and environmental statement review are expected to be directly between the responsible official and the lead agency. The following excerpt from the FEDERAL REGISTER\* gives the Federal agencies with jurisdiction by law or special expertise to comment on various types of environmental impacts.

**1944.3 Distribution of comments.** Two copies of the comments will be furnished to the agency that made the request. In addition, 11 copies should be sent to the Deputy Chief (P&L) in the Washington office. Ten of these copies will be furnished to CEQ.

\* Excerpt filed as part of the original document. The list appears in Appendix II of the CEQ Guidelines published at 36 F.R. 7724-7729.

Public requests for copies of the comments generally will be referred to the office which prepared the environmental statement.

#### RURAL ELECTRIFICATION ADMINISTRATION

[REA Bulletin 20-21 (Electric); REA Bulletin 320-21 (Telephone)]

#### NATIONAL ENVIRONMENTAL POLICY ACT

JUNE 17, 1971.

**I. Purpose.** This bulletin provides for the implementation of the National Environmental Policy Act of 1969 (Public Law 91-190) as it relates to the REA program. Implementation of this Act as it relates to budgetary and legislative matters will be carried out as specified by OMB Bulletin 71-3 and by Secretary's Memorandum No. 1695, Supplement 4.

**II. National Environmental Policy Act. A.** The stated purposes of this Act include: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

**B. Section 102(2)(C)** of the Act requires the preparation of a detailed environmental statement in connection with every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, and requires that such environmental statements shall be made available to the President, the Council on Environmental Quality, and to the public, and shall accompany the proposal through agency review processes.

**III. General policy on environmental protection.** In accordance with national policy as stated in the National Environmental Policy Act and elsewhere, the policies, plans, and programs of REA will be conducted so as to meet national environmental goals, in accordance with Executive Orders No. 11507 and 11514, OMB Bulletin No. 71-3, Secretary's Memorandum No. 1695 with Supplements 1 through 5, and the Guidelines of the Council on Environmental Quality.

**IV. Loan contract provisions.** REA includes in all new loan contracts a provision to the effect that the borrower shall observe all applicable Federal and State requirements for the protection of the environment.

**V. Loans and other actions requiring environmental statements.** REA will give consideration to the environmental aspects of all proposed loans and other agency actions. Environmental statements will be required in connection with all loans and all other agency actions which will significantly affect the quality of the human environment. It is recognized that the effect on the human environment is determined in part by the nature of the facilities to be constructed, but the effect may also be influenced by special circumstances peculiar to each situation. The procedures and the requirements specified below are to provide information to REA on the environmental aspects of all loan applications.

**A.** An environmental statement will be required in connection with the consideration of any REA loan for the construction of the following types of facilities and the applicant shall provide REA with the information outlined in section VI of this bulletin.

**1.** Electric generating equipment of more than 25,000 kilowatts capacity (nameplate rating).

**2.** Electric transmission lines and associated equipment designed for, or capable of,



operation at nominal voltage of 230 kilovolts or more.

B. In connection with all applications for loans for facilities other than those described in paragraph A above, the applicant shall provide REA with information on the environmental aspects of the proposed construction. This information may be supplied subsequent to the filing of the loan application, but it must be supplied prior to final action by REA. REA will advise the applicant if a formal environmental statement will be required. This determination will be based on the nature of the facilities to be constructed, considered in conjunction with the local circumstances, which would include any environmental matters which might be highly controversial. Information to be supplied by the applicant to REA shall include the following items:

1. A description of the proposed construction adequate to permit a careful assessment of its environmental impact.

2. A statement as to the extent of any known environmental problems associated with the loan application. If there is any indication of substantial controversy, it should be described in detail. If there is no indication of environmental controversy, this should be specifically stated.

3. Description of any special measures or precautions which are being undertaken to minimize environmental problems.

C. In connection with applications for loans for the construction of electric generation or transmission facilities other than those requiring an environmental analysis as provided in paragraph A above, the applicant shall make known to the public the general nature and extent of the construction program to be financed as the result of the proposed REA loan. The notification shall include the publication of an appropriate notice in a newspaper of general circulation in the county in which the principal office of the applicant is located. This notice shall generally describe the nature and extent of the construction program contemplated as the result of the proposed loan and indicate the availability and location of additional information. It shall invite any comments with respect to the environmental aspects of the proposed construction to be submitted to the applicant within thirty (30) days of publication of the notice. See illustrative form of notice given in exhibit A.<sup>1</sup> The applicant shall give proper consideration to all comments received. A copy of the newspaper advertisement and copies of all comments received thereon should be forwarded to REA, together with the applicant's recommendations. If there were no comments, this should be stated.

For the purposes of this paragraph, transmission facilities are defined as facilities designed for operation at a nominal voltage of 33,000 volts and above. In the case of substations, this applies to the low voltage side of the substation.

D. The foregoing procedures apply primarily to loans. There may occasionally be other agency actions which could significantly affect the quality of the human environment. Comparable procedures may be followed with respect to such actions.

E. If there should be emergency circumstances which make it necessary for REA to take an action with significant environmental impact without observing the provisions of this bulletin concerning minimum periods for agency review and advance availability of environmental statements, REA will consult with the Council on Environmental Quality about alternative arrange-

ments. The Council has provided for such contingencies in its guidelines.

VI. *Submission of environmental analysis.* A. It will be the applicant's responsibility to prepare an environmental analysis when application is made for a loan for which an environmental statement is required. Material in the applicant's environmental analysis may be incorporated in whole or in part into the draft and final environmental statements which will be prepared by REA. The environmental analysis shall discuss the following environmental considerations:

1. A description of the proposed action including information and technical data adequate to permit a careful assessment of environmental impact by commenting agencies. Where relevant, maps should be provided;

2. The impact of the proposed loan on the environment, including impact on ecological systems such as wildlife, fish and marine life;

3. Favorable environmental effects;

4. Any adverse environmental effects which cannot be avoided if the proposed facilities are constructed (water or air pollution, damage to life systems, urban congestion, threats to health or other consequences adverse to environmental goals);

5. Alternatives to the proposed action, including the study, development and description of appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

6. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

7. Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

B. To expedite action on the applications, the applicant should request comments on the proposed construction from all State and local agencies which are authorized to develop and enforce environmental standards, and should attach any comments and views received from such agencies to the environmental analysis. Seventy-five (75) copies of the environmental analysis should be submitted to REA in support of the loan applications.

C. The Guidelines of the Council on Environmental Quality provide that in cases where actions on a project significantly affecting the quality of the human environment are taken by several Federal agencies, one "lead agency" should assume the responsibility for preparing the environmental statement. In some instances, REA borrowers may be involved with such projects. If there should be any uncertainty as to whether REA or some other Federal agency will be the "lead agency" for environmental purposes, the borrower should contact REA for advice.

VII. *Public information on draft environmental statements and on final environmental statements.* REA will publish notices in the FEDERAL REGISTER announcing the availability of draft environmental statements and final environmental statements. Such notices will give a brief description of the nature and location of the proposed facilities, and they will state where copies of the environmental statements will be available for public examination, which will include at REA's offices in Washington, D.C., and at the office of the loan applicant. The notices will state that any comments on the environmental impact of the proposed action must be received by REA within thirty (30) days of the announcement of the availability of draft environmental statements in order to be taken into consideration by REA.

VIII. *Provision for public hearings.* A. Public hearings will be held concerning environmental aspects of a proposed loan for which an environmental statement is required under the provisions of this bulletin in all cases where, in the Administrator's opinion, the need for hearings is indicated in order to adequately bring out the environmental implications of the proposed loan. In cases where hearings are held, notice of the hearings will be published in the FEDERAL REGISTER at least thirty (30) days in advance of the hearings. The draft environmental statement will be made available to the public at least fifteen (15) days in advance of the hearings.

B. All persons desiring to make statements at the hearings will be invited to submit a copy of their proposed statement in writing, but such submission will not be required. The hearings will be informal, and will be confined to the environmental aspects of the proposed loan.

IX. *Requests for comments on draft environmental statement.* A. REA will send copies of the draft environmental statement to various Federal agencies and offices which have jurisdiction by law or special expertise and the appropriate State, regional, and metropolitan clearinghouses requesting comments on the environmental aspects of the proposed action. Comments are to be submitted within thirty (30) days (45 days in the case of the Environmental Protection Agency). The Council on Environmental Quality will also be furnished copies of the draft environmental statement.

B. The final environmental statement will be issued by the Administrator after consideration of all comments received within the time limits, including any comments obtained in connection with a public hearing, if one is held (see section VIII). Copies of all comments and views of the appropriate Federal, State, and local agencies which are authorized to develop and enforce environmental standards and of other interested parties, together with the final environmental statement, will be supplied to the Council on Environmental Quality in the Executive Office of the President and to the appropriate State, regional, and metropolitan clearinghouses. The final environmental statement and the comments received on the draft environmental statement will be available to the public as provided for by the Freedom of Information Law, Public Law 89-487, 5 U.S.C. 552.

X. *Agency action on loan applications requiring environmental statements.* In the case of loan applications requiring environmental statements, the loan will not normally be approved sooner than ninety (90) days after the draft environmental statement has been circulated for comment, furnished to the Council and made available to the public, or sooner than thirty (30) days after the final text of a statement (together with comments on the draft environmental statement) has been made available to the Council and the public. The loan may, however, be approved conditionally with an agreement that no funds will be advanced to the borrower sooner than ninety (90) days after the draft environmental statement has been circulated for comment, furnished to the Council and made available to the public, or sooner than thirty (30) days after the final text of a statement (together with comments on the draft environmental statement) has been made available to the Council and the public.

XI. *Effective date.* This bulletin is effective July 1, 1971. Electric applicants which have submitted loan applications prior to July 1, 1971, and telephone applicants which have submitted supporting data (Supplemental Loan Proposal or Area Coverage Design) prior

<sup>1</sup> Exhibit A filed as part of the original document.



to July 1, 1971, will be advised if additional environmental information will be required in connection with consideration of their loan application. Otherwise, additional environmental information need not be supplied.

DAVID A. HAMIL,  
Administrator.

#### SOIL CONSERVATION SERVICE

[Environment Memorandum-1,  
Supplement 1]

#### ENVIRONMENTAL POLICIES AND PROCEDURES OF SCS

NOVEMBER 15, 1971.

This memorandum sets forth policies, procedures, and general guidelines to be followed by the Soil Conservation Service in complying with the National Environmental Policy Act of 1969 (Public Law 91-190). It replaces Environment Memorandum-1, dated October 1, 1970, and Supplement 1, dated October 7, 1970. Those memorandums and Environment Memorandum-2, dated August 12, 1965, are being reissued without changes in text with new numbers in the environment series.

Congress directs that " \* \* \* to the fullest extent possible: \* \* \* the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act \* \* \*." Secretary's Memorandum No. 1895 with Supplements 1 through 5 and other directives (Executive Orders 11507 and 11514, CEQ Guidelines, OMB Bulletin 72-6, and OMB Circular A-95) have been issued to implement Public Law 91-190. These documents are included as exhibits in the appendix to this memorandum.

The guidelines place special emphasis on: (1) Preparing environmental statements required by section 102(2)(C) of the Act; (2) providing timely information to the public about SCS plans and programs having an environmental effect; and (3) obtaining the views of all interested persons and agencies concerning SCS-assisted projects or programs.

**National environmental policy and goals.** The National Environmental Policy Act of 1969 (Public Law 91-190) declares that it is the policy of the Federal Government, in cooperation with State and local governments and other concerned public and private organizations, to use all practicable means and measures to create and maintain conditions under which man and nature can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations of Americans.

National goals enumerated in the Act are to:

- (1) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (2) Assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;
- (3) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- (4) Preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;
- (5) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- (6) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

<sup>1</sup> Appendix filed as part of original document.

**Response by Federal agencies.** To carry out the declared policy, the agencies of the Federal Government are to interpret and direct, to the fullest extent possible, their policies, plans, and programs to meet the national environmental goals. In support of this objective, the Act requires that a detailed environmental statement be included with every recommendation or report on legislative proposals or other major Federal action significantly affecting the quality of the human environment.

**SCS commitment to environmental improvement.** The National Environmental Policy Act and its requirements for environmental statements reinforces the mission of the Soil Conservation Service. The Service mission is concerned with the environment and all its complex interrelationships. Program activities focus on conserving, developing, and productively using the Nation's soil, water, and related resources within the concept of balanced growth—quantity with quality. Thus, SCS supports national environmental policy, and its objectives are oriented to:

Quality in the natural resource base for sustained use.

Quality in the environment to provide attractive, convenient, and satisfying places to live, work, and play.

Quality in family standards of living based on community improvement, economic opportunity, wholesome leisure, and cultural and educational opportunities.

SCS will place additional emphasis on compatible patterns of resource use, development, and management in accord with quality standards. The goal is to help meet man's requirements for goods and services while the natural environment is maintained in a quality condition.

**Environmental policy of SCS.** It is SCS policy to assist public and private institutions, organizations and individuals in improving the quality of man's environment. Assistance will be provided to help people consider all appropriate alternatives and the foreseeable long- as well as short-range effects of each and make sound decisions that (1) improve the quality of the environment; (2) prevent or minimize adverse effects on the environment; and (3) correct or reduce damage to the environment.

In providing technical assistance, it is SCS policy to use a systematic interdisciplinary approach. This approach takes account of social, economic, and biological as well as physical and other technical factors that affect the environment. SCS resources are to be used in ways that contribute fully to the prudent use of natural resources and the improvement of the environment.

#### POLICY GUIDELINES FOR PREPARING AND REVIEWING ENVIRONMENTAL STATEMENTS

Detailed statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment are required by section 102 (2)(C) of Public Law 91-190.

Under the category of legislation are included substantive legislative proposals originating within the Department, substantive bills referred to USDA for comment, and appropriation legislation.

The term "major Federal actions" relating to Soil Conservation Service activities includes technical and financial assistance on watershed projects and resource conservation and development project measures (except for routine erosion and sediment control measures). It also includes measures installed on private lands under any SCS program for which the measures are, in the judgment of the State conservationist, likely to have a significant impact on the environment or may result in public interest and possible controversy.

General effects of all going programs and activities are to be described in environmental statements prepared in connection with annual appropriation legislation.

**Consultation with other agencies.** As early as possible, and in all cases prior to decision to take action, SCS, in consultation with other Federal, State, and local agencies is to assess in detail the potential environmental impact of the proposed action to insure that adverse effects are avoided and that environmental quality is restored or improved. Alternative actions that will minimize adverse impact should be explored and both the long- and short-range implications to man, his physical and social surroundings, and to nature should be evaluated in order to avoid, to the fullest extent practicable, undesirable consequences to the environment. Federal agencies with jurisdiction by law or special expertise with respect to possible environmental impact should be consulted prior to preparation of a draft environmental statement. A list of Federal agencies and the various types of environmental matters on which they should be consulted is given in exhibit C of the appendix.

**Content of environmental statements.** Environmental statements are to be prepared as separate documents and contain enough detail to stand on their own. The format to be used for such statements is illustrated in exhibit E, supplement 4, of the appendix. The body of the statement is to include (1) the environmental impact of the proposed action, (2) favorable environmental effects, (3) adverse environmental effects which cannot be avoided, (4) alternatives to the proposed action, (5) relationship between local short-term uses of man's environment and the maintenance of long-term productivity, and (6) irreversible or irretrievable commitment of resources. In addition, where appropriate, the text of the statement should contain a discussion of environmental issues raised by other Federal agencies and State and local entities in the review process and in the resolving and disposing of the issues. In addition to the environmental effects of an action, the statements will include information on the effect on the economy, including employment, unemployment and other economic impacts. Environment Memorandum-6, dated September 9, 1971, provides detailed guidance. A one-page summary sheet should be prepared to accompany each draft and final environmental statement. The format for the summary is described in exhibit C of the appendix.

**Environmental statements for project-type program actions.** Environmental statements are required for plans for which the watershed work plan agreement or R.C. & D. project measures agreement was signed after January 1, 1970.

(1) **Watershed activities.** (a) Public Law 565 watershed work plans.

(b) Public Law 534 subwatershed work plans in the authorized flood prevention watersheds.

(c) Watershed or subwatershed work plan revisions or supplements involving significant change in purpose or scope, as defined in paragraphs 114.01311 or 114.01312 of Part 1, Watershed Protection Handbook.

(d) Watershed and subwatershed work plan revisions or supplements that show change in major features, without a change in scope or purpose, having a significant effect on the environment.

(2) **R.C. & D. activities.** (a) Individual project measures that may significantly affect the quality of the environment.

(b) Individual project measure revisions or supplements that may significantly affect the quality of the environment.

R.C. & D. project plans include a variety of project measure proposals for further investigation and evaluation. The preparation



of a meaningful environmental statement for a project plan would require recognition of each of the individual project measure proposals, the future installation of which would be considered as a major Federal action. These statements can best be prepared when more complete plans are made for implementing a project measure. Thus, environmental statements are not to be prepared for R.C. & D. project plans, project plan revisions, or project plan supplements.

Detailed procedures relating to developing and processing environmental statements for project-type activities are included in memorandums, handbooks, and other SCS releases. A flow chart illustrating the preparation, review, and processing of a typical Public Law 565 project environmental statement is included in exhibit G of the appendix.

A principal objective of Public Law 91-190 is to insure that all programs of the Federal Government be administered so as to safeguard the environment. Section 102(2)(C) procedure is to be applied to those major Federal actions having a significant effect on the environment even though stemming from projects initiated prior to enactment of the Act on January 1, 1970. Major Federal actions in these older projects are to be handled on a case-by-case basis.

**Environmental statements for nonproject-type SCS program actions.** Some nonproject-type measures installed under any SCS program may need to be considered as "major Federal actions" requiring the preparation of an environmental statement. State conservationists are to determine whether the installation of each such measure is likely to have a significant effect on the environment or result in public interest and possible controversy. A positive finding requires preparation of an environmental statement.

**Environmental statements for recommendations or reports on legislation.** When designated to prepare a legislative proposal or a favorable report on a bill referred to the Department, the Soil Conservation Service, at the Washington level, is responsible for developing the environmental statement to accompany the proposal or report. SCS is not to prepare an environmental statement when another Federal department or agency is the "lead agency" or when the Department takes an unfavorable position.

It will not be necessary for SCS to obtain the views of State and local agencies on SCS legislative proposals or bills referred to SCS by the Department for handling. Such State and local agencies will have the opportunity to submit their comments and views during other stages of the legislative process.

Consultation with appropriate Federal departments and agencies, including USDA agencies, having jurisdiction by law or special expertise prior to preparation of environmental statements will be reported in those statements.

The draft environmental statement and the comments (when applicable) are to accompany legislative proposals and reports when these are sent to the Office of Management and Budget for clearance. At the same time, 10 copies of this material are to be furnished directly by the Department to the Council on Environmental Quality for its information and use. As part of the normal clearance process, OMB will circulate the proposed statements along with the proposals or reports to appropriate Federal agencies and will consult with CEQ.

After any differences with other agencies over the legislative proposal or report have been resolved and after the legislative proposal or report has been cleared by OMB, SCS, as the lead agencies, is to put the environmental statement in final form (including such comments and views of appropriate Federal, State, and local agencies as are

pertinent). The final statement and comments are to accompany the proposal or report to the Congress as supporting material. Ten copies of this final material will be furnished by the Department directly to CEQ. The final text of the environmental statement should be available to the Congress and the public in advance of any relevant congressional hearings. Under no circumstances are environmental statements relating to legislation to be made available to the public until the legislation has been forwarded to the Congress.

A flow chart showing the steps in processing an environmental statement relating to legislation is contained in exhibit G of the appendix to this memorandum.

**Environmental statements for reports on legislation of an appropriation nature.** As required by Secretary's Memorandum 1695, Supplement 4, and OMB Bulletin 72-6, SCS at the Washington level is to prepare a summary exhibit explaining the environmental impact expected from those activities and programs for which funding is requested in the annual budget. Where it is not possible to identify whether 102(2)(C) statements will be required, a narrative statement concerning the general environmental impact of the program and an indication of when a 102(2)(C) statement may be needed will be attached to the summary exhibit.

The special summary exhibit will identify projects and activities that are subject to section 102(2)(C) statements and indicating the status of the statement required for each such action, project, or activity (see exhibit D of the appendix).

Upon approval of agency budget estimates, SCS is to revise summary exhibits to reflect final budgetary decisions. Upon submission of the President's budget to the Congress, SCS is to submit 10 copies of these exhibits directly to CEQ.

**Environmental exhibits relating to the budget** will be available to the public in accordance with the established procedures and regulations on release of budgetary information.

A flow chart illustrating the procedure in processing environmental statements relating to budgetary matters is included in exhibit G of the appendix.

**SCS review of draft environmental statements prepared by other agencies—Water resource development projects.** At the Washington level, draft environmental statements concerning proposed water resource development projects of other agencies submitted to the Department of Agriculture for review and comment are to be referred to the Deputy Administrator for Watersheds.

**Actions other than water resource development projects.** At the Washington level, draft environmental statements prepared by other Federal departments and agencies, including USDA agencies, relating to actions other than water resource development projects, are to be referred by the Administrator to the appropriate Deputy Administrator.

All incoming statements will be screened in Washington and those having national, regional, or major impact or involving other USDA agencies will continue to be processed by the Washington office. Draft environmental impact statements for some proposed projects or undertakings, e.g., highways, airports, and transmission lines, will be forwarded to the appropriate state conservationist for action, since the full appreciation of these improvements can best be determined within the State.

State conservationists will review and prepare comments on behalf of the Service on those environmental impact statements prepared by other agencies which have been referred to the State by a Deputy Administrator. Statements that involve activities in more than one State will be forwarded to the

State conservationist having primary concern and he will be responsible for preparing a coordinated reply after consultation with the other State conservationist(s) involved.

The comments should reflect consideration of the effects of the proposed project or undertaking on agricultural production, farm or ranch operations, soil erosion, land use, water supply, sedimentation, drainage patterns and measures, agricultural pollution, etc. Reviews must be objective and the reply must be constructive and presented in a helpful manner. Since most requests for comments carry deadline dates, the reviews must be accomplished promptly.

Appendix, exhibit H, is a sample letter for submitting comments to the agency or organization responsible for the draft statement. The opening and closing paragraphs shall be used on all letters.

**Review of other agency referrals at the field level.** At the field level, draft environmental statements prepared by other agencies, including USDA agencies, may be received by SCS State conservationists for review and comment. In responding to such request, SCS comments are to be limited to the SCS viewpoint and are not to attempt to reflect the USDA position.

If two or more States are involved in a referral, the respective State conservationists should jointly determine the course of action so that the SCS position reflects one viewpoint.

State conservationists may request assistance from their RTSC directors or the Washington office. A copy of all replies to requests for comments on environmental statements originating in the field is to be sent to the Administrator, together with a copy of the statement.

An environmental statement for an action that if carried out may have a potentially controversial impact is to be sent to the SCS Administrator for review before a State conservationist returns it to the originating agency. If a State conservationist is in doubt about the controversial aspects, he is to send it to the Administrator for review.

#### GUIDELINES FOR PROVIDING TIMELY INFORMATION TO THE PUBLIC

A major objective of the National Environmental Policy Act is to insure that the general public is informed about various Federal and federally assisted programs that relate to man's environment. Procedures for carrying out the provisions of the Act should offer all interested citizens and groups the opportunity to have a voice in decision making for environmental protection and improvement consistent with economic, social, and cultural needs of all the people.

Consistent with the requirements set forth in Executive Order 11514 (Exhibit B) and Secretary's Memorandum No. 1695, Supplement 5 (Exhibit E), SCS will use appropriate procedures (1) " \* \* \* to insure the fullest practicable provision of timely information and understanding of Federal (USDA) (and SCS) plans and programs with environmental impact in order to obtain the views of interested parties," and (2) to provide relevant " \* \* \* information on alternative courses of action " \* \* \*"

**Procedures.** General procedures for disseminating information about the environmental effects of USDA activities are outlined in exhibit E, supplement 5, of the appendix. It is important that, in keeping the public informed, SCS fully use whatever methods described in exhibit E which may be necessary to acquaint all interested and concerned people about the environmental effects of project or other actions taken. The number of described methods used will vary with the nature of the action and the



geographic area directly or indirectly affected by it.

In instances where public hearings, formal or informal, are involved in keeping the public informed, each State conservationist is responsible for arranging for appropriate SCS representation at such hearings. In doing so, the leadership for conducting such hearings generally should be by the legal project sponsors or other cooperating bodies. If it is necessary that SCS conduct the hearings, State conservationists are to contact the Washington office for appropriate direction. State conservationists may also wish to consult with the Washington office in connection with other proposed hearings.

State conservationists are also authorized to represent the Service at formal or informal public hearings concerning the environmental consequences of proposals in their respective States. When such hearings are formal in nature, the State conservationist will submit a written report of such a meeting to the Administrator.

**Compliance with Freedom of Information Act.** For any environmental statement it prepares SCS is responsible for insuring that statements and the comments received thereon are made available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. sec. 552).

To meet this requirement, SCS is to maintain at the Washington, State, and appropriate field office levels, copies of the draft and final texts of environmental statements and comments thereon which will be available for public release or examination. Copies will also be made available to the appropriate State, regional, and/or metropolitan clearinghouses.

If any Federal action to be taken seems to be of sufficiently wide interest as to justify publication in the FEDERAL REGISTER, the proposal for consideration of such publication is to be forwarded by the State conservationist to the Administrator for decision. Such proposals should contain enough background information for use in justifying publication. The Administrator's office will make final arrangements for all submissions for publication in the FEDERAL REGISTER.

W. B. DAVEY,  
Acting Administrator.

THE APPALACHIAN REGIONAL COMMISSION  
WASHINGTON, D.C. 20235

Hon. RUSSELL E. TRAIN, Chairman,  
Council on Environmental Quality,  
722 Jackson Place NW., Washington, D.C.  
20006.

JUNE 7, 1971.

DEAR MR. TRAIN: This is to request your concurrence in the manner in which the Appalachian Regional Commission wishes to evaluate environmental impact reviews on federally-aided projects in Appalachia under the Council's guidelines of January 22, 1971.

In this Commission's original memorandum to the Council dated June 1, 1970, we described the basic role of the Commission in approving and funding specific projects. The Commission decides what expenditures should be made for specific purposes consistent with an approved State plan for Appalachian investments. The administrative responsibility for implementing projects is delegated to the appropriate basic Federal agency.

The Commission has established a review process for each project in conjunction with the basic Federal agency which assures that each application considered and approved by the Commission meets all of the technical requirements specified by the Federal agency concerned. In this way, the Commission protects itself from approving specific projects which would not meet the various

eligibility requirements under ongoing Federal programs.

Under the January 22, 1971 guidelines for environmental impact reviews, the Commission receives reviews on all federally-assisted projects in the region. Because of the Federal-State nature of this Commission, we evaluate environmental reviews with the State involved. Our initial experience with the guidelines indicates that in most instances the Commission must rely on State and local assessments since the effects of individual projects are highly localized in most cases.

In order to both simplify and expedite the review process, the Commission at its May meeting agreed that our State and local clearinghouse reviews should suffice for our environmental impact statement purposes except in those instances in which a project will have a major regional impact. In consequence, the Federal agencies should expect comments from this Commission only on projects in this category. In instances where the impacts are localized, no comment from this Commission within the requested period would mean that the State and local clearinghouse reviews have sufficed. In all other respects the Commission would adhere to the guidelines for environmental impact reviews.

If you concur in this procedure, the Commission will indicate your position, in addition to its own, to the appropriate affected agencies for their information.

I will look forward to hearing from you.

Sincerely,

DONALD W. WHITEHEAD,  
Federal Cochairman.

CANAL ZONE GOVERNMENT

BALBOA HEIGHTS, CANAL ZONE

MR. RUSSELL E. TRAIN,  
Chairman, The Council on Environmental  
Quality,  
Attention: General Counsel, Washington,  
D.C. 20240.

JULY 12, 1971.

DEAR MR. TRAIN: Pursuant to the guidelines of the Council on Environmental Quality published in the FEDERAL REGISTER, Volume 36, No. 79, on Friday, April 23, 1971, I have updated the procedure which the Panama Canal Company and the Canal Zone Government will follow to comply with the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 and section 309 of the Clean Air Act as amended. The committee on environmental quality, which we have established with authority to act for both Canal Zone agencies, will continue to process all actions required of the Company/Government by these two acts. The committee is headed by the Lieutenant Governor of the Canal Zone who is also vice president of the Panama Canal Company. Other members of the committee are the chief, executive planning staff, the director of the engineering and construction bureau, the director of the health bureau and the general counsel. In accordance with the revised guidelines of the Council, the committee, subject to its advice and guidance, is authorized and will proceed to take the following steps relative to recommendations and reports on legislation and any activity of the canal agencies that has a potential for affecting the quality of human environment:

(a) Identification of proposed actions for which environmental statements will be prepared.

(b) Identification of recommended legislation, regulations, or policy related to matters in the area of authority of the Administrator of the Environmental Protection Agency (EPA), which require review and comments by the Administrator.

(c) Gathering information and technical data and describing the proposed actions which require environmental statements.

(d) Meeting the time requirements for interagency consultations, for dissemination of information to the public and for review by the Council on Environmental Quality of environmental statements, both draft and final copies, and comments received regarding these statements.

(e) Maintaining contact, through appropriate diplomatic channels, with counterpart officials in the Republic of Panama to seek cooperative action on any problems that have a common geographic source.

In view of the geographical location and size of the Canal Zone and the absence of agricultural or industrial activity that could adversely affect the natural conditions prevailing here, I anticipate no difficulty in achieving full compliance with the National Environmental Policy Act of 1969 or with section 309 of the Clean Air Act, as amended, and any regulation issued thereunder.

Sincerely yours,

DAVID S. PARKER,  
Governor of the Canal Zone,  
President, Panama Canal Company.

DEPARTMENT OF HEALTH, EDUCATION, AND  
WELFARE

[Chapter 20-15]

PREPARATION AND REVIEW OF ENVIRONMENTAL  
IMPACT STATEMENTS UNDER THE NATIONAL  
ENVIRONMENTAL POLICY ACT OF 1969 (PUBLIC  
LAW 91-190)

- 20-15-00 Purpose.
- 20-15-10 Applicable law.
- 20-15-20 General applicability.
- 20-15-30 Responsibilities.
- 20-15-40 Major actions significantly affecting the quality of the human environment.
- 20-15-50 Content of environmental impact statement.
- 20-15-60 HEW requests for consultations with and comments from other agencies.
- 20-15-70 Requests to HEW for consultation and comments from other agencies.
- 20-15-80 Availability of environmental impact statements to public.
- 20-15-90 Existing projects and programs.

20-15-00 Purpose. This chapter establishes procedures to be followed in meeting the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190, 42 U.S.C. § 4321-4347, hereinafter referred to as "the Act") for the preparation and review of environmental impact statements and the procedures to be followed in commenting on the environmental impact statements of other departments and agencies. These procedures implement the guidelines of the Council on Environmental Quality (CEQ) entitled "Statements on Proposed Federal Actions Affecting the Environment" (hereinafter referred to as the "CEQ guidelines") (exhibit X20-15-1) (36 F.R. 7724-7729).

20-15-10 Applicable law. Section 102 of the Act provides, in pertinent part:

Sec. 102. The Congress authorizes and directs that, to the fullest extent possible:

• • • (2) all agencies of the Federal Government shall—

(A) Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and

<sup>1</sup> Exhibit X20-15-1 filed as part of the original document.



in decisionmaking which may have an impact on man's environment;

(C) Include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

- (i) The environmental impact of the proposed action;
- (ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented;
- (iii) Alternatives to the proposed action;
- (iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and
- (v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes; \* \* \*

20-15-20 *General applicability.* A. The procedures set forth in this chapter are to be followed by all constituent units of the Department and are applicable to the areas listed below. A listing of those programs for which environmental impact statements may usually be required and those programs for which environmental impact statements may not be required are provided at Exhibit X20-15-2.\*

1. Recommendations or favorable reports relating to legislation (including that for appropriations), including both Department-sponsored legislation and that initiated elsewhere. (In the latter case, only the agency which has primary responsibility for the subject matter involved will prepare an environmental impact statement.)

2. Projects and continuing activities:

- a. Directly undertaken by the Department or any agency thereof;

- b. Supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance;

- c. Involving a Federal lease, permit, license, certificate or other entitlement for use.

3. Policy, regulations, and procedure-making that significantly affect the quality of the human environment.

B. Assistant Secretaries and Agency Heads should examine existing instructions and procedures and make necessary revisions to comply with the provisions of these procedures and the CEQ guidelines. The CEQ guidelines and any supplements thereto should be followed except as modified by these procedures.

20-15-30 *Responsibilities.* A. The Assistant Secretary for Health and Scientific Affairs has the following responsibilities under this chapter:

1. Serves as the responsible official of the Department to receive, coordinate, and arrange for the preparation of comments on

environmental impact statements submitted by other Federal agencies pertaining to environmental impacts of legislation, policy statements, program regulations and procedures, and precedent-making project decisions. In carrying out this responsibility, he will utilize, to the maximum extent feasible, Regional Directors\* and Agency Heads for preparation of such comments.

2. Serves as the responsible official of the Department in those instances in which the Department is responsible for preparation of environmental impact statements on recommendations or favorable reports relating to legislation, including that for appropriations. In carrying out this responsibility, he will insure maximum participation of Agency Heads and the Office of General Counsel.

3. Serves as the responsible official of the Department for the preparation of the Department's comments on environmental impact statements submitted by State and local governments pertaining to environmental impacts on legislation, policy statements, program regulations and procedures, and precedent-making project decisions. In carrying out this responsibility, he will utilize, to the maximum extent feasible, Regional Directors,\* and Agency Heads for preparation of such comments.

4. Assists Regional Directors in preparing guidelines and procedures so that they can prepare environmental impact statements for HEW projects (both direct and federally assisted) situated in the region and prepare comments on environmental impact statements submitted by Federal, State or local agencies.

5. Serves as liaison official of the Department with the Council on Environmental Quality (CEQ) and is the official responsible for submission of both draft and final environmental impact statements to CEQ pursuant to section 10 of the CEQ Guidelines.

B. The Regional Director\* has the following responsibilities under this chapter:

1. Subject to the general supervision of the Assistant Secretary for Health and Scientific Affairs, and with the approval of the appropriate Agency Head, prepares environmental impact statements for HEW projects (both direct and federally assisted) situated in the region. In carrying out this responsibility, the Regional Director will establish, subject to the approval of the Assistant Secretary for Health and Scientific Affairs, guidelines and procedures to be followed in the Regional Office for preparation of such environmental impact statements.

2. As requested by the Assistant Secretary for Health and Scientific Affairs, assists in the preparation of the Department's comments on environmental impact statements submitted by other Federal, State and local governments.

3. Subject to the approval of the Assistant Secretary for Health and Scientific Affairs, develops procedures to insure that the requirements of OMB Circular A-95 (Revised 2-9-71), are made in an integral part of the process of both the preparation of HEW environmental impact statements and the review of environmental impact statements submitted to the Department by other agencies.

C. The Director, Facilities Engineering and Construction Agency (FECA), has the following responsibilities under this chapter:

1. Assists the Assistant Secretary for Health and Scientific Affairs to develop procedures to insure maximum participation of FECA staff (both central and regional

office) in the process of preparing HEW environmental impact statements and in commenting on environmental impact statements submitted by other agencies.

2. Provides technical assistance, with respect to both direct and federally assisted construction projects, to the Assistant Secretary for Health and Scientific Affairs, Agency Heads, and Regional Directors, in the preparation of HEW environmental impact statements and in the preparation of the Department's comments on environmental impact statements submitted by other agencies.

D. Each Agency Head has the following responsibilities under this chapter:

1. Subject to the approval of the Assistant Secretary for Health and Scientific Affairs, establishes guidelines and procedures for agency staff designating functions and duties relating to preparation of HEW environmental impact statements concerning programs, legislative proposals, policies, regulations, and relating to preparation of comments on environmental impact statements submitted by other agencies.

2. Provides technical assistance to any department official responsible for preparation of an environmental impact statement relating to an HEW project, legislative proposal, policy, regulation, or comment on an environmental impact statement submitted.

3. Due to the separate regional organization and regulatory functions of the Food and Drug Administration, the Commissioner of Food and Drugs prepares environmental impact statements for FDA projects and continuing activities in addition to the responsibilities of subsections D.1. and D.2. of this section.

20-15-40 *Major actions significantly affecting the quality of the human environment.* Section 5(b) of the CEQ guidelines states that the statutory clause "major Federal actions significantly affecting the quality of the human environment" is " \* \* \* to be construed by agencies with a view to the overall, cumulative impact of the action proposed (and of further actions contemplated)." Such actions may be localized in their impact, but if there is potential that the environment may be significantly affected, the statement is to be prepared. Proposed actions, the environmental impact of which is likely to be controversial, should be covered in all cases. In considering what constitutes major action significantly affecting the environment, agencies should bear in mind that the effect of many Federal decisions about a project or complex of projects can be individually limited but cumulatively considerable." A listing of those projects which may require an environmental impact statement and those projects which may not require an environmental impact statement are provided at Exhibit X20-15-2.

A. *Actions requiring environmental impact statements.* 1. A major source of HEW environmental impact statements will be from HEW construction projects (both direct and federally assisted). The major determinant as to whether an environmental impact statement is required is the significance of the facilities potential effect on the site and on the community, including compatibility of the proposed facility and its use with the site and its environment (aesthetically, from the standpoint of rational land use, etc.) and the facility's pollution potential. The dollar and physical size of the project should not be the sole criteria for determining whether an environmental impact statement is required, although cost and size may well be significant. The following factors also should be considered:

- a. The relationship of the project to other projects, such as whether the project is part of a larger complex or long-range project

\* Exhibit X20-15-2 filed as part of the original document.

\* As used in this chapter, the term "Regional Director" refers to the Director of the Departmental Regional Office.



which is likely to be followed by other facilities in subsequent years.

b. The likelihood that associated or related facilities will have to be built near the project (e.g., such as schools near a hospital).

c. The effect the project will have on existing utility services such as water supply, sewage disposal, etc.

d. The effect the project will have on traffic patterns and the public health consequences which may result from rerouting traffic or changing road patterns.

e. The impact which the project may have on ecological system, such as wildlife, fish, and marine life.

f. The amount of effluents to be released to the atmosphere and their effect on the atmosphere.

g. Any increase in noise levels which can be anticipated as a result of the project.

h. The effect the project will have on residences and commercial businesses in the area, including the number of people who might have to be relocated and problems likely to occur as a result of such relocation.

i. Any adverse environmental effects which cannot be avoided (such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, threat to health or other adverse consequences).

j. The impact the project will have on vector control.

k. The environmental impact on recreation facilities, such as comfort stations, camp grounds, recreation waters and the like.

2. *Legislative proposals.* An environmental impact statement must accompany any legislative proposal significantly affecting the quality of the environment unless it proposes an environmental protection or enhancement activity free of collateral effects which, in any significant measure, may adversely affect the environment. At the time specifications for legislative proposals are developed, consideration should be given to whether the proposal would significantly affect the quality of the environment. A draft environmental impact statement will be forwarded with the specifications unless the official preparing such specifications concludes that the proposal would not significantly affect the quality of the environment, in which case a statement of that conclusion and the reasons therefor nevertheless accompany the specifications.

As a general rule, the program official preparing specifications will prepare the draft environmental impact statement; in instances where specifications are determined by the Office of the Secretary or by agencies outside the Department, the Assistant Secretary for Health and Scientific Affairs will designate the official responsible for preparation of the environmental impact statement.

3. Each Agency Head should take appropriate steps to insure that adequate consideration of environmental factors is an integral part of the agency process of promulgating policy, regulations, and procedure-making activities. Agency Heads should encourage their staffs to seek the advice of and to consult with the Assistant Secretary for Health and Scientific Affairs and such officials as he may designate to provide guidance on environmental policy considerations.

B. *Actions not requiring environmental impact statements.* There may be departmental projects and continuing activities which do not require the issuance of an environmental impact statement. In case of doubt whether the significance of the action requires an environmental impact statement, the official responsible for preparation of the statement should consult with the Assistant Secretary for Health and Scientific Affairs.

20-15-50 *Content of environmental impact statement.* A. The environmental impact statement should discuss in detail the points

covered in section 6 of the CEQ guidelines and should follow the format illustrated in Appendix 1 of the CEQ guidelines.

B. The environmental impact statement should be written in a narrative form. Each item should be discussed in sufficient detail to permit a reviewer to arrive at an independent judgment regarding the various environmental considerations. Emphasis should be placed on the cumulative or synergistic effect of the proposal or project on the environment. Assertions made in the statement should be supported by appropriate bibliography, when appropriate. If environmental standards applicable to the proposal or project have been promulgated, the statement should identify the measures to be taken to assure compliance with such standards. In instances where Federal or State standards vary, the most severe standard should be used. If there are applicable local standards, due consideration should be given to such standards.

2015-60 *HEW requests for consultations with and comments from other agencies.* A. Prior to finalization of the draft environmental impact statement and in accordance with the provision of OMB Circular A-95 Revised, the official responsible for preparation of an HEW environmental impact statement should consult with Federal, State and local agencies (including HEW components) having expertise or jurisdiction with respect to the potential environmental impact of a proposed action. Any official who is not certain as to what agency or agencies (whether within or without of HEW) are to be consulted, should request assistance from the Assistant Secretary for Health and Scientific Affairs.

B. Sections 7 and 9 of the CEQ guidelines contain provisions requiring that draft environmental impact statements be circulated to Federal, State and local agencies for comment. The Assistant Secretary for Health and Scientific Affairs is responsible for formal distribution of draft environmental impact statements to other agencies for comment and to the Council on Environmental Quality. In the preparation of the final environmental impact statement, all comments will be discussed and a final disposition action for each comment provided.

C. As a general rule, requests from this Department to outside agencies for comments on HEW draft environmental impact statements should permit such agency or agencies not less than 30 days for reply, after which it may be presumed, unless the agency consulted requests a specified extension of time, that the agency consulted has no comments to make.

20-15-70 *Requests to HEW for consultation and comments from other agencies.* A. Section 7 of the CEQ guidelines specifies the Department as a Federal agency to be consulted in connection with the preparation of environmental impact statements by other Federal agencies. Prior to formal submission of a draft environmental impact statement for comment, other Federal, State, or local agencies may request consultation with various HEW components, either formally or informally. Agency heads and regional directors and their staff shall respond directly to those consultation requests in the most expeditious manner possible. The Assistant Secretary for Health and Scientific Affairs is designated in Appendix 2 of the CEQ guidelines as the HEW official to whom requests for departmental comments on draft environmental impact statements are to be directed. He will direct, in his discretion, agency heads, regional directors, or program officials, to prepare HEW comments on environmental impact statements submitted by other agencies for review.

B. If an office to whom the Assistant Secretary for Health and Scientific Affairs has referred an environmental impact statement for comment cannot perform the necessary review in the time specified by the Assistant Secretary in his referral, the office should promptly notify the Assistant Secretary in writing specifying how much additional time will be required and, in brief, the reasons for such extension. The Assistant Secretary will notify the agency requesting comments and request an appropriate extension of time.

C. The Department frequently is requested to comment on legislative proposals not initiated in the Department. Such legislative proposals normally are routed to the legislation division of the Office of General Counsel. That Office, as part of its normal operating procedures, will include appropriate language in requests to HEW agencies for comment on legislative proposals to insure that the office given responsibility for preparing comments on the proposal will also consider the environmental factors as required by the Act. In instances where the official preparing the comments determines that an environmental impact statement is necessary, he shall prepare comments on the environmental impact of the legislative proposal and attach them to the comments on the proposals. The legislation division of the Office of General Counsel will insure that the comments are transmitted to the Office of Management and Budget with the Department's report on the bill.

20-15-80 *Availability of environmental impact statements to public.* A. Any environmental impact statement prepared by this Department, the comments received therefor and disposition of such comments, are to be made available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552) without regard to the exclusion of interagency memoranda when such memoranda transmit comments of Federal agencies listed in section 7 of the CEQ guidelines.

The public will be able to purchase complete statements from the National Technical Information Service.

B. CEQ guidelines require:

1. Draft environmental impact statement be made public at least 90 days before a proposed action.

2. Disclose of other agencies' comments when received.

3. Issue final statement taking into account agency and public comment at least 30 days before acting.

C. The procedures of section 10 of the CEQ guidelines should be followed. In addition, the requirements of section 2(b) of Executive Order 11514<sup>4</sup> will be met.

In addition to the provisions of section 8 of the CEQ guidelines, the public will be kept informed through all measures ordinarily available for this purpose such as press releases, interviews, and speeches. These measures may include when appropriate at

<sup>4</sup> "Develop procedures to insure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, provision for public hearings, and shall provide the public with relevant information, including information on alternative courses of action. Federal agencies shall also encourage State and local agencies to adopt similar procedures for informing the public concerning their activities affecting the quality of the environment."



least two public hearings when there is marked environmental impact. One hearing will be made when the draft environmental impact statement is sent out from the Department and the second one will be when the decision is made to go forward with the proposal. These hearings will be open, well publicized, and will afford all interested viewpoints an opportunity to be considered. Alternatives to the proposed action will be a part of the public record.

20-15-90 Existing projects and programs. To the maximum extent practicable the section 102(a)(C) procedure should be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of the Act on January 1, 1970. Accordingly, separable increments of projects or programs initiated before January 1, 1970, and individual projects under such programs are covered by section 20-15-40 of these procedures if they constitute major actions significantly affecting the quality of the human environment.

#### DEPARTMENT OF TRANSPORTATION

##### OFFICE OF THE SECRETARY

[DOT 5610.1A]

#### PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS

OCTOBER 4, 1971.

1. Purpose.
2. Cancellation.
3. Scope.
4. Background and authority.
5. Applicability.
6. Definitional guidelines.
7. Implementing instructions.
8. Preparation and processing of section 102(2)(C) statements.
9. Preparation and processing of statements under section 4(f) of the DOT Act, sections 16(c)(3), 16(c)(4), 16(d), and 16(e) of the Airport Act, section 106 of the Historic Preservation Act, and section 14 of the Mass Transportation Act.
10. Decisions reserved to the Secretary.
11. Announcement of Decisions.

Attachment 1—Definitional guidelines.  
Attachment 2—Federal agencies with jurisdiction by law or special expertise to comment on various types of environmental impact.<sup>2</sup>

Attachment 3—Summary sheet for environmental statements.<sup>3</sup>

1. Purpose. This order establishes procedures for preparation of detailed environmental impact statements which serve, where required, as the single vehicle for all environmental findings, determinations, and clearances on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment.

2. Cancellation. DOT 5610.1, Implementation of section 102(2)(C) of the National Environmental Policy Act of 1969, section 4(f) of the DOT Act, and portions of section 16 of the Airport and Airways Development Act of 1970, of 10/7/70.

3. Scope. This order provides instructions for implementation, where environmental impact statements are required, of section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190) (hereafter "the NEP Act"), section 4(f) of the Department of Transportation Act of 1966 (Public Law 89-670) (hereafter "the DOT Act"), sections 16(c)(4), 16(d), and 16(e) of the Airport and Airways Development Act of 1970 (Public Law 91-258) (hereafter "the Airport Act"), section 309 of the Clean Air Act of 1970 (Public Law 91-604) (hereafter "the Clean Air Act"), section 14 of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1601 et seq.) (hereafter "the Mass Transportation Act"), and section 106 of the National Historic Preservation Act of 1966 (Public Law 89-665) (hereafter "the Historic Preservation Act").

4. Background and authority—a. The National Environmental Policy Act of 1969 establishes a broad national policy to promote efforts to improve the relationship between man and his environment, and provides for the creation of a Council on Environmental Quality (CEQ). The NEP Act sets out certain policies and goals concerning the environment, and requires that, to the fullest extent possible, the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with those policies and goals.

b. Section 102(2)(C) of the NEP Act is designed to insure that environmental considerations are given careful attention and appropriate weight in all decisions of the Federal Government. This section requires that all agencies of the Federal Government shall "include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—  
(i) The environmental impact of the proposed action;  
(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented;  
(iii) alternatives to the proposed action;  
(iv) the relationship between local and short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and  
(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

"Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality, and the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes."

c. Section 102(2)(A) of the NEP Act provides that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on man's environment."

d. Executive Order 11514, dated March 4, 1970, orders all Federal agencies to initiate procedures needed to direct their policies, plans, and programs so as to meet national environmental goals.

e. A memorandum from the Secretary, dated February 26, 1970, provided general guidelines for the DOT response to the NEP Act. The memorandum also assigned the responsibility to oversee the Department's response to the NEP Act, in terms of both

policies and procedures, to the Assistant Secretary for Environment and Urban Systems (TEU), in cooperation with the general counsel.

f. Guidelines from the President's Council on Environmental Quality, dated April 23, 1971, set forth broad guidelines on implementation of the NEP Act.

g. Section 4(f) of the DOT Act directs that "the Secretary shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use."

h. Section 16(c)(3) of the Airport Act requires consideration of the interests of communities in or near which airport development projects are proposed.

i. Section 16(c)(4) of the Airport Act directs that no major airport development project shall be authorized for receipt of Federal financial aid unless that project provides for the protection and enhancement of the natural resources and the quality of environment of the Nation; and further, that no project found to have an adverse effect shall be authorized unless the Secretary finds in writing, after full and complete review, that no feasible and prudent alternative exists and that all possible steps have been taken to minimize such adverse effect.

j. Section 16(d) of the Airport Act establishes a requirement for public hearings for consideration of economic, social, and environmental effects of airport projects, and for certain other purposes, and section 16(e) of the Airport Act establishes criteria and procedures for protection of air and water quality in connection with airport development.

k. Section 309 of the Clean Air Act provides for the Administrator of the Environmental Protection Agency to review and comment on matters relating to duties and responsibilities granted pursuant to this Act or other provisions of the authority of the Administrator, contained in any (1) legislation proposed by any Federal department or agency, (2) newly authorized Federal projects for construction and any major Federal agency action (other than a project for construction) to which section 102(2)(C) of Public Law 91-190 applies, and (3) proposed regulations published by any department or agency of the Federal Government.

1. Section 14 of the Mass Transportation Act provides that the Secretary shall review each transcript to assure that the project application includes a detailed statement on (1) the environmental impact of the proposed project, (2) any adverse environmental effects which cannot be avoided should the proposal be implemented, (3) alternatives to the proposed project, and (4) any irreversible and irretrievable impact on the environment which may be involved in the proposed project should it be implemented, and finds after full and complete review of any hearing that (1) adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social, or environmental interest, and fair consideration has been given to the preservation and enhancement of the environment and to the interest of the community in which the project is located, and (2) either no adverse environmental effect

<sup>2</sup> Attachment 2 filed as part of the original document. The list appears in Appendix II of the CEQ guidelines published at 36 F.R. 7724-7729.

<sup>3</sup> Attachment 3 filed as part of the original document.



is likely to result from such project, or there exists no feasible and prudent alternative to such effect and all reasonable steps have been taken to minimize such effect.

m. Section 106 of the Historic Preservation Act requires that prior to approval of Federal activities, departments shall take into account the effect of the undertaking on any district, site, building, structure, or object that is included in the National Register, and give the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to such undertaking.

5. *Applicability.* a. The requirements in this order (paragraph 8 below) calling for either a negative declaration or a statement pursuant to section 102(2)(C) of the NEP Act apply to, but are not limited to, the following, except as noted below: All grants, loans, contracts, purchases, leases, construction, research and development involving construction, rulemaking and regulatory actions, certifications, licensing, permits, plans (both internal DOT plans and external plans, such as the annual work programs submitted to NHTSA), formal approvals (e.g., of non-Federal work plans), legislative proposals, directives, program or budget proposals or actions (except for continuation of existing programs at approximately current levels (i.e., plus or minus 25 percent); and any renewals or reapprovals of the foregoing. Exceptions to the foregoing are:

(1) Administrative procurements (e.g., general supplies) and contracts for personal services;

(2) normal personnel actions (e.g., promotions, hirings);

(3) project amendments (e.g., increases in costs) which do not alter the environmental impact of the action;

(4) legislative proposals not originating in DOT and relating to matters not the primary responsibility of DOT. (Note that procedures for coordinating environmental statements on legislation differ from coordination of environmental statements on other matters. See subparagraphs 8f and 8g below.)

b. In addition to the exceptions noted in subparagraphs 5a(1)-(4) above, the implementing instructions called for by paragraph 7 below may provide for additional exceptions.

c. A general class of actions may be covered by a single statement when the environmental impacts (and alternatives thereto) of all such actions are substantially similar. This provision does not apply to actions requiring construction or the taking of land.

6. *Definitional guidelines.* These are set forth in Attachment 1. Operating administrations may wish to set forth more explicit definitions with respect to their programs in their implementing instructions.

7. *Implementing instructions.* a. Within 2 weeks after the date of this order, each operating administration will submit for review to TEU draft internal instructions or other appropriate regulations to implement this order, or draft revisions of existing instructions.

b. These internal instructions will incorporate the main points in this order (or include it as an attachment), and provide for further specificity and applicability to the programs of the operating administrations, including identification of what should be considered "programs," "projects," or "actions" for purposes of 102(2)(C) statements.

c. Following TEU concurrence in the draft internal instructions of each operating administration, the operating administrations will take any steps necessary to comply with applicable requirements of the Administrative Procedure Act (5 U.S.C., sections 551 et seq.) and OMB Circular No. A-85.

d. Pending finalization of the implementing instructions, the operating administrations

will begin implementation of the procedures in this order to the extent possible.

8. *Preparation and processing of section 102(2)(C) statements—*a. *Negative declaration.* Any proposal for an action to which this order is applicable (in accordance with paragraph 5a above) will include either a statement as required by section 102(2)(C) of the NEP Act or a declaration that the proposed action will not have a significant impact on the environment. Negative declarations need not be coordinated outside the originating agency.

b. *Applications.* Each applicant for a grant, loan, permit, or other DOT approval covered by paragraph 5 above will be required to submit, together with the original application, either a draft 102(2)(C) statement or a negative declaration, or administrations may require applicants to submit an environmental analysis of the proposed project which would be utilized in the preparation of a draft statement or negative declaration by the administration.

c. *Actions originating within DOT.* In the case of proposals originating within DOT for an action to which this order is applicable, the originator of the proposal will state in the proposal whether, in his judgment, the action will or will not require a 102(2)(C) statement.

d. *Lead agency.* Where several agencies make decisions that collectively have a significant impact on the environment, the lead agency should prepare an environmental statement if it is reasonable to anticipate a cumulatively significant impact on the environment from Federal action. "Lead agency" refers to the Federal agency which has primary authority for committing the Federal Government to a course of action with significant environmental impact. Administrations should work with other Federal agencies to determine which agency should prepare the statement prior to any action by any of the other Federal agencies.

e. *Interdisciplinary approach.* The 102(2)(C) statement should reflect the utilization of a "systematic, interdisciplinary approach" as required by section 102(2)(A) of the NEP Act. The interdisciplinary approach should include appropriate disciplines to assure that environmental impacts are described in detail in the statement.

f. *Draft of statement.* Draft statements shall be prepared at the earliest practicable point in time. They should be prepared early enough in the process so that the analysis of the environmental effects and the exploration of alternatives with respect thereto are significant inputs to the decisionmaking process. The implementing instructions (called for by paragraph 7 above) will specify the appropriate point at which draft statements should be prepared for each type of action in the administration to which this order is applicable.

g. *Comments of Federal agencies.* On actions requiring a 102(2)(C) statement, except for those relating to legislative proposals, the originating operating administration (or TEU for actions originating in the Office of the Secretary) shall circulate for comment the draft environmental statement called for by subparagraph 8f above to all Federal agencies which have jurisdiction by law or special expertise with respect to the environmental impact involved, and to the CEQ and TEU, as well as other elements of DOT where appropriate. In the case of highway projects, circulation may be made by a State highway department, provided that the statement has been cleared for circulation by the Federal Highway Administration. For action within the jurisdiction of the Environmental Protection Agency (air or water quality, solid wastes, pesticides, radiation standards, noise), the proposal shall be re-

ferred to EPA for review and comment. For actions which affect any district, site, building, structure, or object that is included in the National Register, the proposal should be referred to the Advisory Council of the Historic Preservation for comment through the regional office of the National Park Service and the State Liaison Officer for Historic Preservation. Attachment 2 to this order is a list of Federal agencies not to be presumed to be all-inclusive. Implementing instructions (called for by paragraph 7 above) will set forth the procedure for obtaining such comments. A time period for comment may be specified, but not less than 30 days (45 days for referrals to the Environmental Protection Agency), plus an extension of time, if possible, when requested. Where comments of other Federal agencies have been obtained by the applicant comments need not be solicited again from same agencies, unless there are pertinent changes in the project proposal.

h. *Legislative proposals.* Draft environmental statements on legislative proposals will be submitted to the Office of Management and Budget (OMB) together with legislative proposals through the normal DOT legislative process, for coordination by OMB with other interested agencies.

i. *Community involvement.* For any action requiring a public hearing, the draft statement should be made available to the public at least thirty (30) days prior to the hearing. The notice of the hearing should indicate availability of the statement. Where feasible, comments of public agencies should be made available to the public prior to the public hearing.

j. *State or local review.* (1) Where review of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, such State and local review shall be provided for as follows:

(a) Project applicant may obtain comments from appropriate State and local agencies.

(b) For direct Federal development projects and projects assisted under programs listed in Attachment D of OMB (issued as BOB) Circular No. A-95, review by State and local governments will be through procedures set forth under Part I of Circular No. A-95, as implemented by DOT Order 4600.4, Evaluation, Review and Coordination of DOT Assistance Programs and Projects.

(c) Where an application for Federal assistance is required to be submitted to clearinghouses pursuant to OMB Circular No. A-95, comments on environmental impacts received through consultations required by subparagraphs 8g and 8i shall be submitted to and collected by A-95 clearinghouses pursuant to section 4a(2) of DOT Order 4600.4, Evaluation, Review and Coordination of DOT Assistance Programs and Projects.

(d) State and local review of agency procedures, regulations, and policies for the administration of Federal programs of assistance to State and local governments will be conducted pursuant to procedures established by OMB (issued as BOB) Circular No. A-95.

(e) Where these procedures are not appropriate and where the proposed action affects matters within their jurisdiction, review of the proposed action by State and local agencies authorized to develop and enforce environmental standards and their comments on the draft environmental statement may be obtained directly or by publication of a summary notice in the FEDERAL REGISTER (with a copy of the environmental statement and comments of Federal agencies thereon to be supplied on request). The notice in the FEDERAL REGISTER may specify that comments of the relevant State and local agencies must be submitted within a specified period of time



from the date of publication of the notice, but not less than 60 days.

(2) Environmental statements on legislative proposals are not subject to State and local review. Similarly, budget proposals or other internal agency proposals may be excluded from such review.

k. *Utilization of comments.* Comments received under subparagraphs 8g and 8i shall accompany the draft environmental statement through the normal internal project or program review process.

l. *Final statements.* (1) Draft statements shall be revised, as appropriate, to reflect comments received, issues raised through the community involvement and public hearing process, or other considerations, before being put into final form for approval of the responsible official. Final statements, together with all comments received on the draft from the responsible Federal, State and local agencies and from private organizations, will then be submitted to TEU for concurrence, together with 12 copies (including 10 for forwarding to the CEQ), with the following exceptions:

(a) Final statements need not be submitted to TEU with respect to highway projects when such statements were required solely because the action involves section 4(f), and the 4(f) approval authority for such action has been delegated to FHWA.

(b) Certain categories of environmental statements may be approved at other levels when recommended by TEU and approved by the Secretary.

(2) The statement will be considered concurred in by TEU unless other notification is provided within 2 weeks, except as to statements, projects or actions as to which final approval authority is reserved to the Secretary, as discussed in paragraph 10 below.

m. *Availability of statements to the President, the CEQ, and the public.* TEU is responsible for transmitting 10 copies of each final statement to the CEQ, which transmittal shall be deemed transmittal to the President. The agency which prepared the environmental statement is responsible for making the final version of such statement and the comments received available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C., sec. 552) at the headquarters and appropriate regional offices of the agency and at appropriate State, regional and metropolitan clearinghouses unless the Governor of the State involved designates some other point for receipt of this information. It is suggested that agencies develop mechanisms for timely notification of those who commented, particularly public agencies and private organizations, of the transmittal and availability of the statement and comments. In addition, those who request copies of any draft statement, comments or final statement should be advised of their availability from the National Technical Information Service (NTIS), U.S. Department of Commerce, Springfield, Va., 22151, at a nominal cost.

n. *Timing of agency decision.* To the maximum extent practicable, no administrative action (i.e., any proposed action to be taken by the agency other than agency proposals for legislation to Congress, budget proposals, or agency reports on legislation) subject to section 102(2)(C) is to be taken sooner than 90 days after a draft environmental statement has been circulated for comment, furnished to the Council and, except where advance public disclosure will result in significantly increased costs of procurement to the Government, made available to the public pursuant to these guidelines. Neither should such administrative action be taken sooner than 30 days after the final approved text of an environmental statement (together with comments) has been made available to

the CEQ and the public. If the final text of an environmental statement is filed within 90 days after a draft statement has been circulated for comment, furnished to the CEQ and made public pursuant to this section of these guidelines, the 30-day period and 90-day period may run concurrently to the extent that they overlap.

o. *Content of statement.* The following points will be covered in the statement:

(1) A description of the proposed action and its purpose. The description should be sufficiently detailed as to permit careful assessment of environmental impacts by commenting agencies, and to allow the agency to arrive at a reasonably accurate decision regarding the environmental benefits and detriments to be expected from program implementation. It should include information, technical data, and maps where relevant.

(2) The probable impact of the proposed action on the environment, including impact on ecological systems such as wildlife, fish, and marine life. Both primary and secondary significant consequences for the environment should be included in the analysis. For example, significant implications, if any, of the action for population distribution or concentration should be estimated and an assessment made of the effect of possible change in population patterns upon the resource base, including land use, water, and public services, of the area in question.

(3) Any probable adverse environmental effects which cannot be avoided should the proposal be implemented, such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 101(b) of the Act.

(4) Alternatives to the proposed action. Section 102(2)(D) of the NEP Act requires the responsible agency to "study, develop and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." Alternative actions that might avoid some or all of the adverse environmental effects or increase beneficial effects should be set forth and analyzed, including the alternative of not going forward with the proposal. Where a cost-benefit analysis of the proposed action has been prepared, this analysis should be attached to the statement.

(5) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This in essence requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

(6) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.

(7) A discussion of problems and objections raised by other Federal agencies, State and local entities, and citizens in the review process, and the disposition of the issues involved and the reasons therefor. (This section may be added at the end of the review process in the final text of the environmental statement.)

p. *Form of statement.* (1) Each statement will be headed as follows:

Department of Transportation  
-----  
(Operating Administration)  
(Draft) Environmental Impact Statement  
Pursuant to section 102(2)(C), Public Law 91-190.

(2) Each statement will, as a minimum, contain sections corresponding to subpara-

graphs 8o(1)-(6) above, appropriately headed.

9. *Preparation and processing of statements under section 4(f) of the DOT Act, sections 16(c)(3), 16(c)(4), 16(d), and 16(e) of the Airport Act, section 106 of the Historic Preservation Act, and section 14 of the Mass Transportation Act—a. Inclusion in 102(2)(C) statement.* As indicated in paragraph 1 of this order, it is the intent of this order that the section 102(2)(C) statement described above should serve, where required, as the vehicle for all environmental findings, determinations and clearances required under any legislation applicable to the Department. Any project, proposal or action to which section 4(f) of the DOT Act, section 106 of the Historic Preservation Act, and/or sections 16(c)(3), 16(c)(4), 16(d), and 16(e) of the Airport Act is applicable will require a 102(2)(C) statement. Such 102(2)(C) statements should be prepared, therefore, in such a manner as to also meet the requirements of the cited sections of the DOT Act and/or the Airport Act.

b. *Applications.* Each applicant for a grant, loan, permit or other DOT approval covered by paragraph 9a above will be required to submit a draft 102(2)(C) statement which also meets the requirements of section 9 of this order.

c. *Content of statements under section 4(f) of the DOT Act.* In addition to the information required under paragraph 8o above, the following information must be included in statements covered by this paragraph:

(1) Description of "any publicly owned land from a public park, recreation area or wildlife and waterfowl refuge" or "any land from an historic site" affected or taken by the project, including its size, available activities, use, patronage, relationship to other similarly used lands in the vicinity of the project, maps, plans and drawings showing in sufficient scale and detail the project and its impact on park, recreation, wildlife, or historic areas, and slides, photographs, etc., as appropriate.

(2) Statement of the "national State or local significance" of the area "as determined by the Federal, State, or local officials having jurisdiction thereof."

(3) Similar data, as appropriate, for alternative designs and locations, including cost estimates and technical feasibility, and appropriate analysis of the alternatives.

(4) If there is no feasible and prudent alternative, description of all planning undertaken to minimize harm to the protected area and statement of actions taken or to be taken implement this planning.

(5) A specific statement that there is no feasible and prudent alternative and that the proposal includes all possible planning to minimize harm to the "4(f) area" involved.

d. *Content of statements on projects subject to sections 16(c)(3), 16(c)(4), and 16(d) of the Airport Act.* In addition to the information required under paragraph 8o above, the following information will be included:

(1) Identification of communities in or near which the project is located.

(2) Identification of steps taken by the applicant to determine the interests of those communities, including economic, environmental, and social interests, as well as transportation interests.

(3) Statement of the specific actions taken in planning the project to recognize and to meet the communities' interests.

(4) For identified community interests which are in conflict with the project, a statement explaining why the interests have not been met, what alternatives have been investigated to meet the community interests,



estimated costs of the alternatives and the reasons for not adopting the alternatives.

(5) For any project found to have an adverse effect on the environment, and for which no feasible and prudent alternative exists, identify all steps taken to minimize such adverse effect.

(6) For any project found to have an adverse effect on the environment, and for which all possible steps have been taken to minimize such effect, a request that the Secretary render the appropriate findings, in writing.

(7) Statement that the public hearings required by section 16(d) of the Airport Act have been held.

(8) Statement by appropriate local planning officials that the project is consistent with the goals and objectives of such urban planning as has been carried out by the community.

e. *Content of statements on projects subject to section 106 of the Historic Preservation Act.* In addition to the information required under paragraph 8a above, the following information will be included:

(1) Steps taken by the agency to take into account the effect of the proposal on National Register property.

(2) Records of consultations, if any, with the Office of Archeology and Historic Preservation of the National Park Service.

(3) Records of consultation with and action, if any, by the Advisory Council on Historic Preservation (with statement that subsequent Council actions, if any, will be attached).

f. *Content of statements on projects subject to section 14 of the Mass Transportation Act.* In addition to the information required under paragraph 8a above, the following information will be included when a 102(2)(C) statement is required:

(1) Evidence of the opportunity that was afforded for the presentation of views by all parties with a significant economic, social or environmental interest.

(2) Evidence that fair consideration has been given to the preservation and enhancement of the environment and to the interests of the community in which the project is located.

(3) If there is an adverse environmental effect and there is no feasible and prudent alternative, description of all planning undertaken to minimize such adverse environmental effect and statement of actions taken or to be taken to implement the planning; or a specific statement that there is no adverse environmental effect.

g. *Form of statement.* (1) The heading specified in paragraph 8p(1) above shall be modified to indicate that the statement also covers section 4(f), section 14, section 106 and/or sections 16(c)(3), 16(c)(4), and 16(d) requirements, as appropriate.

(2) Appropriate paragraphs and headings will be added to 102(2)(C) statements to cover the points in subparagraphs 9 c, d, e, and f above, as appropriate.

h. *Comments and processing.* The instructions set forth in paragraph 8 above with respect to obtaining comments and concurrence shall also apply to statements prepared pursuant to paragraph 9.

i. *Certification of compliance with air and water quality statements pursuant to section 16(e) of the Airport Act.* This certification shall be required only at the time an applicant submits an application for financial assistance.

j. *Follow through on decisions of the Secretary in cases involving section 4(f), section 14, section 106 and/or sections 16(c)(3), 16(c)(4), 16(d) and 16(e).* (1) Following a decision with respect to the final statements as described in subparagraph 8k above (which statements shall contain the neces-

sary findings under section 4(f), section 14, section 106 and sections 16(c)(3), 16(c)(4), 16(d) and 16(e), as appropriate), TEU will transmit the Secretary's decision to the originating administration. The administration will take the necessary steps, through its funding agreements and other contacts with the applicant, to assure that the actions to minimize adverse environmental effects, as spelled out in the statement or in the Secretary's approval (to the extent that it differs from the statement as proposed), will be carried out. Proposals to deviate from these actions as approved should be cleared with TEU.

(2) In cases where the Secretary's approval differs from the applicant's proposal, the Administrator will advise the applicant of the details of the decision, and obtain the concurrence in writing from the applicant before permitting the project to proceed.

(3) The operating instructions called for by paragraph 7 of this order shall include procedures for monitoring these projects so as to assure that the Secretary's decisions are executed. The administrations will provide TEU with copies of the appropriate correspondence, agreements, statements of compliance and progress reports for this purpose.

10. *Decisions reserved to the Secretary.* In the case of any action requiring personal approval of the Secretary pursuant to a specific reservation of authority (including an ad hoc reservation), the final statement submitted pursuant to subparagraph 9j above shall be accompanied by a brief cover memorandum requesting the Secretary's approval. The memorandum shall include signature lines for the concurrence of the Assistant Secretary for Environment and Urban Systems, the General Counsel, and the Under Secretary. A signature line for the Secretary's approval shall also be included.

11. *Announcement of decisions.* The Assistant Secretary for Environment and Urban Systems will be responsible for informing the Office of Congressional Relations and the Office of Public Affairs of the Secretary's decisions so that they may inform their contacts and take other appropriate actions.

[SEAL]

JOHN A. VOLPE,  
Secretary of Transportation.

#### ATTACHMENT 1—DEFINITIONAL GUIDELINES

1. *General.* When there is doubt whether or not to prepare a statement, it should be prepared. Where the environmental consequences of a proposed action are unclear but potentially significant, a statement should be prepared. It should be noted that the effects of many Federal decisions can be individually limited but cumulatively considerable. It should also be noted that the NEP Act does not restrict itself to adverse effects, and any significant effect, positive or negative, requires a statement. Moreover, opportunities foreclosed, future implications and indirect effects should be taken into consideration.

2. *"Major".* Any Federal action significantly affecting the environment is deemed to be "major" and a statement shall be prepared.

3. *"Federal actions".* This term includes the entire range of activity undertaken by the DOT. Actions include but are not limited to:

- Direct Federal programs, projects and administrative activities, such as:
  - Research, development, and demonstration projects;
  - Rulemaking and regulations;
  - Construction and operation of Federal facilities;
  - Waste disposal;
  - Transportation of dangerous or contaminated commodities;

(6) Making of treaties or agreements (international or with other Federal or State governments);

(7) Development of plans.

b. Federal grants, loans, or other financial assistance.

c. (1) Federal permits, licenses, certifications, approvals, leases, or any entitlements for use, such as:

(a) Aircraft certification;

(b) Approval for use and integration into the NAS of privately financed air navigation equipment;

(c) Approval of State highway programs and plans prior to grant of money.

(2) As stated in paragraph 7 of this order, the implementing instructions of each operating administration should specify what is to be considered an "action" for the various programs of that administration for purposes of 102(2)(C) statements.

4. *"Significantly affecting" environment.* a. Any of the following actions should ordinarily be considered as significantly affecting the quality of the human environment:

(1) Any matter falling under section 4(f) of the DOT Act, section 106 of the Historic Preservation Act, or sections 16(c)(3), 16(c)(4), 16(d), or 16(e) of the Airport Act;

(2) Any action that is likely to be highly controversial on environmental grounds;

(3) Any action that is likely to have a significantly adverse impact on natural, ecological, cultural, or scenic resources of national, State or local significance;

(4) Any action that is likely to be highly controversial regarding relocation housing resources;

(5) Any action that (a) divides or disrupts an established community or disrupts orderly, planned development or is inconsistent with plans or goals that have been adopted by the community in which the project is located; or (b) causes increased congestion;

(6) Any action which (a) involves inconsistency with any national standard relating to the environment; (b) has a significantly detrimental impact on air or water quality or on ambient noise levels for adjoining areas; (c) involves a possibility of contamination of a public water supply system; or (d) affects ground water, flooding, erosion or sedimentation.

b. The operating administrations are authorized and encouraged to identify in their implementing instructions those actions which do not fall within the purview of subparagraphs (2)-(6) above, and thus do not require preparation of a statement.

#### COAST GUARD

[Commandant Instruction 5922.10A]

IMPLEMENTATION OF SECTION 102(2)(C) OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969, SECTION 4(F) OF THE DEPARTMENT OF TRANSPORTATION ACT, SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966 AND SECTION 309 OF THE CLEAN AIR ACT

OCTOBER 13, 1971.

1. *Purpose.* This instruction outlines procedures regarding the preparation of detailed environmental statements and negative declarations on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, as required by section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190). The procedures for implementation of section 4(f) of the Department of Transportation Act of 1966 (Public Law 89-670), section 106 of the National Historic Preservation Act of 1966 (Public Law 89-665) and section 309 of the Clean Air Act are also included. Section 102(2)(C) statements should serve as the vehicle for all environmental findings, determinations, and



clearances required under any legislation applicable to the U.S. Coast Guard.

2. *Cancellation.* Commandant Instruction 5923.10 of 8 June 1971 is canceled.

3. *Background and authority.* a. The National Environmental Policy Act of 1969 established a broad national policy to promote efforts to improve the relationship between man and his environment, and provided for the creation of the Council on Environmental Quality (CEQ). The NEP Act sets out certain policies and goals concerning the environment, and requires that, to the fullest extent possible, the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with those policies and goals.

b. Section 102(2)(C) of the NEP Act is designed to ensure that environmental considerations are given careful attention and appropriate weight in all decisions of the Federal Government.

c. Executive Order 11514, dated March 5, 1970, directs all Federal agencies to initiate procedures needed to direct their policies, plans, and programs so as to meet national environmental goals.

d. Guidelines from the President's Council on Environmental Quality, dated April 23, 1971, set forth broad guidelines on implementation of the NEP Act.

e. Section 4(f) of the DOT Act directs that "the Secretary shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use."

f. Section 106 of the Historic Preservation Act requires that prior to approval of Federal activities, departments shall take into account the effect of the undertaking on any district, site, building, structure, or object that is included in the National Register, and give the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to such undertaking.

4. *Point of contact.* The point of contact for coordinating all Coast Guard environmental matters is the Office of Marine Environment and Systems (W).

5. *Applicability.* a. The requirements in this instruction calling for either a negative declaration or a statement pursuant to section 102(2)(C) of the NEP Act apply to, but are not limited to, the following: Grants, loans, construction, research and development, rule making and regulatory actions, certifications, licensing, formal approvals, legislative proposals, or actions (except for continuation of existing programs at approximately current levels, i.e., plus or minus 25 percent); and renewals or reapprovals of the foregoing. Exceptions to the foregoing are:

- (1) Administrative procurements (e.g., general supplies) and contracts for personal services.
- (2) Normal personnel actions (e.g., promotions, hirings).
- (3) Project amendments (e.g., increases in costs) which do not alter the environmental impact of the action.
- (4) Legislative proposals not originating in the Coast Guard and relating to matters not the primary responsibility of the Coast Guard.

6. *Definitions and guidelines.* Enclosure 4 sets forth more specific definitions of terms used in this instruction.

7. *Preparation and processing of section 102(2)(C) statements.* Enclosure 5 contains detailed instructions.

8. *Action.* Although specific action assignments are listed in this paragraph, the entire expertise and experience of the Coast Guard should be utilized to assure a systematic and interdisciplinary approach in implementing the NEP Act.

a. General. Internal controls must be established by all responsible officers to assure that all proposals originating in their areas of responsibility which could significantly affect the quality of the human environment are:

(1) Identified at the earliest possible stage in the planning process.

(2) Analyzed in a detailed statement which spells out:

(a) The environmental impact of the proposed action (giving environmental amenities and values appropriate consideration in conjunction with economic and technical considerations).

(b) Alternatives to the proposed action. A rigorous exploration and objective evaluation of the alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives should accompany the proposed action through the Coast Guard review process to preclude prematurely foreclosing options which are more desirable environmentally.

(c) Any adverse environmental effects which cannot be avoided should be implemented rather than the alternatives be implemented.

(d) The relationship between local short-term uses of man's environment and the maintenance and enhancement of its long-term productive capacity.

(e) Any irreversible and irretrievable commitments of natural resources which would be involved in the proposed action should it be implemented.

(f) Where appropriate, a discussion of problems and objections raised by other Federal agencies and State and local entities in the review process and the disposition of the issues involved. (This section may be added at the end of the review process in the final text of the environmental statement.)

The program directors and managers shall prepare the necessary environmental statements for legislative recommendations and other actions arising at the headquarters level, and establish procedures for the preparation and handling of environmental statements for rule-making proposals originating within their offices. They shall make copies of the required draft statements, comments thereon, final statements and negative declarations, except those concerning legislative proposals, available to the public as provided by 5 U.S.C. 552 as early as possible and at least 30 days prior to any public hearing on the matter.

b. The programs division (CPA) shall:

(1) Insure that the Planning and Programming Manual (CG-411) is revised as necessary to reflect the provisions outlined in this instruction.

(2) Provide further review of budgetary actions of the type described herein to assure compliance by program managers.

(3) Make copies of the required draft and final statements and related comments and negative declarations on Internal Coast Guard legislative proposals available to the public as provided in 5 U.S.C. 552. The final text of the environmental statement on a legislative proposal should be available to Congress and the public in advance of any relevant congressional hearings. In cases where the scheduling of hearings does not allow adequate time for the completion of a final text of an environmental statement (together with comments), a draft environmental statement may be furnished to the

Congress and made available to the public pending transmittal of the comments as received and the final text.

c. The chief counsel shall:

(1) Review Coast Guard project proposals and proposed actions and rulings affecting the public to assure that they are legally consistent with the provisions of the NEP Act and section 4(f) of the DOT Act.

(2) Review all legislative proposals originated by program managers within the category described above, together with environmental statements and negative declarations thereon, to assure that they are legally consistent with Coast Guard statutory requirements and not in conflict with provisions of the NEP Act or the statutory requirements of other agencies. Forward these legislative proposals through the normal USCG/DOT legislative channels.

(3) Review, or coordinate the review of, recommendations or reports relating to legislation involving matters having to do with the quality of human environment referred by other Federal agencies.

d. The Chiefs, Offices of Engineering, and Research and Development, shall, as appropriate:

(1) Provide technical support in the review of environmental statements so that a systematic and interdisciplinary approach may be achieved.

e. The Chief, Office of Marine Environment and Systems (W) shall:

(1) Coordinate with other offices within the Coast Guard all significant environment related matters in order that an effective point of contact and source of information will exist to respond to environmental matters either internally or externally.

(2) As DOT Coordinator for Water Resources, coordinate within DOT those comments and/or reviews of environmental statements originating outside the Coast Guard, made by the various agencies within the Department of Transportation (including Coast Guard).

(3) Coordinate and establish liaison with Federal, State or municipal agencies for the purpose of receiving comments on Coast Guard-type environmental statements.

(4) Transmit final environmental statements (except those pertaining to legislative proposals) to the Assistant Secretary for Environment and Urban Systems.

(5) Notify originating cognizant officers of final approval action on statements.

f. District commanders shall:

(1) *Applications.* Request each applicant for a permit or other approval to furnish in support thereof a statement of the effect that the project will have upon the quality of the human environment. The format of the statement should parallel that presented in Enclosure 1. Where public land subject to section 4(f) of the DOT Act is involved, the statement should be supplemented by a description of the publicly owned land, the national, State and local significance of the land, the alternatives to the proposed use and the planning undertaken to minimize harm. The applicant should be required to submit information necessary to the preparation of the draft environmental statement pursuant to the NEP Act, which is to be prepared by the cognizant district division.

(2) *Bridge permit applications.* Forward to Commandant (WBR) as an enclosure to the findings of fact (required by COMDTINST 3271.1 series), a (draft) environmental statement or negative declaration. Prior to processing (draft) environmental statements received from public and private sources, District Commanders should obtain comments from other responsible Federal (at the local or regional office level), State, and local agencies.

(3) *Planning proposals (RCS CPE-1100) and AC&I project proposals report (Form*



CG-2618 series) (RCS CPA 1001). Identify at the earliest possible stage in the planning process those actions which would have an impact on the environment. Planning proposals should include environmental considerations in the approximate format set forth in Enclosure 1 and in accordance with the Planning and Programming Manual (CG-411) as amended. Draft environmental statements or negative declarations should be submitted at the AC&I Project Proposal stage.

(4) General. Solicit comments from Federal (at the local or regional office level), State and local agencies. Unless otherwise specified, draft environmental statements, comments thereon and copies of negative declarations are to be forwarded to Commandant (WEP) via the appropriate Headquarters office. All draft environmental statements, comments thereon, final statements, and negative declarations except those concerning legislative proposals shall be made available to the public as provided in 5 U.S.C. 552 as early as possible and at least 30 days prior to any public hearing on the matter.

(5) Environmental statements received from other Federal agencies. Review and comment on all environmental statements submitted by other Federal agencies. Comments should be limited to Coast Guard mission areas. Those which contain technical details that are beyond the evaluation capabilities of the district staff, or are of a highly controversial nature, or which may have significant effect or public interest beyond the district boundary shall be forwarded to the Commandant (WEP) for additional comment. In all other cases the district commander's comments will be forwarded directly to the requesting agency, with a copy to Commandant (WEP).

g. Retroactive implementation for internal Coast Guard programs.

(1) Projects and major actions approved, but uncompleted prior to January 1, 1970, should be handled as follows:

(a) Environmental impact statements shall be submitted on matters of a controversial nature with substantially adverse potential effects upon the human environment.

(2) Projects and major actions approved after January 1, 1970, but prior to the date of this instruction, either completed or uncompleted, should be handled as follows:

(a) Environmental impact statements shall be submitted on uncompleted increments of projects and major actions having a potential significant impact upon the quality of the human environment. Significance shall be determined by a strict construction of the definitional material in Enclosure 4.

(b) Negative declarations shall be prepared as per Enclosures 2 and 4.

(3) The requirements of this paragraph apply to increments, such as each individual construction project in a development plan.

(4) Comments shall be solicited from Federal, State, and local agencies only upon projects and actions having potential significant environmental effects and upon which contracts have yet to be awarded.

9. The same format and processing shall be afforded to statements on proposals subject to section 309 of the Clean Air Act. See Enclosure 7 for detailed instructions.

10. For actions which affect any district, site, building, structures, or object that is included in the National Register, section 106 of the National Historic Preservation Act of 1966 (Public Law 89-665) requires that the proposal be referred to the Advisory Council on Historic Preservation for comment through the regional office of the National Park Service and the State Liaison

Officer for Historic Preservation. See Enclosure 1 for details on content.

T. R. SARGENT,  
Acting Commandant.

#### ENCLOSURE (1)—CONTENT OF SECTION 102(2) (C) STATEMENT

A. Form of statement. 1. Each statement will be headed as follows:

Department of Transportation, U.S. Coast Guard (Draft) environmental impact statement pursuant to section 102(2) (C), Public Law 91-190.

2. Each statement will as a minimum, contain sections corresponding to paragraphs B1-6 below, appropriately headed.

B. Content of statement. 1. The following points will be covered in the statement:

(1) A description of the proposed action and its purpose. The description should be sufficiently detailed as to permit careful assessment of environmental impacts by commenting agencies, and to allow the agency to arrive at a reasonably accurate decision regarding the environmental benefits and detriments to be expected from program implementation. It should include information, technical data, and maps where relevant.

(2) The probable impact of the proposed action on the environment, including impact on ecological systems such as wildlife, fish, and marine life. Both primary and secondary significant consequences for the environment should be included in the analysis. For example, significant implications, if any, of the action for population distribution or concentration should be estimated and an assessment made of the effect of possible change in population patterns upon the resource base, including land use, water, and public services, of the area in question.

(3) Any probable adverse environmental effects which cannot be avoided should the proposal be implemented, such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 101(b) of the Act.

(4) Alternatives to the proposed action. Section 102(2) (D) of the NEP Act requires the responsible agency to "study, develop, and describe appropriate alternatives to recommend courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources". Alternative actions that might avoid some or all of the adverse environmental effects or increase beneficial effects should be set forth and analyzed, including the alternative of not going forward with the proposal. Where a cost-benefit analysis of the proposed action has been prepared, this analysis should be attached to the statement.

(5) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This in essence requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

(6) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.

(7) A discussion of problems and objections raised by other Federal agencies, State and local entities, and citizens in the review process, and the disposition of the issues involved and the reasons therefor. (This section may be added at the end of the review

process in the final text of the environmental statement.)

(8) A summary sheet should accompany each draft or final environmental impact statement. See Enclosure (6) for format and content.

In the event the proposed action affects or takes any land described under section 4(f) of the DOT Act, furnish the following additional information in the environmental statement:

(1) Description of "any publicly owned land from a public park, recreation area or wildlife and waterfowl refuge" or "any land from an historic site" affected or taken by the project, including its size, available activities use, patronage, relationship to other similarly used lands in the vicinity of the project, maps, plans and drawings showing in sufficient scale and detail the project and its impact on park, recreation, wildlife or historic areas and slides, photographs, etc., as appropriate.

(2) Statement of the "national, State or local significance" of the area "as determined by the Federal, State or local officials having jurisdiction thereof."

(3) Similar data, as appropriate, for alternative designs and locations, including cost estimates and technical feasibility, and appropriate analysis of the alternatives. This must be sufficient to support and justify a specific finding by the Secretary that there is no feasible and prudent alternative.

(4) If there is no feasible and prudent alternative, description of all planning undertaken to minimize harm to the protected area and statement of actions taken or to be taken to implement this planning.

(5) A specific statement that there is no feasible and prudent alternative and the proposal includes all possible planning to minimize harm to the "4(f) area" involved.

In the event that the project, proposal or action is subject to section 106 of the National Historic Preservation Act, the following additional information must be included in the environmental statement:

(1) Steps taken by the agency to take into account the effect of the proposal on National Register property.

(2) Records of consultations, if any, with the Office of Archeology and Historic Preservation of the National Park Service.

(3) Records of consultation with and action, if any, by the Advisory Council on Historic Preservation (with statement that subsequent Council actions, if any, will be attached).

#### ENCLOSURE (2)—NEGATIVE DECLARATION FOR INTERNAL COAST GUARD PROJECTS, ACTIONS AND PROPOSALS

The following project, action or proposal has been thoroughly reviewed by its originator and it has been determined by said originator that said project, action or proposal will have no foreseeable significant impact upon the quality of the human environment:

#### Identify clearly

The above statement does and shall serve the sole purpose of compliance with DOT Order 5610.1. This document is and shall be for the sole use of the U.S. Coast Guard, the U.S. Department of Transportation and the U.S. Government, and shall have no final validity in the absence of either of the signatures called for below.

(Date)	(Signature of Originator)
(Date)	(Signature of Chief, Office of Marine Environment and Systems or District Commander (if prepared at District level))



**ENCLOSURE (3)—FEDERAL AGENCIES WITH JURISDICTION BY LAW OR SPECIAL EXPERTISE TO COMMENT ON VARIOUS TYPES OF ENVIRONMENTAL IMPACTS<sup>1</sup>**

**ENCLOSURE (4)—DEFINITIONS AND GUIDELINES**

1. *General.* When there is doubt whether or not to prepare a statement it should be prepared. Where the environmental consequences of a proposed action are unclear but potentially significant, a statement should be prepared. It should be noted that the effect of many Federal decisions can be individually limited but cumulatively considerable. It should also be noted that the NEP Act does not restrict itself to adverse effects, and any significant effect, positive or negative, requires a statement. Moreover, opportunities foreclosed, future implications and indirect effects should be taken into consideration.

2. *Actions affected.* a. The environmental impact of any action must be considered.

b. All legislative proposals require either environmental statements or negative declarations. Particular care shall be taken where land acquisition and/or construction is involved.

c. All bridge permit applications require either environmental statements or negative declarations.

d. Any other action which "significantly affects" the environment requires an environmental statement.

e. Any other action which does not significantly affect the environment requires neither an environmental statement nor a negative declaration. Actions in the following program areas will generally have no significant adverse environmental effects:

- (1) Aids to navigation;
- (2) Ocean stations;
- (3) Reserve;
- (4) Oceanography;
- (5) Law and treaty enforcement;
- (6) Polar operations;
- (7) Search and rescue;
- (8) Maritime environmental protection;
- (9) Engineering support;
- (10) Communications;
- (11) Personnel support;
- (12) Coast Guard Auxiliary;
- (13) Finance;
- (14) Military readiness;
- (15) Port safety;
- (16) Commercial vessel safety;
- (17) Boating safety (other than major regattas).

3. *"Significantly affecting" environment.* a. Any of the following actions should be considered significant and a statement should be prepared:

- (1) Any action that is likely to be highly controversial on environmental grounds;
- (2) Any matter falling under section 4(f) of the DOT Act or section 106 of the National Historic Preservation Act.

b. Actions that have the following effects are likely to be significant:

- (1) Lead to a noticeable change in the ambient noise level for a substantial number of people;
- (2) Displace significant numbers of people;
- (3) Divide or disrupt an established community or divide existing uses, e.g., by cutting off residential areas from recreation areas or shopping areas, or disrupting orderly, planned development;
- (4) Have a significant aesthetic or visual effect;
- (5) Have any effect on areas of unique interest or scenic beauty;

(6) Destroy or derogate from important recreational areas not covered by section 4(f) of the DOT Act;

(7) Substantially alter the pattern of behavior for a species;

(8) Interfere with important breeding, nesting or feeding grounds;

(9) Lead to significantly increased air or water pollution in a given area;

(10) Adversely affect the water table of an area;

(11) Disturb the ecological balance of a land or water area or estuary;

(12) Involve a reasonable possibility of contamination of a public water supply source, treatment facility, or distribution system;

(13) Have the beneficial opposite effect of any of the above.

4. Where action by more than one agency is concerned, the lead agency has the responsibility for compliance with the NEP Act.

**ENCLOSURE (5)—PREPARATION AND PROCESSING OF SECTION 102(2)(C) STATEMENTS**

1. *Actions originating within Coast Guard.* In the case of a proposal originating within the Coast Guard for an action to which this instruction is applicable, the originator of the proposal will state in the proposal whether, in his judgment, the action will or will not require a 102(2)(C) statement.

2. *Draft of statement.* Draft statements shall be prepared at the earliest practicable point in time and at the lowest practicable organizational level. They should be prepared early enough in the process so that the analysis of the environmental effects and the exploration of alternatives with respect thereto are significant inputs to the decisionmaking process. Content of statements should follow the format shown in Enclosure 1. Draft statements, together with comments arising at the district level, shall ultimately be forwarded to Commandant (WEP) with copies for transmittal to the Council on Environmental Quality (10), the Assistant Secretary for Environment and Urban Systems (2) and any further agencies deemed appropriate for comment. Negative declarations do not require coordination outside the Coast Guard. Those prepared at the district level should be approved by the district commander; a copy should then be sent to Commandant (WEP) via the appropriate headquarters office. Those prepared at headquarters are subject to final approval of the Chief, Office of Marine Environment and Systems (W).

3. *Comments of Federal agencies.* Enclosure 3 to this instruction is a list of Federal agencies by area of expertise, prepared by the Council on Environmental Quality. This list should not be presumed to be all inclusive. When comments are solicited from other agencies, a time period of 45 working days shall be specified in the request. Where comments of other Federal agencies have been obtained by the applicant, comments need not be solicited again from the same agencies, unless there have been pertinent changes in the project proposal. Draft environmental statements on legislative proposals will be submitted to the Office of Management and Budget (OMB) together with legislative proposals through the normal USCG/DOT legislative process, for coordination by OMB with other interested agencies.

4. *State or local review.* A public hearing may be held for the purpose of obtaining the comments of interested State and local agencies. Where no public hearing has been held on the proposed action at which the appropriate State and local review has been invited, and where review of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, such State and local review shall be provided for as follows:

a. Project applicant may obtain comments from appropriate State and local agencies.

b. Review and comments on the draft environmental statement may be obtained directly or by publication of a summary notice in the *FEDERAL REGISTER* (with a copy of the environmental statement and comments of Federal agencies thereon to be supplied on request). The notice in the *FEDERAL REGISTER* may specify that comments of the relevant State and local agencies must be submitted within a specified period of time from the date of publication of the notice, but not less than 60 days. Environmental statements on legislative proposals are not subject to State and local review. Similarly, budget proposals or other internal agency proposals may be excluded from such review.

5. *Utilization of comments.* Comments received under paragraphs 3 and 4 shall accompany the draft environmental statement through the subsequent normal internal project or program review process.

6. *Final statements.* Comments on draft environmental statements shall be received by W and forwarded to the cognizant headquarters office or division. Draft statements shall then be revised, as appropriate, to reflect comments received or other considerations before being put into final form by the cognizant headquarters office or division for approval. (In some cases, it may be necessary to modify the proposal, action or project.) Final statements (15 copies) together with all comments received, will then be forwarded to the Commandant (WEP) for final review and approval and further transmission to the Assistant Secretary for Environment and Urban Systems.

7. *Further action.* To the fullest extent possible, no administrative action is to be taken sooner than 90 days after a draft environmental statement has been furnished to the Council on Environmental Quality or sooner than 30 days after a final statement has been so furnished. These periods may run concurrently to the extent that they overlap.

8. Members of the public should be informed upon inquiry that copies of draft and final impact statements and comments thereon may be obtained from the Department of Commerce, National Technical Information Service, Springfield, Va. 22151 at the price of \$3 per total package. This source is in addition to the requirement that such documents be available as specified in the basic instruction, including headquarters, appropriate district offices and appropriate State, regional, and metropolitan clearinghouses.

**ENCLOSURE (6)—SUMMARY SHEET<sup>1</sup>**

**ENCLOSURE (7)—INTERIM EPA PROCEDURES FOR IMPLEMENTATION OF SECTION 309 OF THE CLEAN AIR ACT, AS AMENDED**

Section 309 of the Clean Air Act, as amended, provides:

1. The Administrator shall review and comment in writing on the environmental impact of any matter relating to duties and responsibilities granted pursuant to this Act or other provisions of the authority of the Administrator, contained in any:

a. Legislation proposed by any Federal department or agency;

b. Newly authorized Federal projects for construction and any major Federal agency action (other than a project for construction) to which section 102(2)(C) of Public Law 91-190 applies, and

c. Proposed regulations published by any department or agency of the Federal Government. Such written comment shall be made public at the conclusion of any such review.

<sup>1</sup> Enclosure (6) filed as part of the original document.

<sup>1</sup> Enclosure (3) filed as part of the original document. The list appears in Appendix II of the CEQ Guidelines published at 36 F.R. 7724-7729.



2. In the event the Administrator determines that any such legislation, action, or regulation is unsatisfactory from the standpoint of public health or welfare or environmental quality, he shall publish his determination and the matter shall be referred to the Council on Environmental Quality.

3. Accordingly, whenever an agency action related to air or water quality, noise abatement and control, pesticide regulation, solid waste disposal, radiation criteria and standards, or other provisions of the authority of the Administrator if the Environmental Protection Agency is involved, including his enforcement authority, Federal agencies are required to submit for review and comment by the Administrator in writing: (1) Proposals for new Federal construction projects and other major Federal agency actions to which section 102(2)(C) of the National Environmental Policy Act applies and (2) proposed legislation and regulations, whether or not section 102(2)(C) of the National Environmental Policy Act applies. (Actions requiring review by the Administrator do not include litigation or enforcement proceedings.) The Administrator's comments shall constitute his comments for the purposes of both section 309 of the Clean Air Act and section 102(2)(C) of the National Environmental Policy Act. A period of 45 days shall be allowed for such review.

#### FEDERAL AVIATION ADMINISTRATION

[5050.2]

#### INTERIM INSTRUCTIONS FOR PROCESSING AIRPORT DEVELOPMENT ACTIONS AFFECTING THE ENVIRONMENT

DECEMBER 7, 1970.

1. **Purpose.** This order provides interim guidance for the processing of proposed airport development actions potentially involving Federal financial aid (Airport Development Aid program) and which have the potential of significantly affecting the quality of the human environment.

2. **References.** a. Advisory Circular 150/5100-7, Requirement for Public Hearings in the Airport Development Aid program.

b. Notice 5100.115, Request for Aid; Displaced Persons; Public Hearings; Environmental Considerations.

c. Notice 5100.118, Implementation of Replacement Housing Policy.

d. Notice 5100.120, Airport and Airway Development Act of 1970; Processing Project Application, Issuance of Grant Offer and Modification of FAA Form.

e. Order 1200.2, Public Availability of Information.

f. Order 5050.1, Potential Impact of section 4(f) of DOT Act.

g. Order 9900.4, FAA Plans for Meeting Mandate of National Environmental Policy Act of 1969 (Public Law 91-190).

h. DOT Order 5610.1, Implementation of section 102(2)(c) of the National Environmental Policy Act of 1969, section 4(f) of the DOT Act, and portions of section 16 of the Airport and Airway Development Act of 1970.

i. Executive Order 11514, Protection and Enhancement of Environmental Quality.

j. Part 151 of the Federal Aviation Regulations.

3. **Background and authority.** a. Section 102(2)(c) of the Environmental Policy Act of 1969 (Public Law 91-190) (hereinafter the "Environmental Act") requires the preparation of detailed environmental statements for all major Federal airport development actions significantly affecting the quality of the environment. Underlying the preparation of such statements is the mandate of both the Environmental Act and Executive Order 11514 (35 F.R. 4247) of March 5, 1970, that all Federal agencies, to the fullest extent possible, direct their policies, plans, and pro-

grams so as to meet national environmental goals.

b. Section 16(c)(3) of the Airport and Airway Development Act of 1970 (Public Law 91-258) (hereinafter the "Airport Act") directs that no airport development project may be approved by the Secretary unless he is satisfied that fair consideration has been given to the interest of communities in or near which the project may be located.

c. Section 16(c)(4) of the Airport Act directs that no major airport development project involving an airport location, a major runway extension, or runway location shall be authorized for receipt of Federal financial aid unless that project provides for the protection and enhancement of the natural resources and the quality of environment of the Nation; and further, that no project found to have an adverse effect shall be authorized unless the Secretary finds in writing, after full and complete review, that no feasible and prudent alternative exists and that all possible steps have been taken to minimize such adverse effect.

d. Section 16(d)(1) of the Airport Act directs that no airport development project involving the location of an airport, an airport runway, or a runway extension may be approved for receipt of Federal financial aid unless the sponsoring public agency has afforded the opportunity for public hearings for purposes of considering the economic, social, and environmental effects of the airport location, and its consistency with the goals and objectives of such urban planning as has been carried out by the community.

e. Section 16(e)(1) of the Airport Act directs that no airport development project involving airport location, a major runway extension, or runway location may be approved for Federal financial aid unless the governor of the state in which such project is located certifies in writing that there is reasonable assurance that the project will be located, designed, constructed, and operated so as to comply with applicable air and water quality standards; and further, where such standards have been promulgated by the Secretary of the Interior or the Secretary of Health, Education, and Welfare, certification shall be obtained from the appropriate Secretary. In approving any such project, the Secretary of Transportation is required to condition its approval on compliance during construction and operation with applicable air and water quality standards.

f. Section 4(f) of the DOT Act directs that the Secretary shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from a historic site of national, State, or local significance as so determined by such officials unless there is no feasible and prudent alternative to the use of such land and such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use.

g. Section 151.21 of the Federal Aviation Regulations directs that no airport development project involving the displacement and relocation of persons may be authorized for Federal financial aid without sponsor assurance that adequate replacement housing will be available to or provided for such persons without regard to their race, color, religion, sex, or national origin, prior to the execution of a grant agreement for the project. (See also Federal Aviation Regulations §§ 151.26 (b), 151.39(a), and 151.45(a)(2) for agency actions which are related but to be separately accomplished in accordance with instructions contained in Notice 5100.118).

4. **Policy.** Before undertaking any major airport development action potentially involving Federal financial aid, the agency will, in consultation with other appropriate Federal, State, and local agencies, assess in detail the action's potential environmental impact in order that adverse effects are avoided and environmental quality is restored or enhanced to the fullest extent practicable. In particular, alternative actions that will minimize adverse impact are to be explored and both the long and short-range implications to man, his physical and social surroundings, and to nature, should be evaluated in order to avoid to the fullest extent practicable undesirable consequences for the environment.

5. **Action.** a. Every airport development action potentially involving Federal financial aid falls within the purview of both the Airport Act and the Environmental Act. Airports regional, area, and district offices shall, until such time when superseding permanent guidance is provided, observe the policy and procedural guidance set forth in this order in all actions involving and relating to:

(1) Receipt and processing of request for airport development aid under the Airport Act.

(2) Receipt and processing of sponsor requests for agency approval of new airport sites, development of which contemplates future Federal financial aid.

(3) Receipt and processing of sponsor requests for transfer of Federal lands pursuant to section 23 of the Airport Act.

b. While transfer of surplus Government airports to the civil system pursuant to the Government Surplus Airports and Equipment Act (61 Stat. 678) as amended, are major airport development actions subject to the environmental evaluation requirements set forth herein, the procedures contained herein are not applicable. Interim guidance for agency processing of those actions will be issued shortly. Their issuance is dependent upon the receipt of appropriate guidance from the General Services Administration.

6. **Application.** a. It is the intent of this guidance that the environmental statement (hereinafter identified and which is a basic supporting requirement in the Federal review and approval process for any airport development action significantly affecting the quality of the human environment) is to serve as the medium by which all environmental clearance actions required to be accomplished by the agency are documented in support of each particular airport development action cited in foregoing paragraph 5.

b. Not all clearance procedures are involved in every proposed action. (For example, 4(f) considerations are only applicable under conditions set forth in Order 5050.1; the replacement housing assurances required by section 4a of Notice 5100.118 are only applicable when the displacement of persons is involved; public hearings are a sponsor requirement only under the conditions set forth under section 16(d)(1) of the Airport Act; State Governor air and water quality standard "certification" is a requirement only under the conditions set forth under section 16(e)(1) of the Airport Act.)

c. Wherever appropriate, the content of the basic environmental statement is to be expanded to include the consideration, evaluations, findings, etc., needed for agency compliance with all of the environmental evaluation requirements set forth in paragraph 3 of this order as are applicable to the specific action involved. In some instances it will be appropriate to embody a separate environmental finding as an appendix to the basic statement (for example, a sponsor's replacement housing assurance). It is mandatory



that the environmental statement, when required to be prepared, accompany the particular action throughout the Federal decision and approval process.

d. As used herein, the phrase "request for Federal action" means the submission by a sponsor of a request for airport development aid (ADAP), a request for site approval, or a request for the transfer of Federal land.

e. Every request for Federal action, prior to agency approval thereof, shall be supported by either an environmental statement meeting the requirements of section 102(2)(c) of the Environmental Act or by a negative declaration that the proposed action will not have a significant impact on the environment.

f. For requested actions involving the location of an airport, an airport runway, or a major runway extension, the environmental statement prepared in support of the proposed project shall specifically include the findings required by section 16(c)(4) of the Airport Act (including resolution of issues raised in public hearings held pursuant to section 16(d)(1) of the Airport Act); and, as applicable, shall address the actions and findings required by section 4(f) of the DOT Act or by § 151.21 of the Federal Aviation Regulations concerning replacement housing.

g. The requirements imposed by section 16(e)(1)—State and/or Federal air and water quality certifications—shall be accomplished only at the time a sponsor submits a project application for financial assistance. Only at that time will the proposed project exist in the engineering detail needed for State certification action. When accomplished, the resulting certificates shall become an appendix to the previously prepared environmental statement.

7. *Sponsor actions.* Each applicant for Federal action shall be required:

a. If a new airport location, a new runway, or an extension of an existing runway is involved, to afford the opportunity for public hearings as required by section 16(d)(1) of the Airport Act prior to submission of a request for appropriate Federal action. To comply with this requirement the sponsor must give adequate public notice of the intent to undertake the proposed airport development; afford the opportunity for a public hearing; hold a public hearing if requested by interested parties; and, provide a transcript of such hearings to the Secretary, when requested.

b. If a major Federal airport development action (as defined in paragraph 9g of this order) is involved, to submit with its request a draft 102(2)(c) environmental statement prepared in accordance with the instructions and guidance contained in this order. No exceptions are allowable.

c. If airport development other than that defined in paragraph 9g is involved, to submit with its request a draft 102(2)(c) environmental statement prepared in accordance with the instructions and guidance contained in this order whenever the involved airport development will produce a significant effect upon the environment when assessed against the criteria contained in paragraph 9f.

d. If airport development other than that defined in paragraph 9g is involved, to submit a negative declaration prepared in accordance with the instructions and guidance contained in this order whenever it is the applicant's studied judgment that the involved airport development will not produce or result in a significant effect upon the environment when assessed against the criteria contained in paragraph 9f.

e. Following agency issuance of a tentative allocation applicable to a development project involving initial development of a new airport, a new runway, or a major extension

to an existing runway, to obtain and submit to FAA with its project application for financial assistance, the State and/or Federal air and water quality standard's certifications required by section 16(e)(1) of the Airport Act. In no event is a grant offer to be made by the FAA until the required certificates are received.

f. When an environmental statement is prescribed, to develop such information and/or studies as are necessary to support the environmental statement. Examples of these may be noise contours or air pollution determinations.

8. *Agency processing.* Upon receipt of a properly supported request for Federal action, Airports area/district offices shall technically examine the aeronautical aspects of the request. If such evaluation determines that the project or other requested action should be recommended for programming or processing, the request is to be processed to the appropriate Airports regional office, where environmental evaluation is to proceed as follows:

a. If the request for Federal action is supported by a negative declaration, appropriate action shall be taken to confirm that judgment. If not confirmed, the request is to be returned to the sponsoring public agency with notice that a draft 102(2)(c) environmental statement must accompany its resubmittal. If confirmed, the negative declaration is to be endorsed by the appropriate regional director to denote his concurrence therewith and the request is to be processed in accordance with established governing procedures supported by the negative declaration. Negative declarations need not be coordinated outside of the FAA.

b. If the request is supported by a draft 102(2)(c) statement, the statement shall be evaluated for general adequacy and compliance with the guidance and instructions contained in this order. When necessary, such steps shall be taken with the applicant as are needed to produce a draft statement considered adequate for intergovernmental coordination. Thereafter, Airports regional offices shall:

(1) Reproduce the statement as necessary to accomplish intergovernmental coordination thereof and required Washington distribution;

(2) Immediately transmit to Washington the number of copies required by paragraph 15d of this order;

(3) Accomplish the required intergovernmental coordination and clearance actions (paragraphs 13 and 14);

(4) Reproduce and transmit comments resulting therefrom to Washington (paragraph 15d);

(5) Prepare, execute, and as needed, distribute the final text statement (reflecting therein as appropriate the comments received from reviewing government agencies); and,

(6) As appropriate, either process the statement and request in accordance with the instructions contained in paragraph 15e hereof, or return same to the sponsoring public agency with advice that the proposed action cannot be approved because of intolerable environmental consequences.

c. Upon receipt of the air and water quality State and/or Federal certifications required by section 16(e)(1) of the Airport Act (foregoing paragraph 7e) Airports regional offices shall:

(1) Identify the certificates as an appropriate appendage to the involved final environmental statement;

(2) Reproduce the certificates as necessary; and,

(3) Immediately transmit the required copies to Washington (paragraph 15g).

9. *Clarifying interpretations.* a. The section 102(2)(c) process is designed to insure

that environmental considerations are given careful attention and appropriate weight in all Federal Government decision making. It does not mean that environmental values are the only values to be weighed or that the requirement is met by paperwork formalities.

b. The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed with a view to the overall, cumulative impact of the proposed airport development action (and of further actions contemplated). Such actions will likely be localized in their impact; but if there is potential that the environment may be significantly affected, the statement is to be prepared.

c. The sponsor assurances required by § 151.21 of the Federal Aviation Regulations are applicable to any airport development project which involves the displacement or relocation of persons regardless of whether or not the project potentially affects the environment. If a project involves the displacement or relocation of a relatively few persons, and in the whole is judged not to impose a significant effect upon the environment (i.e., supported by a negative declaration), the sponsor must nonetheless submit the assurances required by Part 151 of the Federal Aviation Regulations. In this event such assurances are to be obtained and processed in accordance with the instructions contained in Notice 5100.118.

d. The Airport Act uses the term "major runway extension" in subsections 16(c)(1) and 16(e)(1). However, it uses only the term "runway extension" in subsection 16(d)(1). As the consequence, the Act's public hearing requirements are applicable to any and all projects proposing to extend an existing runway regardless of the length or purpose of the extension. In contrast, the Secretary findings as required by subsection 16(c)(1), and the air and water quality certifications required by subsection 16(e)(1) are involved only when the proposed extension is considered to be a major extension. For purposes of the latter, a major runway extension is hereby defined as any extension which:

(1) Involves expansion of the airport's existing boundary into surrounding land areas; or

(2) Upgrades the existing runway to permit first time usage by jet powered aircraft; or

(3) Upgrades the existing runway to permit usage by the next larger grouping of jet powered aircraft (i.e., upgrading from group "C" to group "B", refer to Advisory Circular 150/5060-1A); or

(4) Upgrades the operational capacity of the airport (i.e., results in the existence of full dual parallel) thus permitting a significantly increased level of jet powered aircraft operations.

e. Airports area/district offices shall encourage sponsors to consult with the nearest HEW and DOI regional office to determine when specific air or water pollution standards are applicable to the particular airport development action. Generally, where air and water quality standards promulgated by a State have been approved respectively by the Secretary of Health, Education, and Welfare and by the Secretary of the Interior, State Governor certifications assuring project compliance therewith will suffice for the requirements imposed by section 16(e)(1) of the Airport Act. Where federally approved State air and water quality standards do not exist, or are pending Federal approval, certifications from HEW and DOI are required which assure that the project will be in compliance with national air and water quality standards promulgated by those Departments pursuant to the Clean Air Act (42 U.S.C. 1857) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 466).



f. Section 101(b) of the Environmental Act indicates the broad range of aspects of the environment to be surveyed in any assessment of significant effect. The Act does not restrict itself to adverse effects and any significant effect positive or negative requires a statement. Normally, any of the following actions should be considered significant and a statement should be prepared.

(1) Any airport development action that is likely to be highly controversial on environmental grounds.

(2) Any airport development actions which are likely to:

(a) Noticeably affect the ambient noise level for a significant number of people. (Note: This evaluation must be based on an acceptable method of analysis, such as the noise exposure forecast, integrated with a comprehensive analysis of community expansion in terms of socio-economic growth and land usage including present and future zoning).

(b) Displace significant numbers of people.

(c) Have a significant aesthetic or visual effect.

(d) Divide or disrupt an established community or divide existing uses (e.g., cutting off residential areas from recreation or shopping areas).

(e) Have any effect on areas of unique interest or scenic beauty.

(f) Destroy or derogate from important recreational areas.

(g) Substantially alter the pattern of behavior for a species.

(h) Interfere with important wildlife breeding, nesting, or feeding grounds.

(i) Significantly increase air or water pollution.

(j) Adversely affect the water table of an area.

g. Pending the development of more definitive criteria, the following shall, as a minimum, be construed to be Major Federal Airport Development Actions within the meaning of section 102(2)(c).

(1) Selection of new airport sites or new airport development.

(2) Addition of a new runway to an existing airport, including the action of acquiring necessary airport land.

(3) Extension of an existing runway, including the acquisition of land therefor.

(4) Any airport development action involving matters falling under section 4(f) of the Department of Transportation Act, as amended.

(5) Transfer of Federal lands to civil airport usages pursuant to section 23 of title I, Airport and Airway Development Act of 1970.

10. *Content of environmental statements.*  
a. Each statement shall, at a minimum, include the following sections as specifically required by the Environmental Act (see example, Appendix 2). To comply with the requirements imposed by section 16 of the Airport Act and section 4(f) of the DOT Act, when the latter is applicable, the first four sections of the statement shall be appropriately expanded to cover the specific points set forth in each section description:

(1) A description of the proposed action, its purpose and its need; and

(a) For section 16 purposes, this section must identify all of the communities in or near which the project is located;

(b) For section 4(f) purposes, if applicable, this section must also identify the public parks, refuge areas, etc., which are involved or taken by the project (i.e., by size, available activities, use of patronage, relationship to other similarly used lands in the vicinity; and provide maps, plans, drawings, photographs, etc., as appropriate).

(2) The probable impact of the proposed action on both the human and natural en-

vironment, including impact on ecological systems such as wildlife, fish and marine life; and

(a) For section 16 purposes, this section must identify the steps taken by the applicant to determine the interests of involved communities, including economic, environmental, and social interests, as well as transportation interests; and, the actions taken in planning the project to recognize and meet those interests. If applicable to the particular proposed project, this section shall also identify the public hearings which have been held, and present the conclusions drawn therefrom.

(b) For section 4(f) purposes, if applicable, this section shall include the statements of the Federal, State, or local officials having jurisdiction over the section 4(f) lands involved which establish whether or not such lands are deemed to be of national, State, or local significance (refer to Order 5050.1).

(3) Any probable adverse environmental effects which cannot be avoided should the proposed project be implemented; and

(a) For section 16 purposes, this section must specifically identify community interests which are in conflict with the proposed project; and, contain an explanation as to why those community interests have not been met. If displacement or relocation of significant numbers of persons is involved, this section shall identify and discuss the numbers involved, any problems associated therewith and establish that positive sponsor assurances and commitments for all required actions relating thereto (as set forth in FAR 151) have been obtained.

(b) For section 4(f) purposes, if applicable, this section must detail, for each involved 4(f) area, the type and degree of adverse environmental effect which would unavoidably be imposed by the proposed project upon such areas; or conversely, establish the beneficial environmental effects that will result, if any.

(4) Alternatives to the proposed action; and

(a) For section 16 purposes, this section must identify the alternative actions which have been investigated to meet community interests; the estimated costs of those alternatives; and, state the reason for their non-adoption. If the statement portends that there is no feasible and prudent alternative to the proposed action, this section must also identify all of the steps and actions to be taken to minimize adverse community effects;

(b) For section 4(f) purposes, this section must also address all of the foregoing considerations with respect to the involved or taken 4(f) lands.

(5) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This in essence requires an assessment of the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

(6) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires an identification of the extent to which the action curtails the range of beneficial uses of the environment.

(7) Where appropriate, a discussion of problems and objections raised by other Federal agencies and State and local entities in the review process and the disposition of the issues involved. (This section may be added at the end of the review process in the final text of the environmental statement or may be embodied within the text of the final statement, when deemed desirable for clarity.)

b. With respect to air and water quality aspects of the proposed action which have

been previously certified by the State as being in substantial compliance with applicable air and water quality standards in accordance with section 16(e)(1) of the Airport Act, mere reference to the previous certification is sufficient.

c. Each environmental statement should be prepared in accordance with the precept in section 102(2)(a) of the Environmental Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on man's environment."

11. *Content and preparation of negative declarations.* a. A negative declaration may be prepared in letter format and be addressed to the appropriate regional director. It must be signed by the authorized agent of the sponsor (see example, Appendix 3).

b. The following is to be covered:

(1) A description of the proposed action and its purpose.

(2) A discussion of the proposed method of accomplishment, including construction techniques and safeguards, etc., to be utilized to abrogate possible short-term adverse effects upon the environment.

(3) A positive statement that the end product development will in no way alter the airport's impact upon its surrounding environment beyond the existing level.

c. After reviewing the negative declaration at the regional level, if the regional director concurs with the findings, the following statement of endorsement shall either be appended to the declaration or be contained in the regional director's cover letter transmitting the project to AS-600 for ADAP processing:

"After careful and thorough consideration and review of the facts contained in the negative environmental declaration of (sponsor), it is the finding of the undersigned that pursuit of the requested Federal action is consistent with existing national environmental policies and objectives as set forth in section 101(a) of the National Environmental Policy Act of 1969 (Public Law 91-190), and that the action will not have a significant effect or impact on the human or natural environment. Accordingly, this evaluation of said negative declaration endorses the finding of the sponsor."

(Signature, title, and date)

12. *Form of environmental statement.*  
a. Each statement is to be headed as follows:

Department of Transportation, Federal Aviation Administration (Draft) Environmental Impact Statement pursuant to section 102(2)(c), Public Law 91-190.

b. Each final statement will, as a minimum, contain sections corresponding to subparagraphs (1) through (7) of foregoing paragraph 10a, appropriately headed.

13. *Federal agencies to be consulted by FAA in connection with preparation of environmental statement.* a. Agencies to be consulted by FAA in connection with preparation of environmental statements are those which have "jurisdiction by law or special expertise with respect to any environmental impact involved" or "which are authorized to develop and enforce environmental standards." These Federal agencies include components of (depending on the aspect or aspects of the environment involved):

Department of Agriculture.  
Department of Commerce.  
Department of Defense.  
Department of Health, Education, and Welfare.  
Department of Housing and Urban Development.



Department of the Interior.  
Department of Transportation.  
Atomic Energy Commission.

b. For actions specially affecting the environment of their regional jurisdictions, the following Federal agencies are also to be consulted.

Tennessee Valley Authority.  
Appalachian Regional Commission.

c. Airports regional offices shall determine which one or more of the above listed agencies are appropriate to consult. (Interim guidance is contained in Appendix 1 of this order.) The requirement in section 102(2)(c) to obtain comment from Federal agencies having jurisdiction or special expertise is in addition to any specific FAA statutory obligation to coordinate or consult with any other Federal or State agency. In seeking comment, FAA airports regional offices may establish a time limit of not less than 30 days for reply, after which it may be presumed the agency consulted has no comment to make.

d. As earlier indicated, the scope and content of draft environmental statements are intended to address all of the environmental evaluation requirements imposed upon the agency insofar as they relate to airport development actions. Thus, it is vital that coordination of the statement with other Federal agencies also accomplish the specific coordination and clearance actions (i.e., DOT Act, section 4(f) review, including required statements of nonsignificance as specified in Order 5050.1) imposed upon the agency by laws other than the Environmental Act.

e. Airports Service is endeavoring to establish where in the field structure of the listed departments regional offices should forward draft 102(2)(c) statements for review. Initial field experience indicates that most field offices of other Federal departments are reluctant to review and comment thereon on the basis that they have not received a direct delegation of authority to do so from their respective Washington offices. Because of the ongoing urgency of the Nation's needed airport development actions, regional offices are directed to ignore such negative responses and formally transmit 102(2)(c) statements to those offices for coordination action. The transmittal letter should indicate that if the recipient office lacks the authority to review and comment upon the draft statement, it should be forwarded to the properly authorized office of the particular department involved; and that if no comments are received within 30 days, the agency will assume concurrence therewith by the involved Federal department. Additional guidance is contained in Appendix 1.

14. *State and local review.* Where no public hearing has been held on the proposed action at which the appropriate State and local review has been invited and where review by State and local agencies authorized to develop and enforce environmental standards is relevant, such State and local review shall be provided for as follows:

a. Normally, review of airport development actions by State and local government will routinely occur through the procedures set forth under Part I of Bureau of the Budget Circular No. A-95.

b. Where the proposed action affects matters within their jurisdiction, review by State and local agencies authorized to develop and enforce environmental standards and their comments on draft environmental statements are to be obtained directly by the sponsor.

15. *Timing of environmental statement preparation and distribution.* a. It is essential that draft environmental statements be prepared early in the agency decision process so that the analysis of environmental effects and the exploration of alternatives with

respect thereto are in fact significant inputs to the agency's decision.

b. Final text statements shall contain a concluding "Statement of Findings" over the signature of the appropriate regional director, as follows and as appropriate: "After careful and thorough consideration of the facts contained herein and following consideration of the views of those Federal agencies having jurisdiction by law or special expertise with respect to involved environmental impacts, \* \* \*"

(1) Disapproval \* \* \*. "It is the finding of the undersigned that pursuit of the requested Federal action would inevitably result in an intolerable adverse effect upon the human environment and thus be contrary to existing national environmental policy as set forth in section 101(a) of the National Environmental Policy Act of 1969 (Public Law 91-190). Accordingly, the requested Federal action is hereby disapproved."

(Signature, title, and date)

(2) Approval (no 4(f) involvement) \* \* \*. "It is the finding of the undersigned that pursuit of the requested Federal action is consistent with existing national environmental policies and objectives as set forth in section 101(a) of the National Environmental Policy Act of 1969 (Public Law 91-190); that there is no feasible and prudent alternative to the requested action which has not been considered; and further, that accomplishment of the proposed action contemplates all feasible and prudent planning leading to minimized adverse effects upon the human environment. Accordingly, it is recommended that the proposed Federal action be approved by the Assistant Secretary for Environment and Urban Affairs, Department of Transportation."

(Signature, title, and date)

Approved: \_\_\_\_\_

Disapproved: \_\_\_\_\_

(Assistant Secretary for Environment and Urban Affairs, Department of Transportation)

Date: \_\_\_\_\_

(3) Approval (4(f) involvement) \* \* \*. "It is the finding of the undersigned that pursuit of the requested Federal action is consistent with existing national environmental policies and objectives as set forth in section 101(a) of the National Environmental Policy Act of 1969 (Public Law 91-190); that there is no feasible and prudent alternative to the proposed action; and further that the proposed action includes all possible planning to minimize harm to the human environment and, to the extent they are involved, to public parks, recreation areas, wildlife and waterfowl refuges, or historic sites. Accordingly, it is recommended that the proposed Federal action be approved by the Secretary of the Department of Transportation."

(Signature, title, and date)

Approved: \_\_\_\_\_

Disapproved: \_\_\_\_\_

(Secretary of the Department of Transportation)

Date: \_\_\_\_\_

e. Execution of final text statements must occur prior to any agency action construable by the general public or by the applicant

public agency as being indicative of Federal approval or disapproval of the requested Federal action.

d. Sixteen (16) copies of draft environmental statements (when prepared) and sixteen (16) copies of all comments received thereon (when received) are to be forwarded to Airports Service (Attention: AS-400), who shall be responsible for further distribution within the agency, the Department, and to the Council on Environmental Quality.

e. Sixteen (16) copies of the final text statement, duly executed by the appropriate regional director, are to be forwarded immediately to Airports Service (AS-400) upon execution. That office will process the statements as necessary to obtain approval by the Office of the Secretary. When obtained, one approved copy of the statement will be returned to the region for its files.

f. Upon transmittal of the final text statement in accordance with the foregoing, the region may process the requested action on to Airports Service if it involves a request for Federal aid. That office will associate the final approved statement with the request for aid before approving the project. If a request for aid is not involved (i.e., site approval request), the region is to withhold action until it receives a copy of the approved final statement.

g. Five (5) copies of State certificates (air and water quality standards) are to be forwarded to Airports Service (AS-600) who will be responsible for associating the certificate with the sponsor's application for financial assistance and for making other Washington distribution.

16. *Agency processing of airport-related airspace actions and airport layout plan approvals.* While airport-related airspace review actions and airport layout plan approvals normally relate to proposed airport development, such agency actions are specifically exempted from the requirements contained in this order. Such exemption is premised on the fact that ensuing Federal actions relating to the physical implementation of any proposed airport development afford full and effective protection to the environment. Accordingly, agency actions for airport-related airspace determinations and airport layout plan approvals may be independently processed without compliance with the provisions of this order, provided that each such approval action contains the following conditional statement: "This (airspace or airport layout plan) determination/approval does not indicate that the proposed airport development is environmentally acceptable in accordance with Public Laws 91-190, 91-258, and/or 90-495. An environmental finding is a prerequisite to any major airport development project irrespective of whether Federal aid will be granted for the project." Specific attention is directed to the need for the inclusion of the statement in all agency airport-related airspace actions and airport layout plan review actions, irrespective of whether or not the airport in question is privately or publicly owned, or eligible or ineligible for Federal aid. Further attention is directed to the fact that the foregoing does not lessen the desirability of holding public hearings and accomplishing environmental examination of proposed airport development actions prior to a sponsor requesting agency review of airport layout plans, whenever such actions are reasonably feasible.

17. *Application to existing projects.* To the fullest extent possible the section 102(2)(c) procedures are to be applied to major airport development actions having a significant effect on the environment even though they arise from projects initiated prior to enactment of Public Law 91-190 on January 1, 1970. Where it is not practicable to reassess past basic courses of action, further



incremental actions must be shaped to minimize the environmental consequences, including the taking into account of environmental consequences not fully evaluated at the outset of existing action.

18. *Availability of environmental statements and comments to the public.* Negative statements and final text environmental statements (together with comments received thereon from consulted Federal, State, and local agencies) are to be made available to the public in accordance with the provisions of Order 1200.2.

19. *Announcement of decisions and FAA follow-through actions.* a. Decisions on environmental findings relating to airport development may only be announced to the public by the Assistant Secretary for Environment and Urban Systems.

b. In cases where the Secretary's approval differs from the applicant's proposal, regional directors will advise the applicant of the details of the decision and obtain the concurrence in writing from the applicant before permitting the project to proceed.

20. *Interim evaluation of guidance and procedures.* Regional Airports Division offices shall assess their experiences in the implementation of the guidance and procedures set forth in this order and report thereon to Airports Service (Attention: AS-400) by November 2, 1970. Such reports should include identification of problem areas and suggestions for revision or clarification of these guidelines to achieve effective coordination of views on the environmental aspects (and alternatives, where appropriate) of proposed airport development actions without imposing unproductive administrative procedures.

CHESTER G. BOWERS,  
Director, Airports Service.

#### APPENDIX 1—DETAILED GUIDANCE FOR PROCESSING DRAFT ENVIRONMENTAL STATEMENTS AND NEGATIVE DECLARATIONS

1. *Purpose.* This appendix provides detailed guidance and procedures for regional office processing of negative declarations and environmental statements and for coordination of the latter with other Federal agencies.

2. *Negative declarations—*a. *Applicability.* Submission of a negative declaration by a sponsor with its request for Federal aid is proper only under limited circumstances. The work involved must not pertain to the establishment of a new airport, a new runway, or an extension to an existing runway. Moreover, the work involved, regardless of its nature, must not possess the potential of significantly affecting the environment when assessed against the criteria set forth in paragraph 9f(2) of this order.

b. *Action.* Properly submitted negative declarations do not require intergovernmental coordination. If upon receipt from the area/district office, regional office examination substantiates both the applicability of a negative declaration in the given instance and the conclusions set forth therein, the declaration is to be endorsed by the regional director as required by paragraph 11c of this order and made a part of the project request file transmitted to AS-600 for project approval action. If regional office review determines that the submitted negative declaration is inappropriate, the declaration is to be immediately returned to the sponsor with a request that a 102(2)(c) environmental statement be provided.

3. *Environmental statements—*a. *Applicability.* Submission of a draft 102(2)(c) environmental statement by a sponsor with its request for Federal action is required, without exception, wherever the proposed work involves establishment of a new air-

port, a new runway, or an extension of an existing runway; or the work involved, regardless of its nature, possesses the potential of significantly affecting the environment when assessed against the criteria set forth in paragraph 9f(2) of this order.

The above is to be construed to be applicable to airport projects undergoing stage development even though such projects were initiated prior to enactment of the Environmental Policy Act of 1969 or the Airport and Airway Development Act of 1970. Where a stage development action has been previously funded under FAAP for any project involving a new airport, a new runway, or an extension of an existing runway, the determination whether or not the preparation of a 102(2)(c) environmental statement is required is dependent upon whether or not the environmental consequences of the total project were fully evaluated at the outset of the project's undertaking. If an irrefutable showing cannot be made that such consequences were fully evaluated at the time of initial FAAP stage funding, an ensuing sponsor request for next stage development must be accompanied by an environmental statement prepared and processed in accordance with this order and the guidance contained in this Appendix.

b. *Action.* All 102(2)(c) draft environmental statements must be coordinated with other Federal agencies having reasonable or possible interest in the particular undertaking. Moreover, copies thereof must be forwarded immediately upon receipt by the regional office to AS-400 for distribution to the Assistant Secretary for Environment and Urban Systems and the President's Council on Environmental Quality in accordance with the instructions contained in paragraph 15d of this order.

(1) *Area/district offices.* Upon receipt of a draft environmental statement, an area/district office shall technically review the aeronautical aspects of the sponsor's request. If such evaluation determines that the project or other requested action should be recommended for programming or processing that office is to forward the requested action to the regional office in accordance with established procedures. The area's transmittal shall include its comments and observations with respect to the content and adequacy of the accompanying draft environmental statement.

(2) *Regional office.* Upon receipt of the requested action from the area/district office, the regional office shall commence the following environmental evaluation and processing actions:

(a) Reproduce the draft environmental statement in a sufficient number of copies to permit intergovernmental coordination and required Washington distribution.

(b) Immediately transmit Washington copies to AS-400 in accordance with instructions contained in paragraph 15d of this order.

(c) Determine the other Federal agencies having reasonable or possible interest in the particular undertaking. To aid regions in this action, Attachment 1 of this appendix provides a listing of Federal agencies and their field addresses. Determination of another agency's "reasonable and possible" interest is a regional office responsibility.

In most cases it may be readily determined following an examination of the land uses surrounding the airport. As examples, if aircraft overflights will occur over parks, recreational areas, etc., the draft statement should be coordinated with the Bureau of Outdoor Recreation and the National Park Service. If wildlife refuge areas are involved, coordination should occur with the Bureau of Sport Fisheries and Wildlife. If urban areas are involved, coordination should occur

with the Department of Health, Education, and Welfare. If rivers, streams, lakes, estuaries, etc., are involved, coordination should occur with the Corps of Engineers, Coast and Geodetic Survey, Federal Water Pollution Control Administration, Bureau of Sport Fisheries and Wildlife, etc.

(d) By letter, transmit a copy of the draft environmental statement to each Government agency determined to have a reasonable and possible interest in the particular undertaking. Said letter should solicit comments thereon and request a response within a 30-day period. The letter should further state that in the event the office to whom the letter is addressed is not authorized to coordinate such matters, that office is requested to forward the agency request to the appropriate office within its particular department for direct response to the regional office.

(e) As other agency comments are received in the regional office, the comments are to be reproduced and immediately forwarded to AS-400 in accordance with instructions set forth in paragraph 15d of this order.

(f) Upon expiration of the other agency response time, the regional office shall prepare a FINAL environmental statement which revises the original draft statement as appropriate to reflect and deal with comments received through the Federal coordination process and incorporates, as the region deems appropriate, a statement of the regional director's "findings" in the text set forth in paragraphs 15b (1), (2), or (3) of this order.

(g) Upon signature thereof by the regional director, reproduce the final statement in sufficient copies to enclose one copy of the final statement within each project file and permit transmittal of copies thereof to AS-400 in accordance with paragraph 15e of this order.

(h) Immediately and separately from following action (1), transmit the required number of copies to AS-400.

(i) As the concluding action, forward the project request file to AS-600 with the regionally endorsed Final environmental statement as an enclosure. Under no circumstances is a project request requiring an environmental statement to be forwarded by the region to Washington unless accompanied by a Final environmental statement which has been appropriately endorsed by the regional director.

4. *Possible follow-on regional actions.* a. If the sponsor's requested action is for other than a project request for Federal aid (i.e., a request for site approval of a new airport), the foregoing environmental statement procedure instructions with respect to receipt, processing of copies to Washington, coordination with other Federal agencies, preparation of final statement, etc., are applicable. However, in these instances, when the final environmental statement has been processed to and has received appropriate Secretarial approval, AS-400 will transmit a copy of the approved final statement back to the regional office. Receipt thereof will constitute regional authority to proceed with the sponsor's request (i.e., issue an agency statement of site approval).

b. If the Secretary's approval is conditioned in any manner (i.e., approved subject to sponsor taking one or more specific actions), AS-400 will provide the particular regional office with such knowledge and request the region to obtain the sponsor's concurrence therewith in writing. Such written concurrence is to be then provided to Washington for association with the project request before an aid allocation will be made.

#### ATTACHMENT 1—ABBREVIATED LISTING OF FEDERAL REGIONAL AGENCIES

(Source: Catalog of Federal Domestic Assistance, as compiled for the Executive Office



of the President by the Office of Economic Opportunity.)

## DEPARTMENT OF AGRICULTURE

## Atlanta

1795 Peachtree Road NE., Room 302, Atlanta, GA 30309 (Alabama, Georgia, Mississippi, Puerto Rico, Tennessee, Virgin Islands, Florida, Kentucky, North Carolina, South Carolina, and Virginia).

## Chicago

538 South Clark Street, Chicago, IL 60605 (Illinois, Iowa, Minnesota, Nebraska, Ohio, Wisconsin, Indiana, Michigan, Missouri, North Dakota, and South Dakota).

## New York

26 Federal Plaza, Room 1611, New York, NY 10007 (Connecticut, District of Columbia, Maryland, New Hampshire, New York, Rhode Island, West Virginia, Delaware, Maine, Massachusetts, New Jersey, Pennsylvania, and Vermont).

## San Francisco

630 Sansome Street, San Francisco, CA 94111 (Alaska, Arizona, Guam, Idaho, Nevada, Utah, Wyoming, American Samoa, California, Hawaii, Montana, Oregon, Washington, and Trust Territory of the Pacific Islands).

## Texas

500 South Ervay Street, Room 3-127, Dallas, TX 75201 (Arkansas, Kansas, New Mexico, Texas, Colorado, Louisiana, and Oklahoma).

## U.S. FOREST SERVICE

## Region 1

U.S. Forest Service, Federal Building, Missoula, MT 59801 (Montana, northeastern Washington, northern Idaho, North Dakota, and northwestern South Dakota).

## Region 2

U.S. Forest Service, Denver Federal Center, Building 85, Denver, CO 80225 (Colorado, Kansas, Nebraska, South Dakota, and Wyoming).

## Region 3

U.S. Forest Service, Federal Building, 517 Gold Avenue SW., Albuquerque, NM 87101 (Arizona and New Mexico).

## Region 4

U.S. Forest Service, Federal Office Building, 324 25th Street, Ogden, UT 84401 (Utah, southern Idaho, western Wyoming, and Nevada).

## Region 5

U.S. Forest Service, 630 Sansome Street, San Francisco, CA 94111 (California and Hawaii).

## Region 6

U.S. Forest Service, 319 Southwest Pine Street, Post Office Box 3623, Portland, OR 97208 (Oregon and Washington).

## Region 8

U.S. Forest Service, 1720 Peachtree Road NW., Suite 800, Atlanta, GA 30309 (Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia).

## Region 9

U.S. Forest Service, Greyhound Building, 633 West Wisconsin Avenue, Milwaukee, WI 53203 (Connecticut, Delaware, Illinois, Iowa, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and Wisconsin).

## Region 10

U.S. Forest Service, Federal Office Building, Box 1628, Juneau, AK 99801 (Alaska).

## ECONOMIC DEVELOPMENT ADMINISTRATION

## North Eastern

157 High Street, Portland, ME 04101 (Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont).

## Mid Eastern

517 Ninth Street, Chafin Building, Huntington, WV 25701 (Kentucky, North Carolina, Ohio, Virginia, and West Virginia).

## South Eastern

904 Bob Wallace Avenue, Acuff Building, Huntsville, AL 35801 (Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee).

## Mid Atlantic

19 North Maine Street, Wilkes-Barre, PA 18701 (Delaware, Maryland, New Jersey, and Pennsylvania).

## North Central

505 Sellwood Building, 200 West Superior Street, Duluth, MN 55802 (Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin).

## Western

415 First Avenue, North Seattle, WA 98109 (Alaska, American Samoa, California, Guam, Hawaii, Idaho, Montana, Oregon, and Washington).

## South Western

702 Colorado Street, Austin, TX 78701 (Arizona, Arkansas, Colorado, Kansas, Louisiana, Nevada, New Mexico, Oklahoma, Texas, Utah, and Wyoming).

## Puerto Rico and the Virgin Islands

Information may be obtained by addressing Economic Development Specialist, 517 Ponce de Leon Avenue, Santurce, PR 00907.

## WEATHER BUREAU

## Eastern

585 Stewart Avenue, Garden City, NY 11530 (Maine, Vermont, Massachusetts, Rhode Island, Connecticut, New Hampshire, New York, Pennsylvania, Maryland, North Carolina, South Carolina, Ohio, West Virginia, Virginia, Delaware, New Jersey, and District of Columbia).

## Southern

Room 10E09, 819 Taylor Street, Fort Worth, TX 76102 (Florida, Georgia, Alabama, Mississippi, Tennessee, Arkansas, Louisiana, Texas, Oklahoma, and New Mexico).

## Central

Room 1836, 601 East 12th Street, Kansas City, MO 64106 (Colorado, Minnesota, North Dakota, South Dakota, Kansas, Nebraska, Wisconsin, Illinois, Missouri, Iowa, Wyoming, Indiana, Kentucky, and Michigan).

## Western

Box 11188, Federal Building, 125 South State Street, Salt Lake City, UT 84111 (California, Nevada, Arizona, Utah, Idaho, Montana, Oregon, and Washington).

## Alaska

632 Sixth Avenue, Anchorage, AK 99501 (Alaska).

## Pacific

Box 3650, Honolulu, HI 96811, (Hawaii and Pacific Islands of Guam, Johnston, Koror, Kwajalein, Majuro, Pongo Pongo, Ponape, Truk, Wake, and Yap).

## OFFICE OF CIVIL DEFENSE

## Region 1

Federal Regional Center, Maynard, Mass. 01754 (Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Puerto Rico, and Virgin Islands).

## Region 2

Olney, Md. 20832 (Maryland, Pennsylvania, Ohio, Kentucky, West Virginia, Virginia, Delaware, and District of Columbia).

## Region 3

Thomasville, Ga. 31792 (Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Canal Zone).

## Region 4

Federal Center, Battle Creek, Mich. 49016 (Michigan, Indiana, Illinois, Wisconsin, and Minnesota).

## Region 5

Federal Regional Center, Denton, Tex. 76201 (Arkansas, Louisiana, Oklahoma, Texas, and New Mexico).

## Region 6

Federal Regional Center, Building 710, Denver, Colo. 80225 (Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas, Wyoming, and Colorado).

## Region 7

Federal Center, Santa Rosa, Calif. 95403 (California, Nevada, Utah, Arizona, Hawaii, American Samoa, and Guam).

## Region 8

Federal Regional Center, Bothell, Wash. 98011 (Washington, Oregon, Montana, Idaho, and Alaska).

## CORPS OF ENGINEERS

## New England Division

Division Engineer, U.S. Army Engineer Division, New England, 424 Trapelo Road, Waltham, MA 02154.

## North Atlantic Division

Division Engineer, U.S. Army Engineer Division, North Atlantic, 90 Church Street, New York, NY 10007.

## South Atlantic Division

Division Engineer, U.S. Army Engineer Division, South Atlantic, 510 Title Building, 30 Pryor Street SW., Atlanta, GA 30303.

## Ohio River Division

Division Engineer, U.S. Army Engineer Division, Ohio River, Post Office Box 1159, Cincinnati, OH 45201.

## North Central Division

Division Engineer, U.S. Army Engineer Division, North Central, 536 South Clark Street, Chicago, IL 60605.

## Lower Mississippi Valley Division

Division Engineer, U.S. Army Engineer Division, Lower Mississippi Valley, Post Office Box 80, Vicksburg, MS 39180.

## Missouri River Division

Division Engineer, U.S. Army Engineer Division, Missouri River, Post Office Box 103 (downtown station), Omaha, NE 68101.

## Southwestern Division

Division Engineer, U.S. Army Engineer Division, Southwestern, 1114 Commerce Street, Dallas, TX 75202.



*North Pacific Division*

Division Engineer, U.S. Army Engineer Division, North Pacific, 210 Custom House, Portland, Oreg. 97209

*South Pacific Division*

Division Engineer, U.S. Army Engineer Division, South Pacific, 630 Sansome Street, Room 1216, San Francisco, CA 94111

*Pacific Ocean Division*

Division Engineer, U.S. Army Engineer Division, Pacific Ocean, Building 96, Fort Armstrong, Honolulu, Hawaii 96813

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

*Region 1*

John F. Kennedy Federal Building, Government Center, Boston, Mass. 02203 (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont)

*Region 2*

26 Federal Plaza, New York, N.Y. 10007 (Delaware, New Jersey, New York, and Pennsylvania)

*Region 3*

220 Seventh Street NE., Charlottesville, VA 22901 (District of Columbia, Kentucky, Maryland, North Carolina, Virginia, West Virginia, Puerto Rico, and Virgin Islands)

*Region 4*

50 Seventh Street NE., Room 404, Atlanta, GA 30323 (Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee)

*Region 5*

433 West Van Buren Street, New Post Office Building, Room 712, Chicago, Ill. 60607 (Illinois, Indiana, Michigan, Ohio, and Wisconsin)

*Region 6*

601 East 12th Street, Kansas City, MO 64106 (Iowa, Kansas, Missouri, Minnesota, Nebraska, North Dakota, and South Dakota)

*Region 7*

1114 Commerce Street, Dallas, TX 75202 (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas)

*Region 8*

9017 Federal Office Building, 19th and Stout Street, Denver, CO 80202 (Colorado, Idaho, Montana, Utah, and Wyoming)

*Region 9*

Federal Office Building, 50 Fulton Street, San Francisco, CA 94102 (Arizona, California, Nevada, Hawaii, Guam, and American Samoa)

*Region 10*

Arcade Building, 1319 Second Avenue, Seattle, WA 98101 (Washington, Oregon, Idaho, and Alaska)

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

*Region 1*

Room 405, John F. Kennedy Federal Building, Boston, Mass. 02203 (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont)

*Region 2*

Room 3547A, 26 Federal Plaza, New York, N.Y. 10007 (New York, New Jersey, Puerto Rico and the Virgin Islands)

*Region 3*

Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106 (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia and West Virginia)

*Region 4*

645 Peachtree-Seventh Building, Atlanta, Ga. 30323 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee)

*Region 5*

Room 1500, 360 North Michigan Avenue, Chicago, IL 60601 (Illinois, Indiana, Minnesota, Michigan, Ohio and Wisconsin)

*Region 6*

Federal Office Building, 819 Taylor Street, Fort Worth, TX 76102 (Arkansas, Louisiana, New Mexico, Oklahoma and Texas)

*Region 7*

Room 271, Federal Office Building, 601 East 12th Street, Kansas City, MO 64106 (Iowa, Kansas, Missouri and Nebraska)

*Region 8*

Samsonite Building, 1050 South Broadway, Denver, CO 80209 (Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming)

*Region 9*

450 Golden Gate Avenue, Post Office Box 36003, San Francisco, CA 94102 (Arizona, California, Guam, Hawaii and Nevada)

*Region 10*

Room 226, Arcade Plaza Building, Seattle, Wash. 98101 (Alaska, Idaho, Oregon and Washington)

## INDIAN HEALTH SERVICE

*Aberdeen*

22½ South Main Street, Aberdeen, SD 57401.

*Albuquerque*

Room 4005, Federal Office Building and U.S. Courthouse, 500 Gold Avenue SW., Albuquerque, NM 87101.

*Anchorage*

Post Office Box 7-741, Anchorage, AK 99501.

*Billings*

3 Seventh Street West (or Post Office Box 2143), Billings, MT 59103.

*Oklahoma City*

388 Old Post Office and Courthouse Building, Oklahoma City, OK 73102.

*Phoenix*

801 East Indian School Road, Phoenix, AZ 85014.

*Portland*

88M Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

*Window Rock*

Post Office Box 188, Window Rock, AZ 86515.

## BUREAU OF COMMERCIAL FISHERIES (DOI)

*Region 1*

6166 Arcade Building, 1319 Second Avenue, Seattle, WA 98001 (Idaho, Montana, Oregon, Washington, and Wyoming).

*Region 2*

Federal Office Building, 144 First Avenue South, St. Petersburg, FL 33701 (Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Texas, and Virgin Islands).

*Region 3*

Federal Building, 14 Elm Street, Gloucester, MA 01930 (Connecticut, Delaware, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia).

*Region 4*

5 Research Drive, Ann Arbor, MI 48103 (Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, and Wisconsin).

*Region 5*

Post Office Box 2481, Juneau, AK 99801 (Alaska).

*Region 6*

300 South Ferry Street, Room 2016, Terminal Island, CA 90731 (Arizona, California, Colorado, New Mexico, Nevada, and Utah).

*Hawaii Area*

2570 Dole Street, Post Office Box 3830, Honolulu, HI 96812 (American Samoa, Guam, and Hawaii).

## BUREAU OF SPORT FISHERIES AND WILDLIFE (DOI)

*Region 1*

Post Office Box 3737, 730 Northeast Pacific Street, Portland, OR 97232 (Alaska, California, Hawaii, Idaho, Montana, Nevada, Oregon, Washington, and Guam).

*Region 2*

Post Office Box 1306, Federal Building, 517 Gold Avenue SW., Albuquerque, NM 87101 (Arizona, Colorado, Kansas, New Mexico, Oklahoma, Texas, Utah, and Wyoming).

*Region 3*

Federal Building, Fort Snelling, Twin Cities, MN 55111 (Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin).

*Region 4*

809 Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, GA 30323 (Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, Puerto Rico, and Virgin Islands).

*Region 5*

U.S. Post Office and Courthouse, Boston, MA 02109 (Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia).

## NATIONAL PARK SERVICE (DOI)

*Southeast*

Post Office Box 10008, Richmond, VA 23240 (Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Puerto Rico, and Virgin Islands).

*Southwest*

Post Office Box 728, Santa Fe, NM 87501 (Arizona, New Mexico, Oklahoma, Texas, and Utah).

*Northeast*

143 South Third Street, Philadelphia, PA 19106 (Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Wisconsin).

*Northwest*

Fourth and Pike Building, Seattle, WA 98101 (Alaska, Idaho, Oregon, and Washington).

*Midwest*

1709 Jackson Street, Omaha, NE 68102 (Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wyoming).



*Western*

450 Golden Gate Avenue, Post Office Box 36063, San Francisco, CA 94102 (California, Nevada, and Hawaii).

*Office of National Capital and Urban Park Affairs*

1100 Ohio Drive SW., Washington, DC 20240 (District of Columbia).

*BUREAU OF OUTDOOR RECREATION (DOI)**Southeast*

810 New Walton Building, Atlanta, GA 30303 (Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, Puerto Rico, and Virgin Islands).

*Northeast*

Federal Building, Seventh Floor, 1421 Cherry Street, Philadelphia, PA 19102 (Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, and District of Columbia).

*Lake Central*

3853 Research Park Drive, Ann Arbor, MI 48104 (Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin).

*Mid-Continent*

Building 41, Denver Federal Center, Denver, CO 80225 (Colorado, Kansas, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming).

*Pacific Southwest*

Box 36062, 450 Golden Gate Avenue, San Francisco, CA 94102 (Arizona, California, Hawaii, Nevada, Utah, American Samoa, and Guam).

*Pacific Northwest*

Room 407, U.S. Courthouse, Seattle, WA 98104 (Alaska, Idaho, Montana, Oregon, and Washington).

*FEDERAL WATER QUALITY ADMINISTRATION (DOI)*

Northeast Region, Federal Water Quality Admin., DI, 1421 Peachtree Street NE., Suite Building, Room 2303, Boston, Mass. 02203. Middle Atlantic Region, Federal Water Quality Admin., DI, 918 Emmet Street, Charlottesville, VA 22901.

Southeast Region, Federal Water Quality Admin., DI, 1421 Peachtree Street NE., Suite 300, Atlanta, GA 30309.

Ohio Basin Region, Federal Water Quality Admin., DI, 4676 Columbia Parkway, Cincinnati, OH 45226.

Great Lakes Region, Federal Water Quality Admin., DI, 33 East Congress Parkway, Room 410, Chicago, IL 60605.

Missouri Basin Region, Federal Water Quality Admin., DI, 911 Walnut Street, Room 702, Kansas City, MO 64106.

South Central Region, Federal Water Quality Admin., DI, 1402 Elm Street, Dallas, TX 75202.

Southwest Region, Federal Water Quality Admin., DI, 760 Market Street, San Francisco, CA 94102.

Northwest Region, Federal Water Quality Admin., DI, Pittcock Block, Room 510, Portland, Oreg. 97205.

*ATOMIC ENERGY COMMISSION**Region 1*

New York Operations Office, 376 Hudson Street, New York, NY 10014 (Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont).

*Region 2*

Oak Ridge Operations Office, Post Office Box E, Oak Ridge, TN 37830 (Arkansas, Kentucky, Louisiana, Mississippi, Missouri, Puerto Rico, Tennessee, Virgin Islands, Virginia, and West Virginia).

*Region 3*

Savannah River Operations Office, Post Office Box A, Aiken, SC 29801 (Alabama, Canal Zone, Florida, Georgia, North Carolina, and South Carolina).

*Region 4*

Albuquerque Operations Office, Post Office Box 5400, Albuquerque, NM 87115 (Arizona, Kansas, New Mexico, Oklahoma, and Texas).

*Region 5*

Chicago Operations Office, 9800 South Cass Avenue, Argonne, IL 60439 (Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin).

*Region 6*

Idaho Operations Office, Post Office Box 2108, Idaho Falls, ID 83401 (Colorado, Idaho, Montana, Utah, and Wyoming).

*Region 7*

San Francisco Operations Office, 2111 Bancroft Way, Berkeley, CA 94704 (California, Hawaii, and Nevada).

*Region 8*

Richland Operations Office, Post Office Box 550, Richland, WA 99352 (Alaska, Oregon, and Washington).

*FEDERAL POWER COMMISSION**Atlanta*

730 Peachtree Building, Room 500, Atlanta, GA 30308 (Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia).

*Chicago*

610 South Canal Street, Room 1051, Chicago, IL 60606 (Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin).

*Fort Worth*

819 Taylor Street, Fort Worth, TX 76102 (Arkansas, Colorado, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, Texas, and Wyoming).

*New York*

26 Federal Plaza, 22d Floor, New York, NY 10007 (Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia).

*San Francisco*

555 Battery Street, San Francisco, CA 94111 (Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, and Washington).

*San Francisco Staff*

Office of Accounting and Finance, Room 418, 555 Battery Street, San Francisco, CA 94111 (Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, plus western Texas Panhandle).

*BUREAU OF LAND MANAGEMENT**Alaska*

555 Cordova Street, Anchorage, AL 99501.

*Arizona*

Federal Building, Room 3022, Phoenix, Ariz. 85025.

*California*

Federal Building, Room 4017, 650 Capitol Mall, Sacramento, CA 95814.

*Colorado*

Federal Building, Room 14023, 1961 Stout Street, Denver, CO 80202.

*Idaho*

Room 334, Federal Building, 550 West Fort Street, Boise, ID 83702.

*Montana*

Federal Building, 316 North 26th Street, Billings, MT 59101 (North Dakota, South Dakota, and Minnesota).

*Nevada*

Federal Building, Room 3008, 300 Booth Street, Reno, NV 89502.

*New Mexico*

U.S. Post Office and Federal Building, South Federal Place, Post Office Box 1449, Santa Fe, NM 87501 (Oklahoma).

*Oregon and Washington*

729 Northeast Oregon Street, Post Office Box 2965, Portland, OR 97208.

*Utah*

8217 Federal Building, Post Office Box 11505, Salt Lake City, UT 84111.

*Wyoming*

U.S. Post Office and Courthouse Building, 2120 Capitol Avenue, Post Office Box 1828, Cheyenne, WY 82001 (Nebraska and Kansas).

*Eastern States*

7961 Eastern Avenue, Silver Spring, MD 20910. (This office handles inquiries on states not listed above).

*GEOLOGICAL SURVEY**Alaska Survey Committee*

218 E Street, Anchorage, AL 99501

*Pacific Coast Survey Committee*

345 Middlefield Road, Menlo Park, CA 94025.

*Rocky Mountain Survey Committee*

Federal Center, Denver, Colo. 80225.

*Topography Division*

345 Middlefield Road, Menlo Park, CA 94025 (Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington). Federal Center, Denver, Colo. 80225 (Alaska, Colorado, Montana, New Mexico, Texas, and Wyoming).

Ninth and Pine Streets, Post Office Box 133, Rolla, MO 65401 (Arkansas, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Wisconsin).

1109 North Highland Street, Arlington, VA 22210 (Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands).

*Water Resources Division*

345 Middlefield Road, Menlo Park, CA 94025 (Alaska, California, Hawaii, Idaho, Nevada, Oregon, and Washington, and Guam, Samoa, and other Pacific Islands).

Federal Center, Denver, Colo. 80225 (Arizona, Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming).



Suite 212, West Port 104 Building, 2322 Schuetz Road, St. Louis, MO 63141 (Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin).

Room 317, Washington Building, Arlington Towers, Arlington, Va. 22209 (Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands).

#### Geologic Division

345 Middlefield Road, Menlo Park, CA 94025 (Pacific Coast area).

Federal Center, Denver, Colo. 80225 (Rocky Mountain area).

#### APPENDIX 2—"SAMPLE" ENVIRONMENTAL STATEMENT

DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION (DRAFT) ENVIRONMENTAL IMPACT STATEMENT PURSUANT TO SECTION 102(2)(C), PUBLIC LAW 91-190

The city of Euphoria, Adirondacks County (State), has submitted a request for Federal financial assistance under the Airport Development Aid Program, as authorized by the Airport and Airway Development Act of 1970, for a project to construct a new parallel runway at the Euphoria Municipal Airport.

##### 1. Description and purpose of the project.

a. *Description.* The proposed project contemplates the construction of a new asphalt runway (4,500' x 100'); a connecting taxiway (1,000' x 50'); and the installation of runway edge lighting.

b. *Purpose.* The existing single runway at Euphoria Municipal is presently operating at the upper limits of its operational capacity. Since 92 percent of the traffic at the airport is general aviation, the city of Euphoria is planning to construct a parallel runway designed to serve only general aviation traffic.

##### 2. The probable impact of the project on both the human and natural environment.

a. The construction of the new runway (14L/32R) will affect an element of the human environment which is not now affected by the existing runway. At present, all aircraft fly a traffic pattern to the southwest of the airport and thus avoid overflight of populated areas. Construction of the new runway will necessitate a second traffic pattern to the northeast to avoid conflict with the pattern of existing 14R/32L (see Enclosure 1). This will mean a number of homes will now be exposed to overhead aircraft noise at an altitude of 800' to 1,000'. However, the noise itself should not prove too disagreeable since the contemplated runway length limits using aircraft to nonturbine general aviation types. There are no schools in the immediate vicinity, nor are there any planned, which would be affected by aircraft noise or safety considerations. Approximately 1 mile to the east a new 154-bed hospital is now under construction. Since the hospital will be centrally air conditioned and is being acoustically treated in the construction stages, no sound problems are anticipated (see Enclosure 2, Land Use Map).

The conclusion reached on significant actions affecting the human environment in connection with the development proposed in this project are as follows:

(1) As evidenced by newspaper articles, letters to the editor, and a public hearing held by the airport's sponsor in the Oak View High School auditorium on June 9, 1970, the project is not considered controversial. At the public hearing four homeowners expressed opposition to the runway's construction because of anticipated exposure of their properties to aircraft noise. However, following an explanation by the airport sponsor of the type operations to be conducted and the noise levels to result, they appeared placated.

The project has been approved by the City Planning Commission as being in conformance with the Comprehensive Plan for Euphoria, adopted in April 1968.

Airspace clearance has been granted by the Federal Aviation Administration subject to Federal environmental approval on the proposed undertaking.

(2) Operations from runway 14L/32R will slightly increase the ambient noise level for approximately 850 people residing in the area underlying the new traffic pattern. However, as shown in the NEF contour map in Enclosure 3, no residential or other building will be exposed to an NEF rating of more than 24. This is considered to be an acceptable level of public exposure as evidenced by BB&N document, FAA-NO-70-9, "Noise Exposure Forecasts: Evolution, Evaluation, Extensions, and Land Use Interpretations," dated August 1970.

There will be no noticeable increase in air pollution resulting from aircraft operations using the new runway. Since turbine-powered aircraft will not be using the runway, there will be no carbon (soot) particulate matter fallout of any significance which is the most objectionable element in turbine exhaust gases.

Construction of the parallel runway will mean that a maximum of 86 additional general aviation operations per hour can be accommodated. Estimates are that during the long-range planning period (20 years) the new parallel runway will not have to handle more than 40 operations per hour. According to available research data, a typical general aviation aircraft during the landing and take-off/approach and climb-out phases of flight (2 operations) contributes the following levels of pollution to the air: 8.14 pounds of carbon monoxide (CO), 0.79 pound hydrocarbons (HC), 0.02 pound oxides of nitrogen (NO<sub>x</sub>), and 0.02 pound of particulate matter. This would mean that the maximum anticipated hourly air pollution involved would amount to: 162.8 pounds CO, 15.8 pounds HC, 0.4 pound NO<sub>x</sub>, and 0.4 pound particulate. On a relative basis, as compared to the pollution caused by automobile traffic on nearby I-78, the Air and Water Pollution Control Commission states that the pollution contributed by aircraft would be negligible (see Enclosure 7).

(3) The proposed development will require the displacement of two families presently residing in the area of the new northwest clear zone. Sponsor negotiations to acquire those properties have been concluded to the satisfaction of the involved owners. The Euphoria Housing Authority has located satisfactory replacement housing which is acceptable to the families and has offered to assist their relocation process.

b. The construction of runway 14L/32R will have a minimal effect on the natural environment. Conclusions reached on significant actions affecting the natural environment, which include considerations in accordance with section 4(f) of the DOT Act, and which are concurred with by the Department of the Interior, are:

(1) The project will not alter, destroy, or derogate from any recreational areas or public parks. Horseshoe Creek Park, which is the only public park and recreational area in the vicinity, is four miles from the site and is not under any flight or approach paths to the airport.

(2) The proposed project will not alter the pattern or behavior of any wildlife species. Immediately to the south of the site is

Raintree Marsh, a State-owned wildlife area, which is known to be a breeding area for the Saddleback Turtle. According to Professor William F. Spangler, noted ecologist on the staff of Upstate University, aircraft operations anticipated from the new runway should have no effect on the turtles or their mating habits. A letter from Professor Spangler attesting to this is attached as Enclosure 4. Except for Raintree Marsh, there are no other significant wildlife breeding, nesting, or feeding grounds on or near the site. There is no record of any rare or endangered species in the area. Letters from the Euphoria Chapter of the Audubon Society and the State Fish and Game Commission confirming the foregoing are attached as Enclosures 5 and 6, respectively.

(3) The proposed project will improve the aesthetic and visual effects of the site by clearing some 47 acres of scrub growth; by removing a small vermin-infested trash dump which was used by the city before the airport was built; and by stabilizing some soil areas of the airport which have begun to erode.

(4) The proposed development will not significantly increase ambient air or water pollution. Statement of the State Air and Water Pollution Control Commission to this effect is attached as Enclosure 7.

(5) The proposed development will have no effect on the water table of the area. The elevation of the project site is 280' MSL; the strata of producing of producing water wells in the general area is 140' MSL. A letter from the State Water Control Commission substantiating the foregoing is attached as Enclosure 8.

3. *Probable adverse environmental effects which cannot be avoided.* The only identifiable adverse environmental effect of the new project will be the aircraft noise imposed on those residences under the new traffic pattern. Even though the new runway is to be lighted for night operations, such action is a safety measure and it is anticipated that general aviation operations will predominantly occur during the hours between sunrise and sunset.

4. *Alternatives.* Alternatives considered include: (1) Development of a new airport at another less accessible site which diminishes the airport's usefulness; and (2) doing nothing. The cost of the new site comparably developed is unwarranted (\$3.7 million minimum, as estimated by the City Engineering Department, see Enclosure 9) when weighed against the relatively minor change in the environment by the proposed development. Doing nothing would soon result in a facility which is inadequate to meet the community's civil aviation requirements, thus depriving the community of the economic and other benefits otherwise desirable therefrom.

To minimize adverse environmental effects, the proposed runway length is being purposely limited to preclude its use by jet powered aircraft. Such aircraft operations will be confined to the existing runway as they are at present.

5. *The relationship between local short-term uses of the environment and enhancement of long-term productivity.* Construction estimates for the project indicate that it will take approximately 6 months to build the new runway. Grading operations are expected to take 3 months. During this time some dust will be generated by earthmoving equipment, but this is not expected to carry to any residential areas. Runoff silt that might be washed from the site will be caught and held in holding ponds so that none is expected to reach Raintree Marsh. Stone for the runway base will be obtained from a quarry 15 miles away and asphalt for runway paving will be brought in from a hot-mix plant some 8 miles distant, thereby eliminating any asphaltic smoke or fumes.



The long-term effects to be realized will be the elimination of some rather unsightly land adjacent to the present airport property and the provision of an adequate facility to serve the community's long-term airport needs.

6. *Irreversible or irretrievable commitments of resources.* There will be no irreversible or irretrievable commitments of resources to result from this project should it be undertaken.

7. *Problems and/or objections.* Notification that the city of Euphoria proposed to undertake the development of this project under the Airport Development Aid Program was filed through the Federal-State Coordinator, Office of the Governor, to the following State units of government: State Planning and Grants Division, Air and Water Pollution Control Commission, Department of Archives and History, Forestry Commission, Parks and Recreation Commission, and Highway Commission. No objections to the proposed project were received from any of the listed units of State government. No problems or objections in connection with the project have been raised by any Federal agency contacted. These include: Department of Agriculture; Department of the Interior; Department of Health, Education, and Welfare; Department of Housing and Urban Development; and the Appalachian Regional Commission.

The East Raintree Economic Development District, the Regional Clearinghouse for Federal Programs, has endorsed the proposed project. A copy of their letter is attached as Enclosure 10.

8. *Federal findings.* After careful and thorough consideration of the facts contained herein and following consideration of the views of those Federal agencies having jurisdiction by law or special expertise with respect to involved environmental impacts, it is the finding of the undersigned that pursuant to the requested Federal action is consistent with existing national environmental policies and objectives as set forth in section 101(a) of the National Environmental Policy Act of 1969 (Public Law 91-190); that there is no feasible and prudent alternative to the proposed action; and further, that the proposed action includes all possible planning to minimize harm to the human environment and, to the extent they are involved, to public parks, recreation areas, wildlife and waterfowl refuges or historic sites. Accordingly, it is recommended that the proposed Federal action be approved by the Secretary of the Department of Transportation.

(Signature, title, and date)

Approved: \_\_\_\_\_  
Disapproved: \_\_\_\_\_  
(Secretary of the Department of Transportation)  
Date: \_\_\_\_\_

#### APPENDIX 3—"SAMPLE" NEGATIVE DECLARATION<sup>1</sup>

Arapahoe Aeronautics Authority  
Post Office Box 1160  
Horseshoe Bend, MT 28193

Mr. WILLIAM SPANGLER,  
Regional Director,  
Federal Aviation Administration,  
Post Office Box 321,  
Anyplace, Anystate 86868.

DEAR Mr. SPANGLER: This negative declaration is prepared to accompany a request for Federal financial assistance for development of the Horseshoe Bend Municipal Airport, Horseshoe Bend, Mont.

#### 1. Description and Purpose of Project.

a. *Description.* Construct access road, approximately 580' x 26'.

b. *Purpose.* To provide access to a new apron parking area now nearing completion.

2. *Proposed method of accomplishment.* The proposed access road will be constructed on vacant airport property using normal construction techniques. Construction is expected to take no longer than 5 weeks and will be accomplished during a period when weather bureau records show an average monthly rainfall of 0.15 inches; therefore, runoff is not expected to pose a problem. If siltation should occur, it can be handled satisfactorily by the existing airport drainage system which will deliver the silt into a holding pond. There are no nearby residential structures which might be bothered by any dust created during grading operations. Asphalt will be trucked in from an existing hot-mix plant some 15 miles distant. No asphaltic smoke or fumes will be imposed upon the environment surrounding the airport.

Our evaluation of the project is that it is not controversial and is not likely to generate controversy; will not significantly alter the existing character of airport usage; will not cause the displacement of any persons; will not destroy or derogate from any recreation area; will not alter the pattern of behavior of any wildlife species or interfere with any wildlife breeding, nesting, or feeding grounds; will not increase air or water pollution; and will not adversely affect the water table of the area.

3. *Conclusion.* We conclude that the construction of this access road will in no way alter the airport's impact upon its surrounding environment beyond the existing level and that the provision of a paved road will tend to enhance the environment by eliminating dust which would be created by a dirt road and by providing a more attractive facility.

Sincerely,

DAVID W. SCURLOCK,  
Chairman,  
Arapahoe Aeronautics Authority.

(Regional Office to add Regional Director's endorsement.)

[5050.2]

IMPLEMENTATION OF COUNCIL ON ENVIRONMENTAL QUALITY (CEQ) GUIDELINES FOR ENVIRONMENTAL IMPACT STATEMENTS; SECRETARY OF TRANSPORTATION POLICY REGARDING PUBLIC HEARINGS; COMPLIANCE WITH NEW OMB CIRCULAR A-95

JUNE 25, 1971.

1. *Purpose.* This notice provides interim guidance to field personnel on the implementation of recently published CEQ guidelines (36 F.R. 7724, April 23, 1971) for environmental impact statements. It enunciates the Secretary of Transportation's policy for making draft statements available to the public 30 days prior to public hearings. It also states the requirements in the revised OMB Circular A-95 for environmental review. This notice is intended to supplement FAA Order 5050.2, Interim Instructions for Processing Airport Development Actions Affecting the Environment (December 7, 1970), and to supersede those sections which may be in conflict with it.

2. *Distribution.* This notice is distributed to the branch level in FAA headquarters, regions, and district offices. It is also available for distribution to airport project sponsors as needed.

3. *Background.* a. At present, the only FAA guidance available to field personnel on the preparation and processing of environmental impact statements for airport actions is contained in FAA Order 5050.2. These instructions were prepared according to the best information available at the time. Since the order's issuance, a great deal of experience has been gained with the environmental process, and this has led to the formulation of new policies and additional guidance.

b. It is envisioned that both Order 5050.2 and this notice will be replaced by an appropriate advisory circular and by instructions to be contained in Order 5100.17, ADAP Authority, Program Policy, Eligibility, and Allowability Criteria.

4. *Action—CEQ guidelines—(1) Effective date.* The new guidelines will apply to agency actions on which draft environmental statements are filed after June 30, 1971.

(2) *Environmental Protection Agency (EPA) review and certification.* (a) Normally, EPA will be furnished a copy of the draft environmental statement and asked for their review and comments under the routine Federal coordination process. The new guidelines specify that EPA should be requested to comment on water quality aspects of the project in addition to any state or interstate certification on this aspect under section 21(b) of the Federal Water Pollution Control Act. The new guidelines also state the requirements for obtaining EPA review and comment in writing under section 309 of the Clean Air Act, as amended. In addition, EPA has another role to play in the processing of ADAP applications. Until the individual States have federally approved air quality standards, EPA must furnish an air quality certificate for the project in question in accordance with section 16(e)(1) of the Airport and Airway Development Act. Although air quality certifications are now being obtained on a project-by-project basis from EPA Interim Regional Coordinators after a tentative allocation has been issued by the FAA, it is envisioned that at some later date the EPA review and certification processes will be combined.

(b) Because of the multiple actions to be involved in the future EPA environmental statement review process, the new CEQ guidelines establish a 45-day review period for that agency.

(3) *Federal review other than EPA.* Paragraphs 13c, 13e, and Appendix 1, paragraph 3b(2)(d) of Order 5050.2 all specify a 30-day review period for interested Federal agencies. The new guidelines do not change the 30-day period but do add the following modifier:

"Agencies seeking comment should endeavor to comply with requests for extensions of time up to 15 days."

Even though FAA may request responses from other Federal agencies within 30 days, regions should realistically allow 45 days for the review process. This would coincide with EPA's 45-day review period and would allow for a 15-day extension of time if requested.

(4) *Timing of Federal actions.* (a) One of the most significant changes in the new guidelines is the increase of time required between the filing of a draft environmental statement and the subsequent administrative action for which the statement was prepared.

"To the maximum extent practicable, no administrative action \* \* \* subject to section 102(2)(c) is to be taken sooner than 90 days after a draft environmental statement has been circulated for comment \* \* \*; neither should such administrative action be taken sooner than 30 days after the final text of an environmental statement (together with comments) has been made available to the Council and the public. If the final text of an environmental statement is filed within 90 days after a draft statement has been circulated for comment \* \* \* the 30-day period and 90-day period may run concurrently to the extent that they overlap."

This then means that a tentative allocation for an airport project cannot be issued



any sooner than 90 days after a draft statement has been sent out for comment among the various Federal agencies, assuming that the final statement is issued prior to the last 30 days.

(b) The wording in the guidelines, "To the maximum extent practicable \* \* \*" should be noted. If projects of an urgent nature arise, the following guidelines should be observed:

"Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these guidelines concerning minimum periods for agency review and advance availability of environmental statements, the Federal agency proposing to take the action should consult with the Council on Environmental Quality about alternative arrangements. Similarly, where there are overriding considerations of expense to the Government or impaired program effectiveness, the responsible agency should consult the Council concerning appropriate modifications of the minimum periods."

(5) *Summary sheets.* Paragraph 6(e) of the new guidelines establishes the requirement for a summary sheet to accompany each draft and final environmental statement. Appendix 1 prescribes the format to be followed in preparing this summary sheet.

(b) *Public hearings.* (1) *Availability of statements to the public.* Paragraph 10(e) of the new guidelines states that draft environmental statements should be made available to the public at least 15 days prior to any necessary public hearings. However, the Secretary of Transportation has established a policy that draft statements will generally be made available at least 30 days prior to such hearings. At the time of advertisement of a public hearing, the notice should state that copies of the draft environmental statement will be available for public examination at some specified place.

(2) *Format and content of draft statement.*

(a) Since the passage of the National Environmental Policy Act, the FAA has specified that draft environmental statements should contain results of any public hearings held in conjunction with the project. Hence, statements were usually not prepared until after such hearings. With the requirements outlined in paragraph 4b(1) above, it is obvious that statements must now be prepared before public hearings.

(b) Environmental statements prepared before a hearing shall be referred to as preliminary environmental statements. Preliminary statements shall be prepared as before to the extent possible in accordance with Order 5050.2. After the hearing, the sponsor's actual submission of its request for Federal action must be supported by a draft environmental statement which has been redrafted as necessary to recognize and address all issues raised in the public hearing which were not addressed or which were not satisfactorily answered in the sponsor's preliminary statement. If no significant issues are raised during the hearing which would change the content of the statement, a supplemental letter to this effect may be attached to the statement and the statement title can then be revised to reflect its status as a draft statement.

(c) *A-95 environmental review.* The revised OMB Circular A-95 now levies an environmental review requirement on the clearinghouses. Since it is desirable to have clearinghouse comments incorporated into draft statements, preliminary environmental statements should be furnished to the clearinghouses for their review. As in paragraph 4b(2) above, if the clearinghouses have no significant comments on environmental issues, a supplemental letter to this effect may be attached to the draft statement.

d. *Washington review.* Both CEQ and TEU at the Washington level require 30 days to review draft statements. Confusion has arisen in the past since instructions were unclear as to when the 30-day period actually began; i.e., when the statements left the regions, when they were received by TEU and CEQ, etc. For purposes of national consistency, the 30-day review period at the Washington level is determined to begin as soon as the statements are forwarded from Airports Service to TEU and CEQ. The regions will be furnished with copies of dated transmittal letters in order that the 30-day suspense dates can be established. If significant comments are received from TEU on or before the suspense date, the regions will be informed by telephone that comments are being mailed.

Clyde W. Pace, Jr.,  
Deputy Director,  
Airports Service, AS-2.

FEDERAL HIGHWAY ADMINISTRATION

[Transmittal 202; EV-10]

POLICY AND PROCEDURE MEMORANDUM

AUGUST 24, 1971.

1. *Material transmitted.* PPM 90-1, Guidelines for Implementing section 102(2)(C) of the National Environmental Policy Act of 1969, section 1653(f) of 49 U.S.C., section 470f of 16 U.S.C., and section 309 of the Clean Air Act of 1970.

2. *Existing issuances affected.* Supersedes:

CIRCULAR MEMORANDUMS

Date	Subject
May 25, 1964-----	Consideration of the overall interests of the public in the Federal-aid highway programs for the protection or improvement of parks and other outdoor recreational and historical resources.
Mar. 24, 1970-----	Preservation of Historic Sites.

FHWA NOTICES

Date	Subject
Nov. 30, 1970-----	National Environmental Policy Act Guidelines for Implementation proposed by FHWA.
Jan. 12, 1971-----	Preparation of section 4(f) determinations by the State Highway departments.
Feb. 10, 1971-----	Preparation and processing of statements relating to section 4(f) of the DOT Act and section 102(2)(C) of the NEP Act.
Mar. 10, 1971-----	Distribution of draft environmental statements.

INSTRUCTIONAL MEMORANDUMS

Identification	Subject
IM 21-5-63-----	Coordination of public interests of highway improvements with those of fish and wildlife resources.

DRAFT INSTRUCTIONAL MEMORANDUM

Date	Subject
Nov. 24, 1970-----	Interim guidelines for implementing section 102(2)(C) of the National Environmental Policy Act of 1969.

3. *Comments.* The above issuances are deleted inasmuch as they either provided guide-

lines for implementing the acts which have now been incorporated within this memorandum or they required coordination with other agencies to assure careful consideration of the environment which is the prime substance of the National Environmental Policy Act of 1969.

F. C. TURNER,  
Federal Highway Administrator.

GUIDELINES FOR IMPLEMENTING SECTION 102(2)(C) OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969, SECTION 1653(f) OF 49 U.S.C., SECTION 470f OF U.S.C., AND SECTION 309 OF THE CLEAN AIR ACT OF 1970

1. Purpose.  
2. Authority.  
3. Definitions.  
4. Policy.  
5. Application.  
6. Procedures.  
Appendix A—Procedures on Historic Preservation.  
Appendix B—Example of Design Concurrence Letter.  
Appendix C—Location Stage Flow Chart.  
Appendix D—Design Stage Flow Chart.<sup>1</sup>

Appendix E—Environmental Statements—Contents and Format.

Appendix F—Evaluating Highway Section Environmental Effects.

Appendix G—Inter-Agency Review of Draft Environmental Statements.

Appendix H—Selections from PPM 20-8, dated January 14, 1969, for use with the National Environmental Policy Act Guidelines.

Appendix I—Purchasing Copies of Environmental Statements.

1. *Purpose.* To provide guidelines to highway departments and Federal Highway Administration (FHWA) field offices to assure that the human environment is carefully considered and national environmental goals are met when developing federally financed highway improvements.

2. *Authority.* a. Section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190) states that all agencies of the Federal Government shall:

Include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible officials on—

(i) The environmental impact of the proposed action;

(ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented;

(iii) Alternatives to the proposed action;

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code.

<sup>1</sup> Appendices C and D filed as part of the original document.



States Code, and shall accompany the proposal through the existing agency review processes.

b. Section 1653(f) of 49 U.S.C.,<sup>3</sup> section 138 of 23 U.S.C., and section 4(f) of the Department of Transportation Act (all of which are hereafter referred to as "Section 4(f)") permits the Secretary of Transportation to approve a program or project which requires the use of publicly owned land from a park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or land from an historic site of national, State, or local significance as so determined by such officials (hereafter "Section 4(f) land") only if:

(1) There is no feasible and prudent alternative to the use of such land; and  
(2) Such program includes all possible planning to minimize harm to the section 4(f) land resulting from such use.

c. Section 470f of 16 U.S.C.<sup>4</sup> provides that the head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to such undertaking.

d. Section 309 of the Clean Air Act of 1970 (Public Law 91-604), as amended, provides:

"(a) The Administrator (Environmental Protection Agency) shall review and comment in writing on the environmental impact of any matter relating to duties and responsibilities granted pursuant to this Act or other provisions of the authority of the Administrator, contained in any . . . (2) newly authorized Federal projects for construction and any major Federal agency action (other than a project for construction) to which section 102(2)(C) of Public Law 91-199 applies. . . . Such written comment shall be made public at the conclusion of any such review."

3. Definitions. (As used in this memorandum)

a. Highway section—a substantial length of highway between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study. (See paragraph 6.)

b. Agency decision—FHWA approval of the location of a highway improvement. (Subsequent approval of the design; right-of-way acquisition; the plans, specifications, and estimates (PS&E) or authorization to construct a project within the highway section is not, for the purposes of this memorandum, an additional agency decision.)

(1) A determination to prepare and process a supplemental environmental statement would be the basis for a new agency decision for either a highway location or design. (See paragraph 6p.)

<sup>3</sup>Section 1653(f) of 49 U.S.C. is identical to sections 138 of 23 U.S.C. and 4(f) of the Department of Transportation Act as amended in section 18 of the "Federal-Aid Highway Act of 1969."

<sup>4</sup>This requirement is also found in section 106 of the National Historic Preservation Act of 1966.

(2) In accordance with the Secondary Road Plan as permitted by section 117 of title 23 U.S.C., the approvals of the location, design, right-of-way acquisition and construction (PS&E) have been delegated to the appropriate State highway department for highway improvements on the Federal-Aid Secondary System.

c. Environmental statement—a written statement containing an assessment of the anticipated significant beneficial and detrimental effects which the agency decision may have upon the quality of the human environment for the purposes of:

(1) Assuring that careful attention is given to environmental matters;

(2) Providing a vehicle for implementing all applicable environmental requirements; and

(3) To insure that the environmental impact is taken into account in the agency decision.

d. Negative declaration—a written document in support of a determination that, should the proposed highway section improvement be constructed, the anticipated effects upon the human environment will not be significant.

e. Highway agency (HA)—the agency with the primary responsibility for initiating and carrying forward the planning, design, and construction of the highway. For highway sections financed with Federal-aid highway funds, the HA will normally be the appropriate State highway department. For highway sections financed with other funds, such as Forest highways, Park roads, etc., the HA will be the appropriate Federal or State highway agency.

f. Human environment—the aggregate of all external conditions and influences (aesthetic, ecological, biological, cultural, social, economic, historical, etc.) that affect the life of a human.

4. Policy. It is a national policy that all Federal agencies promote efforts for improving the relationship between man and his environment and to make special effort for preserving the natural beauty of the countryside and public park and recreational lands, wildlife and waterfowl refuges, and historic sites. It is also national policy that Federal agencies consult with other appropriate Federal, State, and local agencies; assess in detail the potential environmental impact in order that adverse effects are avoided and environmental quality is restored or enhanced, to the fullest extent practicable, and utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on man's environment. The environmental assessments include the broad range of both beneficial and detrimental effects.

5. Application. a. An environmental statement or combined environmental/section 4(f) statement or negative declaration, whichever is appropriate, shall be prepared and processed in accordance with this memorandum for each highway section proposed for construction with funds administered by the Federal Highway Administration, including in appropriate cases any section financed from funds transferred to the Federal Highway Administration from other agencies, which receives or received design approval (see paragraph 5e) on or after February 1, 1971.

b. An environmental statement or combined environmental/section 4(f) statement, whichever is appropriate, shall be prepared and processed in accordance with this memorandum for each highway section which received design approval on or after January 1, 1970, and before February 1, 1971, and which constitutes a major action significantly affecting the environment (see Ap-

pendix F, paragraphs 2 and 3) if, in the judgment of the FHWA division engineer, implementation of the National Environmental Policy Act to the fullest extent possible requires preparation and processing of an environmental statement. In making his judgment the FHWA division engineer should consider, in addition to the written reassessment prepared by the HA (see paragraph 5c) for each such highway section, the status of the design; right-of-way acquisition including demolition of improvements within the right-of-way; number of families already rehoused and those yet to be rehoused; construction scheduling; benefits to accrue from the proposed highway improvement; significant impacts; and measures to minimize any adverse impacts of the highway.

c. Highway sections which received design approval on or after January 1, 1970, and before February 1, 1971, that are classed as a major action are to be reassessed by the HA in consultation with the FHWA division engineer or his representative. The written reassessment should consider if the highway plans were developed in a such a manner as to minimize adverse environmental consequences.

d. A highway section involving an historic site included in the National Register of Historic Places shall be coordinated with the State Liaison Officer for Historic Preservation and representatives of the Office of Archeology and Preservation of the National Park Service, Department of the Interior, as set forth in Appendix A. The provisions of section 470f, 16 U.S.C., should be satisfied before submitting the final environmental/section 4(f) statement to the FHWA (see paragraph 2c).

e. Design approval may be regarded as having been obtained prior to February 1, 1971, if any one of the following conditions is satisfied.

(1) Prior to the issuance of revised PPM 20-8 dated January 14, 1969, procedures of the FHWA (then the Bureau of Public Roads) did not require a HA to receive a formally documented FHWA design approval before undertaking right-of-way acquisition and/or preparation of the plans, specifications and estimate (P.S. & E.). Therefore, design approval was that action or series of actions by which the FHWA indicated to the HA that the essential elements of the highway as set out in paragraph 10 of PPM 20-8 were satisfactory or acceptable for preparation of the P.S. & E. Such actions may have consisted of review and comments upon preliminary plans, schematic drawings, design studies, layouts or reports or unconditional approval to acquire all the right-of-way for a project. The HA shall identify those projects (both Federal-aid and non-Federal-aid) in the above category which it anticipates Federal-aid funds will be requested for a subsequent stage and furnish the FHWA division engineer for his concurrence a letter similar to Appendix B of this memorandum citing the document(s) or action(s) which it believes are equivalent to design approval. The FHWA division engineer's concurrence in the HA's determination will serve as verification that the previous actions or approvals were in effect design approval.

(2) Written approval by the FHWA of the design submitted in accordance with paragraph 10 of PPM 20-8 dated January 14, 1969.

(3) Similar type evidence that an official of the State highway department approved the design prior to February 1, 1971, for projects administered under an approved secondary road plan. Such evidence need not be submitted to the FHWA division engineer for concurrence but shall be available in the State highway department's files.

f. A single environmental statement, or negative declaration, is applicable to jointly



planned undertakings between the FHWA and other Federal agencies. The lead agency will be responsible for the appropriate document (i.e. the HA for a proposed highway section that also requires a U.S. Coast Guard action for bridge clearance over navigable water). Highway section proposals submitted for an FHWA approval shall include a copy of the statement prepared and processed by another Federal agency or reference to such a statement previously furnished to FHWA. A highway section in this category will generally be of the nature where there is no actual transfer of funds to the FHWA and the FHWA acts only in the capacity of a review agency or consultant advisor to the other Federal agency.

g. An environmental statement shall not be required in connection with any highway section that is urgently needed because of a national emergency, a disaster, a catastrophic failure, or similar great urgency. The HA may request and the FHWA may exempt such urgently needed highway sections from the environmental statement requirement after consultation with the Office of the Secretary of Transportation and the Council on Environmental Quality.

6. Procedures. (See Appendixes C and D for a flow chart.)<sup>\*</sup>

The highway section included in an environmental statement should be as long as practicable to permit consideration of environmental matters on a broad scope. Piecemealing proposed highway improvements in separate environmental statements should be avoided. If possible, the highway section should be of substantial length that would normally be included in a multiyear highway improvement program.

a. A proposal to develop or improve a highway section should be coordinated in the early stages with appropriate local, State, and Federal agencies (paragraph 5a of PPM 20-8 and paragraph 4 of IM 50-1-70). Initiation of coordination at the beginning of the location study will assist in identifying natural and cultural areas of significance, agency and public concerns and help in determining the need for and preparation of an environmental statement. Existing coordination mechanisms, such as above cited (public hearings, Office of Management and Budget Circular No. A-95 reviews) and other established procedures for coordination should be used to the greatest extent practicable. The information obtained through coordination and the highway studies (technical, engineering, social, economic, and environmental, as appropriate) should also be used in evaluating the potential environmental impact (both beneficial and detrimental) of the highway section proposal.

(1) The environmental statement and/or section 4(f) statement may be a part of the study report for the highway location, if desired; however, if included in the study report, the statements are to be consolidated in one place in the report and in a form that can be reproduced separate from the report.

b. Draft environmental statements, when required (see paragraph 5), including section 4(f) information, shall be prepared by the HA (see Appendix E for contents and format) and circulated for comment during the location study. The environmental statement should be prepared utilizing a systematic, interdisciplinary approach which will assure that environmental impacts are described in detail. A representative of the FHWA division office shall indicate that the draft statement has been cleared for circulation and comment by signing and dating

the draft statement. An environmental statement is required only for those sections which the HA and division engineer determine that construction and operation of the highway section will have a significant impact upon the environment. Appendix F lists guidelines to assist in determining significant impacts associated with the construction and operation of a highway. In addition, the HA may wish to consult other local, State, and Federal agencies with specific impact expertise when determining the significance of an impact.

c. The draft environmental statement including necessary section 4(f) information when required, is to be circulated by the HA to the appropriate agencies (see Appendix G) for comment, and made available to the public not later than the first required notice of location public hearing (30 to 40 days before date of hearing) or notice of opportunity for a public hearing as set out in PPM 20-8 (see Appendix H). The comments as received from other agencies are to be made available at either the FHWA Division or HA office for public review and copying. If the highway section qualified for exemption from public hearings procedures (PPM 20-8) and a public hearing is not afforded a draft environmental statement if required (including necessary section 4(f) information) is to be prepared and circulated for comment, and made available to the public as early as practicable. The HA shall request a determination of significance from the section 4(f) lands agency and include the letter requesting such determination and the determination. If received, as exhibits to the draft statement. An additional location or design public hearing will not be required for the sole purpose of presenting and receiving comments on the draft environmental statement for those projects which were processed in accordance with procedures in effect at the time.

d. The HA shall furnish 17 copies of each draft environmental statement to the FHWA division engineer who shall distribute 16 copies to the following recipients:

FHWA Regional Office	1
FHWA (to the Office of Environmental Policy, EV-1)	2
DOT's Office of Environment and Urban Systems (TEU)	3
Council on Environmental Quality (CEQ) (722 Jackson Place NW., Washington, DC 20006)	10

Note: The HA is to make distribution to all other required local, State, and Federal agencies (see Appendix G).

e. The HA shall announce the availability of and briefly explain the draft environmental statement or negative declaration in its presentation at the location public hearing (or at the highway design hearing when a draft statement is prepared and circulated in conjunction with design studies).

f. The HA may establish a date not less than 30 days from the date of transmittal, plus a normal time for mail to reach and be returned from the recipient, for return of the comments, except 45 days plus mailing time shall be allowed for the Environmental Protection Agency (EPA) to comment. The FHWA should include a similar time period (30 days plus mailing) for return of comments from FHWA Office of Environmental Policy (EV-1), DOT's Office of Environment and Urban Systems (TEU), and the Council on Environmental Quality (CEQ). If an agency does not respond by the indicated date, the HA may assume the agency had no comments. The HA should endeavor to grant requests for a time extension of up to 15 days for return of comments unless a 45 day review period, plus mailing time, was originally established.

g. Draft environmental statements shall be available for review by the public at the HA headquarters; the State, regional, and metropolitan clearinghouses; the FHWA division, regional, and headquarters offices; and at the appropriate public hearings. The HA and FHWA may charge nongovernmental individuals and organizations for copies of environmental statements in accordance with established fee schedules.

(1) The public and private organizations may also order copies of draft and final environmental statements from the National Technical Information Service, U.S. Department of Commerce (see Appendix I).

h. Similar procedures apply to highway sections which have received location approval but did not have design approval before February 1, 1971. In such instances the environmental statement, combination environmental/section 4(f) statement or negative declaration shall be prepared and processed during the design studies. The final environmental statement or negative declaration for such highway sections shall be furnished to FHWA before or with the request for design approval. If the design public hearing was held prior to the issuance of this memorandum, an additional design public hearing will not be required for the sole purpose of presenting and receiving comments on the draft statement. All other requirements for circulation for comment and availability to the public will apply.

i. The HA shall prepare a final environmental statement or combined environmental/section 4(f) statement for each project for which it prepared and circulated a draft environmental statement following the format in Appendix E. The final statement shall include a copy of all comments received and reflect the HA's consideration and disposition of the environmental comments at the public hearing and comments received on the draft statement.

j. FHWA review and acceptance of the final environmental statement shall be the responsibility of the Regional Federal Highway Administrator. The Regional Federal Highway Administrator shall indicate his acceptance by signature thereon, and forward 15 signed copies of the final statement as follows:

FHWA (to the Office of Environmental Policy, EV-1)	15
--	----

A copy of a signed statement may also be returned to the originating office. The HA and FHWA may, upon request of an individual or organization, make a copy of the statement as signed by the Regional Federal Highway Administrator available, but such document should be marked "Not Official—Subject to Approval by U.S. Department of Transportation."

k. FHWA's Office of Environmental Policy shall be responsible for:

(1) Submitting the necessary copies of the final statement to TEU for concurrence;

(2) Informing the Regional Federal Highway Administrator of such concurrence (at which time the final statement may be considered to be an officially approved U.S. DOT statement); and

(3) Informing the Regional Federal Highway Administrator when CEQ is furnished copies of the final statement.

l. The Regional Federal Highway Administrator shall be responsible for:

(1) Assuring that a copy of the final statement as sent to CEQ is furnished (by the HA when appropriate) for public inspection at the HA headquarters; the appropriate State, regional, and metropolitan clearinghouses; and the FHWA division and regional offices following TEU's approval or assumed concurrence; and

<sup>\*</sup> Appendixes C and D filed as part of the original document.



(2) Assuring that the following time limitations have expired prior to FHWA's approval of the location (or design if the location was previously approved).

(a) Ninety (90) days have expired since the draft environmental statement was circulated for comment, sent to CEQ (post-marked), and made available to the public as described in 6g.

(b) Thirty (30) days have expired since the final environmental statement was made available to both CEQ and the public. This time period may run concurrently with the ninety (90) day period.

m. Negative declarations shall be prepared by the HA when the anticipated impact of construction and operation of a highway section is determined to be not significant (not of major importance). Appendix F outlines several types of highway section improvements which may warrant a negative declaration; however, each highway section should be evaluated to determine whether its impact is significant. The time of preparation outlined previously for environmental statements also apply to negative declarations. Their purpose is to include in the written record evidence that the highway section was evaluated and a determination made that it would have no significant effect upon the quality of human environment. They should be based on the information developed during the highway study and coordination with local, State, and Federal agencies.

n. A negative declaration need not be circulated for comment, but its availability should be included in the notice of the public hearing or opportunity for public hearing. The FHWA division engineer shall concur in the negative declaration before he approves the location or design, whichever is appropriate.

o. The HA or FHWA may, based upon comments at the public hearing, rescind a negative declaration and prepare and process an environmental statement if in their judgment significantly impacts have been identified which were not previously considered. It would not be necessary in such instances to hold additional public hearings for the purpose of presenting the draft environmental statement.

p. The HA shall include reference to the previous environmental statement, negative declaration, or design approval exemption, if applicable, when requesting design approval, authorization for right-of-way acquisition, approval of PS&E, and construction authorization.

(1) A new environmental statement, or a supplemental statement will be necessary for a highway section when the proposal being processed introduces a new or changed environmental effect of significance to the quality of environment. The FHWA may also request an environmental statement for a highway section which received design approval before February 1, 1971, when in its judgment changes in the highway subsequent to the reassessment (see paragraph 5c) introduce significantly different impacts on the environment.

(2) A supplemental statement is to be processed in the same manner as a new environmental statement. Where the need for a supplemental statement results from the use of section 4(f) and only, a section 4(f) statement may be prepared in lieu of a supplemental environmental statement and coordinated with the Departments of the Interior and Housing and Urban Development by the HA. The coordinated section 4(f) statement, with comments and suggestions and the HA disposition of same, shall be furnished to the FHWA for appropriate processing.

q. In accordance with the Secondary Road Plan, as permitted by section 117 of title 23, U.S.C., State highway departments operating under an approved Secondary Road Plan have the responsibility for reviewing and approving the location and design of Federal-aid secondary improvements. However, the FHWA division engineer is to concur in negative declarations, where applicable. Environmental statements are to be prepared and processed in accordance with the provisions of this memorandum.

F. C. TURNER,  
Federal Highway Administrator.

#### APPENDIX A—PROCEDURES FOR HISTORIC PRESERVATION

1. The provisions of 16 U.S.C. 470(f) require that all proposed highway sections that are federally assisted be developed with consideration to effected districts, sites, buildings, structures, or objects that are included in the National Register for Historic Preservation. This authority derives from section 106 of the National Historic Preservation Act. Procedures for compliance have been implemented by the Advisory Council on Historic Preservation, and the National Park Service, Department of the Interior, as follows:

a. At the earliest stage of planning or consideration of any undertakings carried out, licensed, or financially assisted by the Federal Government, an agency should follow these steps:

(1) Consult the National Register of Historic Places to determine if a National Register property is involved in the undertaking. The National Register is maintained by the Office of Archeology and Historic Preservation, National Park Service, and monthly addenda are published in the FEDERAL REGISTER.

(2) Apply the "Criteria for Effect." If there is no effect, the undertaking may proceed.

(a) *Criteria for effect.* 1. A federally financed or licensed undertaking shall be considered to have an effect on a National Register listing (districts, sites, buildings, structures, and objects, including their settings) when any condition of the undertaking creates a change in the quality of the historical, architectural, archeological, or cultural character that qualified the property under the National Register criteria for listing in the National Register.

2. Generally, adverse effect occurs under conditions which include but are not limited to:

a. Destruction or alteration of all or part of a property;

b. Isolation from or alteration of its surrounding environment;

c. Introduction of visual, audible, or atmospheric elements that are out of character with the property and its setting (i.e. introduction of a new highway or a higher type functional highway, such as a freeway for an arterial, into the environment of a historic site).

(3) If there is an effect, regional, or State officials of the agency<sup>1</sup> in consultation with the State Liaison Officer and a representative of the Office of Archeology and Historic Preservation shall:

(a) Determine if the effect is adverse—if not, the undertaking may proceed;

(b) Upon finding an adverse effect, select and agree upon a prudent and feasible alternative to remove the adverse effect, in which case the undertaking may proceed;

(c) Failing to find and agree upon an alternative, recommend all possible planning

<sup>1</sup> When the agency has no regional or State officials, the Office of Archeology and Historic Preservation will perform this service.

to minimize the adverse effect and delay further processing of the undertaking pending the receipt of comments from the Advisory Council.

(4) Provide written notice affording the Advisory Council an opportunity to comment upon doubtful or unresolved situations of adverse effect and upon request submit a report of the undertaking.

2. The procedures call for applying the "Criteria for Effect" to determine whether a proposed highway section will have an effect on an historic place. This determination of effect should be made by the HA in consultation with the division engineer and the State Liaison Officer.<sup>2</sup> The State Liaison Officer should act as liaison between the HA and the Office of Archeology and Preservation of the National Park Service when this is necessary. If there is documented agreement that a project will not have an effect on the National Register Historic Site, no further review is required under the National Historic Preservation Act. However, if the highway section uses land from a historic site, a section 4(f) review will be required.

3. If there is a finding of adverse effect, the proposed highway section is to be processed in accordance with these procedures and the Office of Environmental Policy should be notified and kept informed of further developments. If it becomes necessary to provide a written notice affording the Advisory Council on Historic Preservation an opportunity to comment in doubtful or unresolved situations of adverse effect, the Office of Environmental Policy will act as the coordinating element for the Federal Highway Administration.

#### APPENDIX B—EXAMPLE OF DESIGN CONCURRENCE LETTER

Mr. JOHN DOE,  
Division Engineer,  
Federal Highway Administration.

DEAR MR. DOE: The initial phases (PE-ROW) for the proposed improvement of State Route 35 between State Route 64 and Springfield were accomplished without Federal-aid highway funds. Preliminary drawings, which included the elements outlined in paragraph 10b(1)(b) of PPM 20-8, were commented upon in your letters of August 18, 1966, and September 12, 1967. We have, therefore, determined that your review and comments were equivalent to design approval of this project.

For your convenience we have included below a space for your concurrence in our determination.

Sincerely,

Endorsement to (SHD)  
Concur \_\_\_\_\_  
Date \_\_\_\_\_

#### APPENDIX C—ENVIRONMENTAL STATEMENTS—CONTENTS AND FORMAT

1. Environmental statements and combination environmental/section 4(f) statements (draft and final) shall have a title page similar to the examples attached to this appendix.<sup>3</sup>

2. The following sections, as a minimum, are to be covered in environmental statements:

a. A description of the proposed highway improvement and its surroundings: The description should include the following type information: Type of facility; length; termini; basic traffic data, including trips for the design year and anticipated new

<sup>2</sup> State Liaison Officers are appointed by the Governors to be responsible for State activities under the National Historic Preservation Act.

<sup>3</sup> Examples filed as part of the original document.



trips generated 2 years after completion of the highway section; right-of-way width (including existing ROW); lengths on existing and new location; major design features such as number of lanes, access control, location of bridges and interchanges, etc.; a general description of the surrounding terrain, existing land use and proposed land use (a map preferable), and other existing environmental features; existing highway facilities including their deficiencies; the need for the proposal; the benefits to the State, region, and community; an estimate of when the proposal will be constructed; and the current status of the proposal with a brief historical resume. Inventory of economic factors such as employment, taxes, property values, etc., should be included as appropriate. The description should also include any involvement with section 4(f) land (paragraph 3 of this appendix). A vicinity map(s) shall be furnished which will show the proposed highway section and its relationship to surrounding natural and cultural features such as towns, lakes, streams, mountains, historic sites, landmarks, institutions, developed areas, principal roads and highways, and similar features that are pertinent to a highway study. Detailed maps, sketches, pictures, and other visual exhibits should be used to show specific environmental involvements as necessary. Maps and layouts of the proposed highway/section 4(f) land involvement should be sufficiently detailed to give a layman reviewer a reasonable understanding of the highway impact and proposed measures to minimize harm.

b. The probable impact of the proposed development or improvement: The evaluation and discussion should specifically emphasize significant beneficial and detrimental environmental consequences upon the State or region or community, as appropriate, of building a new highway into or through an area, or modernizing the existing highway by upgrading and/or relocation.

(1) This section, for instance, would discuss and evaluate the broad impacts on the area or region such as the problems relating to anticipated increase in urbanization or the probable impact of displacing people (if these are significant elements of the highway proposal). Efforts to minimize impact should also be discussed in broad terms. For example, measures necessary to insure proper rehousing should be discussed rather than evaluating specific number of people displaced by different alternatives and other differences of the alternatives. The significant environmental impacts of alternative locations and, as appropriate, designs, including a "do nothing" alternative is a proper subject for discussion under "Alternatives" paragraph 2d of this appendix.

(2) Impacts upon the narrow band (i.e., about 1,000 feet) adjacent to the highway may be included when significant to the whole of the region or community. However, the discussions under this section should address the probable significant impacts of the highway proposal (as opposed to individual alternative locations or designs) which might include the probable impact upon such elements, factors, and features listed in paragraph 3 of Appendix F.

c. Any probable adverse environmental effects which cannot be avoided should the proposal be implemented such as water or air pollution, effect upon section 4(f) land, damage to life systems, urban congestion, threats to health or other consequences adverse to the environment identified under paragraph 2b of this appendix. Adverse effects should include those which cannot be reduced in severity and those which can be reduced (but not eliminated) to an acceptable level unless the reduction is a result of

a different location in which case it should be included in the discussion of alternatives (paragraph 2d of this appendix).

d. Alternatives: The locations and/or designs studied in detail by the HA are to be described (narratively and with maps and other visual aids, as necessary) and the probable beneficial and/or adverse effects of each alternate (including a do-nothing alternative) identified to the extent practicable consistent with the scale of the proposed highway improvement and significance of the impact. The exploration of alternatives should include an objective evaluation and analysis of estimated costs (social and transportation), engineering factors, transportation requirements, and environmental consequences. The description of alternatives will include information, as appropriate, similar to that suggested in section A of this appendix. The discussion of environmental impacts will include more detailed impacts for each alternative than the broad environmental consequences for the corridor identified in paragraphs 2b and 2c of this appendix. The draft environmental statement should indicate that all alternatives are under consideration and that a specific alternative will be selected by the HA following the public hearing. The final environmental statement will be prepared for the selected alternative. Unless the final statement is included in the location study report (design report when prepared and circulated during design study), the final statement should include a brief discussion of the data supporting the selected alternative. This section should also include a discussion of alternatives to the use of section 4(f) lands.

e. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity: The short-term uses should be evaluated (construction, changes in traffic patterns, the taking of natural features such as trees, etc., and man-made features such as homes, churches, etc.) as compared to the long-term effects (foreseen changes in land use resulting from the highway improvement or other similarly related items that may either limit or expand land use, affect water, air, wildlife, etc., and other environmental factors).

f. Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented: Highways require use of natural resources such as forest or agricultural land, however, these are generally not in sufficient quantity to be significant. The improved access and transportation afforded by a highway may generate other related actions that could reach major proportion and which would be difficult to rescind. An example would be a highway improvement which provides access to a nonaccessible area, acting as a catalyst for industrial, commercial, or residential development of the area.

g. Where unavoidable adverse environmental effects are encountered, planning and measures taken and proposed to minimize harm should be identified. These include procedural and standard measures which are required by standard specifications or standard operating procedures such as erosion control, stream pollution prevention, borrow pit screening or rehabilitation, fencing, relocation of people and businesses, land acquisition procedures, joint development, etc. Measures unique to a specific project should be discussed in detail. Examples of such would be depressing an urban highway to minimize audio and visual effects, providing buffer zones for esthetic purposes, replacement of parklands, etc.

h. Final statements shall incorporate all comments received on the draft (including environmental comments contained in the public hearing transcript) along with a discussion of the comments and suggestions. The HA shall describe its disposition of the comments and suggestions (e.g., revisions to the proposed development or improvement to overcome anticipated problems or objections; reasons why specific comments and suggestions could not be accepted; factors of overriding importance prohibiting the incorporation of suggestions, etc.). This section may be added at the end of the review process in the final text of the environmental statement.

i. Measures to minimize harm to section 4(f) lands should be included under a separate paragraph even though discussed elsewhere in the final statement.

j. Each copy of draft and final environmental statements should be accompanied by a summary sheet prescribed as attached to this Appendix.<sup>2</sup>

3. The following information, when pertinent and available, should be included in the combination environmental/section 4(f) statements. (See paragraphs 2a, 2c, 2d, and 2i of this appendix.) To the extent practicable, this information should be included in the draft to initiate the necessary interagency review.

a. The description of the project (see paragraph 2a of this appendix) shall include information about the section 4(f) land in sufficient detail to permit those not acquainted with the project to have an understanding of the relationship the highway and park and the extent of the impact, such as:

(1) Size (acres or square feet) and location (maps or other exhibits such as photographs, slides, sketches, etc., as appropriate).

(2) Type (recreation, historic, etc.).

(3) Available activities (fishing, swimming, golf, etc.).

(4) Facilities existing and planned (description and location of ball diamonds, tennis courts, etc.).

(5) Usage (approximate number of users for each activity if such figures are available).

(6) Patronage (local, regional, and national).

(7) Relationship to other similarly used lands in the vicinity.

(8) Access (both pedestrian and vehicular).

(9) Ownership (city, county, State, etc.).

(10) If applicable, deed restrictions or reversionary clauses.

(11) The determination of significance by the Federal, State, or local officials having jurisdiction of the section 4(f) land.

(12) Unusual characteristics of the section 4(f) land (flooding problems, terrain conditions, or other features that either reduce or enhance the value of portions of the area).

(13) Consistency of location, type of activity, and use of the section 4(f) land with community goals, objectives, and land use planning.

(14) If applicable, prior use of State or Federal funds for acquisition or development of the section 4(f) land.

b. A description of the manner in which the highway will affect the section 4(f) land (include within paragraph 2c of this appendix) such as:

(1) The location and amount of land (acres or square feet) to be used by the highway.

<sup>2</sup> Summary sheet filed as part of the original document.



(2) A detailed map or drawing of sufficient scale to discern the essential elements of the highway/section 4(f) land involvement.

(3) The facilities affected.

(4) The probable increase or decrease in physical effects on the section 4(f) land users (noise, fumes, etc.).

(5) The effect upon pedestrian and vehicular access to the section 4(f) land.

c. A specific statement (with supporting reasons) that there is no feasible and prudent alternative. (Include in discussion of alternatives, paragraph 2d of this appendix.)

d. Information to demonstrate that all possible planning to minimize harm is or will be included in the highway proposal. (See paragraph 2f of this appendix.) Such information should include:

(1) The agency responsible for furnishing the highway right-of-way.

(2) Provisions for compensating or replacing the section 4(f) land and improvements thereon, including the status of any agreements. (Include agreed upon compensation, replacement acreages, and type land, etc., when known.)

(3) Highway design features developed to enhance the section 4(f) land or to lessen or eliminate adverse effects (improving or restoring existing pedestrian or vehicular access, landscaping, esthetic treatment, etc.).

(4) Coordination of highway construction to permit orderly transition and continual usage of section 4(f) land facilities (new facilities constructed and available for use prior to demolishing existing facilities, moving of facilities during off-season, etc.).

e. Evidence that the provisions of section 470(f) of 16 U.S.C. (section 106 of the Historic Preservation Act of 1966) have been satisfied when National Register Properties are involved.

#### APPENDIX F—EVALUATING HIGHWAY SECTION ENVIRONMENTAL EFFECTS

1. Draft and final environmental statements should be prepared and processed in accordance with the procedures required by this memorandum for all highway sections falling under one or more of the following three categories:

a. Highway sections where organized opposition has occurred or is anticipated to occur.

b. Highway sections significantly affecting historic or conservation lands (public or private) independent of whether they are section 4(f) cases.

c. Highway sections which are classed as major actions and are also likely to significantly affect the quality of the human environment. This category requires a two-step analysis. First, it must be determined if the proposed highway section is a major action (paragraph 2 of this appendix); secondly, the significance of the effects upon the human environment must be determined (paragraph 3 of this appendix).

2. The following should be used to determine whether a proposal to construct or improve a highway section is a major action.

a. Highway sections entirely or generally on new location.

b. Major upgrading of an existing highway section resulting in a functional characteristic change (e.g., a local road becoming an arterial highway). Such changes usually result by adding lanes, interchanges, access control, medians, etc., and require extensive right-of-way acquisition and construction (grading, base, paving, bridges, etc.) which have the potential of significantly affecting the human environment.

3. Any of the following highway sections should ordinarily be considered as significantly affecting the quality of the human environment.

a. A highway section that is likely to have a significantly adverse impact on natural, ecological, cultural, or scenic resources of national, State or local significance.

b. A highway section that is likely to be highly controversial regarding relocation housing resources.

c. A highway section that divides or disrupts an established community or disrupts orderly, planned development or is inconsistent with plans or goals that have been adopted by the community in which the project is located or causes increased congestion.

d. A highway section which involves inconsistency with any national standard relating to the environment; has a significantly detrimental impact on air or water quality or on ambient noise levels for adjoining areas; involves a possibility of contamination of a public water supply system; or affects ground water, flooding, erosion, or sedimentation.

The comments, suggestions, and information obtained during the highway studies, including the coordination and evaluation required by paragraphs 5a and 4c of PPM 20-8 will in most instances supply the information necessary to make the determination required above.

4. Negative declarations shall be prepared for all highway sections which are not major actions and for highway sections, even though classed as major actions, where it is determined there is no significant effect upon the quality of human environment as a result of the study and early coordination. Highway improvements of the following types are not likely to have significant impacts upon the environment:

a. Signing, marking, signalization and railroad protection devices.

b. Acquisition of scenic easements.

c. Modernization of an existing highway by resurfacing; less than lane width widening; adding shoulders; auxiliary lanes for localized purposes (weaving, climbing, speed-changing, etc.).

d. Correcting substandard curves.

e. Reconstruction of existing stream crossings where stream channels are not affected.

f. Reconstruction of existing highway/highway or highway/railroad separations.

g. Reconstruction of existing intersections including channelization.

h. Reconstruction of existing roadbed (existing curb to curb for urban cross sections), including minor widening, shoulders and additional right-of-way.

i. Rural two-lane highways on new or existing location which are found to be generally environmentally acceptable to the public and local, State, and Federal officials.

#### APPENDIX G—INTERAGENCY REVIEW OF DRAFT ENVIRONMENTAL STATEMENTS

1. Draft environmental statements are to be circulated to appropriate Federal, State, and local agencies. State and local agency review comments will be solicited from State, regional, and metropolitan clearinghouses. Federal agencies are those having jurisdiction by law or special expertise with respect to any environmental impact involved. These Federal agencies include components of:

Advisory Council on Historic Preservation.  
Department of Agriculture.  
Department of Commerce.  
Department of Defense.  
Department of Health, Education, and Welfare.  
Department of Housing and Urban Development.  
Department of the Interior.  
Department of State.  
Department of Transportation.  
Atomic Energy Commission.

Federal Power Commission.  
Environmental Protection Agency.  
Office of Economic Opportunity.

2. Also to be consulted, when a highway section affects its jurisdiction, are:

Tennessee Valley Authority.  
Appalachian Regional Commission.  
National Capital Planning Commission.  
Delaware River Basin Commission.  
Susquehanna River Basin Commission.

3. The HA should determine which of the Federal agencies are appropriate to consult. Careful attention should be given to the selection of agencies having jurisdiction by law or special expertise in an anticipated impact to avoid the unnecessary solicitation of agencies. Appendix II to CEQ's guidelines published in the April 23, 1971, FEDERAL REGISTER (copy attached)<sup>1</sup> lists agencies with their respective areas of jurisdiction by law or special expertise. A majority of the areas are the concern of the Departments of Housing and Urban Development, the Interior, Agriculture, and the Environmental Protection Agency.

4. The Department of Housing and Urban Development (HUD) generally deals with urban aspects of historic and archeological sites, flood plains and watersheds, parks, forests, outdoor recreation, noise, congestion, low-income neighborhoods, and urban planning. Draft environmental statements in urban areas and all draft combination environmental/section 4(f) statements should be furnished to HUD for comment.

a. It is desirable to develop a written understanding with the regional office of HUD about which rural statements it wishes to review. HUD has delegated review of environmental statements to its regional offices.

5. The Department of the Interior has an interest in several environmental impact areas, including energy transmission, land use, historic and archeological sites, flood plains and watersheds, parks, forests, outdoor recreation, erosion, urban congestion, low-income neighborhoods, urban planning, rivers, canals, stream control, and wildlife. It may be advantageous to include the Department of the Interior in the mailing list for all draft environmental statements. The designated point of contact within the Department of the Interior for coordination is the Deputy Assistant Secretary for Programs, Washington, D.C. 20240.

6. The Department of Agriculture is oriented towards rural matters. It has an interest in rural electrical energy transmission, toxins, pesticides, herbicides, land use, flood plains, watersheds, parks, forests, outdoor recreation, erosion, rivers, canals, stream control, and wildlife. Accordingly, it should be furnished draft statements on rural highway sections. Statements should be sent to the U.S. Department of Agriculture, Office of the Secretary, Washington, D.C. 20250.

7. The Environmental Protection Agency (EPA) has jurisdiction by law or expertise in all major Federal actions significantly affecting the environment. The EPA should be furnished a copy of all draft statements. Draft statements should be sent to the regional EPA office. Comments should be solicited under both section 102(2)(C) of the National Environmental Policy Act and section 309 of the Clean Air Act of 1970.

8. The Department of Health, Education, and Welfare (HEW) is urban area oriented and has an interest in health and educational effects resulting from displacement of people. HEW has expressed an interest in draft statements for urban highway sections, especially those that displace people,

<sup>1</sup> List of agencies filed as part of the original document.



affect schools, etc. Normally HEW will not be interested in draft statements for rural highway sections. Draft statements sent to HEW for comment should be sent to its Washington office (Assistant Secretary for Health and Science Affairs, HEW North Building, Washington, D.C. 20202).

9. The Department of the Army, Office of the Chief of Engineers (Corps of Engineers), is interested in land use and management (coastal areas and navigable waters), flood plains and watersheds, soil and plant life, transportation (harbors, channels, inlets, inland waterways, locks and dams, dredged spoil disposal), and water quality and pollution control. Early coordination is the best guide in determining if the Corps of Engineers has an interest in commenting on the highway section. Comments should normally be solicited from the appropriate Corps' Division or District Engineer.

10. Other agencies, that should be consulted and furnished a copy of the draft environmental statements for comment, will usually be identified during early coordination.

11. Other administrations within the Department of Transportation will need to be solicited for comment in some cases such as a proposed highway section with a bridge over navigable water that requires a permit from the Coast Guard. The administration from which comments are sought (preferably local offices) may be contacted directly by the HA.

12. In its letter asking an agency for comment on any anticipated environmental impacts for which the agency has jurisdiction by law or special expertise, it is suggested that the HA identify which impacts described in the statement the HA would specifically wish discussed. The Federal agency should be asked to comment on each alternative and, if it desires, state a preference and reasons therefor. When the HA places a time limit on the commenting period, the Federal agencies are to be advised at the time comments are solicited and should be informed that if no comments are received within that time period, the HA will assume that Federal agency has no comments to offer. The HA should clearly indicate where responding agencies are to return their comments.

**APPENDIX II—SELECTIONS FROM PPM 20-9, DATED JANUARY 14, 1969, FOR USE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT GUIDELINES:**

5. *Coordination.* a. When a State highway department begins considering the development or improvement of a traffic corridor in a particular area, it shall solicit the views of that State's resources, recreation, and planning agencies, and of those Federal agencies and local public officials and agencies, and public advisory groups which the State highway department knows or believes might be interested in or affected by the development or improvement.

6. *Hearing requirements.* a. Both a corridor public hearing and a design public hearing must be held, or an opportunity afforded for those hearings, with respect to each Federal-aid highway project that:

- (1) Is on a new location; or
- (2) Would have a substantially different social, economic or environmental effect; or
- (3) Would essentially change the layout or function of connecting roads or streets.

However, with respect to secondary road programs, two hearings are not required on a project covered by paragraph 6(a) (1) or (2) unless it will carry an average of 750 vehicles a day in the year following its completion.

b. A single combined corridor and highway design public hearing must be held, or

the opportunity for such a hearing afforded, on all other projects before route location approval, except as provided in paragraph 6.c below.

c. Hearings are not required for those projects that are solely for such improvements as resurfacing, widening existing lanes, adding auxiliary lanes, replacing existing grade separation structures, installing traffic control devices or similar improvements, unless the project:

- (1) Requires the acquisition of additional right-of-way; or
- (2) Would have an adverse effect upon abutting real property; or
- (3) Would change the layout or function of connecting roads or streets or of the facility being improved.

7. *Opportunity for public hearings.* a. A State may satisfy the requirements for a public hearing by (1) holding a public hearing, or (2) publishing two notices of opportunity for public hearing and holding a public hearing if any written requests for such a hearing are received. The procedure for requesting a public hearing shall be explained in the notice. The deadline for submission of such a request may not be less than 21 days after the date of publication of the first notice of opportunity for public hearing, and no less than 14 days after the date of publication of the second notice of opportunity for public hearing.

8. *Public hearing procedures.* a. Notice of public hearing:

- (1) When a public hearing is to be held, a notice of public hearing shall be published at least twice in a newspaper having general circulation in the vicinity of the proposed undertaking. The notice should also be published in any newspaper having a substantial circulation in the area concerned; such as foreign language newspapers and local community newspapers. The first of the required publications shall be from 30 to 40 days before the date of the hearing, and the second shall be from 5 to 12 days before the date of the hearing. The timing of additional publications is optional.

(2) In addition to publishing a formal notice of public hearing, the State highway department shall mail copies of the notice to appropriate news media, the State's resource, recreation, and planning agencies, and appropriate representatives of the Departments of Interior and Housing and Urban Development. The State highway department shall also mail copies to other Federal agencies, and local public officials, public advisory groups and agencies who have requested notice of hearing and other groups or agencies who, by nature of their function, interest, or responsibility the highway department knows or believes might be interested in or affected by the proposal.

(3) Each notice of public hearing shall specify the date, time, and place of the hearing and shall contain a description of the proposal. To promote public understanding, the inclusion of a map or other drawing as part of the notice is encouraged. The notice of public hearing shall specify that maps, drawings, and other pertinent information developed by the State highway department and written views received as a result of the coordination outlined in paragraph 5, a will be available for public inspection and copying and shall specify where this information is available.

**APPENDIX I—PURCHASING COPIES OF ENVIRONMENTAL STATEMENTS**

1. A copy of any draft or final environmental statement prepared by a Federal agency can be obtained by sending order number, payment, and return address to the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

2. Order numbers are found at the end of the summary of each statement in the 102 Monitor which is published by the Council on Environmental Quality (722 Jackson Place NW., Washington, DC 20006) and sent to State clearinghouses and other interested agencies.

3. Payment is normally \$3. Copies over 300 pages require \$6 and will be noted in the 102 Monitor.

**REGIONAL FEDERAL HIGHWAY ADMINISTRATORS**

Region 1 (Connecticut, New Hampshire, Rhode Island, Massachusetts, Puerto Rico, Maine, New Jersey, Vermont, New York).

Administrator: Gerald D. Love, 4 Norman-skill Boulevard, Delmar, NY 12034, Telephone: (518) 472-6476.

Region 2 (Delaware, Ohio, Maryland, West Virginia, District of Columbia, Pennsylvania, Virginia).

Administrator: August Schofer, Room 1633, George H. Fallon Federal Office Building, 31 Hopkins Plaza, Baltimore, MD 21201, Telephone: (301) 962-2361.

Region 3 (Alabama, South Carolina, Georgia, North Carolina, Florida, Tennessee, Mississippi).

Administrator: Harry E. Stark, Suite 200, 1720 Peachtree Road, NW., Atlanta, Ga. 30309, Telephone: (404) 526-5078.

Region 4 (Illinois, Kentucky, Wisconsin, Indiana, Michigan).

Administrator: Fred B. Farrell, 18209 Dixie Highway, Homewood, IL 60430, Telephone: (312) 799-6300.

Region 5 (Iowa, Nebraska, Minnesota, Missouri, Kansas, North Dakota, South Dakota).

Administrator: John B. Kemp, Post Office Box 7186, Country Club Station, Kansas City, MO 64113, Telephone: (816) 361-7563.

Region 6 (Arkansas, Oklahoma, Louisiana, Texas).

Administrator: James W. White, 819 Taylor Street, Fort Worth, TX 76102, Telephone: (817) 334-3232.

Region 7 (Arizona, Hawaii, California, Nevada).

Administrator: Sheridan E. Farin, 450 Golden Gate Avenue, Box 36096, San Francisco, CA 94102, Telephone: (415) 556-3951.

Region 8 (Alaska, Montana, Washington, Idaho, Oregon).

Administrator: Ralph M. Phillips, Room 412, Mohawk Building, 222 Southwest Morrison Street, Portland, OR 97204, Telephone: (503) 226-3454.

Region 9 (Colorado, Utah, New Mexico, Wyoming).

Administrator: William H. Baugh, Building 40, Denver Federal Center, Denver, Colo. 80225, Telephone: (303) 233-6721.

**GENERAL SERVICES ADMINISTRATION**

[FSS 1095.1A]

**ENVIRONMENTAL STATEMENTS**

1. *Purpose.* This order prescribes the procedures to be followed in implementing section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190), hereinafter referred to as the Act; Executive Order 11514 of March 5, 1970, entitled Protection and Enhancement of Environmental Quality; section 309 of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.); and the Guidelines issued by the Council on Environmental Quality (CEQ), for preparing environmental statements, hereinafter referred to as the Guidelines, 36 F.R. 7723 (April 23, 1971).

2. *Cancellation.* GSA Order FSS 1095.1, Subject: National Environmental Policy Act, is canceled.



3. *Background.* a. Section 102 of the Act directs all Federal agencies: (1) To develop methods and procedures which will insure that presently unquantified environmental amenities and values are given appropriate consideration in decisionmaking along with economic and technical considerations and (2) to include a detailed statement in every recommendation or report on proposals for legislation and other Federal actions that would significantly affect the quality of the human environment. Executive Order 11514 of March 5, 1970, Protection and Enhancement of Environmental Quality, effectuates the purpose and policy of this Act, and guidelines implementing the Act have been issued by the CEQ. A copy of these guidelines is included as Appendix A to Attachment B.<sup>1</sup>

b. It is also considered appropriate to provide summaries on actions taken in the development and maintenance of Federal specifications and standards. Changes in individual specifications and standards may not be sufficiently significant to constitute major actions and thus warrant preparation of an environmental statement. Therefore, the Assistant Commissioner for Standards and Quality Control will prepare quarterly summaries of actions taken in the development and maintenance of Federal specifications and standards which will affect the quality of the environment.

c. Section 309 of the Clean Air Act, as amended, provides that the Administrator of the Environmental Protection Agency (EPA) shall review and comment in writing on the environmental impact of major Federal actions to which section 102(2)(C) of the Act applies when areas of EPA responsibility are significantly affected. Further, section 309 requires that all proposed legislation and regulations related to EPA duties and responsibilities must be submitted to the Administrator of EPA for review and comment. EPA responsibilities include air and water quality, noise abatement and control, pesticide regulation, solid waste disposal, and radiation criteria and standards.

4. *Procedures.* Procedures for implementing subparagraph 3b are contained in Attachment A of this order and for implementing subparagraphs 3a and c in Attachment B.

5. *Reports.* The reports required by this order are exempt from the reports control program.

#### ATTACHMENT A—QUARTERLY SUMMARIES OF FEDERAL SPECIFICATIONS AND STANDARDS

1. *Responsible official for submission of quarterly summary statements.* The Assistant Commissioner for Standards and Quality Control will have responsibility for preparing the quarterly summary statements. The statements will be forwarded by the Commissioner, Federal Supply Service, to the Office of Environmental Affairs. Upon concurrence by the Office of Environmental Affairs, the statements will be signed by the Deputy Administrator and sent to the Council on Environmental Quality.

2. *Content of the quarterly summary statements.* The quarterly statements shall report upon all specifications and standards activity undertaken in the quarter that relates to or concerns the environment. Specifically, the quarterly statements will have the following format.

a. *Cover sheet.* A cover sheet, as illustrated in figure A-1, shall be prepared for each statement.<sup>2</sup>

b. *Text.* A text shall be prepared and shall consist of a summary sheet, a brief description

of each specification change, and the reason the change was made. In addition, an enclosure will be prepared for each action providing detailed information including specification number, dollar and unit purchase volume, environmental factors, other agencies or groups consulted before the action was taken, and a copy of the specification.

3. *Quarterly summary statement preparation and submission.* The quarterly summaries will be prepared as of the first of January, April, July, and October of each year. The summaries shall be forwarded to the Office of Environmental Affairs not later than 15 working days after the end of that quarter for which the statement was prepared.

#### ATTACHMENT B—PREPARATION AND SUBMISSION OF ENVIRONMENTAL STATEMENTS

1. *Responsible officials for submission of environmental statements.* The official initially responsible (1) for determining whether an action is major and will significantly affect the quality of the human environment and (2) for preparation and submission of the environmental statement is the Assistant Commissioner of FSS responsible for the proposed action.

2. *Determination of whether an action is a "major Federal action significantly affecting the quality of the human environment."* This is in large part a judgment based on the circumstances of the proposed action. Subparagraphs 5 (b) and (c) of the guidelines prescribe the criteria to be used in determining whether an action is a "major Federal action significantly affecting the quality of the human environment."

3. *Actions having an environmental impact.* If the Assistant Commissioner, FSS, having responsibility for the area to which the action is applicable determines that the proposed action constitutes a "major Federal action significantly affecting the quality of the human environment," an environmental statement shall be prepared. The Office of Environmental Affairs is available for consultation to aid in questions of whether a proposed action constitutes a "major Federal action significantly affecting the quality of the human environment."

4. *Responsibility for environmental statement preparation in multiagency actions.* When two or more agencies are involved in an action, the "lead agency" (the one having primary authority for committing the Federal Government to a course of action) shall prepare the statement. Where there is a question as to primary authority, the Assistant Commissioner, FSS, having responsibility for the area to which the action is applicable will report the conflict to the Office of Environmental Affairs for resolution. In cases where GSA is the "lead agency" but one or more other agencies have partial responsibility for an action, the other agencies shall be requested to provide such information to the responsible FSS official as may be necessary to prepare a suitable and complete environmental statement.

5. *Preparation of draft environmental statement.* Each environmental statement shall be prepared in accordance with the precept in section 102(2)(C) of the Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on man's environment." Each statement must reflect that the particular economic and technical benefits of its proposed action have been assessed and then weighed against the environmental costs. It is advisable, in the early stages of draft environmental statement

preparation, for the responsible FSS official to consult with those Federal, State, and local agencies possessing environmental expertise on potential impacts of a proposed action. This will assist in providing the necessary data and guidance for the analyses required to be included in environmental statements as described below.

a. *Technical content.* (1) A description of the proposed action, including information and technical data adequate to permit a careful assessment of the environmental impact of proposed action by commenting agencies;

(2) The probable impact of the proposed action on the environment, including impact on ecological systems such as wildlife, fish, and marine life. Consequences of direct and indirect impacts on the environment shall be included in the analysis. For example, any effect of the action on population distribution or concentration shall be estimated and an assessment made of the effect of any possible change in population patterns upon the resources of the area, including land use, water supply, public services, and traffic patterns;

(3) Any probable adverse environmental effects that cannot be avoided, such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, threats to health or other consequences as adverse to the environmental goals set out in section 101(b) of the Act;

(4) Section 102(2)(C) of the Act requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." A rigorous exploration and objective evaluation of possible alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their costs and impact on the environment shall accompany the proposed action through the agency review process so as not to prematurely foreclose consideration of options which might have less detrimental effects;

(5) The relationship between local short term uses of man's environment and the maintenance and enhancement of long term productivity shall be discussed. This in essence requires assessment of the action for cumulative and long term effects from the perspective that each generation is trustee of the environment for succeeding generations;

(6) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. Identify the extent to which the action curtails the range of beneficial uses of the environment;

(7) The economic and environmental costs and benefits of the proposed action must be balanced. Alternate courses of action must be discussed as to their effect upon this cost and benefit balance. If a formal cost benefit analysis on the proposed action(s) is prepared, it shall be submitted with the statement.

b. *Format requirements.* (1) Type draft and final environmental statements on 8½ x 11 white paper with clear black type;

(2) Assign a special accession (order) number to each action. This number shall be the GSA control number followed by the symbols ES and number assigned in numerical sequence to environmental statements.

(3) A summary sheet shall be prepared in accordance with the format prescribed in appendix 1 of the guidelines and shall be attached to the environmental statement as the second page; and

<sup>1</sup> Appendix A to Attachment B filed as part of the original document.

<sup>2</sup> Figure A-1 filed as part of the original document.



(4) A cover sheet shall also be prepared for each environmental statement. (See Figure B-1).<sup>2</sup>

6. *Submission and distribution of draft environmental statements.* a. The appropriate FSS official will submit the necessary copies of the draft environmental statement to the Deputy Administrator. Simultaneously, the Central Office FSS will prepare and forward letters to the Deputy Administrator for his signature soliciting comments relative to the draft environmental statement from CEQ, the Governor of the State, the U.S. Senators from the State, and the U.S. Representatives from the congressional districts involved. Copies of the comments received from these officials will be used in drafting the final text of the environmental statement. The draft environmental statement will automatically be made available to the public by the National Technical Information Service (NTIS) of the Department of Commerce. Refer all requesters for copies of draft and final environmental statements to NTIS quoting to them the accession (order) number assigned (see subparagraph 5b(2)).

b. Upon receipt of the signed copy of the transmittal letter to CEQ, the responsible FSS official shall immediately send copies of the draft environmental statement to the appropriate Federal, State, and local agencies for comment. (See also subparagraphs c, d, and e, below.) If appropriate, the comments of State, regional or metropolitan clearinghouses (using the procedures in the Office of Management and Budget Circular A-95 Revised) shall be solicited unless the Governor of the State involved has designated some other point for obtaining this review. The allowable commenting period for draft environmental statements shall be 30 calendar days, except that EPA shall have a 45-day commenting period. All commenting parties shall be advised that if no reply is received within the appropriate period it will be presumed that they have no comments to offer. However, if requests for extensions are made, a maximum period of 15 calendar days may be granted whenever practicable, except for EPA which is held to its 45-day review period. The transmittal letters sent to commenting parties shall indicate that the draft environmental statement is based on the best information currently available.

c. The Federal agencies that shall be asked to comment on draft environmental statements are those which have "jurisdiction by law or special expertise with respect to any environmental impact involved" or "which are authorized to develop and enforce environmental standards." These Federal agencies (depending on the aspect or aspects of the environment involved) include components of the:

- (1) Advisory Council on Historic Preservation;
- (2) Department of Agriculture;
- (3) Department of Commerce;
- (4) Department of Defense;
- (5) Department of Health, Education, and Welfare;
- (6) Department of Housing and Urban Development;
- (7) Department of the Interior;
- (8) Department of State;
- (9) Department of Transportation;
- (10) Atomic Energy Commission;
- (11) Federal Power Commission;
- (12) Environmental Protection Agency;
- and
- (13) Office of Economic Opportunity.

For actions specifically affecting the environment of their geographic jurisdictions,

<sup>2</sup> Figure B-1 filed as part of the original document.

the following Federal and Federal-State agencies are also to be consulted:

- (1) Tennessee Valley Authority;
- (2) Appalachian Regional Commission;
- (3) National Capital Planning Commission;
- (4) Delaware River Basin Commission;
- and
- (5) Susquehanna River Basin Commission.

d. The FSS official circulating draft environmental statements for comment shall have determined which of the above-listed agencies are appropriate to consult on the basis of the areas of expertise identified in Appendix 2 of the guidelines. Draft environmental statements shall be submitted for comment to the regional contact points of agencies being consulted when such offices have been established pursuant to section 7 of the guidelines.

e. In implementing the provisions of section 309 of the Clean Air Act, as amended, the responsible official will submit to the appropriate regional office of EPA for review and comment seven (7) copies of all draft environmental statements related to air or water quality, noise abatement and control, pesticide regulation, solid waste disposal, and radiation criteria and standards.

7. *Preparation of the final environmental statements.* Whenever a draft environmental statement is prepared, a final statement must also be prepared by the responsible FSS official before the proposed action can be initiated. Preparation of the final statement entails attaching all comments received on the draft statement from Federal, State, and local agencies and officials, and a revision of the text of the draft to take these comments into consideration. If some environmental aspects of a project have been certified by an agency having appropriate jurisdiction and responsibility, GSA still has the overall responsibility for project evaluation.

8. *Submission and distribution of final environmental statements.* The Commissioner, FSS, shall transmit 10 copies of the final environmental statement as soon as practicable, together with the original and two copies of each agency's comments to the Deputy Administrator for submission to CEQ. Public availability is provided automatically by the National Technical Information Service of the Department of Commerce.

9. *Time requirements for preparation and submission of draft and final environmental statements.* a. To the maximum extent practicable, no action is to be taken sooner than 90 calendar days after a draft environmental statement has been circulated for comment, and furnished to CEQ. Action also is not to be taken sooner than 30 calendar days after the final text of the environmental statement has been made available to CEQ and the public. If the final text of an environmental statement is filed at least 60 days after a draft statement has been furnished to CEQ and made public, the 30-day period and 90-day period may run concurrently to the extent that they overlap.

b. Time requirements prescribed in this order shall be followed to the maximum practicable extent, except where (1) advanced public disclosure of a proposed action will result in significantly increased costs to the Government; (2) emergency circumstances make it necessary to proceed without conforming to time requirements; and (3) there would be impaired program effectiveness if such time requirements were not followed. Any deviation from standard procedures must be approved by the Deputy Administrator.

[PMD 1095.1A]

#### ENVIRONMENTAL STATEMENTS

1. *Purpose.* This order prescribes the procedures to be followed in implementing section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332 (2)(C)), hereinafter referred to as the Act, Executive Order 11514 of March 5, 1970, entitled "Protection and Enhancement of Environmental Quality," section 309 of the Clean Air Act, as amended (42 U.S.C. 1857h-7), and the guidelines issued by the Council on Environmental Quality (CEQ) for preparing environmental statements, hereinafter referred to as the guidelines, published in the FEDERAL REGISTER April 23, 1971, 36 F.R. 7724.

2. *Cancellation.* PMD 1095.1 is canceled.

3. *Background.* a. Section 102(2) (B) and (C) of the Act directs all Federal agencies (1) to develop methods and procedures which will insure that environmental amenities and values are given appropriate consideration in decision-making along with economic and technical considerations and (2) to prepare a detailed statement on major Federal actions that significantly affect the quality of the human environment. Executive Order 11514 of March 5, 1970, Protection and Enhancement of Environmental Quality, effectuates the purpose and policy of this Act, and guidelines implementing the Act have been issued by the CEQ. A copy of these guidelines is included as appendix A of the attachment.<sup>1</sup>

b. Section 309 of the Clean Air Act, as amended, provides that the Administrator of the Environmental Protection Agency (EPA) shall review and comment in writing on the environmental impact of major Federal actions to which section 102(2)(C) of the Act applies when areas of EPA responsibility are significantly affected. EPA responsibilities include air and water quality, noise abatement and control, pesticide regulation, solid waste disposal, and radiation criteria and standards.

4. *Procedures.* Procedures for implementing paragraph 3 are contained in the attachment to this order.

5. *Nature of revision.* This order is revised to reflect the new requirements prescribed by the CEQ guidelines including implementation of section 309 of the Clean Air Act, as amended.

6. *Reports.* The report required by this order is exempt from the reports control program.

7. *Forms.* This order provides for the use of Standard Form 118, Report of Excess Real Property. Copies of this form may be obtained in the usual manner.

DOUGLAS K. KINSEY,  
Commissioner, Property  
Management and Disposal Service.

#### ATTACHMENT

1. *Inspection.* The realty officer, during his inspections of excess properties as required in the HB, Excess and Surplus Real Property, 2-22 (PMD P 4000.1) shall give particular attention to possible environmental problems that may be involved in the disposition of the property and solutions to such problems. The realty officer, based on his inspection and using the guidance presented in paragraph 2, shall initially determine whether the disposal is a "major Federal action significantly affecting the quality of the environment."

<sup>1</sup> Appendix A filed as part of the original document.



2. *Determination of what is a "major Federal action significantly affecting the quality of the human environment."* This is in large part a judgment based on the circumstances of the proposed action. Subparagraphs 5 (b) and (c) of the guidelines prescribe the criteria to be used in determining whether an action is a "major Federal action significantly affecting the quality of the human environment."

3. *Actions having no environmental impact.* If a proposed action is determined not to be a "major Federal action significantly affecting the quality of the human environment" so as to warrant the preparation of an environmental statement, the regional PMDS shall immediately notify the Central Office PMDS in writing and that office will so advise the Office of Environmental Affairs (ADF). The Central Office PMDS will notify the regional PMDS when to proceed with the action.

4. *Actions having an environmental impact.* If the regional PMDS determines that the action constitutes a "major Federal action significantly affecting the quality of the human environment," a special disposal plan and an environmental statement shall be prepared except as indicated in paragraph 5.

5. *Responsibility for environmental statement preparation in multiagency actions.* When two or more agencies are involved in an action, the "lead agency" (the one having primary authority for committing the Federal Government to a course of action) shall prepare the statement. In instances where GSA is the "lead agency" but one or more other agencies have partial responsibility for an action, the other agencies shall be requested to provide such information to the responsible PMDS official as may be necessary to prepare a suitable and complete environmental statement.

6. *Special disposal plan—*a. *Coverage and issuance.* The special disposal plan shall pertain to all of the property reported excess and shall be based upon the relevant factual information contained in the Standard Form 118, Report of Excess Real Property, accompanying schedules, the inspection report, and any other available data. The plan shall give special consideration to environmental factors in relationship to the physical features of the property and the planned disposal.

b. *Information to be included in the special disposal plan.* The following information shall be included in the special disposal plan:

- (1) Name, location, GSA control number, acreage, and date of the determination of excess;
- (2) Name of the component of the holding agency, date property was reported excess, and holding agency number;
- (3) Acquisition cost;
- (4) A brief descriptive and historical statement concerning the land and improvements since acquisition by the Government, including the date of acquisition, and the purpose for which the property was originally acquired and was last used;
- (5) A detailed analysis of social, economic, and environmental factors relating to the disposition of the property whether by transfer to other Federal agencies, disposal to State and local public bodies for public purposes, or sale or lease to the general public. Environmental statements are required by section 102(2)(C) of the Act in those instances where a significant potential environmental impact may result from the disposal of the property. This shall be prepared by the regional PMDS and appended to the disposal plan. The draft environmental statement shall be accomplished in accordance with paragraph 7; and
- (6) A division of the property into the following major land use categories based on

social, economic, and environmental factors. This shall be a determination of the best use of the property as indicated by the analysis carried out in subparagraph 6b(5). Park and outdoor recreational use shall receive consideration along with other eligible programs. Land use categories are:

- (a) Park and outdoor recreation including wildlife refuge and other open space;
- (b) Agricultural;
- (c) Residential;
- (d) Commercial;
- (e) Industrial, extractive; and
- (f) Industrial, manufacturing.

(7) Using the analyses carried out in subparagraphs 6b(5) and (6), a disposal plan shall be formulated which will include a list of the methods selected for the disposal of each type of property; i.e., transfer to another Federal agency; transfer (assignment) to the Department of Housing and Urban Development for conveyance to eligible applicants for low and moderate income housing or related public, commercial, or industrial facilities; assignment to the Department of Health, Education, and Welfare for conveyance to eligible applicants for education or public health purposes; assignment to the Department of the Interior for conveyance to State or local public bodies for public park or public recreational purposes; transfer to a State agency for use for replacement housing for displaced persons pursuant to 42 U.S.C. 4638; conveyance to State and local public bodies for airport, historic monument, or wildlife area; sale, exchange, or lease. (This listing shall be based on the latest information then available. Projected disposals for public use purposes shall be subject to receipt and approval of applications from eligible local public bodies.) The disposal plan shall:

- (a) Show the land area for each method selected including a suitable map; indicate the type of real estate interest held in the land; describe the improvements; state the restrictions, reservations, and conditions of disposal; prorate acquisition cost; and indicate the fair market value (a rough estimate where an appraisal is not available); and
- (b) Recite all pertinent facts and circumstances considered in selecting the methods of disposal including the social, economic and environmental factors considered; and

(8) A sketch showing major details, including a division of the separately disposable units when the method selected is for sale and a determination has been made that such division is likely to enhance competitive bidding and provide for environmental quality. (Include relevant supporting data necessary for evaluating the actions proposed to be taken under the special disposal plan.)

7. *Preparation of draft environmental statement.* Each environmental statement shall be prepared in accordance with the precept in section 102(2)(A) of the Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on man's environment." Each statement must reflect that the particular economic and technical benefits of its proposed action have been assessed and then weighed against the environmental costs. It is advisable, in the early stages of draft environmental statement preparation, for the regional PMDS to consult with those Federal, State, and local agencies possessing environmental expertise on potential impacts of a proposed action. This will assist in providing the necessary data and guidance for the analyses required to be included in environmental statements as described below.

a. *Technical content.* (1) A description of the proposed action or a reasonable number

of alternatives including the information and technical data adequate to permit a careful assessment of the environmental impact of proposed action(s) by commenting agencies. If appropriate, three copies of site maps and/or topographic maps at suitable scales showing the property and the surrounding area shall be provided;

(2) The probable impact of the proposed action(s) on the environment, including impact on ecological systems such as wildlife, fish, and other marine life. Consequences of direct and indirect impacts on the environment shall be included in the analysis. For example, any effect of the action on population distribution or concentration shall be estimated and an assessment made of the effect of any possible change in population patterns upon the resources of the area including land use, water supply, public services, and traffic patterns;

(3) Any probable adverse environmental effects that cannot be avoided, such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 101(b) of the Act;

(4) Section 102(2)(D) of the Act requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." A rigorous exploration and objective evaluation of possible alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their impact on the environment shall accompany the proposed action(s) through the agency review process so as not to prematurely foreclose consideration in the Central Office of options which might have less detrimental effects;

(5) The relationship between local short term uses of man's environment and the maintenance and enhancement of long-term productivity shall be discussed. This in essence requires assessment of the action(s) for cumulative and long term effects from the perspective that each generation is trustee of the environment for succeeding generations;

(6) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action(s) should it be implemented. Identify the extent to which the action(s) curtails the range of beneficial uses of the environment; and

(7) The economic and environmental costs and benefits of the proposed action must be balanced. Alternate courses of action must be discussed as to their effect upon this cost and benefit balance. If a formal cost benefit analysis on the proposed action(s) is prepared, it shall be submitted with the statement.

b. *Format requirements.* (1) Type draft and final environmental statements on 8½ x 11 white paper with clear black type;

(2) Assign a special accession (order) number to each action. This number shall be the GSA control number followed by the symbols ES and number assigned in numerical sequence to environmental statements;

(3) A summary sheet shall be prepared in accordance with the format prescribed in appendix 1 of the guidelines and shall be attached to the environmental statement as the second page; and

(4) A cover sheet shall also be prepared for each environmental statement. (See Appendix B.) \*

\* Appendix B filed as part of the original document.



8. *Submission and distribution of draft environmental statements.* a. The copies of the draft environmental statement shall be transmitted to the Central Office PMDS. The Central Office PMDS, after review and approval, will submit the necessary copies of the draft environmental statement to the Deputy Administrator. Simultaneously the Central Office PMDS will prepare and forward letters to the Deputy Administrator for his signature soliciting comments relative to the draft environmental statement from CEQ, the Governor of the State, the U.S. Senators from the State, and the U.S. Representatives from the congressional districts involved. Copies of the comments received from these officials will be referred to the regional PMDS for use in drafting the final text of the environmental statement. The draft environmental statement will automatically be made available to the public by the National Technical Information Service (NTIS) of the Department of Commerce. Refer all requesters for copies of draft and final environmental statements to NTIS quoting to them the accession (order) number assigned (see subparagraph 7b(2)).

b. Upon receipt of the signed copy of the transmittal letter to CEQ, the regional PMDS shall immediately send copies of the draft environmental statement to the appropriate city mayor and to Federal, State, and local agencies for comments. (See also subparagraphs c, d, and e below.) In addition, the comments of appropriate State, regional, or metropolitan clearinghouses (using the procedures in the Office of Management and Budget Circular No. A-95 (Revised), dated February 9, 1971) shall be solicited unless the Governor of the State involved has designated some other point for obtaining this review. The allowable commenting period for draft environmental statements shall be 30 calendar days, except that EPA shall have a 45 calendar day commenting period. All commenting parties shall be advised that if no reply is received within the appropriate period it will be presumed that they have no comment to offer. However, if requests for extensions are made, a maximum period of 15 calendar days may be granted whenever practicable, except for EPA which is held to its 45 calendar day review period. The transmittal letters sent to commenting parties shall indicate that the draft environmental statement is based on the best information currently available.

c. The Federal agencies that shall be asked to comment on draft environmental statements are those which have "jurisdiction by law or special expertise with respect to any environmental impact involved" or "which are authorized to develop and enforce environmental standards." These Federal agencies (depending on the aspect or aspects of the environment involved) include components of the:

- (1) Advisory Council on Historic Preservation;
- (2) Department of Agriculture;
- (3) Department of Commerce;
- (4) Department of Defense;
- (5) Department of Health, Education, and Welfare;
- (6) Department of Housing and Urban Development;
- (7) Department of the Interior;
- (8) Department of State;
- (9) Department of Transportation;
- (10) Atomic Energy Commission;
- (11) Federal Power Commission;
- (12) Environmental Protection Agency; and
- (13) Office of Economic Opportunity.

For actions specifically affecting the environment of their geographic jurisdictions, the

following Federal and Federal-State agencies are also to be consulted:

- (1) Tennessee Valley Authority;
- (2) Appalachian Regional Commission;
- (3) National Capital Planning Commission;
- (4) Delaware River Basin Commission; and
- (5) Susquehanna River Basin Commission.

d. Regional PMDS offices circulating draft environmental statements for comment shall have determined which of the above-listed agencies are appropriate to consult on the basis of the areas of expertise identified in Appendix 2 of the guidelines. Draft environmental statements shall be submitted for comment to the regional contact points of agencies being consulted when such offices have been established pursuant to paragraph 7 of the guidelines.

e. In implementing the provisions of section 309 of the Clean Air Act, as amended, the responsible official will submit to the appropriate regional office of EPA for review and comment seven copies of all draft environmental statements related to air or water quality, noise abatement and control, pesticide regulation, solid waste disposal, and radiation criteria and standards.

9. *Preparation of the final environmental statements.* Whenever a draft environmental statement is prepared, a final statement must also be prepared by the regional PMDS before the proposed action can be initiated. Preparation of the final statement entails attaching all comments received on the draft statement from Federal, State, and local agencies and officials, and a revision of the text of the draft to take these comments into consideration. If some environmental aspects of a project have been certified by an agency having appropriate jurisdiction and responsibility, GSA still has the overall responsibility for project evaluation. Copies of comments received by the Central Office PMDS shall be referred to the regional PMDS for use in final environmental statement preparation.

10. *Submission and distribution of final environmental statements.* The regional PMDS shall transmit the original and two copies of the final environmental statement as soon as practicable, together with the original and two copies of each agency's comments, to the Central Office PMDS. The Central Office PMDS, after review and approval, will transmit the necessary copies of the final text of the environmental statement to the Deputy Administrator for submission to CEQ. Public availability is provided automatically by NTIS.

11. *Time requirements for preparation and submission of draft and final environmental statements.* To the maximum extent practicable, no action is to be taken sooner than 90 calendar days after a draft environmental statement has been circulated for comment, and furnished to CEQ. Action also is not to be taken sooner than 30 calendar days after the final text of the environmental statement has been made available to CEQ and the public. If the final text of an environmental statement is filed at least 60 days after a draft statement has been furnished to CEQ and made public, the 30-day period and 90-day period may run concurrently to the extent that they overlap. Time requirements prescribed in this order shall be followed to the maximum practicable extent, except where (1) advanced public disclosure of a proposed action will result in significantly increased costs to the Government; (2) emergency circumstances make it necessary to proceed without conforming to time requirements; and (3) there would be impaired program effectiveness if such time requirements were followed. The regional PMDS shall submit to the Commis-

sioner PMDS for decision any action that contains one of these three elements. Any deviation from standard procedures must be approved by the Deputy Administrator. As prescribed in subparagraph 10(d) of the guidelines, ADP shall consult with CEQ concerning alternate arrangements in these instances.

12. *Effect on existing procedures.* To ensure that full consideration is given to all environmental factors in the disposition of real property, the above special procedures shall be followed in addition to the regular procedures prescribed in the Federal Property Management Regulations and the HB, Excess and Surplus Real Property (PMD P 4000.1), for such transactions. Normal disposition actions shall be continued except when other instructions are issued by the Central Office PMDS on a case-by-case basis.

#### NATIONAL CAPITAL PLANNING COMMISSION [NCPM File No. 0735]

#### RESOLUTION ADOPTING POLICIES AND PROCEDURES FOR IMPLEMENTING THE GOALS AND POLICIES OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969, EXECUTIVE ORDERS 11507 AND 11514 FOR THE PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY IN THE NATIONAL CAPITAL REGION

Whereas, the National Capital Planning Commission is the central planning agency for the Federal and District of Columbia Governments in the National Capital Region and is charged with planning the appropriate and orderly development and redevelopment of the National Capital.

Whereas, section 4(a) of the National Capital Planning Act of 1952, as amended, charges the National Capital Planning Commission with "the duty of preparing and adopting a comprehensive, consistent, and coordinated plan for the National Capital, which plan shall include the Commission's recommendations or proposals for Federal and District developments or projects in the environs," and provides that the content of the Comprehensive Plan for the National Capital shall, among many other things, include "projects affecting the amenities of life, the preservation and conservation of natural scenery and resources, and features of historic and scientific interest and educational value; and all other proper elements of city and regional planning."

Whereas, section 1 of this Act states that "the general objective of this Act is to enable appropriate agencies to plan for the development of the Federal establishment at the seat of government in a manner consistent with the nature and function of the National Capital and with due regard for the rights and prerogatives of the adjoining states and local governments to exercise control appropriate to their functions, and in a manner which will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development."

Whereas, the Commission reviews, pursuant to section 5 of the National Capital Planning Act of 1952, as amended, both master plans and site and building plans for District and Federal developments and projects in the Region.

Whereas, the Commission has had a long-standing interest and concern for improving the character and quality of Federal installations in the National Capital Region and of properly coordinating Federal developments and projects with District of Columbia, State and local developments and projects within the Region, and has consistently recommended that the character and quality of existing Federal establishments both in



the District of Columbia and in the National Capital Region as a whole be enhanced and improved.

Whereas, section 2 of the National Environmental Policy Act of 1969 (Public Law 91-190) declared "a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality," and whereas, section 102(b) requires all agencies of the Federal Government to:

"Identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations."

Whereas, section 1 of Executive Order 11514, "Protection and Enhancement of Environmental Quality" declares that:

"The Federal Government shall provide leadership in protecting and enhancing the quality of the Nation's environment to sustain and enrich human life. Federal agencies shall initiate measures needed to direct their policies, plans and programs so as to meet national environmental goals. The Council on Environmental Quality, through the Chairman, shall advise and assist the President in leading this national effort," and

Section 2 of Executive Order 11514 requires, in part, that the heads of Federal agencies shall:

"(a) Monitor, evaluate, and control on a continuing basis their agency's activities so as to protect and enhance the quality of the environment. Such activities shall include those directed to controlling pollution and enhancing the environment and those designed to accomplish other program objectives which may affect the quality of the environment. Agencies shall develop programs and measures to protect and enhance environmental quality and shall assess progress in meeting the specific objectives of such activities. Heads of agencies shall consult with appropriate Federal, State and local agencies in carrying out their activities as they affect the quality of the environment.

(b) Develop procedures to ensure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, provision for public hearings, and shall provide the public with relevant information, including information on alternative courses of action. Federal agencies shall also encourage State and local agencies to adopt similar procedures for informing the public concerning their activities affecting the quality of the environment."

Whereas, the Council on Environmental Quality has issued Interim Guidelines for Statements on Major Federal Actions Affecting the Environment Required by section 102(2)(c) of the National Environmental Policy Act of 1969 which, among other things, provides that:

"(a) Pursuant to section 2(f) of Executive Order 11514, the heads of Federal agencies have been directed to proceed with measures required by section 102(2)(c) of the Act. Consequently, each agency will establish no later than June 1, 1970, its own formal procedures for (1) identifying those agency actions requiring environmental statements, (2) obtaining information required in their preparation,

(3) designating the officials who are to be responsible for the statements, (4) consulting with and taking account of the comments of appropriate Federal, State and local agencies, and (5) meeting the requirements of section 2(b) of Executive Order 11514 for providing timely public information on Federal plans and programs with environmental impact. These procedures should be consonant with the guidelines contained herein. Each agency should file seven (7) copies of all such procedures with the Council on Environmental Quality, which will provide advice to agencies in the preparation of their procedures and guidance on the application and interpretation of the Council's guidelines.

"(b) Each Federal agency should consult, with the assistance of the Council on Environmental Quality if desired, with other appropriate Federal agencies in the development of the above procedures so as to achieve consistency in dealing with similar activities and to assure effective coordination among agencies in their review of proposed activities."

Whereas, Reorganization Plan No. 3 of 1970 established the Environmental Protection Agency which in accordance with section 309 of the Clean Air Act, as amended, provides that "the Administrator shall review and comment in writing on the environmental impact of any matter relating to duties and responsibilities granted pursuant to this Act or other provisions of the authority of the Administrator, contained in any (1) legislation proposed by any Federal department or agency, (2) newly authorized Federal projects for construction and any major Federal agency action (other than a project for construction to which section 102(2)(C) of Public Law 91-190 applies, and (3) proposed regulations published by any department or agency of the Federal Government."

Whereas, Executive Order 11507, "Prevention, Control, and Abatement of Air and Water Pollution at Federal Facilities," established the policy that "The Federal Government in the design, operation, and maintenance of its facilities shall provide leadership in the nationwide effort to protect and enhance the quality of our air and water resources." \* \* \*

Now, therefore, be it resolved, that the National Capital Planning Commission adopts the following policies and procedures:

#### 1. POLICIES

(a) In view of the unique Federal presence at the seat of government, a special effort should be made by the Federal and District of Columbia Governments in the National Capital Region to implement the National Environmental Policy Act of 1969 and Executive Orders 11507 and 11514. Such a special and continuing effort in this region could well serve as a demonstration for the entire Nation. In addition, the Bicentennial celebration in 1976 could focus and highlight such an effort in this Region.

(b) In support of this special effort, the Federal and District of Columbia Governments should encourage and support related State, local and metropolitan or regional efforts in the National Capital Region to implement the objectives and policies of the National Environmental Policy Act of 1969.

(c) The Commission desires to cooperate with, and is prepared to assist, the Council on Environmental Quality and the Environmental Protection Agency in meeting these environmental goals and objectives in the National Capital Region in its capacity as the central planning agency for the Federal and District of Columbia Governments.

(d) The Commission will expand and intensify its current review of the environmental aspects and implications of all proposed District and Federal land acquisition and/or construction plans or programs in the National Capital Region pursuant to the National Environmental Policy Act of 1969 and Executive Orders 11507 and 11514. This continuing review will include an evaluation of the sponsoring agency's environmental statement on any major action that significantly affects the environment in accordance with 102(2)(c) of the National Environmental Policy Act of 1969.

(e) The Commission will also request that, as part of this special effort, each District of Columbia and Federal agency submitting proposed developments in the National Capital Region for the review of the Commission under the provisions of section 5 of the National Capital Planning Act of 1952, as amended, submit either an environmental statement in accordance with section 102(2)(C) of the National Environmental Policy Act or, in lieu thereof, if section 102(2) does not apply, a written description of the environmental aspects and implications of each proposal and the safeguards planned for the protection and enhancement of environmental quality in the National Capital Region.

(f) Inasmuch as each element of the Comprehensive Plan for the National Capital is directly concerned with the quality of the environment in the National Capital Region, the Commission will continue and intensify its efforts to expand, clarify and refine the objectives, policies and proposals in the Comprehensive Plan relative to the protection and enhancement of the quality of the environment in the National Capital Region.

2. "ACTIONS" INITIATED BY THE COMMISSION IN THE NATIONAL CAPITAL REGION

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 (Public Law 91-190), the Commission is responsible for preparing environmental statements in the following areas:

(a) Elements of the Comprehensive Plan for the National Capital, as required by section 4(a) of the National Capital Planning Act of 1952.

(b) Urban renewal plans, and urban renewal plan modifications, for urban renewal areas in the District of Columbia pursuant to sections 6(b) and 12 of the District of Columbia Redevelopment Act of 1945, as amended.

(c) Acquisition of lands in Maryland or Virginia for the George Washington Memorial Parkway, in accordance with section 1(a) of the Act of May 29, 1930 (the Capper-Cramton Act).

(d) Contributions and advances to the Maryland National Capital Park and Planning Commission, or to appropriate Virginia authorities for the acquisition of land for stream valley parks in Maryland and Virginia pursuant to sections 1(b) and (c) of the Act of May 29, 1930 (the Capper-Cramton Act).

(e) Acquisition of lands in the District of Columbia for park, parkway, and playground purposes in the National Capital pursuant to section 4 of the Act of May 29, 1930 (the Capper-Cramton Act).

In conjunction with carrying out these responsibilities, the Commission will:

(a) Designate the Executive Director as being responsible for: (1) Obtaining the information required for the preparation of the environmental statement; (2) preparing the draft environmental statements for Commission consideration; (3) circulating the draft environmental statement for review and comment to the Council, affected and interested public agencies and the general public; (4) integrating agency comments where appropriate into the preparation of the final draft statement; and (5) distributing the



final environmental statement to the Council, interested and affected public agencies and the general public.

(b) Monitor, evaluate, and control on a continuing basis its activities so as to protect and enhance the quality of the environment in the National Capital Region.

(c) Expand its current activities in consultation with appropriate Federal, State, and local agencies on matters affecting the environmental statements.

(d) Expand its current activities as a clearinghouse for information of Federal plans and programs in the National Capital Region by making such environmental statements available to the general public in the National Capital Region for review and comment prior to Commission action thereon.

(e) Consult, in the preparation of environmental statements on proposed actions of the Commission, with those Federal agencies which have jurisdiction by law or special expertise with respect to any environmental impact involved, or which are authorized to develop and enforce environmental standards—in accordance with section 102(2)(c) of the National Environmental Policy Act of 1969. In referring draft environmental statements for review and comment, at least thirty (30) days shall be allowed after which time it will be presumed, unless the agency requests in writing a specific extension of time, that the agency consulted has no comment to make. Extension may be granted by the Executive Director not to exceed 15 days.

(f) Consult with, and secure advice and comment from, the Environmental Protection Agency on proposed legislation, regulations, new construction projects, and major actions significantly affecting air and water quality, solid waste disposal, pesticides, radiation standards, and noise in the National Capital Region, in accordance with section 8 of the Revised CEO Guidelines, dated April 23, 1971, and section 309 of the Clean Air Act, as amended. In accordance with section 8 of the Council on Environmental Quality's Guidelines, the Administrator of the Environmental Protection Agency shall be allowed a period of 45 days for such review and the furnishing of written comments.

(g) Continue and expand its current efforts to "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on man's environment" in accordance with the precept in section 102(2)(a) of the National Environmental Policy Act of 1969.

(h) Make all such proposals, excluding proposed land acquisition and legislative matters, available to the general public in the National Capital Region, together with the supporting environmental statement, prior to Commission action thereon. In accordance with section 10 of the Council's Guidelines, the Commission will take no action subject to section 102(2)(C) sooner than 90 days after a draft environmental statement has been circulated for comment, furnished to the Council and made available to the public. In addition, the Commission will take no action subject to section 102(2)(C) sooner than 30 days after the final text of an environmental statement has been made available to the Council and to the public. If the final text of an environmental statement is filed within ninety (90) days after a draft statement has been circulated for comment, furnished to the Council and made public pursuant to this section of these guidelines, the thirty (30) day period and ninety (90) day period may run concurrently to the extent that they overlap.

(i) Encourage and, where possible, assist Federal agencies in the National Capital

Region to take the necessary actions for the abatement of air and water pollution completed or underway no later than December 31, 1972—in accordance with section 5 of Executive Order 11507.

### 3. COMMISSION REVIEW OF PROPOSED "ACTIONS" BY DISTRICT AND FEDERAL AGENCIES PURSUANT TO SECTION 5 OF THE NATIONAL CAPITAL PLANNING ACT OF 1952, AS AMENDED

In order to expand the Commission's review of proposed District or Federal land acquisition and/or construction plans or programs in the National Capital Region so as to include a more intensive review of the environmental aspects and implications of all such proposals and an evaluation of the sponsoring agency's environmental statement, if any, on each such project and the Council on Environmental Quality's views, if any, on each such project, the Commission will:

(a) Request that all future submissions by Federal agencies to the Commission under section 5 of the National Capital Planning Act of 1952, as amended, include a copy of the environmental statement if required pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 and Executive Order 11514 of March 5, 1970. In addition, submissions should also include a statement indicating the extent to which all such proposals are consistent with Executive Order 11507.

(b) Request that all future submissions by District agencies to the Commission under section 5 of the National Capital Planning Act of 1952, as amended, that may significantly affect the environment in the National Capital Region also include a copy of an environmental statement similar to that required of Federal agencies pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 and Executive Order 11514 of March 5, 1970.

Although the declaration of a national environmental policy in section 101 of the National Environmental Policy Act of 1969 would appear to include actions by the District of Columbia Government, the provisions of sections 102 and 103, which are directed to all agencies of the Federal Government, do not apparently apply to actions of the District of Columbia Government unless Federal financial assistance is involved in individual District projects. The various activities of the various District agencies and departments do, in fact, affect the quality of the environment in both the District of Columbia and the National Capital Region as a whole and should, therefore, also meet the objectives and policies of the National Environmental Policy Act of 1969.

(c) Request that District and Federal agencies submitting an environmental statement also submit a "Summary Sheet" to accompany each such statement, as shown in Appendix I.<sup>2</sup>

(d) Consult with the appropriate agencies with "jurisdiction by law or special expertise" for comments with respect to various types of environmental impact of proposed actions—as identified in the July 29, 1970, memorandum of the Council on Environmental Quality or subsequent modifications thereto.

(e) Consult with, and secure advice and comment from, the Environmental Protection Agency on proposed major actions significantly affecting air and water quality, solid waste disposal, pesticides, radiation standards, and noise in the National Capital Region, to which section 102(2)(C) of Public Law 90-190 applies.

<sup>2</sup> Appendix I filed as part of the original document.

(f) Review and monitor the short-term and long-term cumulative environmental impacts of individual project proposals, a complex of projects or a master plan for an entire facility or installation within the National Capital Region.

(g) Give special attention to any proposed "action" that does not fully meet the objectives of the National Environmental Policy Act of 1969 and Executive Order 11514 and that portion of the environmental statement containing "a rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects \* \* \*." As indicated in the Interim Guidelines of the Council on Environmental Quality, "sufficient analysis of such alternatives and their costs and impact on the environment should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less detrimental effects." Where a cost-benefit analysis of the proposed action has been prepared, this analysis should be attached to the environmental impact statement.

(h) Make a finding prior to any action upon such master plans and/or project plans to insure that the proposal is consistent with the objectives and policies of section 101 of the National Environmental Policy Act of 1969 and the Commission's Comprehensive Plan for the National Capital, and will either enhance or at least will not adversely affect the quality of the environment in the National Capital Region.

(i) Refer, where appropriate, a copy of the sponsoring agency's environmental statement as a part of the Commission's regional referral of District or Federal master plans, or major modifications thereto, in the National Capital Region to the appropriate planning agency having jurisdiction over the affected part of the environs—in accordance with section 5(d) of the National Capital Planning Act of 1952, as amended.

(j) Refer, where appropriate, a copy of the sponsoring agency's environmental statement as a part of the Commission's referral of master plans, or major modifications thereto, for Federal and District facilities in the National Capital Region to the Metropolitan Washington Council of Governments—in accordance with the Commission's resolution of November 9, 1967.

(k) Refer, where appropriate, a copy of the sponsoring agency's environmental statement or Description as a part of the Commission's referral of master plans, or major modifications thereto, for Federal and District facilities in the National Capital Region to the State clearinghouses in Maryland and Virginia in accordance with the Office of Management and Budget Circular No. A-95. This procedure is in accordance with section 3(d) of the Council's Guidelines which provide that "it is imperative that existing mechanisms for obtaining the views of Federal, State, and local agencies on proposed Federal actions be utilized to the extent practical in dealing with environmental matters."

(l) The Commission believes that the District of Columbia Government and the Federal Government should make a special effort in the National Capital Region to implement the objectives of Executive Order 11507 by providing leadership in the design, operation, and maintenance of its facilities to protect and enhance the quality of our air and water resources.

(m) In its review of proposed legislation affecting the quality of the environment in the National Capital Region, the Commission will review and evaluate the draft legislation and the attached environmental statement, if any, provided by the originating Federal



agency and will report thereon to either the Office of Management and Budget and/or the Inquiring Congressional Committee.

(n) The Commission usually reviews proposed District and Federal developments in the following stages:

1. Fiscal year budget requests,
2. General location or site boundary proposals,
3. Preliminary and final site and building plans, and
4. Master plans for major installations within the National Capital Region.

It is therefore appropriate and necessary to identify at what stage or stages in such a series of reviews the environmental statements required by the Act should be submitted.

In general, as provided in the Council's Interim Guidelines, the environmental statement should be available at the earliest feasible time in the development of a program and project proposal. Some environmental statements will be submitted as a part of the Commission review of Fiscal Year Budget Requests—in accordance with the directives of the Office of Management and Budget and Circular A-11. In other cases, they will be submitted in conjunction with an agency's land acquisition or site location proposal. In subsequent submissions of the same proposal at the preliminary site and building plan stage, copies of the environmental statement—with or without modifications—should also be submitted in order to establish whether any change or modification in the development program or the project proposal has also resulted in any modification to the environmental impact of the proposal.

Where it is possible to fully evaluate the full environmental impact of proposed preliminary plans, the Commission will consider making its environmental finding at that stage. In cases where preliminary plans are not complete enough to make this possible, the Commission will make its final environmental review and finding at the time of its review of final plans.

No environmental statement would be requested at the time of the submission of the final site and building plans for a particular project if the Commission had previously approved the preliminary site and building plans without any qualifications or recommended further study had made a finding that the proposed development would enhance, or at least not adversely affect the quality of the environment in the National Capital Region; and there was no change in the proposed function, program or environmental impact of the proposal between the preliminary and final plans.

(o) In regard to the Commission's review functions, the Commission understands that section 2(b) of Executive Order 11514 regarding "the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact" is the responsibility of the originating agency. The Commission therefore looks to sponsoring District and Federal agencies to make such proposals—"other than on budget and legislative matters"—together with the environmental statement, available to the public prior to their submission to the Commission under section 5 of the National Capital Planning Act of 1952, as amended.

"In any event, all environmental statements or descriptions submitted to the Commission as part of the submission of proposed developments under section 5 of the National Capital Planning Act will be considered as public information, and made available for review upon request and, where appropriate, referred to the affected local, subregional and metropolitan planning agency or agencies."

# NATIONAL SCIENCE FOUNDATION

[NSF Circular No. 99, Rev. 1]

## ENVIRONMENTAL IMPACT STATEMENTS

NOVEMBER 15, 1971.

1. *Purpose.* This Circular provides policy and procedures applicable to NSF actions requiring the preparation of environmental impact statements, in accordance with the National Environmental Policy Act of 1969 (Public Law 91-190); Executive Order 11514; and guidelines and other instructions issued by the Council on Environmental Quality and the Office of Management and Budget.

2. *Cancellation.* This Circular cancels NSF Circular No. 99, dated August 14, 1969.

3. *Policy.* Before undertaking or supporting any major action that may have a significant effect on the environment, the National Science Foundation will, in consultation with other appropriate agencies, assess in detail the potential environmental impact in order that adverse effects may be avoided and environmental quality restored or enhanced, to the fullest extent practicable. In particular, alternative actions will be explored and both the long- and short-range implications will be evaluated to avoid undesirable or unintended consequences for the environment.

4. *Scope.* a. As specified in the Act, the Executive order, and the guidelines, major actions requiring preparation of an environmental statement include: proposals for legislation and appropriations; major projects and continuing activities directly undertaken by Federal agencies or supported in whole or in part through contracts, grants, subsidies, loans, or other forms of funding assistance; actions involving a lease, permit, license, certificate, or other entitlement for use; or policies and procedures.

b. The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed with a view to the overall cumulative impact of a proposed action, even if the impact is localized. Actions deemed to be significant include those whose impact is likely to be controversial, as well as individual actions of limited impact—if repeated or continued; constitute a precedent for future major actions; represent decisions in principle for a future major course of action; or consist of several related actions by different agencies. Significant effects include those that both directly and indirectly affect human beings and those which are either beneficial or detrimental. In a course of action by several agencies whose cumulative actions can be deemed significant, the lead agency is responsible for preparing the environmental statement.

5. *Responsibilities.*—a. *Assistant Director for National and International Programs.* The Assistant Director for National and International Programs is hereby designated as the responsible official within the meaning of section 102(2)(C) of the Act and is responsible for implementation of the requirements of the Act as they relate to the preparation of environmental statements. He will consult to the extent required with the other Assistant Directors to collect information relating to activities within their areas of responsibility. He will consult with the General Counsel concerning legislative actions covered by the Act and for interpretations of the Act, the Executive Order, and the guidelines, and with the Office of Intergovernmental Science Programs concerning reviews of environmental statements by State and local agencies. In addition, he will also serve as the NSF point of contact for interagency coordination with respect to the Act.

b. *Other officials.* NSF program officials will inform the Assistant Director for Na-

tional and International Programs of new or modified projects and activities which may have a significant effect on the environment for an assessment of the situation, before final administrative action is undertaken to approve them for support.

6. *Implementation.* When evaluation of programs and activities identifies actions which will have a significant effect on the environment, environmental statements will be prepared by the responsible Foundation staff in accordance with section 102(2)(C) of the Act, for approval by the Assistant Director for National and International Programs.

a. *Requirements for content of environmental statements.* The following points will be covered in environmental statements:

(1) A description of the proposed action including information and technical data adequate to permit a careful assessment of the environmental impact. Relevant maps and other illustrative material should be included.

(2) The probable environmental impact of the proposed action, including impact on ecological systems such as vegetation, wildlife, fish, and other aquatic life. Both primary and significant secondary consequences for the environment should be included in the analysis.

(3) Any probable adverse environmental effects which cannot be avoided (such as water or air pollution, damage to life systems, urban congestion, threats to health, and other consequences adverse to the environmental goals set forth in the Act).

(4) Alternatives to the proposed action. (The Act requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.") A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects, if any, is essential. Sufficient analysis of such alternatives and their costs and impact on the environment should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less detrimental effects.

(5) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This stipulation in essence requires an assessment of the action for cumulative long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

(6) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This point requires identifying the extent to which the action curtails the range of beneficial uses of the environment.

(7) Where appropriate, a discussion of problems and objections raised by other Federal agencies, State and local entities, and private organizations and individuals in the review process and the disposition of the issues involved.

b. *Additional criteria.* The Act requires that the decisionmaking involved should "utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts."

7. *Reviews.*—a. *Consultation with Federal agencies.* The Act requires that Federal agencies having jurisdiction by law or special expertise, with respect to any environmental impact involved, will be consulted in connection with preparation of environmental statements. Accordingly, the advice and



comment of the appropriate component(s) of the following agencies will be requested: Advisory Council on Historic Preservation, Department of Agriculture, Department of Commerce, Department of Defense, Department of Health, Education, and Welfare, Department of Housing and Urban Development, Department of the Interior, Department of State, Department of Transportation, Atomic Energy Commission, Federal Power Commission, Environmental Protection Agency, Office of Economic Opportunity.

For actions specially affecting the environment of their geographic jurisdictions, the following Federal and Federal-State agencies are also to be consulted:

Tennessee Valley Authority,  
Appalachian Regional Commission,  
National Capital Planning Commission,  
Delaware River Basin Commission,  
Susquehanna River Basin Commission.

A time limit of 30 days will be given for reply, after which it may be presumed the agency consulted has no comment to make.

b. *Water quality aspects.* With respect to water quality aspects of the proposed action which have been previously certified by the appropriate State or interstate organization as being in substantial compliance with applicable water quality standards, the comment of the Environmental Protection Agency should also be requested.

c. *Applicability of section 309 of the Clean Air Act, as amended.* An agency action relating to air or water quality, noise abatement and control, pesticide regulation, solid waste disposal, radiation criteria and standards, or other provisions of the authority of the Administrator of the Environmental Protection Agency must be submitted to the Administrator for his review and comment in writing. This requirement includes proposals for new Federal construction projects and other major agency actions governed by section 102(2)(C) of the National Environmental Policy Act and to proposed legislation and regulations, whether or not section 102(2)(C) applies. A period of 45 days will be allowed for such review.

d. *Review by State and local agencies.* Review of the proposed action by the appropriate State and local agencies will utilize procedures established by the Office of Management and Budget Circulars No. A-85 and A-95, when applicable. Where these procedures are not appropriate, and where a proposed action affects matters within their jurisdiction, review of the draft environmental statement by State and local agencies will be obtained by distributing the draft to the appropriate State, regional and metropolitan clearinghouses, unless the Governor of the State involved has designated some other point for furnishing this review.

8. *Public information.—a. Availability to the public.* In accordance with the terms of the Act and of the Executive order, agencies are responsible for the development of procedures insuring the fullest practicable provision of timely public information and understanding of plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, provision for public hearings. Agencies which hold hearings on proposed actions or legislation should make the draft environmental statement available to the public at least 15 days prior to such hearings.

The draft environmental statement will also be made available to the public upon

request, pursuant to the provisions of the Freedom of Information Act.

b. *Outside requests.* All outside requests for information on environmental statements while in the preparatory or review stage will be referred to the Office of Government and Public Programs in accordance with normal procedures.

9. *Submission to the Council on Environmental Quality (CEQ).* Ten copies of the draft environmental statement and 10 copies of the final text of the environmental statement, together with all comments received thereon, shall be filed with the Council on Environmental Quality. In addition, any comments requested of the Foundation on an action by another agency having an environmental impact will be forwarded in 10 copies to the Council at the time the comments are submitted to the responsible agency.

10. *Review process requirements.* The review of NSF draft environmental impact statements by Federal agencies (including the Environmental Protection Agency), State and local agencies, and private organizations and individuals will commence immediately upon the completion of a draft statement. To the maximum extent practicable, no administrative action subject to section 102(2)(C) is to be taken sooner than 90 days after a draft environmental statement is circulated for comment, furnished to the Council on Environmental Quality, and made available to the public. Further, no such administrative action shall be taken sooner than 30 days after the final text of the environmental statement, together with comments received in the review process, has been made available to CEQ and to the public; however, these two periods may run concurrently.

Because 90 days is the absolute minimum of time required for the review process (exclusive of preparation of drafts and revising for final submission), notification of new or modified projects and activities for which an environmental statement may be necessary should be given to the Assistant Director for National and International Programs before funding is attempted or in the event the character of the project changes.

11. *OMB Requirement.* OMB Bulletin No. 72-6, dated September 14, 1971, subject: "Proposed Federal Actions Affecting the Environment," establishes procedures for taking or proposing action, in connection with the submission of legislative proposals, or reports on bills for OMB clearance, coming within the scope of section 102(2)(C) of the Act.

(1) The Foundation is responsible for determining which of its legislative proposals or reports on bills require preparation of an environmental impact statement and for obtaining comments on such statement from appropriate Federal, State, and local agencies. When an environmental statement is required, information copies should accompany the legislative proposal or report submitted. If the statement is not ready at that time, the submission should indicate when it will be available.

OMB will consult with the Council on Environmental Quality in all cases where statements are submitted or are in preparation. Where the clearance process discloses the need for or the modification of an environmental impact statement, OMB will request the Foundation to take the necessary action. After clearance by OMB, the Foundation will submit the statement to appropriate Congressional Committees in accordance with the guidelines of the CEQ.

(2) Annual budget estimates of Foundation projects, programs, or activities which require the preparation of a section 102(2)(C) environmental impact statement are required to be accompanied by a summary list,

prepared in Exhibit 1 of the OMB bulletin. In the case of actions for which an assessment of the potential impact of the environment is impossible or the need for a 102(2)(C) statement has not been determined, the Foundation will include a narrative statement about the general impact, and an estimate of when the need for a statement will be decided.

In addition to the summary list above, the Foundation must notify the OMB budget examiner, at the earliest possible time, of any action to be included in the budget estimate which will have impact on the environment of a particularly significant or controversial nature. OMB staff may request draft and final environmental statements and information to update the summary list.

12. *Information available within NSF.* Copies of the National Environmental Policy Act, Executive Order 11514, the CEQ guidelines and the OMB bulletin, may be obtained from the Assistant Director for National and International Programs to assist Foundation staff responsible for preparing environmental impact statements.

BERNARD SISCO,  
Assistant Director  
for Administration.

#### OFFICE OF MANAGEMENT AND BUDGET

[Bulletin No. 72-6]

#### PROPOSED FEDERAL ACTIONS AFFECTING THE ENVIRONMENT

SEPTEMBER 14, 1971.

1. *Purpose.* This bulletin establishes procedures to be followed in certain instances by Federal agencies in taking or proposing actions coming within the scope of section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190).

2. *Background.* Section 102(2)(C) of the National Environmental Policy Act requires that, in connection with recommendations or reports on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, Federal agencies shall prepare detailed statements concerning the environmental impact of such actions. Such statements are to be prepared after consultation with, and in consideration of comments made by appropriate Federal, State, and local agencies. The Council on Environmental Quality has published guidelines for implementing the statutory requirement (36 F.R., 7724-7729).

3. *Requirements.—a. Proposed legislation and reports on bills.* Agencies are responsible, as set forth in the guidelines of the Council on Environmental Quality, for determining which of their legislative proposals or reports require preparation of a section 102(2)(C) environmental impact statement, and for obtaining the comments of the appropriate Federal, State, or local agencies. Where a 102(2)(C) statement is determined to be required, in connection with the submission of a legislative proposal or report to the Office of Management and Budget for clearance pursuant to Circular No. A-19, the responsible agency shall make every effort to have a statement prepared in time for information copies of such statement to accompany the proposal or report; where this is not possible, the responsible agency should indicate when such a statement will be available. OMB will consult with CEQ in all cases where the responsible agency has submitted, or indicated need for, a 102(2)(C) statement. In those cases where the clearance process discloses the need for a 102(2)(C) statement and none is under preparation, the responsible agency will be requested to develop such a statement.

In connection with any modifications of the proposal or report resulting from the



clearance process, the responsible agency will make any revisions in its proposed 102(2)(C) statement that may be required. Compliance with the 102(2)(C) statement does not, of course, relieve any agency or Office of Management and Budget from responsibility for giving the fullest consideration to environmental factors in developing its views on legislative proposals or reports in accordance with Circular A-19. The responsible agency should transmit its 102(2)(C) statements on legislative proposals and reports to the appropriate Congressional committees in accordance with section 10(c) of the revised guidelines of the Council on Environmental Quality.

b. *Annual budget estimates.* Annual budget estimates shall be accompanied by a summary list of those specific actions covered by the estimates which, in accordance with agency procedures, require the preparation of a 102(2)(C) statement. The list shall include, in the form illustrated in Exhibit 1,<sup>1</sup> the following information by appropriation or fund account:

Column A—*Action, project, or activity.* Identify the agency actions and individual projects and activities requiring the preparation of a 102(2)(C) statement.

Column B—*Funds involved.* Identify the amount of funds involved in the budget year, expressed in terms of budget authority and outlays, for those items listed in Column A.

Column C—*Status of statement.* Indicate, in each instance, if a draft statement has been completed, whether comments from interested parties have been received, and whether final statements have been completed.

Column D—*Unusual aspects.* Briefly identify unresolved issues, potential controversy, and unusual nature or degree of impact upon the environment.

In the case of programs for which it is not possible to make an assessment of the potential impact on the environment, or to identify 102(2)(C) statements that will be required, agencies may include a narrative statement containing information about general environmental impact and as to when decisions are expected on the need for 102(2)(C) statements.

In addition to submitting the summary list prescribed above, to facilitate consideration by the Office of Management and Budget of environmental aspects of budget items, each agency shall, at the earliest time possible, notify the appropriate budget examiner of the Office of Management and Budget of any action expected to be included in the agency's budget estimate which will have impact upon the environment of particularly significant and/or potentially controversial nature.

Individual draft or final statements and information to update the listings required above shall be provided by the agencies to members of the staff of the Office of Management and Budget upon their request.

c. *Water resource project reports.* Project reports reviewed by the Office of Management and Budget pursuant to Executive Orders 9384 and 10654 often involve proposed actions that may require application of section 102(2)(C) procedures. In such cases, either a draft or final statement, as available, shall accompany the project report when it is referred for comments to interested Federal, State, and local agencies. The final statement and associated comments shall accompany the project report when submitted to the Office of Management and Budget for review.

<sup>1</sup>Exhibit 1 filed as part of the original document.

4. *Review of Federal actions by State and local governments.* Section 102(2)(C) requires agencies to include the comments and views of the appropriate Federal, State, and local agencies which are authorized to develop and enforce environmental standards. The Council on Environmental Quality Guidelines and the Office of Management and Budget Circular No. A-95 establish the procedures to be followed in obtaining Federal, State, and local review of proposed actions subject to section 102(2)(C).

5. *Exceptions to these procedures.* Should instances arise in which an agency believes compelling reasons exist for departure from these procedures, the matter should be raised with appropriate staff members of the Office of Management and Budget.

6. *Rescission of previous Bulletin.* Office of Management and Budget Bulletin No. 71-3, dated August 31, 1970, is rescinded, effective this date.

GEORGE P. SHULTZ,  
Director.

WATER RESOURCES COUNCIL  
ENVIRONMENTAL STATEMENTS — FRAMEWORK  
STUDIES AND ASSESSMENTS AND REGIONAL OR  
RIVER BASIN PLANS

FEBRUARY 10, 1971.

Preface

The National Environmental Policy Act of 1969 (Public Law 91-190) requires the preparation of environmental statements. This statement establishes Water Resources Council policy regarding implementation of section 102(2)(C) of Public Law 91-190.

*Approval and effective date.* This policy statement, approved by the Council, is effective February 10, 1971.

*Related and subsequent efforts.* The need for separate environmental statements called for by this policy statement will be reviewed upon Presidential approval of revised planning principles and standards now being considered by the Council. The principles and standards propose full and systematic evaluation and consideration of environmental effects and may obviate the need for separate environmental statements.

ENVIRONMENTAL STATEMENTS—FRAMEWORK  
STUDIES AND ASSESSMENTS AND REGIONAL OR  
RIVER BASIN PLANS

I. *Purpose.* This statement sets forth the policy of the Water Resources Council regarding the implementation of section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190) for framework studies and assessments, regional or river basin plans, and ongoing type 1 and type 2 comprehensive river basin studies. The Council on Environmental Quality has issued interim guidelines (35 F.R. 7390-7393) providing detailed instructions for the preparation and content of environmental statements required under this section of the National Environmental Policy Act of 1969. Proposed revised guidelines are now under consideration (36 F.R. 1398-1402). The Office of Management and Budget has issued Bulletin No. 71-3, August 31, 1970, establishing interim procedures providing for the utilization of existing review mechanisms in the preparation and submission of the environmental statements.

II. *General policy.* Environmental statements as required under section 102(2)(C) will be prepared by river basin commissions, interagency committees, or WRC coordinating committees for framework studies and assessments and regional or river basin plans, or revisions thereof, during the preparation of the study, assessment, or plan. Environmental statements will also be prepared by

river basin commissions, interagency committees, or WRC coordinating committees for ongoing type 1 and type 2 comprehensive framework and river basin studies which have not been transmitted by the Water Resources Council to the President.

Environmental statements prepared for framework studies and assessments, regional or river basin plans, and ongoing type 1 and type 2 comprehensive river basin studies will reflect the level of planning involved and will address those environmental considerations and alternatives that are relevant to decisionmaking at each level.

Generally, this means that in the case of the framework studies and assessments and ongoing type 1 studies, the environmental statements will be principally directed toward the alternative choices evaluated in the study responsive to the needs and aspirations of the people. These alternative choices relate to various views of the desires of people in the mix of objectives to be served in planning for the use of the Nation's water and land resources, and reflect the alternative parameters and assumptions upon which the planning is based including, but not necessarily limited to, alternative assumptions regarding the levels of future economic and population growth and environmental quality.

In the case of regional or river basin plans, and ongoing type 2 studies, environmental statements will generally address alternative courses of action evaluated in planning for the use of the water and land resources of a region or river basin as this is the level of consideration of alternatives at which the environmental issues and tradeoffs are most likely to be relevant to decision making. They may, however, also address groups of inter-related or individual plan elements where major environmental issues and tradeoffs are likely to be significant to the decision making process.

III. *Preparation and review of environmental statements.* This policy shall be implemented in accordance with the interim guidelines issued by the Council on Environmental Quality and the interim procedures established in OMB Bulletin 71-3 or revisions thereto when issued.

For framework studies and assessments, regional or river basin plans, and ongoing type 1 and type 2 comprehensive river basin studies carried out by river basin commissions established under the Water Resources Planning Act, the commission chairmen are hereby designated as the Federal officials responsible for the preparation and review of the environmental statements. Where such studies are carried out by interagency committees and coordinating committees, the Chairman of the Water Resources Council or an appropriate designee is responsible for the preparation and review of the environmental statements. However, drafts of proposed environmental statements will be prepared by the interagency committees and coordinating committees during the conduct of such studies and will accompany the proposed reports of the interagency committees and WRC coordinating committees under established review procedures.

As a minimum, to meet the requirements of section 10 of the interim guidelines (35 F.R. 7390-7393) issued by the Council on Environmental Quality, the Chairman of the Water Resources Council (or an appropriate designee) or the chairman of a river basin commission, as appropriate, depending on whether such studies are carried out by an



interagency committee or WRC coordinating committee, or a river basin commission, shall transmit to the Council on Environmental Quality draft environmental statements at the time a proposed report on such studies is referred for comments to interested Federal, State, and local agencies. The final environmental statement, accompanied by all comments received upon the draft environmental statement, shall be transmitted to the Council on Environmental Quality at the time the Water Resources Council transmits its recommendations to the President. The Chairman of the Water Resources Council (or an appropriate designee) or the chairman of a river basin commission, as appropriate, may transmit draft environmental statements to the Council on Environmental Quality earlier in the planning process if available.

IV. *Relation to planning principles and standards.* Proposed planning principles and

standards now under consideration by the Water Resources Council providing for full evaluation of environmental effects and systematic formulation and comparison of alternatives would, when approved, conform fully with the spirit of the National Environmental Policy Act of 1969. Accordingly, the need for environmental statements or appropriate summaries for the comprehensive planning program will be reassessed when the proposed planning principles and standards are approved by the President.

#### POLICY STATEMENTS

1. Water and Related Land Resources Planning, July 22, 1970.
2. Environmental Statements—Framework Studies and Assessments and Regional or River Basin Plans, February 10, 1971.

[FR Doc. 71-18070 Filed 12-10-71; 8:45 am]