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Title 3—The President

PROCLAMATION 4169

National Sokol Day

By The President of The United States of America

A Proclamation

Theodore Roosevelt characterized an important quality of life in America when he urged on his countrymen "* * * not the doctrine of ignoble ease, but the doctrine of the strenuous life."

Americans have always prized physical vigor and vitality. Today all of us take pride in our Olympic teams, our great professional stars, and the thousands of fine young athletes in our schools and colleges.

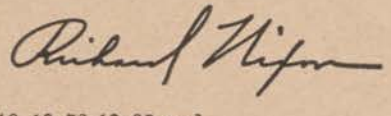
Our high regard for physical fitness and athletic skill is well-founded. Just as these qualities were keys to survival and progress in centuries past, today they are important ingredients of a healthy life. Yet vigor and vitality are no longer natural by-products of our everyday lives. They must be developed through rigorous programs of physical exercise and training.

On October 30, 1892, the first American Slovak Sokol Society was established to help meet this need. In the 80 years since then, the Sokol has grown to include more than 23,000 members, and its gymnasiums have become famous worldwide as training grounds for gymnastics, physical fitness and good sportsmanship.

The Sokols, which trace their beginnings to Czechoslovakia, exemplify much that we identify with the best of America. For this reason, and because they have contributed significantly to the current revival of interest in gymnastics and physical fitness, it is appropriate that we join in recognizing them and the role they play in our society.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, in consonance with House Joint Resolution 1263, do hereby proclaim October 30, 1972, as National Sokol Day. I call upon the people of the United States and interested groups and organizations to observe that day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of October, in the year of our Lord nineteen hundred seventy two, and of the Independence of the United States of America the one hundred ninety-seventh.



[FR Doc.72-18125 Filed 10-19-72;12:25 am]

DETERMINATION OF OCTOBER 18, 1972

Presidential Determination

THE WHITE HOUSE,
Washington, October 18, 1972.

I hereby determine that it is in the national interest for the Export-Import Bank of the United States to guarantee, insure, extend credit and participate in the extension of credit in connection with the purchase or lease of any product or service by, for use in, or for sale or lease to the Union of Soviet Socialist Republics, in accordance with Section 2(b)(2) of the Export-Import Bank Act of 1945, as amended.

Richard Nixon

[FR Doc.72-18100 Filed 10-18-72;5:02 pm]

Rules and Regulations

Title 12—BANKS AND BANKING

Chapter VI—Farm Credit Administration

PART 615—FUNDING AND FISCAL AFFAIRS

Subpart O—Book Entry Issuance of Farm Credit Securities

In the FEDERAL REGISTER for September 14, 1972, at page 18630, notice was given that the Farm Credit Administration, by its Federal Farm Credit Board, had under consideration a proposed amendment of its regulations to provide for the book-entry issuance of Farm Credit securities. Interested persons were afforded an opportunity to file written comments or suggestions thereon not later than October 14, 1972. None was filed. The Federal Farm Credit Board took final action on the proposed amendment and authorized, effective upon publication in the FEDERAL REGISTER (10-20-72), the following to be issued as regulations of the Farm Credit Administration.

Subpart O—Book-Entry Issuance of Farm Credit Securities

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615.5450 Definition of terms.
615.5455 Authority of reserve banks.
615.5460 Scope and effect of book-entry procedure.
615.5465 Transfer or pledge.
615.5470 Withdrawal of farm credit securities.
615.5475 Delivery of Farm Credit securities.
615.5480 Servicing book-entry Farm Credit securities; payment of interest, payment at maturity upon call.

AUTHORITY: The provisions of this Subpart O issued under section 5.9, 5.18, 5.26, 85 Stat. 619, 621, 624.

Subpart O—Book-Entry Issuance of Farm Credit Securities

§ 615.5450 Definition of terms.

In this subpart, unless the context otherwise requires or indicates:

(a) "Reserve Bank" means the Federal Reserve Bank of New York and any other Federal Reserve Bank which agrees to issue Farm Credit securities in book-entry form acting as fiscal agent for the banks of the Farm Credit System and, when indicated, acting in its individual capacity.

(b) "Banks of the Farm Credit System" means the 12 Federal Land Banks, the 12 Federal Intermediate Credit Banks, the 13 Banks for Cooperatives, or all of them.

(c) "Farm Credit securities" means consolidated notes, bonds, debentures, or other similar obligations of the 12 Federal Land Banks, the 12 Federal Intermediate Credit Banks, or the 13 Banks for Cooperatives, and systemwide notes, bonds, debentures, or similar obligations of the banks of the Farm Credit System, issued under the Farm Credit Act of 1971, the completion and delivery of which is undertaken by a Reserve Bank as fiscal agent of the banks of the Farm Credit System.

(d) "Definitive Farm Credit security" means a transferable Farm Credit security issued in engraved or printed form by the Federal Reserve Bank of New York as fiscal agent of the banks of the Farm Credit System.

(e) "Book-entry Farm Credit security" means a transferable Farm Credit security issued in the form of an entry made as prescribed in this subpart on the records of a Reserve Bank.

(f) "Pledge" includes a pledge of, or any other security interest in, Farm Credit securities as collateral for loans or advances or to secure deposits of public moneys or the performance of an obligation.

(g) "Date of call" is the date fixed in the authorizing resolution of the Finance Committee of the Farm Credit System on which the obligor will make payment of the security before maturity in accordance with its terms.

(h) "Member bank" means any national bank, State bank, or bank or trust company which is a member of a Reserve Bank.

§ 615.5455 Authority of Reserve Banks.

Each Reserve Bank is hereby authorized in accordance with the provisions of this subpart to: (a) Issue book-entry Farm Credit securities by means of entries on its records which shall include the name of the depositor, the amount, the securities title (or series) and maturity date; (b) effect conversions between book-entry Farm Credit securities and definitive Farm Credit securities; (c) otherwise service and maintain book-entry Farm Credit securities; and (d) issue confirmations of transactions in the form of written advices (serially numbered or otherwise) which specify the amount and description of any such securities (that is, the securities title (or series) and the maturity date), sold or transferred and the date of the transaction.

§ 615.5460 Scope and effect of book-entry procedure.

(a) A Reserve Bank as fiscal agent for the banks of the Farm Credit System may apply the book-entry procedure provided for in this subpart to any Farm Credit securities which have been or are hereafter deposited for any purpose in accounts with it in its individual capacity under terms and conditions which indicate that the Reserve Bank will continue to maintain such deposit accounts in its individual capacity notwithstanding application of the book-entry procedure to such securities. This paragraph shall be applicable but not limited to Farm Credit securities deposited: (1) As collateral pledged to a Reserve Bank (in its individual capacity) for advances by it; (2) by a member bank for its sole account; (3) by a member bank held for the account of its customers; (4) in connection with deposits in a member bank of funds of States, municipalities, or other political subdivisions; or (5) in connection with the performance of an obligation or duty under Federal, State, municipal, or local law, or judgments or decrees of courts. The application of the book-entry procedure under this paragraph shall not derogate from or adversely affect the relationship that would otherwise exist between a Reserve Bank in its individual capacity and its depositors concerning any deposit under this paragraph. Whenever the book-entry procedure is applied to such Farm Credit securities, the Reserve Bank is authorized to take all action necessary in respect of the book-entry procedure to enable such Reserve Bank in its individual capacity to perform its obligation as depository with respect to such Farm Credit securities.

(b) A Reserve Bank as fiscal agent of the banks of the Farm Credit System may apply the book-entry procedure to Farm Credit securities deposited as collateral pledged to the United States under Treasury Department Circulars Nos. 92 and 176, both as revised and amended, and may apply the book-entry procedure, with the approval of the Secretary of the Treasury, to any other Farm Credit securities deposited with a Reserve Bank as fiscal agent of the United States.

(c) Any person having an interest in Farm Credit securities which are delivered by or deposited with a Reserve Bank (in either its individual capacity or as fiscal agent for the banks of the Farm Credit System) for any purpose shall be deemed to have consented to their conversion to book-entry Farm Credit securities pursuant to the provisions of this subpart and in the manner and under procedures prescribed by the Reserve Bank.

(d) No deposit shall be accepted under this section on or after the date of maturity or call of the Farm Credit securities.

§ 615.5465 Transfer or pledge.

(a) A transfer or pledge of book-entry Farm Credit securities to a Reserve Bank (in its individual capacity or as fiscal agent for the banks of the Farm Credit System), or to the United States, or to any transferee or pledgee eligible to maintain an appropriate book-entry account in its name with a Reserve Bank under this subpart is effected and perfected, notwithstanding any provision of law to the contrary, by a Reserve Bank making an appropriate entry in its rec-

ords of the Security transferred or pledged. The making of such an entry in the records of a Reserve Bank shall: (1) Have the effect of a delivery in bearer form of definitive Farm Credit securities; (2) have the effect of the taking of delivery by the transferee or pledgee; (3) constitute the transferee or pledgee a holder; and (4) if a pledge, effect a perfected security interest therein in favor book-entry Farm Credit securities effected under this paragraph shall have priority over any other transfer, pledge, or other interest, theretofore or thereafter effected or perfected under paragraph (b) of this section or in any other manner.

(b) A transfer or pledge of transferable Farm Credit securities, or any interest therein, which is maintained by Reserve Bank (in its individual capacity or as fiscal agent for the banks of the Farm Credit System) in a book-entry account under this subpart, including securities in book-entry form under § 615.5460(a)(3), is effected, and pledge is perfected, by any means that would be effective under applicable law to effect a transfer or to effect and perfect a pledge of Farm Credit securities, or any interest therein, if the securities were maintained by the Reserve Bank in bearer definitive form. For the purpose of transfer or pledge hereunder, book-entry Farm Credit securities maintained by a Reserve Bank shall, notwithstanding any provision of law to the contrary, be deemed to be maintained in bearer definitive form. A Reserve Bank maintaining book-entry Farm Credit securities, either in its individual capacity or as fiscal agent for the banks of the Farm Credit System, is not a bailee for the purposes of notification of pledges of those securities under this paragraph, or a third person in possession for the purposes of acknowledgment of transfers thereof under this paragraph. A Reserve Bank will not accept notice or advice of a transfer or pledge effected or perfected under this paragraph, and any such notice or advice shall have no effect. A Reserve Bank may continue to deal with its depositors in accordance with the provisions of this subpart, notwithstanding any transfer or pledge effected or perfected under this paragraph.

(c) No filing or recording with a public recording office or officer shall be necessary or effective with respect to any transfer or pledge of book-entry Farm Credit securities or any interest therein.

(d) A Reserve Bank shall, upon receipt of appropriate instructions, convert book-entry Farm Credit securities into definitive Farm Credit securities and deliver them in accordance with such instructions. No such conversion shall affect existing interest in such Farm Credit securities.

(e) A transfer of book-entry Farm Credit securities within a Federal Reserve Bank shall be made in accordance with the procedure established by the Bank not inconsistent with this subpart. The transfer of book-entry Farm Credit securities by a Federal Reserve Bank may be made through a telegraphic transfer procedure.

(f) All requests for transfer or withdrawal must be made prior to the maturity or date of call of the security.

§ 615.5470 Withdrawal of Farm Credit securities.

(a) A depositor of book-entry Farm Credit securities may withdraw them from a Reserve Bank by requesting delivery of like definitive Farm Credit securities to itself or on its order to a transferee.

(b) Farm Credit securities which are actually to be delivered upon withdrawal will be issued in bearer form only.

§ 615.5475 Delivery of Farm Credit securities.

A Reserve Bank which has received Farm Credit securities and effected pledges, made entries regarding them, or transferred or delivered them according to the instructions of its depositor is not liable for conversion or for participation in breach of fiduciary duty even though the depositor had no right to dispose of or takeover action in respect of the securities. A Reserve Bank shall be fully discharged of its obligations under this subpart by the delivery of Farm Credit securities in definitive form to its depositor or upon the order of such depositor. Customers of a member bank or other depositary (other than a Reserve Bank) may obtain Farm Credit securities in definitive form only by causing the depositor of the Reserve Bank to order the withdrawal thereof from the Reserve Bank.

§ 615.5480 Servicing book-entry Farm Credit securities; payment of interest, payment at maturity or upon call.

Interest becoming due on book-entry Farm Credit securities shall be charged to the general account of the Treasurer of the United States on the interest-due date and remitted or credited in accordance with the instructions from the book-entry depositor. Book-entry Farm Credit securities shall be redeemed and charged to the general account of the Treasurer of the United States, and the redemption proceeds, principal, and interest shall be disposed of in accordance with the depositor's instructions.

MILLARD F. DAILEY,
Chairman,
Federal Farm Credit Board.

[FR Doc.72-17973 Filed 10-19-72;8:57 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-GL-33]

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

Alteration of Transition Area

On page 15319 of the FEDERAL REGISTER dated July 29, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Hibbing, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

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

This amendment shall be effective 0901 G.m.t., December 7, 1972.

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

Issued in Des Plaines, Ill., on September 27, 1972.

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

In § 71.181 (37 F.R. 2143), the following transition area is amended to read:

HIBBING, MINN.

That airspace extending upward from 700 feet above the surface within an 11½-mile radius of Chisholm-Hibbing Airport (latitude 47°23'10" N., longitude 92°50'19" W.); within 5 miles each side of the Hibbing VORTAC 313° radial, extending from the 11½-mile-radius area to 26 miles northwest of the VORTAC; within an 11-mile radius of Eveleth-Virginia Airport (latitude 47°25'55" N., longitude 92°30'03" W.); and within 9½ miles north and 4½ miles south of the Eveleth VOR 092° radial, extending from the 11-mile-radius area to 18½ miles east of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 27-mile radius of the Hibbing VORTAC, extending from the Hibbing VORTAC 196° radial clockwise to the Hibbing VORTAC 340° radial; within a 13-mile radius of Hibbing VORTAC, extending from the Hibbing VORTAC 095° radial clockwise to the Hibbing VORTAC 196° radial; within 4½ miles northeast and 10 miles southwest of the Hibbing VORTAC 313° radial, extending from the 27-mile-radius area to 33½ miles northwest of the VORTAC, excluding the portion which overlies the Duluth, Minn., transition area.

[FR Doc.72-17883 Filed 10-19-72;8:57 am]

[Airspace Docket No. 72-WE-37]

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

Alteration of Transition Area

On September 27, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 20184) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Yuma, Ariz., transition area.

Interested persons were given 15 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following change.

In the 16th line of the description of the amendment delete the numeral "7" and substitute "6" therefor.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon is unnecessary.

Effective date. This amendment shall be effective 0901 G.m.t., December 7, 1972.

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

Issued in Los Angeles, Calif., on October 12, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

In § 71.181 (37 F.R. 2143), the description of the Yuma, Ariz., transition area is amended in part as follows:

Delete all before, "That airspace extending upward from 1,200 feet * * *" and substitute therefor, "That airspace extending upward from 700 feet above the surface, within an 11-mile radius of Yuma MCAS/Yuma International Airport (latitude 32°39'10'' N., longitude 114°36'20'' W.), within 2 miles each side of the Yuma VORTAC 181° radial, extending from the 11-mile-radius area to 21 miles south of the VORTAC, that airspace within a 13-mile radius of the Yuma VORTAC extending from the 11-mile-radius area bounded on the west by a line 4 miles west of and parallel to the Yuma VORTAC 351° radial and on the east by longitude 114°30'00'' W. and within 5 miles north and 6 miles south of the Yuma VORTAC 089° radial, extending from the VORTAC to 20.5 miles east of the VORTAC * * *"

[FR Doc.72-17882 Filed 10-19-72;8:57 am]

[Airspace Docket No. 72-AL-18]

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Jet Route Segment and Reporting Points

On July 14, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 F.R. 13804) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would designate the Porpoise, Alaska, VHF and DME reporting points, and extend Jet Route No. 111 from Middleton Island, Alaska, to the Porpoise Intersection.

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

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., January 4, 1973, as hereinafter set forth.

1. In § 71.213 (37 F.R. 2325) the following additional Porpoise Intersections are added:

a. Porpoise INT: INT of Middleton Island, Alaska, 121° and Yakutat, Alaska, 215° radials.

b. Porpoise DME INT: Middleton Island, Alaska, 121° radial, 171 nautical miles from Middleton Island.

2. In § 75.100 (37 F.R. 2382) Jet Route No. 111 is amended to read:

JET ROUTE NO. 111 (NOME, ALASKA, TO PORPOISE INT, ALASKA)

From Nome, Alaska, via Unalakleet, Alaska; McGrath, Alaska; Anchorage, Alaska; Middleton Island, Alaska; to Porpoise INT (Middleton Island 121° and Yakutat, Alaska 215° radials).

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510, Executive Order 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on October 12, 1972.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-17884 Filed 10-19-72;8:45 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Auto Alarm Tests

Order. In the matter of editorial amendments of Part 83 of the FCC rules and regulations.

1. By this order, it is intended to delete obsolete material from §§ 83.330(b)(4) and 83.456(d) of the rules.

2. Authority for the amendments appears in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules and regulations. Since the amendments are editorial corrections, the prior notice and effective date provisions of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

3. *It is ordered,* That the rule amendments below shall be adopted effective October 25, 1972.

Adopted: October 11, 1972.

Released: October 12, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

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

Sections 83.330(b)(4) and 83.456(d) of the rules are amended to read as follows:

§ 83.330 Station logs.

* * * * *

(b) * * *

(4) On a cargo vessel equipped with an auto alarm, the entry "auto alarm on", and the entry "auto alarm off", respectively, shall be made whenever the operator places the auto alarm in and out of operation. Results of the required auto alarm tests shall be entered daily, including the minimum number of 4-second dashes from the testing device which were necessary to properly operate the alarm.

* * * * *

§ 83.456 Radiotelegraph auto alarm instructions.

* * * * *

(d) An explanation of how to test the radiotelegraph auto alarm which shall be summarized upon a card and permanently attached to the front of the radiotelegraph auto alarm in a conspicuous position;

* * * * *

[FR Doc.72-17971 Filed 10-19-72;8:57 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Salt Plains National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (10-20-72).

§ 28.28 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

Retrieving zones of approximately 100 yards in width are established immediately inside the exterior refuge boundary at certain locations as designated by signs. These retrieving zones are delineated on maps available at refuge headquarters, Jet, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. A hunter may enter these retrieving zones to retrieve dead or crippled waterfowl which he has legally killed or crippled by hunting outside the refuge boundary but which have fallen inside the exterior boundary of the refuge and within the designated retrieving zones. The use of dogs and the possession of firearms or weapons inside the exterior boundary of the refuge and in the authorized retrieving zones is prohibited.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through January 11, 1973.

W. O. NELSON, Jr.,
Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, N. Mex.

OCTOBER 4, 1972

[FR Doc.72-17886 Filed 10-19-72;8:45 am]

Title 39—POSTAL SERVICE

Chapter I—U.S. Postal Service

SUBCHAPTER B—INTERNATIONAL MAIL

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Regulations relating to international mail codified under Subchapter B of Title 39, Code of Federal Regulations, are revised to read as set out below. Among other things, this revision reflects provisions of the current Universal Postal Union Convention which were implemented by a Notice document published at 36 F.R. 11505. See also the Notice published in the daily issue of July 1, 1972 (37 F.R. 13148, 13150).

These regulations are general in scope. Detailed information respecting mail service to specific foreign countries, including restrictions imposed on mail matter destined for foreign countries, is contained in Postal Service Publication 42, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

PART 11—POSTAL UNIONS

Sec.

11.1 Universal Postal Union.
11.2 Postal Union of the Americas and Spain.

AUTHORITY: The provisions of this Part 11 issued under 39 U.S.C. 401, 407.

§ 11.1 Universal Postal Union.

The exchange of all mail except parcel post between the United States (see Part 112 of this chapter) and other countries is governed by the provisions of the Convention of the Universal Postal Union of which the United States is a member.

§ 11.2 Postal Union of the Americas and Spain.

The United States and the following countries are also members of the Postal Union of the Americas and Spain (PUAS):

Argentina
Bolivia.
Brazil.
Canada.
Chile.
Colombia.
Costa Rica.
Cuba.
Dominican Republic.
Ecuador.
El Salvador.
Guatemala.
Haiti.
Honduras Republic.
Mexico.
Nicaragua.
Panama.
Paraguay.
Peru.
Spain and Possessions.[1]
Uruguay.
Venezuela.

[1] Spanish possessions include Balearic Islands, Canary Islands, and the Spanish Offices in Northern Africa; also Spanish Sahara.

PART 12—CATEGORIES OF INTERNATIONAL MAIL

Sec.

12.1 Postal union mail.
12.2 Parcel post.

AUTHORITY: The provisions of this Part 12 issued under 39 U.S.C. 401, 407.

§ 12.1 Postal union mail.

Surface and airmail exchanged with other countries under provisions of the Universal Postal Convention and the Convention of the Postal Union of the Americas and Spain is known as "postal union" mail. The weight and size limits and other general provisions (but not postage rates) for the various classifications of mail exchanged under those conventions are the same from and to the United States. Postal union mail is divided into two categories, known as LC mail and AO mail, and is defined as follows:

(a) LC mail (in French "Lettres et Cartes," meaning letters and cards) includes letters and packages paid at the letter rate of postage, post cards and aerogrammes. See §§ 22.1, 22.2, and 41.5 of this chapter.

(b) AO mail (in French "Autres Objets," meaning other articles) includes printed matter of all kinds, matter for the blind and small packets. See §§ 22.3 through 22.5.

§ 12.2 Parcel post.

Parcel post is a separate and distinct category from postal union mail. The exchange of parcel post with other countries is governed by the provisions of individual bilateral agreements with various countries and the Parcel Post Agreement of the Postal Union of the Americas and Spain. Unless otherwise noted under the country items in Postal Service Publication 42, the weight and size limits and other general parcel post provisions (but not postage rates) apply also from those countries to the United States. See Parcel Post.

PART 13—OFFICIAL CORRESPONDENCE

Sec.

13.1 With headquarters.
13.2 With foreign postal authorities.
13.3 With individuals in other countries.

AUTHORITY: The provisions of this Part 13 issued under 39 U.S.C. 401, 407.

§ 13.1 With headquarters.

Correspondence relating to international postal service subjects should be addressed as follows:

Subject	*Address to*
Policy matters relating to international mail and international postal affairs, negotiation and interpretation of postal agreements, communications of a nonroutine nature from foreign postal administrations, U.S. Postal Service representation at international postal meetings, U.S. Postal Service representation at meetings with other Federal departments and agencies relationg to international mail and international postal affairs, and visits by foreign postal representatives.	Office of International Postal Affairs, U.S. Postal Service, Washington, DC 20260.
Operational matters, including classification, admissibility, addressing, preparation and packaging, size and weight, postage rates and fees, forms used, customs, forwarding, return, recall, undeliverable matter, special services, claims for indemnity, refunds of postage, and international reply coupons.	Office of Rates and Classification, Finance Department, U.S. Postal Service, Washington, DC 20260.
All matters concerning transportation of international civil and military mail by surface and air, including mode of transport, routing, containerization, conveyance rates, documentation, internal, terminal and transit charges, designation of U.S. exchange offices and related forms and reports. Also, matters relating to schedules and performance of U.S. and foreign flag carriers.	Engineering and Logistics Department, U.S. Postal Service, Washington, DC 20260.
Investigations of losses, depredations, and security of international mail.	Chief Postal Inspector, U.S. Postal Service, Washington, DC 20260.
International money order systems including operational procedures, accounting, cashing and issuing.	Money Order Branch, Finance Department, U.S. Postal Service, 1822 General Accounting Office Building, Washington, DC 20260.

§ 13.2 With foreign postal authorities.

Postmasters, regional offices, and other field units of the Postal Service (except exchange offices, postal inspectors in charge, and postmasters acting under instructions in Part 71 of this chapter) shall not correspond directly with postal officials in other countries but shall refer inquiries from these officials to headquarters for attention.

§ 13.3 With individuals in other countries.

Postmasters, regional offices, and other field units of the Postal Service may reply directly to inquiries and engage in other necessary correspondence with individuals and firms in other countries. The addresses of customers may be furnished to inquirers, provided the customers have given their consent. This correspondence is mailable without postage stamps under § 21.2(d)(5) of this chapter.

POSTAL UNION MAIL

PART 21—CONDITIONS APPLICABLE TO ALL CLASSES

Sec.

21.1 Preparing and addressing.
21.2 Postage.
21.3 Prohibitions and restrictions.
21.4 Documentation.

AUTHORITY: The provisions of this Part 21 issued under 39 U.S.C. 401, 407.

§ 21.1 Preparing and addressing.

(a) *Preparing—(1) General responsibility.* It is the responsibility of the sender to prepare articles securely and to address them clearly and correctly. Use strong envelopes or other wrappings. Take into consideration the nature of the articles being mailed and the distance

they must travel to reach the country of address.

(2) *Envelopes.* Use envelopes of light color (but not brilliant colors) that do not interfere with the legibility of the address and postmark. Envelopes must be rectangular in shape, and must not measure less than 3 inches in width (height) and 4¼ inches in length. (Effective October 1, 1973, envelopes must measure at least 3½ inches in width and 5½ inches in length.) The use of envelopes measuring over 9 inches by 12 inches is not recommended. Window envelopes meeting the conditions in § 141.1(a)(4), with the exception of open-panel envelopes and envelopes with more than one panel, are acceptable in international mail. Open-panel envelopes are accepted only in ordinary (unregistered) mail to Canada.

(3) *Letter mail (LC).* Letters and packages prepaid at the letter rate of postage (letter-packages) may be placed in envelopes or prepared in package form. Sealing of letters and letter-packages is at the option of the sender, except that registered letters and letter-packages must be sealed. See § 42.2(b)(1).

(4) *Other articles (AO).* (i) Printed matter, matter for the blind, and small packets must be prepared in such a way that the contents are protected but so as not to hinder quick and easy inspection of the contents. The articles must be placed either in wrappers, on rollers, between cardboard or in bags, boxes, envelopes, or containers that are unsealed but closed in such a way as to permit easy opening and reclosing. Fasteners that offer no danger may be used or the items may be tied with string or twine in a manner that will permit them to be easily untied. AO mail must not be sealed, even if registered. The manner of preparation must be such that other pieces of mail do not run the risk of being trapped.

(ii) As an exception to subdivision (i) above, articles which would become spoiled if packed according to the general rules, and items in a transparent packing permitting a check of the contents, are admitted in a hermetically sealed packing. The same applies to industrial and vegetable products in packing sealed by the manufacturer or by an examining authority in the country of origin. In such cases the sender or the addressee may be required to assist in a check of the contents, either by opening certain of the items or in some other satisfactory manner.

(iii) Articles mailed under "Other Articles" classifications must be marked to identify the class of mail, as provided in §§ 22.3(e)(2), 22.4(e), and 22.5(e).

(b) *Packing requirements for certain articles*—(1) *Glass.* Articles of glass or other fragile materials must be securely packed in boxes of metal, wood, or strong corrugated fiberboard filled with paper, wood shavings, or other protective material that prevent the articles from moving about or coming in contact with each other or with the sides of the box in course of transmission.

(2) *Liquids, oils, etc.* Liquids, oils, and substances which easily liquefy must be enclosed in hermetically sealed receptacles. Each receptacle must be placed in a separate box of metal, strong wood, or strong corrugated fiberboard containing enough sawdust, cotton, or spongy material to absorb the liquid in the event of breakage of the receptacle. The cover of the box must be fastened in such a way that it cannot become easily detached.

(3) *Fatty substances.* Fatty substances which do not easily liquefy, such as ointments, soft soap, resins, etc., as well as silkworm eggs, must be enclosed in an inside cover (box, bag of cloth, plastic, etc.), which must itself be placed in a second box of wood, metal, or stout, thick material.

(4) *Powders.* Dry powdered dyes such as aniline, etc., are not admitted unless enclosed in stout tin boxes placed, in turn, inside wooden boxes, with sawdust between the two containers. Dry non-coloring powders must be placed in boxes of metal, wood, or cardboard. These boxes themselves must be enclosed in a bag of cloth or strong, thick plastic.

(5) *Live organisms.* Live bees, leeches, silkworm eggs, and parasites and predators of injurious insects intended for the control of such insects and exchanged between officially recognized agencies shall be enclosed in boxes so constructed as to avoid all danger.

(6) *Perishable biological materials.* See § 21.3(b)(5)(iii).

(7) *Radioactive materials.* See § 21.3(b)(6).

(c) *Addressing.* (1) Reserve at least the entire right half of the address side for the address of the addressee, postage stamps or postage-paid impressions, and the service labels and notations (postmarks, etc.).

(2) Address mail legibly using roman letters and arabic figures placed lengthwise on one side of the article only. Write the name and address of the addressee precisely and completely so that employees distributing the mail will be able to route mail to its proper destination without difficulty. Show name of post office and country of destination in capital letters, and include the ZIP Code or postal delivery zone number if known. Give house number and street address or box number when mail is addressed to towns or cities. Addressing mail to "Boxholder" or "Householder" is not permitted.

(3) The address of articles sent to General Delivery (in French, "Poste Restante") must indicate name of the addressee. The use of initials, figures, simple given names, fictitious names, or conventional marks of any kind is not permitted on these articles.

(4) Addresses in Russian, Greek, Arabic, Hebrew, Japanese, or Chinese characters must bear an interline translation of the names of the post office, province, and country of destination in English. If the English forms are not known, show foreign spellings in roman characters, print or script.

(d) *Return address.* The complete address of the sender, including ZIP Code number, must be shown in the upper left corner of the address side, and is to be so placed that it will not affect either the clarity of the address or the application of service labels or notations. See §§ 22.2(c)(2) and 22.3(e)(5). Ordinary (unregistered) articles bearing a return address in another country are accepted only at risk of senders.

§ 21.2 Postage.

(a) *Prepayment.* Postage should be applied on the address side of the articles in the upper right corner. Articles must be fully prepaid to assure dispatch without delay and without penalty against the addressees. If the missing postage cannot be collected from the mailer, the shortpaid articles are either sent to destination and double the shortage collected from the addressees or they are sent to dead letter branches for treatment. See § 23.2.

(b) *How paid*—(1) *Stamps.* Postage and fees for special services may be paid by means of U.S. postage stamps or by meter stamps of a bright red color. Precanceled stamps may be used under the same conditions as in the domestic mail. Airmail stamps may be used on airmail articles only, and special delivery stamps may be used only for payment of special delivery fees. See § 142.7 of this chapter for other stamps not valid as postage.

(2) *Other means.* Postage may be paid by permit imprints, subject to the general conditions stated in Part 145. Permit imprints must show the amount of postage paid on each article and may be of any color. Postage on second-class and controlled circulation matter mailed by publishers or registered news agents may be paid in money under the conditions stated in § 22.3(e)(3) (ii) and (iii) (second-class only).

(c) *Articles mailed aboard ships (Paquebot).* (1) Mail posted aboard commercial vessels on the high seas usually bears postage stamps of the country whose flag the vessel flies. On arrival at a port, an officer of the ship hands the mail into the post office of the port city where the stamps are canceled and the mail is dispatched. If the stamps are foreign, the post office uses a special "Paquebot" postmark or applies the word "Paquebot" to the envelope in ink or with a rubber stamp.

(2) Any mail to be forwarded by air must be accompanied by an AV–2 form, prepared by the ship's officer, showing weight of the articles for each destination, including those for the United States. Postmark the AV–2 form in the section entitled "Timbre du bureau destinataire" (stamp of the receiving office) at upper right. When airmail is presented at a post office that is not an international airmail exchange office, the postmaster must transmit the AV–2 form to the nearest installation listed below:

FAMRU, Airport Mail Facility, Kennedy International Airport, Jamaica, NY 11060.
FAMRU, Airport Mail Facility, International Airport, Miami, FL 33159.
FAMRU, Airport Mail Facility, International Airport, San Francisco, CA 94128.

(3) Mail posted aboard a U.S. ship on the high seas, or aboard any ship while in a U.S. port, must bear U.S. stamps and is not entitled to "Paquebot" cancellation at a U.S. post office.

(d) *Mailings without postage* — (1) *Federal Government official mail.* Official

mail of the Federal Government is accepted for other countries without postage affixed under the following conditions:

(i) *Postage and fees paid mail.* Official mail of authorized departments and agencies listed in § 137.2(c)(1)(i) of this chapter that bears the indicia prescribed in § 137.2(c)(1)(iii) will be given the postal service indicated on its cover. There is no limitation as to the countries to which this mail may be addressed provided the service desired is available. The mail is subject to the weight and size limits and other conditions prescribed for postal union mail. See § 31.3(e)(3) concerning mailings as parcel post.

(ii) *Penalty and franked mail.* Ordinary (unregistered) surface mail prepared in accordance with the provisions of §§ 137.1 and 137.2(c)(2) of this chapter is accepted when addressed in PUAS countries except Argentina, Brazil, and Spain and Spanish possessions. (See Part 112.) This mail must not exceed the domestic weight limit of 4 pounds, except when it is exempt from that limit by regulation (see § 137.2(e)), in which case the weight limits for postal union mail prescribed in Part 22 apply. The maximum dimensions prescribed in Part 22 apply in all cases. If registration, air, or special delivery service is desired, both the postage and fee must be prepaid.

(2) *General Secretariat of the Organization of American States.* Ordinary (unregistered) surface mail bearing the return address of the General Secretariat and weighing not more than 4 pounds (or 11 pounds for packages identified as containing printed matter) is accepted without postage affixed when addressed to OAS member countries. Airmail and the special services may not be given to OAS General Secretariat official mail without prepayment of air postage or prepayment of the appropriate fee for the special service requested. The following are members of the Organization of American States (OAS):

Argentina.	Honduras.
Barbados.	Jamaica.
Bolivia.	Mexico.
Brazil.	Nicaragua.
Chile.	Panama.
Colombia.	Paraguay.
Costa Rica.	Peru.
Dominican Republic.	Trinidad and Tobago.
Ecuador.	
El Salvador.	United States.
Guatemala.	Uruguay.
Haiti.	Venezuela.

(3) *Pan American Sanitary Bureau Mail.* Ordinary (unregistered) surface mail bearing the return address of the Bureau and weighing not more than 4 pounds is accepted without postage affixed when addressed to OAS countries, including Cuba. Airmail and the special services may not be given to Pan American Sanitary Bureau official mail without prepayment of air postage or prepayment of the appropriate fee for the special service requested.

(4) *Postal Service official mail.* All official mail of the Postal Service may be accepted without postage affixed. Use penalty envelopes or labels for mail addressed (i) to postal administrations or post offices in any country, (ii) to the International Bureau of the Universal Postal Union at Berne, Switzerland, and (iii) to any addressee in the PUAS countries except Argentina, Brazil, and Spain and Spanish possessions. (See Part 112.) In all other cases use penalty envelopes or labels with the addition of the endorsement "Postage and Fees Paid." Larger post offices having sufficient need may requisition a rubber stamp from Headquarters on Form 1567.

(5) *Mail of widows of presidents.* All mail bearing the written or facsimile signature of Mrs. Mamie Doud Eisenhower or of Mrs. Jacqueline Bouvier Kennedy and the words "Postage and Fees Paid" shall be given the service indicated on its cover, subject to the conditions indicated in subparagraph (1)(i), above.

(e) *Reply coupons.* (1) Member countries of the Universal Postal Union purchase international reply coupons from the International Bureau of the Universal Postal Union and sell them at post offices. The selling price in the United States is 22 cents each. One of these coupons is exchangeable in any other member country for a stamp or stamps representing the international postage on a single-rate surface letter. Upon presentation of a sufficient number of coupons, the stamp or stamps received in exchange may be used to prepay an international airmail letter.

(2) International reply coupons (in French, "Coupon-Response International") are printed in blue ink on paper having in the watermark the letters UPU in large characters. Each coupon is imprinted at the time of purchase from the International Bureau with the name of the country, in French and in the native language and the selling price in the country of issue. Coupons printed prior to January 1, 1966, have the circles for the postmarks of the selling and exchanging post offices on the left- and right-hand sides; those printed after January 1, 1966, have both these circles on the right-hand side. The issuing office postmarks the left-hand circle of the old style coupons and the upper circle of the new style coupons. The period of exchange of international reply coupons is unlimited.

(3) U.S. post offices will requisition international reply coupons from the same sources from which they obtain postage stamps. The coupons should be stocked at offices having a demand for them. The selling post office will postmark in the left-hand circle of the old style coupon and in the upper circle of the new style coupon. Unused U.S. coupons may be redeemed by the original purchaser at a discount of 1 cent on the purchase price. The post office redeeming the unused coupons will postmark them in the unpostmarked circle.

(4) Properly postmarked international reply coupons issued in other countries are exchangeable at U.S. post offices for postage stamps, aerogrammes, post cards or envelopes at the rate of 15 cents each. The post office exchanging a foreign coupon postmarks it in the right-hand circle of the old style coupon or the lower circle of the new style coupon. Foreign coupons not properly postmarked by the foreign post office may be exchanged if there is no apparent reason to doubt their authenticity. Post offices must not accept foreign coupons that already bear a U.S. postmark.

(5) Reply coupons formerly issued by the Postal Union of the Americas and Spain are no longer valid. These coupons are printed in green ink and bear the caption "Cupón Respuesta Américo-Español." It is suggested that customers possessing any of these coupons return them to their correspondents in the country of issue for redemption through the selling post office.

(6) Postmasters will dispose of exchanged foreign and redeemed U.S. coupons as prescribed in Fiscal Handbook, Series F–1, Financial and Cost Controls.

(f) *Nonpostage stamps.* Do not place nonpostage stamps, labels resembling postage stamps, or impressions resembling postage-paid impressions on the address side of mail articles.

(g) *Remailed articles.* New postage is required when remailing an article which has been returned from abroad because of insufficient address.

§ 21.3 Prohibitions and restrictions.

(a) *General list of prohibited articles.* The following articles are prohibited transmission in the postal union mail to all countries:

(1) Any article without address or incorrectly, insufficiently, or illegibly addressed so that it cannot be sent to its destination.

(2) Any article addressed to go around the world or with the address side wholly or partly divided into several spaces intended for successive addresses.

(3) Poisons, including narcotics (opium, morphine, cocaine, etc.), explosives and flammable articles (see § 31.2(1)(viii) of this chapter), and all other articles excluded from the domestic mail, which either from their nature or packing are likely to soil or damage the mail or are injurious to health, life, or property. Articles containing gas or liquid under pressure, except that products incorporating compressed gas are acceptable if the mist produced is nonflammable. The quantity of contents are not more than a pint, and not more than one container per package. These restrictions as to quantity do not apply to aerosol containers holding mailable liquid and gas under pressure less than 40 pounds per square inch absolute (25 pounds gage pressure) at 70° F. Liquids with flash point below 150° F. are restricted (see § 31.2(b)(1)). The container must be completely surrounded with sawdust, bran, or other absorbent material sufficient to take up all the liquid contents.

(4) Articles excluded from the domestic mail of the United States. (See Part 123 of this chapter.) Although safety matches are admitted in the domestic mail, they are prohibited in the international mail.

(5) Live or dead animals and insects, except: (i) live bees, leeches, and silk worms; (ii) dead insects or reptiles when

thoroughly dried; and (iii) parasites and predators of injurious insects intended for the control of such insects and exchange between officially recognized agencies.

(6) The following are prohibited to all countries unless sent in registered letter mail—coins, banknotes, or paper money; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, or other precious articles. These articles are absolutely prohibited even in registered letter mail to some countries. See heading "Prohibitions" for Postal Union mail in Postal Service Publication 42. The term jewelry is generally understood to denote articles of more than nominal value. Low priced jewelry, such as tie clasps, costume jewelry, and other items containing little or no precious metal, is not considered to be jewelry within the meaning of this section and is accepted under the same conditions as other mailable merchandise to any country. However, it is accepted only at the sender's risk to countries which prohibit jewelry.

(7) Values payable to bearer, unless sent by registered mail. Some countries prohibit such values entirely. The term "values payable to bearer" includes checks, drafts, or securities which can be legally cashed or easily negotiated by anyone who may come into possession of them. A check or draft payable to a specific payee is not regarded as payable to bearer unless the payee has endorsed it in blank. If not endorsed, or if endorsed in favor of another specific payee, it is not regarded as payable to bearer.

(8) Gold coin, gold bullion, or gold dust exceeding $100 in value. (See § 54.4.)

(9) Articles whose acceptance or circulation is prohibited in the country of destination.

(10) Written communications having the character of current correspondence, except in the form of letters or post cards, or under the conditions stated in § 22.3 (d)(2)(i); (d)(4)(x); or § 22.4. Sound recorded communications having the character of current correspondence, except as letters, or under the conditions stated in § 22.3(d)(2) or § 22.4. (Note: Recordings of music or other sounds not of the nature of letters are mailable under the classes of postal union mail available for the transmission of merchandise—see §§ 22.1(e) and 22.5, or as parcel post. The same applies to opened correspondence, written or recorded, that has already reached the original addressee and is no longer current.)

(11) Articles may not contain any card or envelope intended for reply purposes with postage denoted by U.S. stamps, business reply, or other indicia.

NOTE: The prohibition against business reply items need not be applied when they are bound or stapled into a magazine or other publication, or form an integral part of the printed page. These may be accepted so long as no objection is raised by the postal administrations of the countries concerned. See § 22.3(d)(5)(i) regarding restriction on enclosure of cards or envelopes for reply purposes in articles mailed as printed matter.

NOTE: For general parcel post prohibitions, see § 31.2(a).

(b) *Restricted articles*—(1) *Gold and gold certificates.* (See Part 54.)

(2) *Tobacco seed and plants.* (See § 55.2.)

(3) *Plant material generally.* (See § 31.2(b)(5).)

(4) *Flammable liquids.* (See § 31.2(b)(1).)

(5) *Perishable biological materials.* Perishable biological materials, including those of pathogenic nature, when sent in the postal union mail are accepted in airmail "letter packages." The following conditions apply:

(i) *Mailing restrictions.* If a country prohibits perishable biological materials this is shown under "Prohibitions" in the country item in Postal Service Publication 42. The packages must be packed as prescribed in subdivision (iii) below and must bear distinctive violet labels by which they can be readily recognized and receive careful handling and prompt delivery.

(ii) *Qualification of mailers.* (*a*) Only officially recognized laboratories may send or receive letter packages containing perishable biological materials. Laboratories of the following categories are so designated:

Laboratories of local, State, and Federal government agencies.

Laboratories of federally licensed manufacturers of biologic substances derived from bacteria and viruses.

Laboratories affiliated with or operated by hospitals, universities, research facilities, and other teaching institutions.

Private laboratories licensed, certified, recognized, or approved by a public authority.

(*b*) A laboratory desiring to mail letter packages containing materials of this kind shall make written application on its letterhead stationery to the Mail Classification Division, Finance Department, U.S. Postal Service, Washington, D.C. 20260, explaining its qualifications and those of the prospective addressee to send and receive such materials, and stating how many packages are to be mailed. On approval, the mailer will receive a sufficient number of the violet labels for the contemplated shipments.

(iii) *Packaging.* (*a*) Perishable biological material not of a pathogenic nature must be packed in a nonporous container surrounded by sufficient absorbent material to take up all the liquid and must be placed in an outer protective container where it should fit tightly to avoid any shifting.

(*b*) Perishable biological material of a pathogenic nature must be packed in a tightly closed bottle or tube or heavy glass wrapped in thick absorbent material rolled several times around the bottle or tube and tied at the ends, sufficient in quantity to absorb all the liquid; the wrapped container must be placed in a strong well-closed metal box constructed to prevent any contamination outside of it. This metal box must be wrapped in cushioning material and placed in an outer protective box where it should fit tightly to avoid shifting. The outer container must consist of a hollow block of strong wood, metal, or other equally strong material with a tight lid so fitted that it cannot open during transportation.

(*c*) In addition to the requirements in (*a*) and (*b*), packages must comply with the regulations governing the transmission of such materials in the domestic mail.

(*d*) The mailer must place on each package one of the violet labels mentioned in subdivisions (i) and (ii)(*b*) of this paragraph.

(6) *Radioactive materials.* Radioactive materials are restricted as provided in § 124.2(e) and must be mailed by air. Senders of mailable radioactive materials must place on the wrapper of the package a white label bearing the French words Matières radioactives. The label must be supplied by the sender and is to be gummed or taped to the address side of the package. The package must also bear a conspicuous request for return to sender in case of nondelivery.

(c) *Individual country prohibitions and restrictions.* See § 31.2(c).

(d) *Foreign customs information.* See § 31.2(d).

§ 21.4 Documentation.

(a) *Green customs label.* A green customs label C 1, Form 2976, must be completed and placed by the sender on the address side of each letter or letter package containing dutiable merchandise, on each package of dutiable prints, and on each small packet. (See §§ 22.1(e), 22.3(e)(6), and 22.5(f).) Only the upper portion of the label need be placed on the package if the sender prefers that the description of the contents not appear, on the outside, and under the conditions stated in § 21.4(b). The lower portion of the label is removed by tearing or cutting along the dotted line. The following facsimile illustrates the type of information the sender must supply when the label is used in its entirety:

CUSTOMS—DOUANE
May be Officially Opened
(Peut être ouvert d'office)

Detach and discard this portion if a separate declaration (Form 2976-A) or an invoice is enclosed in the package.

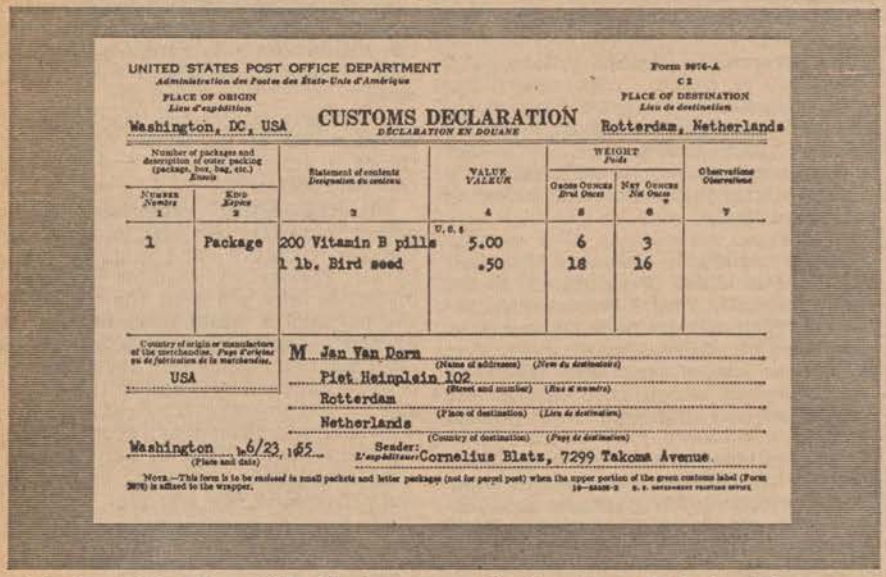
Contents in detail
Nature de la marchandise
2 cartons (400) Cigarettes

Net weight
Poids net 1 lb. 3 oz.
Value
Valeur $3.30

Form 2976 16—67823-1 GPO

The label is not, under any circumstances, to be used on parcel post packages, nor are parcel post forms to be used on postal union mail articles.

(b) *Customs declaration.* Customs declaration C 2, Form 2976–A, is used in conjunction with Customs Label 2976. The form must be enclosed in postal union mail packages whose value exceed $100, and in any case where the country concerned specifically requires it. The contents must be described in detail on the form. Descriptions of a general character are not allowed. Form 2976–A is not to be used on parcel post packages, nor are parcel post forms described in § 31.4 to be used on postal union articles. The following facsimile illustrates the type of information required on Form 2976–A:



UNITED STATES POST OFFICE DEPARTMENT
Administration des Postes des États-Unis d'Amérique

Form 2976-A
C 2

PLACE OF ORIGIN
Lieu d'expédition
Washington, DC, USA

CUSTOMS DECLARATION
DÉCLARATION EN DOUANE

PLACE OF DESTINATION
Lieu de destination
Rotterdam, Netherlands

Number of packages and description of outer packing (package, box, bag, etc.) Nombre et nature de l'emballage extérieur		Statement of contents Désignation du contenu	VALUE VALEUR	WEIGHT Poids		Observations Observations
Number Nombre	Kind Espèce			Gross Ounces Brut Onces	Net Ounces Net Onces	
1	2	3	U.S.$ 4	5	6	7
1	Package	200 Vitamin B pills 1 lb. Bird seed	5.00 .50	6 18	3 16	

Country of origin or manufacture of the merchandise. Pays d'origine ou de fabrication de la marchandise.
USA

M. Jan Van Dorn (Name of addressee) (Nom du destinataire)
Piet Heinplein 102 (Street and number) (Rue et numéro)
Rotterdam (Place of destination) (Lieu de destination)
Netherlands (Country of destination) (Pays de destination)

Washington, 6/23, 1972 (Place and date)
Sender: L'expéditeur: Cornelius Blatz, 7299 Takoma Avenue

NOTE.—This form is to be enclosed in small packets and letter packages (not for parcel post) when the upper portion of the green customs label (Form 2976) is affixed to the wrapper.

(c) *Furnishing to public.* Customers requesting them may be furnished a reasonable supply of Forms 2976 and 2976–A for preparation at their homes or business establishments.

(d) *Nonpostal documentation.* Packages sent in the postal union mail may require one or more of the forms described in Parts 51–57 of this chapter.

PART 22—RATES AND CONDITIONS FOR SPECIFIC CLASSES

Sec.
22.1 Letters and letter packages.
22.2 Post cards.
22.3 Printed matter.
22.4 Matter for the blind.
22.5 Small packets.

AUTHORITY: The provisions of this Part 22 issued under 39 U.S.C. 401, 407.

§ 22.1 Letters and letter packages.

(a) *Postage rates*—(1) *Surface.* The surface rates for letters and letter packages are as follows:

(i) *Canada and Mexico.* Eight cents per ounce up to 12 ounces; eighth zone priority mail rates for weights over 12 ounces.

(ii) *Countries other than Canada and Mexico.*

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	1	$0.15	0	8	$0.76	2	0	$2.40
0	2	.26	1	0	1.44	4	0	3.84
0	4	.34						

(2) *Airmail.* The air rates for letters and letter packages are as follows:

(i) *Canada and Mexico.* Eleven cents per ounce or fraction.

(ii) *Central America, South America, the Caribbean Islands, Bahamas, Bermuda, and St. Pierre and Miquelon.* Seventeen cents per half ounce.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	½	$0.17	0	7½	$2.55	0	14½	$4.93
0	1	.34	0	8	2.72	0	15	5.10
0	1½	.51	0	8½	2.89	0	15½	5.27
0	2	.68	0	9	3.06	1	0	5.44
0	2½	.85	0	9½	3.23	1	½	5.61
0	3	1.02	0	10	3.40	1	1	5.78
0	3½	1.19	0	10½	3.57	1	1½	5.95
0	4	1.36	0	11	3.74	1	2	6.12
0	4½	1.53	0	11½	3.91	1	2½	6.29
0	5	1.70	0	12	4.08	1	3	6.46
0	5½	1.87	0	12½	4.25	1	3½	6.63
0	6	2.04	0	13	4.42	1	4	6.80
0	6½	2.21	0	13½	4.59			
0	7	2.38	0	14	4.76			

For letters or letter packages over 20 ounces, add 17 cents per half ounce or fraction.

(iii) *All other countries.* Twenty-one cents per half ounce.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	½	$0.21	0	7½	$3.15	0	14½	$6.09
0	1	.42	0	8	3.36	0	15	6.30
0	1½	.63	0	8½	3.57	0	15½	6.51
0	2	.84	0	9	3.78	1	0	6.72
0	2½	1.05	0	9½	3.99	1	½	6.93
0	3	1.26	0	10	4.20	1	1	7.14
0	3½	1.47	0	10½	4.41	1	1½	7.35
0	4	1.68	0	11	4.62	1	2	7.56
0	4½	1.89	0	11½	4.83	1	2½	7.77
0	5	2.10	0	12	5.04	1	3	7.98
0	5½	2.31	0	12½	5.25	1	3½	8.19
0	6	2.52	0	13	5.46	1	4	8.40
0	6½	2.73	0	13½	5.67			
0	7	2.94	0	14	5.88			

For letters or letter packages over 20 ounces, add 21 cents per half ounce or fraction.

(b) *Weight limits.* The weight limit for letters and letter packages to all countries except Canada is 4 pounds; for Canada, 60 pounds.

(c) *Dimensions*—(1) *Maximum dimensions.* Maximum length is 24 inches. Maximum length, breadth, and thickness combined is 36 inches. When sent in the form of a roll, the length (the maximum of which may not exceed 36 inches) plus twice the diameter may not exceed 42 inches.

(2) *Minimum dimensions.* The address side must measure at least 5½ inches in length and 3½ inches in width. However, envelopes measuring not less than 4¼ by 3 inches will be accepted until October 1, 1973. For articles in the form of a roll, the length may not be less than 4 inches, or the length plus twice the diameter may not be less than 6¾ inches. Articles having lesser dimensions are accepted on condition that a rectangular address tag is attached whose dimensions are not less than 4 by 2¾ inches.

(d) *Restrictions.* Letters and letter packages may not contain current communications exchanged between persons other than the sender and the addressee or person living with them.

(e) *Merchandise in letters*—(1) *Dutiable merchandise.* Letters or letter packages may contain merchandise which is dutiable in the country of destination unless the country is unwilling to accept such mailings. The Postal Service is not able to inform customers whether or not any items are dutiable in other countries. When mailing articles which may be dutiable, senders must comply with the provisions concerning documentation shown in § 21.4.

(2) *Nondutiable merchandise.* Articles which the senders know are not dutiable may be mailed to countries which do not accept dutiable merchandise, but only at the risk of the senders. The U.S. Postal Service assumes no responsibility for the treatment which such articles may be given by the foreign postal or customs authorities. As the presence of the green label (Form 2976) mentioned in § 21.4(a) generally denotes dutiable contents, it should be omitted from letter-mail articles when the sender knows the contents are not dutiable.

(f) *Endorsement.* Senders should add the words "Letter (lettre)" on the address side of letters and letter packages which, because of their size or manner of preparation, may be mistaken for matter of another class.

(g) *Preparation and addressing.* See § 21.1.

§ 22.2 **Post cards.**

(a) *Rates*—(1) *Surface.* Canada and Mexico, 6 cents each. All other countries, 10 cents each.

(2) *Airmail.* Canada and Mexico, 9 cents each. All other countries, 15 cents each.

(3) *Other rates.* The letter rate (surface or air), or the surface printed matter rate if the card conforms to printed matter requirements, applies to cards exceeding 6 by 4¼ inches that are mailed unenclosed. (Effective October 1, 1973, such cards exceeding 6 by 4¼ inches will not be mailable unless enclosed in envelopes.)

(b) *Dimensions.* Maximum dimensions, 6 by 4¼ inches. Minimum dimensions, 5½ by 3½ inches.

(c) *Requirements*—(1) *Form and marking.* Post cards shall be made of cardboard that meets the material and color specifications in § 131.2(a) (2) or of paper strong enough to withstand handling. Post cards of private manufacture must bear on the front the heading Post Card, although this is not obligatory for picture post cards.

(2) *Preparation, addressing, and mailing.* Post cards shall consist of a single card and are sent unenclosed, without wrapper or envelope. Folded cards must be mailed in envelopes. The right half, at least, of the address side of the card is reserved for the address of the addressee and the notations or labels relating to the service. The sender may use the back and the left half of the address side. Postage must appear on the address side, in the upper right corner of the card; otherwise, the card is treated as unprepaid. Undeliverable post cards are disposed of in the country of address unless they bear the name and address of the sender.

(3) *Attachments.* Do not join or attach samples of merchandise or similar articles to post cards. However, illustrations, photographs, stamps of any kind, labels, and clippings of any kind, of paper or other very thin material, as well as address labels or slips to be folded back, may be glued thereto, on condition that they do not alter the character of the post cards and that they adhere completely to the card. These articles may be glued only on the back or left half of the address side of the card, except address slips, tabs, or labels which may occupy the entire address side. Stamps of any kind, likely to be confused with postage stamps, may be placed only on the back.

(d) *Reply-paid and folded cards.* Reply-paid cards, as well as folded (double) cards are not accepted in international mail.

§ 22.3 **Printed matter.**

(a) *Postage rates*—(1) *Surface rates.* Separate rates of postage are provided for each of the following types of printed matter:

(i) *Regular printed matter.* Regular printed matter comprises all printed matter other than books, sheet music, publishers' second-class and publishers' controlled circulation publications described in § 22.3(a) (2) (iii) and (*d*). The surface rates are—

(*a*) Canada and Mexico:

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	2	$0.08	0	7	$0.28	0	12	$0.48
0	3	.12	0	8	.32	0	13	.52
0	4	.16	0	9	.36	0	14	.56
0	5	.20	0	10	.40	0	15	.60
0	6	.24	0	11	.44	1	0	.64

Over 1 pound but not over 2 pounds	$0.75
Over 2 pounds but not over 4 pounds	.96
Each additional 2 pounds or fraction	.48

(*b*) Countries other than Canada and Mexico:

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	2	$0.08	0	8	$0.26	2	0	$0.75
0	4	.14	1	0	.48	4	0	.96

Each additional 2 pounds or fraction	.48

(ii) *Books and sheet music.* These consist of books having 24 pages or more, at least 22 of which are printed, consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for notations and containing no advertising other than incidental announcements of books, and printed sheet music. The surface rates are—

(*a*) Argentina, Boliva, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Republic of Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela:

Lbs.	Rate	Lbs.	Rate	Lbs.	Rate
½	$0.14	4	$0.36	10	$0.90
1	.17	6	.54	11 [1]	1.08
2	.21	8	.72	12	1.08

Each additional 2 pounds or fraction [2]	.18

[1] Eleven pounds is maximum weight limit to Canada.
[2] Weight limits in § 22.3(b) apply.

(*b*) All other countries:

Lbs.	Rate	Lbs.	Rate	Lbs.	Rate
½	$0.14	4	$0.48	10 [3]	$1.20
1	.17	6	.72	11	1.44
2	.28	8	.96		

[3] Charge 24¢ for each additional 2 pounds or fraction on packages for Spain and Spanish possessions (see § 11.2) weighing over 10 and up to 22 pounds.

(iii) *Second-class publications.* The rates on publications entered domestically as second class, when mailed by the publishers or by registered news agents, are—

(*a*) PUAS countries (see § 11.2 of this chapter).

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	2	$0.03	0	8	$0.08	2	0	$0.21
0	4	.05	1	0	.13	4	0	.36

Each additional 2 pounds or fraction (weights in § 22.3(b) apply)	.18

(*b*) All other countries:

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	2	$0.04	0	8	$0.10	2	0	$0.28
0	4	.06	1	0	.17	4	0	.48

(*c*) No separate rates are provided for nonprofit publications or for classroom publications. These second-class publications are subject to the rates stated in (*a*) and (*b*) above. Complete sample copies may also be mailed at those rates, whether or not the number of such sample copies exceeds 10 percent of the subscriber copies. Copies mailed by the public are subject to the regular printed matter rates stated in § 22.3(a) (1) (i).

(iv) *Controlled circulation publications.* The rates on periodicals that are approved domestically as controlled circulation publication, when mailed by the publishers to all countries, are—

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	2	$0.05	0	8	$0.11	2	0	$0.34
0	4	.07	1	0	.20	4	0	.58

Each additional 2 pounds or fraction (weights in § 22.3(b) apply)	.29

(v) Direct sacks of prints for one addressee. See § 22.3(f) (2) concerning rates of postage to be applied to the contents of direct sacks for one addressee.

(2) *Airmail.* AO (other articles) air rates apply to all types of prints, as follows:

(i) *Mexico, Central America, the Caribbean islands, Bahamas, Bermuda, and St. Pierre and Miquelon.* Forty cents for the first 2 ounces and 10 cents for each additional 2 ounces or fraction.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	2	$0.40	3	14	$3.40	7	10	$6.40
0	4	.50	4	0	3.50	7	12	6.50
0	6	.60	4	2	3.60	7	14	6.60
0	8	.70	4	4	3.70	8	0	6.70
0	10	.80	4	6	3.80	8	2	6.80
0	12	.90	4	8	3.90	8	4	6.90
0	14	1.00	4	10	4.00	8	6	7.00
1	0	1.10	4	12	4.10	8	8	7.10
1	2	1.20	4	14	4.20	8	10	7.20
1	4	1.30	5	0	4.30	8	12	7.30
1	6	1.40	5	2	4.40	8	14	7.40
1	8	1.50	5	4	4.50	9	0	7.50
1	10	1.60	5	6	4.60	9	2	7.60
1	12	1.70	5	8	4.70	9	4	7.70
1	14	1.80	5	10	4.80	9	6	7.80
2	0	1.90	5	12	4.90	9	8	7.90
2	2	2.00	5	14	5.00	9	10	8.00
2	4	2.10	6	0	5.10	9	12	8.10
2	6	2.20	6	2	5.20	9	14	8.20
2	8	2.30	6	4	5.30	10	0	8.30
2	10	2.40	6	6	5.40	10	2	8.40
2	12	2.50	6	8	5.50	10	4	8.50
2	14	2.60	6	10	5.60	10	6	8.60
3	0	2.70	6	12	5.70	10	8	8.70
3	2	2.80	6	14	5.80	10	10	8.80
3	4	2.90	7	0	5.90	10	12	8.90
3	6	3.00	7	2	6.00	10	14	9.00
3	8	3.10	7	4	6.10	11	0	9.10
3	10	3.20	7	6	6.20			
3	12	3.30	7	8	6.30			

To determine the postage for packages over 11 pounds, compute the rate for the pounds alone at 80 cents per pound, and add the rate for the ounces as shown in the table. If there are no ounces, add 30 cents to the rate at 80 cents per pound.

(ii) *South America, Europe (except Estonia, Latvia, Lithuania, and U.S.S.R.) and Mediterranean Africa.* Fifty cents for the first 2 ounces and 20 cents for each additional 2 ounces or fraction.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	2	$0.50	3	14	$6.50	7	10	$12.50
0	4	.70	4	0	6.70	7	12	12.70
0	6	.90	4	2	6.90	7	14	12.90
0	8	1.10	4	4	7.10	8	0	13.10
0	10	1.30	4	6	7.30	8	2	13.30
0	12	1.50	4	8	7.50	8	4	13.50
0	14	1.70	4	10	7.70	8	6	13.70
1	0	1.90	4	12	7.90	8	8	13.90
1	2	2.10	4	14	8.10	8	10	14.10
1	4	2.30	5	0	8.30	8	12	14.30
1	6	2.50	5	2	8.50	8	14	14.50
1	8	2.70	5	4	8.70	9	0	14.70
1	10	2.90	5	6	8.90	9	2	14.90
1	12	3.10	5	8	9.10	9	4	15.10
1	14	3.30	5	10	9.30	9	6	15.30
2	0	3.50	5	12	9.50	9	8	15.50
2	2	3.70	5	14	9.70	9	10	15.70
2	4	3.90	6	0	9.90	9	12	15.90
2	6	4.10	6	2	10.10	9	14	16.10
2	8	4.30	6	4	10.30	10	0	16.30
2	10	4.50	6	6	10.50	10	2	16.50
2	12	4.70	6	8	10.70	10	4	16.70
2	14	4.90	6	10	10.90	10	6	16.90
3	0	5.10	6	12	11.10	10	8	17.10
3	2	5.30	6	14	11.30	10	10	17.30
3	4	5.50	7	0	11.50	10	12	17.50
3	6	5.70	7	2	11.70	10	14	17.70
3	8	5.90	7	4	11.90	11	0	17.90
3	10	6.10	7	6	12.10			
3	12	6.30	7	8	12.30			

To determine the postage for packages over 11 pounds, compute the rate for the pounds alone at $1.60 per pound, and add the rate for the ounces as shown in the table. If there are no ounces, add 30 cents to the rate at $1.60 per pound.

(iii) *Estonia, Latvia, Lithuania, U.S.S.R., Asia, the Pacific, and Africa (other than Mediterranean).* Sixty cents for the first 2 ounces and 30 cents for each additional 2 ounces or fraction.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	2	$0.60	3	14	$9.60	7	10	$18.60
0	4	.90	4	0	9.90	7	12	18.90
0	6	1.20	4	2	10.20	7	14	19.20
0	8	1.50	4	4	10.50	8	0	19.50
0	10	1.80	4	6	10.80	8	2	19.80
0	12	2.10	4	8	11.10	8	4	20.10
0	14	2.40	4	10	11.40	8	6	20.40
1	0	2.70	4	12	11.70	8	8	20.70
1	2	3.00	4	14	12.00	8	10	21.00
1	4	3.30	5	0	12.30	8	12	21.30
1	6	3.60	5	2	12.60	8	14	21.60
1	8	3.90	5	4	12.90	9	0	21.90
1	10	4.20	5	6	13.20	9	2	22.20
1	12	4.50	5	8	13.50	9	4	22.50
1	14	4.80	5	10	13.80	9	6	22.80
2	0	5.10	5	12	14.10	9	8	23.10
2	2	5.40	5	14	14.40	9	10	23.40
2	4	5.70	6	0	14.70	9	12	23.70
2	6	6.00	6	2	15.00	9	14	24.00
2	8	6.30	6	4	15.30	10	0	24.30
2	10	6.60	6	6	15.60	10	2	24.60
2	12	6.90	6	8	15.90	10	4	24.90
2	14	7.20	6	10	16.20	10	6	25.20
3	0	7.50	6	12	16.50	10	8	25.50
3	2	7.80	6	14	16.80	10	10	25.80
3	4	8.10	7	0	17.10	10	12	26.10
3	6	8.40	7	2	17.40	10	14	26.40
3	8	8.70	7	4	17.70	11	0	26.70
3	10	9.00	7	6	18.00			
3	12	9.30	7	8	18.30			

(iv) *Canada.* Letter rate of 11 cents per ounce or fraction applies.

(b) *Weight limits.* (1) The following weight limits apply to individual packages of printed matter:

Countries	Books (See 223.11b)	All other prints
For countries not listed below.	11 pounds	4 pounds.[1]
Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Republic of Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Spain (including Balearic Islands, Canary Islands, and Spanish Offices in Northern Africa), Spanish Sahara, Uruguay and Venezuela.	22 pounds	22 pounds.

[1] Packages of catalogs and directories may weigh up to 11 pounds, but are subject to the postage rates for regular prints (§22.3(a)(1)(i)).

(2) Packages or bundles of second-class and controlled circulation publications mailed to Canada by publishers or registered news agents may weigh up to 30 pounds. When mailed by other than publishers or news agents, the weight limit is 4 pounds.

(3) See § 22.3(f) concerning use of direct sacks for mailing large quantities of prints to one addressee.

(c) *Dimensions.* Prints in envelopes or in package form are subject to the same maximum and minimum dimensions that apply to letter mail. See § 22.1 (c). Prints in the form of single cards, if mailed unenclosed, must not measure more than 6 by 4¼ inches nor less than 5½ by 3½ inches. See § 22.3(f)(1)(i) concerning packages of printed matter enclosed in sacks addressed directly to one addressee.

(d) *Description*—(1) *General definition.* The term "printed matter" applies to reproductions on paper, cardboard, or other materials commonly used in printing, produced in several identical copies by means of a mechanical or photographic process involving use of a plate, stencil, or negative. Several copies of printed matter items may be sent together in a single package, but they must not bear names and addresses of different senders or addressees.

(2) *Articles specially admitted.* The following may be mailed as printed matter if they otherwise conform to the prescribed conditions of form and make-up, even though they may be wholly or partly handwritten or typed:

(i) Communications (including those in the form of sound recordings) exchanged between students in schools, provided they are sent through the intermediary of the heads of the schools.

(ii) Original and corrected exercises of students, without any notes not relating directly to the execution of the work.

(iii) Manuscripts of literary works or of newspapers, and musical scores or sheets of music in manuscript.

(3) *Items not admissible.* The following are not admitted as printed matter:

(i) Reproductions obtained by means of a typewriter of any kind.

(ii) Copies obtained by tracing, by handwriting, or by typewriting on any type of machine.

(iii) Copies obtained by means of stamps with or without movable type.

(iv) Stamps or forms of prepayment, canceled or not, including internal revenue strip stamps, and any printed paper representing a monetary value.

(v) Articles of stationery in quantities of more than one article per package. This includes letterheads, billheads, unused cards, diaries, checkbooks, memo pads, and other similar items having some printing on them but on which additional entries are intended to be made.

(vi) Films, negatives or slides.

(vii) Sound recordings.

(viii) Punched paper tapes and ADP cards.

(ix) Framed photographs and certificates.

(x) Playing cards.

(4) *Permitted additions.* The following additions may be made by hand or by any other process on condition that the additions must have a direct bearing on the printed matter on which they are placed and must not give the text the character of personal correspondence:

(i) Name and address of sender and addressee, with or without showing the status, profession, and style.

(ii) Place and date of mailing of the item.

(iii) Serial or registration number referring solely to the item.

(iv) Correction of printing errors.

(v) Deletion, marking, or underlining of certain words or certain parts of the printed text.

(vi) On notices concerning the departure and arrival of ships and planes: the dates and time of such departures and arrivals, as well as the names of the ships, planes, and ports of departure, call, and arrival.

(vii) On travelers' announcements: The name of the traveler, the date, time, and name of the place through which he contemplates passing as well as the place where he is stopping.

(viii) On order, subscription, or offer forms for publications, books, newspapers, engravings, and musical scores: The publications and number of copies ordered or offered, the prices of such publications, as well as notations representing price factors, terms of payment, the edition, the names of the authors or publishers, the catalog number and the words broché (stitched or paperbound), cartonné (boards) or relié (bound).

(ix) On forms used in connection with loans from libraries: The titles of books,

number of copies requested or sent, names of authors or publishers, catalog numbers, number of days permitted for reading, name of person desiring to consult the book, other brief indications relating to the books in question.

(x) On illustrated cards, on printed visiting cards and on printed cards expressing felicitations or condolences: Conventional expressions of courtesy stated in five words or five initials at the most.

(xi) On printing proofs: Such changes and additions as relate to the correction, form and printing, notes such as "Ready for printing," "O.K. for printing," or any similar note relating to the preparation of the work. In case of lack of space, the additions may be made on separate sheets.

(xii) On current price lists, offers for advertisements, market, and stock quotations, commercial circulars and prospectuses: Figures and any other annotations, representing essential price factors.

(xiii) On literary or artistic productions: A dedication consisting of a simple expression of regard.

(xiv) On passages cut from newspapers and periodicals: The name, date, number, and address of the publication from which the article is taken.

(xv) An order or entry number relating exclusively to the articles contained in the package.

(xvi) On notices of change of address: The old and the new address and the date of the change.

(xvii) On photographs: Captions describing them and identifying persons, places and time taken may be added on the photographs or on slips attached.

(5) *Permitted enclosures.* Articles sent as prints may have the following enclosures:

(i) *With all types of prints.* A card, envelope, or wrapper bearing the printed U.S. address of the sendor or his agent. The enclosure may bear appropriate foreign postage to mail it back to the United States. U.S. business reply items may not be enclosed.

(ii) *With all types of prints to the Netherlands.* A card, envelope, or wrapper bearing either the printed United States or Netherlands address of the sender or his agent. The enclosure may bear the appropriate foreign postage to mail it to its destination in either the United States or the Netherlands. U.S. business repiy items may not be enclosed.

(iii) *With all types of prints to Ireland (Eire).* Same conditions as to the Netherlands.

(iv) *With literary or artistic printed works.* A simple invoice relating to the works.

(v) *With fashion publications.* Cut-out patterns that are marked to show they are an integral part of the copy of the publication with which they are mailed.

(e) *Preparation and mailing — (1) Wrapping and closing.* Articles mailed at printed matter rates must not be sealed. The general provisions of § 21.1(a)(4) apply, subject to the following exceptional methods of preparation:

(i) Prints of the shape and consistency of a single card may be mailed without wrapper or envelope. These cards must conform to the dimensions of post cards (maximum, 6 by 4¼ inches; minimum, 5½ by 3½ inches). See § 22.2(a)(3) concerning cards that do not conform to the dimensions stated.

(ii) Single copies of second-class or controlled circulation publications mailed by publishers and addressed for delivery in Canada need not be enclosed in envelopes or wrappers when they are included in bundles as provided in § 22.3(e)(4)(iii). Copies for all other countries, including those for delivery at Canadian overseas military post offices (CFPOs), even when tied in bundles, must be enclosed in envelopes or wrappers.

(iii) Use of steel bands or wire is permitted at the risk of the sender, except to Belgium, Great Britain, and Northern Ireland, Portugal (including Madeira and Azores), and the Union of Soviet Socialist Republics which object to their use.

(iv) Envelopes having the main flap sealed and the side flap closed with a spot of glue (two spots may be used to close the flaps of large envelopes) are accepted at the risk of the sender, except to Switzerland which has objected to the use of this type of envelope.

(v) Padded envelopes closed by means of staples are accepted at the risk of the sender. These may be closed with one, two, or three staples, depending upon the size of the envelopes.

(2) *Marking.* Senders must see that an endorsement appears on the address side of all cards, envelopes, wrappers, or packages to be mailed at printed matter rates, as follows:

(i) Mark "Printed Matter" when postage is paid at regular printed matter rates. (See § 23.3(a)(1)(i).)

(ii) Mark "Printed Matter—Books" or "Printed Matter—Sheet Music" on packages of books or sheet music to be mailed at the rates stated in § 22.3(a)(1)(ii).

(iii) Mark "Printed Matter—Directories" or "Printed Matter—Catalogs" when necessary to identify packages as containing directories or catalogs subject to regular printed matter rates but entitled to the exceptional weight limits prescribed in § 22.3(b).

(iv) Mark "Printed Matter—Second-Class" or "Printed Matter—Controlled Circulation Publication" on the envelopes or wrappers of second-class and controlled circulation publications on which the postage rates stated in § 22.3(a)(1)(iii) or (iv) are paid by stamps affixed. When the postage on second-class and controlled circulation publications is paid in cash or by advance deposit, as permitted in § 22.3(e)(3)(ii), the envelopes or wrappers must bear the imprint "Second-class postage paid at _____," or "Controlled circulation postage paid at _____," in the upper right corner. The imprint serves as an indication of postage payment and identifies the publications as second-class or controlled circulation. Use imprints prescribed in §132.2(e)(8) and 133.3(g) for mailings made pursuant to § 22.3(e)(3)(ii). See § 22.3(e)(4)(iii) concerning special provisions applicable to bundled mailings to Canada.

(3) *Payment of postage.* (i) Postage on printed matter, other than second-class and controlled circulation publications mailed by the publisher or by a registered news agent under the conditions stated in § 22.3(e)(3)(ii), must be paid by means of postage stamps, meter stamps, or permit imprints showing the amount of postage paid on each piece.

(ii) Postage on second-class and controlled circulation publications mailed by the publisher or by a registered news agent may be paid by means of postage stamps or meter stamps, or the postage charges may be paid in cash before the mailings are dispatched or from deposits of money made with the postmaster by the publisher or news agent. When the postage is to be paid in cash or from money on deposit with the postmaster, the postage charges are computed on Form 3541. Computation of Second-Class or Controlled Circulation Postage, from reports filed by the publisher or news agent on Form 3542, Statement Showing Number of Copies of Second-Class or Controlled Circulation Publication Mailed.

(iii) Accept deposits of money to cover postage at regular printed matter rates (§ 22.3(a)(1)(i)) on mailings of publications for which application for second-class or controlled circulation privilege is pending. When application is approved, adjust postage charges on reported mailings based on rates stated in § 22.3(a)(i)(iii) and (iv) and according to general procedure in § 132.3(b) and § 133.2(c).

(iv) If a publisher or registered news agent prefers, he may pay postage on individually addressed copies of second-class and controlled circulation publications by reporting them on Form 3542, and pay postage on unaddressed copies to be mailed in bulk packages by affixing the appropriate postage to the wrappers of the packages.

(4) *Mailing.* (i) Printed matter that is fully prepaid with postage or meter stamps and is properly prepared as required in subparagraphs (1) and (2) of this paragraph may be presented for mailing at post office windows or deposited in post office drops or street collection boxes.

(ii) Printed matter on which the postage is paid by permit imprints and all second-class and controlled circulation publications to be mailed at the rates stated in paragraph (a)(1)(iii) and (iv) of this section must be made up in accordance with subdivisions (iii) and (iv) below and taken to the post office or such other places as may be designated by the postmaster.

(iii) Publishers mailing at the rates stated in paragraph (a)(1)(iii) and (iv) of this section having five or more individually addressed copies to subscribers at the same post office must tie them in unwrapped bundles with a conspicuous label attached showing the post office and country of destination. Mail not made up to direct cities must be separated into State (province, county, etc.) bundles. All bundles must be securely tied. When there is a sufficient quantity of copies for one city, one State (province, county, etc.) or for one country to fill approxi-

mately one-third of a sack the publisher shall insert the prepared bundles in a sack appropriately labeled to identify the destination. Mail for countries that have a postal code sort system may be made into bundles and sacks based on the postal code.

(iv) Canada only: In addition to presorting as covered in subdivision (iii) above, single copies addressed for delivery in Canada that are not enclosed in wrappers or envelopes, as permitted in subparagraph (1)(ii) above, must be included in bundles protected with sections of cardboard, fiberboard, or other protective covering that will prevent the copies from being damaged in transit. The labels on these protected bundles must bear the notation "OPEN AND DISTRIBUTE" and the words "Second-class postage paid at _____ or Controlled circulation postage paid at _____."

(5) *Return request.* Ordinary (unregistered) prints, other than books, are not returned if undeliverable unless return has been requested by the sender. Therefore, senders desiring that undeliverable ordinary prints be returned must place a "Return Requested" notation on the article, preferably immediately below the return address and in a language known in the country of destination. Books and registered prints that are undeliverable must always be returned to origin.

(6) *Dutiable prints.* Prints known to be dutiable in the country to which they are addressed must have a green customs label, Form 2976, fixed to the address side of the article. (See § 21.4(a).)

(f) *Direct sacks to one addressee*—(1) *Requirements.* Ordinary (unregistered) printed matter being mailed in quantity to one addressee may be transmitted in direct sacks (except to Ethiopia) if the sender complies with the following conditions:

(i) The minimum amount that may be mailed in a direct sack (by either surface or air) is 22 pounds; the maximum is 66 pounds (sack and contents). The weight and size limits prescribed in § 22.3 (b) and (c) do not apply to the individual packages included in the sack.

(ii) Obtain sacks from local post office, which will furnish airmail sacks, if available, when material is to be sent by airmail.

(iii) Place printed matter in one or more individual, unsealed packages bearing the name and address of sender and addressee. Mark each package Postage Paid.

(iv) Attach to the neck of the sack a tie-on tag bearing the name and address of sender and addressee. The tag must be of substantial quality, with reinforced eyelets to prevent it from being torn off, and of such size as to permit the stamps in payment of the postage to be placed on it. Use heavy twine to tie on the tag. When sending several sacks for the same addressee, mark tag with an identifying fractional number, for example 1/3, 2/3, and 3/3, if the shipment consists of three sacks.

(2) *Postage.* (i) Postage is calculated only on the weight of the contents of the sack, and is paid by means of postage stamps or meter stamps affixed to the address tag. Calculate airmail postage at the applicable AO air rates shown under individual country items in the appendix. Calculate surface postage, according to the type of printed matter being mailed, as follows:

(*a*) *For regular printed matter.* At 48 cents each 2 pounds or fraction to all countries.

(*b*) *For books, sheet music.* (*1*) At 18 cents each 2 pounds or fraction to PUAS countries (see § 11.2 of this chapter), except to Spain and Spanish possessions.

(*2*) At 24 cents each 2 pounds or fraction to all other countries, including Spain and Spanish possessions.

(*c*) *For publishers' second-class.* (*1*) At 18 cents each 2 pounds or fraction to PUAS countries (see § 11.2 of this chapter).

(*2*) At 24 cents each 2 pounds or fraction to all other countries.

(*d*) *For publishers' controlled circulation publications.* At 29 cents each 2 pounds or fraction to all countries.

(ii) If a publisher or registered news agent prepares a direct sack of second-class or controlled circulation copies for one addressee and desires to pay the postage in cash or from money on deposit with the postmaster, the postage computation will be made on the basis of report on Form 3542. The address tag attached to the neck of the sack must then bear the second-class or controlled circulation imprint instead of stamps.

(3) *Labeling sacks.* The post office will label the sack with the name of the country of destination in large letters and the name of the United States dispatching exchange office in small letters (for example "GREAT BRITAIN—via New York") and send it to the exchange office for dispatch to destination.

§ 22.4 Matter for the blind.

(a) *Rates*—(i) *Surface.* Items mailable internationally as "Matter for the Blind" (see § 22.4(d)(1)) are accepted as surface mail free of postage.

(2) *Airmail.* Items mailable internationally as "Matter for the Blind" (see § 22.4(d)(1)) are accepted at AO (other articles) air rates. The rates are shown in § 22.3(a)(2).

(iii) *Nonconforming matter.* Items not acceptable as Matter for the Blind, pursuant to § 22.4 (b), (c) or (d), are subject to regular international rates of postage.

(b) *Weight limit.* Weight limit is 15 pounds.

(c) *Dimensions.* Maximum and minimum dimensions are the same as for letter mail. See § 22.1(c).

(d) *Description.* (1) The following are acceptable in international mail as Matter for the Blind:

(i) Books, periodicals, and other matter, including unsealed letters, impressed in braille or other special type for the use of the blind.

(ii) Plates for embossing blind literature.

(iii) Discs, tapes, or wires bearing voice recordings and special paper intended solely for the use of the blind, provided they are sent by or addressed to an officially recognized institution for the blind.

(2) Although various additional articles are admitted in domestic mail free of postage, pursuant to Part 138, the only articles admitted in international mail as Matter for the Blind are those indicated in § 22.4(d)(1).

(e) *Preparation and marking.* Articles must be in unsealed envelopes or wrappers prepared so as to permit easy examination. The word "free" must be placed in the upper right corner, immediately above the words "Matter for the Blind," on surface mail accepted free of postage. On airmail accepted at AO air rates the words "Matter for the Blind" must be placed in the upper right corner near the stamps. The name of the officially recognized institution for the blind must appear in the return address or in the address of matter mentioned in §22.2(d)(1)(iii).

§ 22.5 Small packets.

(a) *Description.* Small packets offer a convenient and economical means for sending small quantities of merchandise, commercial samples, or documents not having the character of current and personal correspondence. Gramophone records, tapes and wires (whether or not bearing a sound recording), automatic data processing cards, magnetic tapes, or similar items, as well as QSL cards may also be sent provided they contain no sounds or notations having the character of correspondence.

(b) *Weight limits.* The weight limit is 2 pounds.

(c) *Dimensions.* Maximum and minimum dimensions are the same as for letter mail. See § 22.1(c).

(d) *Postage rates*—(1) *Surface.* Canada and Mexico. Same as for regular printed matter. See § 22.3(a)(1)(i). All other countries—15 cents up to 4 ounces, 29 cents over 4 but not over 8 ounces, 48 cents over 8 ounces but not over 1 pound and 86 cents over 1 but not over 2 pounds.

(2) *Airmail.* AO (other articles) rates apply to all countries except Canada. The rates are shown in § 22.3(a)(2).

(e) *Preparation and marking.* (1) Small packets may not be sealed. They are subject to the provisions of § 21.1 as to preparation and packing.

(2) The sender must mark in bold letters on the address side of the packet the words "Small Packet" or its equivalent in a language known in the country of destination—"petit paquet" (French), "pequeño paquete" (Spanish), "päckchen" (German).

(f) *Documentation.* Small packets, whether or not they are subject to customs inspection, must bear the green (customs) label, Form 2976. See § 21.4(a).

(g) *Enclosures*—(1) *Permitted Enclosures.* A simple invoice and a slip showing the names and addresses of the sender and addressee of the packet may be enclosed. If the small packet contains a commercial sample the sender may show the following on the outside wrapper, on the sample itself, or on a sheet enclosed with the sample: Particulars concerning sender and addressee, the manu-

facturer's mark or trademark, a reference to correspondence exchanged between sender and addressee, a brief statement referring to the manufacturer and to the person supplying the goods or concerning the person for whom the sample is intended, the serial or order number, price, size, quantity available as well as the weight, volume and such other particulars as are necessary to determine the source and the character of the goods.

(2) *Prohibited enclosures.* Small packets may not contain written or sound recorded communications having the character of current personal correspondence; coins, bank notes, paper money, canceled or uncanceled postage stamps, or values payable to the bearer; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, or other precious articles. The term jewelry is defined in § 21.3(a)(6).

(h) *Countries not accepting.* Small packets are not accepted to the following:

Cuba.	North Vietnam.
North Korea.	People's Republic of China.

PART 23—TREATMENT OF OUTGOING POSTAL UNION MAIL

Sec.
23.1 Postmarking.
23.2 Shortpaid and unpaid.
23.3 Improperly prepared.
23.4 Forwarding.
23.5 Return to the United States.

AUTHORITY: The provisions of this Part 23 issued under 39 U.S.C. 401, 407.

§ 23.1 Postmarking.

The post office of mailing will postmark postal union mail.

§ 23.2 Shortpaid and unpaid.

(a) *At mailing office or sectional center.* Check carefully all locally mailed articles and mail received at sectional centers from associated offices for postage payment before they are dispatched. Return shortpaid or unpaid articles to the sender for deficient postage, using stock rubber stamp R–1300–230. The following exceptions apply:

(1) *Special delivery.* Dispatch to appropriate exchange office, unless deficiency can be obtained without delaying the article.

(2) *Letter mail and post cards with return address at an office other than the mailing office.* Dispatch to appropriate exchange office, unless the articles (i) returned to the office shown in the return address by the next business day; or (ii) are paid at domestic rates; or (iii) are totally unpaid.

(3) *Articles without return address.* Send letter mail and post cards to appropriate exchange office. Send "Other Articles" to proper dead letter branch.

(4) *Mail for Canada.* When quantity mailings of 10 or more pieces from the same sender are received return them for the deficiency or arrange that the postage charges be adjusted before the mail is dispatched. Otherwise, endorse articles to show that postage due charges are to be collected from the addressee, as follows, and dispatch to appropriate exchange office:

(i) Double the amount of the deficient postage on ordinary (unregistered) letter mail and post cards.

(ii) The actual amount of the deficiency on ordinary "Other Articles" and on all registered mail.

(b) *Dispatch to exchange office or dead letter branch.* When shortpaid or unpaid mail is dispatched to exchange offices or to dead letter branches pursuant to § 23.2(a), apply stock rubber stamp R–1300–4, Postage Due _____ Cents, but do not indicate the amount of shortpayment, except as provided in § 23.2(a)(4) for mail addressed to Canada. Dispatch to exchange offices by surface means when surface mail is involved and by air when airmail is involved.

(c) *In transit to dispatching exchange offices.* Except as provided in § 23.2(a), no check shall be made for postage deficiencies, but any articles seen to be paid at domestic postage rates (except special delivery) or to be totally unpaid shall be returned. Endorse "Returned for additional postage" or "Returned for postage." Do not return if the senders are in Alaska, Hawaii, or an overseas territory or possession and the articles are seen after arrival in continental United States, or vice versa: allow them to go forward to the dispatching exchange office for appropriate treatment.

(d) *Credit for postage already affixed.* Credit is allowed for postage already affixed in figuring correct amount on articles returned to senders for deficient postage.

§ 23.3 Improperly prepared.

(a) *Insufficient address.* Post offices will not return articles to senders if they are not addressed as prescribed in § 21.1(c), provided the country of destination is legibly written, but will dispatch them to the exchange office for decision as to the sufficiency of the address. New postage must be paid on articles remailed with corrected addresses after being returned from other countries.

(b) *Cards*—(1) *Oversized cards.* Post offices will return oversized cards (those exceeding 6 x 4¼ inches) to senders, if known, unless they are paid at letter rates. If sender is not known, dispatch oversized cards to the exchange office.

(2) *Foreign reply-paid cards.* Reply-paid cards are not acceptable in international mail. Any reply-paid cards bearing foreign postage found in the mail shall be returned to the sender for proper U.S. postage to be affixed, or sent to the dead letter office if the name and address of the sender are not shown.

(c) *Undersized articles.* Post offices will return to the senders, if known, any articles that are less than the prescribed minimum size and are not prepared as provided under § 22.1(c)(2). If the sender is not known, dispatch the articles to the dead letter office.

(d) *Meter stamps.* The Universal Postal Convention prescribes that meter stamps are to be bright red in color. (See § 21.2(b)(1).) Although the use of red color for meter stamps on international mail should be encouraged, articles bearing those of other colors are to be allowed to go forward.

§ 23.4 Forwarding.

(a) *International.* Articles will generally be forwarded to a new address of the addressee, even in a third country, or back to the United States. The sender may forbid forwarding by a notation on the envelope or wrapper in a language understood in the country to which addressed. See § 24.3 concerning forwarding mail of foreign origin.

(b) *Domestic*—(1) *Addressee moved to another country.* Treat as undeliverable and dispose of as provided in § 159, except that post or postal cards and ordinary letters that do not appear to contain merchandise and do not bear a notice forbidding forwarding may be redirected to the original addressee in another country. Letters and cards are forwarded by surface if surface mail is involved and by air if airmail is involved, without prepayment of additional postage. If the difference between the domestic and international postage is not added at the time of forwarding it will be collected when the letter or card is delivered. Surface letters and cards will be forwarded by air if the difference between the domestic postage and the international airmail rate has been added on the letter or card.

(2) *Bearing foreign return address.* Any domestic letters (except those that appear to contain merchandise), and any domestic post or postal cards bearing the sender's request for return, are returned to the foreign return address. Return is by surface mail only, and without prepayment of additional postage. Indication of a foreign return address on registered or certified letter mail will be deemed to constitute a request on the part of the sender that the letter is to be forwarded to the foreign return address if it is not deliverable at the U.S. address. It further indicates that the sender thereby agrees, in case of loss of a registered letter after dispatch from the United States, to adjustment of indemnity in accordance with the provisions of § 72.2, irrespective of the amount of registry fee paid. Articles or packages containing merchandise are held by the post office of address and a report sent to Headquarters as provided in § 31.7(b). Treat other undeliverable domestic articles with foreign return addresses as dead mail. (See § 159.7.)

(c) *Ship passenger and crew mail*—(1) As an alternative to § 23.4(b) and § 24.3(b), ordinary (unregistered) articles of correspondence (except those which appear to contain merchandise) addressed to crew members or passengers on board a ship may be forwarded in the international mail, by surface or air, in one envelope addressed to a ship or travel agency under the following conditions:

(i) The envelope in which the articles are to be forwarded shall be approximately 9 inches by 6 inches in size, and shall be supplied by the sender. Do not put postage on this envelope but place

the following endorsement in the upper right corner of the envelope:

This envelope contains prepaid letters forwarded in bulk by authority of Assistant Postmaster General, Finance Department, U.S. Postal Service, any required additional international postage has been affixed to the articles enclosed.

(ii) The envelope must be presented unsealed at the mailing office for check of the contents. Any additional postage required must be paid on each of the articles enclosed, as follows:

(a) *Articles of U.S. origin.* Pay on each article the difference between the postage already paid and the appropriate international rate (surface or air) to the new country of destination.

(b) *Articles originating in other countries.* If envelope is to be forwarded by air, place full air postage from the United States to the new country of destination on each article enclosed. No additional postage is required if the envelope is to be forwarded by surface means.

(iii) If the envelope is intended to be transmitted by air, place label 19 bearing the words "Par Avion", in the upper left corner of the envelope immediately below the return address of the sender.

(iv) The total weight of the forwarding envelope and its contents is limited to 18 ounces.

(2) The accepting employee must check the envelope to see that any necessary additional postage has been paid on each article, cancel any additional postage placed on the articles, and seal the envelope. The accepting employee will apply the office date stamp and his initials immediately below the sender's endorsement prescribed in §23.4(c)(1)(i).

§ 23.5 Return to United States.

(a) Articles will generally be returned to the sender if delivery cannot be made. Ordinary (unregistered) articles of printed matter, other than books, are not returned unless the sender has requested their return as prescribed in § 22.3(e)(5).

(b) The reason for nondelivery of returned articles may be indicated in French or Spanish, the most usual expressions being the following:

Ausente (Sp.)	Gone away.
Décédé (Fr.)	Deceased.
Desconocido (Sp.)	Unknown.
Devuelva a remitente (Sp.)	Return to sender.
Fallecido (Sp.)	Deceased.
Inconnu (Fr.)	Unknown.
Non réclamé (Fr.)	Unclaimed.
No reclamado (Sp.)	Unclaimed.
Parti (Fr.)	Gone away.
Refusé (Fr.)	Refused.
Rehusado (Sp.)	Refused.
Retour à l'expéditeur (Fr.)	Return to sender.

(c) Precanceled stamps on mail returned to the United States must be defaced before delivery to the sender.

PART 24—TREATMENT OF INCOMING POSTAL UNION MAIL

Sec.
24.1 Charges.
24.2 Foreign markings instead of stamps.
24.3 Forwarding.
24.4 Undeliverable articles.

AUTHORITY: The provisions of this Part 24 issued under 39 U.S.C. 401, 407.

§ 24.1 Charges.

(a) *Customs clearance and delivery fees.* (1) Post offices will collect a fee of 35 cents from the addressee of every postal union article, other than a small packet, on which customs duty or internal revenue tax is collected. On every small packet on which duty or revenue tax is collected the fee is 70 cents for each packet. The fees apply also when post office service is rendered for formal entry articles on which importers pay the customs charges directly to the Customs Service. The fees are retained by the Postal Service, and are accounted for by affixing postage due stamps to the articles or packets and canceling. See § 32.1(a) concerning fees on incoming dutiable parcel post, and § 61.5(e) concerning recording and reporting duty collections.

(2) These fees are authorized by international postal convention as reimbursement to the Postal Service for the work it performs in clearing mail articles through customs and for delivery to the addressees.

(3) The appropriate fee is collected on each article on which duty or tax is paid by the addressee, even if several articles are covered by a single mail entry form.

(4) These fees are not refundable by the Postal Service even though the Customs Service may later refund the duty paid by the addressee.

(5) Post offices will not collect the fees in the following cases:

(i) On dutiable matter from the Canal Zone or from overseas U.S. post offices (civil or military).

(ii) On packages assessed with duty which are delivered without collection of duty under § 61.5(d)(6) and (7)(ii)(d). If postage due stamps were pasted on the package and canceled at the time the package was assigned for delivery, the delivery employee shall mark the stamps Voided and allow them to remain on the package. See § 61.5(d)(6) concerning crediting employee with the value of the unreturned postage-due stamps.

(b) *Shortpaid mail.* (1) The Postal Service of origin marks shortpaid articles before dispatch. The marking consists of a letter "T" (meaning "Tax") followed by a fractional number. The fractional number consists of a figure representing double the shortpayment, written above the surface letter rate of postage to the United States. The receiving United States Exchange Office multiplies the fraction by the U.S. international surface letter rate of postage for the first weight unit (15¢ except with Mexico 8¢) and applies the product as postage due. The amount is accounted for by affixing and canceling postage-due stamps.

(2) Formula:

$$T\frac{\text{Double Shortpaid amount}}{\text{Surface Letter Rate of Postage to U.S.}} \times \text{U.S. International Surface Letter Rate} = \text{Postage Due}$$

(3) Shortpaid letters from Canada are not marked by the Canadian service with fractional numbers, but with the words "Postage Due" followed by the actual amount in cents to be collected.

(4) If an article bears U.S. Postage the delivering office shall allow credit for its value when postage due is collected.

(c) *Invalid foreign postage.* Foreign mail bearing invalid postage is accompanied by international Form C 10 issued in the country of origin and is rated as unpaid. The addressee is asked to pay the postage due, to disclose the name and address of the sender, and to surrender the envelope. The post office will send the envelope after delivery, or the entire article if the addressee refuses it, with the Form C 10 to the Mail Classification Division, Finance Department, U.S. Postal Service, Washington, DC 20260, with the name and address of the sender if disclosed by the addressee.

(d) *Storage.* The post office will collect storage charges for each day until delivery is made on (a) any printed matter package or small packet exceeding 1 pound in weight, and (b) any dutiable letter package regardless of weight. The charges and other conditions prescribed in § 32.1(c) for incoming parcel post packages apply to the postal union articles mentioned.

(e) *AO mail containing letters.* When a personal communication is found in an AO article, the office discovering it will mark the cover and rate the article for collection of postage due in the same manner as prescribed in § 32.1(d) for letters found in parcels.

(f) *Returned mail.* Post offices will collect charges on returned mail as follows:

(1) On returned second-class publications mailed to Canada by publishers or registered news agents, 6 cents for the first 2 ounces and 2 cents for each additional ounce.

(2) From the sender of any article returned through a dead letter branch, the amount indicated on the dead letter office envelope.

(3) From the sender of an undeliverable insufficiently prepaid article, the deficient postage that should have been collected from the addressee.

(4) Any other charge indicated by the exchange office.

§ 24.2 Foreign markings instead of stamps.

Some articles of foreign origin do not bear postage stamps but are marked

"Postage Paid," "Taxe perçue," "Port paye," "TP or PP," with postmark. The marking "On Her Majesty's Service" or "O. H. M. S." is also sometimes used. This mail is treated as prepaid.

§ 24.3 Forwarding.

(a) *Within the United States.* (1) Articles received by surface may be forwarded by surface and articles received by air may be forwarded by air, without an additional postage charge or fee, unless the envelope or wrapper bears a notation forbidding its being forwarded.

(2) Second-class publications from Canada are treated in accordance with §§ 159.2(b)(1) through 159.2(b)(3). A periodical publication from any other country whose delivery requires that it be forwarded to another local address or to another post office shall be forwarded and the addressee shall be requested to notify the publisher of his new address. If the publication is still being received 3 months after change of address occurs, the post office of original address shall dispose of it, and any subsequent copies received, as waste, except that publications bearing request of sender for return shall be endorsed "Moved, not forwardable" and returned to origin.

(b) *To another country.* (1) Articles can be forwarded on condition that the country of destination accepts mail of the classification involved. Articles received by either surface or air, which do not bear instructions forbidding their being forwarded, are forwarded by surface without an additional postage charge or fee. United States postage at the airmail rate to the country concerned must be paid on any article that is forwarded by air. Cross out the Par Avion label or endorsement on an airmail article that is forwarded by surface. See §§ 23.4 (b), (c) and 31.7(b) concerning forwarding of domestic mail, and § 61.5(i)(2) concerning disposal of customs mail entry forms relating to dutiable articles.

(2) The provisions of § 24.3(a)(2) apply in the case of periodical publications addressed to persons who have filed change of address to another country.

(c) *Backstamping.* A legible postmark is applied to the back of letters and to the front of postcards when received missent and to all forwarded articles.

§ 24.4 Undeliverable articles.

(a) *Retention period.* Post offices will hold ordinary and registered articles at disposal of addressees for 30 days, except in the following cases:

(1) Articles bearing senders' requests for return within a specified time not exceeding 2 months.

(2) Articles bearing no time limit for their return, when there is good reason to believe they can be delivered to the addressee if held for a period not exceeding 2 months. These articles shall be marked "Specially held for delivery." Hold articles subject to storage charges (see § 24.1(d)) beyond the initial 30-day retention period only if the addressee, or someone acting in his behalf pays the storage charges due at the end of the first 30-day period. Thereafter, collect accumulated storage charges every 10 days.

(3) Articles on which the addressee has protested the rate or amount of duty assessed, pursuant to § 61.5(d)(6)(ii).

(4) Articles positively known to be undeliverable, such as refused, or addressee moved and left no address. These shall be treated as undeliverable unless they bear the sender's request specified in (a) of this section.

(b) *Directory service.* See § 159.5 concerning directory service to be accorded mail of foreign origin.

(c) *Endorsing.* Endorse undeliverable mail as prescribed in § 159.1(a)(2). Apply a legible postmark to the back of letters and to the front of postcards that are returned to origin.

(d) *Disposal.* Dispatch undeliverable mail by surface means (including airmail articles, after crossing out Par Avion label or endorsement) to the appropriate exchange office for return to the country of origin, except the following:

(1) Ordinary (unregistered) prints, other than books, which do not bear the sender's request for return. These are disposed of in accordance with § 159.4(b). Books and registered prints must always be returned to origin.

(2) Postcards which do not bear the address of the sender. These are disposed of in accordance with § 159.4(a).

(3) Canadian second-class publications. These will be treated as prescribed in § 159.2(b)(2)(i) through (iii).

(4) Canadian articles of all classifications not covered by (1) and (2) of this section and not bearing sender's name and address. These will be sent to the dead letter office for disposal pursuant to § 159.7(d)(8).

(e) *Postage-due matter.* Articles bearing postage-due stamps are treated as prescribed in § 146.5 (e) and (f).

(f) *Storage charges.* Storage charges due on postal union articles are canceled if the articles are returned to origin or forwarded to another country. See § 32.5 (b)(4) concerning marking of parcel post on which storage charges are due.

(g) *Dutiable mail.* Dispose of customs mail entry forms as prescribed in § 61.5(i).

PART 25—ARTICLES MAILED ABROAD BY OR ON BEHALF OF SENDERS IN THE UNITED STATES

Sec.

25.1 U.S. postage rates required.
25.2 Mailing with U.S. postage paid.
25.3 Mailing with U.S. postage not paid.
25.4 Report of incoming mailings.

AUTHORITY: The provisions of this Part 25 issued under 39 U.S.C. 401, 407.

§ 25.1 U.S. postage rates required.

Pursuant to provisions of the Universal Postal Convention, U.S. postage must be paid to secure delivery of articles in excess of 200 pieces mailed in other countries by or on behalf of persons or firms whose residence or place of business is in the United States when the foreign postage on the articles is lower than comparable U.S. domestic postage. If the comparable rate is the domestic third-class rate, use the single-piece rate to compute postage on the mailing. The articles will be returned to origin unless applicable U.S. postage is paid for the total number of pieces. Even if the foreign postage is not lower, the same conditions apply when more than 5,000 pieces are mailed. These limitations apply to mailings made in such quantities within a 30-day period.

§ 25.2 Mailing with U.S. postage paid.

Senders affected by § 25.1 must submit a sample of the proposed mailing (envelope and contents) to the Mail Classification Division, Finance Department, U.S. Postal Service, Washington, DC 20260, with a statement as to the number of pieces to be mailed, when and where the mailing will take place, and a check to cover the amount of the applicable U.S. postage. Checks will be made payable to the U.S. Postal Service. Notification of postage acceptance and approval of mailing will be given by Headquarters to the sender and to the appropriate U.S. receiving exchange offices which will permit the articles in the mailing to go forward to the addresses without delay when they reach the United States.

§ 25.3 Mailing with U.S. postage not paid.

A mailing subject to § 25.1 received without payment of U.S. domestic postage having been made in advance will be held at the exchange office of receipt, and the U.S. sender will be requested to pay the postage. After payment of the required amount, the mailing will be allowed to go forward; if not paid, it will be returned to the country of origin.

§ 25.4 Report of incoming mailings.

Only U.S. receiving exchange offices will report to Headquarters mailings from other countries that appear to have been made by or on behalf of senders in the United States.

PARCEL POST

PART 31—OUTGOING PARCELS

Sec.

31.1 Availability of service.
31.2 Prohibitions and restrictions.
31.3 Preparation, packing, and mailing.
31.4 Documentation.
31.5 Postmarking.
31.6 Shortpaid.
31.7 Forwarding.

AUTHORITY: The provisions of this Part 31 issued under 39 U.S.C. 401, 407.

§ 31.1 Availability of service.

Parcel post service is available to most countries, and the general conditions shown in this part apply.

§ 31.2 Prohibitions and restrictions.

(a) *General list of prohibited articles.* The following are prohibited by parcel post to all countries:

(1) Articles excluded from the domestic mail of the United States. (See § 12.3.)

Although safety matches are admitted in the domestic mail, they are prohibited in the international mail.

(2) Written communications of the nature of personal correspondence, or recorded correspondence. (See § 31.3(d).)

(3) Enclosures bearing an address different from that appearing on the parcel itself.

(4) Pistols, revolvers, and other firearms capable of being concealed on the person, with certain exceptions. (See §§ 53.1 and 124.5.)

(5) Live or dead creatures, except live bees, leeches, and silkworms and dead insects or reptiles when thoroughly dried.

(6) Fruits, vegetables, fresh meats, and other articles which easily decompose or which cannot reasonably be expected to reach destination without spoiling; substances which give off a bad odor.

(7) Gold coin, gold bullion, or gold dust exceeding $100 in value. (See § 54.4.)

(8) Articles that may in any way damage or destroy the mail or injure the persons handling them. This includes liquids that may cause injury by contact with the skin or give off irritating vapors; also explosives and flammable liquids having a flash point by the Tagliabue open tester of 80° F. or lower, and flammable solids which are likely, under conditions incident to transportation, to cause fires through friction, through absorption of moisture, or through spontaneous chemical changes.

(9) Articles containing gas or liquid under pressure, except that products incorporating compressed gas are acceptable if the mist produced is nonflammable, the quantity of contents not more than a pint, and not more than one container per package. These restrictions as to quantity do not apply to aerosol containers holding mailable liquid and gas under pressure less than 40 pounds per square inch absolute (25 pounds gauge pressure) at 70° F. Liquids with flash point below 150° F. are restricted as stated in § 31.2(d)(1).

(10) Oxidizing materials such as chlorates, permanganates, peroxides, or nitrates, which yield oxygen readily to stimulate the combustion of organic matter.

NOTE: For general postal union mail prohibitions, see § 21.3.

(b) *Restricted Articles.*—(1) *Flammable liquids.* Liquids having a flash point of 80° F. or lower are nonmailable. Liquids having a flash point above 80° F. to 150° F., inclusive are mailable to foreign countries in quantities up to 1 quart in any one parcel, except that paint, varnish, turpentine, and similar substances may be sent in quantities up to 1 gallon in any one parcel. Liquids having a flash point in excess of 150° F. have no quantity restrictions within allowed weight limits with consideration given to proper packaging. Each container of liquid must be surrounded with sufficient absorbent cushioning material to completely absorb the contents in case of breakage. Containers with only friction top closures are not acceptable. Screw caps, soldering, clips or other means must be employed to effect closure. Each parcel containing a flammable liquid must be marked to indicate that the flash point is above 80° F.

(2) *Gold and gold certificates.* (See § 54.1.)

(3) *Jewelry.* Some countries prohibit the importation of jewelry or other precious articles by parcel post, and others admit them only in registered or insured parcels. The term "jewelry" in this part denotes articles of more than nominal value. Low priced jewelry, such as tie clasps, costume jewelry, and other items containing little or no precious metal, is not considered to be jewelry within the meaning of this section and is accepted under the same conditions as other mailable merchandise to any country. However, its acceptance to countries to which jewelry is prohibited is at the risk of the sender.

(4) *Tobacco seed and plants.* (See § 55.2.)

(5) *Plant material generally.* Plants, seeds, and plant material including fruit and vegetables are subject to the quarantine regulations of the country of destination. Customers can obtain information from the Agricultural Quarantine Inspection Division, Department of Agriculture, Federal Center Building, Hyattsville, MD 20782, or from one of its inspection offices (see § 62.3).

(6) *Radioactive materials.* Radioactive materials are restricted. See §§ 21.3(b)(iii) and 124.2(e).

(c) *Individual country prohibitions and restrictions*—(1) *Information available.* These prohibitions and restrictions are based on information furnished by the countries concerned. Customers may inquire at the post office for information about them, or purchase Postal Service Publication 42 from the Superintendent of Documents, Government Printing Office, Washington, DC 20402.

(2) *Mailing of prohibited or restricted articles.* Package known to contain articles prohibited to a country are not accepted for mailing. If a package contains articles whose importation into a country is restricted, the sender's attention is to be called to the restrictions and the articles accepted with the understanding that the addressee will be responsible for complying with the import formalities of the country concerned.

(3) *Mailings liable to return or seizure.* In addition to the published prohibitions and restrictions mentioned in § 31.2(c)(1), any country may return or confiscate articles which are prohibited from circulation within that country, whether or not notice of such prohibition or restriction has been published.

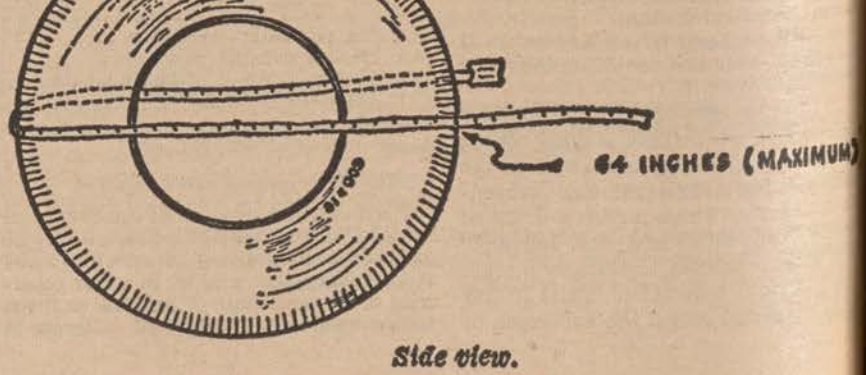
(d) *Foreign customs information.* The assessment of customs duty in other countries is outside the control of the postal service. Postal employees must not attempt to inform customers whether any articles, either gifts or commercial shipments, will be subject to customs duty. It may be suggested to customers that they inform the addressees in advance of the items they intend to mail so the latter may inquire of their local customs authorities whether or not there will be a duty charge.

§ 31.3 Preparation, packing, and mailing.

(a) *Dimensions and weight limits*—(1) *General dimensions.* The address side of a parcel must measure at least 5½ inches in length and 3½ inches in width. Greatest length, 3½ feet; greatest length and girth combined, 6 feet. "Length and girth combined" means the measurement of once the length, plus twice the width, plus twice the depth. See § 135.3(b) for illustration of method of measuring parcels.

(2) *Exceptional dimensions.* To some countries, dimensions other than the general dimensions indicated are applicable. A parcel must not exceed the maximum dimensions allowed to the country to which it is addressed.

(3) *Dimensions of special articles.* The usual method of measuring parcels, as described in § 135.3(b) is not adaptable in the case of tires of all kinds, coils of rope, hose, wire, etc., forming a parcel circular in shape. To determine whether a tire or other object circular in shape (regardless of whether there is an open space in the center) can be accommodated inside the mail sacks used for parcel post to overseas foreign countries, the object as prepared for mailing shall be measured around its entire girth, in the direction of the diameter, as shown in the illustration. This measurement must not exceed 64 inches in order for the tire or other parcel circular in shape to be acceptable for mailing to overseas foreign countries. Measurement shall be taken as shown in the following illustration:



Side view.

(b) *Packing*—(1) *In general.* (i) The responsibility of properly enclosing, packaging, and sealing parcels in the international mail rests with the sender, and the Postal Service will not assume liability for loss, rifling, or damage arising from defects which may not be observed at the time of mailing.

(ii) Every parcel shall be securely and substantially packed, having regard to the nature of the contents and climatic conditions, the length of the journey, and the numerous handlings and risks of concussion to which parcels for foreign destinations are unavoidably subjected en route.

(iii) Packages must be packed in canvas or similar material, doubt-faced corrugated cardboard boxes, solid fiber boxes or cases, thick cardboard boxes, or strong wooden boxes made of lumber at least a half-inch thick or plywood of at least three plies. Ordinary pasteboard containers are wholly inadequate. Although it is permissible to use heavy wrapping paper or waterproof paper as the outside covering of a carton, such paper shall not be used as the only covering of the contents. Boxes with lids screwed or nailed on and bags closed by sewing may be used provided they conform to other conditions prescribed. Heavy objects such as cans of food must be surrounded with other contents or packing material so that they cannot shift within the parcel.

(iv) For illustrations regarding recommended packaging and closures, see § 12.1.

(2) *Specific articles.* (i) Fragile articles for overseas destinations shall be packed in a strong (preferably wooden) box. Strong solid fiberboard or double-faced corrugated fiberboard boxes of not less than 200-pound test if enclosed in strong wooden crates, or 275-pound test if used without crates, are acceptable. A space of at least 2 inches must be left between the articles and the top, bottom, and sides of the box, to be filled with sufficient cushioning material to protect the articles.

(ii) All mailable liquids and substances which easily liquefy must be packed in two receptacles. Between the first (bottle, flask, etc.) and the second (box of metal, strong wood, strong corrugated cardboard, strong fiberboard, or receptacle of equal sterngth) there shall be left a space to be filled with sawdust, bran, or other absorbent material in sufficient qunatity to absorb all the liquid contents in case of breakage. Excelsior does not possess the necessary absorbent quality to meet this requirement. In the case of Ireland, Leeward Islands, Malaysia, and Windward Islands, the outer receptacle shall be of strong wood or metal. Metal containers closed with a screw-top cover must have sufficient screw threads to require at least one and one-half complete turns before the cover will come off and be provided with a washer so as to prevent possible leakage of the contents. Compression or friction top metal containers must be soldered in four different places, equally spaced.

(iii) Dry noncoloring powders must be enclosed in boxes of metal, wood, or strong corrugated cardboard, placed in turn in a closely woven cloth bag or heavy kraft paper sack. Power dyes must be enclosed in strong metal boxes, securely closed, and placed in turn in another box of wood or strong corrugated cardboard, with sawdust or other absorbent or protective material between the inner and outer containers.

(iv) Eggs addressed for delivery in all countries other than Canada must be placed in a metal egg container, and each egg in the square pockets must be surrounded with paper, excelsior, cotton, straw, or other similar material, while the metal egg container in turn must be enclosed in an outer container of wood with sufficient excelsior, straw, or similar material provided in the space between the inner and outer containers.

(v) Eggs destined for delivery in Canada may be packed either in the manner prescribed above or in wooden, papier-mache, or other box of a rigid material with a well-fitting tightly adjusted lid. Each egg must be wrapped in newspaper or other protecting material and placed on end, the vacant space in the box to be filled with newspaper or other packing material so as to prevent the eggs from striking together or against the sides, top, or bottom of the box.

(c) *Sealing.* Sealing is compulsory for all insured or registered parcel post, and for ordinary (uninsured and unregistered) parcel post for certain countries. Customers must seal their own parcels, using wax, gummed paper tape, nails, screws, sewing, wire or metal bands, or other adequate means which will permit detection of any attempted depredation.

(d) *Enclosure or attachment of communications*—(1) *Prohibited.* Except as provided in § 31.3(d)(2), a communication of personal nature must not be written on, attached to, or enclosed in a parcel. If such a communication is found it will be placed in the mail if separable; if inseparable the entire parcel must be rejected.

(2) *Exceptions.* The following exceptions apply:

(i) In the case of a parcel for Canada, a letter, and for Switzerland, a letter or card, fully prepaid and bearing the same address as that of the parcel, may be tied or otherwise securely attached to the outside of the parcel in a manner that will prevent its becoming separated or interfering with the address of the parcel. Stamps to cover postage on the parcel must be placed on the wrapper. Stamps to pay postage on the letter or card must be placed on the envelope or the card. Parcels with such attachments are treated as parcel post.

(ii) A parcel may contain an open invoice confined to the particulars which constitute an invoice.

(iii) A file or collection of out-of-date correspondence, which has served its original purpose, is acceptable as parcel post.

(e) *Addressing and mailing*—(1) *Addressing.* The name and address of the sender and of the addressee must be legibly and correctly written in every case when possible on the parcel itself or on a label gummed thereto, and must also be written on a separate slip enclosed in the parcel. Parcels will not be accepted when addressed to a "care" in one country and the addressee (or person for whom intended) in another country or when addressed to or sent by initials, unless the initials are the adopted trade name of the senders or addressees. Addresses in ordinary pencil are not allowed, but copying ink or indelible pencil on a surface previously dampened may be used. Sufficient space must be left for the addition of necessary service notations and for stamps or labels.

(2) *Mailing.* Parcels may not be mailed in letterboxes. Patrons must present them at parcel post windows of post offices where the necessary postal forms (see § 31.4) will be furnished without charge.

(3) *Federal Government official parcels.* Official parcels of authorized departments and agencies listed in § 137.2(c)(1)(i) are mailable under "Postage and Fees Paid" indicia and will be given the postal service requested, provided the service is available to the country of address. The parcels are subject to weight, size limits and other mailing conditions in Part 31. This includes the requirement that completed parcel post forms must accompany each parcel. See § 21.2(d)(2)(i) concerning acceptance of articles as postal union mail.

(f) *Rates, computation and postage payment*—(1) *Surface parcels.* Surface parcel post rates are based on an initial weight unit of 2 pounds and succeeding units of 1 pound. They are as follows:

(i) *Canada, Mexico, Central America, the Caribbean islands, Bahamas, Bermuda, and St. Pierre and Miquelon.* $1.20 for first 2 pounds; 35 cents each additional pound.

Lbs.	Rate	Lbs.	Rate	Lbs.	Rate
2	$1.20	17	$6.45	32	$11.70
3	1.55	18	6.80	33	12.05
4	1.90	19	7.15	34	12.40
5	2.25	20	7.50	35	12.75
6	2.60	21	7.85	36	13.10
7	2.95	22	8.20	37	13.45
8	3.30	23	8.55	38	13.80
9	3.65	24	8.90	39	14.15
10	4.00	25	9.25	40	14.50
11	4.35	26	9.60	41	14.85
12	4.70	27	9.95	42	15.20
13	5.05	28	10.30	43	15.55
14	5.40	29	10.65	44	15.90
15	5.75	30	11.00		
16	6.10	31	11.35		

For parcels addressed to Panama weighing over 44 pounds but not over 70 pounds, charge $14.00 for the first 40 pounds plus the rate given above for the remaining pounds.

(ii) *To all other countries.* $1.30 for first 2 pounds; 40 cents each additional pound.

Lbs.	Rate	Lbs.	Rate	Lbs.	Rate
2	$1.30	17	$7.30	32	$13.30
3	1.70	18	7.70	33	13.70
4	2.10	19	8.10	34	14.10
5	2.50	20	8.50	35	14.50
6	2.90	21	8.90	36	14.90
7	3.30	22	9.30	37	15.30
8	3.70	23	9.70	38	15.70
9	4.10	24	10.10	39	16.10
10	4.50	25	10.50	40	16.50
11	4.90	26	10.90	41	16.90
12	5.30	27	11.30	42	17.30
13	5.70	28	11.70	43	17.70
14	6.10	29	12.10	44	18.10
15	6.50	30	12.50		
16	6.90	31	12.90		

(2) *Air parcels.* Air parcel post rates are based on weight units of 4 ounces.

(3) *Computation of postage.* In computing postage on surface parcels, a fraction of a pound is charged as a full pound. On air parcels, a fraction of 4 ounces is charged as full 4 ounces. The weight of the customs declaration and other postal forms will not be included with that of the parcel in computing the amount of surface or air postage required.

(4) *Placement of stamps.* Place stamps in payment of postage and fees in the upper right corner of the address side of the parcel. If the wrapping is of cloth or other material to which stamps will not adhere, place them on the customs declaration tag in the space below the name and address of the addressee.

§ 31.4 Documentation.

(a) *Customs Declaration, Form 2966—*(1) *Preparation by accepting clerk.* The accepting clerk will give the sender the number of forms required for the country concerned, and will see that he fills them out in accordance with § 31.4 (a) (2). Request senders to fill out declarations in ink or by typewriter. If packages are presented with declarations completed in ordinary pencil do not reject them for that reason. Enter weight of the parcel and insurance number if insured. Postmark form in the space provided and return it to the sender to be attached to the parcel as described in § 31.4(a) (3).

(2) *Preparation by sender.* Complete declarations in ink or by typewriter. The Postal Service assumes no responsibility for accuracy of the indications shown by the sender. Show on each declaration the following:

(i) Name and address of sender and addressee.

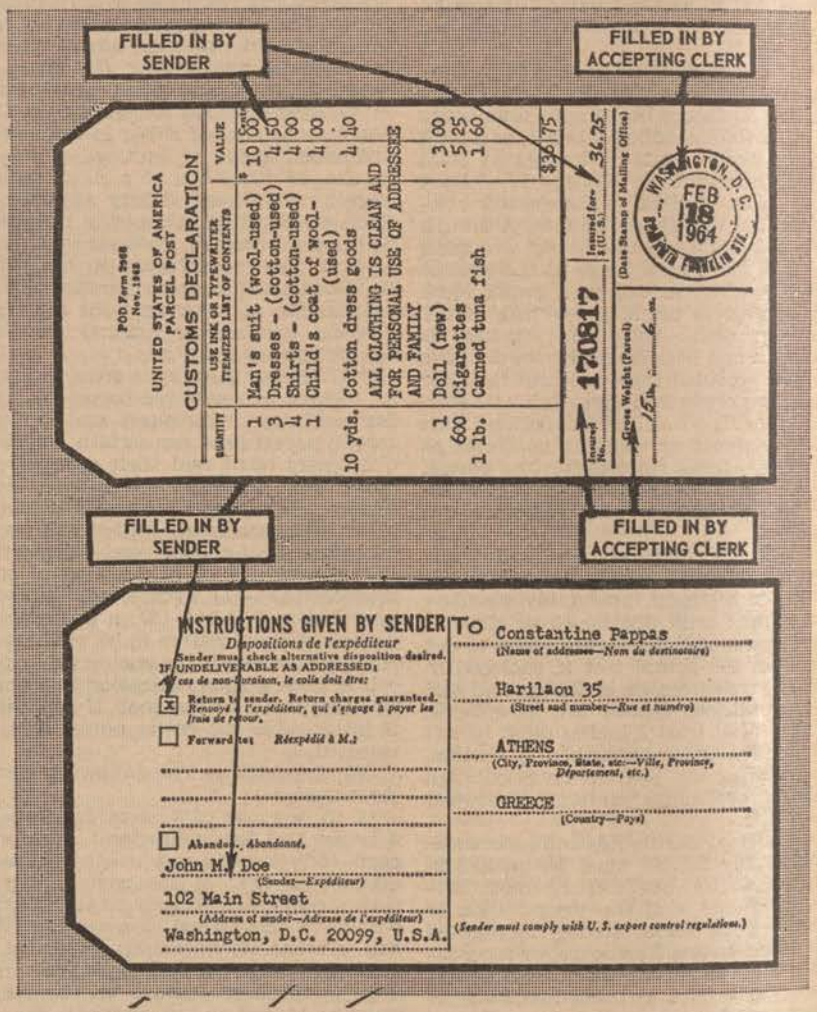
(ii) Disposal to be made of parcel if it proves to be undeliverable as addressed. If an alternate addressee is given, it is recommended that the sender also indicate whether he wishes to have the parcel returned or treated as abandoned if it proves to be undeliverable to both the original and alternate addressees. This is done by checking the ultimate disposal in addition to the one showing the alternate addressee. (See illustration in § 31.4(c) (4).) Senders should give instructions for abandonment of any parcels on which they are not willing to pay the return charges mentioned in § 32.5(a).

(iii) A complete and accurate description of the contents in the English language. An interlineation in another language is permitted, and in some cases is required. For parcels containing more than one article, or articles of different kinds, state the exact quantity and value of each kind or article. A sender is permitted to declare that the contents of a parcel have "No value." Also, it is not sufficient to use simply such words as "coat," or "stockings," instead the materials of which the articles are composed must be shown, as "fur coat, silk stockings." General terms such as "worn clothing, groceries, presents, merchandise, samples," and the like, will not suffice, although in the case of quantity shipments of items such as mechanical or electrical parts, and the like, general descriptions will be accepted. If the customs declaration does not furnish enough space on which to give a complete list of the contents, an additional declaration form may be used, or the list may be placed on the wrapper, making reference to the fact on the declaration itself.

(iv) If the parcel is to be insured, show in the space provided the amount for which it is insured. (See § 43.4 and § 43.5 (a) (2).)

(3) *Affixing by sender.* In addition to being tied by means of a strong cord passed through the eyelets, the tag must be bound to the parcel so that it lies flat and cannot be used as a handle to lift the parcel.

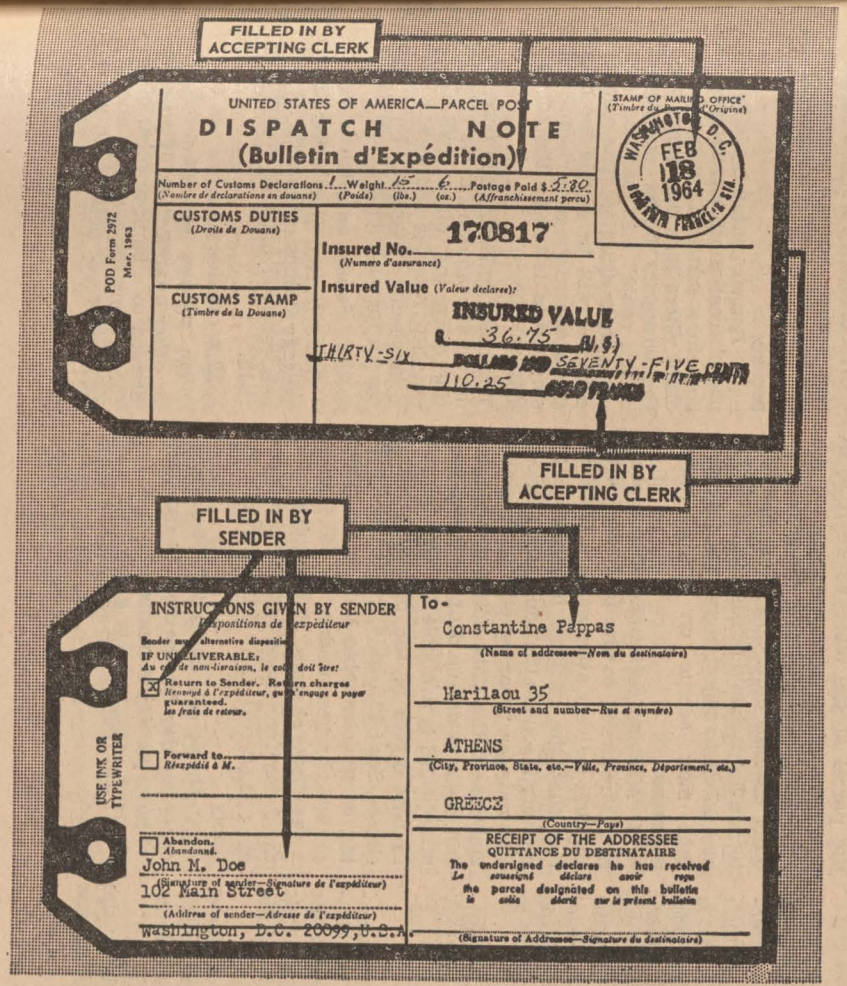
(4) *Facsimile of Form 2966.* The following facsimile illustrates the information the sender and the accepting clerk will add to complete the form:

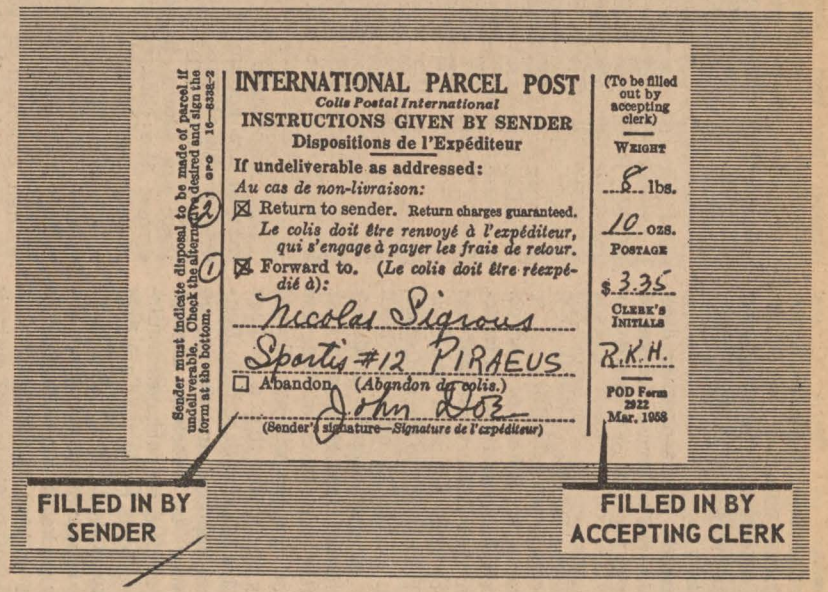


(b) *Dispatch Note, Form 2972—*(1) *Preparation by accepting clerk.* The accepting clerk will give the sender a dispatch note if required for the country concerned and see that he fills it out in accordance with § 31.4(b) (2). Request senders to fill out the dispatch note in ink or by typewriter. If packages are presented with the forms completed in ordinary pencil do not reject them for that reason. Enter in the appropriate spaces the weight of the parcel, amount of postage paid, number of customs declarations and, if insured, the insurance number and amount of insurance (see § 43.5(b) (1)). For parcels mailed by Government agencies pursuant to § 31.3(e) (3), enter the words "Official Paid" or the abbreviation "Off. Pd." in lieu of the amount of postage. Post mark the form in the space provided and return it to the sender to be attached to the parcel.

(2) *Preparation and affixing by sender.* Complete the dispatch note in ink or on the typewriter. Fill in the name and address of the sender and addressee, and indicate alternate disposition to be made of the parcel. Attach the form to the parcel in the same manner as the customs declaration. (See § 31.4(a) (3).)

(3) *Facsimile.* The following facsimile illustrates the information which the sender must supply and which the accepting clerk will add to complete the form:





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(c) *Parcel Post Sticker, Form 2922*—(1) *Preparation by accepting clerk.* Give the sender a yellow "International parcel-post" sticker and see that he fills it out in accordance with § 31.4(c)(4). Enter in the spaces provided the weight of the parcel and the postage paid (not including insurance or other fees), and initial the form. For parcels mailed by Government agencies pursuant to § 31.3(e)(3), enter the words "Official Paid" or the abbreviation "Off. Pd." in lieu of the amount of postage. See that the form is securely attached. (See § 31.4(c)(3).)

(2) *Preparation by sender.* Prepare a parcel post sticker for each parcel. Indicate alternative disposition and place name at bottom of the form. Do not use Form 2922 on parcels for U.S. possessions.

(3) *Manner of affixing.* Form 2922 should be pasted to the wrapper of the parcel, preferably on the address side, but if the shape or size of the parcel makes this impracticable, the sticker may be affixed to a tag which shall in turn be securely attached to the parcel.

(4) *Facsimile.* The following facsimile illustrates the information which the sender and the accepting clerk will add to complete the form:

(d) *Furnishing to public.* Customers requesting them may be furnished a reasonable supply of Forms 2922, 2966, and 2972 for preparation at their homes or business establishments.

(e) *Airmail label 19.* See § 41.4(b).

(f) *Forms found loose in the mail.* Customs declarations and dispatch notes found loose in the mail and apparently lost from parcels in transit must be sent by airmail to the appropriate exchange office to be again attached if possible to the parcels before dispatch.

(g) *Nonpostal documentation.* Parcel post packages may require one or more of the forms described in Parts 51–57.

§ 31.5 Postmarking.

Post offices will postmark international parcel post.

§ 31.6 Shortpaid.

(a) *At mailing office.* Outgoing parcels shall be checked carefully for postage payment before they are dispatched. Shortpaid parcels which bear a return address at the office of mailing shall be either returned to the sender for the deficient postage or held and the sender requested to supply the missing postage. The original postage is still valid when the parcel is remailed. If the return address is not at the mailing office the parcel shall be dispatched to the exchange office, unless the parcel is totally unpaid.

(b) *In transit.* Sectional centers and other intermediate offices rehandling parcels in transit shall not attempt to check the postage paid, but shall return to the senders any parcels observed to be totally unpaid.

§ 31.7 Forwarding.

(a) *International.* Parcels addressed to other countries will generally be forwarded to a new address of the addressee in the country of destination, subject to collection of redirection charges pre-

scribed by the internal regulations of the country. A parcel may be forwarded to a third country provided it complies with the conditions required for its further conveyance, and provided, as a rule, that the extra postage is paid at the time of redirection or the country concerned is satisfied that it will be able to recover the redirection charges. The sender may forbid forwarding by a notation on the wrapper in a language understood in the country to which the parcel is addressed.

(b) *Domestic.* If the addressee of a domestic parcel has moved to another country do not forward the parcel. Treat it as undeliverable. If the sender of an undeliverable domestic parcel has moved to another country, or if the parcel bears a return address in another country, hold the parcel and request instructions from the Mail Classification Division, Finance Department, U.S. Postal Service, Washington, DC 20260, indicating the sender's new address, the weight of the parcel, whether ordinary or insured, and, if known, the nature of the contents.

PART 32—INCOMING PARCELS

Sec.
32.1 Charges.
32.2 Stamps not affixed.
32.3 Delivery.
32.4 Forwarding.
32.5 Undeliverable.

AUTHORITY: The provisions of this Part 32 issued under 39 U.S.C. 401, 407.

§ 32.1 Charges.

(a) *Customs clearance and delivery fee.* (1) Post offices will collect a fee of 70 cents from the addressee of every international parcel post package on which customs duty or internal revenue tax is collected. The fee applies also when post office service is rendered for formal entry parcels on which importers pay the customs charges directly to the Customs Service. The fee is retained by the Postal Service, and is accounted for by affixing postage-due stamps to the parcel or to a postage-due bill and canceling.

See § 24.1(a) concerning fees on dutiable postal union mail and § 61.5(e) concerning recording and reporting customs duty collections.

(2) The fee is authorized by international parcel post agreements as reimbursement to the Postal Service for the work it performs in clearing parcels through customs and for delivery to the addressee.

(3) The fee is collected on each parcel on which duty or tax is paid by the addressee, even if several parcels are covered by a single mail entry form.

(4) The fee is not refundable by the Postal Service even though the Customs Service may later refund the duty paid by the addressee.

(5) Post offices will not collect the fee in the following cases:

(i) On dutiable matter from the Canal Zone or form overseas U.S. post offices (civil or military).

(ii) On parcels assessed with duty which are delivered without collection of duty under § 61.5(d)(5) or § 61.5(d)(6)(ii)(*d*).

(b) *Returned parcels.* Collect the charges referred to in § 32.5(a).

(c) *Storage*—(1) *When to charge.* Storage charges being on the sixth working day after first delivery attempt has been made or first notice of available delivery has been issued to the addressee. The days on which the office is closed for business are not counted in determining the 5-day free storage period. However, after expiration of the free storage period, charges will be collected for each day thereafter that a package is on hand. This includes Saturdays, Sundays, national holidays, and the day on which delivery is effected. Storage charges are applied on packages requiring formal customs entry that are held in post office custody or on post office premises awaiting customs clearance. For formal entry packages, the charges begin on the sixth working day after the date on which notice to file formal entry is mailed to the consignee (addressee), or on the sixth working day after receipt of the parcel at the office where it is to receive formal customs treatment if the customs notice has been issued at another customs port. Cooperation of customs officers should be solicited to enable post offices to collect any storage charges that may accrue on formal entry packages.

(2) *Marking packages.* When a package is returned to the post office after the first delivery attempt, or when a notice that the package is available for delivery is sent to the addressee, mark on the wrapper "Storage charges begin"—and insert the date when the charges will begin to accrue. Rubber stamp item R–1300–296 is available for this purpose to post offices of the first and second classes. See § 32.5(b)(4) regarding marking of undeliverable parcels on which storage charges are due.

(3) *Daily charges.* After expiration of the 5-day free storage period prescribed in § 32.1(c)(1) the following charges apply:

(i) *On parcels under $10,000 value.* 15 cents per day for the first 10 days, and 30 cents per day thereafter.

(ii) *On parcels of $10,000 or more value.*

Number of storage charge days	Rate	Total	Number of storage charge days	Rate	Total
1	$0.15	$0.15	31	$2.30	$28.80
2	.15	.30	32	2.40	31.20
3	.15	.45	33	2.50	33.70
4	.15	.60	34	2.60	36.30
5	.15	.75	35	2.70	39.00
6	.15	.90	36	2.80	41.80
7	.15	1.05	37	2.90	44.70
8	.15	1.20	38	3.00	47.70
9	.15	1.35	39	3.10	50.80
10	.15	1.50	40	3.20	54.00
11	.30	1.80	41	3.30	57.30
12	.40	2.20	42	3.40	60.70
13	.50	2.70	43	3.50	64.20
14	.60	3.30	44	3.60	67.80
15	.70	4.00	45	3.70	71.50
16	.80	4.80	46	3.80	75.30
17	.90	5.70	47	3.90	79.20
18	1.00	6.70	48	4.00	83.20
19	1.10	7.80	49	4.10	87.30
20	1.20	9.00	50	4.20	91.50
21	1.30	10.30	51	4.30	95.80
22	1.40	11.70	52	4.40	100.20
23	1.50	13.20	53	4.50	104.70
24	1.60	14.80	54	4.60	109.30
25	1.70	16.50	55	4.70	114.00
26	1.80	18.30	56	4.80	118.80
27	1.90	20.20	57	4.90	123.70
28	2.00	22.20	58	5.00	128.70
29	2.10	24.20	59	5.10	133.80
30	2.20	26.50	60	5.20	139.00

(4) *Accounting for charges.* The charges are accounted for by affixing postage-due stamps to the parcel or to a postage-due bill and canceling. If there are several parcels for one addressee the charges are applied separately on each parcel.

(5) *Charges waived.* When an addressee protests the rate or amount of duty assessed (see § 61.5(d)(6)), the time required for the addressee to submit his written objection is counted, but the time required for the Customs Service to come to a decision in the matter is not counted.

(6) *Parcels held beyond usual retention period.* See § 32.5(b)(1)(iv) concerning collection of storage charges on parcels held beyond the usual retention period.

(d) *Parcels containing letters.* When a parcel from another country is found to contain a personal communication, the office where it is discovered shall mark the wrapper "Letter enclosed—Collect _____ cents" and send the parcel forward to destination. The amount to be collected will be double the amount of postage (surface or air) applicable to a single-rate letter to the country concerned.

The office endorsing the parcel shall indicate the amount to be collected and the delivering office shall collect the amount from the addressee by means of postage-due stamps. No systematic search for such letters shall be made.

§ 32.2 Stamps not affixed.

Some foreign post offices do not put postage stamps on parcels. All such parcels received must be regarded as prepaid.

§ 32.3 Delivery.

(a) *Parcels addressed through bank or other organization.* If a parcel is addressed to a bank or other organization for delivery to a second addressee, the post office will notify both addressees of

the arrival of the parcel and will then deliver it to the first addressee, or hold it if the first addressee so desires. If the parcel is held, the post office will deliver it to the second addressee only with written permission from the first addressee, unless the sender has arranged for change of address as provided in § 46.6(b). After delivery, the post office will keep the written authorization 1 year, for reference in case of inquiry. File the authorizations for insured and registered parcels with the addresses' receipts, and for ordinary (uninsured and unregistered) parcels in any appropriate place. If delivery to the second addressee involves forwarding the parcel to another post office, the parcel will be subject to forwarding postage as provided in § 32.4(a).

(b) *Foreign dispatch notes.* If parcels are received at delivery offices with dispatch notes (*buletin d'expedition*) attached, they are delivered with parcels. These forms have a space provided for the addressee's acknowledgment of receipt, but do not require signature. They must not be confused with foreign return receipts which are designated "*Avis* de reception" and are completed as prescribed in § 42.5(e)(1): If a parcel is returned as undeliverable, the post office will mark the dispatch note as well as the wrapper to show the reason for nondelivery and leave the dispatch note attached to the parcel. Dispatch notes that can not be associated with the relative parcel may be disposed of as waste after 60 days.

§ 32.4 Forwarding.

(a) *Within United States.* A parcel may be forwarded to the original addressee or to an alternate addressee at another post office in the United States by surface transportation, subject to collection on delivery of postage at the U.S. domestic zone rate. Forwarding by air must be prepaid. The post office forwarding an unprepaid parcel by surface in the United States will mark the wrapper "Postage due" giving the amount of domestic postage along with storage charges if any. When delivering an unprepaid forwarded parcel, the post office will collect the necessary amount for domestic transmission in postage-due stamps even if the postage-due marking is omitted. The fee prescribed in § 32.1(a) is also collectible on any forwarded dutiable parcel.

(b) *To country of origin.* If the addressee has moved to the country of parcel's origin and no instructions are given to deliver to a second addressee in the United States, the post office will mark it "Moved," show the forwarding address of the addressee, and send by surface means (including parcels received by air) to the appropriate exchange office for return to the country of origin.

(c) *To third country.* If the addressee has moved to another country (other than the country of parcel's origin), or if the parcel bears instructions to deliver it to an alternate addressee in a third country, the post office will hold the parcel and request instructions from the Mail Classification Division, Finance Department, U.S. Postal Service, Washington, DC 20260. The request should include the names and addresses of the sender and the addressee, or the alternate addressee, the weight of the parcel, whether ordinary, registered, or insured, and nature and value of the contents as shown on the customs declaration, so that the Office of Mail Classification may communicate with the foreign postal administration to secure forwarding postage. If the sender has indicated that the parcel is to be treated as abandoned if undeliverable as addressed, dispose of it as prescribed in § 32.5(b)(3). See § 31.7(b) concerning domestic third- and fourth-class parcels addressed to persons who have moved to another country.

(d) *Dutiable parcels.* Dispose of customs entry forms accompanying dutiable parcels as prescribed in § 61.5(i).

(e) *Postage-due parcels.* If a parcel to be forwarded bears postage-due stamps, follow the procedure prescribed in § 146.5 (e) and (f).

§ 32.5 Undeliverable.

(a) *U.S. origin.* Returned parcels are subject on delivery to the sender to collection of return postage and any other charges assessed by the foreign postal authorities. The amount of such charges will be indicated by the exchange office. If the sender refuses the parcel, it shall be disposed of as dead parcel post. If the sender has moved to another address in the United States the parcel may be redirected, subject to forwarding postage at the U.S. domestic zone rate. If the sender has moved to another country, the post office will hold the parcel and request instructions from the Mail Classification Division, Finance Department, U.S. Postal Service, Washington, DC 20260, indicating the new address of the sender, the amount of return charges due on the parcel, weight, whether ordinary, registered, or insured, and the nature of the contents as shown on the customs declaration.

(b) *Foreign origin*—(1) *Retention period.* Parcels will be held at the disposal of the addressee for 30 days, except as follows:

(i) A parcel refused or known to be neither deliverable nor forwardable shall be treated as undeliverable at once. See § 61.5(d)(6) concerning procedure when addressee conditionally refuses a parcel because of the duty assessed and asks to have the matter protested to the customs service. The parcel is held until the customs office renders a decision on the protest, but if no decision is received within 30 days, request the customs office to expedite the decision.

(ii) A parcel bearing the sender's request for delivery to an alternate addressee shall be held 15 days at the disposal of the first addressee and 15 days at the disposal of the second. If the alternate addressee is at another post office, the parcel is forwarded subject to § 32.4(a), and the 15-day period begins from the date of receipt at the second office of address. Under the circumstances given in subdivision (iv) of this subparagraph, the parcel may be held for 30 days at the disposal of each addressee.

(iii) A parcel returned from customs custody with advice that the addressee has not complied with required customs entry procedures shall be treated as undeliverable at once.

(iv) On written request of the addressee or other person acting for the addressee, a parcel which remains undelivered may be held up to 60 days on condition that the storage charges due at the end of the first 30-day retention period are paid at the time of the request and that the storage charges (see § 32.1(c)) which accumulate thereafter are paid every 10 days.

(v) A parcel from Great Britain which bears request to "Return forthwith to sender at sender's expense" shall be returned within 10 days, or immediately if definitely known to be undeliverable.

(2) *Directory service.* See § 159.5 concerning directory service to be accorded parcels of foreign origin.

(3) *Marking and disposal.* At the end of the retention period prescribed in § 32.5(f)(1), mark parcel and the accompanying dispatch note, if any, to show reason for nondelivery (see § 159.1 (b)(ii)), and cross out address of the addressee but do not obliterate it entirely. Unless sender has given instructions on the wrapper or dispatch note for abandonment, return the parcel to the sender. Parcels to be returned to senders are dispatched to the appropriate exchange office by surface means, including those originally received by air, the post office of address will cross out the Par Avion label or other airmail marking. A parcel bearing the sender's instruction to abandon shall be marked "Abandoned" and sent to the appropriate dead parcel post branch for disposal, unless it has been assessed with customs duty. In the latter case, send the parcel to the nearest customs port (see § 61.3(e)); detach the customs entry forms and treat as prescribed in § 61.5(f).

(4) *Storage charges.* If a parcel to be returned to origin or forwarded to another country has storage charges due, the wrapper shall be marked with the amount so that appropriate action may be taken at the exchange office.

SPECIAL SERVICES

PART 41—AIR SERVICE

Sec.
41.1 Availability.
41.2 Rates.
41.3 Prepayment.
41.4 Marking.
41.5 Aerogrammes.

AUTHORITY: The provisions of this Part 41 issued under 39 U.S.C. 401, 407.

§ 41.1 Availability.

Postal union mail of any class may be sent by air, including direct sacks of prints described in § 22.3(f). Parcel post may be sent by air to most countries.

§ 41.2 Rates.

(a) *Postal union mail.* See part 22.

§ 41.3 Prepayment.

(a) *How paid.* See § 136.4. See § 21.2(c) concerning articles intended for air transmission received from foreign flag vessels and prepaid with foreign postage stamps.

(b) *Full payment necessary.* Postage on airmail must be fully paid to assure dispatch without delay. See § 23.2 and § 31.6 for information on treatment of shortpaid and unpaid matter.

§ 41.4 Marking.

(a) *Postal union mail.* Senders should mark airmail articles in the left corner, immediately below the return address, with the words "Par Avion" in blue color. Post offices may furnish sender with Label 19 for the purpose. Articles which the senders have failed to mark "Par Avion" shall not be returned for marking or be marked by postal employees.

(b) *Parcel post.* Accepting clerks will place an airmail Label 19 on the address side of each parcel to be sent by air. Paste the label below and to the right of the name of the country of destination. If a dispatch note, Form 2972, is required, the airmail label shall be placed on that form also.

§ 41.5 Aerogrammes.

(a) *Availability and use.* Aerogrammes (air letter sheets), which can be folded into the form of an envelope and sealed, may be sent by air to all countries. These sheets, bearing imprinted postage, are sold at all post offices at 15 cents each. No enclosures are permitted. The use of tape or stickers to seal aerogrammes is prohibited. Aerogrammes may be sent under registration on payment of the required registry fee in addition to the postage.

(b) *Private manufacture.* Individuals or firms may be authorized by the U.S. Postal Service to manufacture private aerogrammes without imprinted postage for their own use or for sale to the public. To secure authorization the applicant must apply for an aerogramme permit and submit three printed samples of the proposed aerogramme to the Mail Classification Division, Finance Department, U.S. Postal Service, Washington, DC 20260, for approval before engaging in production. A sample format may be obtained from the Mail Classification Division. The samples submitted for approval, and the final printing of the aerogrammes, must be on 18-pound paper (500 sheets, 17 inches by 22 inches) of light blue color as well as texture equivalent to the regular three-flap aerogramme issued by the Postal Service. No artificial slippery finish such as silicon plastic will be permitted. The sheets, when folded, must have size dimensions of 7¼ by 3$^{9}/_{16}$ inches and have three sealing flaps. The samples submitted for approval need not have the flaps gummed, but the areas to be gummed must be identified. The sheets must bear the same printed endorsements on the address and reverse sides as the regular aerogramme form issued by the Postal Service, as well as the printed return address of the applicant, or lines on which the return address may be written if the sheets are to be produced for sale to the public. In addition, the words "Authorized for mailing as aerogramme—P.S. Permit No. ------" (the number to be filled in when issued) must appear in smaller type so they will be visible on the address side and near the lower edge when the sheet is folded for mailing. The permit number will be issued at the time the aerogramme is approved. Approved private aerogrammes may be paid at the aerogramme rate, except that to Canada and Mexico they may be paid at the regular airmail letter rate.

(c) *Containing enclosures.* Aerogrammes that contain enclosures are treated as regular airmail letters. When required additional postage has not been placed on the articles they are returned to the sender for the deficiency or otherwise handled in accordance with § 23.2.

PART 42—REGISTRATION

Sec.
42.1 What may be registered.
42.2 Preparation by mailer.
42.3 Fees.
42.4 Mailing receipts.
42.5 Return receipts.
42.6 Restricted delivery.
42.7 Post office processing of outgoing mail.
42.8 Post office processing of incoming mail.
42.9 Indemnity.

AUTHORITY: The provisions of this Part 42 issued under 39 U.S.C. 401, 407.

§ 42.1 What may be registered.

(a) *Postal union mail.* Postal union articles of all classes may be registered to most countries. Direct sacks of prints, as described in § 22.3(f) may not be registered.

(b) *Parcel post.* Parcel post packages may be registered only to countries with which there are arrangements for this service. See § 72.2(f).

§ 42.2 Preparation by mailer.

(a) *Addressing.* Mail which bears an address written in pencil or consisting of initials will not be accepted for registration. The address of mail other than that sent in transparent panel (window) envelopes may be written in indelible pencil.

(b) *Sealing.* (1) Senders must securely seal letters or letter packages presented for registration. Wax or paper seals on envelopes must bear a distinctive mark of the sender and shall be affixed in such a way as to allow sufficient space at the intersections of the flaps for postmarking. Self-sealing envelopes and envelopes or packages that appear to have been opened and resealed will not be registered.

(2) Articles under the classifications of "printed matter, matter for the blind" and "small packets," presented for registration, "must not" be sealed.

(3) Parcel post packages presented for registration must be sealed. See § 31.3(c) as to manner of sealing. Parcels that appear to have been opened and resealed will not be registered.

(c) *Declaration of value.* The sender must declare the full value of postal union mail offered for registration to enable the accepting clerk to identify valuable registered mail for recording purposes. (See § 42.7(a)(3).) Senders presenting valuable mail for registration listed on firm mailing sheets must indicate values opposite the respective entries. The declared value must not be regarded as the amount of indemnity payable in case of loss. See § 72.2(a) concerning limits of indemnity for registered postal union mail.

§ 42.3 Fees.

See § 72.2 for indemnity provisions.

§ 42.4 Mailing receipts.

(a) *Issuance.* A receipt is issued to the sender for mail matter accepted for registration to other countries in the same manner as prescribed in § 161.5(a)(3).

(b) *Post office handling.* (1) Endorse receipts and mailing office record "P. P." to distinguish parcel post from postal union mail accepted for registration.

(2) Endorse the receipt and office record "Free" for articles registered free pursuant to § 21.2(d)(1). Endorse "Official Paid" or "Off. Pd." for articles or parcels registered pursuant to § 21.2(d)(2)(i) or §31.3(e)(3).

§ 42.5 Return receipts.

(a) *Requested at time of mailing.* (1) Fee: 20 cents. If the mailer desires that his return receipt be sent back by airmail, the article must be prepaid an additional fee equal to the airmail postage on a post card to the country of destination.

(2) When the mailer desires a return receipt, the post office will proceed as follows:

(i) Endorse the article on the address side "Avis de Reception" (meaning return receipt) or "A.R." Add "Par Avion" to the endorsement if the return receipt is to be returned by air and the additional fee prescribed in § 42.5(a)(1) has been paid.

(ii) Complete international return receipt, Form 2865, and attach to article or parcel. The form is gummed so it can be securely attached, and is perforated to facilitate completion and return.

(iii) When the receipt is to be returned by airmail, mark it on the address side "Renvoi Par Avion" (meaning return by airmail) and attach Label 19 bearing the words "Par Avion."

(iv) Put postage for the return receipt fee, and for the airmail postage if the sender has requested return of the receipt by air, on the registered article, and cancel.

(v) Do not include weight of the return receipt in determining the postage.

(b) *Requested after mailing.* (1) Within a period of 1 year from the day following that on which a registered article or parcel was mailed, the sender, on showing the registry receipt, may request a return receipt. The fee is 40 cents. To have the request for return receipt transmitted by air the sender must pay, in addition to the 40-cent fee, the postage for a one-rate airmail letter to the country of destination. To have the request

transmitted by surface and the return receipt returned by air, the sender must pay the same postage, and to have the request and the return receipt transmitted in both directions by air, he must pay double the airmail letter rate.

(2) The post office will deal with such requests as follows:

(i) *Countries other than Canada.* (*a*) Prepare Form 542 and write at the top "Request for return receipt made after mailing." Prepare Form 2865 and forward, with Form 542, to the postmaster at the appropriate adjusting exchange office shown in § 72.2(f).

(*b*) Put postage for the return recipt fee, and for the airmail postage if the sender has asked that the request be sent by air, mark Form 542, "A Renvoyer Par Avion."

(*c*) When the receipt is to be returned by air, mark Form 542, "A Renvoyer Par Avion" and attach Label 19 bearing the words "Par Avion." Mark the return receipt form "Renvoi par avion" and attach the airmail label.

(ii) *Canada.* (*a*) Prepare Form 1510 at all offices and endorse "Request for return receipt made after mailing." Attach Form 2865 and send under official cover to the Canadian District Director of Postal Service in the province in which the office of address is located, as follows:

Provinces:	*Location of District Directors*
Alberta	Calgary, Alberta, Canada.
British Columbia.	Vancouver, British Columbia, Canada.
Manitoba	Winnipeg, Province of Manitoba, Canada.
New Brunswick	St. John New Brunswick, Canada.
Newfoundland (including Labrador).	St. John's, Newfoundland, Canada.
Northwest Territories.	Edmonton, Alberta, Canada.
Nova Scotia	Halifax, Nova Scotia, Canada.
Ontario	Toronto, Ontario, Canada.
Prince Edward Island.	St. John, New Brunswick, Canada.
Quebec	Montreal, Province of Quebec, Canada.
Saskatchewan	Saskatoon, Saskatchewan, Canada.
Yukon Territory	Vancouver, British Columbia, Canada.

(*b*) Put postage for the return receipt fee, and for the airmail postage if the sender has asked that the request be sent by air, on Form 1510, and cancel.

(*c*) When the receipt is to be returned by air, mark Form 1510 as outlined in § 42.5(b)(2)(i)(*c*).

(c) *Duplicate return receipts.* If the sender has failed to receive a return receipt for which a fee was paid, the post office will follow the instructions prescribed in § 42.5(b)(2), without additional fee, but write "Request for duplicate return receipt" at the top of Forms 2865, 542, and 1510.

(d) *Completion.* Return receipts for registered articles delivered in other countries are completed in accordance with requirements of the country making delivery, which vary according to the country involved. The signature of the addressee is not furnished by some countries, or may be furnished only under specified conditions.

(e) *Issued in other countries*—(1) *Completion.* Return receipts from other countries bear the word "Avis de reception." Have the addressee or his authorized agent date and sign the receipt with "ink or indelible pencil." When signed by an agent of the addressee, have the agent sign the addressee's name followed by his own signature. Postmark the receipt in the appropriate spaces on both sides. Examine all return receipts to assure proper completion. Return the completed receipt unenclosed in the ordinary (unregistered) surface mail. If it bears the notation "Renvoi par avion" or a "Par Avion" label, or both, return it by airmail.

(2) *Foreign receipt form missing.* When it is apparent at the delivery office that a return receipt is desired by the sender of a registered piece of foreign origin and no return receipt form accompanies the article, complete U.S. international return receipt Form 2865, and treat as prescribed in §42.5(e)(1).

§ 42.6 Restricted delivery.

(a) *Articles mailed in the United States.* (1) The mailer may restrict the delivery of registered postal union articles addressed to the following countries on condition that the articles are accompanied with a return receipt and endorsed in the manner indicated:

Country	*Endorsement required*
Afghanistan	A remettre en main propre.
Albania	A remettre en main propre or Per t'u dorezuar ne doren e vet.
Anguilla (Leeward Is.)	Deliver to addressee in person.
Austria	A remettre en main propre.
Belgium	A remettre en main propre or the equivalent in the Flemish language.
Brazil	A remettre en main propre.
Bulgaria	Lično.
Burma	A remettre en main propre.
Cameroon	A remettre en main propre.
Cape Verde Islands	A remettre en main propre.
China (Taiwan only)	A remettre en main propre or the equivalent in a language known at the place of destination.
Congo (Brazzaville)	A remettre en main propre.
Cyprus	A remettre en main propre.
Czechoslovakia	A remettre en main propre.
Denmark	A remettre en main propre.
Dominica (Windward Islands)	To be delivered to the addressee in person.
Dominican Republic	A remettre en main propre.
El Salvador	A remettre en main propre or a entregar en propia mano.
Estonia	A remettre en main propre.
Ethiopia	A remettre en main propre.
Falkland Islands	To be delivered to the addressee in person.
Fiji Islands	Personal delivery.
Finland	A remettre en main propre.
French Terr. of Afars and Issas	A remettre en main propre.
Germany	A remettre en main propre or Eigenhändig.
Greece	A remettre en main propre or ΙΔΙΑΣ ΧΕΡΣΙΝ.
Hungary	A remettre en main propre or Saját kézbe kézbesitendö.
Iceland	A remettre en main propre or Afhendist viðtakanda sjáljum.
Iran	A remettre en main propre.
Italy	A remettre en main propre.
Jamaica	To be delivered to the addressee in person.
Jordan	A remettre en main propre.
Laos	A remettre en main propre.
Latvia	propre.
Lebanon	A remettre en main propre.
Leeward Islands (Anguilla, Montserrat, Nevis, and St. Christopher only).	Deliver to addressee in person.
Liberia	A remettre en main propre.
Lithuania	A remettre en main propre.
Luxembourg	A remettre en main propre.
Macao	A remettre en main propre.
Montserrat (Leeward Is.)	Deliver to addressee in person.
Nevis (Leeward Is.)	Deliver to addressee in person.
Philippines	Deliver to addressee only.
Portugal	A remettre en main propre.
Portuguese East Africa	A remettre en main propre.
Portuguese Timor	A remettre en main propre.
Portuguese West Africa	A remettre en main propre.
Rumania	A remettre en main propre.
St. Christopher (Leeward Is.)	Deliver to addressee in person.
St. Lucia (Windward Is.)	Deliver to addressee in person.
Sierra Leone	To be delivered to the addressee in person.
Spain	A remettre en main propre or A entregar en propia mano.
Sweden	A remettre en main propre or Får utlämnas endast till adressaten personligen.
Switzerland	A remettre en main propre.
Tunisia	A remettre en main propre.
Turkey	Alicinin kendine verilecek.

Country	Endorsement required
Turks Islands	To be delivered to the addressee in person.
Union of Soviet Socialist Republics	A remettre en main propre.
Upper Volta	A remettre en main propre.
Uruguay	A remettre en main propre.
Vatican City State	A remettre en main propre.
Yemen	A remettre en main propre.
Yugoslavia	A remettre en main propre.

(2) The sender must place the required indorsement above and near the address of the addressee. The country of destination will make two attempts to effect delivery, and, if unsuccessful, the article will be returned as undeliverable.

(3) Fee: 50 cents; to be prepaid on the article in addition to oother applicable fees and charges.

(4) Restricted delivery is not available for registered parcel post.

(b) *Articles mailed in other countries.* Registered postal union articles which are accompanied with a return receipt and bear the notation "Deliver to addressee only" are delivered only to the addressee. At least two attempts are made to deliver these articles.

§ 42.7 Post office processing of outgoing mail.

(a) *Mailing offices*—(1) *Endorsing.* Stamp "REGISTERED" in the lower left corner of the address side. On articles too small to accommodate the word "REGISTERED", place the capital letter "R". Place airmail Label 19 or the words "Par Avion" on any article accepted for registration which is prepaid for air service and which the sender has failed to mark properly.

(2) *Numbering.* Write or stamp registration number just below the "REGISTERED" endorsement, or to the right of the letter "R" on small articles.

(3) *Special Marking on valuable mail.* Add the letter "X" after the registry number of all articles with a declared value in excess of $100 (see § 42.2(c)).

(4) *Postmarking.* Postmark letters twice on the back, on the crossing of the upper and lower flaps or, if paste-on return receipts are used, postmark partially on the receipt and partially on the flaps of the letter. Postmark packages sealed with paper strips across opposite edges of the strips. Postal union AO mail (required to be unsealed—see § 42.2 (b)(2)) and letter mail sealed on the address side must be postmarked on the address side.

(b) *All offices*—(1) *Recording and Dispatching.* Record and dispatch as provided in §§ 161.5 (b) and (c), 161.7, 161.8, and 161.9, and Regional International Standpoint Surface Scheme and Regional International Standpoint, all classes, Airmail Scheme.

(2) *Articles found in ordinary mail.* (i) Articles that have obviously been registered by the Postal Service shall be restored to the registered mail.

(ii) Articles endorsed to show registration is desired (as distinguished from an article formally registered) and fully prepaid shall be registered and receipt mailed to the sender stating that mail to be registered must be presented at the post office for that purpose. If not fully prepaid, return article to sender, if known, after indicating thereon that it is shortpaid and must be presented for registration. If article bears no return address, cross out sender's registry endorsement and dispatch as ordinary mail.

§ 42.8 Post office processing of incoming mail.

(a) *Office of address*—(1) *Backstamping.* Backstamp on receipt.

(2) *Delivery.* Record and deliver as provided in § 161.7 so far as applicable. See §§ 24.4(a) and 32.5(b)(1) for retention periods.

(3) *Articles unaccounted for after assignment for delivery.* Make appropriate record of available facts when registered mail assigned for delivery is not properly accounted for and file papers pending receipt of possible inquiry. If inquiry is received from sender, ascertain from addressee whether the article was received in regular course. If article was not received, make full report promptly to the appropriate postal inspector in charge.

(b) *Articles found in ordinary mail.* All offices shall restore to the registered mail articles obviously already registered by the Postal Service. Cross out sender's registry endorsement and dispatch as ordinary any article that is without evidence of formal registration. The following registry indicia appear on incoming registered mail, according to the language of the country of origin, and shall be used as the determining factor as to whether an article found in the ordinary mail is registered:

(1) Certificado.
(2) Einschreiben.
(3) R or Registered.
(4) Raccomandata.
(5) Recommandé.
(6) Registo or Registrado (used occasionally).

NOTE: A number alone on mail is not sufficient evidence of registration.

§ 42.9 Indemnity.

See Part 72.

PART 43—INSURANCE

Sec.
43.1 Availability.
43.2 Preparation.
43.3 [Reserved]
43.4 Limits of insurance.
43.5 Marking.
43.6 Mailing receipts.
43.7 Return receipts.
43.8 Incoming parcels.
43.9 Indemnity.

AUTHORITY: The provisions of this Part 43 issued under 39 U.S.C. 401, 407.

§ 43.1 Availability.

Insurance service is available only for parcel post packages mailed to countries with which insurance agreements are in force. COD service is not available.

§ 43.2 Preparation.

The general provisions for the preparation of ordinary parcels for other countries apply also to insured parcels. (See Part 31 of this chapter.) Sealing of insured parcels is compulsory.

§ 43.3 [Reserved]

§ 43.4 Limits of insurance.

A parcel may not be insured for more than the declared value of the contents or for more than the maximum amount of indemnity payable in connection with insured parcels for the country concerned. However, if desired, a parcel may be insured for a portion of the value of the contents, in which case only the fee covering the amount of insurance desired will be charged.

§ 43.5 Marking.

(a) *By sender*—(1) *Contents.* Parcels containing fragile or perishable articles must be marked "Fragile," "Perishable," "Glass," or "Eggs," as appropriate.

(2) *Insured value.* Indicate in U.S. currency (figures only) in the appropriate space on the customs declaration (Form 2966) the amount for which the parcel is insured. See § 43.4.

(b) *By post office of mailing*—(1) *Endorsements and insurance number.* (i) On each parcel place the word "Insured" on the address side, preferably to the left and directly beside the country of destination.

(ii) Serially number each insured parcel immediately below the "Insured" endorsement. All international insured parcels must be numbered.

(iii) To most countries, the insured value of the parcel must be shown on the wrapper and on the dispatch note (Form 2972). Rubber stamp, item R–1300–284, may be used for this purpose. In some instances the insured value must be shown also in gold francs. Conversion of U.S. currency into gold francs is made on the basis of 33 cents (approximately) equal 1 gold franc. To determine the gold franc equivalent, multiply the amount in U.S. currency by 3. For example, $5.25 is equal to 15.75 gold francs.

(iv) Place the insurance number in the appropriate space on the customs declaration (Form 2966) and on the dispatch note (Form 2972) when the latter form is required.

(2) *Postmarking.* Postmark at the time of acceptance. Postmark at all breaks (cuts or torn edges) of any gummed paper strips used in sealing parcels.

§ 43.6 Mailing receipts.

(a) *Issuance.* The postal clerk will issue a receipt for a parcel accepted for insurance. Each receipt will bear the insurance number. The sender should enter the name and address of the addressee on the receipt and must submit it if a claim or an inquiry concerning the parcel is subsequently made.

(b) *Post Office procedure.* (1) Use Form 3857, assignment of Number Blocks for Registered, Insured, Certified and COD Mail.

(2) Fill out the original receipt only with ink or indelible pencil and issue to the sender.

(3) Indicate applicable fee, according to amount of insurance requested, for parcels presented for insurance by Government agencies pursuant to § 21.2(d)(2)(i).

§ 43.7 Return receipts.

(a) *Issuance.* Return receipts for insured parcels are furnished under the same conditions as apply to registry return receipts, except that no return receipts are furnished for insured parcels to Canada. Post offices will use Form 2865 and follow the procedure prescribed in § 42.5 for return receipts for registered mail.

(b) *Issued in other countries.* Post offices will follow the procedure in § 42.5(e) for return receipts for registered mail.

§ 43.8 Incoming parcels.

(a) *Insurance indicia.* (1) The following insurance indicia appear on the incoming insured parcels, according to the language of the country of origin:

(i) Insured.
(ii) Asegurado or Valor Declarado.
(iii) Assicurato or Valore Dichiarato.
(iv) Valeur Déclarée.
(v) V or V D (meaning valeur déclarée).
(vi) Wertangabe or Wertpaket.

(2) The determining factor as to whether a parcel is insured is not the appearance of a number alone, but the insurance indicium, which appears very near the insurance number. Ordinary parcels from other countries usually bear numbers also.

(b) *Delivery.* Deliver international insured parcels as prescribed in § 162.(b) of this chapter.

§ 43.9 Indemnity.

See Part 72 of this chapter.

PART 44—SPECIAL DELIVERY (EXPRÈS)

Sec.
44.1 Availability.
44.2 Marking.
44.3 Payment.
44.4 Processing.
44.5 Delivery in other countries.

AUTHORITY: The provisions of this Part 44 issued under 39 U.S.C. 401, 407.

§ 44.1 Availability.

The service applies to all postal union articles (ordinary and registered, surface and air) unless otherwise indicated. For example, to Canada it applies only to articles paid at the letter rate. Parcel post cannot be sent special delivery but may be prepaid for special handling. (See Part 45 of this chapter.)

§ 44.2 Marking.

An article intended for special delivery service must have fixed to the cover near the name of the country of destination an "Exprès (Special Delivery)" Label 57, obtainable at the post office, or it may be marked on the cover boldly in red "Exprès (Special Delivery)." A facsimile of the label is shown below:

§ 44.3 Payment.

(a) *Fees.*

Class of mail	Weight: Not more than 2 pounds	Weight: More than 2 but not more than 10 pounds	Weight: More than 10 pounds
Letters, letter packages, post cards, and *airmail* other articles	*cents* 60	*cents* 75	$0.90
Surface other articles	80	90	1.05

(b) *How paid.* Senders may prepay the special delivery fee by special delivery stamps, ordinary postage stamps, or meter stamps. Airmail stamps may be used if the article is to be sent by air. Special delivery stamps may be used only for the payment of the special delivery fee. The special delivery fee must be prepaid in addition to the regular postage.

(c) *Shortpayment.* See § 23.2(a)(1) of this chapter.

§ 44.4 Processing.

(a) *Outgoing.* (1) Employees at post office windows are to be supplied with the "Exprès (Special Delivery)" Label 57, which is to be given to customers who desire to use the special delivery service. The labels must be supplied to special delivery dispatching desks also; and when articles placed in post office drops or street boxes are observed to be prepaid for special delivery but do not bear the "Exprès" label or endorsement, the clerks must place labels on the articles.

(2) Special delivery mail is to be dispatched to the appropriate U.S. exchange office in the manner prescribed in Regional International Standpoint Surface Scheme and Regional International Standpoint, all Classes, Airmail Scheme.

(b) *Incoming.* (1) Foreign special delivery articles are to be delivered as prescribed in § 16.6 of this chapter. These articles will bear a label, printed in red or on a red background, containing the word "Exprès" or bear the notation "Exprès" or "Special Delivery" in bold letters.

(2) Articles bearing U.S. special delivery stamps sufficient to cover the domestic special delivery fee are to be delivered as special delivery mail even though the article does not bear the "Expres" label or endorsement.

§ 44.5 Delivery in other countries.

Delivery is made in the various countries according to the special delivery regulations in force in the country of destination.

PART 45—SPECIAL HANDLING

Sec.
45.1 Availability.
45.2 Fees.
45.3 Marking.
45.4 Treatment.

AUTHORITY: The provisions of this Part 45 issued under 39 U.S.C. 401, 407.

§ 45.1 Availability.

The special handling service for domestic third- and fourth-class mail is available also for surface parcel post and postal union AO mail addressed to other countries. The service is optional except in the case of parcels for Canada containing baby (day-old) poultry and honey bees. Special handling service does not apply to airmail articles or parcels.

§ 45.2 Fees.

Weight	*Fee (cents)*
Not more than 2 pounds	25
More than 2 pounds but not more than 10 pounds	35
More than 10 pounds	50

Special handling fees are in addition to the regular postage rate to the country concerned.

§ 45.3 Marking.

Senders must place the words "Special Handling" above the name of the addressee and below the stamps, as illustrated in § 167.3 of this chapter.

§ 45.4 Treatment.

Special handling packages are given priority in distribution and disposal over other surface AO or parcel post packages from the office of mailing to the point of dispatch from the United States. They are not accorded any preferential dispatch from the United States, and receive no special treatment in the country of designation.

PART 46—RECALL AND CHANGE OF ADDRESS

Sec.
46.1 Conditions and limitations.
46.2 How to apply.
46.3 Services and fees.
46.4 Mailing receipts.
46.5 Countries not permitting.
46.6 Processing.

AUTHORITY: The provisions of this Part 46 issued under 39 U.S.C. 401, 407.

§ 46.1 Conditions and limitations.

The mailer may cause any mail article or parcel addressed for delivery in another country to be withdrawn from the Postal Service, or have its address changed if it can be intercepted in the United States. If the article has been dispatched from the United States, but not delivered to the addressee, withdrawal or change of address may be effected if:

(a) The country of destination of the article is willing to allow the withdrawal or change of address (see § 46.5);

(b) The article has not been confiscated or destroyed by the authorities of the country of destination as being prohibited importation; or

(c) The article has not been seized under provisions of the domestic legislation of the country of destination.

§ 46.2 How to apply.

If the article was mailed in a post office, station, or branch, make application there. If it was mailed in a street letterbox, apply at the main post office. The mailer must identify himself and submit a written request giving a complete description of the article and the date of mailing. Form 2926, Sender's Request for Recall or Change of Address of International Mail, may be used at first- and second-class post offices. A single request may be used for two or more articles which have been mailed together by the same sender to the same addressee, in which case only one fee is charged. For post office processing of sender's request see § 46.6.

§ 46.3 Services and fees.

(a) *Search at office of mailing.* If the article has not been dispatched from the immediate point of mailing, it may be returned or its address may be changed without charge. Otherwise a search can be made at the main post office or other concentration point, provided the mailer pays a fee of 60 cents in stamps, whether the search is successful or not. The post office will change the address without charge, but if the article is returned to the mailer, domestic postage will be charged except in the case of letters or post cards, which are returned free of postage. If the mailing office is also the dispatching exchange office, the conditions stated in § 46.3(b) will apply.

(b) *Search at exchange office.* The mailer may have a search made for the article at the U.S. dispatching exchange office if he requests it and pays the fee of 60 cents, unless he has already paid it. (See § 46.3(a).) If the mailer desires such search to include opening made-up sacks, he must guarantee payment of the cost of opening, searching, and closing the sacks, whether his article is located or not. If he wishes the request sent to the exchange office by telegraph, the mailer must pay the cost of the telegram. The exchange office will change the address without charge, but if the article is returned, postage will be charged at domestic rates for its transportation to the exchange office and back to the mailer's address, unless it is a letter or post card which is returned free of postage. The post office will inform the customer of the amount of charges due.

(c) *Search in country of destination.* A request will be sent to the postal administration of the country of destination to return an article or change its address if the mailer furnishes a facsimile of the address and pays the 60-cent fee in stamps, unless he has already paid it. (See § 46.3(a) and (b).) If the request is to be transmitted by telegraph or cable, the application must be accompanied with an amount sufficient to pay the telegraph or cable charges. Otherwise the application must be accompanied with additional stamps in the amount of the registry fee to cover transmission of the request by registered mail, and with airmail postage if it is desired that the request be transmitted to the foreign administration by air. The fee and cost of registration is not charged if the request is being made as the result of official notice to the sender in reply to an inquiry (see Part 71 of this chapter) or in the form of advice of nondelivery by the postal service of destination, showing that the article or parcel is undeliverable as addressed. If a request for change of address involves forwarding a parcel post package to another country the sender must furnish a written guarantee to pay the forwarding charges in the event they are not paid by the addressee in the new country. If the mailer wishes to have the foreign administration report by airmail, telegraph, or cable on the result of the action taken, he must furnish the additional return airmail postage or an amount sufficient to cover the cost of a prepaid telegraph or cable reply. Any amount remaining after transmitting a telegram or cablegram will be returned to the mailer. Return postage is charged on parcel post packages but not on other articles returned from other countries. See § 46.5 (c) regarding a statement to be furnished when the article is addressed to a country which does not generally accept requests for recall or change of address.

§ 46.4 Mailing receipts.

If the mailer possesses a mailing receipt covering any article which is withdrawn or on which the address is changed, he must surrender it or submit it so that a suitable notation may be made thereon.

§ 46.5 Countries not permitting.

(a) *For postal union mail.* The legislation of the following countries does not allow senders of postal union articles to withdraw them from the mail or to change their address: Ascension, Australia, Bahamas, Bahrain, Barbados, Bermuda, Bhutan, Botswana, British Honduras, Brunei, Burma, Canada, Cyprus, Gambia, Gibraltar, Great Britain and Northern Ireland, Guyana, Hong Kong, Ireland, Jamaica, Kenya, Kuwait, Leeward Islands, Malawi, Malaysia, Malta, Muscat, Nauru, New Guinea, New Zealand, Nigeria, Papua, Qatar, Rhodesia, St. Helena, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa (Rep. of), Swaziland, Tanzania, Trinidad and Tobago, Trucial States, Uganda, Windward Islands (except Dominica), and Zambia.

(b) *For parcel post.* Under the terms of the parcel post agreements in effect with the following countries, parcels cannot be recalled after they have left this service nor can the address be changed, unless the parcels are undeliverable at the original address: Barbados, British Honduras, Brunei, Burma, Canada, Cyprus, Gambia, Gilbert and Ellice Islands, Great Britain and Northern Ireland, Hong Kong, Ireland, Malawi, Malaysia, Nauru, Nigeria, Rhodesia, Seychelles, Solomon Islands, Swaziland, Tanzania, Trinidad and Tobago, Uganda, Windward Islands, and Zambia.

(c) *Applications accepted.* Applications involving the countries named in § 46.5 (a) and (b) will be received and acted on, subject to the conditions prescribed in § 46.3(c), if the mailer furnishes a written statement giving his reasons for the request. Compliance with the request is discretionary with the postal administration of the country of destination.

§ 46.6 Processing.

(a) *Mail of U.S. origin*—(1) *Before dispatch from the United States.* The following procedures apply to both postal union mail and parcel post packages:

(i) Before accepting an application for recall or change of address, require the applicant to identify himself as the sender or the sender's authorized representative.

(ii) If the piece is not located at the immediate point of mailing and the applicant desires the search continued, require the sender to submit a written application as prescribed in § 46.2, and collect the fee indicated in § 46.3(a) before conducting further search. If the piece is located and is returned to the sender, charge appropriate domestic postage unless it is a letter or post card. If the piece is not located, explain to the applicant the conditions set forth in § 46.3 (b) and (c).

(iii) It is recommended that requests be made to the postal administration of the country of destination rather than search being made at U.S. dispatching exchange offices. However, if the applicant desires search made at the exchange office and agrees to the conditions, send a request to the exchange office setting forth the details on the application and the particulars of dispatch to the exchange office, if known.

(iv) If the exchange office returns the piece, collect domestic postage for its conveyance to the exchange office and return, unless it is a letter or post card. If the search included the opening of made-up sacks, the exchange office will inform the post office requesting the search as to the cost, which should also be collected on delivery. The exchange office will likewise advise if the search was unsuccessful.

(v) Amounts collected on delivery of returned articles and parcels are accounted for by affixing postage-due stamps to the mail articles and canceling.

(2) *After dispatch from the United States.* If the sender requests that the postal authorities of the country of destination be asked to intercept the piece, collect as prescribed in § 46.3(c) and transmit with the application and facsimile address to the Mail Classification Division, Finance Department, U.S. Postal Service, Washington, DC 20260.

(3) *Sender's mailing receipt.* A mailing receipt relating to an article or parcel returned or redirected at the sender's request is to have the action taken noted thereon.

(b) *Mail of foreign origin.* Post offices may comply with a request for correction of address (without changing the addressee) and may forward an article or

parcel to the same addressee at another U.S. post office without previous authorization from the Headquarters. Comply with § 32.4(a) of this chapter in forwarding parcel post packages. If a request is received for redirection of a piece to another country, for return to origin, or for change of addressee, hold the piece and refer the request to the Mail Classification Division, Finance Department, U.S. Postal Service, Washington, DC 20260.

PART 47—CERTIFICATES OF MAILING

Sec.
47.1 Nature and issuance.
47.2 Fees.
47.3 On Treasury Department forms.
47.4 On Agriculture Department forms.
47.5 Preparation and payment of fees.

AUTHORITY: The provisions of this Part 47 issued under 39 U.S.C. 401, 407.

§ 47.1 Nature and issuance.

The sender can obtain a certificate of mailing at the post office where he mails any postal union article or parcel post package. Certificates of mailing issued for ordinary articles or parcels do not give any right to indemnity or proof of delivery. They are issued on the same forms as are used for domestic mail (see § 165.3), as well as Treasury Department forms mentioned in § 47.3, or the Agriculture Department certificates mentioned in § 47.4 and Part 55 of this chapter.

§ 47.2 Fees.

(a) *Individually listed pieces.*

Original certificate for ordinary postal union or parcel post.	5 cents for each piece described.
Each additional copy of original certificate of mailing or original mailing receipt for registered or insured mail.	2 cents for each piece described.

(b) *Identical pieces.* Identical pieces of postal union mail paid with ordinary stamps, precanceled stamps, or meter stamps are subject to the following fees:

Up to 1,000 pieces (1 certificate for total number)	$0.25
For each additional 1,000 pieces, or fraction	.05
Duplicate copy	.05

§ 47.3 On Treasury Department forms.

If requested, the sender may receive a certificate of mailing on Treasury Department (Internal Revenue) Form P. T. 26, P. T. 27–A, or 550, certifying that he has waived the right to withdraw the article or parcel from the mail. Post offices may also certify on Customs Form 4455 to the exportation by mail of articles sent abroad for alteration, repair or replacement, as provided in § 61.5(h)(3), for which a certificate of mailing fee of 5 cents applies to each completed form.

§ 47.4 On Agriculture Department Forms.

See Part 55 of this chapter concerning certificates required in connection with the exportation of dried whole eggs and tobacco seed and plants.

§ 47.5 Preparation and payment of fees.

The mailer must prepare his certificate of mailing and pay the charges in the same manner as prescribed in the domestic service (see §§ 165.3, 165.4, and 165.5 of this chapter), regardless of the form on which the certificate is prepared.

NONPOSTAL EXPORT REGULATIONS

PART 51—SHIPPER'S EXPORT DECLARATION

Sec.
51.1 When required.
51.2 Preparation.
51.3 Information to be furnished.
51.4 How obtained.
51.5 Handling and disposal.

AUTHORITY: The provisions of this Part 51 issued under 39 U.S.C. 401, 407.

§ 51.1 When required.

Business concerns sending merchandise exceeding $250 in value to other business concerns—

(a) From the United States,[1] Puerto Rico, or the Virgin Islands of the United States to any foreign country, to the Canal Zone, and to the Caroline, Mariana, and Marshall Islands.

(b) From the United States [1] to Puerto Rico and the U.S. possessions.[2]

(c) From Puerto Rico to the United States,[1] and to the U.S. possessions,[2] must fill out a shipper's export declaration on Department of Commerce Form 7525–V and present it at the post office at the time of mailing. The shipper's export declaration is required only for goods mailed for commercial purposes and not for goods which involve no commercial consideration. However, Commerce Form 7525–V must also be filed for shipments of all articles covered by a validated export license or a distribution license from the Bureau of International Commerce, Department of Commerce, regardless of value or whether the sender or addressee is a business concern. (See Part 52 of this chapter.) The declaration need not be furnished for catalogs, instruction books, and other advertising matter or for magazines, newspapers, and periodicals. It is also not required for shipments of technical data, regardless of value and whether or not they are covered by export licenses. Shippers who wish to correct a previously filed export declaration must submit such corrections to the post office on Commerce Form FT–7403.

§ 51.2 Preparation.

Only a single copy of the shipper's export declaration is required for mail shipments. A single export declaration may include any number of packages mailed by one sender the same day to one addressee. Export declarations need not be notarized; however, signature in ink is required.

§ 51.3 Information to be furnished.

(a) The following are the only items on the shipper's export declaration (Commerce Form 7525–V) which are required to be filled in by the sender of a postal shipment:

(1) *Item 1.* Name of post office where shipment is being mailed. (Insert in space on the form reading From ---------- (U.S. port of export).)

(2) *Item 3.* Name and address of exporter.

(3) *Item 4.* Name and address of forwarding agent, if any.

(4) *Item 5.* Name and address of ultimate consignee.

(5) *Item 6.* Name and address of intermediate consignee, if any.

(6) *Item 8.* Country of final destination.

(7) *Item 10.* Number of packages being mailed; description of merchandise and export license number and expiration date, or general license symbol.

(8) *Item 13.* Schedule B, commodity number.

(9) *Item 14.* Net quantity of merchandise, in Schedule B units.

(10) *Item 15.* Value of merchandise.

(b) The description of contents and units of quantity must be in the detail required by Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States, 1971 edition. The shipper may obtain copies of Schedule B for a nominal charge from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20401; from Collectors of Customs; or from Department of Commerce field offices located in principal cities of the U.S. General descriptions, such as dry goods, groceries, or millinery, are not sufficient. Quantities and values must be given in whole numbers only, omitting fractions of less than one-half and counting one-half and over as a whole.

(c) For validated license shipments and those under general license, GLV, the italicized digit (s) in parentheses following the Export Control Commodity Number (on the commodity control list, Part 399.1 of the Export Control Regulations) shall be added directly below the Schedule B Number.

§ 51.4 How obtained.

Occasional shippers may obtain Form 7525–V free of charge at post offices. Regular exporters may purchase copies of the shipper's export declaration from the Superintendent of Documents, Government Printing Office, Washington DC 20401, from Collectors of Customs, or from Department of Commerce field offices. They may be privately printed, provided the conform to the official form in size, wording, color, quality (weight) of paper stock, and arrangement. Postmasters may obtain supplies, without cost, for limited distribution to occasional shippers from the Foreign

[1] For purposes of this instruction the term "United States" refers to the fifty States and the District of Columbia.

[2] For purposes of this instruction the term "United States Possessions" refers to the Virgin Islands of the United States, Guam, American Samoa, Canton, and Enderbury Islands, Midway, and Wake Islands.

Trade Division, Bureau of the Census, Washington DC 20233. Copies of the shipper's export declaration correction form for free distribution may also be obtained from the Bureau of the Census, Washington DC 20233, and from a customs office (see § 61.3(d)).

§ 51.5 Handling and disposal.

(a) When a shipper's export declaration or correction form is presented at a post office in accordance with § 51.1, postmark it in the lower left corner and send it to:

Export Document Control, Foreign Trade Statistics Unit, Room 308, Building 66, Bureau of the Census, Jeffersonville, IN 47130.

Send only one copy of each declaration submitted.

PART 52—COMMERCE DEPARTMENT REGULATIONS (COMMODITIES AND TECHNICAL DATA)

Sec.
52.1 Scope and applicability.
52.2 General licenses.
52.3 Validated licenses.
52.4 Distribution licenses.
52.5 Export control inspections.

AUTHORITY: The provisions of this Part 52 issued under 39 U.S.C. 401, 407.

§ 52.1 Scope and applicability.

(a) The Bureau of International Commerce, Department of Commerce, controls all exportations, except for certain commodities and technical data licensed for export by other U.S. Government agencies, to all countries other than Canada (with the exception that validated export licenses are required for a few types of commodities and technical data to Canada). Mailers must inform themselves as to the regulations and comply with them in making any exportations of commodities and technical data as parcel post or postal union mail. A brief summary of the regulations as they apply to mail shipments is given in this part. Additional information is available from a Commerce Department bulletin entitled "Public Notice—Requirements for Exports by Mail" on bulletin boards in first-, second-, and third-class post offices and in classified stations and branches. Mailers desiring further information may make inquiry of the Exporters' Service Branch, Department of Commerce, Washington, DC 20230 or of any field office of that department. A list of field offices is included in the above-mentioned public notice.

(b) Postal employees will not advise prospective mailers as to the type of license applicable to any commodities or to any destination, except that licenses are not required for most shipments to Canada. However, before accepting parcels employees should satisfy themselves that the mailers have complied with the regulations so far as they are applicable.

§ 52.2 General licenses.

(a) *Definition and use.* A "general license" established by the Bureau of International Commerce is not a specific document, but is a general authorization covering exportations within its provisions, each general license being designated by symbol, such as G–DEST, GLV, GIFT, GUS, etc. A brief description of the general licenses usually used for mail shipments is given in this section. Further information can be obtained as set forth in § 52.1(a). When a prospective mailer finds that the contents of his package are properly exportable under a general license, unless it contains only printed matter or technical data (see §52.2(e)), he must mark the wrapper with the appropriate symbol and the words "Export license not required" before presenting it at the post office. The postal clerk may accept any package so marked unless the symbol is obviously being misused. The marking constitutes a representation that the mailer has complied with the regulations governing the use of the general license denoted by the symbol. No marking is required on wrappers of packages containing printed matter and technical data mailed under general licenses G–DEST, GTDA, GTDR.

(b) *Restricted destinations.* The Commerce Department imposes particular restrictions on exports to Southern Rhodesia; to Cuba; to North Korea; the Communist-controlled areas of Vietnam; the following Eastern European Communist Countries: Albania, Bulgaria, Czechoslovakia, Estonia, East Germany (Soviet Zone including Soviet Sector of Berlin); Hungary, Latvia, Lithuania, Outer Mongolia, Poland, Romania, the U.S.S.R.; and to the People's Republic of China (including Inner Mongolia and Tibet). Packages for those areas may not bear any general license except as follows:

Destination	*General License Symbols Permitted***
†Cuba	GIFT, *G–DEST, GUS, BAGGAGE.
†North Korea and the Communist-controlled areas of Vietnam.	*G–DEST, GUS, BAGGAGE.
Eastern European Communist Countries and People's Republic of China.	GIFT, G–DEST, GUS, BAGGAGE.
	GIFT, *G–DEST, GUS, BAGGAGE, TOOLS OF TRADE.
Southern Rhodesia.	GIFT, G–DEST, GUS, BAGGAGE.
Poland	GLV, GIFT, G–DEST,
Romania	GUS, BAGGAGE.

*For Cuba, North Korea and the Communist-controlled areas of Vietnam, general license G–DEST may be used only for unclassified printed matter and developed motion picture film. For Southern Rhodesia it may be used only for specified printed matter and silent and sound exposed and developed motion picture film of a news and documentary nature only. All other commodities require a license and it is Commerce's general policy to deny most license requests.

**When in doubt as to whether specific articles are exportable, consult the Department of Commerce's "Public Notice" on post office bulletin boards, or inquire of the Office of Export Control, Department of Commerce, Washington, D.C. 20230, or any Commerce Department Field Office. (This should apply to all general licenses.)

†Parcel post and postal union packages of merchandise not accepted.

General License GTDA may be used for all destinations named above; and GTDR for all destinations except Southern Rhodesia, North Korea, the Communist-controlled areas of Vietnam, and Cuba.

(c) *General license gift.* (1) This license covers gift packages mailed by or on behalf of an individual sender to an individual addressee for the personal use of the latter or his family, or to a religious, charitable, or educational organization. The contents are limited to items normally sent as gifts, such as food, clothing (except military clothing to destinations named in § 52.2(b)), medicinals and drugs.

(2) The value of the contents of a package is limited to $100.

(3) Not more than one gift package may be mailed per week by the same sender to one addressee under this general license.

(d) *General licenses G–DEST and GLV.* General license G–DEST may be used for any shipment, regardless of quantity, unless the Commerce Department's "Commodity Control List" indicates that a validated license is required. General license GLV may be used for certain types of small value shipments to which G–DEST does not apply. Except for Romania to which certain commodities may be shipped up to the dollar value limits specified on the Commodity Control List and in the Export Control Regulations, general license GLV may not be used for destinations named in paragraph (b) of this section.

(e) *Printed matter and technical data.* Miscellaneous printed matter exported under general license G–DEST and technical data under licenses GTDA and GTDR need no general license symbol on the wrapper.

(f) *General license GUS.* This license is used for shipments to U.S. Government agencies and personnel under prescribed conditions.

(g) *General license BAGGAGE.* This license is used to mail unaccompanied baggage of travellers, consisting of personal and household effects not intended for sale, under conditions and limitations established in Commerce Department export control regulations.

§ 52.3 Validated licenses.

(a) *Definition and use.* A "validated license" is a document issued by the Bureau of International Commerce, authorizing a specific exportation. Further information can be obtained as set forth in § 52.1(a). Before mailing a shipment under a validated license, the sender must put the license number on the wrapper.

(b) *Export declaration required.* An export declaration (see Part 51) is required for every shipment covered by a validated license, except technical data.

(c) *Mailing under validated licenses.* In making shipment against a validated license, the mailer must enter the complete validated license number on the address side of the parcel and also on a duly executed Shipper's Export Declaration covering the commodity to be mailed. Except for validated license

shipments of technical data, a declaration is required for all validated export license shipments. The validated license document will be retained by the mailer who will record all shipments of commodities or technical data on the reverse side of the license document. When the license has been completely utilized, or when it is otherwise determined that the license will not be further used, the mailer shall forward the license promptly to the Office of Export Control (Attn: 854), U.S. Department of Commerce, Washington, D.C. 20230.

(d) *Processing in post offices*—If a validated license number is shown on the parcel, or a general license symbol with the notation "Export License Not Required", accept the parcel for mailing. In the case of mailings of printed matter, where no symbol is required on the parcel, and no declaration is required, determine orally from the mailer that the export is properly authorized under general license GTDA, or GTDR. Compare the contents as shown on the customs declaration (or as stated by the mailer in the case of shipments mailed as printed matter) with the commodities stated on the shipper's export declaration when required. If no discrepancy is noted and the package is mailable, accept it and the export declaration (if required) from the mailer. Postmark the export declaration and dispose of it as instructed in § 51.5.

§ 52.4 Export control inspections.

Parcels are subject to inspection by officials of the Postal Service, Bureau of Customs, and the Office of Export Control of the Department of Commerce at dispatching exchange post offices. If violations of export control are detected, the parcels may be returned or seized by the inspecting agency. Postage is not refunded.

PART 53—STATE DEPARTMENT REGULATIONS (ARMS AND TECHNICAL DATA)

Sec.
53.1 Individual licenses.
53.2 Processing licensed mailings.
53.3 Mailings exempt from license.
53.4 Government shipments.

AUTHORITY: The provisions of this Part 53 issued under 39 U.S.C. 401, 407.

§ 53.1 Individual licenses.

Exportation of certain arms or implements of war and related technical data requires individual licenses issued by the Office of Munitions Control, Department of State. Firearms subject to license include nonautomatic and semiautomatic rifles, carbines, revolvers and pistols, except those of .50 caliber or less manufactured prior to 1898; also all machineguns, submachineguns, machine pistols and fully automatic rifles. The mailer can obtain information as to the applicability of the State Department requirements and how to apply for individual licenses from the Office of Munitions Control, Department of State, Washington, DC 20520.

§ 53.2 Processing licensed mailings.

(a) When a mailer presents a State Department license, the accepting clerk will compare the commodities of data indicated on the license with the contents as shown on the customs declaration or as stated by the mailer in the case of technical data mailed as printed matter. If no descrepancy is noted, and the contents are mailable and are not prohibited to the country of destination concerned, the clerk will accept it for mailing. The sender must mark the wrapper "State Department export license No. _____."

(b) (1) If the mailing represents the entire amount authorized, the clerk will take up the license, mark it "Completed," apply a legible postmark, and forward it to the Office of Munitions Control, Department of State, Washington, DC 20520.

(2) If only a portion of the amount authorized is mailed, the sender must enter on the back of the license the amount being shipped and present it at the post office, where the accepting clerk will postmark it and return it to the mailer.

§ 53.3 Mailings exempt from license.

Technical data that has been published or is otherwise exempt from licensing under 22 CFR 125.30 does not require individual State Department license for exportation. The mailer must mark the wrapper "22 CFR 125.30 * * * applicable," identifying the specific subsection under which the exemption is claimed. Exportations under this exemption may not be made to the Soviet Union, any Soviet bloc country, Communist China, or the Communist controlled area of Vietnam.

§ 53.4 Government shipments.

Shipments mailed by any agency of the U.S. Government require no license from the Department of State, and no endorsement relating to 22 CFR 125.30 is needed on the wrapper.

PART 54—TREASURY DEPARTMENT REGULATIONS (GOLD AND GOLD CERTIFICATES)

Sec.
54.1 License requirements.
54.2 Gold held by nonresidents.
54.3 Fabricated gold.
54.4 Gold coin, bullion, or gold dust.
54.5 Where to obtain licenses.

AUTHORITY: The provisions of this Part 54 issued under 39 U.S.C. 401, 407.

§ 54.1 License requirements.

A license is necessary to mail gold in any form or gold certificates from the continental United States to any destination outside its limits or from any U.S. post office outside the continental limits to another country, except as provided in §§ 54.2 and 54.3. Moreover, before acceptance, the postmaster at the office of mailing must receive instructions from Headquarters, or the Treasury Department, with a copy of the license.

§ 54.2 Gold held by nonresidents.

Gold in any form other than coin is mailable without a license and specific instruction, if it is not held or owned by a person who is a resident of or domiciled in the continental United States. In such a case the mailer must place on the wrapper of the package and on the shipper's export declaration when required (see § 51.1) a statement that the gold contained therein is held or owned by a person who is not a resident of, or who is not domiciled in, the continental United States.

§ 54.3 Fabricated gold.

(a) *Definition.* Fabricated gold is defined by the Treasury Department as processed or manufactured gold in any form (other than gold coin or scrap gold) which has a gold content the value of which does not exceed 90 percent of the total domestic value of the processed or manufactured gold and which has in good faith and not for the purpose of evading or enabling others to evade the provisions of the Gold Reserve Act of 1934, the act of October 6, 1917, as amended, or the regulations of the Treasury Department, been processed or manufactured for some one or more specific and customary industrial, professional, or artistic uses. Fabricated gold is to be distinguished from semiprocessed gold, which may be exported only pursuant to Treasury License, and which is defined to include gold articles of which more than 90 percent of the total domestic value is attributable to the gold content thereof.

(b) *Mailing restricted.* Fabricated gold is acceptable for mailing without being licensed by the Treasury Department and without specific instructions from the U.S. Postal Service. However, the shipper is required to endorse the wrapper of the package with the Bureau of Census Schedule B statistical classification number of each specific commodity contained therein. The shipper's export declaration, when required (see § 51.1) shall contain, in addition to a specific description of the contents of the package, the following notation: "Fabricated gold as defined by § 54.4 of the Gold Regulations, being exported pursuant to the authorization contained in § 54.25(b)(2) of such regulations."

(c) *How to determine.* To determine whether an article is semiprocessed or fabricated gold, the value of the gold content is computed at $35 per fine troy ounce of gold and the total domestic value is determined on the basis of the cost of the article to the owner and not the selling price. In the case of a manufacturer or processor, the allowable elements of such value are the cost of material in the article, labor performed on the article, and processing losses and overhead applicable to the manufacture or processing of such article. In the case of a dealer or other person who holds or disposes of gold without further processing, total domestic value includes only the net purchase price paid by such person and any transportation costs in-

curred in obtaining delivery of such article to his usual place of business.

(d) *Gold coin made prior to April 5, 1933.* Gold coin made prior to April 5, 1933, is acceptable for mailing without being licensed by the Treasury Department and without specific instructions from the U.S. Postal Service. However, the shipper's export declaration, when required (see § 51.1) shall contain, in addition to a specific description of the package, the following notation: "Rare gold coin as defined by § 54.20 of the Gold Regulations, being exported pursuant to the authorization contained in § 54.25(b)(3) of such regulations."

§ 54.4 Gold coin, bullion, or gold dust.

The acceptance in the postal union mail or parcel post for any country of any consignment of gold coin, gold bullion, or gold dust, having a value in excess of $100 is prohibited, even though a license has been granted to export such gold coin, gold bullion, or gold dust.

§ 54.5 Where to obtain licenses.

The shipper may obtain the forms on which to apply for licenses to export gold from the Bureau of the Mint, Treasury Department, Washington DC 20220.

PART 55—AGRICULTURE DEPARTMENT REGULATIONS

Sec.
55.1 Dried whole eggs.
55.2 Tobacco seed and plants.

AUTHORITY: The provisions of this Part 55 issued under 39 U.S.C. 401, 407.

§ 55.1 Dried whole eggs.

(a) *Endorsements.* When dried whole eggs purchased under a program of the Commodity Credit Corporation, Department of Agriculture, are offered for export by mail, an endorsement must be written or stamped on each package by the sender waiving any right to withdraw it from the mail or have it returned. The endorsement must be properly completed and signed by the exporter or his authorized representative over his title. The parcel post forms accompanying such parcels should be completed by the senders to indicate that the parcels are to be abandoned in case of nondelivery.

(b) *Certificates.* A certificate in the following form, prepared and completed by the sender, must be presented with the shipment:

CERTIFICATE OF MAILING DRIED WHOLE EGGS

I hereby certify that there has (have) been posted at this post office today by (sender), parcels containing a total of (number) pounds of dried whole eggs on which the sender has waived the right to withdraw same from the mails or have same returned.

Parcels addressed to:

(Names and addresses of addressees)

[OFFICE STAMP] ---

(Postmaster)

By ---

(Date)

A single certificate may cover any number of parcels mailed by the same sender even though addressed to different countries. A charge of 5 cents will be made for each certificate of mailing issued to the sender, or for each parcel when a single certificate covers more than one parcel. Postage stamps to cover the charge for the certificate of mailing shall be affixed to the certificate and canceled by the postmark of the office of mailing. After postmarking, the certificate will be signed by the postmaster or his authorized representative and returned to the sender.

§ 55.2 Tobacco seed and plants.

(a) *Permit required.* It is unlawful to export any tobacco seed or live tobacco plants except in pursuance of a written permit granted by the Secretary of Agriculture.

(b) *Endorsement of package.* The sender must mark the wrapper of the package "Tobacco seed and plant export permit No. ---."

(c) *Surrender of permit.* The permit is to be presented by mailer at the time of mailing. It will be postmarked and signed by the accepting postal employee. The permit will be retained by the post office and forwarded to the Tobacco Division, Consumer Marketing Service, Department of Agriculture, Washington, DC 20250.

(d) *Charges.* A charge of 5 cents will be made for each permit presented by the sender and for each package or parcel when a single permit covers more than one parcel. Postage stamps to cover the charge shall be affixed to the permit and canceled by the postmark of the office of mailing.

PART 56—CONSULAR AND COMMERCIAL INVOICES

§ 56.1 Consular and commercial invoices.

Many countries require special documents to be prepared by the sender and either presented by the addressee or enclosed within the package. In some cases, certification by a recognized Chamber of Commerce in the United States, or legalization by a Consulate of the country of destination, or both, are required. Such information as has been made available to the Postal Service concerning these requirements appears under the "Observations," "Prohibitions," and "Import Restrictions" headings of the country items listed in Publication 42, International Mail.

(39 U.S.C. 401, 407)

PART 57—DRAWBACK ARRANGEMENT

Sec.
57.1 Description.
57.2 Claiming drawback.
57.3 Obtaining forms.

AUTHORITY: The provisions of this Part 57 issued under 39 U.S.C. 401, 407.

§ 57.1 Description.

Drawback is an arrangement provided for under the U.S. Customs Regulations whereby exporters of certain merchandise are entitled to claim a refund of (a) the duty paid on imported materials used wholly or in part in the manufacture or production of the articles to be exported, or (b) the internal revenue tax paid on domestic material used.

§ 57.2 Claiming drawback.

(a) *Instructions to mailers.* Mailers intending to claim drawback on articles exported by mail must present three completed copies of a "Notice of Exportation" (Customs Form 7511–A or 7511–B) with the package or packages. Each package must also bear on the address side a waiver of the right to withdraw it from the mail. This waiver may be made on customs Form 3413 and pasted on the wrapper, or may be stamped or written in wording similar to the following:

WARNING—EXPORTED IN BOND FOR DRAWBACK UNDER N. E. No. ---

Must not be returned to shipper or delivered in United States before submission to Collector of Customs.

Shipper: ---

We hereby waive our right to withdraw this package from the mail.

(Shipper's signature)

(b) *Instructions to postmasters*—(1) *Postmaster's certificate.* Postmark and sign the "Postmaster's Certificate" on the reverse side of Customs Form 7511–A or 7511–B, after verifying the marks and numbers on the form with those on the package and noting the presence of the sender's signed statement waiving the right to withdraw the package from the mail.

(2) *Disposal of forms.* Dispose of completed Forms 7511–A and 7511–B as follows:

(i) Return one copy to the mailer.

(ii) Forward one copy to the customs port where the claim is to be filed (shown on the front of the form).

(iii) Retain one copy as an office record. Dispose of this copy after 3 years.

§ 57.3 Obtaining forms.

Exporters may obtain Customs Forms 3413, 7511–A, and 7511–B from customs ports.

IMPORTATIONS

PART 61—CUSTOMS

Sec.
61.1 What is subject to examination.
61.2 Separate points.
61.3 Examination.
61.4 Repacking.
61.5 Treatment at delivery office.

AUTHORITY: The provisions of this Part 61 issued under 39 U.S.C. 401, 407.

§ 61.1 What is subject to examination.

All mail originating outside the customs territory of the United States is subject to customs examination, except (a) mail addressed to Ambassadors and Ministers (Chiefs of Diplomatic Missions) of foreign countries, (b) letter mail known or believed to contain only correspondence or documents addressed to diplomatic missions or the officers thereof, or international organizations designated by the President as public international organizations pursuant to the International Organizations Immunities Act, and other mail addressed to such international organizations pursu-

ant to instructions issued by the Department of the Treasury, and (c) mail known or believed to contain only official documents addressed to officials of the U.S. Government.

§ 61.2 Separation points.

(a) *Exchange offices.* Mail believed to contain matter liable to customs duty or believed to contain prohibited matter is submitted immediately to local customs officers, except when exchange offices are authorized to redispatch such mail to designated distribution offices for customs treatment thereat. Exchange offices which redispatch matter to be submitted to customs officers will attach Tag 10 (previously Label 81), a reusable pink slotted tag, bearing the words, "This sack contains mail Supposed Liable to Customs Duty," to the label holders or hasps of sacks or pouches.

(b) *Distribution offices.* Distribution offices will submit such mail to customs officers as soon as possible after receipt. The reusable tags, Tag 10, removed from sacks containing this mail will be returned periodically to the postmasters at New York, New Orleans, San Francisco, Seattle, or Miami, as may be appropriate from a geographical standpoint.

(c) *Priority treatment of airmail.* Airmail articles receive preferential customs treatment and are submitted to customs separately from surface mail. Upon return from customs, dispatch will be by air if it will expedite delivery.

§ 61.3 Examination.

(a) *Registered mail.* The postmaster or other designated postal employee must be present when registered articles and registered parcels are opened by customs officers for examination. After customs treatment, the customs officer will repack and reseal the articles and parcels.

(b) *Extraction of samples for advisory information.* Should a customs officer wish to obtain advisory information from a local trade expert or the Customs Information Exchange, U.S. Customshouse, Bowling Green, New York, NY 10004, permit him to extract a sample of the contents. The customs officer will furnish the postal official with two copies of Customs Form 6423, one for enclosure in the importation and the other for the post office files. If the sample is to be forwarded to New York, dispatch it under official registration to the New York postmaster for delivery to the Customs Information Exchange.

(c) *Failure to receive customs treatment.* Should an article known or supposed to be dutiable be observed at or en route to the office of address without having received customs treatment, forward it, labeled "For Customs Inspection," under cover to U.S. Customs Office at the nearest office listed in § 61.3(d), except that if registered matter is involved send to the Postmaster of the city where the customs office is located so the mail may be handled in accordance with § 61.3(a). Packages that have received customs treatment will bear endorsements such as Examined by U.S. Customs at _____ Duty to be Collected, Duty Paid, or Passed Free of U.S. Customs at _____.

(d) *Customs ports.* Customs officers at the following places are authorized to give customs treatment to packages which have passed through the port of entry without being examined § 61.3(c), to reprocess dutiable packages which reach the office of address with the customs mail entries missing (§ 61.5(b)), and consider protests by addressees who are dissatisfied with the assessed value, rate, or amount of duty charged (§ 61.5 (d)(6)(ii)):

ALABAMA

Birmingham 35203. Mobile 36002.

ALASKA

Anchorage 99502. Juneau 99801.
Fairbanks 99701. Ketchikan 99901.

ARIZONA

Nogales 85621. Phoenix 85026.

ARKANSAS

Little Rock 72201. North Little Rock 72114.

CALIFORNIA

Calexico 92231. Oakland 94615.
Eureka 95501. San Diego 92101.
Los Angeles 90013. San Francisco 94105.

COLORADO

Denver 80202.

CONNECTICUT

Bridgeport 06609. New Haven 06511.
Hartford 06101. New London 06320.

DELAWARE

Wilmington 19801.

DISTRICT OF COLUMBIA

Washington 20007.

FLORIDA

Jacksonville 32201. Port Everglades 33316.
Key West 33041. Tampa 33601.
Miami 33132. West Palm Beach 33404.
Pensacola 32502.

GEORGIA

Atlanta 30308. Savannah 31401.

HAWAII

Honolulu 96806.

ILLINOIS

Chicago 60607. Peoria 61601.

INDIANA

Evansville 47708. Lawrenceburg 47025.
Indianapolis 46204.

KENTUCKY

Louisville 40202.

LOUISIANA

Baton Rouge 70805. Morgan City 70380
Lake Charles 70601. New Orleans 70130.

MAINE

Bangor 04401. Portland 04111.

MARYLAND

Baltimore 21202.

MASSACHUSETTS

Boston 02109. Springfield 01101.
Lawrence 01840. Worcester 01601.

MICHIGAN

Detroit 48226. Sault Ste. Marie 49784.
Port Huron 48060.

MINNESOTA

Duluth 55802. Minneapolis 55401.
International Falls 56668. Noyes 56740.
St. Paul 55101.

MISSISSIPPI

Gulfport 39501.

MISSOURI

Kansas City 64106. St. Louis 63101.

MONTANA

Great Falls 59401.

NEBRASKA

Omaha 68102.

NEW MEXICO

Columbus 88029.

NEW YORK

Albany 12207. Rochester 14614.
Buffalo 14203. Rouses Point 12979.
New York 10014. Syracuse 13201.
Ogdensburg 13669.

NORTH CAROLINA

Beaufort 28516. Reidsville 27320.
Charlotte 28208. Wilmington 28401.
Durham 27701. Winston-Salem 27101.
Elizabeth City 27909.
Morehead 28557.

NORTH DAKOTA

Pembina 58271.

OHIO

Akron 44312. Columbus 43214.
Ashtabula 44004. Dayton 45202.
Cincinnati 45202. Sandusky 44879.
Cleveland 44114. Toledo 43624.

OKLAHOMA

Oklahoma City 73125. Tulsa 74101.

OREGON

Portland 97209.

PENNSYLVANIA

Philadelphia 19106. Pittsburgh 15219.

PUERTO RICO

Mayaguez 00709. San Juan 00903.
Ponce 00731.

RHODE ISLAND

Providence 02903.

SOUTH CAROLINA

Charleston 29401. Spartanburg 29301.
Greenville 29602.

TENNESSEE

Chattanooga 37401. Nashville 37203.
Memphis 38103.

TEXAS

Beaumont 77704. El Paso 79901.
Brownsville 78520. Galveston 77550.
Corpus Christi 78403. Houston 77052.
Laredo 78040.
Dallas 75222. Port Arthur 77640.
Del Rio 78840. San Antonio 78206.
Eagle Pass 78852.

UTAH

Salt Lake City 84101.

VERMONT

Burlington 05402. Newport 05855.
Island Pond 05846. St. Albans 05478.

VIRGINIA

Alexandria 22314. Petersburg 23803.
Norfolk 23510. Richmond 23240.

VIRGIN ISLANDS

Charlotte Amalie 00802.	Christiansted 00802.
	Frederiksted 00802.

WASHINGTON

Oroville 98844.	Spokane 99201.
Seattle 98104.	Tacoma 98402.

WISCONSIN

Green Bay 54301.	Spokane 99201.
Milwaukee 53202.	

(f) *No examination before payment of duty.* Addressees are not permitted to examine the contents of dutiable articles until the duty is paid.

§ 61.4 Repacking.

(a) *Responsibility of customs and postal employees.* Customs employees have responsibility for resealing or repacking mail of foreign origin following customs examinations. Postal employees accepting mail which has been in customs custody for examination must determine from external inspection whether it can safely bear further handling and transportation. Customs employees are responsible for restoring mail that is not in satisfactory condition. Employees may be held responsible when damage occurs as a result of negligence or improper handling.

(b) *Customs shipments in bad order.* Shipments found to be in bad order in transit or at the delivery office must be reconditioned by postal employees. Note bad order and evidence of rifling or damage on the address side of the wrapper over the signature of the employee.

§ 61.5 Treatment at delivery office.

(a) *Detecting dutiable importations.* Postal employees will promptly examine all incoming mail to detect dutiable importations. These packages will bear the following endorsement, placed near the address and completed by the customs office where the duty was assessed:

Examined By U.S. Customs
Port of _____
Collect Duty and Postal Fees
Mail Entry No. _____

The package will also be accompanied by an original and addressee receipt copy of Customs Form 3419, Mail Entry, enclosed in a Treasury Department envelope securely attached to the package.

(b) *Missing mail entries*—(1) *Post office procedure.* If a package endorsed to show that duty is to be collected reaches the post office of address without the required customs mail entry forms attached, proceed as follows:

(i) Withhold delivery of the package. Try and locate missing entry forms; check to see if forms reached the addressee.

(ii) If entry forms are found, proceed with delivery of package as prescribed in § 61.5(d).

(iii) If entry forms are not found, complete Form 2937, Importer's Objection and/or Lost Mail Entries, in duplicate, addressing it to U.S. Customs Office at the nearest office listed in § 61.3(d). Send the package and the original Form 2937 under cover addressed to the customs office, except that if registered matter is involved send to the postmaster of the city where the customs office is located so the mail may be handled in accordance with § 61.3(a). Retain duplicate Form 2937 as a record.

(iv) The package will be reprocessed at the customs office and returned to the post office of address with a new set of entry forms attached.

(2) *Missing entries received.* If the missing original set of entry forms is received after the package has been sent for reprocessing, hold it with the duplicate Form 2937, and when the new set of entries is received destroy the original set.

(3) *Entries received without parcel.* If a set of entry forms is received not attached to the relative package try and associate the forms with the dutiable package. If unsuccessful, check to see if the package was sent to customs for reprocessing or if delivery was made without collection of duty. If the package was delivered without collecting duty and the addressee is unwilling to pay, report as uncollected in accordance with § 61.5(f).

(c) *Dispatch to delivery units.* Promptly forward dutiable articles to delivery units.

(d) *Delivery of dutiable mail*—(1) *How Made.* Dutiable mail will be delivered by city, village, and rural carriers, and by window delivery units. Form 2921, Held Notice—International Mail, is used to notify addressees of the arrival of dutiable parcels.

(2) *Charging delivery employee.* Charge packages and both copies of the customs mail entry to delivery employee on Form 2944, Receipt for Customs Duty Mail, prepared in duplicate. For control and accounting purposes, enter on Form 2944 the mail entry numbers as shown on the entry forms. Retain both copies of Form 2944 at post office as record of employee's accountability. Supply delivery employee with proper postage due stamps for use in collecting customs clearance and delivery fees prescribed in §§ 24.1(a) and 32.1(a).

(3) *Signing customs entry forms.* When customs charges are collected and delivery is made, delivering employee will obtain addressee's signature and date of delivery on the original Customs Form 3419, as well as on the receipt for registered and insured mail if required. The delivering employee will sign and date the addressee receipt copy of Customs Form 3419 and give it to the addressee as a receipt for the duty. The delivery employee will turn in amounts collected with the signed originals of Customs Form 3419 and any undelivered packages with both copies of the related Customs Form 3419.

(4) *Clearing delivery employee*—(i) *At first-class offices.* At first-class offices carrier's accountability will be cleared by completing the two copies of Form 2944 prepared pursuant to § 61.5(d)(2) give both copies of completed Form 2944 to carrier who will deposit the original in the slotted and locked receptacle provided for that purpose and file the duplicate which he will retain for 3 months after the last day of the month of issue. The Forms 2944 shall be removed from the locked receptacle by an employee or supervisor, other than the clearing clerk, and forwarded daily to the chief accountant or other designated employee. Clearing clerk will send signed originals of Form 3419 to the chief accountant or other designated employee. Employees at delivery windows who have been charged with dutiable packages will be similarly cleared, but will be required to execute a new set of Form 2944 covering all dutiable packages remaining in their custody at the close of business.

(ii) *At other offices.* At other than first-class offices the delivery employees' accountability will be cleared in the same manner as for c.o.d. transactions.

(5) *Authorization not to collect duty.* The Customs Service in certain instances will attach a Customs Form 3342, Authorization to Postmaster to Deliver Mail Importation Conditionally Free of Duty and Declaration for Free Entry of Gifts, to the mail entries, Customs Form 3419, of incoming dutiable packages. Deliver these packages without collection of the duty under the conditions stated on the Form 3342. After delivery, endorse the original Customs Form 3419, Form 3342 executed by addressee, and report the transaction as an uncollected customs duty item in accordance with § 61.5(f)(2). Return of the executed customs form will be authority for the clearing clerk to allow credit for unreturned postage due stamps delivered with the package pursuant to § 24.1(a)(5)(ii).

(6) *Addressee protests.* When an addressee objects to the assessed value, rate, or amount of duty charged, the following alternatives are available.

(i) Addressee may take delivery, pay the duty and postal fees and protest (within 90 days from date duty is paid) directly to the issuing customs port.

(ii) Addressee may conditionally refuse the package pending review of the entry by the customs service. In this case, the procedure is as follows:

(*a*) Delivery employee will advise addressee to submit his objections in writing to the postmaster with any evidence he may have substantiating his claim (invoice, declaration of value, etc.). Encourage addressee to copy customs mail entry number and other particulars that will assist in associating his protest with the package at the post office.

(*b*) Delivery employee will mark package "Addressee protests duty," date and initial, and return the package and related Customs Forms 3419 to the post office to be held awaiting receipt of addressee's written protest. On receipt of addressee's statement, promptly prepare report, in duplicate, on Form 2937, Importers Objections and/or Lost Mail Entries. Forward original Form 2937, with supporting statements and both copies of mail entry, to customs mail division where entry was prepared—unless addressee is located in vicinity of one of the customs ports listed in § 61.3(d), in which case the original of the Form 2937, both copies of the mail entry and other documents may be delivered to

the local Customs office for consideration of the protest. Retain the package with the duplicate of Form 2937 awaiting the decision of the Customs office. If Customs requests the package be submitted for inspection, the post office should comply.

(c) If the addressee's written protest is not received within 5 days after package is returned to post office, notify him that package is on hand and will be held for a further 5 days only. Mark package "Notified," and date, and if customer does not furnish the required statement within another week, endorse package "Unclaimed," show date, and treat as prescribed in §§ 61.5 (f) and (i).

(d) If an adjustment is made by the customs officer he will endorse the adjustment on the mail entries and return them with the original Form 2937 to the postmaster. When delivery of the package is effected, collect and report the corrected amount of duty and handle as prescribed in § 61.5(e). If the adjusting customs officer waives the duty, report the entry as an uncollected item, as prescribed in § 61.5(f)(2).

(e) If no decision on a protest is received from the customs office within 30 days request that matter be expedited. Continue to hold package until a decision is received.

(iii) Addressee may definitely refuse the package if he does not wish to pay the duty or to protest the assessment. In this case the delivery employee shall make it clear to addressee that package will be disposed of immediately as undeliverable. Employee will mark package "Refused," date and initial, and return package and entry forms to post office for disposal. (See § 61.5(f).)

(e) *Recording and reporting collections.* Post offices making delivery-collection of dutiable articles will deposit the customs colections with postal funds. See Handbook F–1 for accounting and control functions, and the preparation of Form 2932, Customs Collections Summary.

(f) *Uncollected items*—(1) *Disposal.* When it is definitely established that a dutiable package is undeliverable, detach the customs mail entry forms and treat the package as prescribed in § 24.4 (for postal union articles) or in § 32.5(b) (for parcel post). Mark the entry forms to show the reason for nondelivery and report as prescribed in § 61.5(f)(2).

(2) *Reporting.* Complete Form 2933, Register of Uncollected Customs Charges, in duplicate, listing uncollected items in numerical order according to the seven-digit serial numbers on the mail entries. Forward the original form 2933, accompanied with both copies of the mail entries and the supporting Customs Forms 3342 or other statements, if any, to the Regional Commissioner of Customs, Attention: Cashier, New York, NY 10004. File duplicate of Form 2933 for reference purposes. Prepare reports as needed, but not less frequently than weekly.

(3) *Past-due entries.* When the customs service fails to receive a remittance of duty or report of disposition made of a dutiable package, postmaster will receive a set of reproduced copies of the mail entry. Search shall be made at the post office of address and a report of the findings made to the Regional Commissioner of Customs, Attention: Cashier, New York, NY 10004.

(g) *Refund of Duty*—(1) *Duty not refundable by postmasters.* Amounts collected on customs mail entry forms are not refundable by postmasters. An addressee who requests a refund of duty shall be advised to make application therefor to the customs office which issued the mail entry within 90 days from date duty is paid. It is suggested, if refund is claimed for damage, the article be forwarded with the application. If the addressee wishes to abandon the article to the Government, he should so state in his application. In case the addressee also intends to file a claim for indemnity with the Postal Service, he shall, before taking the above action, present the contents, container, and complete wrapping to the postmaster for the inspection prescribed by form 2855, claim for indemnity—International Insured Mail.

(2) *By Customs Service.* Refund of duties paid will be considered by the Customs Service if merchandise, covered by a mail entry, representing 5 percent or more of the total value of all of the merchandise of the same class or kind entered in the invoice in which the item appears, is abandoned and delivered to the customs office where the entry was made within 90 days from the date duty was paid.

(3) *On returned merchandise.* Refund of duties paid less 1 percent will also be considered by the Customs Service if merchandise covered by a mail entry and found not to conform to sample or specification or shipped without the consent of the consignee is, within 90 days from the date of delivery, returned to customs custody for exportation, unless the Secretary of the Treasury authorizes in writing a longer time. The postal charges incident to returning the merchandise to the sender must be paid by the addressee.

(4) *As drawback on exported merchandise.* See Part 57 of this chapter.

(5) *No duty refund in certain cases.* When an addressee requests delivery of parcel post packages to be made at his residence or place of business after the customs duty has been paid at the post office, the Treasury Department will not refund the duty when the goods are lost en route. There is no appropriation available from which the Postal Service could make reimbursement for the amount of duty paid.

(h) *Duty*—(1) *Rates.* Customers desiring information concerning rates of duty on articles imported into the United States, or other customs procedure, should communicate with the appropriate customs office, located at various points throughout the country (see § 61.3(d)), or with the Commissioner of Customs, Treasury Department, Washington, DC 20226.

(2) *Prepayment.* No provision is made for the prepayment abroad of customs duty on mail shipments addressed for delivery in the United States.

(3) *On return of exported articles.* (i) Before sending an article abroad for alterations, repairs, use or replacement, the owner should submit it to a customs officer for issuance of a certificate of registration. Otherwise the entire article may be subjected to customs duty when it is returned to the United States.

(ii) Due to the absence of customs officers in many parts of the country, customers often are unable to have articles registered with the Customs Service before sending them abroad or are able to do so only after considerable expense and inconvenience. As a service to postal customers, postmasters or employees they designate may certify to the exportation of articles being mailed abroad for alteration, repairs, use or replacement under the following conditions:

(a) The customer must reside in an area which is outside a 20-mile radius of a customs office. In addition to the offices listed in § 61.3(d), customs officers are located at a number of additional points, and if a customer resides within a 20-mile radius of any of those customs offices he must have the article certified by a customs officer.

(b) The customer presents the package containing the article to be exported at the post office in an open state, together with a set (original and duplicate) of Customs Form 4455, Certificate of Registration, completed and signed by the owner of the article being exported. Customers may obtain the forms from any customs office. The customer must also present a completed Postal Service customs declaration form (described in §§ 21.4 and 31.4), as may be appropriate for the class of mail to be used, describing the article in the same terms as on the customs form.

(c) The postmaster or designated postal employee checks to see that the description of the article to be exported is the same on both the customs and Postal Service forms, and if the description is the same he certifies to the mailing (lading) by signing the "Signature of Customs Officer" space on both copies of the customs form. Certificate of mailing fees of 10 cents shall be charged and accounted for by affixing a 5-cent stamp to each of the two customs forms and canceling with a legible impression of the post office date stamp.

(d) Both copies of the customs form are returned to the customer who inserts the original in the package so the foreign shipper can include it in his package and thus facilitate processing when the merchandise is returned. The customer retains the duplicate for possible use in clearing the merchandise on its return.

(e) After the customer has inserted the original form he closes the package and the postal employee accepts it in the usual manner.

(4) *In other countries.* See § 31.2(d).

(i) *Forwarding or returning dutiable mail*—(1) *Forwarding within the United States.* Dispatch packages as prescribed in § 24.3(a) (for postal union articles) or § 32.4(a) (for parcel post). Allow the Customs Forms 3419 to remain attached to the redirected package in its original envelope, which is also redirected to the

new address. Prepare Form 3814, Record of COD Parcels Held for Delivery, in duplicate, showing name and address of addressee, forwarding address, and name of port where the duty was assessed. In Bin No. block on Form 3814, enter the seven-digit serial number from related Customs Form 3419. Mail original Form 3814 to the Regional Commissioner of Customs, Attention: Cashier, New York, NY 10004. File duplicate of Form 3814 for reference in case of later inquiry.

(2) *Forwarding to another country.* See § 24.3(b) concerning forwarding of postal union articles and §§ 32.4 (b) and (c) concerning forwarding of parcel post. When a dutiable package is entitled to be forwarded to another country, detach the Customs Forms 3419, endorse both copies "Addressee moved outside jurisdiction of the United States," and report as an uncollected item (see § 61.5(f)(2)).

(3) *Return to sender.* When a dutiable package is to be returned to the sender, detach the Customs Forms 3419, endorse them "Refused," "Unclaimed," etc., and report as an uncollected item (see § 61.5 (f)(2)).

(4) *By stations and branches.* Postmasters may authorize stations and branches to forward or return packages directly from those, units, without sending the packages to the main office.

PART 62—PLANT QUARANTINE INSPECTION

Sec.
62.1 What is subject to inspection.
62.2 Segregation and handling.
63.3 Inspection stations and offices.

AUTHORITY: The provisions of this Part 62 issued under 39 U.S.C. 401, 407.

§ 62.1 What is subject to inspection.

All packages which contain plants, plant products, soil, plant pests, or plant material used for packing are subject generally to plant quarantine inspection.

§ 62.2 Segregation and handling.

(a) *Packages for inspection.* Dispatch packages bearing green and yellow address labels to the Agriculture Department inspection points shown thereon. After inspection and clearance, mark packages "Release" or "Treated and Released," redirect to the addressees, and return to the mail for delivery.

(b) *Packages exempt from inspection.* Forward packages which bear Agriculture Department labels reading "Importation Authorized," if not damaged, directly for delivery to the addressees. If damaged, divert them for inspection as prescribed in § 62.2(c) after reconditioning if necessary.

(c) *Nonauthorized importations.* Forward packages containing the items mentioned in § 62.1 but not bearing any Agriculture Department labels or inspection stamps under seal to the postmaster at the most accessible place listed in § 62.3 marked "For plant quarantine inspection."

(d) *Prohibited contents.* Packages found on inspection to contain prohibited plant material may be released for delivery after removal of such material and insertion of a notice by the inspector; or the packages may be stamped "Refused entry" or similarly, in which case they shall be returned to origin.

§ 62.3 Inspection stations and offices.

Inspectors of the Plant Quarantine Division, Department of Agriculture, are stationed at the following places:

Agana, GU.
Aguadilla, PR. (Ramey AFB).
Anchorage, AL.
Astoria, OR.
Atlanta, GA.
Baltimore, MD.
Bangor, ME.
Baton Rouge, LA.
Blaine, WA.
Boston, MA.
Brownsville, TX.
Buffalo, NY.
Calexico, CA.
Charleston, SC.
Charlotte Amalie, VI.
Christiansted, VI.
Chicago, IL.
Cleveland, OH.
Corpus Christi, TX.
Dallas, TX.
Del Rio, TX.
Detroit, MI.
Douglas, AZ.
Dover AFB, DE.
Duluth, MN.
Eagle Pass, TX.
El Paso, TX.[1]
Fairfield, CA. (Travis AFB).
Falcon Heights, TX.
Fort Lauderdale, FL.
Galveston, TX.
Hidalgo, TX.
Hilo, HI.
Hoboken, NJ.[1]
Honolulu, HI.[1]
Houston, TX.
Jacksonville, FL.
Jamaica, NY. (J. F. Kennedy Airport).[1]
Key West, FL.
Laredo, TX.[1]
Los Angeles, CA.[1]
Memphis, TN.
Miami, FL.
Milwaukee, WI.
Mobile, AL.
Morehead City, NC.
New Orleans, LA.[1]
Newport News, VA.
New York, NY.
Nogales, AZ.
Norfolk, VA.
Pensacola, FL.
Philadelphia, PA.
Port Arthur, TX.
Portland, ME.
Portland, OR.
Presidio, TX.
Progreso, TX.
Providence, RI.
Roma, TX.
Rouses Point, NY.
St. Paul, MN.
San Antonio, TX.
San Bernardino, CA. (Norton AFB).
San Diego, CA.[1]
San Francisco, CA.[1]
San Juan, PR.[1]
San Luis, AZ.
Savannah, GA.
Seattle, WA.[1]
Tacoma, WA. (McChord AFB).
Tampa, FL.
Toledo, OH.
Trenton, NJ. (McGuire AFB).
Tucson, AZ.
Washington, DC.[1]
West Palm Beach, FL.
Wilmington, DE.
Wilmington, NC.

[1] Inspection stations.

INQUIRIES, INDEMNITIES, AND REFUNDS

PART 71—INQUIRIES AND COMPLAINTS

Sec.
71.1 Inquiries encouraged.
71.2 Nondelivery.
71.3 Return receipts.
71.4 Charges for inquiries.
71.5 Processing.
71.6 Use of Form 673, Report of Rifled Parcel.
71.7 Use of Form 3760, Wrapper Found Without Contents.

AUTHORITY: The provisions of this Part 71 issued under 39 U.S.C. 401, 407.

§ 71.1 Inquiries encouraged.

Customers are urged to report losses, nondelivery, or mistreatment of mail, as these reports may serve to improve the postal service. Inquiries and complaints are to be made at, or addressed to, the local post office. They are accepted within 1 year, counting from the day following the date of mailing.

§ 71.2 Nondelivery.

If an article has failed to reach the addressee within a reasonable time, after it should in regular course have been delivered, the post office will, on request, institute an inquiry with the foreign postal administration. Inquiry may be made even though the article was mailed in another country. If the sender is unable to submit the registry (mailing) receipt for a registered article, he must make complaint at the office of mailing.

§ 71.3 Return receipts.

If the sender receives a return receipt not properly completed (see § 42.5(d)), the receipt with the complaint is transmitted to the Mail Classification Division, Finance Department, U.S. Postal Service, Washington, DC 20260. Follow procedure in § 42.5(c) if customer has failed to receive a return receipt for which a fee was paid.

§ 71.4 Charges for inquiries.

(a) *When applicable.* No charge is made for an inquiry or complaint concerning the nondelivery of a piece of international mail if the sender has failed to receive a return receipt for which the required fee was paid or if he can show that loss or other irregularity has occurred apparently through fault of the Postal Service. Such a showing is satisfied either by exhibiting a letter from the addressee a reasonable time after the article involved would normally have been delivered; or satisfactorily explaining the failure to exhibit such a letter or report. Otherwise, a charge of 30 cents is made, postage stamps to cover the fee being affixed to the inquiry form and canceled. The inquiry or complaint is transmitted by airmail, if practicable.

(b) *When several articles involved.* Only one fee is collected for inquiries or requests for information concerning several articles mailed simultaneously by the same sender to the same addressee.

(c) *Telegraph inquiry.* If the sender desires that the inquiry be sent by telegraph or cable, his request must be accompanied with an amount sufficient to pay the telegraph or cable charges, and if a reply by telegraph or cable is desired, the sender must pay the charges both ways. Such request should be forwarded to the postal inspector in charge of the division in which the office mailing or address is located.

§ 71.5 Processing.

(a) *Mail exchanged with Canada*—(1) *Registered and ordinary*—(i) *Inquiries as to disposition or complaints of loss*—(*a*) *Mailed in the United States.* Inquiries are reported on Form 1510. Complete part II in duplicate. Destroy part I. Send original of parts II and III to the post office of address in Canada.

(*1*) If reply indicates no loss, send original of parts II and III with back of part III completed, to sender.

(2) If reply indicates loss:

(*i*) *Registered mail.* Enter dispatch particulars on reverse side of part II and send both copies to the Postmaster, Registry Section, Chicago, IL 60607, with the result of your findings.

(ii) *Ordinary mail.* Mail part III with reverse side completed to sender, and submit part II in duplicate to Postmaster, Claims and Inquiry Section, Chicago, IL 60607, with the result of your findings.

(b) *Mailed to United States.* Inquiries initiated by the addressees are reported on Form 1510. Complete part II in duplicate. Destroy part I. Send original of parts II and III to the post office of mailing in Canada, with part III appropriately altered. If registered mail is involved and the mailing receipt is not available, ask the complainant to have inquiry made at the office of mailing.

(1) If reply indicates no loss, send original of parts II and III with back of part III completed and appropriately altered, to the addressee.

(2) If reply indicates loss:

(i) *Registered mail.* Send both copies of part II to the Postmaster, Registry Section, Chicago, IL 60607, with the result of your findings. (See § 72.2(e).)

(ii) *Ordinary mail.* Mail part III with reverse side completed and appropriately altered, to the addressee, and submit part II in duplicate to Postmaster, Claims and Inquiry Section, Chicago, IL 60607, with the result of your findings.

(ii) *Complaints of rifling, damage, delay, or wrong delivery of mail originating in the United States or Canada.* Complete and suitably alter Form 1510. Send both copies to the Postmaster, Claims and Inquiry Section, Chicago, IL 60607, with envelope or wrapper, if available. If not available, so state.

(iii) *Inquiries of Canadian origin.* Post offices will return Canadian inquiries, appropriately endorsed with the result of their findings, to the point in Canada from which received. If loss of mail to or from Canada is disclosed, complete Form 1510. In case of mail from Canada, obtain the necessary information from the Canadian inquiry form before it is returned.

(a) If registered mail is involved, submit part II in duplicate to Postmaster, Registry Section, Chicago, IL 60607, with the result of your findings.

(b) If ordinary mail is involved, submit part II in duplicate to Postmaster, Claims and Inquiry Section, Chicago, IL 60607, with the result of your findings.

(2) *Insured parcels*—(i) *Mailed in United States.*—(a) *Inquiries as to disposition.* (Sender has no report of nonreceipt from addressee.) Complete Form 2855 and send to postmaster at the office of address in Canada. If delivery is disclosed, the endorsed form will be returned to the office of mailing so that the sender may be informed accordingly and the case closed. If loss, rifling, or damage is disclosed, Canadian officials will send Form 2855 to the Postmaster, Claims and Inquiry Section, Chicago, IL 60607. Should a form, disclosing loss, rifling, or damage, be sent by mistake to the postmaster at the office of mailing, send it promptly to the postmaster in Chicago (see § 71.4(a)).

(b) *Complaints of loss (Sender has report of nonreceipt from addressee), rifling, damage, delay, or wrong delivery.* Complete Form 2855 and send, with the correspondence received by the sender from the addressee, and wrapper if available, to the Postmaster, Claims and Inquiry Section, Chicago, IL 60607 (see § 72.1(b)).

(c) If application for indemnity is received on Canadian Form 43A, bearing information supplied by the addressee and the Canadian Postal Service for damage or rifling, complete the Form 43A, in lieu of Form 2855, and forward to the Postmaster, Claims and Inquiry Section, Chicago, IL 60607.

(ii) *Mailed to United States.* (a) If a complaint of loss, rifling, damage, delay, or wrong delivery originates in the United States, complete Form 1510 and send parts II and III of the original to the postmaster at the mailing office in Canada with the packing of the parcel if available. If the packing has been destroyed to otherwise disposed of, the complaint shall be endorsed accordingly. If complaint is of loss or rifling, send a copy of part II of Form 1510, endorsed to show disposition of the original, to the postal inspector in charge of the division in which the office of destination is located.

(b) On receipt of a Canadian indemnity form, it shall be properly completed and returned to the Canadian District Director of Postal Service from whom the form was received. If obtainable in cases of rifling or damage, the packing of the parcels shall be transmitted to the Canadian Administration with the indemnity form. If the packing has been destroyed or otherwise disposed of, the form shall be endorsed accordingly.

(b) *Mail exchanged with countries other than Canada*—(1) *Registered mail*—(i) *Mailed in United States.* Inquiries as to disposition or complaints of loss, rifling, damage, delay, or wrong delivery. Report on Form 542. Insert particulars of dispatch from the office of mailing and send form to the postmaster at the appropriate adjusting exchange office shown in § 72.2(f), with the envelope or wrapper, if available (see § 71.4(a)).

(ii) *Mailed to United States.* Inquiries as to disposition or complaints of loss, rifling, damage, delay, or wrong delivery. Report on Form 542 and send, with registry receipt, if available, to the postmaster at the appropriate adjusting exchange office shown in § 72.2(f), with the envelope or wrapper, if available. If the registry receipt is not available, ask the complainant to have inquiry made at the office of mailing.

(2) *Insured parcels*—(i) *Mailed in United States.* (a) Inquiries as to disposition (sender has no report of nonreceipt from addressee) and delay. Report on Form 542. Insert particulars of dispatch from the office of mailing and send form to the postmaster at the appropriate adjusting exchange office shown in § 72.2(f), with the wrapper, if available. (See § 71.4(a).)

(b) Complaints of loss (sender has report of nonreceipt from addressee), rifling, damage, or wrong delivery. Report on Form 2855, and send, with the correspondence received by the sender from the addressee, and wrapper if available, to the postmaster at the appropriate adjusting exchange office shown in § 72.2(f). (See § 72.1(b).)

(ii) *Mailed to United States.* (a) Inquiries as to disposition and delay. Report on Form 542 and send with the wrapper, if available, to the postmaster at the appropriate adjusting exchange office shown in § 72.2(f).

(b) Complaints of loss, rifling, damage, or wrong delivery. When complaint is made at the office of address, enter mailing particulars on Form 2855, complete declaration of postmaster—office of address portion—and obtain declaration of addressee. Forward form and any related papers, including customs declaration and wrapper, if available, to the postmaster at the appropriate adjusting exchange office shown in § 72.2(f).

(3) *Ordinary mail mailed in or to United States.* Inquiries as to disposition or complaints of loss, rifling, damage, delay, or wrong delivery. Report on Form 542 (parcel post) and on Form 541 (postal union mail). Send forms to the postmaster at the appropriate adjusting exchange office shown in § 72.2(f), with the envelope or wrapper, if available (see § 71.4(a)).

§ 71.6 Use of Form 673, Report of Rifled Parcel.

Report on Form 673, Report of Rifled Parcel.

§ 71.7 Use of Form 3760, Wrapper Found Without Contents.

Use Form 3760 to inform the sender if parcel is of domestic origin; otherwise, send the form appropriately modified to the addressee.

PART 72—INDEMNITY CLAIMS AND PAYMENTS

Sec.
72.1 Initiation and proof of claims.
72.2 Indemnity payments.

AUTHORITY: The provisions of this Part 72 issued under 39 U.S.C. 401, 407.

§ 72.1 Initiation and proof of claims.

(a) *Initiation of claims.* Claims must be initiated as outlined in § 71.5 in applying for the indemnity stipulated in § 72.2.

(b) *Documents to accompany claims.* Claimants must submit the report from the addressee on which the claim is based and any evidence of value or cost of repairs, such as purchase receipts or invoices.

§ 72.2 Indemnity payments.

(a) *Registered postal union articles.* Payment of indemnity is incumbent on the country of origin of the article and is made as follows:

(1) *Canada.* Indemnity may be paid not to exceed $200, based on actual value, for loss (contents and wrapper). When mailed in the United States, payment may also be made up to $200 based on actual value for damage or rifling of contents, if responsibility rests with the

United States, or it is not possible to determine in which country the damage or rifling occurred.

(2) *Great Britain and Northern Ireland, Israel and Switzerland.* Indemnity may be paid in any amount claimed not exceeding $13.07 for loss (contents and wrapper), regardless of value; and, on the basis of actual value, for rifling or total damage of an article in a registered packet, but not exceeding $13.07. When mailed in the United States, payment may also be made for partial damage, but not exceeding $13.07, if responsibility rests with the United States or it is not possible to determine in which country the damage occurred.

(3) *Australia.* Indemnity may be paid in any amount claimed not exceeding $13.07 for loss (contents and wrapper), regardless of value; and, on the basis of actual value, for rifling of an article in a registered packet, but not exceeding $13.07. When mailed in the United States, payment may also be made for damage, but not exceeding $13.07, if responsibility rests with the United States, orbit is not possible to determine in which country the damage occurred.

(4) *All other countries.* Indemnity may be paid in any amount claimed not exceeding $13.07 for loss (contents and wrapper), regardless of value. When mailed in the United States, payment may also be made up to $13.07 on the basis of actual value for damage or rifling of contents (including instances when money in cash, banknotes, or values payable to bearer are prohibited by international agreements), if responsibility rests with the United States or it is not possible to determine in which country the damage or rifling occurred.

(b) *Registered parcel post*—(1) *Cape Verde Islands and Portuguese West Africa.* Indemnity may be paid up to $16.33, based on actual value, for loss, rifling, or damage.

(2) *Ecuador.* Indemnity may be paid up to $50, based on actual value, for loss, rifling, or damage.

(3) *Other countries.* Although parcels may be registered to Bermuda, British Honduras, Congo (Kinshasa), Jamaica, and Turks Islands, there is no provision for payment of indemnity in case of loss, rifling, or damage of such parcels.

(c) *Insured parcel post*—(1) *General provisions.* Indemnity may be paid for loss, rifling, or damage, based on actual value.

(2) *Forwarded or returned to third country.* The mailer may be paid only such indemnity for loss, rifling, or damage occurring after redispatch by the original country of address to a third country as the country in which the mistreatment occurred is willing or obligated to pay under any agreement between the countries involved.

(3) *Canada.* Indemnity may be specially paid as provided in § 72.2(c)(1) for loss, rifling, or damage of insured parcels addressed to Canada containing articles prohibited insurance.

(d) *Principal exceptions.* Indemnity may not be paid:

(1) In excess of the limit prescribed for the insurance or registry fee paid or greater than that corresponding to the actual amount of loss (except registered postal union), rifling, or damage. Allowance must be made for depreciation or for needed repairs, and, in the absence of purchase receipts or invoices, the contents must be described in sufficient detail.

(2) To anyone in this country other than the sender, for loss of registered postal union mail, except on the consent of both the sender and the country of origin.

(3) For damage or for partial or complete loss or rifling of the contents of postal union registered articles, except as stated in § 72.2(a).

(4) When (i) other countries report delivery of parcels without external trace of rifling or damage and acceptance without reservation concerning the condition of the contents, and (ii) when delivery was made under conditions prescribed by the domestic regulations of the country of destination for mail of the same kind, or, on presentation of a regular postal identity card.

(5) When loss, rifling, or damage has been caused by the fault or negligence of the sender or the addressee or the representative of either, such as failure to endorse the parcel conspicuously to show the nature of the contents or to provide adequate packing for the length of the journey and for the protection of the contents.

(6) When an article or parcel cannot be accounted for in consequence of the destruction of service records through "force majeure."

(7) When the contents are prohibited, except as stated in § 72.2 (a)(4) and (c)(3).

(8) When the claimant, with intent to defraud, shall declare the contents of a parcel to be above their real value.

(9) For an article or parcel seized by the customs.

(10) For parcels that contain matter of no intrinsic value or matter which did not conform to stipulations of the conventions applicable, or were not posted in the manner prescribed. However, in the event of loss, rifling, or damage of mail erroneously accepted for insurance to other countries, limited indemnity may specially be paid as if it had been addressed to a domestic destination, i.e., on the basis of the indemnity limits for domestic insured mail. If erroneously accepted as registered mail limited indemnity may be specially paid under the conditions in § 72.2(a). If postage was erroneously collected at other than parcel post rates, but the parcel was otherwise properly accepted for insurance, indemnity may specially be paid under § 72.2(c).

(11) For indirect loss or loss of profits in the case of parcels.

(12) When no inquiry or application for indemnity has been made by claimant or his representative within a year commencing with the day following the posting of the article or parcel. In the case of insured mail with Canada, however, the time limit may be waived when it is satisfactorily established that the delay was unavoidable and not the fault of the claimant.

(13) For damage which results from the inherent vice or quality of the contents, that is, its inability, due to its nature, to withstand the ordinary incidents of the contemplated carriage.

(14) When full compensation or reimbursement has otherwise been made by the Postal Service or by any outside firm or corporation whatsoever except on a pro rata basis as co-insurer.

(15) For sentimental values arising from association of articles. Also, in the absence of a complete description, the claimant must satisfactorily establish the ordinary market value at the time of mailing, particularly in the case of heirlooms or antiques.

(16) For an amount in excess of the maximum prescribed for the insurance or registry fee paid, unless responsibility rests with the United States and it shall be shown to the satisfaction of the Postmaster General that the mailer was charged a fee less than that required to cover the amount of indemnity desired, through error on the part of the Postal Service. On such a showing, the deficiency in fee may be collected from the mailer and postal indemnity paid, within the limit fixed for the higher fee. If full or partial responsibility rests with the other country and the mailer requested full coverage at the time of mailing, but a deficient and unauthorized insurance fee was collected, he may be paid for full value, less the amount of the deficient fee, but not exceeding the limit fixed for the appropriate insurance fee.

(17) For loss of articles registered free or for official registered mail.

(18) When evidence of insurance coverage has not been presented.

(19) In excess of the limits prescribed in § 72.2(a) for domestic registered letters bearing foreign return addresses which are forwarded pursuant to § 23.4 (b)(2).

(e) *When to be instituted.* Claims for indemnity involving international registered mail, and insured mail for which inquiry concerning disposal has been made, shall be instituted only on instructions from the postmasters at the appropriate adjusting exchange offices shown in § 72.2(f), except as otherwise specifically provided for in § 71.5(a)(2)(i) for insured mail to Canada.

(f) *Adjusting exchange offices.* Indemnity claims relating to international insured or registered mail shall be adjudicated and approved by the adjusting exchange office for the country involved as indicated below.

New York, NY 10001

Europe.
Africa.
Afghanistan.
Iran.
Iraq.
Israel.
Jordan.
Lebanon.
Pakistan.
Saudi Arabia
Syria.
Turkey.
Yemen.

New Orleans, LA 70113

Central and South America.
Mexico.
West Indies.

Chicago, IL 60607

Canada.

San Francisco, CA 94101

All other countries (in Pacific area).

PART 73—POSTAGE REFUNDS

Sec.
73.1 Who may apply.
73.2 Processing.

AUTHORITY: The provisions of this Part 73 issued under 39 U.S.C. 401, 407.

§ 73.1 Who may apply.

Senders may file application as outlined in § 147.2(b) of this chapter for refund of postage, fees, or other charges paid on international mail for which full service was not rendered or which was paid in excess of the proper rate.

§ 73.2 Processing.

Post offices will process applications as prescribed in § 147.2(f) when the request relates to mail originating in the United States, unless there is reason to believe that the other country is at fault. Forward application with the wrapper and all supporting papers to the Mail Classification Division, Finance Department, U.S. Postal Service, Washington, DC 20260, when there is reason to believe that the other country is at fault or when the request relates to mail originating in another country.

PART 74—INFORMATION APPLICABLE TO INDIVIDUAL COUNTRIES

§ 74.1 Information applicable to individual countries.

Detailed information respecting mail service to specific foreign countries, including restrictions imposed by foreign governments on mail matter for those countries, is contained in Postal Service Publication 42, International Mail. This publication may be examined at post offices, and can be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

LOUIS A. COX,
General Counsel.

OCTOBER 16, 1972.

[FR Doc.72-17816 Filed 10-18-72;8:46 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 2—NONADJUDICATIVE PROCEDURES

Change of Title to "Administrative Law Judge"

By amendment of Subpart B, Part 930, Title 5, Code of Federal Regulations, effective August 17, 1972, the Civil Service Commission has changed the title "Hearing Examiner" to "Administrative Law Judge" (37 F.R. 16787).

In conformity with this change, notice is hereby given that the title "Hearing Examiner" as used in Part 2—Nonadjudicative Procedures, of Chapter I, Subchapter A of Title 16 of the Code of Federal Regulations is hereby changed to "Administrative Law Judge."

Effective upon publication in the FEDERAL REGISTER (10-20-72).

By direction of the Commission, dated October 5, 1972.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-17962 Filed 10-19-72;8:59 am]

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

Change of Title to "Administrative Law Judge"

By amendment of Subpart B, Part 930, Title 5, Code of Federal Regulations, effective August 17, 1972, the Civil Service Commission has changed the title "Hearing Examiner" to "Administrative Law Judge" (37 F.R. 16787).

In conformity with this change, notice is hereby given that the titles "Hearing Examiner" and "Examiner" as used in Part 3—Rules of Practice for Adjudicative Procedings, of Chapter I, Subchapter A of Title 16 of the Code of Federal Regulations are hereby changed to "Administrative Law Judge."

Effective upon publication in the FEDERAL REGISTER (10-20-72).

By direction of the Commission, dated October 5, 1972.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-17963 Filed 10-19-72;8:59 am]

PART 4—MISCELLANEOUS RULES

Change of Title to "Administrative Law Judge"

By amendment of Subpart B, Part 930, Title 5, Code of Federal Regulations, effective August 17, 1972, the Civil Service Commission has changed the title "Hearing Examiner" to "Administrative Law Judge" (37 F.R. 16787).

In conformity with this change, notice is hereby given that the title "Hearing Examiner" as used in Part 4—Miscellaneous Rules, of Chapter I, Subchapter A of Title 16 of the Code of Federal Regulations is hereby changed to "Administrative Law Judge."

Effective upon publication in the FEDERAL REGISTER (10-20-72).

By direction of the Commission, dated October 5, 1972.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-17964 Filed 10-19-72;8:59 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture by section 8a(5) of the Commodity Exchange Act, as amended (7 U.S.C. 12a(5)), § 1.3 of Part 1, §§ 15.00, 15.02, and 15.03 of Part 15, and § 18.03 of Part 18 of the regulations under said Act are amended as set forth below.

Sections 1.3, 15.02, 15.03, and 18.03 relate to coconut oil and frozen boneless beef, for which contract markets have been designated for trading under the Commodity Exchange Act. Section 1.3 adds coconut oil and frozen boneless beef to the definition of "commodity"; § 15.02 shows the reporting forms required for those commodities; § 15.03 shows the quantities fixed for reporting for those commodities; and § 18.03 shows the places where traders are to file required reports for those commodities.

Section 15.00 contains a clarifying change to show that the term "reportable position" is based on the size of an open position at the close of the market on any business day.

Section 15.03 contains a language change under the quantities fixed for reporting purposes for wool, wool tops, lard, tallow, cottonseed oil, soybean oil, cottonseed meal, and soybean meal to read "25 contract units". This amendment does not change the physical quantities fixed for reporting purposes for those respective commodities but translates them into terms commonly used by the trade. A further change in § 15.03 raises the quantity fixed for reporting millfeeds from 1,000 tons (approximately 10 contract units) to 25 contract units so that the reporting level for millfeeds is comparable to that for other like commodities.

Accordingly, §§ 1.3, 15.00, 15.02, 15.03, and 18.03 of Chapter I of Title 17 of the Code of Federal Regulations are amended as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

1. Section 1.3(e) is revised to read as follows:

§ 1.3 Definitions.

* * * * *

(e) Commodity. This term means and includes wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, millfeeds, butter, eggs (including shell eggs, frozen whole eggs, frozen plain egg whites, and frozen plain egg yolks),

onions, Irish potatoes, wool, wool tops, fats and oils (including lard, tallow, cottonseed oil, peanut oil, soybean oil, coconut oil, and all other fats and oils), cottonseed meal, cottonseed, peanuts, soybeans, soybean meal, livestock (including live cattle and live hogs), livestock products (including frozen pork bellies, frozen skinned hams, steer carcass beef, frozen boneless beef, and hides), and frozen concentrated orange juice.

* * * * *

PART 15—REPORTS—GENERAL PROVISIONS

2. Section 15.00(b) is revised to read as follows:

§ 15.00 Definitions.

As used in Parts 15–20 of this chapter:

* * * * *

(b) *Reportable position.* This term means any open contract position in any one future of any commodity on any one contract market, which, at the close of the market on any business day, equals or exceeds the quantity fixed in sec. 15.03 for reporting purposes for the particular commodity.

* * * * *

3. Section 15.02 is revised by amending the table of reporting forms to read as follows:

§ 15.02 Reporting forms.

* * * * *

Commodity	Clearing members (series 00 forms)	Futures commission merchants and foreign brokers (series 01 forms)	Traders who hold or control reportable positions (series 03 forms)	Merchants, processors, and dealers (series 04 forms)
Wheat, Corn, Oats, Rye, Barley, Flaxseed, Soybeans, Grain sorghums	200	201	203	204
Cotton	300	301	303	304
Butter	400	401	403	None
Eggs	500	501	503	504
Potatoes	600	601	603	604
Millfeeds	700	701	703	None
Wool, Wool tops	800	801	803	None
Lard, Tallow, Cottonseed oil, Soybean oil, Coconut oil, Cottonseed meal, Soybean meal	900	901	903	None
Live cattle	1200	1201	1203	None
Frozen boneless beef	1300	1301	1303	None
Live hogs	1400	1401	1403A	None
Frozen pork bellies, Frozen skinned hams	1400	1401	1403B	None
Hides	1500	1501	1503	None
Frozen concentrated orange juice	1600	1601	1603	None

4. Section 15.03 is revised by amending the table showing quantities fixed for reporting to read as follows:

§ 15.03 Quantities fixed for reporting.

* * * * *

Commodity	*Quantity*
Wheat ---bushels	200,000
Corn ---do	200,000
Oats ---do	200,000
Rye ---do	200,000
Barley ---do	200,000
Flaxseed ---do	200,000
Soybeans ---do	200,000
Grain sorghums---pounds	11,200,000
Cotton ---bales	5,000
Wool ---contract units	25
Wool tops---do	25
Butter ---carlots	25
Eggs, shell---do	25
frozen whole ---contract units	25
frozen plain whites---do	25
frozen plain yolks---do	25
Potatoes ---carlots	25
Lard ---contract units	25
Tallow ---do	25
Cottonseed oil---do	25
Soybean oil---do	25
Coconut oil---do	25
Cottonseed meal---do	25
Soybean meal---do	25
Millfeeds ---do	25
Live cattle---do	25
Frozen boneless beef---do	25
Live hogs---do	25
Frozen pork bellies---do	25
Frozen skinned hams---do	25
Hides ---do	25
Frozen concentrated orange juice---do	25

PART 18—REPORTS BY TRADERS

5. Section 18.03 (a) and (b) are revised to read as follows:

§ 18.03 Time and place of filing reports.

* * * * *

(a) Reports with respect to transactions in wheat, corn, oats, rye, barley, flaxseed, soybeans, grain sorghums, butter, eggs, lard, tallow, soybean oil, coconut oil, cottonseed meal, soybean meal, millfeeds, live cattle, live hogs, frozen pork bellies, and frozen skinned hams—to the Commodity Exchange Authority office in Chicago, Ill., unless otherwise specifically instructed by the Commodity Exchange Authority.

(b) Reports with respect to transactions in cotton, wool, wool tops, potatoes, cottonseed oil, hides, frozen boneless beef, and frozen concentrated orange juice—to the Commodity Exchange Authority office in New York, N.Y., unless otherwise specifically instructed by the Commodity Exchange Authority.

Among commodities listed in the Commodity Exchange Act are "all other fats and oils," which includes coconut oil, and "livestock products," which includes frozen boneless beef. It is necessary that all traded commodities, including coconut oil and frozen boneless beef, be specifically identified in the CEA regulations for the purpose of showing the reporting forms, quantities fixed for reporting, and place of filing reports as they apply separately to each of those respective commodities. Recently the Pacific Commodities Exchange, Inc., was designated as a contract market for coconut oil, and trading is scheduled to begin within 30 days. The other revisions made by these amendments are minor or editorial in nature. It does not appear that notice and public procedure would make additional information available to the Department.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure on these amendments is impracticable, unnecessary, and contrary to the public interest.

In order to enforce the reporting requirements covering coconut oil, it is important to make these amendments effective at the earliest possible date.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that publication 30 days in advance of the effective date should be dispensed with.

The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER (10–20–72).

(Secs. 4g, 4i, 8a as added and amended, 49 Stat. 1496, 1500; 69 Stat. 535; 82 Stat. 28, 32, 33; 7 U.S.C. 6g, 6i, 12a)

NOTE: The reporting requirements contained herein have been approved by the Office of Management and Budget in accord with the Federal Reports Act of 1942 (44 U.S.C. Ch. 12).

Issued: October 13, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-17826 Filed 10-19-72;8:45 am]

Chapter II—Securities and Exchange Commission

[Release No. 34-9823]

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

Disclosure and Other Requirements When Extending or Arranging Credit in Certain Transactions

The Securities and Exchange Commission today announced that it has amended Rule 15c2-5 [17 CFR 240.15c

2-5] under the Securities Exchange Act of 1934 ("Exchange Act") to provide that the disclosure and suitability determination requirements of paragraph (a) of that rule would apply to credit extended or arranged for by a broker or dealer pursuant to section 4(k) of Regulation T promulgated by the Board of Governors of the Federal Reserve System ("Board of Governors").

On August 10, 1972, in Securities Exchange Act Release No. 9706, and in the FEDERAL REGISTER for August 12, 1972, at 37 F.R. 16409, the Commission published its proposal to amend Rule 15c2-5. It has considered the comments and suggestions received in response to that proposal and now amends the rule as set forth below.

Rule 15c2-5 requires brokers and dealers to make certain written disclosures to customers prior to effecting securities transactions with them which would involve an extension or arrangement of credit other than that governed by Regulation T margin requirements. Among other things, the rule requires the disclosure of exact information as to the nature and extent of customer's obligations, including the specific charges he would incur in each period during which the extension of credit would be continued, the risks and disadvantages which he would incur and the commissions and other remuneration which would be received by the broker or dealer or any other person participating in the transaction. In addition, the rule provides that the broker or dealer must make a determination as to the suitability of the security for the customer and that he deliver to the customer a written statement setting forth the basis upon which the broker or dealer made such determination.

Although the adoption of the rule was prompted by the development of arrangements commonly called "equity funding," "secured funding," or "life funding" programs (hereinafter called insurance premium funding programs), the rule was broadly worded to encompass other types of arrangements which would involve the borrowing of funds by customers in a manner other than by conventional margin securities transactions governed by Regulation T. Accordingly, to eliminate any possible ambiguity on the subject, an exception was included as paragraph (b) of the rule excluding extensions of or arrangements for credit made by brokers or dealers in compliance with the provisions of Regulation T.

Subsequently, on June 2, 1969, the Board of Governors added section 4(k) to Regulation T to include within the margin regulations of Regulation T credit arranged for or extended in connection with the sale of insurance premium funding programs by permitting brokers and dealers who are issuers or subsidiaries or affiliates of issuers of such programs to extend or arrange for the extension of credit in connection with such programs on specified terms. More recently, on July 25, 1972, the Board of Governors further amended the section, effective September 5, 1972, to permit all brokers and dealers to engage in such credit extension and arranging activities with respect to insurance premium funding programs, provided that they do not extend, arrange or maintain any other securities credit except for purchases of mutual fund shares in a special cash account under Regulation T.

In light of these amendments to Regulation T, it is appropriate to clarify the continuing applicability of the salutary provisions of Rule 15c2-5 to the sale of insurance premium funding programs. This has been accomplished by including in paragraph (b) of the rule a proviso modifying the exception contained therein for any extensions of credit or loans arranged by a broker or dealer pursuant to Regulation T by excluding from that exception transactions in special premium funding accounts within the meaning of section 4(k) of Regulation T.

Commission action. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 15(c)(2) and 23(a) thereof, and deeming it in the public interest and for the protection of investors, hereby amends § 240.15c2-5 of Chapter II of Title 17 of the Code of Federal Regulations by amending paragraph (b) of said section as set forth below, effective December 1, 1972.

§ 240.15c2-5 Disclosure and other requirements when extending or arranging credit in certain transactions.

* * * * *

(b) This section shall not apply to any credit extended or any loan arranged by any broker or dealer subject to the provisions of Regulation T (issued by the Board of Governors of the Federal Reserve System) if such credit is extended or such loan is arranged, in compliance with the requirements of such regulation, only for the purpose of purchasing or carrying the security offered or sold: *Provided, however,* That notwithstanding this paragraph, the provisions of paragraph (a) shall apply in full force with respect to any transaction involving the extension of or the arrangement for credit by a broker or dealer in a special insurance premium funding account within the meaning of section 4(k) of Regulation T.

* * * * *

(Secs. 15(c)(2), 23(a), 48 Stat. 895, 901, 49 Stat. 1379, 15 U.S.C. 78o(c)(2), 78w)

By the Commission.

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

OCTOBER 18, 1972.

[FR Doc.72-17953 Filed 10-19-72;9:01 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 3—Department of Health, Education, and Welfare

PART 3-3—PROCUREMENT BY NEGOTIATION

Subpart 3-3.1—Use of Negotiation

On pages 13999 and 14000 of the FEDERAL REGISTER of July 15, 1972, there was published a notice of proposed rule making to issue a regulation establishing policies and procedures for debriefing unsuccessful offerors in competitively negotiated procurements. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

No objections have been received, and the proposed regulations are hereby adopted, subject to the following changes:

1. In paragraph (a)(1) of § 3-3.103-50 the words "Exceptions or deviations from debriefing policy and procedures will be submitted to the Director, Office of Procurement and Materiel Management, OASAM, for approval" are changed to read, "Requests for exceptions or deviations from debriefing policy and procedures shall be submitted to the Director, Office of Procurement and Materiel Management, OASAM, for approval."

2. In paragraph (b)(2) of § 3-3.103-50 the words, "of an award" are changed to read, "for an award."

(5 U.S.C. 301; 40 U.S.C. 486(c))

Effective date. These regulations shall become effective upon publication in the FEDERAL REGISTER (10-20-72).

Dated: October 16, 1972.

N. B. HOUSTON,
Deputy Assistant Secretary for Administration.

1. Table of contents of Part 3-3 is amended to add a Subpart 3-3.1 as follows:

Subpart 3-3.1—Use of Negotiation

Sec.
3-3.103 Dissemination of procurement information.
3-3.103-50 Notifying and debriefing of unsuccessful offerors.

2. Subpart 3-3.1 is added to read as follows:

Subpart 3-3.1—Use of Negotiation

§ 3-3.103 Dissemination of procurement information.

§ 3-3.103-50 Notifying and debriefing of unsuccessful offerors.

(a) *Policy.* (1) The policy of this Department is to provide a debriefing, when requested in writing, to an offeror

that has unsuccessfully competed for a DHEW procurement. Requests for exceptions or deviations from debriefing policy and procedures shall be submitted to the Director, Office of Procurement and Materiel Management, OASAM, for approval.

(i) Tell an unsuccessful offeror which areas of his proposal were judged to be weak and deficient and whether the weaknesses or deficiencies were factors in his not having been selected;

(ii) Identify the factors which were the basis for selection of the successful contractor. If the quality of the successful offeror's proposal to satisfy the mission requirement was the basis, the unsuccessful offeror should be so informed, and given a general comparison of significant areas, but not a point-by-point comparison of all the elements considered in the evaluation criteria. If the successful offeror was selected on the basis of cost, the unsuccessful offeror should be told that such is the case. If selection was based on other factors, they should be specified.

(3) If an unsuccessful offeror feels that his failure to obtain the award was not justified, he will rely, at least in part, on the information given him in the debriefing to determine whether he should seek recourse. Accordingly, it is essential that a debriefing be conducted in a scrupulously fair, objective, and impartial manner, and that the information given the unsuccessful offeror be absolutely factual and consistent with the findings of the Contracting Officer and the basis on which he made the award.

(4) A debriefing should not reveal:

(i) Confidential or privileged commercial or financial information, trade secrets, techniques, or processes of the other offerors; and

(ii) The relative merits or technical standing of the unsuccessful offerors.

(b) *Procedures.* (1) Once a procurement action has been initiated, through the evaluation process, and even after the selection of a contractor, all queries as to the relative merits of the submitted proposals shall be courteously but firmly directed to the Contracting Officer. All other personnel will avoid exchange of comments with all offerors.

(2) Upon determination that an offeror is eliminated from consideration for an award, formal notification of such fact may be made immediately if the Contracting Officer deems it appropriate. Particular care should be taken to insure that the notification letter advises that offeror that proposed revisions will not be considered. Notification will be made to the remainder of the unsuccessful offerors promptly after the award has been made. The post-award notification shall include the name of the successful offeror, amount of award, and number of proposals received. The above procedure is applicable to procurements over $10,000. Upon request, in accordance with paragraph (a) of this section, unsuccessful offerors shall be furnished the reasons why their proposals were not accepted.

(3) All DHEW employees who receive from an unsuccessful offeror a request, written or oral, for a debriefing shall immediately refer the request to the contracting officer. If the request is made orally the contracting officer shall require that the request be reduced to writing. The contracting officer or his designee shall be present at all debriefings and shall review written debriefings prior to release.

(4) In some cases it may be necessary to arrange informal debriefings for an unsuccessful offeror's personnel by DHEW evaluation participants. This determination will be made by, and meeting arrangements will be the responsibility of, the contracting officer.

(5) It is most important that all DHEW personnel engaged in the evaluation and selection process be aware of the foregoing policies and procedures. Detailed and complete records of the procurement will be maintained by key technical and contracting personnel in a manner which will facilitate either a written or an oral debriefing of any unsuccessful offeror.

(c) *Report.* When a debriefing is held, a brief report, summarizing the results of the debriefing, will be prepared and placed in the contract file.

[FR Doc.72-17965 Filed 10-19-72;8:56 am]

Chapter 5A—Federal Supply Service, General Services Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 5A of title 41 is amended as follows:

PART 5A-1—GENERAL

The table of contents of Part 5A-1 is amended to delete § 5A-1.305-71 and add the following:

Sec.

5A-1.370	Warranties.
5A-1.370-1	General.
5A-1.370-2	Policy.
5A-1.370-3	Use of a warranty.
5A-1.370-4	Warranty clause for supply contracts.
5A-1.370-5	Warranty statement in purchase orders.

Subpart 5A-1.3—General Policies

§ 5A-1.305-71 [Deleted]

Section 5A-1.305-71 is deleted.

Sections 5A-1.370 through 5A-1.370-5 are added as follows:

§ 5A-1.370 Warranties.

§ 5A-1.370-1 General.

A warranty clause gives the Government a contractual right to assert claims regarding the deficiency of supplies or services furnished, notwithstanding any other contractual provision pertaining to acceptance by the Government. Such a clause allows the Government additional time after acceptance in which to assert a right to correction of the deficiencies or defeats, reperformance, an equitable adjustment in contract price, or other remedies. This additional period of time may begin at the time of delivery or at the occurrence of a specified event and may run for a given number of days or months or until occurrence of another specified event. The value of a warranty clause depends upon the circumstances of the procurement; and its use, terms, and conditions are influenced by many factors (see § 5A-1.370-3(b)). A warranty clause may be tailored to fit the individual procurement or class of procurements and may include special provisions for items shipped to overseas customers.

§ 5A-1.370-2 Policy.

(a) A warranty clause shall be used when it is found to be in the best interests of the Government after an analysis of the factors listed in § 5A-1.370-3(b).

(b) Any warranty clause included in a contract shall not limit any rights afforded to the Government by the provision of the inspection clause relating to latent defects, fraud, and gross mistakes that amount to fraud. Care should be taken to insure that the warranty clause used and any other warranty provision in the contract (e.g., in the specification) are consistent, especially where performance specifications are used.

§ 5A-1.370-3 Use of a warranty.

(a) Except for commercial warranties and warranties contained in Federal or military specifications, the decision to use a warranty clause shall be approved at the branch level in the Procurement Operations Division and at the division level in the Special Programs Division and the regional offices. Except for FSC class 8010 items, the approval of the Assistant Commissioner for Procurement, FSS, shall be obtained prior to using any warranty clause not substantially similar to the warranty clause set forth in § 5A-1.370-4. For FSC class 8010, see § 5A-72.106-7.

(b) In deciding whether to use a warranty clause, the following factors shall be considered:

(1) Nature of the item and its end use;

(2) Cost of the warranty and degree of price competition as it may affect this cost;

(3) Criticality of meeting specifications;

(4) Damages to the Government that might be expected to arise in the event of defective performance;

(5) Cost of correction or replacement, either by the contractor or another source, in the absence of a warranty;

(6) Administrative cost and difficulty of enforcing the warranty;

(7) Ability to take advantage of the warranty, as conditioned by storage time, distance of the using agency from the source, or other factors;

(8) Operation of the warranty as a deterrent against deficiencies;

(9) The extent to which Government acceptance is to be based upon contractor inspection or quality control;

(10) Whether because of the nature of the items the Government inspection system would not be likely to provide adequate protection without a warranty;

(11) Whether the industry's present quality program is reliable enough to provide adequate protection without a warranty, or, if not, whether a warranty would cause the contractor to institute an effective and reliable quality program;

(12) Reliance on "brand-name" integrity;

(13) Whether a warranty is regularly given for a commercial component of the end item being procured;

(14) Criticality of item for protection of personnel or property;

(15) Extent to which specifications safeguard the interest of the Government;

(16) The stage of development of the item and the state of art; and

(17) Customary trade practices.

(c) Scope of warranty clause:

(1) The terms and conditions of a warranty clause vary with the circumstances of the procurement. The clause must state the duration of the warranty. The clause may either provide that the contractor will be liable for defects or nonconformance to contract requirements existing at the time of delivery or provide that the contractor will be liable for such defects or nonconformance which develop prior to the expiration of a specified period of time or before the occurrence of a specified event.

(2) Where the Government specifies the design of the item and its precise measurements, tolerances, materials, tests, or inspection requirements, the contractor's liability for defects or nonconformance should usually be limited to those in existence at the time of delivery.

(3) Where a contract contains performance specifications and design is of minor importance, the contractor's liability may extend to defects or nonconformance to specifications which may arise after delivery of the supplies or acceptance of the services. Normally, the warranty should be limited to defects or nonconformance existing at the time of delivery of the supplies or acceptance of the services.

(4) Ordinarily, the remedy provided under a warranty clause to return nonconforming supplies to the contractor for correction or replacement should satisfy the Government's needs. However, where the supplies are of such nature (e.g., subsistence or drugs) that correction or replacement does not afford adequate remedy to the Government, the clause should provide: (i) That the contracting officer may either return the supplies to the contractor, dispose of them in a reasonable manner, or replace with similar supplies, and (ii) that the contractor shall be liable for any cost occasioned to the Government thereby.

(5) When it can be foreseen that it will not be practical to return an article for correction or replacement because of the nature of its use or the cost of preparation for its return (e.g., where operating equipment installed in a vessel, automobile, or truck needs only a correction or adjustment but to return it would require substantial expense of removal from where it is installed), the clause should provide that the contractor or the Government may: (i) Correct the article in place at its location at the contractor's expense, or (ii) provide that the contractor shall furnish necessary replacement parts.

(6) Where it is determined that a warranty for the entire item is not advisable, a warranty may be required for a particular aspect of the item which may need special protection (e.g., installation, components, accessories, parts, subassemblies and preservation, packaging, and packing, etc.).

(d) Where a warranty clause is used in a supply contract, consideration shall be given to the inclusion of a provision requiring that the warranted items be so marked or that a warranty notice be furnished with the items. The marking or notice need not state the complete warranty; however, a statement noting that a warranty exists, its duration, and whom to notify concerning defects usually will suffice.

§ 5A–1.370–4 Warranty clause for supply contracts.

(a) The following sets forth provisions to be used when developing a warranty clause for a specific commodity. These provisions may be modified to accommodate special requirements (but see § 5A–1.370–3(a)).

WARRANTY OF SUPPLIES

(a) Notwithstanding inspection and acceptance by the Government of supplies furnished under the contract or any provision of this contract concerning the conclusiveness thereof, the Contractor warrants that for (enter specific warranty period (such as "one (1) year after specified date") or other applicable warranty provision) all supplies furnished under this contract will be free from defects in material or workmanship and will conform with the specifications and all other requirements of this contract. Unless otherwise provided, the warranty period shall begin 60 days after date of shipment.

(b) Unless otherwise provided, this warranty is applicable both within and outside the continental limits of the United States.

(c) Within a reasonable time after discovery of any breach of this warranty, the Contracting Officer or other Government representative shall give written notice to the Contractor and either: (i) Require the prompt correction or replacement of any supplies or part thereof (including preservation, packaging, packing, and marking) that do not conform with the requirements of this contract within the meaning of paragraph (a) of this clause; or (ii) retain such supplies, whereupon the contract price thereof shall be reduced by the Contracting Officer in an amount which is negotiated and agreed upon as being equitable under the circumstances, and the Contractor shall promptly make appropriate repayment.

(d) When return, correction, or replacement is required, the Contracting Officer or other Government representative shall return the supplies or part thereof, where feasible, and transportation charges and responsibility for such supplies while in transit shall be borne by the Contractor. However, the Contractor's liability for such transportation charges shall not exceed an amount equal to the cost of transportation by the usual commercial method of shipment between the designated destination point under this contract and the Contractor's plant, and return.

(e) If the Contractor fails or refuses to correct or replace the nonconforming supplies within a period of ten (10) days (or such longer period as the Contracting Officer may authorize in writing) after receipt of notice from the Contracting Officer or other Government representative specifying such failure or refusal, the Contracting Officer may by contract or otherwise correct or replace them with similar supplies and charge to the Contractor the cost occasioned to the Government thereby. In addition, if the Contractor fails to furnish timely disposition instructions, the Contracting Officer may dispose of the nonconforming supplies for the Contractor's account in a reasonable manner, in which case the Government is entitled to reimbursement from the Contractor or from the proceeds for the reasonable expenses of the care and disposition of the nonconforming supplies as well as for excess costs incurred or to be incurred.

(f) Any supplies or parts thereof corrected or furnished in replacement pursuant to this clause shall also be subject to all the provisions of this clause to the same extent as supplies initially delivered.

(g) Failure to agree upon any determination to be made under this clause shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

(h) The word "supplies" as used herein includes related services.

(i) The rights and remedies of the Government provided in this clause are in addition to and do not limit any rights afforded to the Government by any other clause of the contract.

(j) In addition to other marking requirements of this contract, the container of all warranted items shall be clearly marked by the Contractor by affixing a cloth tag or durable label which must set forth the contract number and state: "This item is warranted for _____ days after_____
_____
_____
_____."

(Unless otherwise provided, Contractor will enter effective date computed by adding 60 days to the shipping date.)

§ 5A–1.370–5 Warranty statement in purchase orders.

The following statement shall be included in purchase orders for warranted items:

Warranty. This order covers warranted items which must be specially marked—see contract terms.

PART 5A–72—REGULAR PURCHASE PROGRAMS OTHER THAN FEDERAL SUPPLY SCHEDULES

The table of contents of Part 5A–72 is amended to delete § 5A–72.204.

Sec.
5A–72.204 [Deleted]

Subpart 5A–72.2—Direct Delivery Purchasing of Other Than Stores Stock Items

§ 5A–72.204 [Deleted]

Section 5A–72.204 is deleted.

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

Effective date. These regulations are effective 30 days after the date shown below, but may be observed earlier.

Dated: October 5, 1972.

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

[FR Doc.72-17936 Filed 10-19-72;8:56 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5265]

[Idaho 3779]

IDAHO

Partial Revocation of Reclamation Project Withdrawals

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, as amended and supplemented, 43 U.S.C. section 416 (1970), it is ordered as follows:

1. The Secretary's orders dated November 5, 1908, January 14, 1919, July 5, 1921, and June 1, 1923, withdrawing lands for the Minidoka Project, are hereby revoked so far as they affect the following described lands:

BOISE MERIDIAN

T. 5 S., R. 31 E.,
Sec. 12, NW¼NE¼;
Sec. 24, lots 1 to 4, inclusive, W½NE¼, SW¼, W½SE¼;
Sec. 25, NW¼NE¼, E½NW¼.

T. 6 S., R. 31 E.,
Sec. 1, lots 1 to 4, inclusive, SE¼NW¼, NE¼SW¼;
Sec. 2, lot 1.

T. 5 S., R. 32 E.,
Sec. 19, lots 1 to 4, inclusive, NE¼NE¼ NW¼.

The areas described aggregate 1,215.61 acres in Bingham County.

2. The lands described above have been classified for disposal pursuant to the Act of June 14, 1926, 44 Stat. 741, as amended, 43 U.S.C. sections 869, 869-4 (1970). These lands, therefore, will not be subject to other disposition in the absence of a modification or revocation of such classification (43 CFR 2440.4). The lands have been and will continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Division of Technical Services, Idaho State Office, Bureau of Land Management, Boise, Idaho.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 11, 1972.

[FR Doc.72-17893 Filed 10-19-72;8:46 am]

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5266]

[Wyoming 31249]

WYOMING

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 13 of the Act of June 25, 1910, 36 Stat. 858, as amended, 43 U.S.C. § 148 (1970), it is ordered as follows:

The Secretarial order of January 3, 1920, so far as it withdrew the following described lands in the Wind River Indian Reservation (formerly Shoshone Indian Reservation), for reclamation purposes in connection with the Riverton Project, is hereby revoked:

WIND RIVER MERIDIAN

T. 2 N., R. 4 W.,
Sec. 1, lots 5, 6, 7, and 8.

The area described aggregates 159.10 acres in Fremont County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 11, 1972.

[FR Doc.72-17894 Filed 10-19-72;8:46 am]

[Public Land Order 5267]

[Oregon 8455, 8456]

OREGON

Partial Revocation of Stock Driveway Withdrawal No. 45, Oregon No. 5, and Public Water Reserve No. 61, Oregon No. 3

By virtue of the authority contained in section 10 of the Act of December 29, 1916, 39 Stat. 865, as amended, 43 U.S.C. § 300 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Secretarial order of October 23, 1918, creating Stock Driveway Withdrawal No. 45 (Oregon No. 5), and the Executive order of February 25, 1919, creating Public Water Reserve No. 61 (Oregon No. 3), are hereby revoked so far as they affect the following described lands:

FREMONT NATIONAL FOREST

WILLAMETTE MERIDIAN

T. 39 S., R. 17 E.,
Sec. 19, SE¼;
Sec. 20, SW¼;
Sec. 30, lot 1, NE¼NW¼, N½NE¼.

The area described aggregates 479.52 acres in Lake County.

2. At 10 a.m. on November 16, 1972, the lands shall be open to such forms of disposition as may by law be made of national forest lands, including location and entry under the U.S. mining laws for nonmetalliferous minerals. The lands have been and continue to be open to applications and offers under the mineral leasing laws, and to location and entry for metalliferous minerals under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 11, 1972.

[FR Doc.72-17895 Filed 10-19-72;8:46 am]

[Public Land Order 5268]

[Wyoming 27598]

WYOMING

Partial Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

1. The Secretary's order of May 2, 1919, and Public Land Order No. 3064 of May 1, 1963, withdrawing lands for reclamation purposes are hereby revoked so far as they affect the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 53 N., R. 93 W.,
Sec. 18, lots 5 and 6;
Sec. 19, lots 2, 3, 4, 7, 8, SE¼NW¼, E½SW¼, NW¼SE¼, S½SE¼;
Sec. 20, lot 7;
Sec. 29, W½NW¼, SW¼, SW¼SE¼;
Sec. 30;
Sec. 31, lots 1, 2, E½NW¼, NE¼;
Sec. 32, N½NW¼.
T. 53 N., R. 94 W.,
Sec. 13, lots 2, 3, E½W½NW¼, SE¼NW¼, E½NW¼SW¼, E½SW¼, SE¼;
Sec. 24, NE¼, N½SE¼, SE¼SE¼.

The areas described aggregate 2,564.74 acres in Big Horn County.

Of the lands described above, lot 7, sec. 20, T. 53 N., R. 93 W., is patented land. The public lands described as lots 2 and 3, E½W½NW¼, SE¼NW¼, SE¼, sec. 13, T. 53 N., R. 94 W., are included either in Powersite Reserve No. 115, or Powersite Classification No. 345, and will remain withdrawn for powersite purposes.

2. At 10 a.m. on November 16, 1972, the public lands shall be open to operation of the public land laws generally, including the U.S. mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, except that the lands embraced in the powersite withdrawals shall be open to operation of the mining laws and not the public land laws generally. All valid applications received at or prior to 10 a.m. on November 16, 1972, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. All of these public lands, including those withdrawn for powersite purposes, have been and continue to be open to the filing of applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Cheyenne, Wyo. 82001.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 11, 1972.

[FR Doc.72-17896 Filed 10-19-72;8:46 am]

[Public Land Order 5269]

[Arizona 822, 3753]

ARIZONA

Withdrawal for Proposed Reclamation Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, as amended and supplemented, 43 U.S.C. sec. 416 (1970), it is ordered as follows:

Subject to valid existing rights, and to the provisions of existing withdrawals, the following described public lands which are under the jurisdiction of the Secretary of the Interior are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for the proposed Charleston Dam and Reservoir, Central Arizona Project:

GILA AND SALT RIVER MERIDIAN

T. 21 S., R. 21 E.,
Sec. 1, lots 1 to 4, inclusive;
Sec. 12, lots 1, 2, SE¼NW¼, N½SE¼, S½NE¼.
T. 21 S., R. 22 E.,
Sec. 5, lots 1, 2, S½SE¼, NW¼SE¼;
Sec. 6, lots 3 to 9, inclusive, SE¼SW¼, excluding Mineral Patents 8967, 8968, 8969, 14930;
Sec. lots 1, 2, N½NE¼, SW¼NE¼, E½NW¼, NE¼SW¼;
Sec. 9, S½NW¼;
Sec. 33, lot 1, NE¼, E½NW¼.
T. 22 S., R. 22 E.,
Sec. 4, lot 11, lots 23 to 33, inclusive, lots 36, 39, 40, 45, 46, 50, 57, 59, 62, 63, lots 67 to 70, inclusive, lots 72, 73, 76, 77 lots 82 to 85 inclusive, lots 87 to 90, inclusive, lots 93 to 103, inclusive;
Sec. 9, lots 1 to 4, inclusive, E½NE¼.

The areas described aggregate 1,988.63 acres in Cochise County.

Portions of the lands are affected by Powersite Classification No. 438, as established by the departmental order of November 16, 1956.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 11, 1972.

[FR Doc.72-17897 Filed 10-19-72;8:46 am]

[Public Land Order 5270]

[Sacramento 1037]

CALIFORNIA

Withdrawal for Reclamation Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. section 416 (1970), it is ordered as follows:

Subject to valid existing rights, the following described public land, which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, and reserved for the Auburn-Folsom South Unit, American River Division, Central Valley Project:

MOUNT DIABLO MERIDIAN

T. 12 N., R. 9 E.,
Sec. 5, unpatented portions of mineral lot 45 in the W½NE¼.

The area described aggregates approximately 2 acres in El Dorado and Placer Counties.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 11, 1972.

[FR Doc.72-17898 Filed 10-19-72;8:46 am]

[Public Land Order 5271]

[Idaho 4465]

IDAHO

Reservation for Constructed Forest Service Road

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights and to the provisions of existing withdrawals, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, nor the disposal of materials under the Act of July 31, 1947, as amended, 30 U.S.C. sections 601–604 (1970), and reserved for the use of the Department of Agriculture for the granting of easements for road rights-of-way as authorized by section 2 of the Act of October 13, 1964, 16 U.S.C. sections 532–533 (1970):

BOISE MERIDIAN

BLACKWELL HUMP ROAD NO. 226

T. 43 N., R. 2 E.,
Sec. 4, NW¼SE¼;
Sec. 12, SW¼SE¼;
Sec. 13, NW¼NE¼.
T. 44 N., R. 2 E.,
Sec. 32, W½NW¼.

A strip of land 66 feet in width, being 33 feet in width on both sides of the centerline of Blackwell Hump Road No. 226 over and across the above-described subdivisions, as shown on plats filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho.

CLARKIA-MARBLE CREEK ROAD NO. 321

T. 43 N., R. 2 E.,
Sec. 13, E½NE¼, NW¼NE¼, N½NW¼.
T. 44 N., R. 3 E.,
Sec. 4, SE¼NE¼.
T. 45 N., R. 3 E.,
Sec. 24, NE¼NW¼, NW¼NE¼;
Sec. 26, S½NE¼.

A strip of land 66 feet in width, being 33 feet in width on both sides of the centerline of Clarkia-Marble Creek Road No. 321 over and across the above-described subdivisions, as shown on plats filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho.

The areas described aggregate 26.7 acres in Shoshone County.

2. The withdrawal made by this order shall not preclude agricultural entries, sales, exchanges, or leases under applicable public land laws of any legal subdivisions traversed by lands withdrawn by this order: *Provided*, That any such entry, sale, exchange, or lease shall be subject to this order and to any road right-of-way easement over the lands issued by the Department of Agriculture, and subject to the provisions of the withdrawal made by Powersite Reserve No. 410 so far as it affects the lands described as the SE¼NE¼, sec. 4, T. 44 N., R. 3 E., and NW¼NE¼, NE¼NW¼, sec. 24, S½NE¼, sec. 26, T. 45 N., R. 3 E.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 11, 1972.

[FR Doc.72-17899 Filed 10-19-72;8:46 am]

[Public Land Order 5272]

[New Mexico 11572 and 13101]

NEW MEXICO

Addition to National Forest

By virtue of the authority contained in the Act of July 9, 1962, 43 U.S.C. section 315g–1 (1970), it is ordered as follows:

Subject to valid existing rights, the following described lands acquired in exchanges made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934, as amended, 43 U.S.C. section 315g (1970), are hereby added to and made a part of the Santa Fe National Forest and hereafter shall be subject to all laws and regulations applicable to said national forest:

NEW MEXICO PRINCIPAL MERIDIAN

T. 20 N., R. 2 E.,
Sec. 13, HES 259;
Sec. 24, NE¼NE¼NE¼, W½E½E½, E½E½SW¼NE¼, W½NE¼SE¼NE¼, S½SE¼NE¼SE¼;
Sec. 25, W½NE¼, S½NW¼.
T. 20 N., R. 3 E.,
Sec. 18, HES 259;
Sec. 19, lot 6, S½SW¼SW¼NE¼, W½SE¼SW¼NE¼, NE¼NE¼SW¼, SE¼NW¼NE¼SW¼, SW¼NE¼SW¼, NW¼NW¼NW¼SE¼.

The areas described aggregate 375.24 acres in Sandoval County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 11, 1972.

[FR Doc.72-17900 Filed 10-19-72;8:47 am]

[Public Land Order 5273]

[Idaho 2164]

IDAHO

Powersite Restoration No. 681; Partial Revocation of Powersite Reserves Nos. 77 and 117

By virtue of the authority contained in section 24 of the Act of June 10, 1920, as amended, 16 U.S.C. § 818 (1970), and pursuant to the determination of the Federal Power Commission in DA–598 and DA–603–Idaho, it is ordered as follows:

1. The Executive Order of July 2, 1910, creating Powersite No. 77 (as interpreted in Powersite Interpretation No. 18 of May 1, 1922), and Powersite Reserve No. 117, is hereby revoked so far as it affects the following described lands:

BOISE MERIDIAN

POWERSITE RESERVE NO. 77

T. 5 S., R. 5 E.,
Sec. 17, NW¼SW¼;
Sec. 18, lot 1, NE¼SW¼;
Sec. 19, S½NE¼;
Sec. 20, NE½NE¼, NE¼NW¼, SW¼NW¼;
Sec. 21, SE¼NE¼, W½NW¼, NW¼SW¼, SE¼SW¼;
Sec. 23, S½N½;
Sec. 24, S½N½;
Sec. 26, NW¼NW¼;
Sec. 27, lot 2.
T. 5 S., R. 6 E.,
Sec. 19, lot 3, SE¼NW¼, SW¼SE¼.
T. 6 S., R. 6 E.,
Sec. 6, NW¼NE¼, SE¼NE¼.

POWERSITE RESERVE NO. 117

T. 5 S., R. 4 E.,
Sec. 12, NE¼SE¼;
Sec. 13, SW¼NE¼.

The areas described aggregate 1,200.11 acres in Owyhee County.

2. All of the lands described above are public lands except those described as NW¼SW¼, sec. 17, SW¼NE¼, sec. 19, NW¼NW¼, sec. 26, and lot 2, sec. 27, T. 5 S., R. 5 E., and SE¼NE¼, sec. 6, T. 6 S., R. 6 E., which have been patented. The public lands described as the NE¼SE¼, sec. 12, T. 5 S., R. 4 E., lot 1, sec. 18, S½NW¼, sec. 23, and S½N½, sec. 24, T. 5 S., R. 5 E., and lot 3, SE¼NW¼, SW¼SE¼, sec. 19, T. 5 S., R. 6 E., are withdrawn for the Mountain Home Reclamation Project, and will remain so withdrawn.

3. All of the unreserved and unappropriated public lands described above in paragraph 1 of this order shall at 10 a.m. on November 16, 1972, be open to operation of the public land laws generally, subject to valid existing rights, the requirements of applicable law, and the provisions of existing withdrawals. All valid applications received at or prior to 10 a.m. on November 16, 1972, shall be considered in the order of filing. These public lands have been and will continue to be open to location and entry under the U.S. mining laws, and to the filing of applications and offers under the mineral leasing laws.

Inquiries concerning these lands should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, Boise, Idaho 83702.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 11, 1972.

[FR Doc.72-17901 Filed 10-19-72;8:47 am]

[Public Land Order 5274]

[Colorado 13069]

COLORADO

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. sec. 416 (1970), it is ordered as follows:

1. The Executive orders of July 21, 1915, and August 27, 1915, and Public Land Orders Nos. 3735 and 3736 of July 6, 1965, withdrawing lands for the Juniper Project, Colorado River Storage Project, are hereby revoked so far as they affect the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 5 N., R. 92 W.,
Sec. 1, lot 6, that part of lot 10 lying in what would normally be the NE¼SE¼, SW¼NE¼, and SE¼SE¼;
Sec. 7, lot 8;
Sec. 10, N½S½;
Sec. 11, NW¼SW¼;
Sec. 12, E½NE¼; NE¼SE¼;
Sec. 17, E½W½;
Sec. 18, lot 5;
Sec. 20, E½W½.
T. 5 N., R. 93 W.,
Sec. 2, lot 8;
Sec. 3, lot 5;
Sec. 12, E½SE¼;
Sec. 18, lots 7 and 8, SE¼SW¼.
T. 6 N., R. 93 W.,
Sec. 19, SW¼SE¼;
Sec. 22, SW¼SW¼;
Sec. 25, NE¼SW¼;
Sec. 27, W½NW¼, NW¼SW¼;
Sec. 28, NE¼SE¼;
Sec. 34, SE¼SE¼;
Sec. 35, SW¼SW¼.
T. 6 N., R. 94 W.,
Sec. 3, N½SW¼;
Sec. 7, SW¼NE¼;
Sec. 11, N½NE¼.
T. 6 N., R. 95 W.,
Sec. 13, NE¼SE¼.

The areas described aggregate 1,752.05 acres in Moffat County.

The lands are located on the north slopes of Duffy and Iles Mountains. Vegetative cover is pinon-juniper woodlands, brush and native grasses and forbs.

2. At 10 a.m. on November 16, 1972, the lands shall be open to operation of the public land laws generally, including the U.S. mining laws, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 16, 1972, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, CO 80202.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 11, 1972.

[FR Doc.72-17902 Filed 10-19-72;8:47 am]

[Public Land Order 5275]

[Utah 11462, 084960]

UTAH

Withdrawing Lands for Use of National Science Foundation for Seismological Observatory; Public Land Order No. 2654 Revoked

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C., Ch. 2, and from leasing under the mineral leasing laws, and reserved for use of the National Science Foundation for the operation of seismic facilities:

SALT LAKE MERIDIAN

T. 6 S., R. 21 E.,
Secs. 4, 5, 8 and 9.

The areas described aggregate 2,312.21 acres in Uintah County.

2. Public Land Order No. 2654 of April 9, 1962, withdrawing the lands described in paragraph 1 above for use by the Department of the Air Force is hereby revoked.

3. The Department of the Interior shall retain jurisdiction of the mineral and vegetative resources in the lands withdrawn by this order. However, the National Science Foundation may issue permits revocable at will for authorized use of the lands included in this order; but authority to change the use specified by this order or to grant rights to others to use the lands, including grants of leases, licenses, easements, and rights-of-way, is reserved to the Secretary of the Interior or his authorized delegate, provided that no grants will be made under this authority without the approval of an authorized officer of the National Science Foundation.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 11, 1972.

[FR Doc.72-17903 Filed 10-19-72;8:47 am]

[Public Land Order 5276]

[Oregon 6999 (Wash.)]

WASHINGTON

Withdrawal for National Forest Research Natural Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

UMATILLA NATIONAL FOREST

WILLAMETTE MERIDIAN

Rainbow Creek Research Natural Area

T. 7 N., R. 40 E.,
Sec. 14, E½SE¼SW¼NW¼, W½SW¼SE¼NW¼, W½NW¼NE¼SW¼, SW¼NE¼SW¼, S½SE¼NE¼SW¼, E½E½W½SW¼, SE¼SW¼, W½SW¼SE¼, W½SE¼SW¼SE¼;
Sec. 22, SE¼NE¼NE¼, E½SE¼NE¼, NE¼NE¼SE¼;
Sec. 23, NE¼NW¼, S½NW¼, S½NW¼NW¼, E½NE¼NW¼NW¼, SW¼, W½E½, W½, SE¼NE¼, W½W½NE¼SE¼, W½SE¼SE¼,SE¼SE¼SE¼, S½NE¼SE¼SE¼;
Sec. 26, N½N½N½NE¼.

Pataha Bunchgrass Research Natural Area

T. 9 N., R. 42 E.,
Sec. 1, NE¼SE¼NW¼, S½NW¼SE¼NW¼, S½SE¼NW¼, S½NE¼SW¼NW¼, SE¼SW¼NW¼, N½NE¼SW¼, N½S½NE¼SW¼, N½NE¼NW¼SW¼.

The areas described aggregate approximately 790 acres in Columbia and Garfield Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 11, 1972.

[FR Doc.72-17904 Filed 10-19-72;8:47 am]

[Public Land Order 5277]

[Arizona 6297]

ARIZONA

Modification of Reclamation Withdrawals To Permit Grant of Right-of-Way

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, as amended and supplemented, 43 U.S.C. § 416 (1970), it is ordered as follows:

1. The departmental orders of July 2, 1902, January 31, 1903, September 30, 1904, July 20, 1905, February 19, 1929, and March 14, 1929, withdrawing lands in Arizona for reclamation purposes, are hereby modified to the extent necessary to permit the location of a right-of-way under section 2477, U.S. Revised Statutes, 43 U.S.C. § 932, by Yuma County, Ariz., over the following described lands, as delineated on a map filed by the Yuma County Highway Department with the Bureau of Land Management in Arizona 6297, for the construction of a public road:

GILA AND SALT RIVER MERIDIAN

T. 8 S., R. 21 W.,
Sec. 21, east 33' of E½, north 33' of N½, west 33' of NW¼, south 33' of SE¼;
Sec. 28, east 33' of E½, north 33' of NE¼, north 33' of E½NW¼, south 33' of E½SW¼, south 33' of SE¼.
T. 8 S., R. 22 W.,
Sec. 19, east 33' of SE¼SE¼, south 33' of S½SE¼;
Sec. 30, north 33' of lot 12, west 33' of lot 12 north of Gila River, east 33' of N½NE¼, north 33' of N½NE¼;
Sec. 36, east 33' of S½N½SE¼, south 33' of E½SE¼SW¼, south 33' of S½SE¼, east 33' of S½SE¼.
T. 9 S., R. 22 W.,
Sec. 1, west 33' of SW¼NW¼;
Sec. 5, west 33' of SW¼NW¼, east 33' of SE¼NE¼;
Sec. 6, north 33' of NE¼NW¼, east 33' of E½ north of Southern Pacific Railroad south right-of-way line, north 33' of N½NE¼.
T. 8 S., R. 23 W.,
Sec. 24, south 33' of lot 24;
Sec. 34, east 200' of SE¼NE¼ north of Interstate Highway 8 north right-of-way line, east 168' of SE¼NE¼ south of Interstate Highway 8 south right-of-way line;
Sec. 35, west 67' of NW¼SW¼, that portion of the S½SW¼NW¼SW¼ south of Southern Pacific Railroad south right-of-way line, east 33' of NE¼SE¼.
T. 9 S., R. 23 W.,
Sec. 1, east 33' of E½NE¼ north of Southern Pacific Railroad south right-of-way line, north 33' of the N½.

The areas described aggregate 62.20 acres in Yuma County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 11, 1972.

[FR Doc.72-17905 Filed 10-19-72;8:47 am]

[Public Land Order 5278]

[Wyoming 33664, 33665]

WYOMING

Partial Revocation of National Forest Administrative and Campground Site Withdrawals

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Secretary's orders of December 4, 1906, and June 17, 1908, and Public Land Order No. 3841 of October 9, 1965, withdrawing national forest lands as administrative and campground sites are hereby revoked so far as they affect the following described lands:

SIXTH PRINCIPAL MERIDIAN

SHOSHONE NATIONAL FOREST

Wyoming 33664

T. 47 N., R. 102 W.,
Sec. 32, SE¼SE¼.

Wyoming 33665

T. 43 N., R. 107 W.,
Sec. 24, SE¼;
Sec. 25, E½NE¼NE¼.

The areas described aggregate 220 acres, in Fremont and Park Counties.

The lands described in T. 43 N., R. 107 W., are withdrawn from location and entry under the U.S. mining laws, in connection with the Horse Creek Ranger Station Administrative Site by Public Land Order No. 2845 of December 7, 1962, and remain so withdrawn.

2. At 10 a.m. on November 16, 1972, the unreserved lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 11, 1972.

[FR Doc.72-17906 Filed 10-19-72;8:47 am]

[Public Land Order 5279]

[Arizona 5968]

ARIZONA

Withdrawal for National Forest Administrative Site and Wildlife Enclosure

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws in aid of programs of the Department of Agriculture:

TONTO NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

Cline Cabin Wildlife Enclosure

T. 4 N., R. 9 E. (unsurveyed),
Sec. 3, NW¼NE¼.

Payson Administrative Site

T. 10 N., R. 10 E.,
Sec. 2, lots 2, 3, 4, SW¼NE¼, S½NW¼, N½SW¼, NW¼SE¼.

The areas described aggregate 398.90 acres in Maricopa and Gila Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 11, 1972.

[FR Doc.72-17907 Filed 10-19-72;8:47 am]

Title 49—TRANSPORTATION

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

[Docket No. 72-25; Notice 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

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

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

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

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

A. The following changes are to be made to Appendix A of § 571.109 *Standard No. 109; New Pneumatic Tires:*

(Amendments requested by the Rubber Manufacturers Association.)

1. In Table I–R, the following new-tire size designation and corresponding values are added:

TABLE I–R

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

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
AR60–13	720	770	810	860	900	940	980	1,020	1,060	1,090	1,130	1,160	1,200	5½	30.00	7.85

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

TABLE I–V

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "50" SERIES BIAS PLY TIRES

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
G50–15	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	7	35.38	10.35
H50–15	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	8	36.76	11.15
N50–15	1,500	1,600	1,700	1,790	1,880	1,970	2,050	2,130	2,210	2,280	2,860	2,430	2,500	9	39.65	12.65

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

3. In Table I–N the following new-tire size designation and corresponding values are added:

TABLE I–N

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

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
65/70R10	585	600	615	630	650	665	680	700	715	730	745	760	780	4½	25.50	6.50

4. In Table I–S, the following new-tire size designation and corresponding values are added:

TABLE I–S

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

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
205/60R14		840	890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	6	31.43	8.13

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

(Amendments requested by the Rubber Manufacturers Association.)

1. In Table I–G, the 6–JJ alternative rim size is added for the ER70–14 tire size designation and the 6–JJ alternative rim size is added for the HR70–14 tire size designation.

2. In Table I–R, the 5½–JJ test rim is added for the AR60–13 tire size designation.

3. In Table I–V, the 7–JJ test rim is added for the G50–15 tire size designation, the 8–JJ test rim is added for the H50–15 tire size designation and the 9–JJ test rim is added for N50–15 tire size designation.

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

4. In Table I–S the 6–JJ test rim and the 7–JJ alternative rim is added for the tire size designation 205/60R14.

5. In Table I–N the 4½–JJ test rim is added for the tire size designation 165/70R10.

(Amendment requested by the Ford Motor Co.)

6. In Table I–H the 5½–JJ alternative rim is added for the 165R13 tire size designation.

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

FMVSS No. 110—APPENDIX A

TABLE I

(Changes made by this amendment only)

Table I–G:	
ER70–14	6–JJ
HR70–14	6–JJ
Table I–H:	
165R13	5½–JJ
Table I–N:	
165/70R10	4½–JJ
Table I–R:	
AR60–13	5½–JJ
Table I–S:	
205/60R14	*6–JJ*, 7–JJ
Table I–V:	
G50–15	7–JJ
H50–15	*8–JJ*
N50–15	*9–JJ*

Italic designations denote test rims.

Where JJ rims are specified in the above tables, J and JK rim contours are permissible.

Table designations refer to tables listed in Appendix A of Standard No. 109 (§ 571.109).

(Secs. 103, 119, 201, 202, National Traffic and Motor Vehicle Safety Act of 1966, 15 USC 1392, 1407, 1421, 1422; Delegation of authority, 49 CFR 1.51, 40 CFR 501.8)

Issued on October 16, 1972.

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

[FR Doc.72-17870 Filed 10-17-72;9:25 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-85]

PART 1062—SPECIAL REGULATIONS FOR FOR-HIRE MOTOR CARRIERS ENGAGED IN THE TRANSPORTATION FOR RECYCLING OR REUSE OF "WASTE" PRODUCTS IN FURTHERANCE OF RECOGNIZED POLLUTION CONTROL PROGRAMS

Transportation of "Waste" Products for Reuse and Recycling

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 15th day of February 1972.

Upon consideration of the record in the above-entitled proceedings, and of:

(1) Petition of Institute of Scrap Iron & Steel, Inc., intervener in opposition, filed November 30, 1971, for reconsideration;

(2) Petition (letter) of Louis Padnos Iron & Metal Company, intervener in opposition, filed December 6, 1971, for reconsideration;

(3) Petition of Glass Container Manufacturers Institute, Inc., intervener in support, filed December 13, 1971, for vacation of that portion of the Commission's order in this proceeding of November 30, 1971, which postponed the date that the regulations promulgated in this proceeding would become effective;

(4) Reply to the petition in (3) above by the Western Railroad Traffic Association, interveners in opposition, filed December 20, 1971;

(5) Petition of Southern Freight Association, interveners in opposition, filed December 27, 1971, for reconsideration;

(6) Petition of Western Railroad Traffic Association, filed December 28, 1971, for reconsideration and for reopening for further hearing and oral argument;

(7) Petition of Traffic Executive Association—Eastern Railroads, intervener in opposition, filed December 29, 1971, for reconsideration;

(8) Petition of Chemical Leaman Tank Lines, Inc., intervener in opposition, filed December 29, 1971, for reconsideration;

(9) Petition of National Tank Truck Carriers, Inc., intervenor in opposition, filed December 29, 1971, for reconsideration, or in the alternative, for reopening for receipt of additional evidence and for oral hearing;

(10) Petition of Regular Common Carrier Conference of American Trucking Associations, Inc., intervenor in opposition, filed December 29, 1971, for reconsideration;

(11) Joint petition of Dieckbrader Express, Inc., and Schneider Transport & Storage, Inc., inteveners in opposition, filed December 30, 1971, for reconsideration;

(12) Petition of Johnson Motor Lines, Inc., intervener in opposition, filed December 30, 1971, for reconsideration;

(13) Reply to the petitions in (6), (7), (8), (9), and (10) by the Glass Container Manufacturers Institute, Inc., filed January 14, 1972;

and good cause appearing therefor:

It is ordered, That the petitions in (1), (2), (5), (6), (7), (8), (9), (10), (11), and (12) above be, and they are hereby denied, for the reasons (a) that the findings of the Commission, in its report and order of September 30, 1971, reported at 114 M.C.C. 92, are in accordance with the evidence and the applicable law, (b) that such findings are clear and unambiguous, and (c) that no sufficient or proper cause appears for reopening the proceeding for receipt of additional evidence, for further hearing, for reconsideration, or for granting any of the relief sought.

It is further ordered, That in view of the action taken in the next succeeding paragraph, the petition in (3) above, be, and it is hereby, denied.

It is further ordered, That the effective date of the order of September 30, 1971, in the above-entitled proceeding, be, and it is hereby, fixed as of March 20, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-17982 Filed 10-19-72;9:00 am]

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Appendix—Apportionment of Food Assistance Funds Pursuant to National School Lunch Act, Fiscal Year 1973

Pursuant to section 4 of the National School Lunch Act, as amended, food assistance funds available for the fiscal year ending June 30, 1973, are apportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$6,963,685	$6,813,965	$149,720
Alaska	292,568	292,568	
Arizona	1,972,148	1,972,148	
Arkansas	3,868,220	3,796,271	71,949
California	10,584,079	10,584,079	
Colorado	2,466,534	2,363,186	103,348
Connecticut	1,838,687	1,835,687	
Delaware	632,656	632,656	
District of Columbia	544,840	544,840	
Florida	8,432,576	8,432,576	
Georgia	9,419,339	9,419,339	
Guam	172,787	172,787	
Hawaii	1,252,151	1,196,179	55,972
Idaho	995,048	971,962	23,086
Illinois	8,485,536	8,485,536	
Indiana	5,546,875	5,546,875	
Iowa	4,102,184	3,724,783	377,401
Kansas	2,492,382	2,492,382	
Kentucky	6,089,074	6,089,074	
Louisiana	8,091,721	8,091,721	
Maine	1,257,614	1,163,795	93,819
Maryland	2,881,593	2,881,593	
Massachusetts	5,224,937	5,224,937	
Michigan	6,309,945	6,309,945	
Minnesota	5,342,506	5,342,506	
Mississippi	5,519,582	5,519,582	
Missouri	5,289,478	5,289,478	
Montana	703,383	672,293	31,090
Nebraska	1,759,472	1,565,050	194,422
Nevada	232,835	231,717	1,118
New Hampshire	724,400	724,400	
New Jersey	3,363,043	3,112,496	250,547
New Mexico	1,805,299	1,805,299	
New York	13,561,615	13,561,615	
North Carolina	10,138,433	10,138,433	
North Dakota	1,046,653	950,256	96,397
Ohio	8,911,814	8,246,101	665,713
Oklahoma	3,554,296	3,554,296	
Oregon	2,143,242	2,143,242	
Pennsylvania	10,994,285	10,226,885	767,400
Puerto Rico	5,500,168	5,500,168	
Rhode Island	453,548	453,548	
South Carolina	5,759,461	5,708,201	51,260
South Dakota	1,047,872	1,047,872	
Tennessee	6,601,023	6,521,810	79,213
Texas	12,108,595	11,810,723	297,872
Utah	2,097,077	2,097,077	
Vermont	460,863	460,863	
Virginia	6,358,142	6,294,560	63,582
Virgin Islands	173,058	173,058	
Washington	2,729,214	2,638,548	40,666
West Virginia	2,776,575	2,736,037	40,538
Wisconsin	4,171,782	3,538,505	633,277
Wyoming	376,095	376,095	
Samoa, American	126,012	126,012	
Total	225,747,000	221,658,610	4,085,390

(Secs. 2–12, 60 Stat. 230, as amended; 42 U.S.C. 1751–1760)

Dated: October 16, 1972.

EDWARD J. HEKMAN,
Administrator,
Food and Nutrition Service.

[FR Doc.72–17997 Filed 10–19–72;9:03 am]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Appendix—Apportionment of Food Assistance Funds Pursuant to National School Lunch Act, Fiscal Year 1973

Pursuant to section 11 of the National School Lunch Act, as amended, food assistance funds available for the fiscal year ending June 30, 1973, are apportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$8,725,526	$8,672,300	$53,226
Alaska	228,188	228,188	
Arizona	1,882,276	1,882,276	
Arkansas	5,279,643	5,237,934	41,709
California	11,562,472	11,562,472	
Colorado	1,906,971	1,815,246	91,725
Connecticut	1,257,540	1,257,540	
Delaware	407,377	407,377	
District of Columbia	871,870	871,870	
Florida	7,707,327	7,707,327	
Georgia	9,689,669	9,689,669	
Guam	167,449	167,449	
Hawaii	648,418	512,445	135,973
Idaho	819,997	794,331	25,666
Illinois	7,817,695	7,817,695	
Indiana	4,438,562	4,438,562	
Iowa	3,690,259	3,254,808	435,451
Kansas	2,416,830	2,416,830	
Kentucky	7,057,780	7,057,780	
Louisiana	7,961,795	7,961,795	
Maine	1,358,529	1,274,300	84,229
Maryland	3,095,784	3,095,784	
Massachusetts	3,201,394	3,201,394	
Michigan	6,537,828	6,537,828	
Minnesota	4,028,219	4,028,219	
Mississippi	7,771,294	7,771,294	
Missouri	5,834,845	5,834,845	
Montana	817,421	724,235	93,186
Nebraska	2,021,800	1,764,223	257,577
Nevada	192,732	190,400	2,332
New Hampshire	487,394	487,394	
New Jersey	3,577,568	3,383,306	194,262
New Mexico	1,780,668	1,780,668	
New York	12,537,193	12,537,193	
North Carolina	12,451,196	12,451,196	
North Dakota	1,224,522	983,659	240,863
Ohio	8,056,759	7,355,821	700,938
Oklahoma	3,925,046	3,925,046	
Oregon	1,364,989	1,364,989	
Pennsylvania	10,766,251	9,677,783	1,088,468
Puerto Rico	6,801,059	6,801,059	
Rhode Island	778,815	778,815	
South Carolina	7,266,562	7,254,209	12,353
South Dakota	1,358,091	1,358,091	
Tennessee	8,600,809	8,564,686	36,123
Texas	18,058,888	17,699,516	359,372
Utah	746,509	746,509	
Vermont	546,051	546,051	
Virginia	7,369,482	7,342,215	27,267
Virgin Islands	77,556	77,556	
Washington	2,047,301	2,005,946	41,355
West Virginia	3,872,759	3,853,395	19,364
Wisconsin	3,558,139	2,926,925	631,214
Wyoming	330,556	330,556	
Samoa, American	65,347	65,347	
Total	237,047,000	232,474,347	4,572,653

(Secs. 2–12, 60 Stat. 230, as amended; 42 U.S.C. 1751–1760)

Dated: October 16, 1972.

EDWARD J. HEKMAN,
Administrator,
Food and Nutrition Service.

[FR Doc.72–17998 Filed 10–19–72;9:03 am]

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Appendix—Apportionment of School Breakfast Program Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1973

Pursuant to section 4 of the Child Nutrition Act of 1966, Public Law 89–642, 80 Stat. 886, food assistance funds available for the fiscal year ending June 30, 1973, are apportioned among the States as follows:

State	Initial apportionment	State agency	Withheld for private schools
Alabama	$338,576	$331,127	$7,449
Alaska	62,124	62,124	
Arizona	131,727	131,727	
Arkansas	210,300	206,304	3,996
California	488,607	488,607	
Colorado	152,214	145,821	6,393
Connecticut	126,197	126,197	
Delaware	76,217	76,217	
District of Columbia	72,578	72,578	
Florida	399,448	399,448	
Georgia	440,339	440,339	
Guam	22,160	22,160	
Hawaii	101,889	97,304	4,585
Idaho	91,235	89,137	2,098
Illinois	401,642	401,642	
Indiana	279,864	279,864	
Iowa	219,996	199,756	20,240
Kansas	153,285	153,285	
Kentucky	302,332	302,332	
Louisiana	385,323	385,323	
Maine	102,116	94,457	7,659
Maryland	169,414	169,414	
Massachusetts	266,522	266,522	
Michigan	311,485	311,485	
Minnesota	271,395	271,395	
Mississippi	278,733	278,733	
Montana	79,148	75,665	3,483
Missouri	269,197	269,197	
Nebraska	122,913	109,270	13,643
Nevada	59,648	59,350	298
New Hampshire	80,019	80,019	
New Jersey	189,365	175,163	14,202
New Mexico	124,812	124,812	
New York	611,995	611,995	
North Carolina	470,139	470,139	
North Dakota	93,374	84,784	8,590
Ohio	419,307	387,859	31,448
Oklahoma	197,291	197,291	
Oregon	138,816	138,816	
Pennsylvania	505,605	470,213	35,392
Puerto Rico	277,928	277,928	
Rhode Island	68,795	68,795	
South Carolina	288,673	286,075	2,598
South Dakota	93,424	93,424	
Tennessee	323,548	319,665	3,883
Texas	551,783	537,988	13,795
Utah	136,903	136,903	
Vermont	69,098	69,098	
Virginia	313,483	310,348	3,135
Virgin Islands	22,172	22,172	
Washington	163,099	160,653	2,446
West Virginia	165,061	162,585	2,476
Wisconsin	222,879	189,001	33,878
Wyoming	65,585	65,585	
Samoi, American	20,222	20,222	
Total	12,000,000	11,778,313	221,687

(Secs. 2, 4, 6, and 8 through 16, 80 Stat. 885–890; 42 U.S.C. 1771, 1773, 1775, 1777–1785)

Dated: October 16, 1972.

EDWARD J. HEKMAN,
Administrator,
Food and Nutrition Service.

[FR Doc.72–17999 Filed 10–19–72;9:03 am]

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Appendix—Apportionment of Nonfood Assistance Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1973

Pursuant to section 5 of the Child Nutrition Act of 1966, as amended, Public Law 89-642, 80 Stat. 887, nonfood assistance funds available for the fiscal year ending June 30, 1973, are apportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$198,970	$183,645	$15,325
Alaska	31,345	31,345	
Arizona	169,110	169,110	
Arkansas	106,982	102,664	4,318
California	1,137,885	1,137,885	
Colorado	139,985	111,078	28,907
Connecticut	340,012	340,012	
Delaware	41,398	41,398	
District of Columbia	23,152	23,152	
Florida	433,861	433,861	
Georgia	302,867	302,867	
Guam	4,467	4,467	
Hawaii	59,441	44,409	15,032
Idaho	51,573	48,204	3,369
Illinois	911,412	911,412	
Indiana	516,784	516,784	
Iowa	182,384	152,075	30,309
Kansas	155,591	155,591	
Kentucky	199,317	199,317	
Louisiana	244,156	244,156	
Maine	84,394	74,561	9,833
Maryland	222,286	222,286	
Massachusetts	768,499	768,499	
Michigan	697,910	697,910	
Minnesota	289,693	289,693	
Mississippi	199,112	199,112	
Missouri	205,580	205,580	
Montana	88,167	78,684	9,483
Nebraska	174,131	156,493	17,638
Nevada	20,359	14,245	6,114
New Hampshire	92,135	92,135	
New Jersey	867,370	662,119	205,251
New Mexico	71,393	71,393	
New York	1,240,412	1,240,412	
North Carolina	321,657	321,657	
North Dakota	43,645	40,480	3,165
Ohio	748,601	579,708	168,893
Oklahoma	118,574	118,574	
Oregon	130,045	130,045	
Pennsylvania	1,031,181	807,236	223,945
Puerto Rico	228,474	228,474	
Rhode Island	107,662	107,662	
South Carolina	182,348	158,143	24,205
South Dakota	46,574	46,574	
Tennessee	204,556	195,166	9,390
Texas	479,933	401,289	78,644
Utah	79,108	79,108	
Vermont	36,205	36,205	
Virginia	241,202	216,990	24,212
Virgin Islands	9,180	9,180	
Washington	176,750	129,049	47,701
West Virginia	100,766	89,266	11,500
Wisconsin	405,510	314,534	90,976
Wyoming	31,841	31,841	
Samoa, American	4,055	4,055	
Total	15,000,000	13,971,790	1,028,210

(Secs. 2, 5, 6, and 8 through 16, 80 Stat. 885-890; U.S.C. 1771, 1774, 1775, 1777-1785)

Pursuant to sections 5(b) and 5(e) of the Child Nutrition Act of 1966, as amended, Public Law 89-642, 80 Stat. 887, nonfood assistance funds available for the fiscal year ending June 30, 1973, are apportioned among the States as follows:

SECTION 5(b)

State	Total apportionment	State agency	Withheld for private schools
Alabama	$187,334	$183,310	$4,024
Alaska	10,862	10,862	
Arizona	66,559	66,559	
Arkansas	104,061	102,122	1,939
California	392,923	392,923	
Colorado	88,046	84,355	3,691
Connecticut	68,260	68,260	
Delaware	23,487	23,487	
District of Columbia	20,227	20,227	
Florida	289,863	289,863	
Georgia	296,343	296,343	
Guam	4,112	4,112	
Hawaii	46,485	44,409	2,076
Idaho	30,279	29,576	703
Illinois	315,017	315,017	
Indiana	201,885	201,885	
Iowa	143,670	130,457	13,213
Kansas	90,714	90,714	
Kentucky	176,602	176,602	
Louisiana	234,686	234,686	
Maine	38,269	35,415	2,854
Maryland	106,977	106,977	
Massachusetts	193,971	193,971	
Michigan	234,251	234,251	
Minnesota	190,707	190,707	
Mississippi	134,809	134,809	
Missouri	185,252	185,252	
Montana	22,129	21,152	977
Nebraska	62,807	55,867	6,940
Nevada	8,644	8,603	41
New Hampshire	24,448	24,448	
New Jersey	124,850	115,550	9,300
New Mexico	53,190	53,190	
New York	503,460	503,460	
North Carolina	308,509	308,509	
North Dakota	30,838	27,998	2,840
Ohio	330,843	306,118	24,725
Oklahoma	111,822	111,822	
Oregon	75,062	75,062	
Pennsylvania	408,152	379,651	28,501
Puerto Rico	113,438	113,438	
Rhode Island	16,837	16,837	
South Carolina	159,563	158,143	1,420
South Dakota	31,886	31,886	
Tennessee	194,490	192,150	2,340
Texas	401,358	391,483	9,875
Utah	62,784	62,784	
Vermont	15,008	15,008	
Virginia	218,555	216,363	2,192
Virgin Islands	4,867	4,867	
Washington	101,320	99,805	1,515
West Virginia	78,090	76,953	1,137
Wisconsin	146,107	123,925	22,182
Wyoming	12,693	12,693	
Samoa, American	2,599	2,599	
Total	7,500,000	7,357,515	142,485

(Secs. 2, 5, 6, and 8 through 16, 80 Stat. 885-890; U.S.C. 1771, 1774, 1775, 1777-1785)

SECTION 5(e)

State	Total apportionment	State agency	Withheld for private schools
Alabama	$11,636	$335	$11,301
Alaska	20,483	20,483	
Arizona	102,551	102,551	
Arkansas	2,921	542	2,379
California	744,962	744,962	
Colorado	51,939	26,723	25,216
Connecticut	271,752	271,752	
Delaware	17,911	17,911	
District of Columbia	2,925	2,925	
Florida	143,998	143,998	
Georgia	6,524	6,524	
Guam	355	355	
Hawaii	12,956		12,956
Idaho	21,294	18,628	2,666
Illinois	596,395	596,395	
Indiana	314,899	314,899	
Iowa	38,714	21,618	17,096
Kansas	64,877	64,877	
Kentucky	22,715	22,715	
Louisiana	9,470	9,470	
Maine	46,125	39,146	6,979
Maryland	115,309	115,309	
Massachusetts	574,528	574,528	
Michigan	463,659	463,659	
Minnesota	98,986	98,986	
Mississippi	64,303	64,303	
Missouri	20,328	20,328	
Montana	66,038	57,532	8,506
Nebraska	111,324	100,626	10,698
Nevada	11,715	5,642	6,073
New Hampshire	67,687	67,687	
New Jersey	742,520	546,569	195,951
New Mexico	18,203	18,203	
New York	736,952	736,952	
North Carolina	13,148	13,148	
North Dakota	12,807	12,482	325
Ohio	417,758	273,590	144,168
Oklahoma	6,752	6,752	
Oregon	54,983	54,983	
Pennsylvania	623,029	427,585	195,444
Puerto Rico	115,036	115,036	
Rhode Island	90,825	90,825	
South Carolina	22,785		22,785
South Dakota	14,688	14,688	
Tennessee	10,066	3,016	7,050
Texas	78,575	9,806	68,769
Utah	16,324	16,324	
Vermont	21,197	21,197	
Virginia	22,647	627	22,020
Virgin Islands	4,313	4,313	
Washington	75,430	29,244	46,186
West Virginia	22,676	12,313	10,363
Wisconsin	259,403	190,609	68,794
Wyoming	19,148	19,148	
Samoa, American	1,456	1,456	
Total	7,500,000	6,614,275	885,725

(Secs. 2, 5, 6, and 8 through 16, 80 Stat. 885-890; U.S.C. 1771, 1774, 1775, 1777-1785)

Dated: October 16, 1972.

EDWARD J. HEKMAN,
Administrator,
Food and Nutrition Service.

[FR Doc.72-18000 Filed 10-19-72;9:03 am]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 36]

PART 1036—MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area.

It is hereby found and determined that for the months of November and December 1972 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1036.41(c)(6)(iv), "and bulk cream;"

2. In § 1036.41(c)(6)(vii), "and bulk cream;" and

3. In § 1036.42(b)(1), "and bulk cream."

Statement of consideration. This suspension will change the amount of allowable Class III shrinkage on bulk

cream transferred from a pool plant to other plants. It continues the same effect of previous suspension orders effective from May 1971 through October 1972. The present order limits Class III shrinkage, at the transferor-plant, on cream derived from a handler's receipts of producer milk and transferred to other plants to 0.5 percent of the cream. Suspension will increase the allowable Class III shrinkage at the transferor-plant to 2 percent of the cream.

A cooperative association, which handles at its pool balancing plant a substantial proportion of the market's reserve supplies of milk, has requested continued suspension of the provisions set forth hereinbefore. The cooperative receives producer milk, at farms weights and tests, separates it, and transfers the cream to other plants for churning. The activities performed by the cooperative usually result in more than ½-percent loss on the cream transfers involved.

A greater loss (or shrinkage) of product occurs in handling cream than in handling fluid milk. However, the present shrinkage provisions do not distinguish between cream and fluid milk on the amount of Class III shrinkage allowed at the plant separating the cream.

It is hereby found and determined that notice of proposed rule making, public proceedings thereon, and 30 days' notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that the present Class III shrinkage allowance does not reflect operating experience in cream handling;

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Producers requested amendment of the order to this effect at a public hearing held on January 25, 1972. A specific proposal to amend the aforesaid provisions was included in the hearing notice (37 F.R. 465) and was adopted in the recommended decision issued July 17, 1972 (37 F.R. 14393). Interim action is necessary during the pendency of amendatory procedures. Therefore, good cause exists for making this order effective on November 1, 1972.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of November and December 1972.

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

Effective date: November 1, 1972.

Signed at Washington, D.C., on October 16, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-17930 Filed 10-19-72;8:56 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposed Expenses of Raisin Administrative Committee and Rate of Assessment for 1972–73 Crop Year

Notice is hereby given of a proposal regarding expenses of the Raisin Administrative Committee for the 1972–73 crop year and rate of assessment for that crop year, pursuant to §§ 989.79 and 989.80 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989; 37 F.R. 19621, 20022), regulating the handling of raisins produced from grapes grown in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Raisin Administrative Committee has unanimously recommended for the crop year beginning September 1, 1972 (1972–73 crop year), a budget of expenses in the total amount of $193,700 and an assessment rate of $1.90 per ton of assessable raisins. Expenses in that amount and the assessment rate are specified in the proposal hereinafter set forth.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 31, 1972. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal follows:

§ 989.323 Expenses of the Raisin Administrative Committee and rate of assessment for the 1972–73 crop year.

(a) *Expenses.* Expenses (other than those specified in § 989.82) in the amount of $193,700 are reasonable and likely to be incurred by the Raisin Administrative Committee during the crop year beginning September 1, 1972, for the maintenance and functioning of the Committee and the Raisin Advisory Board and for such purposes as the Secretary may, in accordance with § 989.79, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for that crop year which each handler is required, pursuant to § 989.80, to pay to the Raisin Administrative Committee as his pro rata share of the expenses is fixed at $1.90 per ton applicable to each of the following:

(1) Free tonnage raisins acquired by the handler during the crop year, exclusive of such quantity thereof as represents the assessable portions of other handlers' raisins pursuant to subparagraph (3) of this paragraph;

(2) Reserve tonnage raisins released or sold to the handler for use as free tonnage, during the crop year; and

(3) Standard raisins (which he does not acquire) recovered by the handler by the reconditioning of off-grade raisins but only to the extent of the aggregate quantity of the free tonnage portions of these standard raisins that are acquired by other handlers during the crop year.

Dated: October 17, 1972.

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

[FR Doc.72–17995 Filed 10–19–72;8:57 am]

Agricultural Marketing Service

[7 CFR Parts 1007, 1071, 1073, 1090, 1094, 1096, 1097, 1098, 1102, 1103, 1108, 1104, 1106, 1120, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1138, 1060, 1061, 1063, 1064, 1065, 1068, 1069, 1070, 1076, 1078, and 1079]

MILK IN CERTAIN MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR part	Market	Docket No.
	GROUP I	
1007	Georgia	AO-366-A8.
1071	Neosho Valley	AO-227-A26.
1073	Wichita, Kansas	AO-173-A26.
1090	Chattanooga, Tennessee	AO-266-A15.
1094	New Orleans, Louisiana	AO-103-A33.
1096	Northern Louisiana	AO-257-A20.
1097	Memphis, Tennessee	AO-219-A25.
1098	Nashville, Tennessee	AO-184-A31.
1102	Fort Smith, Arkansas	AO-237-A20.
1103	Mississippi	AO-346-A14.
1108	Central Arkansas	AO-243-A22.
	GROUP II	
1104	Red River Valley	AO-298-A19.
1106	Oklahoma Metropolitan	AO-210-A31.
1120	Lubbock-Plainview, Texas	AO-328-A13.
1126	North Texas	AO-231-A37.
1127	San Antonio, Texas	AO-232-A23.
1128	Central West Texas	AO-238-A26.
1129	Austin-Waco, Texas	AO-256-A19.
1130	Corpus Christi, Texas	AO-259-A23.
1131	Central Arizona	AO-271-A15.
1132	Texas Panhandle	AO-262-A22.
1138	Rio Grande Valley	AO-335-A18.
	GROUP III	
1060	Minnesota-North Dakota	AO-360-A6.
1061	Southeastern Minnesota-Northern Iowa.	AO-367-A5.
1063	Quad Cities-Dubuque	AO-105-A35.
1064	Greater Kansas City	AO-23-A42.
1065	Nebraska-Western Iowa	AO-86-A25.
1068	Minneapolis-St. Paul, Minn	AO-178-A28.
1069	Duluth-Superior	AO-153-A19.
1070	Cedar Rapids-Iowa City	AO-229-A26.
1076	Eastern South Dakota	AO-260-A17.
1078	North Central Iowa	AO-272-A20.
1079	Des Moines, Iowa	AO-295-A24.

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid marketing areas, which was issued on August 28, 1972, in the form of three separate documents (37 F.R. 18984, 19210, and 19482), is hereby extended to November 4, 1972.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on October 16, 1972.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.72–17929 Filed 10–19–72;8:56 am]

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Part 1]

RESTRICTION PRACTICE

Notice of Proposed Rule Making

Notice is hereby given that, pursuant to the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6), as amended October 5, 1971, Public Law 92–132, 85 Stat. 364, the Patent Office proposes to amend Title 37 of the Code of Federal Regulations by revising §§ 1.141, 1.142, 1.144, 1.145, and 1.146.

All persons are invited to present their views, objections, recommendations or suggestions in connection with the proposed changes to the Commissioner of Patents, Washington, D.C. 20231 on or before December 12, 1972, on which date a hearing will be held at 9:30 a.m. in Room 11 C 24, Building 3, 2021 Jefferson Davis Highway, Arlington, VA. All persons wishing to be heard orally at the

hearing are requested to notify the Commissioner of Patents of their intended appearance. Any written comments or suggestions may be inspected by any person, upon written request, a reasonable time after the closing date for submitting comments.

The proposed changes have three main purposes, (1) to clarify when a requirement for restriction may properly be made by an examiner, (2) to remove the limitation of five species if there is an allowable generic claim in the case, and (3) to provide a basis in the rules for requiring restriction to a single invention when two or more patentably different inventions are claimed in a single Markush-type claim. See "Ex parte Markush," 1925 C.D. 126 (Comm'r. Pat. 1924).

The expression "patentably different" emphasizes the importance of requiring restriction between two or more inventions only where there are unobvious differences between those inventions and separate patents can properly be granted to each invention. Otherwise, due to the double patenting prohibition of 35 U.S.C. 121, multiple patents would be granted on a single invention. The proposed changes make it clear that a requirement for restriction is proper only when two or more patentably different inventions are claimed in one application.

The practice under present §§ 1.141 and 1.146 of limiting an application to five species, even though a generic claim has been allowed, has caused some problems since 1953 when the present language of section 121 of the patent statute became effective. Section 121 prohibits the use of a patent as a reference in a subsequent divisional application filed as the result of a requirement for restriction in the application on which such a patent is based. Present §§ 1.141 and 1.146 indicate that an application may be limited to five species even though an allowable generic claim appears therein. If an application is so limited to five species, the other species can be specifically protected only if refiled in a divisional application. Such applications may be filed even though the species are not patentably different from each other. Since the first patent cannot be used as a reference against the second application, limiting the number of species in the first patent would result in a second patent issuing on species which are not patentably different from the species in the first patent. The proposed changes would avoid this problem by removing from the rules the language limiting the claims in one application to five species.

The Markush-type claim practice, which allows enumeration in a claim of a plurality of alternatively usable substances or members, has been sanctioned to permit the inclusion of such members in a claim when a generic term covering them is not available. Over the years, this form of claim has been used, for example, in claiming compounds having a large variety of substituent groups, and, as a result, Markush-type claims are presented which are each directed to a plurality of independent and distinct inventions.

More than one invention is present in a Markush-type claim if the alternatively usable members of the Markush group are so unrelated and diverse that a prior art reference which shows one of the members and otherwise anticipates the claim could not ordinarily be used to reject under 35 U.S.C. 103 a claim reciting another of the members. In such circumstances, the claim is considered to be an improper Markush-type claim and not a generic claim. Such a claim imposes an undue burden on the Patent Office, particularly with respect to the search which would have to be made for proper examination.

The proposed changes expressly sanction the withdrawal of improper Markush-type claims. It should be noted that the "withdrawal" of such improper Markush-type claims would provide the applicant with the benefits of the double patenting prohibition of 35 U.S.C. 121. This benefit would not be available if such improper Markush-type claims were rejected.

The proposed changes will permit examiners to expedite prosecution and make more meaningful searches to determine whether the disclosed and claimed inventions are novel and patentable.

The text of the proposed revised rules is as follows:

§ 1.141 Different inventions in one application.

An application claiming two or more independent and distinct, patentably different inventions may be required to be restricted to one of the inventions. Inventions are patentably different when one is not obvious in view of the other, and they may properly appear in separate patents.

§ 1.142 Requirement for restriction between inventions.

(a) If two or more independent and distinct, patentably different inventions are claimed in a single application and the examiner deems that restriction is appropriate, he may require the applicant to elect for prosecution in the application a single invention, to which his claims shall be restricted. Such a requirement may be made at any time before final action in the case, at the discretion of the examiner.

(b) In an application containing a claim which enumerates alternatively usable substances or members which are so unrelated that the claim is, in fact, directed to independent and distinct, patentably different inventions, the examiner may require the applicant to elect the invention to which his claims shall be restricted. After election by applicant, such an improper claim by enumeration may be withdrawn by the examiner from further examination because more than one invention is being claimed (35 U.S.C. 121).

(c) Claims not restricted to the elected invention, if not canceled, are nevertheless withdrawn from further consideration by the examiner by the election, subject, however, to reinstatement in the event the requirement for restriction is withdrawn or overruled pursuant to a petition under § 1.144.

§ 1.144 Petition from requirement for restriction.

Within 2 months after the examiner's adverse reply to a request for reconsideration of a requirement for restriction, the applicant may petition the Commissioner to review the requirement. A petition will not be considered if reconsideration of the requirement was not requested. (See § 1.181.)

§ 1.145 Subsequent presentation of claims for different invention.

If, after an examiner's action on an application, the applicant presents a claim or claims therein directed to a patentably different invention, distinct from and independent of the invention previously claimed, the examiner may require the applicant to restrict the claims to the invention previously claimed if the amendment is entered, subject to reconsideration and review as provided in §§ 1.143 and 1.144.

§ 1.146 Election of species.

In an application containing a generic claim and claims directed to a plurality of independent and distinct, patentably different species embraced thereby, the examiner may require the applicant to elect that species of his invention to which his claims shall be restricted if no generic claim is finally held allowable. If a generic claim is later found allowable, the application may also contain claims to species in addition to the one elected, provided that such additional species claims are either written to be dependent from a generic claim (§ 1.75 (c)) or to otherwise include all the limitations of the generic claim.

Dated: October 13, 1972.

RICHARD A. WAHL,
Acting Commissioner of Patents.

Approved: October 13, 1972.

RICHARD O. SIMPSON,
Acting Assistant Secretary for Science and Technology.

[FR Doc.72-17925 Filed 10-19-72;8:47 am]

DEPARTMENT OF TRANSPORTATION

U.S. Coast Guard

[46 CFR Part 10]

[CGD 72-132PHa]

UNINSPECTED TOWING VESSELS

Licensing of Operators; Extension of Time for Comments

In the August 11, 1972, issue of the FEDERAL REGISTER (37 F.R. 16374), the Coast Guard proposed regulations governing the issuance of licenses for the operation of uninspected towing vessels to implement the Towing Vessel Opera-

tor Licensing Act, Public Law 92–339, R.S. 4427, as amended, 46 U.S.C. 405(b) (July 7, 1972).

The Coast Guard has held four public hearings on the proposed regulations: On September 13, 1972, in Seattle, Wash.; on September 20, 1972, in New York, N.Y.; on September 26, 1972, in New Orleans, La.; and on September 27, 1972, in St. Louis, Mo. In addition, interested persons were given until October 17, 1972, to submit comments.

The Coast Guard has received several requests for extension of the comment period from towboat operators whose duties prevented them from participating in any of the public hearings and from meeting the October 17th deadline. The Coast Guard finds that additional time for comment is appropriate, and hereby extends the period for comments to October 31, 1972. All relevant comments received by that date will be considered.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Executive Secretary, Marine Safety Council (GCMC/82), Room 8234, 400 Seventh Street SW., Washington, DC 20590, phone: 202—426–1477. Written comments should include the docket number (CGD 72–132PH), the name and address of the person submitting the comments, and the section of the proposal to which each comment is directed. Copies of comments received will be available for examination in Room 8234, 400 Seventh Street SW., Washington, DC.

Dated: October 17, 1972.

W. F. REA III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.72–17974 Filed 10–19–72;8:57 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72–RM–20]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the transition area at Bozeman, Mont.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the 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. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, CO 80010.

A new ILS runway 12 instrument approach procedure is being developed for the Gallatin Field, Bozeman, Mont. Airport. Accordingly, it is necessary to alter the Bozeman, Mont., transition area to provide controlled airspace protection for aircraft executing this procedure.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (37 F.R. 2143) the description of the Bozeman, Mont., transition area is amended to read:

BOZEMAN, MONT.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Gallatin Field (latitude 45°46'50" N., longitude 111°09'20" W.) and within 5.5 miles northeast and 9.5 miles southwest of the Bozeman ILS northwest localizer course extending from the 11-mile radius area to 28 miles northwest of Gallatin Field.

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

Issued in Aurora, Colo., on October 11, 1972.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.72–17885 Filed 10–19–72;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

XYLENE

Proposed Exemption From Tolerance

The Administrator of the Environmental Protection Agency having evaluated data, and other relevant material, proposes that § 180.1001 *Exemptions from the requirement of a tolerance* of the pesticide regulations be amended in paragraph (c) to provide for the use of xylene as an inert ingredient in pesticide formulations applied to stored grain only. It is concluded that:

1. The pesticide is useful for the purpose for which the exemption is proposed.

2. The proposed exemption will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), it is proposed that § 180.1001 be amended by alphabetically inserting a new item in the table in paragraph (c) as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * * *

(c) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* * *
Xylene meeting the specifications listed in § 121.1182 (b)(4) of Chapter 1, Title 21, Code of Federal Regulations.	In pesticide formulations for grain storage only.	Solvent, cosolvent.
* * *	* * *	* * *

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, within 30 days after publication hereof in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Environmental Protection Agency, Washington, D.C. 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: September 26, 1972.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72–17935 Filed 10–19–72;8:56 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 19518]

PUBLIC INTEREST GROUP AS CONSULTANT TO BROADCASTER

Proposed Reimbursement for Legitimate and Prudent Expenses; Order Extending Time for Filing Reply Comments

In the matter of reimbursement for legitimate and prudent expenses of a public interest group for a consultancy to a broadcaster in certain instances, Docket No. 19518.

1. The notice of inquiry and proposed rule making in this proceeding was adopted June 1, 1972, and published in the FEDERAL REGISTER June 9, 1972, 37

F.R. 11592. The dates for comments and reply comments originally were June 14 and 24, 1972, respectively, but these were extended to September 11 and October 1 and later to October 2 and October 13, 1972.

2. Black Efforts for Soul in Television (BEST), by motion filed October 11, 1972, now requests that the date for reply comments be extended to and including October 23, 1972. The principal reason stated is that the comments cover areas not contemplated by the notice and counsel for BEST needs more time to file reply comments than originally allotted in his heavy workload schedule.

3. The reason given appears to warrant an extension as requested: *Accordingly, it is ordered*, That the time for filing reply comments is extended to and including October 24, 1972. BEST has requested two prior extensions of time in this matter both of which have been granted. In granting this third extension we must note that in order to dispose of this proceeding at an early date we will be reluctant to give favorable consideration to any further requests for extensions of time.

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

Adopted: October 13, 1972,

Released: October , 1972.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.72-17969 Filed 10-19-72;8:57 am]

[47 CFR Part 43]

[Docket No. 19608; FCC 72-909]

ANNUAL REPORTS FOR TELEPHONE COMPANIES, WIRE-TELEGRAPH AND OCEAN-CABLE CARRIERS, AND RADIOTELEGRAPH CARRIERS

Proposed Reporting Requirements

In the matter of amendment of Annual Reports Form M for Telephone Companies; Form O for Wire-Telegraph and Ocean-Cable Carriers; and Form R for Radiotelegraph Carriers to change certain reporting requirements and to provide additional reporting requirements, Docket No. 19608, RM-2056.

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

2. In a petition dated August 24, 1971, the American Telephone and Telegraph Co. (A.T. & T.) requested the Commission to raise the annual compensation level from $30,000 to $45,000 for reporting compensation to employees not designated as officers or directors in the Commission's Annual Report Form M for telephone companies. In its request for rule making A.T. & T. stated that should it be too late in the year to amend Annual Report Form M for the year 1971, then the Commission is requested to grant temporary relief to telephone carriers with revenues in excess of $25,000,000 by waiving, for the 1971 report only, the present $30,000 reporting level. The Commission, by its Chief, Common Carrier Bureau, in an order released on September 22, 1971, waived the reporting requirements of Schedule 70B, Compensation of Officers, Directors, Etc., of Annual Report Form M so as to permit telephone carriers with annual revenues of over $25 million to report, in their 1971 reports only, data with respect to individual employees not designated as officers or directors to whom $37,500 or more was paid during the year as compensation for current or past services.

3. The Commission is proposing to amend the reporting requirements of Schedule 70B so as to permit telephone companies with annual operating revenues exceeding $100 million (a change from $25 million presently provided in Schedule 70B) to report therein data with respect to individual employees, other than officers or directors, having an annual salary rate of $40,000 or more at any time during the year or to whom $40,000 or more was paid during the year as compensation for current or past services, rather than $45,000 as proposed by A.T. & T. for companies with annual operating revenues exceeding $25 million. In addition, certain other amendments of Annual Report Form M are being proposed by the Commission, as follows: (a) Addition of a new tax schedule which would analyze data with respect to the accumulated deferred income taxes account (account 176) established in Part 31 of the Rules, effective January 1, 1971; (b) revision of the reporting requirements of the donations-and-payments schedule in order to provide for reporting, by recipient, of the total of all payments made during the year where the aggregate amount paid to a recipient was $10,000 or more; (c) revision of the pension and benefit funds investment schedule so as to provide for the submittal of certain additional data; and (d) revision of certain other schedules in order to delete requirements for reporting certain data no longer considered necessary and to provide information for more effective regulation.

4. Since 1934, telephone companies have been required to report the name and amount of compensation paid to each officer and director in Annual Report Form M. In addition, prior to 1948 the annual compensation of each employee not designated as an officer or director was required to be reported if the amount was $10,000 or more. In 1948 this amount was raised to $15,000 and in 1959 to $20,000. In 1965 the reporting compensation level for those carriers having annual operating revenues exceeding $25 million was raised to $30,000. With its request for rule making, A.T. & T. furnished data to show that with the compensation level of $30,000 the number of persons it reported in Schedule 70B for 1970 totalled 349; however, if the minimum compensation level were $37,500 the number would have been 212; at $40,000 the number would have been 177; and at $45,000 the number would have been 124. In 1934, with a reporting level of $10,000, A.T. & T. reported data for a total of 120 persons. In the past the Commission has raised the compensation level in order to minimize the reporting burden since increasing salary scales have resulted in the reporting of many more names and salaries than it had anticipated when the original requirements were adopted.

5. We are proposing to raise the measure of annual revenues used to distinguish between larger and smaller telephone companies for reporting in Schedule 70B from $25 million to $100 million. Further, in the case of companies with annual operating revenues exceeding $100 million we are proposing, as previously mentioned, to raise the reporting level from $30,000 to $40,000 rather than to $45,000 as proposed by A.T. & T. As noted above, had the reporting level of $40,000 been in effect in 1970, A.T. & T. would have reported a total of 177 persons. Although we are inclined to the view that the $40,000 level will provide adequate relief to these carriers at the present time and will provide a reasonable amount of public reporting of salaries, nevertheless, we invite comments as to the resonableness of the $40,000 level particularly in light of current salary levels, corporate organization structures, staffing patterns, the public interest in data on management compensation and the reporting burden upon the carriers. In addition, it is proposed to amend Schedule 70B in order that the requirement for reporting of compensation to employees, other than officers and directors, will be consistent with the reporting requirement in Schedule 3, General Officers and Executives, of Annual Report Forms O and R by requiring the reporting of information for each person having the specified annual salary rate at any time during the year in addition to those to whom the specified amount of compensation was paid during the year for current or past services.

6. It is proposed to add to Annual Report Form M a new tax schedule entitled Schedule 30B, Accumulated Deferred Income Taxes-Accelerated Tax Depreciation (Account 176), in order to provide for an analysis of the deferred income taxes account. In Docket No. 18828 (35 F.R. 11237) the Commission established in Part 31 account 176. "Accumulated deferred income taxes-Accelerated tax depreciation," which account shall include the balances of all income taxes which have been deferred as a result of the use of accelerated depreciation for income tax purposes. It was also required that account 176 be maintained in a manner to show separately entries with respect to (a) deferred operating income taxes, further subdivided as between Federal income taxes and State and local income taxes, and (b) deferred nonoperating income taxes. Further, the Commission waived its accounting rules in an order released on January 5, 1972, to permit similar accounting for income tax differentials arising from the use of class lives and asset depreciation ranges for income tax purposes. It is believed advisable to show in the report form

opening and closing balances and the activity during the reporting year in account 176 by these three subdivisions. At the same time, it is proposed to redesignate Schedule 30, Other Deferred Credits, of Annual Report Form M as Schedule 30A.

7. It is proposed to revise Schedule 43, Donations or Payments for Services Rendered by Persons Other Than Employees, in Annual Report Form M in order to provide, in the instructions, for the reporting by recipient of the total of all payments made during the year where the aggregate amount of all payments made to a recipient was $10,000 or more. It is believed that the proposed reporting on a total aggregate payment basis rather than the present reporting of the aggregate amount of all individual payments of $5,000 or more would provide more adequate disclosure of significant payments to individual recipients. In a recent proceeding it was developed that an outside consultant to a Bell company was paid almost $150,000 of which only slightly over $20,000 was required to be reported. It is proposed further to provide in the instructions that these payments be listed alphabetically in separate series by purpose of payment, rather than alphabetically in a single list, in order to facilitate use of the responses.

8. It is proposed to revise the title of Schedule 50, Mileage of Outside Plant, of Annual Report Form M to read "Outside Plant Statistics" and to make certain other revisions in the schedule. Since the use of phantom circuits is becoming negligible throughout the industry, it is proposed to delete column (q), "Miles of Phantom Circuit," and to reletter columns (r) through (x) as (q) through (w). It is also proposed to delete from Schedule 50 the line calling for the "Number of portable emergency radiotelephone sets respondent is licensed to operate". It is no longer necessary that these units be licensed separately. This service is performed by carriers operating fixed radiotelephone rural subscriber stations the data for which are reported in Schedule 52, Telephones in Service, of Annual Report Form M. Further, it is proposed to revise the heading of column (n) to read "Number of Poles," a readily available figure, from "Miles of Pole Line," a figure which we understand is estimated by many of the carriers solely for Form M reporting purposes.

9. It is proposed to delete the present Schedule 54, Telegraph Stations, of Annual Report Form M and to add in lieu thereof a new Schedule 54, Telegraph Stations, Data Sets, and Data Access Arrangements. The proposed new schedule reflects the deletion of separate columns for Morse stations and stations in teletypewriter exchange service (TWX). The number of such stations will, however, be required to be reported by those carriers having such stations in the appropriate column designated "Other (specified)." These changes are proposed since only four or five carriers now report Morse stations, and the TWX service in the 48 contiguous States has been sold both by the Bell and independent telephone companies to The Western Union Telegraph Company. However, teleprinter exchange service is being provided by reporting telephone companies in Alaska and Hawaii and may be so provided in the future in Puerto Rico and the Virgin Islands. In the proposed schedule provision is made for the reporting of telegraph station data, data sets, and data access arrangements separately for private line service and exchange service. It is believed that the proposed reporting of the number of data sets and data access arrangements will be more nearly in line with present service offerings and of greater value from a regulatory standpoint. Further, in conjunction with the proposal to delete the separate column for reporting the number of stations in TWX service in Schedule 54, it is proposed to delete Schedule 55, Teletypewriters on Customers' Premises Used in Exchange service, of Annual Report Form M.

10. It is proposed to amend Schedule 60B, Pensions Paid, of Annual Report Form M in order to provide line space for reporting the number of separated employees eligible for deferred service pensions.

11. It is proposed to amend Schedule 60D, Investment of Pension and Benefit Funds, of Annual Report Form M to provide for the reporting therein of data showing the market value of obligations, of information with respect to investments in letter stock and of detailed information on losses realized on a single security or other investment where the amount of the gross loss amounts to $1 million or more in the entire fund of all trustees for a single company. Currently, data on market value are reported only for equity securities. However, in view of the fact that certain institutional investors tend to actively trade bonds, as well as stocks, it appears highly desirable that market value information be included in Schedule 60D with respect to all investments held in the trust funds. In recent years it has come to our attention that limited investments have been made by some of the Bell System pension fund trustees in stock restricted as to disposition such as letter stock. In certain cases the stocks appear to be highly speculative and may result in loss of the total investment made therein. In addition, we propose to require the reporting of the details of gross losses of $1 million or more on single investments in order that we may be aware of relatively large investment losses. The reporting of the additional data being proposed is considered desirable for more effective overall surveillance of pension and benefit funds for regulatory purposes.

12. As a result of the waiver granted telephone carriers relaxing the reporting requirements of Schedule 70B, petitions were filed by The Western Union Telegraph Co. and Western Union International, Inc., requesting that a similar waiver be granted to telegraph and international record carriers with annual operating revenues in excess of $25 million with respect to the reporting of employee compensation in Schedule 3, General Officers and Executives, of Annual Reports Forms O and R. The Commission, by its Chief, Common Carrier Bureau, adopted an order on January 4, 1972, granting the relief requested for the year 1971 only. We are proposing that the reporting requirements of Schedule 3 be amended in order to permit those carriers filing Annual Reports Forms O and R with annual operating revenues exceeding $100 million to report data only with respect to individual employees, not designated as officers or directors, having an annual salary rate of $40,000 or more at any time during the year or to whom $40,000 or more was paid during the year as compensation for current or past services.

13. We believe the requirements for reporting donations and payments for services rendered for all reporting common carriers should be kept uniform. It is proposed, therefore, to amend Schedule 413, Donations and Payments for Services Rendered by Others Than Employees, of Annual Reports Forms O and R in the same manner as proposed for Schedule 43 of Annual Report Form M.

14. If the foregoing proposals are adopted, the table of contents and the index for the Annual Report Form M will be amended accordingly. It is proposed that any amendments made as a result of this proceeding will be made effective in the report forms for the year 1973.

15. In view of the foregoing, it is proposed to amend Annual Reports Form M for Telephone Companies, Form O for Wire-Telegraph and Ocean-Cable Carriers, and Form R for Radiotelegraph Carriers as set forth below.

16. This notice of proposed rule making is issued under authority contained in sections 4(i), 201, 219, and 220 of the Communications Act of 1934, 47 U.S.C. 154(i), 201, 219, and 220.

17. Pursuant to applicable procedures set forth in 47 CFR 1.415, interested persons may file comments on or before November 27, 1972, and reply comments on or before December 8, 1972. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it in addition to the specific comments invited by this notice. Comments in response to this notice will be available for public inspection in the Commission's Broadcast and Dockets Reference Room.

18. In accordance with the provision of 47 CFR 1.419, an original and 14 copies of all statements or briefs shall be furnished to the Commission.

Adopted: October 12, 1972.

Released: October 17, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[1] Commissioner Johnson concurring in the result.

I. Annual Report Form M for Telephone Companies is amended as follows:

1. In Schedule 10, Balance Sheet, in the column for indicating supporting schedules "A" is inserted after "30" on line 39 and "30B" is inserted on line 80.

2. Schedule 11, Income and Retained Earnings Statement, is amended as follows:

a. In the column for indicating supporting schedules "A" is inserted after "30" on line 5, and "30B" inserted on lines 8 and 9.

b. A footnote to the caption "Retained Earnings" is added to read as follows:

*See Schedule 31 for amount in account 180, Retained earnings reserved, at end of the year.

3. Schedule 30 is redesignated as Schedule 30A.

4. A new tax schedule entitled 30B, Accumulated Deferred Income Taxes—Accelerated Tax Depreciation (Account 176), is inserted. The following is a description of the schedule.

a. The instruction reads as follows:

Explain in a note each adjustment amounting to $25,000 or more reported in column (e). When adjustments are applicable to more than 1 year, indicate in the note the amount applicable to each year.

b. The column headings read as follows:

(a) Particulars
(b) Balance at Beginning of Year
(c) Amount Deferred During the Year
(d) Amount Amortized to Current Year's Income
(e) Adjustments Debit or (Credit)
(f) Balance at End of Year

c. The captions in column (a) read as follows:

DEFERRED OPERATING INCOME TAXES

1. 307 Other operating taxes
2. 308 Operating Federal income taxes deferred—accelerated tax depreciation
3. 309 Income credits resulting from prior deferrals of Federal income taxes

DEFERRED NONOPERATING INCOME TAXES

4. 326 Federal income taxes—Nonoperating
5. 327 Other nonoperating taxes
6. Total

5. In Schedule 43, Donations or Payments For Services Rendered by Persons Other Than Employees, instruction 1 is amended to read as follows:

1. Report for each service rendered (including materials furnished incidental to the service which are impracticable of separation) by recipient and in total the aggregate of all payments made during the year where the aggregate of all payments to a recipient was $10,000 or more including fees, retainers, commissions, gifts, contributions, assessments, bonuses, subscriptions, allowances for expenses or any other form of payments for services or as donations (except rents for property, taxes, utility services, traffic settlements, amounts paid for general services and licenses, accruals paid to trustees of pension and other employee benefit funds, and amounts paid for construction or maintenance of plant to persons other than noncarrier affiliates) to any one corporation, institution, association, firm, partnership, committee, or person (not an employee of the respondent). Indicate by an asterisk in column (c) each item that includes payments for materials furnished incidental to the service performed.

6. Schedule 50, Mileage of Outside Plant, is amended to read as follows:

a. The title reads as follows:

50. OUTSIDE PLANT STATISTICS

b. Instruction 3 is amended to read as follows:

3. In columns (u), (v), and (w) report the aggregate number of miles of system or channels, as appropriate, between the individual stations of radio-relay systems.

c. The heading for column (n) is amended to read as follows:

(n) Number of Poles

d. Line 11 and column (q) are deleted and columns (r) through (x) are redesignated as columns (q) through (w) and references to column letters are redesignated accordingly.

7. Schedule 54, Telegraph Stations, is revised to read as follows:

a. The title reads as follows:

54. TELEGRAPH STATIONS, DATA SETS AND DATA ACCESS ARRANGEMENTS

b. The instructions read as follows:

1. Report data relative to all company-owned telegraph stations in service as at December 31, including nonrevenue stations, but excluding stations used for purposes other than message transmission.

2. For the purposes of this schedule the following definitions are applicable:

"Data access arrangement" is a protective connecting arrangement for use with the network control signalling unit and customer-provided data terminal.

"Data set" is a set used to convert the signals of a business machine into tones that are suitable for transmission over communications lines.

"Dataphone service" stations are stations providing service furnished over the switched message network under general exchange, message toll and wide area telephone service tariffs.

"Private line service" stations are stations furnished under contracts providing exclusive service, i.e., service not requiring central office switching operations for communications between specified locations.

c. The column headings read as follows:

(a) State or Territory

Caption overriding columns (b) through (k) reads:

NUMBER OF UNITS IN SERVICE AS AT DECEMBER 31

Subcaption overriding columns (b) through (f) reads:

PRIVATE LINE SERVICE

Subcaption overriding columns (b) and (c) reads:

TELEGRAPH STATIONS

(b) Teletypewriter
(c) Other (specified):

Subcaption overriding columns (d) and (e) reads:

DATA SETS

(d) Dataphone
(e) Other (specified):
(f) Data Access Arrangements

Subcaption overriding columns (g) through (k) reads:

EXCHANGE SERVICE

Subcaption overriding columns (g) and (h) reads:

TELEGRAPH STATIONS

(g) Dataphone Service
(h) Other (specified):

Subcaption overriding columns (i) and (j) reads:

DATA SETS

(i) Dataphone
(j) Other (specified):
(k) Data Access Arrangements

8. Schedule 55, Teletypewriters on Customers' Premises Used in Exchange Service, is deleted.

9. In Schedule 60B, Pensions Paid, a new line 14 is inserted to read as follows:

14. Number of separated employees eligible for deferred service pensions

10. Schedule 60D, Investment of Pension and Benefit Funds, is amended as follows:

a. Two new instructions are added to read as follows:

5. Show in a note the details of losses realized on a single security or other investment where the amount of the gross loss amounts to $1 million or more in the entire fund of all trustees for a single company.

6. In the case of letter stock or other investments restricted as to disposition, state in a note, by issuer and by security, (a) cost of purchases made during the year, (b) cost and net proceeds of sales made during the year, and (c) cost, book value and estimated market value of the holdings of such investments as of December 31.

b. The heading for column (e) is amended to read as follows:

(e) Estimated Market Value

11. Instruction 1 of Schedule 70B, Compensation of Officers, Directors, Etc., is amended to read as follows:

1. Furnish the indicated data with respect to each officer and director, whether or not he received any compensation from the respondent, and also with respect to all other persons having an annual salary rate of $20,000 or more ($40,000 or more if respondent's annual operating revenues exceeded $100 million) at any time during the year or to whom the respondent paid $20,000 or more ($40,000 or more if respondent's annual operating revenues exceeded $100 million) during the year as compensation for current or past services.

II. Annual Report Form O for Wire-Telegraph and Ocean-Cable Carriers and Annual Report Form R for Radiotelegraph Carriers are amended as follows:

1. In Schedule 3, General Officers and Executive, instruction 1 is amended to read as follows:

1. Furnish the indicated data with respect to each officer and director, whether or not he received any compensation from the respondent, and also with respect to all other persons having an annual salary rate of $20,000 or more ($40,000 or more if respondent's annual operating revenues exceeded $100 million) at any time during the year or to whom the respondent paid $20,000 or more ($40,000 or more if respondent's annual operating revenues exceeded $100 million) during the year as compensation for current or past services.

2. Instruction 1 of Schedule 413, Donations and Payments for Services Rendered by Others Than Employees, is amended to read as follows:

1. Report for each service rendered (including materials furnished incidental to the service which are impracticable of separation) by recipient and in total the aggregate of all payments made during the year where the aggregate amount of all payments to a recipient was $10,000 or more including fees, retainers, commissions, gifts, contributions, assessments, bonuses, pensions, subscriptions, allowances for expenses, or any other form of payments for services or as donations (except rents for property, taxes, utility services, traffic settlements, and amounts paid for construction or maintenance of plant to persons other than affiliated noncarriers) to any one corporation, institution, association, firm, partnership, committee, or person (not an employee of the respondent).

[FR Doc.72-17967 Filed 10-19-72;8:57 am]

[47 CFR Part 73]

[Docket No. 19613; FCC 72-920]

FM BROADCAST STATIONS IN CERTAIN CITIES IN GEORGIA, TENNESSEE, AND ILLINOIS

Proposed Table of Assignments

In the matter of amendment of § 73.202(b), *Table of assignments*, FM Broadcast Stations (Chatsworth, Ga., Union City, Tenn., Camden, Tenn., Eldorado, Ill.), Docket No. 19613, RM-1954, RM-2035, RM-2028, RM-2039.

1. Notice of proposed rule making is hereby given concerning the amendment of § 73.202(b) of the rules, the FM Table of Assignments to add first FM channels to the above-listed communities, as has been requested in the rule making petitions. In each of the communities there is one proposal for a Class A assignment. Population figures are from the 1970 U.S. Census reports. All petitions are unopposed. The proposed channels sought by each petitioner are as follows:

RM-1054	Channel 257A to Chatsworth, Ga.
RM-2028	Channel 285A to Union City, Tenn.
RM-2035	Channel 252A to Camden, Tenn.
RM-2039	Channel 272A to Eldorado, Ill.

A brief description of each petition follows:

2. *Chatsworth, Ga. (RM-1954).* Earl L. Bradsher, Jr. (petitioner), filed a petition on March 24, 1972, proposing that Channel 257A be assigned to Chatsworth, Ga. Petitioner asserts that Channel 257A could be assigned to Chatsworth in conformity with the Commission's minimum mileage separation rules without affecting any presently assigned channel if the transmitter site is located immediately southeast of Chatsworth. Chatsworth (2,706 population) is the seat of Murray County (12,986) and is located 11 miles west of Dalton, Ga. It has no local broadcast transmission facility. Petitioner notes there is no radio station in the county but there is a UHF television outlet (WCLP-TV) of the Georgia Educational Television Network which presents no local programing; that Chatsworth receives three daytime AM signals from Dalton, Ga., 11 miles to its west; and that Chatsworth hears no local voice, day or night, on FM. He contends that a weekly newspaper is the only local media for information.

3. Petitioner asserts that Chatsworth and Murray County offer splendid summer resort facilities, that in Murray County in 1962 the Georgia Institute of Technology listed 320 employed in manufacturing in talc and soapstone mines, textile and pine timber industries that contribute to a largely agricultural economy; that numerous Chatsworth residents commute to jobs at Dalton which is the carpet capital and is the central city of an economically well-defined region; and that Dalton is a shipping point for the cotton, fruit, grain and cattle of the surrounding region. Petitioner states that fulltime local radio service would be rendered to all of Georgia's isolated, substantially Conasauga-Ostanoula Valley, including small towns. He further notes that there is a particular need for a first local nighttime radio service to 40,000 people. He states that, if permitted to construct the station, he believes he can establish an operation profitable to local backers and to himself as well as of public benefit. For these reasons, we believe consideration of the proposal for the assignment of a first Class A FM channel to Chatsworth, Ga., is warranted.

4. *Union City, Tenn. (RM-2028).* Ed Perkins (petitioner), filed a petition on July 27, 1972, proposing the assignment of Channel 285A to Union City, Tenn. Channel 285A could be assigned to Union City without affecting any assignments in the FM Table of Assignments and would meet the Commission's minimum mileage separation rule. Union City (11,925 population) is the seat of Obion County (29,936 population) and is located in the northwestern corner of Tennessee. A Class IV AM station is the only broadcast facility in Union City or Obion County.

5. In support of its request, petitioner states that although official figures are not available, it is estimated by the city manager that local retail sales amounted to $53,757,000 in 1969; that there are approximately 13 manufacturing establishments in Union City; that it operates its own educational system which includes three elementary, one junior high, and one senior high school; and that it has a daily local newspaper with a circulation of 7,000. Petitioner states that the proposed assignment would provide the area with a second aural service and a first local FM service. In view of the foregoing information, we believe consideration of the proposal for the assignment of Channel 285A to Union City, Tenn., is warranted.

6. *Camden, Tenn. (RM-2035).* Ray Smith (petitioner), filed a petition August 8, 1972, proposing the assignment of Channel 252A to Camden, Tenn. Channel 252A could be assigned to Camden without affecting the FM Table of Assignments and in full compliance with the Commission's minimum mileage separation rule. Camden (3,052 population) is the seat of Benton County (12,126 population) and is located 50 miles northeast of Jackson, Tenn. It presently has one daytime only AM station and no FM asignments. Petitioner seeks the assignment of this Class A channel so that Camden will be provided with a first local nighttime service and a choice of local broadcast service during daytime hours.

7. In support of its request petitioner states that Camden is near several manmade TVA lakes and provides incomparable recreational opportunities for thousands of tourists who are attracted to the area to take advantage of the fishing and boating opportunities. He notes that the total retail sales increased from $14,996,000 in 1967 to $15,598,000 in 1970. He adds that the Camden educational system consists of one high school, one junior high school, and one elementary school, with a total enrollment of 1,951; three medical clinics; a new 45-bed hospital; and extended care facilities under construction. Petitioner adds that he will immediately apply for Channel 252A if assigned to Camden. In view of the above, we believe consideration of the proposal for the assignment of a first Class A FM channel to Camden, Tenn., is warranted.

8. *Eldorado, Ill. (RM-2039).* Elliott O. Partridge, M.D. (petitioner), filed a petition on August 15, 1972, proposing the assignment of Channel 272A to Eldorado, Ill. Channel 272A could be assigned to Eldorado in conformity with the Commission's minimum mileage separation rule and without affecting any presently assigned channel in the FM Table of Assignments. Eldorado (3,876 population) is located in Saline County (25,721 population) 50 miles southwest of Evansville, Ind. It has no local broadcast transmission service. Petitioner states that at present virtually all of Saline County and the adjacent counties of Gallatin, Hardin, and Pope rely on the commonly owned Stations WEBQ AM-FM in Harrisburg, Ill., as sources of news, information, and opinion. He adds that these stations provide only minimal news and public affairs programing which is of direct interest to residents of Eldorado, and further states that the rural population in the Eldorado area does not have available the type of agricultural programing needed to serve this segment of the population.

9. The petitioner states that Eldorado is a thriving community which supports four manufacturing plants, two modern hospitals, four public and parochial schools, and two banks. He adds that the city of Eldorado has more than $4 million in commercial construction either underway or firmly committed, which includes a $1 million multiunit low income high rise building and a subdivision development for new homes. In view of the foregoing information and the fact that there is no local broadcast transmission service in Eldorado, we believe the proposal merits exploration in a rule making proceeding.

10. *Showings required.* Comments are invited on the proposals set forth and discussed above. Proponents will be expected to answer whatever questions, if any, are raised in the notice and other questions that may be presented by the initial comments. The proponents are expected to file comments even if nothing more than to incorporate by reference their petitions, and are expected to state their intentions to apply for their respective channels, if assigned, and if authorized to promptly build the station. Failure to make this showing may result in the denial of the petition.

11. *Cutoff procedure.* As in other recent FM rule making proceedings, the following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments.

(b) With respect to petitions for rule making which conflict with any of the proposals in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given, as long as they are filed before the

date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

12. Authority for the action proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

13. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before November 27, 1972, and reply comments on or before December 8, 1972. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

14. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, pleadings, briefs, or other documents shall be furnished the Commission.

15. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street NW.).

Adopted: October 12, 1972.

Released: October 17, 1972.

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

[FR Doc.72-17968 Filed 10-19-72;8:57 am]

Notices

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[Docket No. 72-5]

LEONARD S. COHEN

Notice of Hearing

Notice is hereby given that on September 21, 1972, the Bureau of Narcotics and Dangerous Drugs, Department of Justice, issued to Leonard S. Cohen, RD, an Order to Show Cause as to why the Bureau of Narcotics and Dangerous Drugs Registration No. AC2349909 issued to him pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

A written request for a hearing having been filed with the Director of the Bureau of Narcotics and Dangerous Drugs (said request asking for an expedited hearing date), notice is hereby given that a hearing in this matter will be held commencing at 10 a.m., on October 26, 1972, in room 812 of the Bureau of Narcotics and Dangerous Drugs, 1405 Eye Street NW., Washington, DC 20537.

Dated: October 7, 1972.

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

[FR Doc.72-17937 Filed 10-19-72;8:59 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 7033]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. A-7033, for the withdrawal of lands from location and entry under the general mining laws, but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the lands described below for preservation and protection of the natural springs against conflicts of interests by the many and various users. The springs are used by the visiting public, prospectors, cattle, and wildlife to obtain water in this arid region. Without future protection these water sources could be disrupted and/or depleted. All of the water source areas are situated in or near the Superstition Wilderness Area within the Tonto National Forest and are in aid of the Department's program.

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, Ariz. 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 of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN, ARIZ.

SUPERSTITION WILDERNESS WATER SOURCES

T. 1 N., R. 9 E.,
Sec. 14, S½NE¼NE¼ and SE¼NE¼;
Sec. 22, S½NE¼SW¼ and SE¼SW¼.
T. 2 N., R. 9 E. (unsurveyed),
Sec. 22, S½SE¼SE¼;
Sec. 27, NE¼NE¼.
T. 1 N., R. 10 E.,
Sec. 4, S½SW¼SW¼;
Sec. 5, S½NE¼;
Sec. 6, W½ of lot 2, E½ of lot 3, NE¼SE¼ NW¼ and NW¼SW¼NE¼;
Sec. 9, S½NW¼;
Sec. 10, E½SW¼SW¼ and W½SE¼SW¼;
Sec. 14, S½NE¼NW¼, SE¼NW¼NW¼, NE¼SW¼NW¼, and NW¼SE¼NW¼;
Sec. 15, S½SW¼SE¼ and SW¼SE¼SE¼;
Sec. 16, SW¼;
Sec. 22, NW¼NE¼NE¼ and N½NW¼ NE¼.

The total area described above aggregates approximately 729.61 acres within the Tonto National Forest.

This proposed withdrawal will not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or govern the disposal of their mineral or vegetative resources other than under the mining laws.

Dated: October 12, 1972.

JOE T. FALLINI,
State Director.

[FR Doc.72-17890 Filed 10-19-72;8:46 am]

Fish and Wildlife Service

BIRDS OF PREY

Additions to Conference Between United States and United Mexican States for Protection of Migratory Birds and Game Mammals

Pursuant to Article IV of the Convention Between the United States of America and the United Mexican States for the Protection of Migratory Birds and Game Mammals (50 Stat. 1311) (T.S. 912), the President of the United States and the President of the United Mexican States have agreed that 32 families of migratory birds be added to those named in Article IV of the aforesaid Convention. That agreement was formally exchanged by their personal representatives in Mexico City, Mexico, on March 10, 1972. The Migratory Bird Treaty Act (16 U.S.C. 703-711) which implements this Convention makes it unlawful, among other things, for any person to pursue, hunt, take, capture, kill, possess, sell, barter, purchase, ship, transport, export, or import any of these migratory birds except as permitted by the Secretary of the Interior by appropriate regulation.

Included in these 32 families of birds now under Federal protection are the families: (1) *Accipitridae* (eagles and certain hawks), (2) *Falconidae* (falcons and certain hawks), (3) *Strigidae* (owls), and (4) *Tytonidae* (barn owl), commonly referred to as birds of prey. Some species included in the above four families of birds of prey have traditionally been used for falconry which is recognized by this Bureau as a legitimate practice when properly and lawfully engaged in by qualified individuals.

Consultations are currently being held with State wildlife agencies, interested organizations, and individuals in order to develop regulations providing for this utilization as authorized in Article I of the Convention. When developed, these regulations will be published in the FEDERAL REGISTER as a notice of proposed rule making.

Pending the adoption and publication of final regulations concerning falconry, the following shall apply:

Any person may take, capture, possess, sell, barter, purchase, ship and transport but not import or export live migratory birds of the families (1) *Accipitridae* (excluding bald and golden eagles which are also protected under 16 U.S.C. 688-688d), (2) *Falconidae*, (3) *Strigidae*, and (4) *Tytonidae* only in accordance with laws and regulations of the State where such act occurs: *Provided*, That no person may take or capture in any one calendar year more than three birds which belong to these families: *Provided further*, That no person may take or capture any such species on the U.S. List of Endangered Native Fish and Wildlife (50 CFR Part 17 App. D) nor may any State issue a permit which will allow the taking of any such endangered migratory birds without prior approval from the Director, Bureau of Sport Fisheries and Wildlife, 18th and C Streets NW., Washington, D.C. 20240. Taking any of these named birds from the wild is presently prohibited. This notice and order partially relieves this restriction and is effective upon publication in the FEDERAL REGISTER. (10-20-72).

(16 U.S.C. 704)

Effective date: Upon publication in the FEDERAL REGISTER.

E. V. SCHMIDT,
Deputy Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 19, 1972.

[FR Doc.72-18126 Filed 10-19-72;12:28 pm]

National Park Service

PICTURED ROCKS NATIONAL LAKESHORE, MICH.

Establishment

The Act of October 15, 1966 (80 Stat. 922; 16 U.S.C. 460s), authorizes establishment by the Secretary of the Interior of the Pictured Rocks National Lakeshore, Mich., to comprise the area designated for such establishment on the map identified as "Proposed Pictured Rocks National Lakeshore, NL-PR-7100A, July 1966." Such establishment is required to be accomplished following acquisition of an acreage within the authorized boundaries which is efficiently administrable for the purposes of the Act.

It has been determined that an acreage has been acquired within the boundaries of the lakeshore which is efficiently administrable for the purposes of the aforesaid Act and, therefore, the Pictured Rocks National Lakeshore is hereby declared established.

Dated: October 6, 1972.

NATHANIEL P. REED,
Assistant Secretary of the Interior.

[FR Doc.72-17889 Filed 10-19-72;8:45 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

BAYLOR COLLEGE OF MEDICINE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket Number: 72-00585-00-46040. Applicant: Baylor College of Medicine, Division of Experimental Biology, 1200 Moursund Avenue, Houston, TX 77025. Article: Projector tubes with shutters and binocular holder. Manufacturer: Siemens AG, West Germany. Intended use of article: The articles are accessories for an existing electron microscope being used for studies of tissues, cells, and submicroscopic entities including viruses and for training of students in the fundamentals of electron microscopy.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to a compatible accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-17984 Filed 10-19-72;9:00 am]

ST. JOSEPH'S HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket Number: 72-00602-00-46040. Applicant: St. Joseph's Hospital, Research Laboratory, 3001 West Buffalo Avenue, Tampa, FL 33607. Article: Electrical exposure shutter with equipment for exposure measurement. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is an accessory for an existing electron microscope which is being used in the study of the ultrastructure of various types of cancer cells and tumor viruses and in the training of medical students in this field of research.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The application relates to a compatible accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-17985 Filed 10-19-72;9:00 am]

UNIVERSITY OF CHICAGO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00609-00-46040. Applicant: University of Chicago, Department of Biophysics, 1160 East 55th Street, Chicago, IL 60615. Article: 70 mm. rollfilm camera. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is an accessory to an existing electron microscope which will enable more precise recording of high resolution micrographs of terrestrial and extraterrestrial materials, as well as a wide variety of biological specimens.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The application relates to a compatible accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-17986 Filed 10-19-72;9:00 am]

YALE UNIVERSITY ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72–00437–33–46040. Applicant: Yale University, Purchasing Department, 260 Whitney Avenue, New Haven, CT 06520. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in the investigation of cellular and subcellular structure, specifically, the study of ultrathin sections of tissues obtained under a variety of conditions and isolated subcellular fractions and viruses. The article will also be used for training of research trainees (postdoctoral M.D.) preparing for a career of research in pathology and teaching of medical students. Application received by Commissioner of Customs: March 10, 1972. Advice submitted by Department of Health, Education, and Welfare on: September 29, 1972.

Docket No. 72–00438–33–46040. Applicant: W. Alton Jones Cell Science Center, Post Office Box 631, Lake Placid, NY 12946. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments NVD. Intended use of article: The article is intended to be used primarily in the investigation of medical, biological, and tissue culture materials; specifically (1) characterization of natural and artificial mammalian pulmonary surfactant, and (2) characterization of crystallized air pollutants in human lungs. The article will also be used for training in cell, tissue, and organ culture to cell biologists requiring these methods in their research. Application received by Commissioner of Customs: March 10, 1972. Advice submitted by Department of Health, Education, and Welfare on: September 29, 1972.

Docket No. 72–00591–33–46040. Applicant: Veterans Administration Hospital, Leestown Road Division, Lexington, KY 40507. Article: Electron microscope, Model EM 300S. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used to study the structure of materials of biological origin in the form of (1) "negatively-stained" components of cells macromolecules and (2) ultrathin sections of experimentally treated tissues. The three-dimensional organization of the myofilaments in vertebrate smooth muscle cells from the gizzards of chickens and taenia coli of guinea pigs will be determined from serially sectioned cells of the principal user. The pattern of organization of the myofilaments will be determined for the relaxed and contracted states of the muscle in order to provide a structural basis for the phenomena of shortening and force-generation in smoothe muscle. These studies will be complemented with various experimental treatments to gain qualitative information about the materials observed with the article. Application received by Commissioner of Customs: May 30, 1972. Advice submitted by Department of Health, Education, and Welfare on: September 29, 1972.

Comments: No comments have been received in regard to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States.

Reasons: Each foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU–4C electron miscroscope which is manufactured by the Forgflo Corp. (Forgflo). The Model EMU–4C has a specified resolving capability of 5 angstroms. (Resolving capability bears an inverse relationship to its numerical rating in angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Forgflo Model EMU–4C is not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72–17987 Filed 10–19–72;9:00 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

NATIONAL HEART AND LUNG INSTITUTE

Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the Epidemiology and Biometry Advisory Committee, October 31, 1972, at 8:30 a.m., National Institutes of Health, Building 31, Conference Room 7. The committee will discuss hypertension programs, training programs, and new initiatives. The meeting will be open to the public from 2 p.m. to 4:30 p.m. The meeting will be closed to the public 8:30 a.m. to 1 p.m., to review, discuss, and evaluate and/or rank contract proposals in accordance with section 13(d) of Executive Order 11671 and the Secretary's determination.

Name of the person from whom rosters of committee members and/or summary of the meeting may be obtained: Dr. Manning Feinleib, National Institutes of Health Building 31, Room 1C–15.

Dated: October 16, 1972.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.72–17960 Filed 10–19–72;8:59 am]

Public Health Service

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 3 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, October 30, 1968), as amended, is hereby amended with regard to section 3–20, *Organization and Functions*, as follows:

The chapter alphabetically coded 3P–00—Community Health Service (3P00)—is being amended to reflect the following changes:

(a) The three divisions currently operating within the Community Health Service are reduced to two. The Division of Health Resources is abolished; however, most of its functions are retained within the remaining two operating Divisions.

(b) The Community Profile Data Center is abolished; however, most of its functions are retained within the Division of Health Care Services.

(c) The Office of Training and Staff Development and the Office of Field Services are abolished.

The above changes, together with certain minor changes, require a complete replacement of Chapter 3P00, as follows:

COMMUNITY HEALTH SERVICE (3P00)

Stimulates, conducts, supports, and evaluates programs designed to increase the effectiveness and efficiency of allocating and utilizing health resources for quality preventive and curative health services obtainable and acceptable to the American people. To this end, the Service promotes, develops, and supports: (1) Programs of comprehensive health care focused on the needs and entitlements of individuals and families wherever they live; (2) standards and evaluative activities as a means of increasing the Nation's capacity for delivering quality health services; and (3) activities designed to increase the scope and adequacy of balanced resources for the provision of comprehensive personal health services.

Office of the Director (3P01). (1) Provides leadership and general direction for Service operations, including equal employment opportunity and training and staff development; (2) establishes program objectives and policies; (3) coordinates and evaluates development and progress of the Service's activities; (4) provides technical guidance and coordination to Service activities in the Regional Offices; and (5) provides liaison with other agencies, including the Social Security Administration, the Food and Drug Administration, the Social and Rehabilitation Service, the Department of Housing and Urban Development, the Office of Economic Opportunity, and the Department of Agriculture.

Office of Information (3P17). (1) Develops and conducts an overall Service information program; (2) provides staff advice on information matters; and (3) participates in the planning and development of Service-level policies with special responsibility for their interpretation to the public.

Office of Administrative Management (3P19). (1) Develops and implements management policies, procedures, and systems; (2) plans, directs, and evaluates the administrative management activities of the Service; (3) provides guidance to Service financial management activities, including program policy interpretation in budget formulation and execution, preparation of Program Planning and Budgeting data, and financial management of grants; (4) maintains liaison with officials of the Office of the Administrator and the Office of the Secretary on financial, personnel, organization, supply, contracts, and other management matters; and (5) plans, directs, and evaluates the Service's grants policy and activities.

Office of Program Planning and Evaluation (3P31). (1) Serves as the Service's principal staff arm for program planning, coordination, and evaluation, including the development of program alternatives and policy positions; (2) advises the Director and his immediate staff on program policy and operational implications arising from activities of the Service; (3) provides leadership in development and operation of the Service's long-range and operational planning systems, which include preparation of annual and 5-year plans and establishment of program goals; (4) coordinates the development of the overall evaluation program for the Service; (5) provides the focus for legislative development and analysis in the Service; and (6) coordinates the development of and accomplishes the formal clearance of grant and program policy for the Service.

Division of Medical Care Standards (3P45). (1) Develops, evaluates, and recommends minimum standards for health care provided under Title XVIII (Medicare) of the Social Security Act and other assigned Federal reimbursement and support programs; (2) identifies need for new and revised standards so as to continually upgrade quality of health care; (3) develops, evaluates, and recommends guidelines and procedural manuals for use by State agencies in their licensure and certification performance; (4) conducts training programs and other activities directed to improvement of licensure and certification performance; (5) provides technical consultation to other Federal programs, to Regional Office personnel, and to State and local health officials in the development, interpretation, and application of health standards and policy concerning coverage of health services; and (6) monitors State agency medicare plans and operations.

Division of Health Care Services (3P55). (1) Promotes the utilization of improved methods of health services organization, delivery, and financing at the community level in both urban and rural settings and in long term care facilities and programs; (2) stimulates interest in and knowledge of their health services on the part of members of the community; (3) promotes studies of existing patterns of health services organization in specific communities to identify gaps in services to people; (4) encourages the design of systems of health service delivery to meet the communities' expectations and wishes; (5) promotes the concept of coordinated local programing in order to assure maximum effectiveness from available resources; (6) recommends allocation of funds to Regions for funding of project grants for development and extension of health services; (7) supports the delivery of health services to groups with special needs, such as the rural and urban poor, the residents of sparsely populated areas, the migrant worker and the aged; (8) develops, supports, and evaluates innovative methods for organizing and financing health care services such as prepayment and group practice; and (9) develops program policies for health services development project grants, including family and neighborhood health centers, and migrant health services.

STEVEN D. KOHLERT,
Deputy Assistant Secretary for Management.

OCTOBER 13, 1972.

[FR Doc.72-17924 Filed 10-19-72;8:47 am]

Office of the Secretary

TUSKEGEE SYPHILIS STUDY AD HOC ADVISORY PANEL

Notice of Meeting

A meeting of the Tuskegee Syphilis Study Ad Hoc Advisory Panel is to be held on October 25, 1972. This panel was established by the Assistant Secretary for Health and Scientific Affairs to provide advice on the circumstances surrounding the Tuskegee, Ala., Study of Untreated Syphilis in the Male Negro initiated by the U.S. Public Health Service in 1932. The Assistant Secretary for Health and Scientific Affairs requested the panel to advise him on the following specific aspects of the Tuskegee Syphilis Study:

1. Determine whether the study was justified in 1932, and whether it should have been continued when penicillin became generally available.

2. Recommend whether the study should be continued at this point in time, and if not, how it should be terminated in a way consistent with the rights and health needs of its remaining participants.

3. Determine whether existing policies to protect the rights of patients participating in health research conducted or supported by the Department of Health, Education, and Welfare are adequate and effective and to recommend improvements in these policies, if needed.

This meeting is for the sole purpose of considering and formulating the advice which the panel will give to the Assistant Secretary for Health and Scientific Affairs on the three charges outlined above with particular attention to the second charge, and will involve exclusively the internal expression of views and judgments of its members. Accordingly, under the authority of the Secretary's Notice of Determination of September 27, 1972, this meeting is closed to the public. The meeting will begin at 10 a.m. in Conference Room 8, Building 31 at the National Institutes of Health, Bethesda, Md. A summary of the meeting and a roster of panel members may be obtained from Mr. John Blamphin (202—962-7906), Room 5614, HEW North Building, 330 Independence Avenue SW., Washington, DC 20201.

Dated: October 16, 1972.

PAUL COHART,
Acting Executive Secretary, Tuskegee Syphilis Study Ad Hoc Advisory Panel.

[FR Doc.72-17966 Filed 10-19-72;8:56 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Order Convening Evidentiary Hearing

In the matter of consolidated Edison Company of New York, Inc. (Indian Point Unit 2).

The parties to this proceeding through their attorneys have stipulated to their readiness to proceed to the introduction of further evidence on December 4, 1972.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, that an evidentiary hearing in this proceeding shall convene at 1 p.m. on Monday, December 4, 1972, in the All-Purpose Room of the Springvale Inn, 500 Albany Post Road, Croton-on-Hudson, NY.

Issued: October 16, 1972, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.72-17948 Filed 10-19-72;8:57 am]

[Docket No. 50-255]

CONSUMERS POWER CO.

Notice of Issuance of Amendment to Provisional Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued Amendment No. 4 to Provisional Operating License No. DPR-20 to Consumers Power Co. (the licensee) which permits operation of the Palisades Plant (the facility) at steady-state reactor core power levels of 2,200 megawatts thermal (100 percent of the rated power level of the facility) in accordance with the Technical Specifications and the Interim Special Technical Specifications. The facility is a pressurized water nuclear reactor, and is located at the licensee's site on the eastern shore of Lake Michigan in Covert Township, Van Buren County, Mich.

On September 1, 1972, pursuant to a Supplemental Initial Decision of the Atomic Safety and Licensing Board presiding in the hearing in this proceeding, Amendment No. 3 to Provisional Operating License No. DPR-20 was issued authorizing operation of the Palisades Plant at 1,320 megawatts thermal, 60 percent of the rated power level of the facility. Notice thereof was published in the FEDERAL REGISTER on September 9, 1972 (37 F.R. 18408). Exceptions to the Supplemental Initial Decision were filed with the Atomic Safety and Licensing Appeal Board.

On September 27, 1972, the Atomic Safety and Licensing Appeal Board rendered its decision which authorized the Director of Regulation to issue a license authorizing operation of the facility at power levels not to exceed 2,200 megawatts thermal, 100 percent of the rated power level of the facility, subject to the Technical Specifications and the Interim Special Technical Specifications previously incorporated in the license.

The Commission's regulatory staff has inspected the facility and has determined that the facility has been constructed in accordance with the application, as amended, the provisions of Provisional Construction Permit No. CPPR-25, the Atomic Energy Act of 1954, as amended, and the Commission's regulations. The licensee has previously submitted proof of financial protection in satisfaction of the requirements of 10 CFR Part 140.

The Director of Regulation has made the findings set forth in the license, and has concluded that the application, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Chapter 1, and 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.

The license amendment is effective as of the date of issuance and shall expire on March 1, 1974.

Copies of (1) the Atomic Safety and Licensing Board's Supplementary Initial Decision dated August 17, 1972, (2) this Amendment No. 4 to Interim Provisional Operating License No. DPR-20, with Technical Specifications and Interim Special Technical Specifications, (3) the Final Environmental Statement and (4) the decision of the Atomic Safety and Licensing Appeal Board dated September 27, 1972, and other relevant documents are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, MI. Copies of the amended license, and the Final Environmental Statement may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 16th day of October 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Directorate of Licensing.

[FR Doc.72-17949 Filed 10-19-72;8:58 am]

[Docket No. 50-16]

POWER REACTOR DEVELOPMENT CO.

Notice of Prehearing Conference

In the matter of Power Reactor Development Company (Enrico Fermi Atomic Power Plant No. 1).

In a notice of hearing dated August 25, 1972 (37 F.R. 17577), the Commission ordered that a hearing be held before a Commission-designated presiding officer concerning a show cause order entitled "Denial of Application for License Extension and Order Suspending Operations" with respect to the Enrico Fermi Atomic Power Plant No. 1. By notice dated September 27, 1972 (37 F.R. 21199) this Atomic Safety and Licensing Board was designated to conduct the hearing.

Accordingly, it is ordered, That a prehearing conference be held at 10 a.m. on Tuesday, October 31, 1972, in Room 111 of the Lafayette Building, 811 Vermont Avenue NW., Washington, DC. The purpose of the prehearing conference will be to consider those matters set forth in 10 CFR 2.752(a) of the Commission's rules of practice.

For the Atomic Safety and Licensing Board.

Issued at Washington, D.C., this 18th day of October 1972.

CHARLES A. HASKINS,
Chairman.

[FR Doc.72-18076 Filed 10-19-72;9:03 am]

[Dockets Nos. 50-272 and 50-311]

PUBLIC SERVICE ELECTRIC & GAS

Consideration of Issuance of Facility Operating Licenses and Opportunity for Hearing

The Atomic Energy Commission (the Commission) will consider the issuance of facility operating licenses to the Public Service Electric & Gas Co. (the Applicant) which would authorize the Applicant to possess, use, and operate the Salem Nuclear Generating Station, Units 1 and 2, two pressurized water nuclear reactors (the Facilities), located on the Applicant's site in Salem County, N.J. The facilities would operate at steady-state power levels not to exceed 3,350 megawatts thermal for Unit 1 and 3,423 megawatts thermal for Unit 2, in accordance with the provisions of the license and the technical specifications appended thereto. The licenses would be issued upon the receipt of a report on the Applicant's application for facility operating licenses by the Advisory Committee on Reactor Safeguards, the submission of a favorable safety evaluation on the application by the Commission's Directorate of Licensing, the completion of the environmental review required by the Commission's regulations in 10 CFR Part 50, Appendix D, and a finding by the Commission that the application for the facility licenses, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (Act), and the Commission's regulations in 10 CFR Chapter 1. Construction of the Facilities was authorized by Construction Permits Nos. CPPR-52 and CPPR-53, issued by the Commission on September 25, 1968. Construction of Unit No. 1 is anticipated to be completed by October 1, 1974, and Unit No. 2 by May 1, 1975.

Prior to issuance of any operating licenses, the Commission will inspect each Facility to determine whether it has been constructed in accordance with the application, as amended, and the provisions of the above-noted construction permit. In adding, the licenses will not be issued until the Commission has made the findings, reflecting its review of the application under the Act which will be set forth in the proposed licenses, and has concluded that the issuance of the licenses will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the licenses, the Applicant will be re-

quired to execute an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

The Salem Nuclear Generating Station, Unit 2, is subject to the provision in 10 CFR Part 50, Appendix D, section C.2 for notice of opportunity for filing petitions for leave to intervene and requests for hearing on environmental considerations related to continuation, modification, termination, or conditioning of the construction permit. The Salem Nuclear Generating Station, Unit 1, is subject to the provision in 10 CFR Part 50, Appendix D, section C.3.

Accordingly, notice is hereby given, pursuant to 10 CFR Part 2, rules of practice, and Appendix D of 10 CFR Part 50, Implementation of the National Environmental Policy Act of 1969, that the Commission is providing an opportunity for hearing with respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the construction permits for Unit 2 in the captioned proceeding should be continued, modified, terminated, or appropriately conditioned to protect environmental values.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, the Applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene: (1) With respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the construction permit for Unit 2 should be continued, modified, terminated, or appropriately conditioned to protect environmental values; and (2) with respect to the issuance of the facility operating licenses for Units 1 and 2. Requests for a hearing and petitions for leave 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 petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required by 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief Public Proceedings Staff, or the Commission's Public Document Room, 1717 H Street NW., Washington, DC, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. A petition for leave to intervene which is not timely will not be granted unless the Commission determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Commission has considered those factors specified in 10 CFR 2.714(a).

For further details pertinent to the matters under consideration, see the application for the facility operating licenses dated March 1, 1972, as amended, and the applicant's environmental report dated June 30, 1971, as supplemented, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC., and at the Salem Free Public Library, 112 West Broadway, Salem, NJ. As they become available, the following documents also will be available at the above locations: (1) The report of the Advisory Committee on Reactor Safeguards on the application for facility operating licenses; (2) the Commission's draft detailed statement on environmental considerations pursuant to 10 CFR Part 50, Appendix D; (3) the Commission's final detailed statement on environmental considerations; (4) the safety evaluation prepared by the Directorate of Licensing; (5) the proposed facility operating licenses; and (6) the technical specifications, which will be attached to the proposed faciltiy operating licenses.

Copies of Items (1), (3), (4), and (5) may be obtained by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 6th day of October 1972.

For the Atomic Energy Commission.

A. GIAMBUSSO,
Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.72-17481 Filed 10-19-72;8:45 am]

[Docket No. 50-312]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Notice of Availability of Applicant's Environmental Report, Supplemental Environmental Reports, and AEC Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations set forth in Appendix D to 10 CFR Part 50, notice is hereby given that documents entitled "Applicant's Environmental Report and Supplement 1 and 2 to Environmental Report" (collectively known as the "reports"), submitted by the Sacramento Municipal Utility District, have been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in Sacramento City County Library, 828 I Street, Sacramento, CA 95814. The reports are also available at the Lieutenant Governor's Office of Intergovernmental Management, State Capital, Sacramento, Calif. 95814, and Sacramento Regional Area Planning Commission, 926 J Building, Sacramento, Calif. 95814.

Notice of availability of the applicant's environmental report was published in the FEDERAL REGISTER on January 6, 1972 (37 F.R. 152).

The reports have been analyzed by the Commission's Directorate of Licensing, and a draft environmental statement, dated October 1972, related to the proposed continuation of Construction Permit No. CPPR-56 and the proposed issuance of operating licenses for the Rancho Seco Nuclear Generating Station Unit No. 1, located at Sacramento Municipal Utility District site in Sacramento County, has been approved and has been made available for public inspection at the locations designated above. Copies of the Commission's draft environmental statement may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Pursuant to Appendix D to CFR Part 50, interested persons may, within forty-five (45) days from the date of publication of this notice in the FEDERAL REGISTER, submit comments for the Commission's consideration on the report and supplements, on the draft environmental statement, and on the proposed actions. Federal and State agencies are being provided with copies of the draft environmental statement (local agencies may obtain this document on request), and when comments thereon of the Federal, State, and local officials are received, they will be made available for public inspection at the above-designated locations. Comments on the draft environmental statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Date at Bethesda, Md., this 18th day of October 1972.

For the Atomic Energy Commission.

DANIEL R. MULLER,
Assistant Director for Environmental Projects, Directorate of Licensing.

[FR Doc.72-18075 Filed 10-19-72;9:03 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Notice of Issuance of Amendment to Facility Operating License (Temporary Operating License)

Pursuant to a decision of the Atomic Safety and Licensing Appeal Board, dated October 11, 1972, notice is hereby given that the Atomic Energy Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. DPR-28 to Vermont Yankee Nuclear Power Corp. (Vermont Yankee). On September 7, 1972, the Commission issued Amendment No. 2 to DPR-28, a temporary operating license, which permitted operation of the facility at 318.6 megawatts thermal (20 percent of the facility's rated power). Amendment No. 3 amends the temporary operating license to authorize operation of the Vermont Yankee Nuclear Power Station (the facility) at higher thermal power levels not to exceed 1593 megawatts, in accordance with the Technical Specifications (Appendixes "A" and "B") appended thereto. Operation of the facility is restricted to the authorized power level and to the closed-cycle cooling mode and, in accordance with § 50.57(d) of 10 CFR Part 50, Vermont Yankee and its sponsoring utilities are prohibited from retiring, dismantling, or performing any maintenance on any of their existing generating capacity that could reasonably be delayed, on the ground of the availability of the capacity of the Vermont Yankee Nuclear Power Station. The facility is a boiling water nuclear power reactor located at the licensee's site in Windham County, Vt.

The Commission's regulatory staff has inspected the facility and has determined that, for operation as authorized by the amended temporary operating license, the facility has been constructed in accordance with the application, as amended, the provisions of Provisional Construction Permit No. CPPR-36, the Act, and the Commission's regulations. The licensee has submitted proof of financial protection in satisfaction of the requirements of 10 CFR Part 140.

Pursuant to the Appeal Board's decision, dated October 11, 1972, the Commission has concluded that the facility will operate in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission and will not be inimical to the common defense and security or to the health and safety of the public and that Vermont Yankee is technically and financially qualified to engage in the activities authorized by the amended temporary operating license. The Commission has further concluded that operation of the facility during the period of the amended temporary operating license in accordance with its terms and conditions will provide adequate protection of the environment during the period of the amended temporary operating license, and that operation of the facility in accordance with the terms and conditions of the amended temporary operating license is essential toward insuring that the power generating capacity of the utility system or power pool involved is at, or is restored to, the levels required to assure the adequacy and reliability of the power supply.

The amended temporary operating license is effective as of the date of issuance and will expire (i) on February 28, 1973, or on such later date to which it may be extended or (ii) upon earlier issuance of a full-term operating license. The Commission will vacate the amended temporary operating license if it is found that Vermont Yankee is not prosecuting its application for a full-term operating license with due diligence. Upon expiration of the amended temporary operating license, without issuance of a full-term operating license, the facility license in effect for this facility shall be the facility license as it read prior to Amendment No. 2.

For further details, see (1) the Appeal Board's decision, dated October 11, 1972; (2) Amendment No. 3 to Facility Operating License No. DPR-28; and (3) the Staff's Safety Evaluation and supplements thereto, all of which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Brooks Memorial Library, 224 Main Street, Brattleboro, VT. Copies of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of licensing.

Dated at Bethesda, Md., this 12th day of October 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Directorate of Licensing.

[FR Doc.72-17932 Filed 10-19-72;8:56 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 3]

SALES OF CERTAIN COMMODITIES

Monthly Sales List

The CCC Monthly Sales List for the fiscal year ending June 30, 1973, published in 37 F.R. 13352 is amended as follows:

1. The provisions of section 22 entitled "Oats—export sales (bulk)" are deleted.

2. The provisions of section 25 entitled "Rye—export sales (bulk)" are deleted.

3. Section 32 entitled "Peanuts, shelled or farmers stock—restricted use sales" published in 37 F.R. 13354 as amended in 37 F.R. 19389 is revised to read as follows:

When stocks are available in their area of responsibility, the quantity, type, and grade offered are announced in weekly lot lists or invitations to bid issued by the following:

GFA Peanut Association, Camilla, Ga. 31730.
Peanut Growers Cooperative Marketing Association, Franklin, Va. 23851.
Southwestern Peanut Growers' Association, Gorman, Tex. 76454.

Terms and conditions of sale are set forth in Announcement OC-10 (Revision 1), effective October 1, 1972 and the applicable lot list.

1. Shelled peanuts of less than U.S. No. 1 Grade may be purchased for foreign or domestic crushing.

2. Shelled graded peanuts equal to or exceeding requirements of U.S. grades may be purchased for export without limitations on their use.

3. Farmers Stock: Segregation 1 may be purchased and:

A. Milled to produce U.S. No. 1 or better grade shelled peanuts to be exported and the balance either crushed or domestically or fragmented and exported.

B. Milled to remove the hulls and exported after fragmentation.

C. Exported as farmers stock with no warranty after delivery by CCC.

Segregation 2 and 3 peanuts may be purchased for domestic crushing only.

Sales are made on the basis of competitive bids submitted each Wednesday to the Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

4. Section 12 entitled "Wheat, bulk—export sales" is revised to read as follows:

CCC will sell limited quantities of Hard Red Winter, Durum and Hard Red Spring wheat at west coast ports at export market price levels for export under Announcement GR-212 (Revision III, November 30, 1970, as amended).

A. Such exports must be made from the west coast to a destination west of the 170th meridian, west longitude, and east of the 60th meridian, east longitude, and to ports on the West Coast of Central and South America and the West Coast of Mexico. Such exports shall not be eligible for financing under title I, Public Law 480 or for application to CCC barter contracts.

5. Section 1(b) entitled "General" is amended by the insertion of a last sentence which reads as follows:

Interest at 6½ percent will be charged for delinquent payments on consignment and track grain sales from the date of sale to the date payment is received.

Effective date: 2:30 p.m., e.d.t., September 29, 1972.

Signed at Washington, D.C., on October 12, 1972.

GLEN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.72-17931 Filed 10-19-72;8:56 am]

Office of the Secretary

SOUTH DAKOTA

Designation of Areas for Emergency and Rural Housing Disaster Loans

It has been determined that property loss or damage or injury in certain counties in South Dakota has resulted from natural disasters caused by heavy rains during October and December 1971 and heavy rains, hailstorms, windstorms, tornadoes, and flooding during the period of April to September 1972. The following counties of South Dakota are affected by such natural disasters:

Beadle.	Hanson.
Brookings.	Kingsbury.
Brown.	Miner.
Clark.	Roberts.
Codington.	Sanborn.
Davison.	Spink.
Day.	Yankton.
Hamlin.	

It has further been determined that in the above counties of South Dakota a general need for credit exists. Therefore, these counties are declared eligible for low interest-rate disaster loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, the Disaster Relief Act of 1970, Title V of the Housing Act of 1949, and Public Law 92–385. Applications for such loans must be received by this Department prior to July 1, 1973, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

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

EARL L. BUTZ,
Secretary.

[FR Doc.72–17996 Filed 10–19–72;9:02 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THAILAND

Entry or Withdrawal From Warehouse for Consumption

OCTOBER 17, 1972.

On March 31, 1972, there was published in the FEDERAL REGISTER (37 F.R. 6605), a letter dated March 27, 1972, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in Thailand and exported to the United States during the 12-month period beginning April 1, 1972. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 5 of the bilateral cotton textile agreement of March 16, 1972, between the Governments of the United States and Thailand, which provides that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent. Since the applicable group limit would be exceeded by (1) a 5-percent increase in the levels of restraint applicable to Categories 9/10, 15/16, and 22/23, and (2) planned shipments in categories not given specific ceilings, the Government of Thailand has requested that a corresponding decrease be made in the levels of restraint applicable to Categories 26/27 and 54.

Accordingly, at the request of the Government of Thailand and pursuant to the provisions of the bilateral agreement referred to above, there is published below a letter of October 17, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the levels of restraint applicable to cotton textile products in Categories 9/10, 15/16, 22/23, 26/27, and 54 for the 12-month period which began on April 1, 1972.

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

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

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

OCTOBER 17, 1972.

DEAR MR. COMMISSIONER: On March 27, 1972, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the 12-month period beginning April 1, 1972, of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Thailand, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph 5 of the bilateral cotton textile agreement of March 16, 1972, between the Governments of the United States and Thailand, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible, the levels of restraint established in the aforesaid directive of March 27, 1972, for cotton textiles and cotton textile products in Categories 9/10, 15/16, 22/23, 26/27, and 54 produced or manufactured in Thailand, as set forth below:

Category		*Amended 12-month level of restraint*
9/10	square yards	1,968,750
15/16	do	752,000
22/23	do	1,181,250
26/27	do	1,403,050
54	dozen	3,209

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

Sincerely yours,

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

[FR Doc.72–17983 Filed 10–19–72;9:00 am]

[1] The term "adjustment" refers to those provisions of the bilateral cotton textile agreement of Mar. 16, 1972, between the Governments of the United States and Thailand which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

ENVIRONMENTAL PROTECTION AGENCY

CHEVRON CHEMICAL CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3H5022) has been filed by Chevron Chemical Co., 940 Hensley Street, Richmond, CA 94804, proposing establishment of a food additive tolerance (21 CFR Part 121) for negligible residues of diquat (6,7-dihydrodipyrido(1,2-a:2',1'-c)pyrazidiinium) in potable water at 0.01 part per million calculated as the cation and resulting from use of its dibromide salt in the control of aquatic weeds.

Dated: October 10, 1972.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72–17934 Filed 10–19–72;8:56 am]

THOMPSON-HAYWARD CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F1315) has been filed by Thompson-Hayward Chemical Co., Post Office Box 2383, Kansas City, KS 66110, proposing establishment of a tolerance (40 CFR Part 180) for negligible residues of the fungicide triphenyltin hydroxide in or

on the raw agricultural commodity carrots at 0.1 part per million.

The analytical method proposed in the petition is a colorimetric procedure in which organotin residues are extracted. After wet ashing, inorganic tin in the ashed residue is determined colorimetrically with phenyl fluorone.

Dated: October 10, 1972.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-17933 Filed 10-19-72;8:56 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 617]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

OCTOBER 10, 1972.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

2146-C2-AL-73—Anna H. Smith, consent to involuntary assignment of license from Anna H. Smith, executrix of the estate of Lawrence H. Smith, assignor, to Diane S. Harragan, as successor executrix of the estate of Lawrence H. Smith, deceased, assignee. Station: KEA855, Manorville, N.Y.

2154-C2-P-73—Schaller Telephone Co. (New), for a new two-way station to be located at 1.6 miles southeast of Schaller, Iowa, to operate on 152.510 MHz.

2155-C2-P-73—Webster-Calhoun Cooperative Telephone Association (New), for a new two-way station to be located at 0.35 mile south-southwest of Gowrie, Iowa, to operate on 152.540 MHz.

2156-C2-MP-(4)-73—Mobilfone (KKJ459), change the antenna system for facilities operating on 454.175, 454.225, 454.275, and 454.325 MHz at location No. 3: 2501 Suntide Road, Corpus Christi, TX.

2157-C2-P-73—Miami Valley Radiotelephone (KLF577), for additional facilities to operate on 35.22 MHz located at I-75 and WDAO Tower, Dayton, Ohio.

2159-C2-AL-(3)-73—South Georgia Communications Co., consent to assignment of license from South Georgia Communications Co., assignor, to South Georgia Communications, Inc., assignee. Stations: KIY765 Screvan, KIY503 and KSV909 (one-way), Brunswick, Ga.

2160-C2-P-73—The United Telephone Co. of Pennsylvania (New), for a new one-way station to be located at 1 mile north-west by north of Columbia, Pa., to operate on 43.22 MHz.

2161-C2-P-73—Halstad Telephone Co. (KAI932), for additional facilities to operate on 152.540 MHz, located at Rygland, Minn.

2199-C2-P-C2-P-73—Dome Communications (KLF516), change the antenna system operating on 152.150 MHz located at Little Goose Peak, Wyo.

558-C2-R-73—Michigan Bell Telephone Co. (KQM40), renewal of license for developmental fixed expiring September 28, 1972. Term: September 28, 1972, to September 28, 1973.

2250-C2-P/ML-73—Same as above, for two additional units to operate on 35.50 and 43.50 MHz in any temporary fixed location within the territory of the grantee.

2258-C2-P-73—Airsignal of California, Inc. (KMA219), relocate facilities operating on 152.030 MHz to 2904 Fine Avenue, Modesto, CA.

2259-C2-TC-73—Bair's Communications, Inc., consent to transfer of control from Howard Bair, transferor, to F. Wayne Bair, transferee. Station: KIY520, Belle Glade, Fla.

2260-C2-P-(4)-73—South Central Bell Telephone Co. (KIA648), delete test facilities operating on 157.77, 157.89, and 158.04 MHz; replace base transmitters operating on 152.51, 152.63, and 152.78 MHz; add facilities to operate on 152.75 MHz and change the antenna systems at 521 West Chestnut Street, Louisville, KY.

2265-C2-AL-(22)-73—Mobilfone, consent to assignment of license from The Redco Corp., Roy M. Teel and Lowry McKee, doing business as Mobilfone, assignors, to Mobilfone Service, Inc., assignee. Stations: KFL927, Springdale, Ark.; KKA402 and KLF614 (one-way), Fort Smith, Ark.; KLB779 and KRS660 (one-way), Tulsa, Okla.; KLB511 and KRH632 (one-way), Lawton, Okla.; KKO347, Grove, Okla.; KFQ944, Krebs, Okla.; KLB786, Weatherford, Okla.; KKN287, Perry, Okla.; KLF558, Turner Falls, Okla.; KKJ452, Oklahoma City, Okla.; KWA664, Duncan, Okla.; KRH649, Enid, Okla.; KKA401, Oklahoma City, Okla.; KKA341, Tulsa, Okla.; KKA403 and KQZ792, McAllen, Tex.; KQZ772, Corpus Christi, Tex.; KKM254, Laferia, Tex., and KKJ459, Corpus Christi, Tex.

2279-C2-P-73—Selma Radiotelephone Co. (New), for a new one-way station to be located at 16 Sylvan Street, Selma, AL, to operate on 152.240 MHz.

INFORMATIVE: It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reason of potential electrical interference.

Virginia

Paging, Inc. (New), 6129-C2-P-72.

Tennessee

Lalle Hampton, doing business as Radio Call Co. (New), 5957-C2-P-72.

RURAL RADIO SERVICE

2159-C1-AL-(7)-73—South Georgia Communications Co., consent to assignment of license from South Georgia Communications Co., assignor, to South Georgia Communications, Inc., assignee. Stations: WCZ26 Little St. Simons Island, KJK60 Temp-Fixed, KYO27, WDE55, WDE56, WDE57, WDE58 Cumberland Island, Ga.

2261-C1-P/ML-73—Mountain States Telephone & Telegraph Co. (KXR73), replace transmitter operating on 157.80 MHz at Great Sale Lake State Park, 10 miles west-southwest of Syracuse, Utah.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

RURAL RADIO SERVICE—continued

2265–C1–AL–(4)–73—Mobilfone, consent to assignment of license from The Redco Corp., Roy M. Teel & Lowry McKee, doing business as Mobilfone, assignors, to Mobilfone Service, Inc., assignee. Stations: KKW30, KLH31, KLT50 and KRR72 (All Temp-Fixed).

2162–C1–P–73—The Midland Telephone Co. (New), for a new rural subscriber station to be located at Fry Canyon, Utah, to operate on 157.77 MHz.

2276–C1–P/L–73—The Offshore Telephone Co. (New), for a new central office, interoffice fixed station or temporary fixed station to operate on 454.375, 454.400, 454.425, 454.450, 454.475, 454.500, 454.525, and 454.550 MHz with (4 Units) in temporary fixed locations.

2277–C1–P/ML–73—(KKT89), same as above except (100 units) to operate on 459,375, 459,400, 459.425, 459.450, 459.475, 459.500, 459.525, and 459.550 MHz in temporary fixed locations.

POINT-TO-POINT MICROWAVE RADIO SERVICE

743–C1–R–73—American Telephone & Telegraph Co. (KEF72), in any temporary fixed location within the continental United States. Application for renewal of license for radio stations operating on frequencies 3700–4200, 5952–6425, and 10,700–11,700 megacycles.

4147–C1–R–73—The Mountain States Telephone & Telegraph Co. (WJK88), Bill Williams Mountain, 3.5 miles southwest of Williams, Ariz. Latitude 35°12′01″ N., longitude 112°-12′16″ W. Application for renewal of license from November 1, 1972 to July 11, 1973, on frequency 2170H MHz toward Hualapai Peak, Ariz.

4148–C1–R–72—Same (WJK90), Hualapai Peak, 10.7 miles east-southeast of Kingman, Ariz. Latitude 35°05′40″ N., longitude 113°54′18″ W. Application for renewal of license from November 1, 1972 to July 11, 1973, on frequency 2120H MHz toward Bill Williams Mountain, Ariz.; frequencies 11,405H, 11,645V MHz toward Kingman, Ariz.

4149–C1–R–73—Same (WJK98), 501 North Third Street, Kingman, Ariz. Latitude 35°11′33″ N., longitude 114°03′14″ W. Application for renewal of license from November 1, 1972, to July 11, 1973, on frequencies 10,715V, 10,955H MHz toward Hualapai Peak, Ariz.

2149–C1–P–73—American Telephone & Telegraph Co. (KYN90), 9.5 miles north-northeast of Boone, Iowa. Latitude 42°09′55″ N., longitude 93°47′37″ W. C.P. to add frequency 4030H MHz toward Ames, Iowa.

2150–C1–P–73—Same (KAS42), 6.0 miles southwest of Ames, Iowa. Latitude 41°57′07″ N., longitude 93°40′40″ W. C.P. to add frequency 4070V MHz toward Des Moines, Iowa.

2151–C1–P–73—The Mountain States Telephone & Telegraph Co. (KPW88), 29 Main Street, St. Anthony, ID. Latitude 43°58′00″ N., longitude 111°40′52″ W. C.P. to add frequencies 11,155H and 10,915V MHz toward Clementsville, Idaho via passive reflector.

2152–C1–P–73—Same (New), 2.1 miles east-northeast of Clementsville, Idaho. Latitude 43°52′55 N., longitude 111°19′47″ W. C.P. for a new station on frequencies 11,605H and 11,365V MHz toward Clementsville, Idaho via passive reflector; frequencies 11,245V and 11,485H MHz toward Clementsville, Idaho via passive reflector.

2153–C1–P–73—Same (New), near corner of Little Avenue and Second Avenue East, Driggs, Idaho. Latitude 43°43′25″ N., longitude 111°06′33″ W. C.P. for a new station on frequencies 10,795V and 11,035H MHz towards Clementsville, Idaho via passive reflector.

(INFORMATIVE: American Telephone & Telegraph Co. C.P.'s (8) to construct two pairs of Western Electric Co. type TD–2 telephone channels between Berlin and Springfield, Ill., and one telephone channel from Highland to Odell, Ill.

2167–C1–P–73—(KSB74), 2 miles north-northwest of Highland, Ill. Add 4110V MHz toward Hookdale, Ill.

2168–C1–P–73—(KSN70), 6 miles east-northeast of Hookdale, Ill. Add 4150V MHz toward Nokomis, Ill.

2169–C1–P–73—(KSN69), 2.5 miles south-southeast of Nokomis, Ill. Add 4110H MHz toward Macon, Ill.

2170–C1–P–73—(KSN68), 1.5 miles east-southeast of Macon, Ill. Add 4150H MHz toward Cisco, Ill.

2171–C1–P–73—(KSN67), 1.4 miles northwest of Cisco, Ill. Add 4110V MHz toward Saybrook, Ill.

2172–C1–P–72—(KSN66), 3.7 miles north-northwest of Saybrook, Ill. Add 4150 MHz toward Odell, Ill.

2173–C1–P–73—(KSE23), 4.5 miles northwest of Berlin, Ill. Add 3970H and 4050H MHz toward Springfield, Ill.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

2174–C1–P–73—(KSA98), 625 South Sixth Street, Springfield, IL. Add 4010H and 4090H MHz toward Berlin, Ill.

2175–C1–P–73—New England Telephone & Telegraph Co. (KCK84), C.P. to replace transmitters and change frequencies 10,755, 10,835, 10,995, and 11,155 MHz to 10,715V, 10,795V, 10,875V, and 11,035V MHz directed toward Hartford, Vt. Location: 7 Currier Street, White River Junction, Vt.

2176–C1–P–73—Same as above (KCK82), on Hurricane Hill, 1 mile southwest of Hartford, Vt. C.P. to replace transmitters and change frequencies 11,285, 11,445, 11,605, and 11,685 MHz to 11,245V, 11,325V, 11,485V, and 11,645V MHz toward White River Junction, Vt. and add 5997.1V and 6056.4V MHz toward Springfield, Vt.

2177–C1–P–73—Same (KTF43), 3.4 miles east-northeast of Springfield, Vt. C.P. to add 6249.1V and 6308.4V MHz toward Hartford, Vt.

(Informative: American Telephone & Telegraph Co. C.P.'s (20) to construct one message pair and one protection pair of Western Electric Type TH–3 radio channels between Shreveport, La. and Jasper, Ala.)

2178–C1–P–73—(KRS91), 3.5 miles southwest of Jasper, Ala. Add 6034.2H and 6152.8H MHz toward Berry, Ala.

2179–C1–P–73—(KRR76), 5 miles east-southeast of Berry, Ala. Add 6286.2H and 6404.8H MHz toward Jasper and Gordo, Ala.

2180–C1–P–73—(KRS90), 13.5 miles north of Gordo, Ala. Add 6034.2V and 6152.8V MHz toward Berry and Carrollton, Ala.

2181–C1–P–73—(KRR77), 4 miles northwest of Carrollton, Ala. Add 6286.2H and 6404.8H MHz toward Gordo, Ala. and Brooksville, Miss.

2182C1–P–73—(KRT24), 8 miles north of Brooksville, Miss. Add 6034.2V and 6152.8V MHz toward Carrollton, Ala. and 6286.2H and 6404.8H MHz toward Mashulaville, Miss.

2183–C1–P–73—(KRT29) 8.1 miles west of Mashulaville, Miss. Add 6034.2V and 6152.8V MHz toward Brooksville and Louisville, Miss.

2184–C1–P–73—(KRT28) 7.5 miles west of Louisville, Miss. Add 6286.2H and 6404.8H MHz toward Mashulaville and 6286.2V and 6404.8V MHz toward Williamsville, Miss.

2185–C1–P–73—(KRT30) 1.6 miles northwest of Williamsville, Miss. Add 6034.2H and 6152.8H MHz toward Louisville and Durant, Miss.

2186–C1–P–73—(KRT27) 1.6 miles northwest of Durant, Miss. Add 6286.2V and 6404.8V MHz toward Williamsville and 6286.2H and 6404.8H MHz toward Pickens, Miss.

2187–C1–P–73—(KLN22) 7.6 miles west of Pickens, Miss. Add 6034.2V and 6152.8V MHz toward Durant and 6034.2H and 6152.8H MHz toward Bentonia, Miss.

2188–C1–P–73—(KLN21) 4.8 miles north of Bentonia, Miss. Add 6286.2V and 6404.8V MHz toward Pickens and Redwood, Miss.

2189–C1–P–73—(KLN20) 6.8 miles east of Redwood, Miss. Add 6034.2H and 6152.8H MHz toward Bentonia, Miss., and 6034.2V and 6152.8V MHz toward Vicksburg, Miss.

2190–C1–P–73—(KKT28), 4.3 miles south-southeast of Vicksburg, Miss. Add 6286.2V and 6404.8V MHz toward Redwood, Miss.; 6286.2V and 6404.8V MHz toward Tendal, La.

2191–C1–P–73—(KKT27), 1.1 miles east of Tendal, La. Add 6034.2H and 6152.8H MHz toward Vicksburg, Miss.; frequencies 6034.2H and 6152.8H MHz toward Oak Ridge, La.

2192–C1–P–73—(KKT26), 2.5 miles east of Oak Ridge, La. Add 6286.2V and 6404.8V MHz toward Tendal, La.; frequencies 6286.2V and 6404.8V MHz toward Monroe, La.

2193–C1–P–73—(KKT25), 1.6 miles west of Monroe, La. Add frequencies 6034.2V and 6152.8V MHz toward Oak Ridge, La.; frequencies 6034.2V and 6152.8V MHz toward Vienna, La.

2194–C1–P–73—(KKT24), 3 miles east-northeast of Vienna, La. Add frequencies 6286.2H and 6404.8H MHz toward Monroe, La.; frequencies 6286.2H and 6404.8H MHz toward Athens, La.

2195–C1–P–73—(KKT23), 2 miles northwest of Athens, La. Add frequencies 6034.2V and 6152.8V MHz toward Vienna, La.; frequencies 6034.2V and 6152.8V MHz toward Haughton, La.

2196–C1–P–73—(KKT22), 2 miles northwest of Haughton, La. Add frequencies 6286.2H and 6404.8H MHz toward Athens, La.; frequencies 6286.2H and 6404.8H MHz toward Shreveport, La.

2197–C1–P–73—(KKO31), 602 Crockett Street, Shreveport, LA. Add frequencies 6034.2V and 6152.8V MHz toward Haughton, La.

2216–C1–P–73—(KPV22), 228 West Adams Street, Phoenix, AZ. Add frequency 6345.5V MHz toward South Phoenix, Ariz.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

2217–C1–P–73—American Telephone & Telegraph Co. (WAD46), 6.5 miles southwest of Guadalupe, Ariz. Add frequency 6093.5H MHz toward Phoenix, Ariz.; frequency 6093.5V MHz toward Casa Grande, Ariz.

2218–C1–P–73—Same (WAD44), 4 miles west of Casa Grande, Ariz. Add frequency 6345.5H MHz toward South Phoenix, Ariz.; frequencies 6197.2H and 6375.2H MHz toward Florence, Ariz.; frequencies 6256.5H, 6345.5V, and 6375.2H MHz toward Sacaton, Ariz.

2219–C1–P–73—Same (WDE87), 5 miles southwest of Sacaton, Ariz. Add frequencies 6004.5V, 6093.5H, and 6123.1V MHz toward Casa Grande, Ariz.; frequencies 6004.5H, 6093.5V, and 6123.1H MHz toward Chandler Heights, Ariz.

2220–C1–P–73—Same (WDE88), 2.8 miles northwest of Chandler Heights, Ariz. Add frequencies 6256.5V, 6345.5H, and 6375.2V MHz toward Sacaton, Ariz.; frequencies 6256.5H, 6345.5V, and 6375.2H MHz toward Apache Junction, Ariz.

2221–C1–P–73—Same (KPV21), 7.5 miles northwest of Apache, Ariz. Add frequencies 6004.5V, 6093.5H, and 6123.1V MHz toward Chandler Heights, Ariz.

2222–C1–P–73—Same (WAD43), 6 miles southwest of Florence, Ariz. Add frequencies 5945.2V and 6123.1V MHz toward Casa Grande, Ariz.; frequencies 5945.2H and 6123.1H MHz toward Miama, Ariz.

2224–C1–P–73—Same (WAD42), 7 miles south-southeast of Miama, Ariz. Add frequencies 6197.2V and 6375.2V MHz toward Florence, Ariz.; frequencies 6197.2H and 6375.2H MHz toward Seneca, Ariz.

2225–C1–P–73—Same (WAD41), 7 miles southwest of Seneca, Ariz. Add frequencies 5945.2V and 6123.1V MHz toward Miama, Ariz.; frequencies 5945.2H and 6123.1H MHz toward McNary, Ariz.

2226–C1–P–73—Same (WAD40), 3 miles west-southwest of McNary, Ariz. Add frequencies 6197.2V and 6375.2V MHz toward Seneca, Ariz.; frequencies 6197.2H and 6375.2H MHz toward Greer, Ariz.

2227–C1–P–73—Same (WAD39), 6.2 miles northwest of Greer, Ariz. Add frequencies 5945.2V and 6123.1V MHz toward McNary, Ariz.; frequencies 5945.2H and 6123.1H MHz toward Red Hill, N. Mex.

2228–C1–P–73—Same (WAD45), 6.4 miles southwest of Red Hill, N. Mex. Add frequencies 6197.2V and 6375.2V MHz toward Greer, Ariz.; frequencies 6197.2H and 6375.2H MHz toward Quemado, N. Mex.

2229–C1–P–73—Same (WAD38), 6.7 miles southwest of Quemado, N. Mex. Add frequencies 5945.2V and 6123.1V MHz toward Red Hill, N. Mex.; frequencies 5945.2H and 6123.1H MHz toward Datil, N. Mex.

2230–C1–P–73—Same (WAD37), 917 miles northwest of Datil, N. Mex. Add frequencies 6197.2V and 6375.2V MHz toward Quemado, N. Mex.; frequencies 6197.2H and 6375.2H MHz toward Magdalena, N. Mex.

2231–C1–P–73—Same (WAD36), 12.5 miles southwest of Magdalena, N. Mex. Add frequencies 5945.2V and 6123.1V MHz toward Datil, N. Mex.; frequencies 5945.2H and 6123.1H MHz toward La Joya, N. Mex.

2232–C1–P–73—American Telephone & Telegraph Co. (WAD35), 10.5 miles west-northwest of La Joya, N. Mex. Add frequencies 6197.2V and 6375.2V MHz toward Magdalena, N. Mex.; frequencies 6197.2H and 6375.2H MHz toward Las Nutrias, N. Mex.

2233–C1–P–73—Same (WAD34), 4.2 miles southeast of Las Nutrias, N. Mex. Add frequencies 5945.2V and 6123.1V MHz toward La Joya, N. Mex.; frequencies 5945.2H and 6123.1H MHz toward Los Lunas, N. Mex.

2234–C1–P–73—Same (KKW32), 4.8 miles west of Los Lunas, N. Mex. Add frequencies 6197.2V and 6375.2V MHz toward Las Nutrias, N. Mex.; frequencies 6256.5H and 6375.2H MHz toward Scholle, N. Mex.

2235–C1–P–73—Same (WDE89), 2.2 miles southwest of Scholle, N. Mex. Add frequencies 6004.5V and 6123.1V MHz toward Los Lunas, N. Mex.; frequencies 6004.5H and 6123.1H MHz toward Mountainair, N. Mex.

2236–C1–P–73—Same (WDE90), 2.5 miles east-southeast of Mountainair, N. Mex. Add frequencies 6256.5V and 6375.2V MHz toward Scholle, N. Mex.; frequencies 6256.5H and 6375.2H MHz toward Pedernal, N. Mex.

2237–C1–P–73—Same (WDE91), 4 miles north-northwest of Pedernal, N. Mex. Add frequencies 6004.5V and 6123.1V MHz toward Mountainair, N. Mex.; frequencies 6004.5H and 6123.1H MHz toward Carnere, N. Mex.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

2238–C1–P–73—Same (WDE92), 3.3 miles south-southeast of Carnero, N. Mex. Add frequencies 6256.5V and 6375.2V MHz toward Pedernal, N. Mex.; frequencies 6256.5H and 6375.2H MHz toward Cardenas, N. Mex.

2239–C1–P–73—Same (WDE93), 5.5 miles north-northwest of Buchanan, N. Mex. Add frequencies 6004.5V and 6123.1V MHz toward Carnero, N. Mex.; frequencies 6004.5H and 6123.1H MHz toward Taiban, N. Mex.

2240–C1–P–73—Same (WDE94), 3.5 miles north of Taiban, N. Mex. Add frequencies 6256.5V and 6375.2V MHz toward Cardenas, N. Mex.; frequencies 6256.5H and 6375.2H MHz toward Field, N. Mex.

2241–C1–P–73—Same (WDE96), 0.7 mile northeast of Field, N. Mex. Add frequencies 6004.5V and 6123.1V MHz toward Taiban, N. Mex.; frequencies 6004.5H and 6123.1H MHz toward Broadview, N. Mex.

2242–C1–P–73—Same (WDE97), 4.1 miles southeast of Hollene, N. Mex. Add frequencies 6256.5V and 6375.2V MHz toward Field, N. Mex.; frequencies 6256.5H and 6375.2H MHz toward Black, Tex.

2243–C1–P–73—Same (WDE98), 5.7 miles south-southeast of Black, Tex. Add frequencies 6004.5V and 6123.1V MHz toward Broadview, N. Mex.; frequencies 6004.5H and 6123.1H MHz toward Nazareth, Tex.

2244–C1–P–73—Same (WDE95), 10.3 miles north-northeast of Nazareth, Tex. Add frequencies 6256.5V and 6375.2V MHz toward Black, Tex.; frequencies 6256.5H and 6375.2H MHz toward Wayside, Tex.

2245–C1–P–73—American Telephone & Telegraph Co. (KLN81), 2 miles north-northwest of Wayside, Tex. Add frequencies 6004.5V and 6123.1V MHz toward Nazareth, Tex.

2246–C1–P–73—Same (KKP86) 10.4 miles west-southwest of Albuquerque, N. Mex. Add frequency 4130H MHz toward Sandoval, N. Mex.

2247–C1–P–73—Same (KSV59), 13.8 miles west of Sandoval, N. Mex. Add frequency 4170H MHz toward Albuquerque Junction, N. Mex.; frequency 4170V MHz toward Bernalillo, N. Mex.

2248–C1–P–73—Same (KKK82), 3.8 miles northwest of El Llainta, N. Mex. Add frequency 4130V MHz toward Sandoval, N. Mex.

931–C1–R–73—New York Telephone Co. (KEH95). In any temporary fixed location within the territory of the grantee. Application for renewal of license from April 13, 1972 to April 13, 1973.

2266–C1–TC–(8)–73—Video Service Co. Consent to Transfer of Control from Cox Cable Communications, Inc., Transferor to Cox American Cmmunications, Inc., Transferee. Stations: KSO93—Wellsboro, Ind.; KSO94—DeLong, Ind.; KSP63—Loganport, Ind.; KVD52—Peru, Ind.; KSO92—Scircleville, Ind.; KSP64—Monticello, Ind.; KSQ36—Lafayette, Ind., and KSQ37—Attica, Ind.

2267–C1–TC–(13)–73—American Television & Communications Corp. Consent to Transfer of Control from Stockholders of American Television & Communications Corp., Transferors to Cox American Communications, Inc., Transferee. Stations: KCM71—East Rockford, Minn.; KCM73—Little Falls, Minn.; KAY61—Willmar, Minn.; KZS97—Morris, Minn.; KYC43—Brainerd, Minn.; KCM75—Montevideo, Minn.; KOC70—Elbow Lake, Minn.; KYC45—Beauty Lake, Minn.; KYC44—Ben Draper, Minn.; KCM72—Cold Springs, Minn.; KCM74—Benson, Minn.; KJE51—Stuart, Fla.; KJE52—Fort Pierce, Fla.

2481–C1–R–71—Frank K. Spain, doing business as Microwave Service Co. (KPC56), Application for renewal of license from February 1, 1971 to February 1, 1976.

2278–C1–P/ML–73—The Offshore Telephone Co. (KYC56), temporary fixed locations. Modification of license C.P. to add frequencies 2110–2130, and 2160–2180 toward temporary fixed locations within service area.

2280–C1–P–73—TelePrompter Transmission of Kansas, Inc. (KPB51), Mount Royal, 28 miles north-northwest of Chester, Mont.; C.P. to change one (1) transmitter on frequency 6137.9 MHz and to increase output power to 10 watts.

9526–C1–MP–72—Western Tele-Communications, Inc. (WJL71), Telegraph Pass, 16.5 miles east-southeast of Yuma, Ariz.; Modification of C.P. (5309–C1–P–72) to change azimuth to 98°/52′ toward Baker Peak (WJL72), Ariz. Frequency 2128.0H MHz (unchanged).

9527–C1–MP–72—Same (WJL72), Baker Peak, 4.30 miles South-southeast of Tacna, Ariz. (Latitude 32°37′34″ N., longitude 113°59′14″ W.): Modification of C.P. (5310–C1–P–72) to relocate station from Mohawk, Ariz., to aforesaid location—using existing frequency 2165.2V MHz toward Telegraph Pass, Ariz., on new azimuth 279°/03′.

POINT-TO-POINT MICROWAVE RADIO SERVICE—MAJOR AMENDMENT

3055–C1–P–70—Data Transmission Co. (New), station location: One South Pinckney Street, Madison, Wis. Delete point of communication at Blue Mounds and change frequency to 11,385.0V MHz on azimuth 176°02′ towards new point of communication at Brooklyn, Wis.

3056–C1–P–70—Data Transmission Co. (New), station location: 2.1 miles southeast of Brooklyn, Wis. Delete point of communication at Rock Grove, Ill. and add frequency 5945.2H MHz on azimuth 147°08′ toward new point of communication at Newark, Wis. Add frequency 10,775.0V MHz on azimuth 356°03′ toward new point of communication at Madison, Wis.

3057–C1–P–70—Data Transmission Co. (New), change station name and location to Newark, 4.8 miles north-northeast of Newark, Wis., latitude 42°36′10″, longitude 89°09′54″. Change frequency toward Brooklyn to 6197.2H MHz on azimuth 327°16′. Change azimuth towards Rockford to 125°45′.

3058–C1–P–70—Data Transmission Co. (New), change location to 3 miles northeast of Poplar Grove, latitude 42°23′51″, longitude 88°46′53″. Delete point of communication at Rock Grove and add frequency 6123.1V MHz on azimuth 306°00′ towards new point of communication at Newark, Wis. Change frequency towards Como to 6152.8H MHz on azimuth 40°03′.

3059–C1–P–70—Data Transmission Co. (New), change location to 2.2 miles northwest of Como, latitude 42°36′58″, longitude 88°31′56″. Change frequency towards Polar Grove to 6345.5V MHz on azimuth 220°14′. Change frequency towards Big Bend to 6256.5V MHz on azimuth 36°57′.

3060–C1–P–70—Data Transmission Co. (New), station location: 2.2 miles northwest of Big Bend, Wis. Change frequency towards Como to 6152.8V MHz on azimuth 217°09′. Change frequency towards Milwaukee to 6063.8H MHz on azimuth 58°17′.

3067–C1–P–70—Data Transmission Co. (New), station location: Beatrice, 4 miles northwest of Porter Crossroad, Ind. Delete point of communication at Tinley Park and add frequency 10,775.0V MHz on azimuth 255°47′ towards new point of communication at Brunswick, Ill. Change frequency towards Medaryville to 6063.8V MHz on azimuth 152°30′.

3068–C1–P–70—Data Transmission Co. (New), station location: 2.6 miles southwest of Medaryville, Ind. Change frequency towards Beatrice to 6315.9V MHz on azimuth 332°40′. Delete point of communication at Delong and add frequency 6404.8H MHz on azimuth 139°32′ towards new point of communication at Monticello.

3069–C1–P–70—Data Transmission Co. (New), change station name and location to Monticello, 5.7 miles northwest of Idaville, Ind., latitude 40°50′23″, longitude 86°40′37″. Change azimuth towards Medaryville to 319°42′. Delete point of communication at Gilead and add frequency 6152.8H MHz on azimuth 120°07′ towards new point of communication at Logansport.

3070–C1–P–70—Data Transmission Co. (New), change station name and location to Logansport, 3.5 miles south of Logansport, Ind., latitude 40°41′58″, longitude 86°21′37″. Delete point of communication at Delong and add frequency 6404.8H MHz on azimuth 300°20′ towards new point of communication at Monticello. Change frequency towards Wawpecong to 6404.8H MHz on azimuth 115°19′.

3071–C1–P–70—Data Transmission Co. (New), change station location to 1.5 miles northwest of Wawpecong, Ind., latitude 40°35′34″, longitude 86°03′56″. Delete point of communication at Gilead and add frequency 6152.8H MHz on azimuth 295°31′ toward new point of communication at Logansport. Delete point of communication at Tetersburg and add frequency 6093.5V MHz on azimuth 188°15′ toward new point of communication at East Union.

3072–C1–P–70—Data Transmission Co. (New), change station name and location to East Union, 2.3 miles northeast of Ekin, Ind., latitude 40°14′20″, longitude 86°07′57″. Change frequency toward Wawpecong to 6345.5V MHz on azimuth 8°12′. Delete point of communication at Eden and add frequency 6375.2H MHz on azimuth 142°59′ toward new point of communication at Fortville.

3073–C1–P–70—Data Transmission Co. (New), change station name and location to Fortville, 2.5 miles northwest of Fortville, Ind., latitude 39°58′22″, longitude 85°52′19″. Change azimuth toward Greenwood to 195°11′. Delete point of communication at Tetersburg and add frequency 6123.1H on azimuth 323°09′ toward new point of communication at East Union. Delete point of communication at Indianapolis.

POINT-TO-POINT MICROWAVE RADIO SERVICE—MAJOR AMENDMENT—continued

3074–C1–P–70—Data Transmission Co. (New), station location: 1 Indiana Square, Indianapolis, Ind. Delete point of communication at Eden and add frequency 6152.8V MHz on azimuth 142°30′ toward new point of communication at Greenwood.

3075–C1–P–70—Data Transmission Co. (New), change location to 6 miles east of Greenwood, Ind., latitude 39°36′36″, longitude 85°59′57″. Delete point of communication at Eden and add frequency 6375.2H MHz on azimuth 15°06′ towards new point of communication at Fortville. Delete point of communication at Taylor Hill and add frequency 6404.8V MHz on azimuth 184°04′ towards new point of communication at Patterson Hill. Add frequency 6404.8V MHz on azimuth 322°36′ towards new point of communication at Indianapolis.

3076–C1–P–70—Data Transmission Co. (New), change name and location to Patterson Hill, 1.1 miles east of Bethany, Ind., latitude 39°10′07″, longitude 86°02′22″. Change azimuth towards Greenwood to 4°02′. Change azimuth towards New Philadelphia to 175°54′. Change frequency towards Greensburg to 6152.8H MHz on azimuth 86°51′.

3077–C1–P–70—Data Transmission Co. (New), station location: 10 miles south of Greensburg, Ind. Delete point of communication at Taylor Hill and add frequency 6404.8H MHz on azimuth 267°12′ towards new point of communication at Patterson Hill.

3078–C1–P–70—Data Transmission Co. (New), change station location to 1.3 miles southeast of Penntown, latitude 39°15′22″, longitude 85°04′55″. Change frequency to New Baltimore to 6152.8H MHz on azimuth 85°37′.

3079–C1–P–70—Data Transmission Co. (New), change station location to 2.4 miles northeast of New Baltimore, latitude 39°16′56″, longitude 84°37′43″. Change frequency towards Penntown to 6404.8H MHz on azimuth 265°54′. Delete point of communication at Maineville and add frequency 6375.2V MHz on azimuth 18°06′ towards new point of communication at Jacksonberg. Change frequency towards Cincinnati to 11,545.0H MHz on azimuth 153°31′.

3080–C1–P–70—Data Transmission Co. (New), station location: Fifth and Vine Streets, Cincinnati, OH. Change frequency towards New Baltimore to 10,935.0H MHz on azimuth 333°36′.

3085–C1–P–70—Data Transmission Co. (New), station location: New Philadelphia, 2.7 miles northwest of South Boston, Ind. Change frequency towards Lanesville to 6404.8H MHz on azimuth 174°24′. Delete point of communication at Taylor Hill and add frequency 6256.5V MHz on azimuth 355°56′ towards new point of communication at Patterson Hill.

3086–C1–P–70—Data Transmission Co. (New), change station location to 2.5 miles southeast of Lanesville, Ind., latitude 38°13′31″, longitude 85°56′25″. Delete point of communication at Garrett. Change azimuth towards New Philadelphia to 354°26′. Change azimuth towards Louisville to 81°34′.

3087–C1–P–70—Data Transmission Co. (New), station location: Fourth and Broadway, Louisville, Ky. Change azimuth towards Lanesville to 261°41′.

3130–C1–P–70—Data Transmission Co. (New), station location: Kabletown, 4.2 miles northwest of Round Hill, Va. Delete point of communication at Watery Mountain. Delete point of communication at Clear Springs and add frequency 6375.2V MHz on azimuth 352°10′ towards new point of communication at Downsville. Change frequency towards Waterford to 6404.8H MHz on azimuth 86°11′.

3131–C1–P–70—Data Transmission Co. (New), change location to 2.3 miles northeast of Waterford, latitude 39°11′58″, longitude 77°34′19″. Change frequency towards Kabletown to 6152.8H MHz on azimuth 266°20′. Delete point of communication at Darnestown and add frequency 10,935.0H MHz on azimuth 135°08′ towards new point of communication at Dranesville.

3132–C1–P–70—Data Transmission Co. (New), change station name and location to Dranesville, 1.2 miles north of Dranesville, Md., latitude 39°00′32″, longitude 77°19′45″. Change frequency towards Waterford to 11,545.0H MHz on azimuth 315°17′. Delete point of communication at Wheaton and add frequency 6256.5V MHz on azimuth 36°17′ towards new point of communication at Gaithersburg. Add frequency 11,545.0H MHz on azimuth 139°37″ towards new point of communication at Vienna.

2133–C1–P–70—Data Transmission Co. (New), change station name and location to Gaithersburg, 1 mile southwest of Laytonsville, Md., latitude 39°11′54″, longitude 77°09′01″. Delete point of communication at Darnestown and add frequency 6004.5V MHz on zimuth 216°24′

POINT-TO-POINT MICROWAVE RADIO SERVICE—MAJOR AMENDMENT—continued

towards new point of communication at Dranesville. Change frequency towards Oakland Mills to 11,545.0H MHz on azimuth 106°48′.

3134–C1–P–70—Data Transmission Co. (New), change station location to 0.6 mile southwest of Scaggsville, latitude 39°08′29″, longitude 76°54′33″. Delete point of communication at Wheaton and add frequency 10,935.0H MHz on azimuth 286°57′ towards new point of communication at Gaithersburg. Change frequency towards Baltimore to 10,935.0H MHz on azimuth 56°50′.

3135–C1–P–70—Data Transmission Co. (New), station location: Baltimore Street and Hopkins Place, Baltimore, Md. Change frequency towards Oakland Mills to 11,545.0H MHz on azimuth 237°01′.

488–C1–P–71—Data Transmission Co. (New), change station name and location to Downsville, 3.4 miles west of Downsville, Md., latitude 39°33′06″, longitude 77°51′57″. Change frequency toward Kabletown to 6123.1V MHz on azimuth 172°07′. Change frequency toward Front Mountain to 6123.1V MHz on azimuth 5°18′.

3136–C1–P–70—Data Transmission Co. (New), station location: Front Mountain, 2.5 miles northwest of Edenville, Pa. Change frequency toward Overview to 6256.5H MHz on azimuth 62°58′. Delete point of communication at Clear Springs and add frequency 6375.2V MHz on azimuth 185°20′ toward new point of communication at Downsville.

3151–C1–P–70—Data Transmission Co. (New), change station location to 4.5 miles west of Overview, Pa., latitude 40°18′20″, longitude 77°00′32″. Change frequency toward Palmyra to 6152.8V MHz on azimuth 86°01′. Change frequency toward Front Mountain to 6004.5V MHz on azimuth 243°29′.

489–C1–P–71—Data Transmission Co. (New), station location: 1.3 miles northwest of Palmyra, Pa. Change frequency toward Overview to 6375.2V MHz on azimuth 266°16′. Change frequency toward Eagle Peak to 11,665.0H MHz on azimuth 87°45′.

3152–C1–P–70—Data Transmission Co. (New), station location: Eagle Peak, 1 mile south of Womelsdorf, Pa. Delete point of communication at Palmerton. Change frequency toward Palmyra to 10,975.0H MHz on azimuth 268°02′. Change frequency toward Welsh Mountain to 10,855H MHz on azimuth 129°43′.

3153–C1–P–70—Data Transmission Co. (New), change station location to Welsh Mountain, 2.4 miles southwest of Elverson, Pa., latitude 40°08′02″, longitude 75°52′00″. Change frequency toward Eagle Peak to 11,465.0H MHz on azimuth 309°56′. Delete point of communication at Guthriesville and add frequency 6063.8V MHz on azimuth 120°51′ toward new point of communication at Gradyville.

3155–C1–P–70—Data Transmission Co. (New), change station name and location to Gradyville, 0.5 mile north of Gradyville, Pa., latitude 39°57′00″, longitude 75°28′05″. Delete point of communication at Guthriesville and add frequency 6315.9V MHz on azimuth 301°06′ to new point of communication at Welsh Mountain. Change frequency to Philadelphia to 10,815.0H MHz on azimuth 89°04′.

3156–C1–P–70—Data Transmission Co. (New), change station location to 2000 Market Street Building, Philadelphia, Pa., latitude 39°57′12″, longitude 75°10′26″. Delete point of communication at Sugartown and add frequency 11,505.0H MHz on azimuth 269°15′ toward new point of communication at Gradyville.

POINT-TO-POINT MICROWAVE RADIO SERVICE—NEW STATIONS

2268–C1–P–73—Data Transmission Co. (New), new station located at 8130 Boone Boulevard, Vienna, Va., latitude 38°54′51″, longitude 77°13′34″. Frequency 10,935.0H MHz on azimuth 319°41′ toward Dranesville.

2269–C1–P–73—Data Transmission Co. (New), new station located 1 mile west of Brunswick, Ill., latitude 41°22′41″, longitude 87°31′36″. Frequency 6404.8V MHz on azimuth 338°26′ toward point of communication at Posen. Frequency 11,385.0V MHz on azimuth 75°34′ toward point of communication at Beatrice.

2270–C1–P–73—Data Transmission Co. (New), 0.2 mile northeast of Posen, Ill., latitude 41°38′09″ N., longitude 87°39′45″ W. Frequency 6034.2V MHz on azimuth 323°17′ toward Elmhurst, Ill. Frequency 6152.8V MHz on azimuth 158°21′ toward Brunswick, Ill.

2271–C1–P–73—Same (New), 3.4 miles southwest of Broadview Heights, Ohio, latitude 41°15′47″ N., longitude 81°42′17″ W. Frequency 6152.8V MHz on azimuth 285°44′ toward Amherst, Ohio. Frequency 11,055H MHz on azimuth 1°56′ toward Cleveland, Ohio.

3154–C1–P–70—Same (New), station Guthreisville located 1.2 miles southeast of Guthreisville, Pa., latitude 40°01′42″ N., longitude 75°44′26″ W. Frequency 10,795.0H MHz on azimuth 286°09′ going toward Welsh Mountain, Pa. Frequency 10,875.0H MHz toward Sugartown, Pa.

POINT-TO-POINT MICROWAVE RADIO SERVICE—NEW STATIONS—continued

3145–C1–P–70—Data Transmission Co. (New), station location: Terminal Tower, Cleveland, Ohio. Delete point of communication at Shalersville and change frequency to 11,265.0H MHz on azimuth 181°56′ toward new point of communication at Broadview Heights, Ohio. Delete point of communication at Amherst, Ohio.

3146–C1–P–70—Data Transmission Co. (New), change location to 4 miles southwest of Amherst, latitude 41°22′56″ N., longitude 82°16′22″ W. Delete point of communication at Cleveland and change frequency to 6404.8V MHz on azimuth 105°22′ toward new point of communication at Broadview Heights, Ohio. Change frequency toward Castalia to 6404.8H MHz on azimuth 267°31′.

3147–C1–P–70—Data Transmission Co. (New), station location: 2.6 miles southwest of Castalia, Ohio. Change frequency toward Amherst to 6152.8H MHz on azimuth 87°09′. Change frequency toward Williston to 6152.8H MHz on azimuth 300°01′.

3148–C–P–70—Data Transmission Co. (New), station location: 1.3 miles southwest of Williston, Ohio. Change frequency toward Castalia to 6404.8H MHz on azimuth 119°40′. Change frequency toward Oldport to 6404.8V MHz on azimuth 1°35′.

3149–C1–P–70—Data Transmission Co. (New), change station location to 3.1 miles southwest of Oldport, Mich., latitude 41°58′52″ N., longitude 83°20′45″ W. Change frequency toward Williston to 6152.8V MHz on azimuth 181°35′. Change frequency toward Detroit to 6152.8H MHz on azimuth 32°19′.

3150–C1–P–70—Data Transmission Co. (New), station location: Cadillac Square and Bates Street, Detroit, Mich. Change freqeuncy toward Oldport to 6345.5H MHz on azimuth 212°31′.

POINT-TO-POINT MICROWAVE RADIO SERVICE—MAJOR AMENDMENT

3065–C1–P–70—Data Transmission Co. (New), change station name and location to Elmhurst, 1 mile north of Elmhurst, Ill., latitude 41°55′25″ N., longitude 87°57′01″ N. Delete point of communication at Beatrice and add frequency 6286.2V MHz on azimuth 143°05′ toward new point of communication at Posen, Ill. Change frequency toward Chicago to 11,505.0V MHz on azimuth 95°45′. Delete point of communication at Wheaton, Ill.

3066–C1–P–70—Data Transmission Co. (New), station location: 875 John Hancock Building, Chicago, Ill. Delete point of communication at Tinley Park and add frequency 10,815.0V MHz on azimuth 275°58′ toward new point of communication at Elmhurst, Ill.

4596–C1–P–71—MCI Southeast Communications, Inc. (New), Atlanta, Ga. C.P. for a new station at 100 Peach Tree Street, Atlanta, Ga., at latitude 33°45′21″ N., longitude 84°23′19″ W. Frequencies 10,775.0H MHz and 11,095.0H MHz on azimuth 145°12′ toward Stockbridge, Ga.

4597–C1–P–71—Same as above (New), Stockbridge, Ga. C.P. for a new station 0.4 mile northnortheast of Stockbridge, Ga., at latitude 33°33′37″ N., longitude 84°13′35″ W. Correct frequencies and azimuths to 11,585.0V MHz and 11,345.0V MHz on azimuth 325°18′ toward Atlanta, Ga., and 6034.2V MHz on azimuth 117°30′ toward Stewart, Ga. Delete Griffin, Ga., as a point of communication. Delete frequencies 6034.2V MHz and 6152.8V MHz on azimuth 185°18′.

4600–C1–P–71—Same as above (New), Clinton, Ga. Change proposed station location to 6.1 miles southeast of Clinton, Ga., at latitude 32°54′39″ N., longitude 83°31′02″ W. Correct frequencies and azimuths to 6197.2V MHz on azimuth 357°35′ toward Stanfordville, Ga., 10,815.0H MHz and 11,055.0H MHz on azimuth 231°46′ toward Macon, Ga., 11,665.0V MHz and 11,265.0V MHz on azimuth 55°06′ toward Milledgeville, Ga., and 6226.9V MHz on azimuth 172°50′ toward Cochran, Ga. Delete Forsyth, Ga., as a point of communication. Delete frequencies 6226.9V MHz and 6345.5V MHz on azimuth 303°08′, 6226.9H MHz and 6345.5H MHz on azimuth 171°10′, 6197.2H MHz and 6315.9H MHz on azimuth 45°48′ and 10,815.0H MHz and 11,055.0H MHz on azimuth 260°44′.

4601–C1–P–71—Same as above (New), Macon, Ga. C.P. for a new station at 577 Mulberry Street, Macon, GA, at latitude 32°50′16″ N., longitude 83°37′37″ W. Correct frequencies and azimuths to 11,505.0H MHz and 11,265.0H MHz on azimuth 51°42′ toward Clinton, Ga. Delete Gordon, Ga., as a point of communication. Delete frequencies 11,505.0H MHz and 11,265.0H MHz on azimuth 80°40′.

4634–C1–P–71—Same as above (New), Milledgeville, Ga. C.P. for a new station 3.5 miles southwest of Milledgeville, Ga., at latitude 33°02′43″ N., longitude 83°17′17″ N. Correct

frequencies and azimuths to 10,775.0V MHz and 11,175.0V MHz on azimuth 235°13′ toward Clinton, Ga., and 3770.0H MHz on azimuth 65°56′ toward Mitchell, Ga. Delete Gordon, Ga., as a point of communication. Delete frequencies 5960.0V MHz and 6078.6C MHz on azimuth 225°56′ and 5989.7V MHz and 6108.3V MHz on azimuth 65°56′.

4635–C1–P–71—MCI Southeast Communications, Inc. (New), Mitchell, Ga. C.P. for a new station 5 miles west of Mitchell, Ga., at latitude 33°14′08″ N., longitude 82°46′52″ W. Correct frequencies and azimuths to 3730.0H MHz on azimuth 246°13′ toward Milledgeville, Ga., and 3730.0H MHz on azimuth 72°03′ toward Harlem, Ga. Delete frequencies 6271.4H MHz and 6390.0H MHz on azimuth 246°13′ and 6212.0V MHz and 6330.7V MHz on azimuth 72°03′.

4636–C1–P–71—Same as above (New), Harlem, Ga. C.P. for a new station 4.2 miles south of Harlem, Ga., at latitude 33°21′27″ N., longitude 82°19′37″ W. Correct frequencies and azimuths to 4010.0H MHz on azimuth 252°18′ toward Mitchell, Ga., and 3770.0H MHz on azimuth 81°05′ toward New Ellenton, S.C. Delete frequencies 5989.7V MHz and 6108.3V MHz on azimuth 252°18′ and 5989.7V MHz and 6108.3V MHz on azimuth 81°05′.

4637–C1–P–71—Same as above (New), New Ellenton, S.C. C.P. for a new station 7.9 miles west of New Ellenton, S.C., at latitude 33°25′15″ N., longitude 81°50′19″ W. Correct frequencies and azimuths to 3970.0V MHz on azimuth 261°12′ toward Harlem, Ga., 3730.0H MHz on azimuth 52°20′ toward New Holland, S.C., and 11,385.0H MHz and 11,625.0H MHz on azimuth 297°21′ toward Augusta, Ga. Delete frequencies 6241.7V MHz and 6360.3V MHz on azimuth 261°21′ and 6212.0H MHz and 6330.7H MHz on azimuth 52°20′.

4638–C1–P–71—Same as above (New), Augusta, Ga. C.P. for a new station at 699 Broad Street, Augusta, Ga., at latitude 33°28′29″ N., longitude 81°57′47″ W. Frequencies 10,975.0V MHz and 10,735.0V MHz on azimuth 117°17′ toward New Ellenton, S.C.

4639–C1–P–71—Same as above (New), New Holland, S.C. C.P. for a new station 4 miles southwest of New Holland, S.C., at latitude 33°37′55″ N., longitude 81°30′40″ W. Correct frequencies and azimuths to 3770.0H MHz on azimuth 232°31′ toward New Ellenton, S.C., and 4010.0H MHz on azimuth 63°24′ toward Pelion, S.C. Delete frequencies 5989.7H MHz and 6108.3H MHz on azimuth 232°31′ and 5989.7H MHz and 6108.3H MHz on azimuth 63°24′.

4640–C1–P–71—MCI Southeast Communications, Inc. (New), Pelion, S.C. C.P. for a new station 2.4 miles east of Pelion, S.C., at latitude 33°45′40″ N., longitude 81°12′05″ W. Correct frequencies and azimuths to 3970.0H MHz on azimuth 243°34′ toward New Holland, S.C., 3970.0H MHz on azimuth 28°46′ toward Columbia, S.C., and 3730.0H MHz on azimuth 146°19′ toward Orangeburg, S.C. Delete frequencies 6241.7H MHz and 6360.3H MHz on azimuth 243°34′, 6241.7V MHz and 6360.3V MHz on azimuth 28°46′ and 6212.0V MHz and 6330.7V MHz on azimuth 146°19′.

4641–C1–P–71—Same as above (New), Columbia, S.C. C.P. for a new station at 1801 Main Street, Columbia, SC, at latitude 34°00′33″ N., longitude 81°02′16″ W. Correct frequencies and azimuths to 3770.0H MHz on azimuth 208°52′ toward Pelion, S.C. Delete frequencies 5960.0H MHz and 6078.6H MHz on azimuth 208°52′.

4642–C1–P–71—Same as above (New), Orangeburg, S.C. C.P. for a new station 5.7 miles west-southwest of Orangeburg, S.C., at latitude 33°28′12″ N., longitude 80°58′12″ W. Correct frequencies and azimuths to 3770.0V MHz on azimuth 326°26′ toward Pelion, S.C., and 4010.0H MHz on azimuth 123°13′ toward Bowman, S.C. Delete frequencies 5960.0V MHz and 6078.6V MHz on azimuth 326°26′ and 5989.7V MHz and 6108.3V MHz on azimuth 123°13′.

4643–C1–P–71—Same as above (New), Bowman, S.C. C.P. for a new station 3.8 miles south-southeast of Bowman, S.C., at latitude 33°17′37″ N., longitude 80°39′00″ W. Correct frequencies and azimuths to 3730.0H MHz on azimuth 303°24′ toward Orangeburg, S.C., and 3970.0V MHz on azimuth 116°51′ toward Dorchester, S.C. Delete frequencies 6241.7V MHz and 6360.3V MHz on azimuth 303°24′ and 6241.7V MHz and 6360.3V MHz on azimuth 116°51′.

4644–C1–P–71—Same as above (New), Dorchester, S.C. C.P. for a new station 3 miles northeast of Dorchester, S.C. at latitude 33°09′54″ N., longitude 80°20′56″ W. Correct frequencies and azimuths to 3770.0V MHz on azimuth 297°01′ toward Bowman, S.C., and 4010.0H MHz on azimuth 138°33′ toward Summerville, S.C. Delete frequencies 5989.7V MHz and 6108.3V MHz on azimuth 297°01′ and 5960.0V MHz and 6078.6V MHz on azimuth 138°33′.

4645–C1–P–71—MCI Southeast Communications, Inc. (New), Summerville, S.C. C.P. for a new station 0.9 mile south of Summerville, S.C. at latitude 33°00′01″ N., longitude 80°10′35″ W. Correct frequencies and azimuths to 3730.0V MHz on azimuth 318°39′ toward Dorchester, S.C., and 6004.5V MHz on azimuth 138°43′ toward Charleston, S.C. Delete frequencies 6212.0V MHz and 6330.7V MHz on azimuth 318°39′ and 6241.7V MHz and 6360.3V MHz on azimuth 138°43′.

4646–C1–P–71—Same as above (New), Charleston, S.C. C.P. for a new station at the west end of Broad Street, Charleston, S.C., at latitude 32°46′33″ N., longitude 79°56′36″ W. Correct frequencies and azimuths to 6286.2V MHz on azimuth 318°50′ toward Summerville, S.C. Delete frequencies 5989.7V MHz and 6108.3V MHz on azimuth 318°50′.

4602–C1–P–71—Same as above (New), Cochran, Ga. C.P. for a new station 4 miles west of Cochran, Ga., at latitude 32°23′48″ N., longitude 83°26′28″ W. Correct frequencies and azimuths to 5945.2V MHz on azimuth 352°53′ toward Clinton, Ga., and 6034.2H MHz on azimuth 207°39′ toward Vienna, Ga. Delete Gordon, Ga., as a point of communication. Delete frequencies 5974.8H MHz and 6093.5H MHz on azimuth 351°13′ and 6152.8H MHz on azimuth 207°39′.

4603–C1–P–71—Same as above (New), Vienna, Ga. C.P. for a new station 8 miles southeast of Vienna, Ga., at latitude 32°02′46″ N., longitude 83°39′24″ W. Correct frequencies and azimuths to 6256.5H MHz on azimuth 27°32′ toward Cochran, Ga., and 6286.2H MHz on azimuth 192°25′ toward Ashburn, Ga. Delete frequencies 6256.5H MHz and 6375.2H MHz on azimuth 27°54′ and 6404.8H MHz on azimuth 192°25′.

4604–C1–P–71—Same as above (New), Ashburn, Ga. C.P. for a new station 5 miles north of Ashburn, Ga., at latitude 31°42′38″ N., longitude 83°44′35″ W. Correct frequencies and azimuths to 5974.8V MHz on azimuth 12°22′ toward Vienna, Ga., 3770.0V MHz on azimuth 249°29′ toward Albany, Ga., and 5974.8H MHz on azimuth 134°08′ toward Tifton, Ga. Delete frequencies 6093.5V MHz on azimuth 12°22′, 3930.0V MHz and 3770.0V MHz on azimuth 249°03′ and 5974.8V MHz and 6093.5V MHz on azimuth 134°08′.

4605–C1–P–71—MCI Southeast Communications, Inc. (New), Albany, Ga. C.P. for a new station at 249 Pine Street, Albany, Ga., at latitude 31°34′43″ N., longitude 84°09′11″ W. Correct frequencies and azimuths to 3730.0V MHz on azimuth 69°17′ toward Ashburn, Ga. Delete frequencies 3810.0V MHz and 3970.0V MHz on azimuth 68°50′.

4606–C1–P–71—Same as above (New), Tifton, Ga. C.P. for a new station 3.5 miles east of Tifton, Ga., at latitude 31°27′06″ N., longitude 83°25′56″ W. Correct frequencies and azimuths to 6256.5V MHz on azimuth 314°18′ toward Ashburn, Ga., and 6256.5H MHz on azimuth 131°50′ toward Nashville, Ga. Delete frequencies 6375.2V MHz on azimuth 314°18′ and 6375.2H MHz on azimuth 131°50′.

4607–C1–P–71—Same as above (New), Nashville, Ga. C.P. for a new station 8.5 miles east of Nashville, Ga., at latitude 31°11′30″ N., longitude 83°05′42″ W. Correct frequencies and azimuths to 5960.0V MHz on azimuth 312°01′ toward Tifton, Ga., 3930.0H MHz on azimuth 203°41′ toward Valdosta, Ga., and 5945.2H MHz on azimuth 113°17′ toward Homerville, Ga. Delete frequencies 6078.6V MHz on azimuth 312°01′, 3930.0H MHz and 4090.0H MHz on azimuth 203°37′ and 5945.2H MHz and 6063.8H MHz on azimuth 113°57′.

4647–C1–P–71—Same as above (New), Valdosta, Ga. C.P. for a new station at 111 East Hill Avenue, Valdosta, GA, at latitude 30°49′51″ N., longitude 83°16′42″ W. Correct frequencies and azimuths to 3810.0H MHz on azimuth 23°35′ toward Nashville, Ga., and 6212.0H MHz on azimuth 255°35′ toward Dixie, Ga. Delete frequencies 3810.0H MHz and 3970.0H MHz on azimuth 23°31′ and 6330.7H MHz on azimuth 255°35′.

4648–C1–P–71—Same as above (New), Dixie, Ga. C.P. for a new station 2.6 miles southeast of Dixie, Ga., at latitude 30°44′45″ N., longitude 83°39′31″ W. Correct frequencies and azimuths to 5960.0V MHz on azimuth 75°23′ toward Valdosta, Ga., and 5989.7H MHz on azimuth 248°00′ toward Metcalf, Fla. Delete frequencies 6078.6V MHz on azimuth 75°23′ and 6108.3H MHz on azimuth 248°00′.

4649–C1–P–71—MCI Southeast Communications, Inc. (New), Metcalf, Fla. C.P. for a new station 4.3 miles south of Metcalf, Fla., at latitude 30°37′53″ N., longitude 83°59′06″ W. Correct frequencies and azimuths to 6301.0V MHz on azimuth 67°50′ toward Dixie, Ga., and 3730.0V MHz on azimuth 233°26′ toward Tallahassee, Fla. Delete frequencies 6419.6V MHz on azimuth 67°50′ and 3890.0V MHz on azimuth 233°26′.

4650–C1–P–71—Same as above (New), Tallahassee, Fla. C.P. for a new station at 201 South Monroe Street, Tallahassee, FL, at latitude 30°26′26″ N., longitude 84°16′53″ W. Correct frequencies and azimuths to 3850.0V MHz on azimuth 53°17′ toward Metcalf, Fla. Delete frequency 4010.0V MHz on azimuth 53°17′.

4608–C1–P–71—Same as above (New), Homerville, Ga. C.P. for a new station 1.5 miles northeast of Homerville, Ga., at latitude 31°03'14'' N., longitude 82°43'29'' W. Correct frequencies and azimuths to 6197.2H MHz on azimuth 293°27' toward Nashville, Ga., 6286.2V MHz on azimuth 162°21' toward Colon, Ga., and 3730.0V MHz on azimuth 63°26' toward Waycross, Ga. Delete frequencies 6197.2H MHz and 6315.9H MHz on azimuth 294°08', 3730.0V MHz and 3890.0V MHz on azimuth 63°11' and 6226.9H MHz and 6345.5H MHz on azimuth 162°30'.

4651–C1–P–71—Same as above (New), Waycross, Ga. C.P. for a new station at 513 Elizabeth Street, Waycross, Ga., at latitude 31°12'34'' N., longitude 82°21'42'' W. Correct frequencies and azimuths to 3850.0H MHz on azimuth 243°37' toward Homerville, Ga., and 3750.0V MHz on azimuth 46°55' toward Offerman, Ga. Delete frequencies 3850.0H MHz and 4010.0H MHz on azimuth 243°22' and 3910.0V MHz and 4070.0V MHz on azimuth 47°26'.

4652–C1–P–71—Same as above (New), Offerman, Ga. C.P. for a new station 0.5 mile southwest of Offerman, Ga., at latitude 31°24'20'' N., longitude 82°07'01'' W. Correct frequencies and azimuths to 3970.0V MHz on azimuth 227°02' toward Waycross, Ga., and 6212.0V MHz on azimuth 75°33' toward Grangerville, Ga. Delete frequencies 3790.0H MHz and 3950.0H MHz on azimuth 227°34' and 6330.7V MHz on azimuth 75°33'.

4653–C1–P–71—MCI Southeast Communications, Inc. (New), Grangerville, Ga. C.P. for a new station 1 mile northwest of Grangerville, Ga., at latitude 31°29'14'' N., longitude 81°44'41'' W. Correct frequencies and azimuths to 5960.0H MHz on azimuth 255°45' toward Offerman, Ga., 5960.0V MHz on azimuth 147°15' toward Brunswick, Ga., and 5989.7H MHz on azimuth 20°29' toward Walthourville, Ga. Delete frequencies 6078.6H MHz on azimuth 255°45', 6019.3H MHz and 6137.9H MHz on azimuth 147°15' and 6108.3H MHz on azimuth 20°29'.

4654–C1–P–71—Same as above (New), Brunswick, Ga. C.P. for a new station at the southeast corner of Anheist and First Avenues, Brunswick, Ga., at latitude 31°08'17'' N., longitude 81°29'02'' W. Correct frequencies and azimuths to 6241.7V MHz on azimuth 327°24' toward Grangerville, Ga. Delete frequency 6360.3V MHz on azimuth 327°24'.

4655–C1–P–71—Same as above (New), Walthourville, Ga. C.P. for a new station 1.1 miles southeast of Walthourville, Ga., at latitude 31°45'28'' N., longitude 81°37'35'' W. Correct frequencies and azimuths to 6271.4V MHz on azimuth 200°33' toward Grangerville, Ga., and 3850.0H MHz on azimuth 55°27' toward Richmond Hill, Ga. Delete frequencies 6390.0V MHz on azimuth 200°33' and 4010.0H MHz on azimuth 55°27'.

4656–C1–P–71—Same as above (New), Richmond Hill, Ga. C.P. for a new station 3 miles southwest of Richmond Hill, Ga., at latitude 31°55'06'' N., longitude 81°21'09'' W. Correct frequencies and azimuths to 4050.0V MHz on azimuth 235°36' toward Walthourville, Ga., and 4010.0H MHz on azimuth 54°02' toward Savannah, Ga. Delete frequencies 3710.0V MHz on azimuth 235°36' and 3830.0H MHz on azimuth 54°02'.

4657–C1–P–71—Same as above (New), Savannah, Ga. C.P. for a new station at 24 Brayton Street, Savannah, Ga., at latitude 32°04'47'' N., longitude 81°05'27'' W. Correct frequencies and azimuths to 3890.0V MHz on azimuth 234°10' toward Richmond Hill, Ga. Delete frequencies 3890.0V MHz and 4050.0V MHz on azimuth 234°11'.

4609–C1–P–71—Same as above (New), Colon, Ga. C.P. for a new station 0.3 mile east of Colon, Ga., at latitude 30°45'22'' N., longitude 82°36'54'' W. Correct frequencies and azimuths to 5989.7V MHz on azimuth 342°24' toward Homerville, Ga., and 6019.3V MHz on azimuth 132°18' toward Eddy, Fla. Delete frequencies 5989.7V MHz and 6108.3V MHz on azimuth 342°33' and 6137.9V MHz on azimuth 132°18'.

4610–C1–P–71—MCI Southeast Communications, Inc. (New), Eddy, Fla. C.P. for a new station 0.7 mile northwest of Eddy, Fla., at latitude 30°32'48'' N., longitude 82°20'58'' W. Change frequencies and azimuths to 6271.4V MHz on azimuth 312°26' toward Colon, Ga., and 6212.0V MHz on azimuth 93°44' toward Kent, Fla. Delete frequencies 6390.0V MHz on azimuth 312°26' and 6212.0V MHz and 6330.7V MHz on azimuth 93°43'.

4611–C1–P–71—Same as above (New), Kent, Fla. C.P. for a new station 0.4 mile east of Kent, Fla., at latitude 30°31'26'' N., longitude 81°57'22'' W. Change frequencies and azimuths to 5945.2H MHz on azimuth 273°56' toward Eddy, Fla., and 5989.7H MHz on azimuth 129°07' toward Jacksonville, Fla. Delete frequencies 5945.2H MHz and 6063.8H MHz on azimuth 273°55' and 6108.3H MHz 129°07'.

4612–C1–P–71—Same as above (New), Jacksonville, Fla. C.P. for a new station at 841 Miami Road, Jacksonville, FL, at latitude 30°19'02'' N., longitude 81°39'49'' W. Correct frequencies and azimuth 6241.7H MHz on azimuth 309°16' toward Kent, Fla., and 6256.5V MHz on azimuth 200°04' toward Penney Farms, Fla. Delete frequencies 6360.3H MHz on azimuth 309°16' and 6286.2V MHz and 6404.8V MHz on azimuth 200°04'.

4613–C1–P–71—Same as above (New), Penney Farms, Fla. C.P. for a new station 1.2 miles north-northeast of Penney Farms, Fla., at latitude 30°00'17'' N., longitude 81°47'41'' W. Correct frequencies and azimuth to 6004.5H MHz on azimuth 20°00' toward Jacksonville, Fla., and 6034.2V MHz on azimuth 266°17' toward Starke, Fla. Delete frequencies 5989.7H MHz and 6108.3H MHz on azimuth 20°00' and 6019.3V MHz and 6137.9V MHz on azimuth 266°17'.

4614–C1–P–71—Same as above (New), Starke, Fla. C.P. for a new station 2.9 miles northwest of Starke, Fla., at latitude 29°59'03'' N., longitude 82°09'00'' W. Correct frequencies and azimuths to 6286.2V MHz on azimuth 86°07' toward Penney Farms, Fla., and 3750.0H MHz on azimuth 218°06' toward Paradise, Fla. Delete frequencies 6212.0H MHz and 6330.7H MHz on azimuth 86°07' and 6241.7V MHz and 6360.3V MHz on azimuth 218°06'.

4615–C1–P–71—Same as above (New), Paradise, Fla. C.P. for a new station 2.9 miles west-northwest of Paradise, Fla., at latitude 29°42'49'' N., longitude 82°23'34'' W. Correct frequencies and azimuths 3710.0H MHz on azimuth 37°58' toward Starke, Fla., and 3710.0H MHz on azimuth 182°30' toward East Williston, Fla. Delete Lochloosa, Fla., as a point of communication. Delete frequencies 5960.0V MHz and 6078.6V MHz on azimuth 37°58' and 3730.0H MHz and 3890.0H MHz on azimuth 119°59'.

4617–C1–P–71—MCI Southeast Communications, Inc. (New), Ocala, Fla. C.P. for a new station at 108 North Magnolia Street, Ocala, FL, at latitude 29°11'15'' N., longitude 82°08'16'' W. Correct frequencies and azimuths to 3710.0H MHz on azimuth 306°15' toward East Williston, Fla., and 3710.0V MHz on azimuth 171°50' toward Wildwood, Fla. Delete Lochloosa, Fla., and Umatilla, Fla., as points of communication. Delete frequencies 3970.0H MHz and 4130.0H MHz on azimuth 15°44' and 3950.0H MHz and 4110.0H MHz on azimuth 120°42'.

4618–C1–P–71—Same as above (New), Umatilla, Fla. C.P. for a new station 4.9 miles northwest of Umatilla, Fla., at latitude 28°58'52'' N., longitude 81°44'37'' W. Correct frequencies and azimuths to 6212.0H MHz on azimuth 246°56' toward Wildwood, Fla., and 6212.0H MHz on azimuth 88°20' toward Lake Helen, Fla. Delete Ocala, Fla., and Ferndale, Fla., as points of communication. Delete frequencies 3850.0H MHz and 4010.0H MHz on azimuth 300°54' and 6330.7H MHz on azimuth 88°20', and 4010.0H MHz and 4170.0H MHz on azimuth 178°11'.

4658–C1–P–71—Same as above (New), Lake Helen, Fla. C.P. for a new station 3.0 miles northwest of Lake Helen, Fla., at latitude 28°59'34'' N., longitude 81°15'15'' W. Correct frequencies and azimuths to 5960.0V MHz on azimuth 268°34' toward Umatilla, Fla., and 5989.7V MHz on azimuth 43°01' toward Daytona Beach, Fla. Delete frequencies 6078.6V MHz on azimuth 268°34' and 6108.3V MHz on azimuth 43°01'.

4659–C1–P–71.—Same as above (New), Daytona Beach, Fla. C.P. for a new station at 118 Volusia Avenue, Daytona Beach, Fla., at latitude 29°12'43'' N., longitude 81°01'15'' W. Correct frequency and azimuth to 6241.7H MHz on azimuth 223°08' toward Lake Helen, Fla. Delete frequency 6360.3H MHz on azimuth 223°08'.

4619–C1–P–71—Same as above (New), Ferndale, Fla. C.P. for a new station 2.3 miles northwest of Ferndale, Fla., at latitude 28°38'54'' N., longitude 81°43'54'' W. Correct frequencies and azimuths to 3710.0V MHz on azimuth 303°34' toward Wildwood, Fla., and 3710.0H MHz on azimuth 196°25' toward Eva, Fla., and 6049.0H MHz on azimuth 97°59' toward Lockhart, Fla. Delete Umatilla, Fla., as a point of communication. Delete frequencies 3730.0H MHz and 3890.0H MHz on azimuth 358°12' and 6019.3V MHz and 6137.9V MHz on azimuth 108°08' and 3870.0H MHz on azimuth 196°26'.

4660–C1–P–71—MCI Southeast Communications, Inc. (New), Lockhart, Fla. Change proposed station location to 0.8 mile southeast of Lockhart, Fla., at latitude 28°36'41'' N., longitude 81°26'08'' W. Correct frequencies and azimuths to 6301.0H MHz on azimuth 278°07' toward Ferndale, Fla., and 3870.0V MHz on azimuth 90°06' toward Bithlo, Fla. Delete frequencies 6301.0H MHz and 6419.6H MHz on azimuth 288°18' and 3870.0V MHz and 4030.0V MHz on azimuth 77°24'.

4661–C1–P–71—Same as above (New), Bithlo, Fla. Change proposed station location to 4.9 miles northeast of Bithlo, Fla., at latitude 28°36'37'' N., longitude 81°03'31'' W. Correct frequencies and azimuths to 3910.0V MHz on azimuth 270°17' toward Lockhart,

Fla., and 3850.0V MHz on azimuth 119°25′ toward Cocoa Beach, Fla. Delete frequencies 3910.0V MHz and 4070.0V MHz on azimuth 257°33′ and 3850.0V MHz and 4010.0V MHz on azimuth 119°52′.

4662–C1–P–71—Same as above (New), Cocoa Beach, Fla. C.P. for a new station 4.3 miles north of Cocoa Beach, Fla., at latitude 28°22′57″ N., longitude 80°36′12″ W. Correct frequencies and azimuths to 3890.0V MHz on azimuth 299°38′ toward Bithlo, Fla. Delete frequencies 3890.0V MHz and 4050.0V MHz on azimuth 300°05′.

4620–C1–P–71—Same as above (New), Eva, Fla. C.P. for a new station 0.3 mile west of Eva, Fla., at latitude 28°19′34″ N., longitude 81°50′20″ W. Correct frequencies and azimuths to 3770.0V MHz on azimuth 16°21′ toward Ferndale, Fla., and 3770.0H MHz on azimuth 200°03′ toward Lakeland, Fla. Delete frequencies 3990.0H MHz and 4150.0H MHz on azimuth 16°22′ and 3990.0H MHz and 4150.0H MHz on azimuth 200°03′.

4621–C1–P–71—Same as above (New), Lakeland, Fla. C.P. for a new station at 329 East Main Street, Lakeland, FL, at latitude 28°02′40″ N., longitude 81°57′17″ W. Correct frequencies and azimuths to 3710.0H MHz on azimuth 20°00′ toward Eva, Fla., 3730.0V MHz on azimuth 246°38′ toward Plant City, Fla., and 3710.0H MHz on azimuth 119°41′ toward Alturas, Fla. Delete Winter Haven, Fla., as a point of communication. Delete frequencies 3870.0H MHz on azimuth 20°00′, 3790.0V MHz and 3950.0V MHz on azimuth 246°38′ and 11,385.0V MHz and 11,625.0V MHz on azimuth 96°34′.

4663–C1–P–71—MCI Southeast Communications, Inc. (New), Plant City, Fla. C.P. for a new station 4.4 miles south-southwest of Plant City, Fla., at latitude 27°58′01″ N., longitude 82°09′23″ W. Correct frequencies and azimuths to 3770.0V MHz on azimuth 66°32′ toward Lakeland, Fla., and 3770.0V MHz on azimuth 266°49′ toward Tampa, Fla. Delete frequencies 3990.0H MHz and 4150.0H MHz on azimuth 66°33′ and 3990.0H MHz and 4150.0H MHz on azimuth 266°49′.

4664–C1–P–71—Same as above (New), Tampa, Fla. C.P. for a new station at 905 Florida Avenue, Tampa, FL, at ltitude 27°57′06″ N., longitude 82°27′30″ W. Correct frequencies and azimuths to 3730.0V MHz on azimuth 86°40′ toward Plant City, Fla., and 3710.0V MHz on azimuth 221°38′ toward St. Petersburg, Fla. Delete frequencies 3710.0H MHz and 3870.0H MHz on azimuth 86°40′ and 3710.0H MHz and 3870.0H MHz on azimuth 221°38′.

4665–C1–P–71—Same as above (New), St. Petersburg, Fla. C.P. for a new station at Fourth Street and Central Avenue, St. Petersburg, Fla., at latitude 27°46′17″ N., longitude 82°38′18″ W. Correct frequencies and azimuths to 4010.0V MHz on azimuth 41°33′ toward Tampa, Fla., and 3770.0H MHz on azimuth 168°28′ toward Bradenton, Fla. Delete frequencies 4170.0V MHz on azimuth 41°33′ and 3930.0H MHz on azimuth 168°28′.

4666–C1–P–71—Same as above (New), Bradenton, Fla. C.P. for a new station at the corner of Sixth Avenue and 13th Street West, Bradenton, Fla., at latitude 27°29′36″ N., longitude 82°34′29″ W. Correct frequencies and azimuths to 3730.0H MHz on azimuth 348°30′ toward St. Petersburg, Fla., and 3810.0H MHz on azimuth 170°04′ toward Sarasota, Fla. Delete frequencies 3890.0H MHz on azimuth 348°30′ and 3970.0H MHz on azimuth 170°04′.

4667–C1–P–71—Same as above (New), Sarasota, Fla. C.P. for a new station at 1330 Main Street, Sarasota, FL, at latitude 27°20′05″ N., longitude 82°32′37″ W. Correct frequencies and azimuths to 3990.0H MHz on azimuth 350°05′ toward Bradenton, Fla. Delete frequency 4150.0H MHz on azimuth 350°05′.

4622–C1–P–71—Same as above (New), Alturas, Fla. Change station location to 3 miles southeast of Wahneta, Fla., at latitude 27°55′07″ N., longitude 81°42′24″ W. Correct frequencies and azimuths to 3750.0H MHz on azimuth 299°48′ toward Lakeland, Fla., and 3770.0V MHz.on azimuth 131°29′ toward Frostproof, Fla. Delete Lake Wales, Fla., as a point of communication. Delete frequencies 10,975.0V MHz and 10,735.0V MHz on azimuth 276°41′ and 10,975.0V MHz and 10,735.0V MHz on azimuth 133°36′.

4624–C1–P–71—MCI Southeast Communications, Inc. (New), Frostproof, Fla. C.P. for a new station 5.6 miles east-southeast of Frostproof, Fla., at latitude 27°43′56″ N., longitude 81°28′12″ W. Correct frequencies and azimuths to 3730.0V MHz on azimuth 311°35′ toward Alturas, Fla., and 3710.0V MHz on azimuth 173°24′ toward Sebring, Fla. Delete Lake Wales, Fla., as a point of communication. Delete frequencies 10,975.0V MHz and 10,735.0V MHz on azimuth 327°52′ and 3970.0H MHz and 4130.0H MHz on azimuth 184°54′.

4625–C1–P–71—Same as above (New), Sebring, Fla. Change proposed station location to 1.7 miles south of Sebring, Fla., at latitude 27°28′30″ N., longitude 81°26′12″ W. Correct frequencies and azimuths to 3750.0H MHz on azimuth 353°25′ toward Frostproof, Fla., and 3750.0H MHz on azimuth 99°35′ toward Cornwell, Fla. Delete frequencies 3770.0H MHz and 3930.0H MHz on azimuth 4°53′ and 3850.0V MHz and 4010.0V MHz on azimuth 113°27′.

4628–C1–P–71—Same as above (New), Indiantown, Fla. Change proposed station location to 4.8 miles west of Indiantown, Fla., at latitude 27°00′46″ N., longitude 80°32′54″ W. Correct frequencies and azimuths to 3710.0V MHz on azimuth 325°24′ toward Sherman, Fla., and 3710.0V MHz on azimuth 152°26′ toward Royal Palm Beach, Fla. Delete Okeechobee, Fla., as a point of communication. Delete frequencies 3810.0V MHz and 3970.0V MHz on azimuth 303°18′ and 5960.0H MHz and 6078.6H MHz on azimuth 162°07′.

4629–C1–P–71—Same as above (New), Royal Palm Beach, Fla. C.P. for a new station 1.5 miles northwest of Royal Palm Beach, Fla., at latitude 26°42′00″ N., longitude 80°22′00″ W. Correct frequencies and azimuths to 3750.0V MHz on azimuth 332°31′ toward Indiantown, Fla., 3770.0H MHz on azimuth 152°37′ toward Boca Raton, Fla., and 3750.0H MHz on azimuth 87°21′ to Palm Beach, Fla. Delete frequencies 6212.0H MHz and 6330.7H MHz on azimuth 342°10′ and 3830.0V MHz and 3990.0V MHz on azimuth 152°37′, and 3910.0V MHz on azimuth 87°21′.

4630–C1–P–71—Same as above (New), Palm Beach, Fla. C.P. for a new station at 224 Detura Street, Palm Beach, FL, at latitude 26°42′46″ N., longitude 80°03′07″ W. Correct frequency and azimuths to 3970.0V MHz on azimuth 267°29′ toward Royal Palm Beach, Fla. Delete frequency 4130.0V MHz on azimuth 267°29′.

4631–C1–P–71—MCI Southeast Communications, Inc. (New), Boca Raton, Fla. C.P. for a new station 8 miles northwest of Boca Raton, Fla., at latitude 26°24′56″ N., longitude 80°12′11″ W. Correct frequencies and azimuths to 3710.0H MHz on azimuth 332°41′ toward Royal Palm Beach, Fla., and 3710.0H MHz on azimuth 163°50′ toward Fort Lauderdale, Fla. Delete frequencies 3730.0V MHz and 3890.0V MHz on azimuth 332°41′ and 3870.0H MHz and 4030.0H MHz on azimuth 163°50′.

4632–C1–P–71—Same as above (New), Fort Lauderdale, Fla. C.P. for a new station at 2455 Sunrise Boulevard, Fort Lauderdale, Fla., at latitude 26°08′16″ N., longitude 80°06′50″ W. Correct frequencies and azimuths to 3750.0H MHz on azimuth 343°53′ toward Boca Raton, Fla., and 3750.0H MHz on azimuth 212°26′ toward Carol City, Fla. Delete Miami, Fla., as a point of communication. Delete frequencies 3930.0V MHz and 4090.0V MHz on azimuth 343°53′ and 3750.0H MHz and 3910.0H MHz on azimuth 191°21′.

4633–C1–P–71—Same as above (New), Miami, Fla. C.P. for a new station at 141 Northeast 20th Street, Miami, Fla., at latitude 25°50′35″ N., longitude 80°14′13″ W. Correct frequency and azimuths to 4010.0V MHz on azimuth 355°42′ toward Carol City, Fla. Delete Fort Lauderdale, Fla., as a point of communication. Delete frequencies 4030.0H MHz and 3870.0H MHz on azimuth 11°19′.

8299–C1–P–70—Western Tele-Communications, Inc. (New), station at Emerald Street and University Avenue, St. Paul, Minn. Latitude 44°57′48″ N., longitude 93°12′26″ W. Change frequency 6286.2H to 6226.9H MHz toward Taylorport, Minn., azimuth 255°43′. This application is one of eight proposing specialized common carrier service between Sioux Falls, S. Dak., and St. Paul, Minn., file Nos. 8292 through 8299–C1–P–70. The applications were filed June 12, 1970, and appeared on public notice June 22, 1970. Subsequent amendments appeared on public notice August 2, 1971.

7142–C1–P–72—Pacific Telephone & Telegraph Co. (KMB70), change frequency to 11405H MHz. All other particulars same as in public notice dated April 17, 1972.

2251–C1–P–73—MCI Southeast Communications, Inc. (New), Stewart, Ga. C.P. for a new station 1.5 miles south of Stewart, Ga., at latitude 33°23′56″, longitude 83°51′29″. Frequencies 6197.2V MHz on azimuth 297°42′ toward Stockbridge, Ga., and 6197.2V MHz on azimuth 123°03′ toward Stanfordville, Ga.

2252–C1–P–73—Same as above (New), Stanfordville, Ga. C.P. for a new station 1.85 miles west of Stanfordville, Ga., at latitude 33°13′14″, longitude 83°31′58″. Frequencies 5974.8V MHz on azimuth 303° toward Stewart, Ga., and 5945.2V MHz on azimuth 177°34′ toward Clinton, Ga.

2253–C1–P–73—Same as above (New), East Williston, Fla. C.P. for a new station 2.0 miles south of East Williston, Fla., at latitude 29°21′44″ N., longitude 82°24′37″ W. Frequencies 3750.0H MHz on azimuth 02°29′ toward Paradise, Fla., and 3750.0H MHz on azimuth 126°07′ toward Ocala, Fla.

POINT-TO-POINT MICROWAVE RADIO SERVICE—MAJOR AMENDMENT—continued

2254-C1-P-73—Same as above (New), Wildwood, Fla. C.P. for a new station 2.3 miles west of Wildwood, Fla., at latitude 28°51'12" N., longitude 82°05'00" W. Frequencies 3750.0H MHz on azimuth 351°52' toward Ocala, Fla., 5960.0H MHz on azimuth 66°46' toward Umatilla, Fla., and 3750.0V MHz on azimuth 123°24' toward Ferndale, Fla.

2255-C1-P-73—Same as above (New), Carol City, Fla. C.P. for a new station 0.75 mile northwest of Carol City, Fla., at latitude 25°57'00" N., longitude 80°14'45" W. Frequencies 3730.0H MHz on azimuth 32°23' toward Forth Lauderdale, Fla., and 3730.0V MHz on azimuth 175°42' toward Miami, Fla.

2256-C1-P-73—Same as above (New), Cornwell, Fla. C.P. for a new station 3 miles northeast of Cornwell, Fla., at latitude 27°25'09" N., longitude 81°04'10" W. Frequencies 3710.0H MHz on azimuth 279°45' toward Sebring, Fla., and 3710.0H MHz on azimuth 117°55' toward Sherman, Fla.

2257-C1-P-73—Same as above (New), Sherman, Fla. C.P. for a new station 3.8 miles northnortheast of Sherman, Fla., at latitude 27°15'50" N., longitude 80°44'32" W. Frequencies 3750.0H MHz on azimuth 298°04' toward Cornwell, Fla., and 3750.0V MHz on azimuth 145°19' toward Indiantown, Fla.

7431-C1-P-72—New Jersey Bell Telephone Co. (KEK95), change frequency on path toward Pan-Am Building, New York from 5987.5V to 7112.5V. All other particulars the same as reported in public notice, Report No. 593, dated April 24, 1972.

40-C1-P-73—Central Telephone Co., Inc. (WOE41) (Res), change frequencies from 111.750H and 1085.500H to 11,175.0H and 10,855.0H MHz toward Decatur, Tex. All other particulars the same as reported in public notice, Report No. 605, dated July 17, 1972.

364-C1-P-73—The Midland Telephone Co. (New), change frequency on path toward Cedar Mesa, Utah from 2112.0V to 2162.0V MHz.

365-C1-P-73—Same (New), change frequency on path toward Mexican Hat, Utah, from 2162.0V to 2112.0V MHz. All other particulars the same as reported in public notice Report No. 607, dated July 31, 1972.

[FR Doc.72-17735 Filed 10-19-72;8:45 am]

[Docket No. 19599; FCC 72-850]

KERNEL L. HOBGOOD

Order Designating Application for Hearing on Stated Issues

In regard application of Kernel L. Hobgood, 111 Apple Street, West Monroe, LA 71291, for a Class D citizens radio station license, Docket No. 19599.

The Commission has under consideration the above-entitled application for a Class D citizens radio station license, filed by Kernel L. Hobgood on January 19, 1972.

There is a substantial question concerning the qualifications of the applicant to hold said license in view of:

(a) The applicant's engaging in unlicensed operation of radio transmitting apparatus;

(b) What would have been the violations of various sections of Part 95 of the Commission's rules and regulations had he held a Class D citizens radio station license; and

(c) The applicant's having apparently misrepresented to or concealed material facts from the Commission or having lacked in candor in his statements to the Commission.

The Commission is unable to find that a grant of the captioned application would serve the public interest, convenience, and necessity and must, therefore, designate the application for hearing. Except for the issues specified herein, the applicant is otherwise qualified to hold an individual Class D citizens radio station license.

Accordingly, it is ordered, Pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 1.973(b) of the Commission's rules, that the captioned application is designated for hearing, at a time and place to be specified by subsequent order, upon the following issues:

(1) To determine whether on January 10, 1972, applicant engaged in the unlicensed operation of radio transmitting apparatus.

(2) To determine whether on January 10, 1972, applicant transmitted to other citizens radio stations on frequencies 27.205 MHz (Channel 20) and 27.215 MHz (Channel 21) which are reserved for communications between units of the same radio station, in what would be a willful violation of § 95.41(d)(2) of the Commission's rules had applicant been licensed.

(3) To determine whether on January 10, 1972, applicant engaged in radio communication as a hobby or diversion, in what would be a violation of § 95.83(a)(1) of the Commission's rules had applicant been licensed.

(4) To determine whether on January 10, 1972, applicant transmitted communications relating to technical performance, capabilities, or testing of radio equipment, in what would be a violation of § 95.83(a)(13) of the Commission's rules had applicant been licensed.

(5) To determine whether on January 10, 1972, applicant communicated with other citizens radio stations for a period exceeding 5 consecutive minutes and/or failing to observe a 5-minute silent period between transmissions, in what would be a violation of § 95.91(b) of the Commission's rules had applicant been licensed.

(6) To determine whether on January 10, 1972, applicant operated his radio station without identifying it by call sign at the beginning and conclusion of each transmission or series of transmissions, and without identifying the stations communicated with by their call signs, in what would be a willful violation of § 95.95(c) of the Commission's rules had applicant been licensed.

(7) To determine whether the applicant has misrepresented or concealed material facts from the Commission, or was lacking in candor in his statements to the Commission in his response dated March 23, 1972.

(8) To determine, in the light of the facts adduced under issues (1) through (7), supra, whether the applicant possesses the requisite qualifications to be a licensee of the Commission.

(9) To determine, in light of the foregoing issues, whether the public interest, convenience, and necessity would be served by a grant of the application of Kernel L. Hobgood for an individual Class D Citizens radio station license.

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

Adopted: September 27, 1972.

Released: October 5, 1972.

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

[FR Doc.72-17970 Filed 10-19-72;8:57 am]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES, LTD., AND TRANSAMERICAN TRAILER TRANSPORT, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination

or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. W. H. Williams, Assistant to the Vice President, American President Lines, 1625 I Street NW., Washington, DC 20006.

Agreement No. 10017 is a transshipment agreement between American President Lines, Ltd. (APL), and Transamerican Trailer Transport, Inc. (TTT), covering the movement of general cargo on prepaid through bills of lading from loading ports of Puerto Rico to ports of call of APL in South Viet Nam with transshipment at the Port of New York, Baltimore, Norfolk, or Charleston.

Dated: October 16, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-18001 Filed 10-19-72;9:02 am]

R. J. BOLTE, INC. ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

R. J. Bolte, Inc., G. P. Donahue, Inc., and William C. Person.

Notice of agreement filed by:

Mr. G. P. Donahue, President, G. P. Donahue, Inc., 415 Lafayette Building, Philadelphia, Pa. 19106.

Agreement No. FF 72-7, between R. J. Bolte, Inc. (FMC No. 1127), a licensed independent ocean freight forwarder, G. P. Donahue, Inc. (FMC No. 1219), a licensed independent ocean freight forwarder, and William C. Person, a Customhouse broker, provides for the establishment of a new corporation under the name of BDP International, Inc.

The new corporation is to operate as an independent ocean freight forwarder in Philadelphia, Pa., using R. J. Bolte, Inc.'s, existing FMC License No. 1127.

Dated: October 17, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-18002 Filed 10-19-72;9:02 am]

THE "8900" LINES

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Stanley O. Sher, Esq., Bebchick, Sher & Kushnick, 919 18th Street NW, Washington, DC 20006.

Agreement No. 8900-6, among the carriers comprising the membership of The "8900" Lines rate agreement, amends the basic agreement by adding a new paragraph 1(a) providing as follows:

1(a) *Statistics, Recordkeeping, etc.* The parties may discuss, exchange, compile and record information, data and statistics relating to cargo and commodity movements and carryings, load factors, seasonality and other fluctuations of traffic flows as well as the past, present and future level and frequency of common carrier steamship services required by shippers and receivers in the Arabian/Persian Gulf Trade.

Dated: October 17, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-18006 Filed 10-19-72;9:02 am]

MATSON NAVIGATION CO. AND HONOLULU TERMINALS CO., LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Peter P. Wilson, Counsel, Matson Navigation Co., 100 Mission Street, San Francisco, CA 94105.

Agreement No. T-2702, between Matson Navigation Co. (Matson) and Honolulu Terminals Co., Ltd. (Terminals), is a terminal services agreement whereby Terminals will provide comprehensive services incidental to the loading, discharging, receiving, and delivery of breakbulk cargo at the ports of Honolulu

and Pearl Harbor, Hawaii. As compensation, Terminals is to receive rates as agreed upon by the parties and filed with the Commission.

Dated: October 17, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-18003 Filed 10-19-72;9:02 am]

NEW YORK FREIGHT BUREAU (HONG KONG)

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue, NW., Washington, DC 20036.

Agreement No. 5700-14 in effect modifies Article 1 of the basic agreement by relinquishing the New York Freight Bureau's jurisdiction over traffic originating in China, south of Foochow and destined to U.S. Atlantic and Gulf ports.

Dated: October 16, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-18004 Filed 10-19-72;9:02 am]

TRANS-PACIFIC FREIGHT CONFERENCE (HONG KONG)

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the Commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue NW., Washington, DC 20036.

Agreement No. 14-34 is a modification of Article 16(b)(iii) of the original agreement which proposed that at meetings in Taiwan or elsewhere of the Taiwan section called and presided over by the Chairman/Secretary, the Taiwan section shall have full authority to determine rates, charges, classifications, rules, and/or regulations with respect to the transportation of commodities from Taiwan to all destinations covered by Agreement No. 14 as amended, and to make decisions under this modification upon all matters which exclusively concern the trade from Taiwan to the Pacific Coast of the United States.

Dated: October 16, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-18005 Filed 10-19-72;9:02 am]

UNITED GRAIN CORP., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

United Grain Corp., and Burlington Northern, Inc., and Spokane, Portland and Seattle Railway Co.

Notice of agreement filed by:

Miles Sweeney, Esq., White, Sutherland, Brownstein, & Parks, 1200 Jackson Tower, Portland, OR 97205.

Agreement No. T-497-C-1, between United Grain Corp. (United), Burlington Northern, Inc. (BN), and Spokane, Portland and Seattle Railway Co. (SPSR), modifies the basic agreement between United and SPSR which provides for the 15-year sublease of certain grain elevators and other marine terminal facilities at Vancouver, Wash. The purpose of the modification is to extend the term of the agreement an additional 15 years, commencing March 1, 1972, and provide for a 15-year renewal option at the end of the extended term.

Dated: October 13, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-18007 Filed 10-19-72;9:02 am]

ZIM ISRAEL NAVIGATION CO., LTD., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Zim Israel Navigation Co., Ltd. (Zim Container Service Division) and Caribbean Trailer Express, Ltd.

Notice of agreement filed by:

A. Birnbaum, Director, Conferences and Tariffs, Zim Container Service, 11 Broadway, New York, NY 10004.

Agreement No. 10018, between Zim Israel Navigation Co., Ltd. (Zim Container Service Division), operating in the trades between ports in the United States and ports in the Far East, Europe, and the Middle East and Caribbean Trailer Express operating in the trade between ports in the United States and ports in the Caribbean Sea and in Central America, establishes an arrangement to provide for the interchange of cargo containers and/or related equipment between said parties as circumstances and conditions in these trades may require and permit, subject to mutually acceptable terms, conditions, practices and charges. The parties may also appoint a mutually acceptable agent to record movement of and to dispatch their containers and/or related equipment.

Dated: October 16, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-18008 Filed 10-19-72;9:03 am]

[Dockets Nos. 69-21, 69-29]

TRANSCONEX, INC., AND CONSOLIDATED EXPRESS, INC.

Reopening of Proceeding and Amended Order of Investigation Regarding General Increase In Rates In U.S. South Atlantic/Puerto Rico-Virgin Islands Trades and U.S. North Atlantic/Puerto Rico Trade

On September 29, 1972, the Court of Appeals for the District of Columbia Circuit entered an opinion and judgment reversing the Commission's orders in the captioned proceedings and remanding them for further action by the Commission. The Commission had found that the respondent carriers' rates had not been shown to be unlawful, basing this conclusion upon its holding that the carriers did not bear the burden of justifying the increased rates under investigation since such rates had not been suspended by the Commission. The Court of Appeals has ruled that in Commission instituted investigations involving the reasonableness of proposed rate increases, carriers must meet the burden of justifying the reasonableness of the proposed increased rates, whether or not such rates have been suspended. Accordingly, we reopen these proceedings for the purpose of allowing for the submission of whatever matter respondent carriers wish to present in justification of their rates here under investigation.

Since substantial increases have been made in the rates of respondents since these proceedings were instituted in the first half of 1969, this investigation will include examination of the lawfulness of such increases as well as the increases which were the subject of the original investigation.

Resolution of these proceedings will, as indicated by the Court of Appeals, also require consideration of the standard to be applied in determining the reasonableness of respondents' rates, and, more particularly, the need under such standard for the specific increases here in issue.

Therefore, it is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, the captioned dockets are reopened for determination, in light of the decision of the U.S. Court of Appeals for the District of Columbia Circuit in The Commonwealth of Puerto Rico v. Federal Maritime Commission, Transconex, Inc. and Consolidated Express, Inc., Intervenors, No. 24,741, of the lawfulness under such statutory provisions of the increased rates and charges, and the governing rules and regulations which were the subject of the original orders of investigation in these proceedings served on April 28 and June 6, 1969, as well as the increased rates and charges and governing rules and regulations contained in Supplement No. 2 to Freight Tariff FMC-F No. 1 of Transconex, Inc., which became effective on April 7, 1972, and the revised pages to Freight Tariff FMC-F No. 3 of Consolidated Express, Inc., which became effective on December 14, 1971. In the event the matter hereby placed under investigation is changed or amended before this investigation has been concluded, such changed or amended matter will be included in these investigations; and

It is further ordered, That these proceedings shall specifically include the issues of: (1) The proper standard to be applied in determining the reasonableness of respondents' rates, with particular reference to the concept of operating ratio; (2) the expenses to be allowed prior to calculation of such ratio; and (3) the existence and degree of need on the part of respondents for additional capital and revenue; and

It is further ordered, That Transconex, Inc. remain a respondent in Docket No. 69-21, that Consolidated Express, Inc. remain a respondent in Docket No. 69-29, and that the Commonwealth of Puerto Rico remain a party in both proceedings; and

It is further ordered, That these proceedings be assigned for public hearing before an administrative law judge of the Commission's Office of Administrative Law Judges; and

It is further ordered, That these proceedings be consolidated for the purpose of the filing of briefs and the issuance of an Initial Decision and for such further purposes as the administrative law judge shall deem appropriate; and

It is further ordered, That: (1) A copy of this order shall forthwith be served on the respondents to these proceedings and the Commonwealth of Puerto Rico and published in the FEDERAL REGISTER; and (2) respondents and the Commonwealth be duly served with notice of the time and place of hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in these proceedings and desiring to intervene therein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure [46 CFR 502.72] with a copy to all parties to these proceedings.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-18009 Filed 10-19-72;9:03 am]

WILLIAM H. CAMPBELL, ET AL.

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal

Maritime Commission, Washington, D.C. 20573.

William H. Campbell, 911 Western Avenue, Seattle, WA 98104.

Florida Cargo Brokers Inc., 4471 Northwest 36th Street, Miami, FL 33166.
Officers:
Leonides Veitia, Vice President.
Rene Alvarez, Secretary-Treasurer.
Jorge Veitia, President.

Alberto Planas, 317 South Van Ness Avenue, Los Angeles, CA 90020.

Schmidt, Pritchard & Co., Inc., 327 South La Salle Street, Chicago, IL 60604.
Officers:
T. J. Garibaldi, President-Treasurer.
B. J. Garibaldi, Secretary.
E. J. Lucas, Sr., Vice President.
Stephen Barbieri, Vice President.
Wm. R. McLarney, Vice President.

Transport Inter-Modal Corp., 2460 Lemoine Avenue, Fort Lee, NJ 07024.
Officers:
Fred N. Sucher, President.
Fay Sucher, Secretary-Treasurer.

Dated: October 16, 1972.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-18010 Filed 10-19-72;9:03 am]

FEDERAL POWER COMMISSION

[Docket No. DA-216; Washington]

WILLAMETTE MERIDIAN, WASHINGTON

Finding and Order Under Section 24 of the Federal Power Act

OCTOBER 13, 1972.

Lands withdrawn in Powersite Reserves Nos. 67 and 74, Projects Nos. 2112 and 2241.

Applications (BLM serials Nos. OR 7257 (Washington) and OR 7333 (Washington)) have been filed by the State of Washington, through the Bureau of Land Management, for the revocation of the above-designated withdrawals insofar as they pertain to the following described lands, thereby requiring Commission consideration under section 24 of the Federal Power Act:

WILLAMETTE MERIDIAN, WASHINGTON

(1) Lands included in application OR 7257 (Wash.), approximately 80 acres:
T. 6 N., R. 10 E.,
Sec. 3, SE¼SE¼.
T. 5 N., R. 11 E.,
Sec. 18, NE¼SW¼.
(2) Lands included in application OR 7333 (Wash.), approximately 250.80 acres:
T. 7 N., R. 6 E.,
Sec. 23, S½NE¼, NE¼SE¼;
Sec. 24, lot 6;
Sec. 25, lots 1, 2, 3.

The subject lands in Ranges 10 E. and 11 E. lie adjacent to the White Salmon River, a tributary of the Columbia River, and are withdrawn in Powersite Reserve No. 67, dated July 2, 1910. These lands are also affected by the February 24, 1958, filing of an application for preliminary permit for Project No. 2241; however, the lands are not included in the pending application for license for the project which was filed October 2, 1961, and amended April 15, 1963. The power value of these lands lies in their possible use for conduit location in connection with the comprehensive development of the White Salmon River. Such development is not anticipated in the near future and such conduit location would be flexible.

The subject lands in Range 6 E. lie at or near the proposed Muddy Dam site on the Lewis River, a tributary of the Columbia River. These lands are variously withdrawn in Powersite Reserve No. 74, dated July 2, 1910, and pursuant to the filings by the Pacific Power & Light Co., on July 14, 1952, and November 26, 1956, of applications for Project No. 2112 (proposed Muddy Hydroelectric Project). All of the subject lands in Range 6 E. are included in the pending application for license for Project No. 2112.

The Commission finds: It has no objection to the revocation of Powersite Reserve No. 67 insofar as it pertains to the subject lands in Ranges 10 and 11 E.

The Commission orders: (A) The withdrawal for Project No. 2241 insofar as it pertains to the subject lands in Ranges 10 and 11 E. is hereby vacated.

(B) The application for revocation of withdrawals insofar as it pertains to the subject lands in Range 6 E. is hereby denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-17892 Filed 10-19-72;8:46 am]

[Docket No. CP73-80]

EL PASO NATURAL GAS CO.

Notice of Application

OCTOBER 13, 1972.

Take notice that on September 26, 1972, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, TX 79978, filed in Docket No. CP73-80 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by section 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction during the calendar year 1973, and operation of certain natural gas facilities to enable applicant to attach to its Northwest Division System natural gas which will be purchased from independent producers, and other similar sellers, who have been authorized by the Commission to sell gas to applicant, all as more fully set forth in the application in this proceeding which is on file with the Commission and open to public inspection.

The application shows that the facilities proposed will consist of: (1) Routine field facilities, subject to the jurisdiction of the Commission, necessary to connect applicant's Northwest Division System with the facilities of independent producers or other similar sellers; and (2) field facilities, consisting principally of compressor horsepower, as may be required to compensate for declining reservoir pressures of existing gas resources. The proposed facilities are to be utilized for the attachment of new or expanded supplies of natural gas in various producing areas generally coextensive with applicant's pipeline system as well as for accommodating increased deliverability from existing sources and maintaining production from existing sources of supply at levels which will insure an orderly depletion of reserves.

The application indicates that the total cost of the proposed facilities will not exceed a maximum of $1 million and no single project will exceed a cost of $250,000. Applicant states that said cost will be financed from working funds, supplemented, as necessary, by short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 6, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-17891 Filed 10-19-72;8:46 am]

[Docket No. CP73-81]

EL PASO NATURAL GAS CO.

Notice of Application

OCTOBER 16, 1972.

Take notice that on September 26, 1972, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, TX 79978, filed in Docket No. CP73-81 an ap-

plication pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(c) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction on its Northwest Division System, during the calendar year 1973, and operation of gas sales facilities for the sale and delivery of natural gas for resale and the sale and delivery of natural gas for resale by means of facilities to be constructed during the calendar year 1973 and operated by Pacific Gas Transmission Co., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the proposed facilities are to be utilized for the sale and delivery of natural gas to its existing authorized Northwest Division customers for resale and general distribution in existing market areas in the States of Colorado, Utah, Wyoming, Idaho, Oregon, and Washington. Further, applicant states that such sales and deliveries will not exceed 100,000 Mcf annually and none of the gas sold will be used or resold for boiler fuel purposes.

The application indicates that the maximum facilities to be constructed under the requested authorization will consist of 15 taps, 15 measuring and regulating stations and three lateral or loop pipelines not exceeding a maximum diameter of 8⅝ inches and a maximum length of 7 miles. The application further indicates that the total cost of the proposed facilities will not exceed a maximum of $300,000 and that such cost will be financed from working funds, supplemented, as necessary by short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 6, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-17994 Filed 10-19-72;9:02 am]

[Docket No. E-7776]

IOWA ELECTRIC LIGHT & POWER CO.

Notice of Application

OCTOBER 17, 1972.

Take notice that on September 25, 1972, the Iowa Electric Light & Power Co. (applicant) filed an application pursuant to section 204 of the Federal Power Act with the Federal Power Commission seeking authority to issue and sell at competitive bidding 50,000 shares of cumulative preference stock and 500,000 shares of common stock.

Applicant is incorporated under the laws of the State of Iowa and is authorized to do business in the States of Iowa, Minnesota, Colorado, and Nebraska with its principal business office at Cedar Rapids, Iowa. Applicant is engaged primarily in the generation, transmission, and sale at retail of electric energy in 51 counties in the State of Iowa.

The cumulative preference stock and common stock are to be issued on approximately December 14, 1972. The cumulative preference stock is subject to the prior rights and preferences of the existing outstanding classes of the company's cumulative preferred stock. The rate of dividend on the cumulative preference stock will be determined by competitive bidding and redemption prices and amounts payable in event of voluntary liquidation will be determined by agreement between the company and the person or persons offering the best price for the cumulative preference stock based upon the rate of dividend and the public offering price. The common stock is subject to the prior rights and preferences of the existing outstanding cumulative preference stock and the additional cumulative preference stock now proposed to be issued. The price to the company for the common stock will be determined by competitive bidding on the basis of the person or persons offering the highest price to the company.

According to the applicant, the purposes for which the preference stock and common stock are to be issued include the construction, completion, extension, and improvement of facilities. The estimated construction program for 1972 totals $77,164,000 and includes the expenditure of $61,217,000 for its share of the cost of construction of a 550,000 kw. nuclear generating station being constructed on a site near Palo, Iowa. Two Iowa generating and transmission cooperatives, Central Iowa Power Cooperative and Corn Belt Power Cooperative will have a 20 percent and 10 percent undivided ownership, respectively, in this plant and its generating capacity.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 26, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-17988 Filed 10-19-72;8:59 am]

[Docket No. E-7468]

ILLINOIS POWER CO.

Notice of Supplemental Application

OCTOBER 17, 1972.

Take notice that on September 22, 1972, Illinois Power Co. (applicant) filed a second supplement to its application in Docket No. E-7468 seeking a supplemental order pursuant to section 204 of the Federal Power Act authorizing an increase in the maximum amount of short-term notes to be outstanding at any one time to an aggregate of $125 million and the extension of the final maturity date on the short-term notes that may be issued by applicant to December 31, 1976, from that authorized by the supplemental order of the Commission issued October 27, 1969, in Docket No. E-7468.

Applicant is incorporated under the laws of the State of Illinois and operates as an electric and gas public utility therein. The notes proposed to be issued pursuant to this application will be unsecured promissory notes with maturity dates not more than 360 days after their respective dates of issue, and in any event will be payable on or before December 31, 1976. The notes will be issued in an aggregate principal amount of not to exceed $125 million at any one time, either to: (1) Commercial banks under the provisions of revolving credit agreements or otherwise; (2) commercial paper dealers; or (3) regular purchasers of commercial paper for their own account. With respect to such of the notes as are issued to commercial banks, the interest rate applicable to the notes will be not higher than the prime commercial rate of the Continental Illinois National Bank & Trust Co. of Chicago in effect on the date of each borrowing, and with respect to such of the notes as are issued to commercial paper dealers or to regular purchasers of commercial paper for their own account, the interest rate applicable

to the notes will be the market rate (or discount rate) on the date of issuance for commercial paper of comparable quality and of the particular maturity sold.

The net proceeds from the issuance of the notes will be added to working capital for ultimate application toward the cost of gross additions to utility properties and/or to reimburse applicant's treasury for construction expenditures. Applicant's construction program, as now scheduled, calls for expenditures of approximately $725 million for the 5-year period 1972–76.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 26, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-17989 Filed 10-19-72;8:59 am]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on July 18, 1972: [1]

The information reviewed at this meeting suggests that real output of goods and services increased at a faster rate in the second quarter than in the two preceding quarters. In June the unemployment rate declined, but it was still substantial. Wholesale prices of farm and food products advanced appreciably further in June and the rise in prices of industrial commodities remained substantial. Recent data suggest moderation in the pace of advance in wage rates. In foreign exchange markets, following disturbances leading to a floating of the pound sterling, the dollar has come under pressure and the reserves of European central banks have increased sharply. In May, the excess of merchandise imports over exports remained large, though a little less than in April.

Growth in the narrowly defined money stock was relatively slow in May and June, but preliminary weekly data suggest a pickup in early July. Growth in the broadly defined money stock was more substantial as inflows of consumer-type time and savings deposits to banks remained strong. Expansion in the bank credit proxy slowed sharply in June as U.S. Government deposits declined markedly. In recent weeks, long-term interest rates have changed little; rates in short-term markets have advanced, except for those on shorter-maturity Treasury bills.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to sustainable real economic growth and increased employment, abatement of inflationary pressures, and attainment of reasonable equilibrium in the country's balance of payments.

To implement this policy, while taking account of the forthcoming Treasury financing, developments in capital markets, and international developments, the Committee seeks to achieve bank reserve and money market conditions that will support moderate growth in monetary aggregates over the months ahead.

By order of the Federal Open Market Committee, October 12, 1972.

ARTHUR L. BROIDA,
Deputy Secretary.

[FR Doc.72-17938 Filed 10-19-72;9:01 am]

[1] The Record of Policy Actions of the Committee for the meeting of July 18, 1972, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FIRST AT ORLANDO CORP.

Order Approving Acquisition of Banks

First at Orlando Corp., Orlando, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of First National Bank of Delray Beach (First) and of Second National Bank of Delray Beach (Second) (hereinafter collectively referred to as "Banks"), both of Delray Beach, Fla.

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

Applicant, the fourth largest banking organization in the State, controls 26 banks with aggregate deposits of approximately $905 million, representing about 5.6 percent of deposits in commercial banks in Florida. (Banking data are as of December 31, 1971, and reflect holding company acquisitions and formations approved by the Board through August 31, 1972.) As a result of consummation of both proposals, applicant's share of deposits would be increased to 6 percent of the total deposits of commercial banks in the State and applicant's position in relation to the State's other banking organizations would remain unchanged.

Banks (aggregate deposits of $57.8 million) constitute the sixth largest of the 30 banking organizations in the Palm Beach banking market, approximated by the County of Palm Beach excluding the city of Boca Raton, and hold 6.8 percent of the total deposits in that market. Consummation of the proposed transactions would not have an adverse effect upon existing competition between applicant and Banks. Applicant's subsidiary bank nearest to Banks is located approximately 55 miles south of Delray Beach and neither it, nor any of applicant's other subsidiaries, compete with Banks to any significant extent. Furthermore, the development of such competition is considered unlikely in view of the distances separating applicant's subsidiaries and Banks, and Florida's restrictive branching laws. Some potential competition between applicant and Banks would be foreclosed since applicant possesses the resources to enter the market de novo. However, in view of the large number of banks in the market, the elimination of such potential competition is not considered significant. Despite the close proximity of Banks to each other (approximately 1.7 miles) and the overlap of their service areas, consummation of the proposed transactions would not lessen existing competition, nor foreclose the development of potential competition between First and Second, since Banks have been closely affiliated through common directors, officers, and shareholders since the formation of Second in 1970 by principals of First, and there is little likelihood that the Banks would become disaffiliated if the subject applications were denied. On the basis of the facts of record, the Board concludes that consummation of applicant's proposal would not eliminate any significant existing competition nor foreclose the development of significant potential competition.

The financial and managerial resources and future prospects of applicant, its subsidiaries, and Banks are generally considered satisfactory particularly in view of applicant's commitment to increase the capital accounts of several of its subsidiary banks (see the Board's order of September 26, 1972, approving applicant's applications to acquire shares of The City Bank and Trust Company of St. Petersburg and The Suncoast City Bank of St. Petersburg). There would be no immediate benefits to the convenience and needs of the communities involved as a result of the consummation of the transaction. However, considerations relating to convenience and needs are consistent with approval of the applications. It is the Board's judgment that consummation of the proposed transactions is in the public interest and that the applications should therefore be approved.

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

By order of the Board of Governors,[1] effective October 13, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-17941 Filed 10-19-72;9:01 am]

FIRST CONNECTICUT BANCORP, INC.

Order Approving Acquisition

First Connecticut Bancorp, Inc., Hartford, Conn., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and Regulation Y, to acquire the assets and assume the liabilities of Pioneer Credit Corp. and its wholly owned subsidiary, Pioneer Investment Corp., both of Great Barrington, Mass., and both of which (collectively referred to hereinafter as "Pioneer") engage in the activity of making loans for personal, agricultural, and business purposes. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (37 F.R. 16997). The time for filing comments and views has expired, and none have been timely received.

Applicant controls three banks with total deposits of approximately $204 million, representing 3.7 percent of total deposits held by commercial banks in the State, thereby ranking as the ninth largest commercial banking organization in Connecticut. Applicant's three subsidiary banks engage, among other things, in the making of loans for agricultural, personal, and business purposes.

Pioneer, with combined total assets of $6.2 million and total net receivables of $5.4 million, as of September 30, 1971, ranks as the 151st largest finance company in the United States in terms of capital funds. It operates its sole office in Great Barrington, and primarily serves Berkshire County. Although its loans for business purposes are largely made to concerns in Berkshire County, Pioneer specializes in the field of laundry and dry cleaner equipment financing, serving certain distributors in New York City, Cambridge, and Lenox, Mass. Pioneer has recently closed two offices which it had operated outside of Great Barrington and, absent consummation of the proposed transaction, does not appear to have the resources necessary to expand into other areas.

The nearest office of Applicant's subsidiary banks to Pioneer is located in New Hartford, Conn., approximately 45 miles from Great Barrington, Mass. Neither Pioneer, on the one hand, nor any of Applicant's subsidiaries on the other, derive business from the area in which the other operates. It therefore does not appear that any existing competition will be eliminated by consummation of the proposed acquisitions. Nor does it appear that consummation would have any adverse effect on potential competition.

There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest. To the contrary, consummation of the proposal would provide Pioneer with greater capital resources and enhance its ability to secure larger lines of credit from nonaffiliated banks in the area. This greater access to funds should, in turn, strengthen Pioneer's competitive viability and possibly may encourage geographic expansion by Pioneer.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[1] effective October 13, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-17942 Filed 10-19-72;9:01 am]

FIRST FLORIDA BANCORPORATION

Acquisition of Bank

First Florida Bancorporation, Tampa, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Ormond Beach First National Bank, Ormond Beach, Fla. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 13, 1972.

Board of Governors of the Federal Reserve System, October 16, 1972.

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

[FR Doc.72-17947 Filed 10-19-72;9:01 am]

FIRST MISSOURI BANCORPORATION, INC.

Order Approving Formation of Bank Holding Company

First Missouri Bancorporation, Inc., Columbia, Mo., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of its formation of a bank holding company through acquisition of more than 97 percent of the voting shares of First National Bank and Trust Company, Columbia, Missouri (Bank).

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

Applicant is a recently organized nonoperating company, with no existing subsidiaries, formed for the purpose of acquiring Bank (about $23 million in deposits). Applicant is controlled by the same individual who presently owns controlling interest in Bank so that acquisition of Bank by Applicant is essentially a change in the form of ownership. Upon acquisition of Bank, Applicant will assume Bank's present position as the third largest of four banking organizations in the Columbia area and hold approximately 17 percent of the deposits therein. Since Applicant has no present operations or subsidiaries, consummation of the transaction would not have any substantial effects on competition in any relevant area.

Since Applicant is a newly organized company, its prospects, at least for the time being, depend solely on those of Bank. The financial and managerial resources and prospects of Bank appear generally satisfactory, particularly in light of the commitment by Bank to obtain additional capital. These considerations are consistent with approval of the application. Considerations relating to the convenience and needs of the communities to be served are also consistent with approval of the application. It is the Board's judgment that the proposed transaction is in the public interest and should be approved.

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

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

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

By order of the Board of Governors,[1] effective October 13, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-17940 Filed 10-19-72;9:01 am]

MERRILL BANKSHARES CO.

Order Approving Acquisition of Bank

Merrill Bankshares Co., Bangor, Maine, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Houlton Trust Co., Houlton, Maine (Bank).

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

Applicant controls three banks with aggregate deposits of approximately $167 million, representing about 12 percent of deposits of commercial banks in Maine.[2] Consummation of this proposal would increase applicant's share of deposits by only 0.6 percentage point and would not result in a significant increase in the concentration of banking resources in the State, although applicant's rank as fifth largest banking organization in Maine would change to fourth.

Bank (deposits of $8.4 million) is the second largest of four banks located in the Houlton banking market, approximated by the extreme southern portion of Aroostook County, a small area in northern Penobscot County, and a small area in northern Washington County. Bank holds approximately 20 percent of total deposits held by those four banks. As applicant's banking office nearest Bank is located 55 miles from Bank and competes in a different geographic market, there appears to be no significant existing competition between applicant or its subsidiary banks and Bank.

Although two of applicant's banking subsidiaries may, under Maine law, open branch offices in the Houlton banking market, or applicant may be able to directly enter that market de novo through the formation of a new bank, such action is unlikely, in view of the area's declining population and low ratio of population to banking office. The U.S. Department of Labor has designated the Houlton area as an area of substantial unemployment. Under Maine law, Bank may open branch offices in areas served by two of applicant's banking subsidiaries. However, Bank, organized in 1905, has not exercised its branching rights in the 67 years of its existence. That this forebearance is likely to continue is indicated by the limited resources and earnings potential of Bank. It therefore does not appear that consummation of the proposed transaction would have an adverse effect on the development of competition between applicant and Bank. To the contrary, with applicant's support, Bank is likely to become a more viable competitor vis a vis the largest bank in the Houlton banking market which holds approximately 52 percent of the area's deposits and is a subsidiary of the State's largest banking organization.

The financial and managerial resources and future prospects of applicant, its subsidiary banks, and Bank are regarded as generally satisfactory and these considerations are consistent with approval of the application. Applicant proposes to enable Bank to initiate trust services, improve Bank's personal loan department, and, through more readily available automated computer facilities, improve Bank's check processing and payroll services. Although these services are presently available through other sources in the community, the strengthening of Bank as an alternative source of such services lends additional weight toward approval of the application. In sum, it is the Board's judgment that the proposed transaction is in the public interest and that the application should be approved.

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

By order of the Board of Governors,[3] effective October 13, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-17943 Filed 10-19-72;9:01 am]

MIDWEST BANK SHARES, INC.

Formation of Bank Holding Company

Midwest Bank Shares, Inc., Moline, 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 29.36 percent or more of the voting shares of The De Witt County National Bank of Clinton, Clinton, 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. 20051, to be received not later than November 13, 1972.

Board of Governors of the Federal Reserve System, October 16, 1972.

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

[FR Doc.72-17945 Filed 10-19-72;9:01 am]

NORTHEAST BANCORP, INC.

Formation of Bank Holding Company

Northeast Bancorp, Inc., New Haven, Conn., 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 not less than 80 percent of the voting shares of Union Trust Co., New Haven, Conn. 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 Boston. Any person wishing to comment on the application should submit his views in writing to the Reserve bank to be received not later than November 9, 1972.

Board of Governors of the Federal Reserve System, October 16, 1972.

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

[FR Doc.72-17944 Filed 10-19-72;9:01 am]

STATE NATIONAL CORP.

Formation of Bank Holding Company

State National Corp., Evanston, 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 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to State National Bank, Evanston, 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 November 13, 1972.

Board of Governors of the Federal Reserve System, October 16, 1972.

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

[FR Doc.72-17946 Filed 10-19-72;9:01 am]

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

[2] All banking data are as of Dec. 31, 1971, with the exception of data for the Houlton banking market which are as of June 30, 1970.

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

FEDERAL TRADE COMMISSION

STATEMENT OF ORGANIZATION

Change of Title to "Administrative Law Judge"

By amendment of Subpart B, Part 930, Title 5, Code of Federal Regulations, effective August 17, 1972, the Civil Service Commission has changed the title "Hearing Examiner" to "Administrative Law Judge" (37 F.R. 16787).

In conformity with this change, notice is hereby given that the title "Hearing Examiner" as used in sections 9 and 14 of the statement of organization, published June 30, 1970 (35 F.R. 10627) is hereby changed to "Administrative Law Judge."

Effective upon publication in the FEDERAL REGISTER (10-20-72).

By direction of the Commission, dated October 5, 1972.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-17961 Filed 10-19-72;8:59 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

ACCURATE CALCULATOR CORP.

Order Suspending Trading

OCTOBER 16, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Accurate Calculator Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from October 17, 1972 through October 26, 1972.

By the Commission.

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

[FR Doc.72-17957 Filed 10-19-72;8:58 am]

[File No. 500-1]

FIRST WORLD CORP.

Order Suspending Trading

OCTOBER 16, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Class A and Class B common stocks, $0.15 par value, and all other securities of First World Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from October 17, 1972 through October 26, 1972.

By the Commission.

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

[FR Doc.72-17955 Filed 10-19-72;8:58 am]

[70-5245]

GRANITE STATE ELECTRIC CO. AND NEW ENGLAND ELECTRIC SYSTEM

Proposed Increase in Authorized Shares and Issue and Sale of Common Stock by Subsidiary Company to Holding Company

OCTOBER 16, 1972.

Notice is hereby given that New England Electric System (NEES), a registered holding company, and its electric utility subsidiary company, Granite State Electric Co. (Granite), 20 Turnpike Road, Westborough, MA 01581, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 6(b), 7, 9(a), 10, and 12 of the Act and Rule 42 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Granite proposes to increase its capital stock by the authorization of 10,000 additional shares of common stock of the aggregate par value of $1 million. Such shares are proposed to be issued and sold at the price of $100 per share as fixed by Granite's Board of Directors. NEES, the sole common stockholder, proposes to acquire such shares for a cash consideration of $1 million. Upon such authorization, issue, and sale, Granite will have outstanding 50,400 shares of common stock of an aggregate par value of $5,040,000.

The proceeds from the issue and sale of the additional common stock will be applied towards the payment of short-term notes. Granite presently has $7,100,000 of short-term notes payable outstanding pursuant to Commission authorization, $6,850,000 payable to banks and $250,000 payable to NEES.

The expenses related to the proposed transactions are estimated at $4,200 of which Granite and NEES will pay $4,000 and $200, respectively. It is stated that the New Hampshire Public Utilities Commission has jurisdiction over the proposed issue and sale of common stock by Granite. It is also stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 3, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rule 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

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

[FR Doc.72-17950 Filed 10-19-72;8:58 am]

[70-5249]

JERSEY CENTRAL POWER & LIGHT CO. AND NEW JERSEY POWER & LIGHT CO.

Notice of Proposed Intrasystem Sale of Assets

OCTOBER 16, 1972.

Notice is hereby given that Jersey Central Power & Light Co. (JCP&L) and New Jersey Power & Light Co. (NJP&L), Madison Avenue at Punchbowl Road, Morristown, N.J. 07960, electric utility subsidiary companies of General Public Utilities Corp., a registered holding company, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 12(f) of the Act and Rule 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

NJP&L proposes to sell to JCP&L, for cash, and JCP&L proposes to acquire from NJP&L, certain utility assets now owned by NJP&L consisting primarily of

(1) Transformers and related equipment and switchgear, circuit breakers, and miscellaneous equipment and; (2) certain land and interests in land consisting of a right-of-way for electric transmission lines and appurtenances of approximately 3 miles located in the Township of Raritan, Hunterdon County, N.J. It is stated that NJP&L desires to sell the aforementioned utility assets since they have ceased to be useful in the operation of its utility business and that JCP&L desires to purchase said assets because they are needed in the operation of its utility business.

The proposed consideration for the assets to be transferred is based upon the original cost thereof, or, in the case of used property other than realty, the original cost thereof depreciated (a) to the date of sale or transfer or (b) if the property is already being used by JCP&L, to the date when such use by JCP&L began. If the sales and transfers had been consummated at June 30, 1972, the total consideration would have been $166,855.12; the actual consideration paid will be somewhat less to reflect additional depreciation accruing after June 30, 1972.

The Board of Public Utility Commissioners of the State of New Jersey has authorized the proposed sales of property by NJP&L. It is stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions are estimated at $1,800, including legal fees of $1,600.

Notice is further given that any interested person may, not later than November 6, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

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

[FR Doc.72-17959 Filed 10-19-72;8:58 am]

[File No. 500-1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

OCTOBER 12, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Meridian Fast Food Services, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from October 13, 1972, through October 22, 1972.

By the Commission.

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

[FR Doc.72-17951 Filed 10-19-72;8:58 am]

[File No. 500-1]

OCEANOGRAPHY MARICULTURE INDUSTRIES, INC.

Order Suspending Trading

OCTOBER 16, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Oceanography Mariculture Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from October 17, 1972, through October 26, 1972.

By the Commission.

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

[FR Doc.72-17958 Filed 10-19-72;8:58 am]

[File No. 500-1]

POWER CONVERSION, INC.

Order Suspending Trading

OCTOBER 13, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Power Conversion, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from October 16, 1972, through October 25, 1972.

By the Commission.

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

[FR Doc.72-17952 Filed 10-19-72;8:58 am]

[File No. 500-1]

TOPPER CORP.

Order Suspending Trading

OCTOBER 16, 1972.

The common stock, $1 par value of Topper Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934, and all other securities of Topper Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such 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 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from October 16, 1972, through October 25, 1972.

By the Commission.

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

[FR Doc.72-17956 Filed 10-19-72;8:58 am]

[File No. 500-1]

TRANS-EAST AIR, INC.

Order Suspending Trading

OCTOBER 16, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.50 par value, and all other securities of Trans-East Air, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from

October 17, 1972, through October 26, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-17954 Filed 10-19-72;8:58 am]

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary's Order 32-72]

ASSISTANT SECRETARY FOR EMPLOYMENT STANDARDS

Delegation of Authority and Assignment of Responsibility

1. *Purpose.* This order delegates authority and assigns responsibility for the performance of functions assigned to the Secretary of Labor pursuant to the Farm Labor Contractor Registration Act of 1963 (78 Stat. 920, 7 U.S.C. 2041 et seq.).

2. *Background.* Under the Farm Labor Contractor Registration Act of 1963 programs and operations have been established to provide for the issuance, renewal, and when necessary, the suspension and revocation of certificates of registration to farm labor contractors. The Act authorizes the formulation of agreements with other Federal and State agencies to utilize the facilities and services of these agencies in carrying out the provisions of the Act.

3. *Transfer of functions.* This order transfers and assigns the certification of registration and enforcement responsibilities vested in the Secretary of Labor pursuant to the Farm Labor Contractor Registration Act of 1963, which were heretofore assigned to the Assistant Secretary for Manpower to the Assistant Secretary for Employment Standards.

4. *Delegation of authority and assignment of responsibility.* a. The Assistant Secretary for Employment Standards is hereby delegated authority and assigned responsibility for:

(1) Developing standards and policies for the administration of the Farm Labor Contractor Registration Act of 1963.

(2) Formulating and promulgating rules, regulations, and interpretations required in the administration of the Act on the advice of the Solicitor.

(3) Determining the eligibility of applicants for certificates of registration under the Act.

(4) Providing for the issuance, renewal, suspension, and revocation of certificates of registration as provided in the Act.

(5) Conducting such investigations and inspections as are required to determine the eligibility of a farm labor contractor for a certificate of registration or to determine if any of the provisions of the Act have been violated.

(6) Bringing of legal proceedings under the Act, the determinations in each case whether such proceedings are appropriate to be made by the Solicitor of Labor.

(7) Overall coordination of the Department's functions under the Act.

b. The Assistant Secretary for Manpower is hereby delegated authority and assigned responsibility for:

(1) Providing for the receipt of applications for registration of farm labor contractors pursuant to the Farm Labor Contractor Registration Act of 1963, and the forwarding of those applications to the appropriate Employment Standards Administration Office.

(2) Entering into agreements with Federal or State agencies to utilize the services and facilities of such agencies to assist in the registration of farm labor contractors, and to allocate or transfer funds or otherwise to pay or to reimburse such agencies for expenses in connection therewith.

5. Redelegation: The authority delegated and responsibilities assigned by this order may be further redelegated.

6. Reservation of Authority: Submission of reports and recommendations to the President and the Congress concerning the administration of the Farm Labor Contractor Registration Act shall be reserved to the Secretary.

7. Directive affected: Paragraph 4a(6) of Secretary's Order No. 20-71 is superseded to the extent that it is inconsistent herewith.

8. *Effective date:* This order is effective October 1, 1972.

Signed at Washington, D.C., this 16th day of October 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.72-17927 Filed 10-19-72;8:47 am]

[Secretary's Order 33-72]

DEPUTY ASSISTANT SECRETARY/ WAGE-HOUR ADMINISTRATOR

Redelegation of Authority and Assignment of Responsibility

1. *Purpose.* This order redelegates authority and reassigns responsibility for the performance of functions assigned to the Assistant Secretary for Employment Standards by Secretary's Order No. 32-72 to the Deputy Assistant Secretary/ Wage-Hour Administrator.

2. *Background.* Secretary's Order No. 32-72 delegated authority and enforcement functions pursuant to the Farm Labor Contractor Registration Act to the Assistant Secretary for Employment Standards. The order further provided that such authority and responsibility may be redelegated.

3. *Redelegation of authority and reassignment of responsibility.* The Deputy Assistant Secretary/Wage-Hour Administrator is hereby redelegated authority and reassigned responsibility for the functions delegated to the Assistant Secretary for Employment Standards in Secretary's Order No. 32-72.

4. *Redelegation.* The Deputy Assistant Secretary/Wage-Hour Administrator may redelegate authority vested in him by this order.

5. *Effective date.* This order is effective October 1, 1972.

Signed at Washington, D.C., this 16th day of October 1972.

R. J. GRUNEWALD,
Assistant Secretary for Employment Standards.

[FR Doc.72-17926 Filed 10-19-72;8:47 am]

INTERSTATE COMMERCE COMMISSION

[Notice 100]

ASSIGNMENT OF HEARINGS

OCTOBER 17, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-F-11513, West Nebraska Express, Inc.—control—Wilson Brothers Truck Line, Inc. now assigned November 6, 1972, at Kansas City, Mo., will be held in Room 140, New Federal Building, 601 East 12th Street.

MC-C-7835, National Trailer Convoy, Inc.—Investigation and revocation of certificate, now assigned November 9, 1972, MC 106398 Sub 599, National Trailer Convoy, Inc., now assigned November 9, 1972, MC-F-11502 Holmes Freight Lines, Inc.—control—Byers Transportation Co., Inc., and Commercial Freight Lines, Inc., now assigned November 13, 1972, MC 117815 Sub 180, Pulley Freight Lines, Inc., now assigned November 16, 1972, at Kansas City, Mo., will be held in Room 303, Old Federal Building, 911 Walnut Street.

MC-134082 Sub 6, K. H. Transport, Inc., now assigned October 18, 1972, at Washington, D.C., is postponed indefinitely.

FD 26835, Cadillac & Lake City Railway Co. reorganization, now being assigned hearing December 11, 1972, at Cadillac, Mich., in a hearing room to be later designated.

MC-F-10774, K. L. Breeden & Sons, Inc., purchase (portion)—Marks Trucking Co., Inc., now assigned November 13, 1972, will be held in Room 5B-43, 1100 Commerce Street, Dallas, TX.

I & S No. 8773, Transit, vegetable and animal oils, Midwest to West, now assigned November 8, 1972, at Chicago, Ill., postponed to December 6, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 114211 Sub 168, Warren Transport, Inc., MC 118806 Sub 23, Arnold Bros. Transport, Ltd., now assigned November 6, 1972, at St. Paul, Minn., hearing is canceled and transferred to modified procedure.

MC 115116 Sub 25, Suburban Transit Corp., now assigned November 6, 1972, at New York, N.Y., canceled and reassigned to No-

vember 6, 1972, at the Nassau Inn, Palmer Square, Princeton, N.J.

MC 94201 Sub 88, Bowman Transportation, Inc., application dismissed.

MC-107515 Sub 759, Refrigerated Transport Co., Inc., MC-113651 Sub 141, Indiana Refrigerator Lines, Inc., now assigned November 6, 1972, will be held in Room 3A-19, 1100 Commerce Street, Dallas, TX.

MC-134243 Sub-2, Moore Bros. Transportation Co., Inc., now being assigned hearing February 1, 1973 (2 days), at Greensboro, N.C., in a hearing room to be later designated.

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

[FR Doc.72-17978 Filed 10-19-72;9:00 am]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 13, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42549—*Joint water-rail container rates—American Mail Line, Ltd.* Filed by American Mail Line, Ltd. (No. 2), for itself and interested rail carriers. Rates on general commodities, between ports in Japan, Hong Kong, Taiwan, and Korea, on the one hand, and rail stations and water carrier terminals on the U.S. Atlantic and Gulf Seaboard, on the other.

Grounds for relief—Water competition.

Tariffs—American Mail Line, Ltd., Eastbound Intermodal Tariff No. 1, ICC No. 1, F.M.C. No. 22, and Westbound Intermodal Tariff No. 2, ICC No. 2, F.M.C. No. 23. Rates are published to become effective on November 15, 1972.

By the Commission.

ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-17975 Filed 10-19-72;8:59 am]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 16, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42550—*Sodium bichromate from Castle Hayne, N.C.* Filed by M. B. Hart, Jr., agent (No. A6323), for interested rail carriers. Rates on sodium bichromate, in solution, in tank-car loads, as described in the application, from Castle Hayne, N.C., to Appleton, Wis.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 123 to Southern Freight Association, agent, tariff ICC S-838. Rates are published to become effective on November 16, 1972.

By the Commission.

ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-17976 Filed 10-19-72;8:59 am]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 17, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42551—*Chlorine to points in southern territory.* Filed by M. B. Hart, Jr., agent (No. A6322), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from Charleston, Tenn., and McIntosh, Ala., to specified points in southern territory.

Grounds for relief—Market competition and rate relationship.

Tariffs—Supplements 100, 368, and 193 to Southern Freight Association, agent, tariffs ICC S-938, S-484, and S-800, respectively. Rates are published to become effective on November 23, 1972.

By the Commission.

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

[FR Doc.72-17977 Filed 10-19-72;9:00 am]

[Notice No. 138]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 16, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 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 30844 (Sub-No. 429 TA), filed September 29, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, Waterloo, IA 50702 (50704). Applicant's representative: John P. Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Marina and lake resort shelters, piers, wharfs, and flotation systems; barn equipment, and farrowing halls; office partitions; vacation homes; conventional houses; and parts and accessories, incidental thereto*, from Readlyn, Iowa, to points in the continental United States; and (2) *such materials and supplies* as are used in the manufacturing of the products in Part (1) from points in the continental United States to Readlyn, Iowa, for 180 days. Supporting shipper: R-J Industries, Readlyn, Iowa 50668. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 68860 (Sub-No. 15 TA), filed October 2, 1972. Applicant: RUSSELL TRANSFER INCORPORATED, 444 Glenmore Drive, Salem, VA 24153. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles of iron or steel manufacture*, as defined by the Commission, between Roanoke and Troutville, Va., and points in New Jersey, Pennsylvania, Maryland, Virginia, District of Columbia, North Carolina, and South Carolina, for 180 days. Supporting shippers: Roanoke Electric Steel Corp., Post Office Box 1298, Roanoke, VA 24006; Roanoke Iron & Bridge Works, Inc., Post Office Box 1711, Roanoke, VA 24008; Diversified Industries, Inc., Post Office Box 215, Troutville, VA 24175; Steel Service Warehouse, Inc., Post Office Box 1001, Roanoke, VA 24018; Noland Co., Inc., 1226 Center Avenue NW., Roanoke, VA 24017; Blue Ridge Steel Co., 1002 Hollins Road NE., Roanoke, VA 24012; A1-Steel Fabricators, Inc., Post Office Box 4398, Roanoke, VA 24015; Roanoke Scrap Iron & Metal Co., Inc. Post Office Box 611, Roanoke, VA 24004. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, VA 24011.

No. MC 106074 (Sub-No. 16 TA), filed September 25, 1972. Applicant: B AND P

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

MOTOR LINES, INC., 101 Main Street, Hazelwood, NC 28738, Mailing: Post Office Box 5118, Biltmore Station, Asheville, NC 28803. Applicant's representative: Bernard Goldstein (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from points in Hancock County, W. Va., to points in Buncombe County, N.C., for 180 days. Supporting shipper: Allied Oil and Motor Co. Inc., 163 Southside Avenue, Asheville, NC. Send protests to: Frank H. Wait, Jr., Bureau of Operations, Interstate Commerce Commission, Suite 417, BSR Building, 316 East Morehead Street, Charlotte, NC 28202.

No. MC 107515 (Sub-No. 813 TA), filed September 18, 1972. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE., Forest Park, GA 30050. Applicant's representative: Alan E. Serby, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities utilized by Jeno's Inc., at Duluth, Minn., to points in Kentucky, Tennessee, Mississippi, Louisiana, Alabama, Georgia, North Carolina, South Carolina, Florida, Virginia, and West Virginia, for 180 days. Supporting shipper: Jeno's, Inc., 525 Lake Avenue South, Duluth, MN 55801. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 115093 (Sub-No. 8 TA), filed September 29, 1972. Applicant: MERCURY MOTOR EXPRESS, INC., 704 West Kennedy Boulevard, Tampa, FL 33606. Applicant's representative: Clayton R. Byrd (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber byproducts*, from points in Warren County, Ga., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Knox Wood Products, Augusta, Ga. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 115311 (Sub-No. 140 TA), filed September 20, 1972. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, GA 31061. Applicant's representative: Alan E. Serby, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood particle board and composition board*, from the plantsite and warehouse facilities of Champion International at or near Oxford, Miss., and its commercial zone to points in Alabama, Florida, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Champion International Knightsbridge, Hamilton, Ohio 45020. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 115975 (Sub-No. 16 TA), filed September 29, 1972. Applicant: C.B.W. TRANSPORT SERVICE, INC., Post Office Box 48, Wood River, IL 62095. Office: Old Edwardsville Road and Hedge Road, South Roxana, Ill. 62087. Applicant's representative: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating grease*, in bulk, in tube trailers, under contract with Shell Oil Co., from the plantsite of International Lubricant Corp., New Orleans, La., to Gadsden, Ala.; Baltimore (Sparrows Point), Md.; Saginaw, Mich.; Cleveland, Columbus, Delphos, and Fredericktown, Ohio; Allenport and Monessen, Pa., for 180 days. Supporting shipper: D. K. Brannan, Supervisor Oil Analysis and Services, T & S Traffic Operations, EOR, Shell Oil Co., Post Office Box 2099, Houston, TX 77001. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

No. MC 116254 (Sub-No. 131 TA), filed September 29, 1972. Applicant: CHEMHAULERS, INC., Post Office Box 245, 1510 Martin Avenue, Sheffield, AL 35660. Applicant's representative: Douglas O. Logue (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crystal silica sand*, in bulk, in tank vehicles, from Ottawa, Ill., to Huntsville, Ala., for 180 days. Supporting shipper: Chrysler Corp., Huntsville Division, 102 Wynn Drive, Huntsville, AL 35805. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814–2121 Building, Birmingham, Ala. 35203.

No. MC 125254 (Sub-No. 15 TA), filed September 29, 1972. Applicant: DONALD L. MORGAN, doing business as MORGAN TRUCKING CO., 1201 East Fifth Street, Post Office Box 714, Muscatine, IA 52761. Applicant's representative: Larry D. Knox, 910 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from La Crosse, Wis., to Muscatine, Iowa, for 180 days. Supporting shipper: Wendell G. White, doing business as White Distributing Co., 1109 East Fifth Street, Muscatine, IA 52761. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 135007 (Sub-No. 16 TA), filed September 28, 1972. Applicant: AMERICAN TRANSPORT, INC., Box 37406, Millard Station, Millard, NE 68137. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, from Schuyler, Nebr., and Fremont, Nebr., to points in Alabama, Georgia, and Florida, under contract with Spencer-Foods, Inc., for 180 days. Supporting shipper: Spencer Foods, Inc., Spencer, Iowa. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, 106 South 15th Street, Omaha, NE 68102.

No. MC 135276 (Sub-No. 2 TA), filed October 2, 1972. Applicant: GENE ROMSBURG ENTERPRISES, INC., South Water Street, Frederick, MD 21701. Applicant's representative: Francis J. Ortman, 1100 17th Street, NW., Suite 613, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in dump trucks, from Warfordsburg, Pa., to the plantsite of Frederick Asphalt Products Co., at or near Frederick Md., and the plantsite of The Kline Paving Co., near Boonsboro, Md., for 180 days. Supporting shipper: Frederick Asphalt Products, Inc., Post Office Box 665, Frederick MD 21701. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20436.

No. MC 135276 (Sub-No. 3 TA), filed October 2, 1972. Applicant: GENE ROMSBURG ENTERPRISES, INC., South Water Street, Frederick, MD 21701. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone* (other than open hearth limestone) ground or crushed, in bulk, in dump trucks, from Middletown, Va., and points within 6 miles thereof to the plantsite of Alpha Portland Cement Co., at Lime Kiln, Md., for 180 days. Supporting shipper: Alpha Portland Cement Co., Division of Alpha Portland Industries, Inc., Post Office Box D, College Estates Station, Frederick, MD 21701. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 135903 (Sub-No. 3 TA), filed September 29, 1972. Applicant: MID NEBRASKA TRUCKING, INC., Cornlea, Nebr. 68630. Applicant's representative: Robert G. Plananasky, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and machinery and related parts, equip-*

ment, materials, and supplies, from facilities of Mark's Implement, Inc., at Humphrey, Nebr., to points in Idaho, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Ohio, and Alabama, and from points in Texas, New Mexico, Missouri, Iowa, South Dakota, Kansas, Illinois, Wisconsin, Florida, Oklahoma, Idaho, and Louisiana, to facilities of Mark's Implement, Inc., at Humphrey, Nebr., for 150 days. Supporting shipper: Mark Noonan, Mark's Implement, Inc., Cornlea, Nebr. 68630. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 136988 (Sub-No. 2 TA), filed October 2, 1972. Applicant: SCOTT TRUCKING, INC., 4588 State Route 82, Mantua, OH 44255. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Reinforced concrete slabs and walls*, from Aurora, Ohio, to points in Pennsylvania on and west of U.S. Highway 219; points in New York on and west of New York Highway 14, and points in Jackson, Cabell, Kanawha, Marshall, Mason, Pleasants, Tyler, Wayne, Wetzel, Wood, Hancock, Brooke, and Ohio Counties, W. Va.; and (2) *reinforcing wire*, from Aurora, Ohio, on the one hand, and, on the other, Rochester and South Bethlehem, N.Y., for 180 days. Supporting shipper: Spancrete Northeast, Inc., Post Office Box 236, Aurora, OH 44202. Send protests to: Franklin D. Bail, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 138074 TA, filed September 28, 1972. Applicant: AIRWAY SALES AND SERVICE LTD., 510 Rye Road, Courtenay, BC Canada. Applicant's representative: J. Jeff Joyce, 1666 Boundary Road, Burnaby, BC Canada. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Mobile homes*, from the ports of entry on the international boundary line between the United States and Canada at or near Blaine, Lynden, Sumas, Port Angeles, and Anacortes, Wash., to points in Washington, Oregon, and California, for 180 days. Supporting shippers: North Bend Mobile Homes Ltd., Lantzville, British Columbia, Canada; Campbell River Trailer & Mobile Homes, 1721 Island Highway, Campbell River, British Columbia; House of Bars, Ltd., 2300 Cliffe Avenue, Courtenay, British Columbia; Totem Mobile Homes Ltd., Box 3194, Courtenay, British Columbia. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-17979 Filed 10-19-72;9:00 am]

[Notice 145]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 19, 1972.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-74025. By application filed October 12, 1972, HOCAN DISTRIBUTORS, INC., 330 Manhattan Avenue, Jersey City, NJ, seeks temporary authority to lease the operating rights of ARBOR MOTOR LINES, INC. (Internal Revenue Services, Successor), 313 State Street, Perth Amboy, NJ 08861, under section 210a(b). The transfer to HOCAN DISTRIBUTORS, INC., of the operating rights of ARBOR MOTOR LINES, INC. (Internal Revenue Services, Successor), is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.72-17980 Filed 10-19-72;9:00 am]

[Ex Parte 241, Rule 19; Rev. Exemption 21]

NORFOLK SOUTHERN RAILWAY CO.

Exemption From Mandatory Car Service Rules

It appearing, that there is a substantial movement of grain and grain products originating at stations on the Norfolk Southern Railway Co.; that major harvests of grain are continuing in the area served by this railroad; that the boxcar supply available to this railroad is inadequate to meet all of the needs of the shippers served by this railroad.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain narrow-door boxcars described in the Official Railway Equipment Register, ICC RER No. 384, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, with inside length 44 ft. 6 in. or less, owned by carriers having direct connections with the Norfolk Southern Railway Co. or received empty from the Norfolk and Portsmouth Belt Line Railroad Co. are exempt from the provisions of Car Service Rules 1 and 2.

Effective October 15, 1972.

Expires November 15, 1972.

Issued at Washington, D.C., October 12, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.72-17981 Filed 10-19-72;9:00 am]

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FRIDAY, OCTOBER 20, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 204

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

Revised Cumulative Listing of Agency Procedures

A cumulative listing of agency procedures for implementing section 102(2)(C) of the National Environmental Policy Act was previously published by the Council on Environmental Quality last December (36 F.R. 23666–23712, December 11, 1971). A number of agencies have since issued new or revised procedures. Following is a revised list of current agency NEPA procedures, together with the texts of procedures not previously appearing in the FEDERAL REGISTER.

TIMOTHY ATKESON,
General Counsel.

DEPARTMENT OF AGRICULTURE

Departmental procedures dated November 12, 1971 (36 F.R. 23667–23669, December 11, 1971).
Agricultural Stabilization and Conservation Service procedures dated December 2, 1971 (text follows this notice).
Farmers Home Administration procedures dated August 17, 1972 (37 F.R. 17459–62, August 29, 1972) (final).
Forest Service procedures dated July 13, 1971 (36 F.R. 23669–23672, December 11, 1971).
Rural Electrification Administration procedures dated June 17, 1971 (36 F.R. 23672–23674, December 11, 1971).
Soil Conservation Service procedures dated November 15, 1971 (36 F.R. 23674–23676, December 11, 1971).

APPALACHIAN REGIONAL COMMISSION

Procedures dated June 7, 1971 (36 F.R. 23676, December 11, 1971).

ATOMIC ENERGY COMMISSION

Regulatory activities—procedures dated September 3, 1971 (36 F.R. 18071–18076), September 9, 1971 (interim); amendments dated November 26, 1971 (36 F.R. 22851–22854, December 1, 1971) (proposed), May 8, 1972 (37 F.R. 9619–9620, May 13, 1972), May 15, 1972 (37 F.R. 9779, May 17, 1972), July 21, 1972 (37 F.R. 15127–15143, July 28, 1972), August 4, 1972 (37 F.R. 16035, August 9, 1972).
Nonregulatory activities—procedures dated June 27, 1972 (37 F.R. 13160–13164, July 4, 1972).

CANAL ZONE GOVERNMENT

Procedures dated July 21, 1972 (text follows this notice).

CENTRAL INTELLIGENCE AGENCY

Procedures dated July 19, 1972 (text follows this notice).

CIVIL AERONAUTICS BOARD

Procedures dated June 10, 1971 (36 F.R. 12513–12515, July 1, 1971).

DELAWARE RIVER BASIN COMMISSION

Procedures dated September 30, 1971 (36 F.R. 20381–20382, Oct. 21, 1971).

DEPARTMENT OF COMMERCE

Departmental procedures dated October 23, 1971 (36 F.R. 21368–21370, November 6, 1971).
Economic Development Administration procedures dated March 8, 1972 (text follows this notice).
Maritime Administration procedures dated November 9, 1971 (text follows this notice).
National Oceanographic and Atmospheric Administration (no separate procedures).

DEPARTMENT OF DEFENSE

Departmental procedures dated August 9, 1971 (36 F.R. 15750–15755, August 18, 1971).
Army Corps of Engineers procedures dated January 3, 1972 (37 F.R. 2525–2531, February 2, 1972).

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Departmental procedures dated November 23, 1971 (36 F.R. 23676–23679, December 11, 1971).
Food and Drug Administration procedures dated July 3, 1972 (37 F.R. 13636–13640, July 12, 1972) (proposed).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Departmental procedures dated July 16, 1971 (text follows this notice).

DEPARTMENT OF THE INTERIOR

Departmental procedures dated September 27, 1971 (36 F.R. 19343–19347, October 2, 1971).
Alaska Power Administration procedures dated April 1, 1972 (37 F.R. 7008–7009, April 7, 1972).
Bonneville Power Administration procedures dated December 30, 1971 (37 F.R. 815–817, January 19, 1972).
Bureau of Indian Affairs draft procedures dated April 13, 1972 (text follows this notice).
Bureau of Land Management procedures dated June 8, 1972 (37 F.R. 15015–15020, July 27, 1972).
Bureau of Mines procedures undated (37 F.R. 2895–2897, February 9, 1972).
Bureau of Outdoor Recreation procedures dated March 24, 1972 (37 F.R. 6501–6504, March 30, 1972).
Bureau of Reclamation procedures dated January 18, 1972 (37 F.R. 1126–1129, January 25, 1972).
Bureau of Sport Fisheries and Wildlife draft procedures dated December 1971 (text follows this notice).
National Park Service procedures undated (37 F.R. 4373–4374, March 2, 1972).
Office of Coal Research procedures dated January 18, 1972 (37 F.R. 1414, January 28, 1972).
Office of Saline Water procedures dated December 28, 1971 (37 F.R. 545, January 13, 1972).
Southwestern Power Administration procedures dated April 14, 1972 (37 F.R. 9246, May 6, 1972).
U.S. Geological Survey procedures undated (37 F.R. 5263, March 11, 1972).

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration procedures undated (37 F.R. 4418–4422, March 2, 1972).

DEPARTMENT OF STATE

Departmental procedures dated August 31, 1972 (37 F.R. 19167–19168, September 19, 1972) (final).
Agency for International Development special procedures for capital projects dated August 18 and September 20, 1971 (text follows this notice).
International Boundary Water Commission (United States-Mexico) procedures dated November 26, 1971 (text follows this notice).

DEPARTMENT OF TRANSPORTATION

Departmental procedures dated October 4, 1971 (36 F.R. 23679–23682, December 11, 1971).
Coast Guard procedures dated October 13, 1971 (36 F.R. 23682–23686, December 11, 1971).
Federal Aviation Administration, Airport Development Aid Program procedures dated December 7, 1970, amended June 25, 1971 (36 F.R. 23686–23695, December 11, 1971) (interim).
Federal Highway Administration procedures dated August 24, 1971 (36 F.R. 23696–23702, December 11, 1971).
St. Lawrence Seaway Administration procedures dated November 1971 (text follows this notice).
Urban Mass Transportation Administration procedures dated February 1, 1972 (text follows this notice).

ENVIRONMENTAL PROTECTION AGENCY

Procedures dated January 14, 1972 (37 F.R. 879–885, January 20, 1972).

FEDERAL COMMUNICATIONS COMMISSION

Procedures dated July 24, 1972 (37 F.R. 15711–15714, August 4, 1972) (proposed).

FEDERAL MARITIME COMMISSION

Procedures undated (37 F.R. 20184–86, September 27, 1972).

FEDERAL POWER COMMISSION

Procedures dated December 4, 1970 (35 F.R. 18958–18961, December 15, 1970); amendments dated April 13, 1971 (36 F.R. 7232–7233, April 16, 1971) and November 19, 1971 (36 F.R. 22738–22741, November 30, 1971).

FEDERAL TRADE COMMISSION

Procedures dated November 19, 1971 (36 F.R. 22814–22815, December 1, 1971).
Bureaus of Consumer Protection and Competition (no separate procedures).

GENERAL SERVICES ADMINISTRATION

Federal Supply Service procedures dated September 15, 1971 (36 F.R. 23702–23704, December 11, 1971).
Property Management and Disposal Service procedures dated September 15, 1971 (36 F.R. 23704–23706, December 11, 1971).
Public Buildings Service procedures dated December 2, 1971 and November 26, 1971 (36 F.R. 23336–23338, December 8, 1971; 36 F.R. 23652–23654, December 11, 1971).
Transportation and Communications Service procedures dated November 26, 1971 (36 F.R. 23274–23275, December 7, 1971).

INTERSTATE COMMERCE COMMISSION

Procedures dated January 14, 1972 (37 F.R. 6318–6319, March 28, 1972).

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Procedures dated October 31, 1971 (36 F.R. 21753–21755).

NATIONAL CAPITAL PLANNING COMMISSION

Procedures dated August 9, 1971 (36 F.R. 23706–23709, December 11, 1971); amendments dated February 7, 1972 (37 F.R. 3010–3011, February 10, 1972), March 2, 1972 (37 F.R. 4936, March 7, 1972), June 1, 1972 (37 F.R. 11198–9, June 3, 1972), June 29, 1972 (37 F.R. 13135, July 1, 1972).

NATIONAL SCIENCE FOUNDATION

Procedures dated November 15, 1971 (36 F.R. 23709–23410, December 11, 1971).

OFFICE OF ECONOMIC OPPORTUNITY

Procedures dated July 1, 1971 (text follows this notice).

OFFICE OF MANAGEMENT AND BUDGET

Procedures dated September 14, 1971 (36 F.R. 23710–23711, December 11, 1971).

SMALL BUSINESS ADMINISTRATION

Procedures dated December 1971 (proposed) (text follows this notice).

TENNESSEE VALLEY AUTHORITY

Procedures dated October 26, 1971 (36 F.R. 21010–21014, November 2, 1971).

DEPARTMENT OF THE TREASURY

Departmental procedures dated July 30, 1971 (36 F.R. 14221–14222, July 31, 1971).
Internal Revenue Service procedures dated August 12, 1971 (36 F.R. 15061–15062, August 12, 1971).

U.S. POSTAL SERVICE

Procedures undated (37 F.R. 13322–13325, July 6, 1972).

VETERANS ADMINISTRATION

Procedures dated April 24, 1972 (37 F.R. 8591–8595, April 29, 1972).

WATER RESOURCES COUNCIL

Procedures dated February 10, 1971 (36 F.R. 23711–23712, December 11, 1971).

DEPARTMENT OF AGRICULTURE

AGRICULTURAL STABILIZATION & CONSERVATION SERVICE

[Notice EQ–7]

GUIDELINES FOR PREPARING ENVIRONMENTAL STATEMENTS

Approved by:
CARROLL G. BRUNTHAVER,
Acting Administrator.

1. CHANGE IN GUIDELINES

The National Environmental Policy Act (Public Law 91–190) requires the submission of an environmental statement with every proposal or favorable report on legislation and other major actions significantly affecting the quality of the human environment. USDA guidelines for filing environmental statements have been revised based on guidelines issued by the Council on Environmental Quality (CEQ). The ASCS guidelines have been revised within the framework of the USDA guidelines.

2. GENERAL GUIDELINES FOR IMPLEMENTING

ASCS is responsible for determining whether the quality of the human environment will be significantly affected in carrying out its assigned programs.

A. The Act indicates that "significant effect" may be either beneficial or adverse, or both. These effects may affect human beings directly or indirectly through the environment.

B. The COC, the STC, and directors of Washington divisions, within their respective areas of responsibility, shall assist the Administrator in determining whether the quality of the human environment will be significantly affected.

C. Any questions which cannot be resolved locally may be referred to the ASCS member of the USDA Environmental Quality Executive Committee (EQEC).

3. ASCS OFFICES TO PREPARE STATEMENTS

A. *Washington (originating or designated program divisions).* For:

1. Legislative proposal.

2. Legislative report, except when a negative report is prepared for nonenvironmental reasons.

3. Major national action.

B. *States and counties.* For major program actions.

C. *CO's DPC's, and MFO.* For any major administrative change or program that will have significant impact on the quality of the environment.

4. TYPES OF STATEMENTS TO BE PREPARED

A. *Draft.* Required on:

1. "Administrative actions" (major actions) when first sent to CEQ, over the signature of the Administrator, and made available to the public. (See exhibit 3.)

2. "Legislative reports" when sent to OMB for executive agency review and clearance. (See exhibits 1 and 2.)

B. *Final.* Required on:

1. "Administrative actions" when draft statement has been modified and expanded, based on full consideration of comments on the draft statement, and sent to CEQ over signature of the Administrator.

2. "Legislation" when forwarded to Congress following clearance by OMB.

5. EVALUATING IMPACT OF PROPOSED MAJOR ACTIONS

As early as possible and prior to the decision concerning major actions that significantly affect the environment, in consultation with appropriate Federal, State, and local agencies, ASCS shall:

A. "Assess the potential environmental impact" in order to determine the possible beneficial and adverse effects.

B. "Explore alternative actions" that will minimize adverse impacts.

C. "Evaluate both the long- and short-range implications" in order to avoid to the fullest extent practicable undesirable consequences for the environment.

D. "Assess the economic factors," such as impact on the public and on the affected areas and industries, including employment, unemployment, and others.

6. DETERMINING WHEN TO PREPARE STATEMENT

Prepare when:

A. There is a potential that the environment may be significantly affected by the action, even though such action may be localized in its impact;

B. It is reasonable to assume a cumulatively significant impact on the environment from successive implementation of several similar actions;

C. The decision is a precedent for action in much larger cases or represents a decision in principle about a future major course of action;

D. A proposed action has an environmental impact which is likely to be highly controversial;

E. Determined to be needed under provisions of paragraph 3 of Exhibit 3.

7. PREPARATION OF STATEMENTS

Follow format in Exhibits 4, 5, 6, and 7.

8. RESPONSIBILITY FOR STATEMENT INVOLVING TWO OR MORE AGENCIES

In some instances, two or more USDA or other Federal agencies are involved in a major action at the local level which requires development of an environmental statement. The agency funding the project is the lead agency in developing the statement. (Example: Special project on streambank stabilization with REAP cost-sharing and SCS technical assistance. ASCS is the lead agency.)

A. Only one statement shall be prepared for a project.

B. The lead agency should call upon other agencies for inputs in preparing the statement.

9. FORWARDING ENVIRONMENTAL STATEMENTS ON MAJOR ACTIONS

A. *When ASCS is the lead agency.* Will be forwarded to CEQ and OMB by the Administrator, through the USDA Coordinator of Environmental Quality Activities.

B. *When developed at the State or county level.* Statements shall be forwarded by the COC and/or STC through channels to the Secretary, ASCS Environmental Quality Committee.

10. AVAILABILITY TO THE PUBLIC

A. Environmental statements shall be made available to the public as described in the exhibits.

B. Where hearings are to be held on proposed major action or legislation, the draft environmental statement shall be made available to the public 15 days prior to the time of the hearings.

11. ASSISTANCE TO OTHER AGENCIES

ASCS shall provide assistance to other USDA agencies in preparing environmental statements and developing responses to statements from agencies within USDA and other departments. These efforts shall be coordinated by the ASCS member of EQEC. A copy of any statement prepared on a matter which may be controversial in nature shall be forwarded to him for approval.

12. STATE OFFICE ACTION

A. Determine whether certain actions are of a nature that a statement(s) should be developed for the entire State or separate statements for a portion of the State.

B. Provide guidance to counties on projects or activities on which a statement should be filed.

13. OBSOLETE MATERIAL

Notices EQ–3 and EQ–6.

14. NOTICE DISPOSAL

When incorporated into planned EQ handbook.

ENVIRONMENTAL CONTROL POLICY FOR CANAL AGENCIES

JULY 21, 1972.

1. *Background.* (a) Congress has declared a national policy which will encourage productive and enjoyable harmony between man and his environment and is promoting efforts to prevent or eliminate environmental damage. To assure that all Federal agencies, departments, and establishments, to the fullest extent possible, "direct their policies, plans, and programs so as to meet national environmental goals," a Council on Environmental Quality (CEQ) has been established in the Executive Office of the President of the United States. In particular, and pursuant to Public Law 91–190, which was enacted on January 1, 1970, and is entitled "National Environmental Policy Act of 1969," all Federal agencies are required to submit to the CEQ detailed draft and final environmental impact statements on all proposed legislation and other major Federal actions significantly affecting the quality of the human environment.

(b) The CEQ has published guidelines (pp. 7724–7729, vol. 36, No. 79, April 23, 1971, FEDERAL REGISTER, copy attached as Annex A)[6] for use by all Federal agencies in the preparation of environmental impact statements. To implement procedures required by these guidelines, this Environmental Control Policy for Canal Agencies[1] provides local guidelines applicable to the canal agencies.

(c) Proposed Federal legislation or actions requiring the preparation of environmental statements include (1) legislation including that for appropriations; (2) projects and continuing activities supported in whole or

in part through Federal contracts, grants, or other funding assistance and involving a Federal lease, permit, license, certificate, or other entitlement for use; and (3) policy, regulations, and procedure making. Past, current, continuing, and proposed future actions, including but not limited to the foregoing, may seemingly be localized in their impact but potentially may significantly affect the future environment in any or all parts of the Canal Zone and areas contiguous thereto.

(d) The Governor of the Canal Zone has established an Environmental Quality Committee (EQC)[2] to act on environmental matters affecting the Canal Zone.

(e) The Environmental Quality Committee will be the primary reviewing body for environmental impact statements submitted by the Canal agencies. Specifically, the EQC will (1) determine whether particular proposed legislation and major agency actions require submission of detailed environmental statements; (2) provide appropriate comments or views for inclusion in any required environmental statement; (3) keep on file a copy of any environmental statements for proposed legislation or actions submitted to CEQ from the Canal agencies, as well as copies of other statements relating to the Canal Zone, when available; and (4) maintain contact through diplomatic channels with counterpart officials in the Republic of Panama to seek cooperative action on any problems having a common geographic source.

2. *Canal Zone guidelines.*

(a) Bureaus or independent units initiating or planning legislation or actions which they believe may significantly affect the quality of the human environment should submit six (6) copies of a résumé (format for résumé sheets is shown at Annex B)[6] to the EQC. The EQC will decide whether an environmental impact statement is required and will inform the originating bureau or unit of its decision.

(b) If the EQC determines that a particular piece of proposed legislation or other action will require the submission of an environmental statement, the originating bureau or unit will prepare a draft statement in the format set out in Annex C.[6] Eleven (11) copies of this draft statement together with a summary sheet (the format for which is also set out in Annex C) and a letter of transmittal to the CEQ[3] for signature by the Governor/President will be sent to the EQC through the Chief, Executive Planning Staff. If the proposal is one which requires (as will normally be the case) the comments of the Environmental Protection Agency (EPA)[4] or if the comments of other Federal agencies are desired, appropriate cover letters for signature by the Governor/President also will be submitted.

(c) When comments from the EPA (where required) and other agencies are received, the originating bureau or unit will prepare a final environmental statement, using the same format as for draft statements revising the text thereof, where appropriate, to incorporate the views of commenting agencies. The final statement, together with copies of all comments received, will be forwarded in the same manner as that provided above for draft statements.

(d) In determining at what stage of the planning process the EQC is to be first advised of proposed actions or legislation which may significantly affect the quality of the human environment, the originating bureau or independent unit will take into consideration the following lead times:

(i) Review of draft environmental statements by the EQC will require at least 15 days. This review may result in a recommendation that further study of the proposal is required at the bureau or unit level.

(ii) Draft environmental statements must be furnished to CEQ no later than 90 days before any administrative action by the Canal agencies is taken with regard to the proposal.

(iii) Environmental statements which require comment from EPA will be held by that agency up to 45 days. Comments from other agencies can be expected to take a like time.

(iv) Final environmental statements must be furnished to CEQ no later than 30 days before any administrative action is taken by the Canal agencies with regard to the proposal.

3. *Comments of other agencies.*

(a) As indicated above, certain draft environmental statements must be sent to EPA for comment. Areas in which EPA comments are required are air and water quality, noise abatement and control, pesticide regulation, solid waste disposal, and radiation criteria and standards.[5]

(b) Federal agencies with special expertise to comment on various types of environmental impacts are listed in the CEQ Guidelines.

(c) Local Federal sources of expertise in environmental matters are listed in Annex D[6] of this memorandum.

4. *Summary of agency actions affecting environment.*

(a) In addition to the requirement for detailed environmental impact statements, discussed above, the Office of Management and Budget (OMB) has announced that agency annual budget estimates shall be accompanied by a summary list of those specific actions which, in accordance with agency procedures, require the preparation of such environmental impact statements. (OMB Bulletin No. 72–6, dated September 14, 1971, is attached as Annex E.)[6]

(b) Bureau directors and heads of independent units will thus include such a summary statement with their inputs to the annual budget estimate. It should be noted, however, that only those items which the EQC has determined will require detailed environmental statements should be included in the summary. The form which the summaries are to follow is set out in Exhibit 1 of Annex E.

CENTRAL INTELLIGENCE AGENCY

[Instruction No. LI 45–16]

SEPTEMBER 19, 1972.

PROCEDURES FOR IMPLEMENTING SECTION 102 (2)(C) OF THE NATIONAL ENVIRONMENTAL POLICY ACT

1. *Purpose.* This logistics instruction prescribes procedures for implementing section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91–190), hereinafter referred to as the Act, with regard to the design, construction, alteration, operation, and use of public buildings and sites, and the lease or purchase of commercial facilities to house Agency activities.

2. *Background.* Section 102(2)(C) of the National Environmental Policy Act directs all Federal agencies to identify and develop methods and procedures which will insure that environmental amenities and values are given appropriate consideration in decisionmaking along with economic and technical considerations, and 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," implements the purpose and policy of this Act, and "Interim Guidelines," implementing its provisions, have been issued by the Council on Environmental Quality (CEQ).

3. *Procedures.* The following procedures are established for complying with the Act:

a. *Officials responsible for the environmental statements.* Statements shall be prepared by the Director of Logistics, who has been designated as the responsible official referred to in section 102(2)(C) of the Act. The Chief, Real Estate and Construction Division, OL, will assist the D/L as required and provide appropriate technical competence to develop statements in a timely manner consistent with the actions identified in subparagraphs 3b, 3c, and 3d of this instruction.

b. *Identifying Agency actions requiring environmental statements.* Environmental statements shall be provided when it is concluded that an Agency action will have a significant (by itself or cumulative) effect on the quality of the human environment. Dollar value alone is not a sufficient indicator; a small repair and improvement project may have significant impact on the environment. Actions requiring environmental statements will include, but not be limited to:

(1) Awards of contracts or other agreements for repair, maintenance, or operation of a facility which may, through the processes involved, the residue caused or collected, and disposal thereof, adversely affect the environment.

(2) Acquisition of real property by lease, assignment, purchase, construction, or otherwise, the operation of which, by the process involved, adversely affect the environment.

(3) Actions involving the moving or displacement of people which would materially affect population density.

c. *Information for environmental statements.* A broad spectrum of pertinent information shall be used in the preparation of the five-point environmental statement required by section 102(2)(C) of the Act. Special attention is to be given to the pro and con presentation of alternatives that relate to the short and long term environmental decisions. As part of these information gathering efforts, approaches being used by other Federal agencies to similar environmental problems will be examined with the view of utilizing a systematic and interdisciplinary approach.

d. *Content of environmental statement.*

(1) The following points are to be covered:

(a) The probable impact of the proposed action on the environment, including impact on ecological systems such as wild life, fish, and other marine life, as well as the impact on historic, archaeological, architectural, and cultural resources. Both primary and secondary significant consequences for the environment should be included in the analysis.

(b) Any probable adverse environmental impact which cannot be avoided (such as water or air pollution, damage to life sys-

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[1] "Canal agencies" means the Panama Canal Company/Canal Zone Government.

[2] The EQC is composed of: Lt. Governor (Chairman); Chief, Executive Planning Staff; Engineering and Construction Director; Health Director; and General Counsel.

[3] Address: General Counsel, Executive Office of the President, Council on Environmental Quality, 722 Jackson Place NW., Washington, DC 20006.

[4] Address: Mr. Charles Fabrikant, Director of Impact Statements Office, 1626 K Street NW., Washington, DC 20006.

[5] A more complete list of areas of interest to EPA is contained in Annex D. Those areas bearing an asterisk will require EPA comments.

[6] Annexes: A. CEQ Revised Guidelines, April 23, 1971, B. Format of Résumé Sheet for EQC, C. Detailed Environmental Statements, D. Local Environmental Expertise, and E. OMB Bulletin 72–6, filed as part of the original document.

tems, urban congestion, threats to health, or other consequences adverse to the environmental goals set out in section 101(b) of P.L. 91-190).

(c) Alternatives to the proposed action (section 102(2)(D) of the Act) require 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 is essential. Sufficient analysis of such alternatives and their costs and impact on the environment should accompany the proposed action through the review process in order not to foreclose prematurely options which might have less detrimental effects.

(d) The relationship between local short term uses of man's environment and the maintenance and enhancement of long term productivity. This 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.

(e) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires identification of the extent to which the action curtails the range of beneficial uses of the environment.

(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.

(2) 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."

e. *Consulting with Federal, State, and local agencies.* Where appropriate, prior to completing a detailed draft of an environmental statement, adequate consultation shall be made with the regional offices of the Federal agencies and such State and local agencies as have jurisdiction by law or expertise for specific areas of environmental quality.

f. *Existing projects and programs.* The section 102(2)(C) procedure shall be applied to further Agency actions having significant effect on the environment even though they arise from projects or programs initiated prior to enactment of P.L. 91-190.

4. *Preparation and submission of the draft text of environmental statement.*

a. Ten copies of draft environmental statements shall be forwarded to the CEQ by the responsible officer simultaneously with distribution for comment to relevant State and local agencies and the public, as appropriate.

b. A minimum of 30 days is to be allowed for agency comment (45 days for Environmental Protection Agency comment), followed by preparation of a final environmental statement.

5. *Preparation and submission of final text of environmental statement.*

a. Any comments received from Federal, State, regional, or local officials shall be reconciled, where practicable, with the draft environmental statement through coordination with the particular agency concerned. The environmental statement shall be revised to reflect, when appropriate, the additional data and comments obtained from those agencies. In any event, a discussion of problems and objections raised by other Federal agencies and State and local entities in the review process, together with the responsible official's recommended disposition of the issues involved, shall be appended to the final text of the environmental statement.

b. Ten copies of the final environmental statement shall be forwarded to the CEQ and other interested parties as in paragraph 4a, above.

c. To the maximum extent possible, no administrative action will be taken prior to 30 days after the final statement has been presented to the CEQ or sooner than 90 days after the submission of the draft statement as per paragraph 4a, above.

JOHN F. BLAKE,
Director of Logistics.

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION DIRECTIVES SYSTEM

[No. 17.02-2]

EDA PROGRAM IMPLEMENTING SECTION 102(2)(C) OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

The attached revision to EDA environmental procedures eliminates the use of Form ED-511, "Applicant's Environmental Impact Evaluation," and provides in its stead for a preliminary environmental assessment by the economic development representative. The purpose of the new procedures is to provide for EDA consideration of the environmental impact of the project in the early stages of consideration of project applications. In this way the time element involved in assessing the potential impact and in conforming to NEPA procedures will run concurrently with regional evaluation of project applications.

The revised directive also sets out in detail the functions of the special assistant for the environment and his role under the revised procedures.

Questions on these procedures or interpretations of the guidelines should be referred to the special assistant for the environment.

This revision supersedes Order 17.02-2, dated June 1, 1971, and supplements Department Administrative Order 216-6, "Statements on Proposed Federal Actions Affecting the Environment," dated October 23, 1971.

Effective date: March 8, 1972.

Sec.

2.01 Purpose.
2.02 Functions of the Special Assistant for the Environment.
2.03 Procedures for public works and business loans project processing.
2.04 Procedures for technical assistance projects processing.
2.05 Proceduers for planning activities.
2.06 Procedures for processing environmental impact statements received from other governmental agencies for comment.
2.07 Public availability of environmental impact statements developed by EDA.
2.08 Applicability and reporting requirements.
2.09 Effect on other orders.
2.10 Effective date.

17.02-2.01 *Purpose.* The National Environmental Policy Act of 1969, requires that every recommendation or report on proposals for legislation or other major Federal actions significantly affecting the quality of the human environment shall contain a detailed statement concerning the degree of environmental impact anticipated. In subsequent guidelines issued by the Council on Environmental Quality, major Federal actions are partially defined as including projects and continuing activities supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance. It is clear, therefore, that most all of EDA's program activities fall within the purview of the National Environmental Policy Act, and that specific projects funded by EDA will require some measure of environmental impact assessment. (EDA supplemental public works grants to other Federal agencies will not require statements by EDA.) The procedures outlined in this directive are intended to assure that proper assessment takes place.

17.02-2.02 *Functions of the Special Assistant for the Environment.* The general functions of the Special Assistant for Environmental Affairs are to:

(1) Act as principal adviser to the Assistant Secretary on environmental affairs;

(2) Serve as the Agency's responsible official under the National Environmental Policy Act of 1969 (NEPA);

(3) Develop and direct the Agency's procedures for complying with NEPA and other environmental legislation;

(4) Review on a project basis the Agency's program involvements and recommend them to the Assistant Secretary for approval or disapproval based upon the requirements of this directive being fulfilled.

(5) Coordinate the Agency's environmental program with the environmental programs of local, State, and other Federal agencies which become involved with EDA projects;

(6) Represent the Assistant Secretary at conferences and meetings and on interagency committees dealing with environmental matters;

(7) Maintain liaison on environmental matters with interested public groups and local, State, and other Federal agencies;

(8) Review and evaluate legislative and administrative proposals in terms of their environmental impact; and

(9) Perform such other assignments of a policy, administrative or operational nature as requested by the Deputy Assistant Secretary.

17.02-2.03 *Procedures for public works and business loans project processing.* Thoughout the following procedures special attention at the regional and Washington levels is needed to uncover any significant environmental impacts brought about by a proposed project at the earliest possible time, in order that additional information or amendment of the project can be accomplished. Personnel both in the field and in Washington should feel free to request assistance on enviromental matters from the Special Assistant for the Environment, Office of the Deputy Assistant Secretary for Economic Development.

a. *Environmental file.* EDA will initiate an "Environmental File" for each project funded by EDA (excluding EDA projects supplementally funded to other Federal agencies and which will contain the following:

(1) The Economic Development Representative's environmental assessment (Appendix A),[1]

(2) Comments per OMB Circular A-95 from regional and State clearinghouses including any supplemental State comments received,

(3) Comments from other Federal agencies and/or non-Federal or private organizations,

(4) EDA regional office analysis and impact determination,

(5) EDA Washington program office review,

(6) The Special Assistant for the environment's review and certification that the requirements of this directive have been fulfilled, and

(7) Where required, both a draft and final environmental impact statement.

b. *Economic Development Representatives (EDR's).* Economic Development Representatives will instruct potential applicants for

EDA public works or business loans assistance that each project will be reviewed to determine its impact on the environment. The initial step of this review will be the preparation of an environmental assessment by the Economic Development Representative (see Appendix A). As the Economic Development Representative performs this assessment, he will keep in mind the Guidelines for Determining Significant Environmental Effects (Appendix B).[1]

The Economic Development Representative may find it desirable to contact the applicant and others, if necessary, in order to develop basic impressions of the project's environmental impact. Rarely will a project be considered to have "no impact." In all cases explanations in the environmental assessment shall be complete and reflect the best judgment of the Economic Development Representative.

The Economic Development Representative's environmental assessment shall be completed at the time a profile and scope is prepared for a public works project or at the time a preliminary project report is prepared for a business loan.

Also, EDR's will advise such applicants of the names and addresses of State, regional and metropolitan clearinghouses. Applicants shall be informed that all environmental comments received from the clearinghouse shall be forwarded to the regional office.

Economic Development Representatives should make clear to potential applicants the nature of the environmental review within EDA.

c. *Regional/metropolitan and State clearances.* Clearinghouses must review all Federal projects within 30 calendar days with an additional 30-day extension if required, in accordance with A–95 procedures (see EDA Directive 8.01–1) for public works and business loans. Objections raised during the clearance process to environmental aspects of a project are to be resolved where possible, and the EDA regional office must be informed of all objections.

Applicants will send comments and recommendations made by the clearinghouse to the EDA regional office as soon as possible after the preapplication conference but no later than the filing of the application.

Applicants will also state that after following all prescribed notification and review procedures no comments or recommendations have been received, if such is the case.

d. *Regional offices.* The project officer or the member of the regional office staff designated to handle environmental matters will review the EDR's environmental assessment. The purpose of this review is to determine if the information provided by the EDR is adequate to allow the Regional Director to make a determination that further environmental review is or is not necessary. If the information is adequate, the reviewer should so advise the Regional Director. If the information is not adequate, the reviewer should use whatever sources he believes necessary, including further contact with the EDR, to develop the needed information upon which a decision can be made.

In this review, the reviewer will examine the project from the viewpoint of the Guidelines for Determining Significant Environmental Effects (Appendix B). He will also examine alternatives to the project proposal, and develop inputs as they relate to long-term commitments of natural resources and changes in the natural environment which could result from implementation of the project.

The reviewer may desire as part of his analysis the technical advice of other governmental or private agencies concerning aspects of the project within these agencies' expertise. He should communicate with these agencies by the most expeditious means. He may also find it desirable to set forth the problem area in a letter to the agency. All such information shall be requested informally and no forms shall be sent for review.

The regional office shall utilize an interdisciplinary approach in the review of the EDR environment assessment and the regional office analysis. The analysis will enumerate inputs developed by utilizing this interdisciplinary approach.

When developed the regional office analysis shall be made part of the environmental file as an attachment to the EDR assessment. If necessary, the applicant will be advised at the time of the preapplication conference or at any time the project proceeds through the processing stages within the office that environmental problems have been uncovered and will have to be considered prior to the projects being recommended for approval.

The reviewer will recommend to the Regional Director that the project has the potential for significantly affecting the quality of the human environment and, therefore, an environmental impact statement should be prepared, or shall advise the Regional Director that the project does not have significant impact on the quality of the human environment and, therefore, no environmental impact statement is necessary.

The Regional Director shall consider the information prepared by the EDR and regional office review, and accordingly execute the appropriate statement on the EDR assessment.

If the Director finds that a project will have the potential for significantly affecting the quality of the human environment, a preliminary discussion with all supporting information shall be developed by the regional office on the project. The preliminary discussion should be forwarded to the Special Assistant for the Environment as part of the environmental file. (Guidelines for preparing a preliminary discussion are contained in Appendix C.)[1]

If the Director finds that the project will not significantly affect the quality of the human environment, the file will be forwarded to the Special Assistant for the environment.

e. *The Special Assistant for the environment.* (1) Upon receipt of the environmental file, the Special Assistant for the environment shall review the file and notify the regional director and the Washington program office of his concurrence or nonconcurrence.

(2) In the case of a project which has a preliminary discussion, the Special Assistant shall review the discussion and may require additional information or recommend to the regional director that the project may not significantly affect the quality of the human environment.

(3) He may, in the case of a project for which there is no discussion, recommend that the regional office prepare such a discussion. Where the Special Assistant determines that a discussion is necessary, the requirements shall be as described in DAO 216–6.

(4) Projects requiring application of the environmental impact statement procedure, but for special reasons, such as, national disaster or other emergency conditions, shall be called to the attention of the Department of Commerce and the Council on Environmental Quality by the Special Assistant, who shall seek to have the time requirements then in force for processing draft and final statements reduced.

(5) Final environmental impact statements shall be certified by the Special Assistant as being in compliance with appropriate laws and regulations.

(6) A copy of the final environmental impact statement shall be attached to the action memorandum (Form ED–506) which shall accompany the project file being circulated for approval in Washington.

17.02–2.04 *Technical assistance projects.* Each technical assistance project shall be cleared by the Special Assistant for Environmental Affairs. Each technical assistance contract awarded or granted to determine the feasibility of establishing a particular type of industrial site or enterprise must contain a condition indicating that due consideration will be given by the contractor to environmental impact in recommending the design and location of such a facility.

It will be the responsibility of the Special Assistant to monitor this provision on applicable technical assistance contracts, and the Office of Technical Assistance will be responsible for referring all such contracts to the Special Assistant.

17.02–2.05 *Procedures for planning activities.* Planning grants shall be cleared by the Special Assistant for Environmental Affairs.

The Office of Planning and Program Support, with the assistance of the Special Assistant for the environment, will develop and transmit environmental planning guidance to regional offices and to district and area OEDP Committees for incorporating environmental analyses and ecological considerations into the local planning process.

The regional office will instruct applicants submitting district and/or area planning grant applications that their overall economic development program must include environmental considerations, and that their planning grant must provide assurance that such environmental factors will be incorporated into their planning consistent with the purpose of the National Environmental Policy Act of 1969. The applicant will include under Item 5 of the application for planning and administrative grant, Form ED–301, assurance that development planning will interrelate with environmental considerations.

Planning reviews will assure that ecological and other environmental considerations have been incorporated into local plans consistent with the purpose of the National Environmental Policy Act of 1969. These reviews, made in the course of EDA's usual analyses of the district and area OEDP's and other planning documents, must consider the environmental impact of their economic goals and activities. The Special Assistant for the environment will monitor these reviews and work with the appropriate staffs assuring consistency with the Act.

17.02–2.06 *Procedures for processing environmental impact statements received from other governmental agencies for comment.* The purpose of the procedure is to permit EDA regional offices to be responsive to requests for comments on impact statements from other governmental—local, State, and Federal—agencies, and to provide the Department's Environmental Officer, who is the Deputy Assistant Secretary for Environmental Affairs in the Office of Science and Technology, the opportunity to coordinate a response on behalf of the Secretary of Commerce if deemed appropriate.

Upon receipt of a request to provide comments from a governmental agency, the regional office promptly will develop its comments and will forward them along with the impact statement to the Special Assistant for the environment. Then the Special Assistant will review and amend, if appropriate, the regional office comments as the result of

[1] Appendixes A, B, and C, filed as part of the original document.

[1] Appendixes A, B, and C, filed as part of the original document.

inputs from the headquarters level review and forward the package to the Departmental Environmental Officer for formal response to the requesting agency.

17.02-2.07 *Public availability of environmental impact statements developed by EDA.* Draft and final environmental impact statements developed by EDA shall be made available to the public in accordance with procedures established by DAO 216-6, section 5.03. In addition, statements shall be made available to appropriate State, regional, and metropolitan clearinghouses, and other governmental bodies, groups, and individuals.

17.02-2.08 *Applicability and reporting requirements.* The provisions of this directive will be effective for all applications accepted for processing by EDA regional offices on or after the effective date of the directive.

Department Order 216-6, section 9 provides for a monthly report of major actions reviewed and environmental impact statements to be prepared by EDA. So that the Special Assistant for the environment may comply with this requirement, regional directors will submit the information called for by DO 216-6 to the Special Assistant by the fourth working day of each month.

17.02-2.09 *Effect on other orders.* This directive is intended to supplement existing Council on Environmental Quality Guidelines, and Departmental Order 216-6, "Statements on Proposed Federal Actions Affecting the Environment." It also supersedes EDA Directive 17.02-2, dated June 1, 1971, and any other instructions which may be in conflict with its provisions.

17.02-2.10 *Effective date.* The effective date of this directive is upon signing. This directive may be followed for all applications submitted to EDA after February 1, 1972 or for projects in EDA on or after that date.

ROBERT A. PODESTA,
Assistant Secretary
for Economic Development.

MARITIME ADMINISTRATION

[Order 217]

IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 WITHIN THE MARITIME ADMINISTRATION—PROCEDURES AND RESPONSIBILITIES

SECTION 1. *Purposes.*

1.01 The National Environmental Policy Act of 1969 (Public Law 91-190) requires Federal agencies to make an assessment of the environmental impact for all proposed programs and projects potentially having an impact. The law requires that the proposed program be submitted for review and comment to any Federal agency which has jurisdiction by law or special expertise relative to the program's potential environmental impact.

1.02 Department Administration Order 216-6 establishes policies and procedures to implement the National Environmental Policy Act of 1969 within the Department of Commerce. It is to be considered the basic reference document.

1.03 The purpose of this Administrator's Order is to implement the provisions of the National Environmental Policy Act of 1969 and Department Administrative Order 216-6, and to assign responsibilities within the Maritime Administration for the assessment of programs originated from within, and for the processing of requests for review and comment from other Federal agencies on the potential environmental impact of programs proposed by those agencies.

SEC. 2. *Responsibilities.*

2.01 The "Assistant Administrator for Operations" is designated as Coordinator of Environmental Activities (hereafter referred to as Coordinator) and as such is assigned principal responsibility for coordinating and performing the functions required to implement the provisions of the National Environmental Policy Act in conformity with Department Administrative Order 216-6 in the Maritime Administration, as set forth in this Order. In carrying out these responsibilities, the Coordinator shall submit all environmental discussion papers and other actions for review and clearance by the General Counsel where legal implications may be involved, by the Office of Policy and Plans where policy implications may be involved and by such other offices having expertise in the subject under consideration.

2.02 The "General Counsel" shall have primary responsibility for all legislative matters which involve environmental activities, and shall act directly upon these for the Maritime Administration, with appropriate coordination with other elements, when the subject matter so requires. In addition, the General Counsel shall keep the Coordinator advised of all legislative actions taken which have environmental implications.

2.03 The "Office of Policy and Plans" shall provide necessary guidance to the Coordinator in respect to Maritime Administration plans, programs and policies which could have an effect on a given response to an environmental matter being reviewed, or advise of any significant or new policy which might have either present or potential impact on the Maritime Administration position concerning such environmental activities under review by the Coordinator.

2.04 The "Assistant Administrator for Research and Development" shall have primary responsibility for the budgeting, planning, and conducting of all research and development in the maritime field pertaining to pollution, and environmental policy related thereto, and shall consult with, and keep the Coordinator advised, on all research and development projects dealing with environmental activities.

SEC. 3. *Programs and projects originated within the Maritime Administration.*

3.01 All Maritime Administration personnel engaged in programs and projects that may have an environmental impact shall become thoroughly familiar with the basic reference document, Department Administrative Order 216-6, and shall adhere to the provisions thereof, in participating in the preparation of the required environmental impact statement(s). In this regard, particular attention shall be directed toward references in Department Administrative Order 216-6 and the appended Council on Environmental Quality "Guidelines" as published in Vol. 36, No. 79, of the FEDERAL REGISTER of April 23, 1971.

3.02 The environmental impact shall be given consideration in the early stages of a proposed program or project, including short or long term (5 years or more) program plans. An environmental discussion paper which is initiated by an element of the Maritime Administration, as described herein, shall be forwarded to the Coordinator for his review and subsequent referral to the Deputy Assistant Secretary for Environmental Affairs (hereafter referred to as Department) in accordance with Department Administrative Order 216-6.

SEC. 4. *Requests for comments on other Agency-proposed programs.*

4.01 The Coordinator shall receive from the Department all requests concerning environmental impact statements and comments. These shall be reviewed and evaluated by a designated staff member to screen out incoming environmental matters that are of no concern or interest to the Maritime Administration, thus reducing workload to only pertinent environmental matters, upon which comments are required. The selection of the element within the Maritime Administration, having the expertise to comment on the incoming proposal, will be made by the Coordinator and the document(s) will be forwarded to that element for necessary action. The resultant comments, after appropriate review within the Maritime Administration, shall be forwarded by the Coordinator to the Department for further handling in accordance with Administrative Order 216-6.

4.02 All officials shall cooperate with the Coordinator by giving full and prompt support to requests for review and comments on the environmental impact statements received from other agencies via the Department. It is desirable that a prompt explicit response, either positive or negative (no comment), be made to the Department in order to provide assurance that the Maritime Administration has reviewed such environmental impact statements in terms of the statutory authority functions and expertise of the Maritime Administration.

SEC. 5. *Review of environmental impact statements.*

5.01 The Coordinator is responsible for Maritime Administration clearance of all environmental impact statements which are prepared by the Department and which are submitted to the Maritime Administration for review and evaluation of such statements and reports thereon to the Department.

5.02 After coordination and completion of the comments, the Coordinator shall route these through the Office of the General Counsel, Office of Policy and Plans and other offices having interest in the subject under consideration prior to submission to the Department.

5.03 The Coordinator, at his discretion, may approve and forward directly to the Department comments on impact statements not generated within the Maritime Administration which are of a routine or nonpolicy nature.

Effective date: November 9, 1971.

A. E. GIBSON,
Assistant Secretary for
Maritime Affairs.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[1385.1]

DEPARTMENTAL POLICIES, RESPONSIBILITIES AND PROCEDURES FOR PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

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1. *Purpose and authority.* The National Environmental Policy Act of 1969 (Public Law 91–190) establishes new national policy, goals, and procedures for protecting and enhancing the environment. This Act governs Federal departments and agencies, and requires systematic attention to the environmental consequences of all Federal activities. The purposes of this circular are to set forth departmental policy and to provide procedural guidance to all headquarters and field offices under this Act. This circular applies to HUD legislative proposals, all HUD central office guidance documents (including guides, regulations, handbooks, circulars, technical standards, etc.), and individual project approval actions on insurance, loans, and grants, subsidies and demonstration projects.

This circular is based on authority provided in:

a. The Department of Housing and Urban Development Act of 1965 (Public Law 89–174) which provides that the Secretary may make rules and regulations as may be necessary to carry out his functions, powers, and duties, and sets forth, as a matter of national purpose, the sound development of the Nation's communities and metropolitan areas;

b. The National Environmental Policy Act of 1969 (Public Law 91–190) which establishes a comprehensive policy for protection and enhancement of environmental quality by the Federal Government, creates the Council on Environmental Quality (CEQ) in the Executive Office of the President and directs Federal agencies to carry out the purposes of this Act;

c. Presidential Executive Order 11514, dated March 5, 1970, which directs heads of agencies to monitor, evaluate, and control their agencies' activities so as to protect and enhance the quality of the environment;

d. The guidelines of the Council on Environmental Quality, dated April 23, 1971, which call for heads of agencies to establish agency procedures for implementing section 102(2)C of Public Law 91–190;

e. Office of Management and Budget (OMB) Bulletin 71–3, August 31, 1970, which requires environmental statements to accompany legislative proposals and provides for materials in support of the appropriations process;

f. OMB Circular A–95, dated February 9, 1971, which provides for inputs to section 102(2)C environmental statements by State and local governmental agencies with environmental quality responsibilities;

g. Presidential Executive Order 11593, dated May 13, 1971, which requires heads of agencies to administer their programs so as to preserve the Nation's cultural environment, particularly sites on the National Register of Historic Places;

h. Section 4(f) of the Department of Transportation Act of 1966 (Public Law 89–670) as amended by Public Law 90–945 which together call for HUD comments on the impact of highways on natural environments, particularly parks and recreation areas;

i. The Housing Act of 1937 (Public Law 75–412) which authorized Federal assistance to low rent public housing and conveys standard setting authority; and

j. The National Housing Act (Public Law 79–479) which created the Federal Housing Administration and encourages improvement in housing standards and conditions.

2. *Definitions.* Appendix A contains decision points by which stage environment clearances must be completed, thresholds which require special clearances, and definitions of key terms used in this circular, including "Environment," "Normal" and "Special" environmental clearances, "Environmental Clearance worksheet," "Negative Statement," "Major HUD actions significantly Affecting the Quality of the Human Environment," "Environmental Statement" (draft and final), "Comment," and others. Clear understanding of these terms is basic to interpretation of policies set forth below.

3. *Policy.* The national goal of "a decent home in a suitable living environment for every American family"—established by the Housing Act of 1949 and subsequently reaffirmed—is central to the mission of the Department of Housing and Urban Development (HUD). Pursuant to Public Law 91–190, HUD must continue to review, update, or establish policies, standards, and procedures for administering HUD programs to promote environmental quality.

a. *Policy on actions initiated by HUD.* Public Law 91–190 and CEQ guidelines require that prior to "major Federal actions significantly affecting the quality of the human environment" an assessment of environmental consequences shall be made in the form of a (draft) environmental statement, which shall be circulated for comment by Federal, State, and local agencies as provided in CEQ guidelines and then revised as needed. A final environmental statement shall accompany the proposed action through HUD's review and decision processes. The following sections establish policy for such major HUD actions and for lesser actions relating to environment.

(1) *Legislation.* HUD legislative proposals may be "major actions." The General Counsel, in consultation with the Deputy Under Secretary, and based on the significance of the expected environmental impact, shall determine which HUD legislative proposals shall be accompanied by an environmental statement.

(2) *New central office guidance documents, including regulations, policy circulars, program handbooks and guides, standards documents, etc.* Promulgation of these guidance documents may be "major actions," and in each case a determination shall be made in consultation with the Deputy Under Secretary as to whether or not there is a significant impact on the human environment. In all cases where there is a significant environmental impact, environmental statement shall be prepared prior to promulgation and cleared concurrently with A–85 review of the basic document whenever possible. Except as noted herein, the promulgation of guidance documents shall be the principal means for administering environmental quality standards within the department.

(3) *Updating existing guidance documents.* In order to assure adequacy of environmental requirements, each Assistant Secretary and the Administrator of the Federal Insurance Administration, prior to June 30, 1972, shall either (a) issue an officewide circular with environmental policies, environmental standards, and environmental clearance procedures which will govern all programs and activities administered by his office, or (b) identify those existing guidance documents which have a significant bearing on the environment, including site characteristics, and update these guidance documents as appropriate. Both options shall incorporate "normal environmental clearance" and "special environmental clearance" procedures into routines for processing applications (see definitions).

(4) *HUD project level actions, including insurance, grants, and loans, debt guarantees, subsidiaries, planning activities, demonstration activities, etc.* HUD processes between 15,000 and 20,000 applications per year at the project level, not including insurance actions on individual houses. Except as provided herein, approvals of these applications are not construed as "major Federal actions."

(a) *"Normal environmental clearance" for projects and for proposed changes or amendatories.* Normal environmenal clearances (see definitions) shall be established to assure a consideration of alternatives and suitable environmental conditions for all project approvals, including major changes or amendatories to an approved project, but excluding insurance on individual houses. These clearances shall assure compliance with central office policies and standards, and shall be completed before the HUD decision points summarized in Appendix A.

(b) *"Special environmental clearances" for selected projects and amendatories.* Special clearances (see definitions) shall be undertaken for those projects whose acceptability cannot be determined in normal clearance and for projects of larger size or special environmental significance above the thresholds in Appendix A. For projects requiring special environmental clearance, a negative statement or a final 102(2)C environmental statement shall be placed in the application file to accompany the application through the HUD review process. The HUD Environmental Clearance Worksheet (see Appendix B) [1] is suggested for carrying out special clearances.

(c) *Detailed environmental statements on unusually large or complex projects and major amendatories.* Final section 102(2)C environmental statements shall be completed for a limited number of projects or amendatories whose environmental issues cannot be satisfactorily resolved in special clearance and for all applications and major amendatories under the following:

(i) New communities activities under Title VII, including debt guarantee, interest loan, grant for waiver of tax exemption, and certification of eligibility, and

(ii) Title X (large scale subdivisions).

(d) *Exceptions.* All disaster aid and emergency activities of the department shall be excepted from the 102(2)C requirement.

(5) *Timing of 102(2)C environmental statements and HUD approval actions.*

(a) Pursuant to section 10(b) of the Guidelines of the Council on Environmental Quality, published April 23, 1971, HUD's 102(2)C environmental statements for "major HUD actions significantly affecting the quality of the human environment" must be filed with the CEQ and made available to appropriate agencies and to the public.

(i) In draft form at least 90 days before HUD approval of, or commitment to, the proposed action, and

(ii) In final form at least 30 days before HUD approval of, or commitment to, the proposed action.

(b) Exceptions in the form of reduced time periods are permitted under sections 10 (b) and (d) of the CEQ guidelines, but are discouraged. They must be approved by the Deputy Under Secretary in consultation with the CEQ on a case by case basis; realistic time periods for comment shall be maintained.

[1] Appendixes B–H, and I and II, filed as part of the original document.

(6) *Public disclosure.* Draft and final section 102(2)C environmental statements and negative statements shall be made available to the public in accordance with the instructions of Executive Order 11514 and the CEQ guidelines "to insure the fullest practical provision of timely public information and understanding of Federal plans and programs."

(a) After environmental statements and proposed distributions are approved by the Deputy Under Secretary, the initiating HUD office shall provide copies to appropriate Federal, State, and local officials and key private groups having an interest in the Federal action in point, and to appropriate HUD information centers for reading by the public.

(b) Based on distribution by the CEQ, retention copies of environmental statements may be purchased for $3.00 by interested members of the public from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

(c) Negative statements and supporting evidence shall be available to the public through the cognizant HUD information offices.

b. *Policy for HUD comments on 102(2)C environmental statement initiated by other Federal agencies.*

(1) All 102(2)C environmental statements on project level actions initiated outside HUD shall be referred to the HUD Regional Administrator in whose jurisdiction the project falls, or to his designee, for "comment" (see definitions).

(a) HUD comment on project actions shall be related to areas of HUD jurisdiction by law or special expertise as defined by Appendix II [1] of the CEQ guidelines of April 23, 1971.

(b) The Regional Administrator (or his designated Environmental Clearance Officer) normally shall speak for HUD in these matters, and develop appropriate comments within 30 days. HUD comments recommending delay or rejection of a major undertaking by another agency, comments may be referred to the Deputy Under Secretary for mailout, including copies to the CEQ. Precedent-making comments of national significance also warrant referral to the Deputy Under Secretary.

(2) All 102(2)C statements from other Federal agencies on legislation and on guidance documents shall be sent to the General Counsel and Deputy Under Secretary, respectively, for comment.

(3) Pursuant to CEQ guidelines, ten (10) HUD copies of HUD comments normally shall be sent by the commenting HUD office directly to the General Counsel, Council on Environmental Quality, 722 Jackson Place NW., Washington, DC 20006.

4. *Office responsibilities for protection and enhancement of environmental quality.*

a. *Deputy Under Secretary.* The Deputy Under Secretary is assigned the overall departmental responsibility for administering and coordinating policies and procedures set forth in this circular. He shall be assisted as appropriate by all Assistant Secretaries, the General Counsel, the Federal Insurance Administrator, and the HUD Regional Administrators, and he shall have authority to delegate portions of the total responsibility as appropriate. The Deputy Under Secretary shall provide leadership in moving toward a unified departmental set of policies and standards to be applied to all HUD actions. He shall also be HUD's principal point of contact with the Council on Environmental Quality, the Environmental Protection Agency, other Federal agencies and State and local groups.

b. *General Counsel.* Effective immediately, the General Counsel shall:

(1) Designate an "Environmental Clearance Officer" as his principal adviser on environmental matters and establish environmental clearance procedures for his office;

(2) Prepare, in cooperation with program and policy offices, "environmental statements" on all new HUD legislative proposals significantly affecting the environment, and forward same to the Deputy Under Secretary; and

(3) Support the Deputy Under Secretary on matters relating to litigation, interpretation of statutory requirements, and other areas as appropriate.

c. *Assistant Secretaries and Federal Insurance Administrator.* Effective immediately, each Assistant Secretary and the Federal Insurance Administrator shall:

(1) Designate an "Environmental Clearance Officer" (a senior official or staff director) who shall act as "principal advisor" on environmental matters, maintain an "environmental clearance officer's notebook" of Federal guidance documents, oversee the development of environmental policies, standards, and procedures and maintain liaison with the Deputy Under Secretary.

(2) Before June 30, 1972, establish, update, collate, and simplify, in cooperation with the Deputy Under Secretary, the environmental quality policies and standards for programs and activities under his jurisdiction, including the development of procedures and simplified application forms with environmental components, and the identification of decision points and thresholds;

(3) Establish and maintain, in cooperation with the Deputy Under Secretary, orderly procedures for environmental clearances for all activities under his jurisdiction in HUD headquarters and forward copies of these procedures to the Deputy Under Secretary (these shall provide for an environmental statement or negative statement on all proposed regulations and guidance documents: Environmental statements shall be cleared with normal A–85 clearance of the guidance document whenever possible);

(4) Assign adequate personnel to environmental protection and enhancement, provide a formal evaluation of progress each year in cooperation with the Deputy Under Secretary.

(5) The Assistant Secretary for Administration or his designee shall further support the Deputy Under Secretary in budgetary process requirements set forth in OMB Bulletin No. 71–3.

d. *Regional Administrators.* Effective immediately, the Regional Administrators, assisted by Area Office and Insuring Office Directors, shall:

(1) Designate a Regional Environmental Clearance Officer (a senior official or staff director reporting directly to the Regional Administrator or his Deputy) who shall act as principal Adviser to the region on environmental affairs, maintain the official file of Federal regulations and policies on environment, and establish and maintain a system for environmental clearances throughout the region (a copy to Deputy Under Secretary).

(2) Enforce departmental environmental clearance policies and standards, including normal and special environmental clearances, the preparation and forwarding of draft and final environmental statements and proposed distribution lists to the Deputy Under Secretary for approval, appropriate distribution of environmental statements, and guiding the preparation of HUD "comment" on major Federal actions proposed by other agencies; and

(3) Assign adequate personnel for carrying out environmental clearances described herein, provide for formal periodic evaluation of the progress in implementing Public Law 91–190, and bring to the attention of the Deputy Under Secretary significant policy issues regarding which the existing departmental posture appears inadequate.

e. *Area Office and Insuring Office Directors.* Under supervision of the Regional Administrator, the Area and Insuring Office Directors, effectively immediately, shall:

(1) Designate an Environmental Clearance Officer (a senior official or staff director reporting directly to him or his Deputy) who shall act as principal adviser to the Director on environmental affairs, maintain the official file of Federal regulations, policies, and standards on environment, and oversee environmental clearances described in this circular;

(2) Establish, with approval of region, orderly procedures for environmental clearances set forth in this circular for all programs, and enforce departmental environ grams, and enforce departmental environmental policies and standards with respect to all applications processed by the office except insurance on individual houses; and

(3) Assign adequate personnel to environmental clearance functions, provide for periodic evaluation of environmental impact, and bring unresolved policy issues to the attention of the Regional Administrator and the Deputy Under Secretary.

Appendix A

Part I: Definitions

This appendix defines important terms used in the body of this circular and sets forth in Part II on a program-by-program basis the decision points at which stage environmental clearances must be completed for their respective HUD programs. Part II also lists program thresholds above for which a special environmental clearance is required.

1. *Environment.* Environment is not defined in the basic legislation or in the CEQ Guidelines. However, it is clear from section 102 in the Act and elsewhere that it is broadly defined to include physical, social, and aesthetic dimensions, and that interdisciplinary analyses are required well beyond the normal technical and economic considerations. Examples of environmental considerations are: Air and water pollution, erosion control, natural hazards, land use planning, site selection and design, subdivision development, conservation of flora and fauna, urban congestion, overcrowding, displacement and relocation resulting from public or private action or natural disaster, noise pollution, urban blight, code violations and building abandonment, prevention of suburban sprawl, etc.

2. *"Normal Environmental Clearance" for projects and major changes or amendatories.* That HUD assessment of site characteristics, environmental consequences, and alternatives with superior environmental consequences that shall be applied to every application for insurance or assistance (except individual housing insurance actions). This clearance takes place primarily at the area and insuring office level. In addition to such special requirements as Assistant Secretaries and Regional Administrators establish in their respective jurisdictions, the "normal environmental clearance" shall consist of:

a. Consistency check of proposal with HUD central office environmental policies and standards;

b. Opportunity for comments from A–95 agencies for all HUD programs and projects covered by revised OMB Circular A–95, dated February 9, 1971;

c. (Optional) comments as may be appropriate from other State and local offi-

[1] Appendixes B–H, and I and II, filed as part of the original document.

cials or field offices of Federal agencies with responsibility for environmental standards in areas of special concern on a case by case basis;

d. Checkoff to assure consistency with the policy regarding the National Register of Historic Places and other aspects of Executive Order 11593;

e. Evidence of local approval, e.g., building permit in the case of new housing—this approval affords State and local government opportunity to incorporate requirements for public water supply, sewerage treatment, etc., into the process;

f. Site visits and prudent judgment by HUD field office personnel to assure that there are no significant adverse environmental consequences; and

g. Consultation with the Office of the Deputy Under Secretary for precedent-making or otherwise unusual cases.

3. *"Special Environmental Clearance" for projects and major changes.* That additional review of environmental consequences which shall be applied to larger size projects or projects with greater environmental significance (including all projects above thresholds in Appendix A) and to projects which are controversial with regard to whether or not HUD and other appropriate environmental policies and standards are being met, or precedentmaking in the sense that important environmental circumstances are not treated in HUD's central office guidance documents. For this purpose, the HUD Environmental Clearance Worksheet (see Appendix B)[1] is suggested. All special environmental clearances shall result in either (a) a negative statement signed by the head of the HUD field office (or his designated Environmental Clearance Officer), indicating that approval of the application is consistent with established HUD policy and standards and would have no significant adverse effect on the environment, or (b) if there are still unresolved environmental issues and concerns, the drafting and circulating of a 102(2)C environmental statement. A negative statement or a 102(2)C environmental statement shall become part of the application file and shall accompany the application through the HUD review and decision process.

4. *Threshold.* A threshold is a criterion of size or of environmental impact which requires a special environmental clearance and/or a 102(2)C environmental statement. Thresholds are set forth in Appendix A on a program-by-program basis. The Deputy Under Secretary's office invites field comment on suitability and on additional needs.

5. *HUD environmental clearance worksheet.* A HUD standard form (see Appendix B)[1] for identifying key environmental impacts and for assessing alternatives as required in Public Law 91–190 and CEQ guidelines. Assistant Secretaries are authorized to structure individual components of the form (particularly the impact section) to facilitate checkoff for their program needs. A draft worksheet (Appendix B–1)[1] may be used as part of the program application. A final worksheet (Appendix B–2)[1] is the sole responsibility of the HUD reviewing officials.

6. *Negative statement.* A statement by a HUD official that no environmental statement is required for the proposed HUD action under consideration. In the event that no environmental statement is planned, "negative statements" shall be filed with the Deputy Under Secretary early in the development of new or revised central office guidance documents, and in review of project actions administered by the central office. HUD Regional Administrators shall require either a negative statement signed by the Area or Insuring Office Director (or another designated Environmental Clearance Officer) or an environmental statement for project actions not eliminated by established thresholds for HUD programs. The negative statement shall not be issued for projects which are in violation of central office environmental policies and standards and it shall not be used without a sufficient factual basis as will stand up under careful judicial scrutiny in the event of litigation. A format for a negative statement is set forth in Appendix E.[1]

7. *Major HUD actions significantly affecting the quality of the human environment.* The HUD portion of major Federal actions in the comparable phrase appearing in section 102(2)C of the statute and defined in the CEQ Guidelines, especially paragraph 5 therein. All such actions require the completion of a 102(2)C environmental statement 30 days prior to HUD decision. The definition includes two parts on identification of actions and an assessment of environmental consequences. The identified major actions include legislative proposals, the issuance of central office guidance documents, and a limited number of HUD project actions determined by policy criteria and thresholds set forth in Part II of Appendix A. Assessment of the environmental consequences to be "significant" is a matter of judgment and consensus; at the project level, this judgment shall be governed largely by established environmental policies and standards.

8. *Environmental statement.* That specified one-page summary sheet and the detailed, interdisciplinary analysis of environmental consequences prescribed in section 102(2)C of Public Law 91–190 and in the CEQ Guidelines; the HUD format is set forth in Appendix C.[1] Although inputs can and should be requested from the applicant, the draft and final environmental statements are the sole responsibility of reviewing HUD officials. A "draft environmental statement" is the draft required by the CEQ Guidelines to be circulated by a responsible official of the cognizant Federal agency to Federal, State, and local agencies designated by the CEQ and made available to the public for comment. A "final environmental statement" is the mature revised draft required by statute to incorporate external comment, to be filed with the CEQ, and accompany the proposed action through the department's review and decision processes. It is the clear intent of the legislation that the final environmental statement be completed and filed with the CEQ prior to even tentative HUD commitment or approval so that feedback from the environmental statement can improve the environmental consequences of the proposed action. CEQ Guidelines established a 30-day delay in approval after the final statement is filed.

9. *Comments.* Formal reactions by one Federal agency to the proposed action and the draft environmental statement of another Federal agency; also formal reactions of State and local agencies or of public or private groups to the proposed action. Each Federal agency, including HUD, is obliged to take these comments received on its draft environmental statement into account in the final environmental statement and HUD's approval or disapproval of the proposal. The HUD format for comments is set forth in Appendix D.[1]

10. Areas of jurisdiction by law or special expertise. The areas in which one agency is required to comment on major actions by another agency in accordance with Public Law 91–190 and the CEQ Guidelines. Appendix II[1] to the CEQ Guidelines provides CEQ views on these areas. HUD Regional Administrators are invited to work out more specific definitions within their Regional Council of mechanism and in bilateral arrangements with field offices of other Federal agencies in accordance with special needs of their regions and in the perspective of available staffing.

APPENDIX A

PART II—DECISION POINTS AND THRESHOLDS

The basic policy outlined in this circular is to complete 102(2)C environmental statements prior to decisions on legislation, central office guidance documents and large or otherwise exceptional projects significantly affecting the quality of the human environment. For the more routine projects, it is HUD policy to rely primarily on "normal" or "special" environmental clearances on applications or major amendatories and thus enforce central office policies and standards in careful administrative review of applications.

The table below identifies in HUD's review processes the decision points by which all HUD environmental clearances must be completed. The table also sets forth thresholds above which "special clearance" is required. Special clearance must be followed by a negative statement or a 102(2)C environmental statement. In general, the 102(2)C statement shall be completed for projects which are controversial with regard to whether or not HUD and other environmental policies and standards are being met, or precedent making in the sense that important environmental circumstances relating to the proposal are not treated in central office guidance documents.

Both HUD's General Counsel and the Council on Environmental Quality have earlier opined that it is undesirable and inappropriate to approve projects subject to environmental clearance. It is departmental policy that environmental clearances shall be part of the generic review process and shall not be separated for later approval.

[1] Appendixes B–H, and I and II, filed as part of the original document.

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Decision points for completing environmental clearances on applications	*Thresholds*
New communities activities (note A–95 requirement)	
1. Debt guarantee or certification of eligibility—offer of commitment or major change to approved plan. (Activities are preconditions for public service grants and supplemental grants.)	All projects for actions 1, 2, and 3 require 102(2)C statements.
2. Interest loan—same decision point as No. 1.	
3. Grant for waiver of tax exemption—same decision point as No. 1.	Planning grants under action 4 will have an environmental assessment in 102 (2)C format as a final product.
4. Special planning loan or grant (see threshold).	
Open space (note A–95 requirement)	
Approval of application for funds or major amendatory.	1. All sanitary landfill projects, or 2. Projects upon which two or more surface acres of water will be impounded, or 3. Projects in excess of 300 acres.
Water and sewer (note A–95 requirement)	
Approval of application to fund a facility (note: The Environmental Protection Agency funds interceptor sewers and waste treatment plants).	1. Projects requiring new water treatment plants, or 2. Projects resulting in impoundment of water of more than five acres.
Urban renewal (note A–95 requirement)	
(Conventional) approval of plan or fund reservation for Part I (or combined Parts I and II), i.e., approval of either the urban renewal plan or fund reservation to carry the real estate acquisition, public improvements, rehabilitation, clearance or resale aspects of plan to completion.	1. Plans that change concentration in the renewal area approaching or in excess of 50 percent increase in density, or in vehicular traffic, or in demand for energy, or in demand for other public services, or
(Neighborhood development program—a special mechanism for funding annual increments of renewal) approval of fund reservation, i.e., approval of locality's plan and budget for 12 months of activities to implement the plan (see conventional).	2. Conversions of use expected to produce noise, waste products or waste energy which exceed capacity of existing facilities and airsheds to absorb them in manner that meets applicable standards.
Approval of major amendatories that trigger thresholds.	3. Projects involving structures on National Register of Historic Places. 4. Plans involving an increase of 100 or more feet in the height of any structure over any previosuly existing structure.
Public facilities loans (note A–95 requirement)	
Approval of application or major amendatory.	Same as water and sewer and open space.
Model cities (note A–95 requirement)	
Approval of application or major amendatory.	Use urban renewal, open space, and water and sewer thresholds.
Housing assistance or insurance (see also HPMC–FHA 1600.1re: A–95)	
Approval of feasibility letter, or major proposed change in the letter or project, for Subdivisions.	1. 50 lot subdivision, or 2. 100 unit multifamily structures or 3. 200 unit college housing structures, or 4. 100 unit mobile home courts (some regional administrators have suggested 50; discretion is granted to use this figure), or
Title X (large scale subdivisions).	
Multifamily mortgage insurance.	
Mobile home courts.	
Nursing homes.	5. 100 bed nursing homes, or
Letter of notification of site approval or disapproval for public housing projects.	6. Any proposal involving sites for which compliance with central office environmental policies and standards is in doubt or under challenge.
Approval of fund reservation for college housing or major change to a fund reservation.	
Stage of HUD commitment for other programs not listed.	
Demonstration projects	
Approval of application or major proposed amendatory or change in the project.	Projects totaling $500,000 or more (from all sources) in new construction.
Flood and disaster insurance (note A–95 requirement)	
Designation by HUD of area having special flood hazard.	After normal administrative review, use negative statement prior to designations, or prepare 102(2)C statement.

DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

ENVIRONMENTAL IMPACT STATEMENTS

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ENVIRONMENTAL IMPACT STATEMENTS

.01 *Policy.* Indian lands are essentially private lands, not public lands. The National Environmental Policy Act of 1969 is inapplicable to activities of the Bureau of Indian Affairs in situations in which the Bureau is involved, not as an agency dealing with Federal lands, moneys, or activities, but rather as a trustee of Indian land. In situations in which Federal lands, moneys or activities are involved and the Bureau is acting in its capacity as a Federal agency, and not merely

as a trustee of Indian land, the Bureau shall provide leadership in preserving and enhancing the environmental qualities found on Indian reservations and Bureau facilities under its administrative supervision. The Bureau shall encourage the tribal organizations to adopt programs, plans, and procedures to protect and enhance the quality of the environment on reservations. The Bureau, to the maximum degree practicable, must see that the potential environmental impact of propcsed and ongoing activities to which NEPA is applicable are fully evaluated.

NOTE: By Public Law 91–275, enacted June 2, 1970, Congress amended section 1 of the Act of August 9, 1955, 69 Stat. 539 (25 U.S.C. section 415), to require the Secretary of the Interior to consider the effect on the environment of the uses to which leased restricted Indian lands, whether tribally or individually owned, are to be subjected. While the procedure to be used may differ somewhat from that under the National Environmental Policy Act of 1969, the goals are clearly identical. The efforts of the Bureau, coupled with those of the Indians themselves, will help us to attain these goals. Environmental impact statements are not required by Public Law 91–275.

The purpose of this manual is to provide, in those situations in which the National Environmental Policy Act is applicable to Bureau activities, direction in (1) the identification of major Bureau actions significantly affecting the quality of the environment, (2) the preparation and review of environmental impact statements, and (3) standardizing the processing of such statements.

.02 *Objectives.*

A. To meet statutory goals and Departmental requirements for the preparation of environmental impact statements.

B. To identify, in all Bureau activities, the procedures required for the preparation of environmental impact statements. To review statements made by others.

.03 *Authority.*

A. *General.*

1. National Environmental Policy Act of 1969, section 102(2)(c) (Public Law 91–190, 83 Stat. 852, January 1, 1970), hereafter referred to as NEPA.

2. Executive Order 11514, Protection and Enhancement of Environmental Quality, section 2(f) (March 5, 1970).

3. Guidelines of the Council on Environmental Quality (36–79 F.R. 7724, April 23, 1971).

4. 516 DM 1–3.

.04 *Responsibilities.*

A. The Commissioner is responsible for Bureau compliance with requirements of the National Environmental Policy Act of 1969 (NEPA) (Public Law 91–190).

B. To fully carry out the Bureau's environmental quality responsibilities, particularly those under NEPA, the Division of Environmental Quality Services, Office of Planning, hereinafter referred to as EQ, shall be responsible for determining that proposed environmental evaluations and analyses are formulated in conformance with approved policies and procedures, and that they represent the full and balanced interests of the Bureau in its trustee responsibilities for tribal lands and interests.

As the Bureau's contact point for policy and procedure matters concerning the preparation and review of environmental analyses and statements EQ's specific responsibilities include:

1. Screening for adequacy, monitoring and coordinating Bureau preparation and review of environmental statements.

2. Coordinating the preparation and providing leadership in the development of criteria to determine which Bureau actions require statements.

3. Designating, with the advice of appropriate Program Directors, Bureau task forces composed of representatives of appropriate offices which prepare statements in special cases.

4. Designating, with the advice of appropriate Program Directors, lead offices to prepare statements and when feasible providing leadership in the preparation of statements.

5. Overseeing review external to the Bureau and editing, approving and transmitting, Bureau draft and final statements to the Office of Environmental Project Review (PEP).

6. Coordinating and monitoring Bureau review of draft statements prepared by other Federal agencies.

7. Furnishing guidance and approving procedures developed by Directors for analyzing environmental impacts.

8. Assuring that NEPA requirements are met for major Federal actions having a significant effect on the environment which were initiated prior to January 1, 1970.

9. Consulting with the Assistant Secretary—Program Policy, for Departmental guidance and direction.

C. All Directors, within their areas of responsibility:

1. Develop criteria for identifying major actions which require statements.

2. Develop procedures for analyzing environmental impacts, including applications for contracts, loans, leases, rights-of-way, license or permits.

3. Identify actions which require statements and make certain that statements are expeditiously and properly prepared.

4. Review draft statements prepared by other Bureau officials or by other Federal agencies.

5. Are responsible for assuring that professional expertise is maintained for staff involved in environmental analysis.

D. Area Directors and Superintendents using officially approved criteria are responsible within their areas of responsibility for the following:

1. Identification of actions which require statements, and preparation of statements.

2. Reviewing and commenting upon draft statements prepared by other Bureau officials or by other Federal agencies.

Area Directors are responsible for guidance and coordination on all environmental statements prepared and reviewed in their areas. They shall make certain that for actions having an impact on Indian lands or communities review by State and public agencies shall also include review by pertinent Indian tribal governing bodies.

.05 *Definitions.*

A. *Human environment.* The total surroundings in which man conducts his activities. The environment includes both natural and man-made components (the interdependent living and nonliving parts which make up man's ecosystems). The condition and use of resources determines the environment; e.g., in timber management of the condition of the resource base, including soil conditions, topographical characteristics, water and air quality must be protected or improved to maintain continuing resource productivity. The overall environment includes the general conditions provided for man's well-being, for the growth of plant and animal communities, and for maintaining the quality of air, water, land forms, Indian cultural, historical and aesthetic values and socioeconomic factors.

B. *Environmental impact.* The beneficial and harmful effects of man's action upon his surroundings. Identification of environmental impacts requires judgment objectively exercised by the official preparing the statement on the basis of the environmental values he attributes to an area. An action can have short- and long-term effects upon the physical, biological, and social aspects of the environment. For example, the benefits of the introduction of better seed can be wiped out by soil erosion; water resources can disappear by the destruction of the forest watershed. Strip mining may produce income but can destroy the contours of land, the fertility of the soil and its recreational possibilities. Disposal of industrial wastes can destroy fish resources of greater environmental value than the economic value of the industry which is generating the pollution. Economic development may have both desirable and undesirable socioeconomic impacts.

C. *Environmental statement or "statement".* A detailed assessment of the environmental impact of an ongoing or proposed action, as defined in .05B above.

Procedures for preparation and review of statements are indicated in Illustration 1.[1] The content of the statement is described in .21 and .22 below.

D. *Actions.* These are defined by types as follows:

1. *Actions relating to legislation and appropriations.* Congressional authorizations for, or limitations on, BIA programs, which significantly affect the environment.

2. *Projects, continuing activities and related individual actions.* Projects are specified tasks, conducted on either a one-time or continuing basis. Projects may include several related individual actions. Continuing activities are defined as broad Bureau programs conducted under continuing statutory authority, and include several individual related actions, e.g., watershed program.

Related individual actions are those jobs or tasks which are necessary to accomplish projects or continuing activities, e.g., an access road created with Federal funds, an irrigation project, a new school.

3. Those program actions with significant impacts on the environment which are identified in annual budget estimates. For guidance, see 516 DM 2.9E. Preparation of this material is the responsibility of the staff unit responsible for the Bureau's budget. All units of the Bureau will provide such assistance in the preparation of this material as may be requested.

.06 *Coverage.*

A. Actions initiated after January 1, 1970. All activities of the Bureau initiated after the passage of the National Environmental Policy Act which significantly affect the environment are subject to the provisions of this manual section provided that the activity is one to which NEPA applies (see .01).

B. Actions initiated before January 1, 1970. The provisions of this manual section will be applied to continuing major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of the National Environmental Policy Act, provided that the activity is one to which NEPA applies (see .01).

While it may sometimes be difficult to redirect basic decisions initiated prior to enactment of the Act, continuing actions which are based on those early decisions should be conditioned by the Act's intent. Ongoing projects or programs authorized before January 1, 1970, shall be reconsidered in the light of the National Environmental Policy Act to assure that, to the maximum extent possible, adverse environmental impacts are avoided.

General criteria for identifying major actions having "significant" effects on the environment are found in .12 below.

If the program or project has significant impact, alternatives will be considered and

[1] Filed as part of the original document.

the procedure for preparing an environmental statement followed. The program or project need not be stopped or delayed pending preparation of the statement. However, if an ongoing program entails individual projects not yet authorized or not yet funded, an environmental statement is necessary for each such project found to have significant environmental impact.

.1 *Identification of actions requiring statements.*

.11 *Types of actions.* See .05D. and .06.

NOTE: The types of actions described indicate the range of actions which may require statements, and are not meant to exclude other actions with significant potential environmental impacts. (See applicability of NEPA as defined in .01.)

.12 *General criteria.*

A. *Determination of "major Federal actions." The term "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 action proposed, and of further actions contemplated.* Such actions may be localized in their impact, but if the environment or its uniqueness may be significantly affected, a statement is required.

1. The effect of many Bureau decisions about a project or complex of projects can be individually limited but cumulatively considerable. For example, the construction of one road often opens a new area to a wide range of development in the future. Cumulative effects can occur when one or more agencies over a period of years put into a project individually minor but collectively major resources, when one decision involving a limited amount of money 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.

2. Any proposed action that has an environmental impact likely to be highly controversial should be covered.

B. *Bureau determination.* Within each Directorate, analytical procedures will be developed for determining the environmental impact of all types of actions (see .04). It is vital that maximum participation by Indian Tribes and individuals be solicited and encouraged. The results of environmental impact analysis must be documented (See .13B below). Public and tribal participation must play an important role in these procedures. (See .34A).

C. *General criteria for significant actions.* Specific criteria for determining whether a statement is required will be developed within each Directorate for each type of action. The general list of environmental impacts below cannot be used alone to identify actions requiring statements, but provides guidance to personnel in developing specific criteria for that purpose.

Provokes public controversy, local or national.

Reduces air quality or water quality below existing conditions, or below established Federal or State standards.

Affects the socioeconomic potential of tribal lands.

Alters significantly natural ecosystems.

Takes place on fragile or unstable soils, or on steep slopes.

Involves the consumption of a wasting asset.

Occurs in or adjacent to wild and scenic rivers, cultural or recreation sites, or areas of historic or scenic significance.

Destroys rare or unique wildlife or land features.

Inflicts permanent damage to the visual landscape.

Results in conditions hazardous to public safety or health.

Reduces or eliminates possible future alternative uses of the land.

Introduces a new resource use into a geographic area.

Seriously conflicts with existing use or users.

See 516 DM 2.5.

.13 *Procedures for identifying actions requiring statements.* For each type of action, the procedure shown in Illustration 2 [1] will determine whether a statement is required.

A. *Actions requiring statements.*

1. Actions of a type identified as requiring a statement every time.

2. Actions which have been analyzed for environmental impact and meet the criteria for preparation of a statement.

B. *Actions not requiring statements (negative declarations).* Actions which have been analyzed for environmental impact but do not meet the criteria for preparation of a statement will not have statements prepared, but will have an environmental analysis memorandum prepared and made a part of the case file. This will assure that maximum consideration is given to the potential environmental impact of proposed and ongoing activities on Indian lands. These actions will receive periodic review.

.2 *Preparation of draft statements.* (See 516 DM 2.6) [9] The draft statement is as complete as possible (normally it is complete) and is circulated to Federal, State, Indian, and local agencies and to other appropriate individuals, groups, or organizations for their review and comments regarding its adequacy. It may be circulated concurrently with the review process, but no final decisions will be made prior to consideration of comments received.

The environmental statement is a complete document capable of standing alone. It should include sufficient information (including technical data, and maps, charts, and other graphics if such would add clarity) to permit a careful assessment of environmental impact by commenting entities.

.21 *Required content and format.*

A. *Content.* The following must be discussed, as briefly as possible but as adequately as necessary, in each statement. Existing management or development plans or documents may be attached to amplify the statement. The (environmental) statement must be sufficiently detailed to allow a responsible executive to arrive at a reasonably accurate decision regarding the environmental benefits and detriments to be expected from program implementation. The statement should contain adequate discussion of alternative proposals to allow for program modification during agency review so that results to be achieved will be in accordance with national environmental goals.

"The probable impacts, both adverse and beneficial of the proposed action on the environment" must be discussed. "Impact" implies a change in condition. The biological, physical, visual, social, Indian cultural pattern, political, and economic impacts of the proposed action are described. Secondary, as well as primary consequences are described; the amount of detail depends on the size or crucial nature of the proposed action. For example, the primary impact may be a change in vegetative species composition, but the secondary consequence may be a significant reduction in a rare or endangered wildlife specie.

Environmental statements must include an adequate description of the proposed action to permit a careful assessment by commenting agencies and affected Indian tribal governing bodies.

Any probable adverse environmental effects which cannot be avoided should the proposal be implemented. These are effects that may occur no matter what action is taken to meet Bureau responsibilities.

The relationship between local short-term uses of man's resources and environment and the maintenance and enhancement of long-term productivity. This requires assessment of the action for cumulative and long-term effects. For example, clear cutting forest land leaves a visible scar at first, but may provide "edge-effect" for wildlife and establish better stands over time. Also, under a rest rotation system, grazing use is temporarily denied but reduced pressure on the vegetation provides a long-range benefit.

Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires identification of the extent to which the action curtails the range of beneficial uses of the environment. Removal of nonrenewable resources, such as minerals and archaeological remains, make such resources unavailable or unsuitable for future use.

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 alternatives 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.

B. *Format of environmental statements.* (As prescribed in 516.2.6 DM.)

Cover Sheet (516.2. illustration C–1, C–2).[1]

Summary Sheet (516.2., illustration D–1, D–2).[1]

Body of Statement.

Sections:

(1) Description of the proposal.

(2) Description of the environment.

(3) Environmental impact of the proposed action.

(4) Mitigating measures included in the proposed action.

(5) Any adverse effects which cannot be avoided should the proposal be implemented.

(6) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.

(7) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

(8) Alternatives to the proposed action.

Consultation and coordination with others.

(1) Consultation and coordination in the development of the proposal and in the preparation of the draft environmental statement.

(2) Coordination in the review of the draft environmental statement.

Attachments:

.22 *Guidelines for preparation.* To provide the reader a clear understanding of the proposed action and its consequences, the official preparing the draft statement:

Describe the proposed action and surrounding conditions thoroughly. Uses an interdisciplinary approach to describe in detail the action's anticipated environmental effect on man, flora, and fauna, and on the quality of water, air, and land.

Describes applicable research, both on and offsite. In terms of that research, explains conclusions reached on impacts of and alter-

[1] Filed as part of the original document.

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natives to the proposed action. Describes future research to the extent possible.

Identifies areas of doubt associated with the proposed action. In light of these doubts, explains conclusions reached on impacts of and alternatives to the proposed action.

Describes administrative and analytical procedures leading up to the proposed action, especially as they relate to controlling environmental impact.

Describes contingencies or emergency measures developed to meet unforeseen events associated with the proposed action.

Describes interagency cooperation, consultation, and joint research associated with the proposed action.

.23 *Preparation by applicants.* For those situations in which NEPA applies applicants for contracts, loans, leases, rights-of-way, licenses, or permits may be required to prepare draft statement material as a prerequisite to the consideration of the application. (See Department Manual 516.2.9F(2).)

.24 *Timely preparation.* It is important that draft statements be prepared and circulated for comment and furnished to the Council on Environmental Quality early enough in the review process before an action is taken in order to permit meaningful consideration of the environmental issues involved; that is, when the need for a draft statement is recognized and confirmed major effort should be devoted to preparing the statement at the same time, or preferably before, activities associated with the proposed action proceed.

.25 *Number of copies.* At least five reproducible copies of completed draft statements should be submitted to EQ.

A. *Distribution.* See DM 516.2.9F re: processing.

.26 *Consultation.*

A. *Indian participation.* Individual Indians and tribal governing bodies shall be involved in basic planning for and implementation of all Bureau actions. Indian views shall be obtained in assessing environmental impacts on their lands, culture, religion, tradition, artifacts, etc.

B. *Consultation with Government agencies.* The views of other departmental offices and other Federal, State, and local agencies shall be solicited during the drafting stage as much as possible. Comments received during this stage are considered informal and are primarily for the purpose of providing technical assistance to the Bureau. In soliciting comments, the official preparing the draft should carefully consider the jurisdiction or special expertise of each office to be consulted, request the specific information or review most needed for subsequent drafts, and evaluate the information or review received.

C. *Agencies to be consulted.* The officials preparing draft statement may wish to consult with:

1. Agencies with whom the Bureau has national or local interagency agreements.

2. Agencies with special expertise or knowledge concerning the proposed action or its surroundings.

3. For actions affecting the cultural or historical environment, review will also be through procedures set forth by the Advisory Council on Historic Preservation, Interior Building, Washington, D.C. 20240.

a. National historic landmarks, and landmarks of state or local significance listed in the National Register of Historic Places may be involved; they may be on or near Indian lands. Effects, if any, which the proposed project would have on the character of a landmark should be determined and stated in the environmental statement.

b. If a proposed use of or disposal of public land affects a historic landmark, the Bureau consults with the State liaison officer appointed under the National Historic Preservation Act of 1966, and with the Regional Director, National Park Service. If the effect is considered adverse, include in draft statement for review and submission to the Advisory Council on Historic Preservation. If no effect, so state and reference any consultation.

.27 *Coordination.* A register is used by the Area Directors, Superintendent Program Directors to record and coordinate all phases in the preparation of statements under their jurisdiction. (See Illustration 4.)[1]

.3 *Review of draft statements prepared by bureau.*

.31 *Bureau review.* Working level consultation and review will be chiefly effected by those who prepared the draft statement. EQ may supplement the reviewing action and will monitor and approve the circulation within the Bureau to secure an interdisciplinary coordination.

.32 *Transmittal to Department and to Council on Environmental Quality.* (See DM 516.2.9.F.) Following internal Bureau review and intradepartmental consultations (see .26), and appropriate revision, if needed, by the originating office, EQ transmits through official channels 15 copies of the draft statement over the signature of the Commissioner or his designee to the Office of Environmental Project Review for final review by the Department and for transmittal to the Council on Environmental Quality.

.33 *Official comments.* (DM 516.2.7.)

1. Bureau officials who prepared the draft statement will, upon advice from EQ, and after clearance and assignment of a control number by the Office of Environmental Project Review, request official comments from other Bureaus and Offices of the Department and from other Federal agencies which have jurisdiction or special expertise with respect to the action or which are authorized to develop and enforce environmental standards (see DM 516.2.9.F(3)(d)). Federal agencies which may be consulted are listed in CEQ Guidelines (F.R. 36–79, 4/23/71) as amended.

2. The time limit for reply by other Federal agencies is normally 45 days which shall always be allowed the Environmental Protection Agency. (DM 516.2.7B(3).)

3. Bureau procedures must be assured that, to the maximum extent practicable, the minimum 90 day and 30 day periods of public availability for draft and environmental statements on administrative actions are observed. These periods may overlap.

4. A notice of availability shall be prepared by the initiating unit of the Bureau and shall accompany the statement to the Assistant Secretary—Program Policy (for sample formats, see 516 DM 2, Appendix E).[1] The Assistant Secretary—Program Policy shall send the notice to the FEDERAL REGISTER at the same time that he transmits the statement to the Council on Environmental Quality, except for statements dealing with legislative and budgetary matters.

.34 *Review by State and local agencies and the public.* The Area Director coordinates tribal, State, local, and public review of proposed Bureau actions with the requirements of the Department. (See Dept. Man. 516.2.8.)

Bureau procedures must facilitate Indian community and public access to draft and final environmental statements and the comments received.

A. *Public hearings or meetings.* Mechanisms for incorporating participation by the Indian community and the public into the planning procedures of all Bureau activities should be used. Policies and procedures for holding public hearings or meetings not provided for by existing mechanisms must be developed. Approval must be obtained from EQ. Bureau procedures must respond to the requirement that they "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 must include, where appropriate, provision for public hearings and availability of draft environmental impact statements in advance of such hearings.

1. In many cases, public hearings or meetings will be required at two or more stages of the planning process, or for both the general and specific plans for a Bureau program. A hearing or meeting may be held in the course of preparing a draft statement to ascertain reactions and illicit information concerning the proposed action.

2. "Formal" public hearings or meetings on draft statements approved by PEP may be held when public concern over the potential environmental impact of a proposed action is high.

3. Notice of "formal" public hearings on draft statements includes publication in the FEDERAL REGISTER not less than 30 days before the hearing date, and appropriate notice to heads of Government agencies.

B. *Other established review procedures.* When no formal public hearing has been held on a proposed action, and when review of the proposed action by State and local agencies authorized to develop and enforce environmental standards, and by the public, is relevant, such review may be provided through other established review procedures.

1. For State and local review of direct Bureau development projects as required by Office of Management and Budget Circular No. A–95, review shall be through clearinghouses in accordance with Bureau procedures established pursuant to Circular No. A–95 and Departmental Manual 511.5, Intergovernmental Relations.

Direct Bureau development projects may include construction of Federal buildings and installations; other Federal public works, or acquisition, use or disposal of Federal land and real property.

.35 *Coordination of external review.* EQ uses form "Review of Draft Environmental Statement Register" to record and coordinates all phases of formal review of draft environmental statements by other governmental agencies. (See Illustration 3.)[1]

.4 *Final statements.* Based upon analysis of all review comments, a final statement is prepared (usually by those who prepared the draft) and is submitted to EQ who coordinates final review and transmittal through the Department to the Council on Environmental Quality. (See DM 516.2.9.F.)

This statement is the completed document which incorporates review comments and discusses unresolved issues. It is the document which must accompany the proposed action through the Department's final decisionmaking process. The term "final environmental statement" is synonymous with the term "detailed environmental statement" found in the National Environmental Policy Act.

.5 *Availability of statements for public review.*

.51 *Draft statements.* After the Bureau publishes a notice in the FEDERAL REGISTER requesting comments from State and local agencies and the public, the Bureau Office of Communications will fill requests for copies of draft statements and comments of Federal agencies.

.52 *Final statements.* After the Bureau publishes a notice in the FEDERAL REGISTER indicating the availability of a final statement, the Bureau Office of Communications will provide copies upon request.

[1] Filed as part of the original document.

[1] Filed as part of the original document.

.6 *Implementing the proposed action.*

.61 *Function of the environmental statement.* The environmental statement is only one of the components in the decisionmaking process. It should objectively set out all information available on all recognized alternatives. Conclusions reached in the statement should be analytical in nature; they should not represent a decision on or a justification of the proposed action.

.62 *Timing of action following environmental statement preparation.* To the maximum extent practicable: (1) No administrative action will be taken sooner than 90 days after a draft environmental statement has been furnished to the Council on Environmental Quality, circulated for comment, and publicly announced in the FEDERAL REGISTER, whichever is later.

(2) No administrative action will be taken sooner than 30 days after a final environmental statement has been furnished to the Council on Environmental Quality and the public. If a final statement is filed within the 90-day period in (1) above, the two periods may run concurrently to the extent that they overlap.

Exception. Where emergency circumstances, overriding considerations of expense to the Government, or impaired program effectiveness make it necessary to take an action with significant environmental impact without observing the time limitations in (1) and (2) above, the Commissioner or his designee shall consult with the Assistant Secretary—Program Policy who, in turn, is required to consult with the Council on Environmental Quality about alternative arrangements. (See DM 516.2.9.C.)

.7 *Review of statements prepared by other Federal agencies.* (See 516 DM 3.) The Bureau's review will be predicated on the Bureau's responsibility to protect, enrich, enhance, and assist Indians and Indian tribal lands in resource development; socioeconomic living conditions and standards, environment, unique tribal cultures, historical and aesthetic values.

The reviewing process requires from the reviewer the high quality of professional critical analysis, balanced perspective, objectivity and the interdisciplinary approach that is expected in the preparation of Bureau statements.

BUREAU OF SPORT FISHERIES AND WILDLIFE

PROCEDURES FOR PREPARATION OF 102(2)(c) ENVIRONMENTAL IMPACT STATEMENTS

DECEMBER 1971.

1.0 *Bureau role as it relates to the National Environmental Policy Act and Environmental Impact Statements.*

1.1 *Overview.* These procedures are to be used in collaboration with the April 23, 1971, Council on Environmental Quality Guidelines and the September 17, 1971, Department of the Interior Guidelines.

The National Environmental Policy Act of 1969 (Public Law 91-190) and Executive Order 11514 (35 F.R. 4247) of March 4, 1970, have directed that all Federal agencies, to the fullest extent possible, direct their policies, plans, and programs to meet national environmental goals. The objective of section 102(2)(c) of the National Environmental Policy Act is to build an appropriate and careful consideration of the environmental impacts of proposed actions into the agency decisionmaking process.

1.2 *Bureau participation.* Environmental considerations of fish and wildlife require significant involvement by this Bureau in the preparation of impact statements. NEPA clearly sets forth a Bureau responsibility to fully represent both fish and wildlife resources and their wise use in the 102(2)(c) procedures. This responsibility includes full use of existing knowledge on programs and projects considered as significant Federal actions.

As presently drafted by law, certain aspects of the 102(2)(c) statement concept are open to broad latitudes of interpretation. To make the concept an important component of the decisionmaking process, as is the stated intent of Congress, thoroughness of statement preparation is a necessary Bureau objective.

Because of the significant environmental role the Bureau has to play, and the complexity of applying the impact statement concept, the Bureau 102(2)(c) procedures for preparation of Environmental Impact Statements on the Bureau's program will reflect the following two basic precepts: (1) Resource and technical information for impact statements will, to the extent possible, originate from Bureau sources close to the particular program, project, and/or pertinent discipline; and (2) impact statements will conform to Bureau and departmental environmental policy.

It is important that the Bureau's participation in the 102(2)(c) process be carefully developed to insure a high degree of management, protection, and preservation of fish and wildlife and their habitat, in order to fully reflect the importance of these resources to the human environment. Achievement of such a goal requires program development in the following areas: A widespread in-Bureau knowledge of the intent of NEPA; maximized use of the Bureau's environmental capabilities in the impact statement process; a continuing evolution of internally-consistent Bureau philosophy on environmental matters and the impact statement process; coordination arrangements which will most efficiently channel impact statements into and out of the Bureau; establishment of an information clearinghouse on impact statements and their preparation; development of suitable filing systems for impact statements; development of analytical procedures by which to present knowledgeable and competent evaluation on the environmental impact of all types of actions; and a widespread working knowledge on the mechanics of preparation, definition of terms, and meaning of impact statements.

Procedures for preparation, review, and coordination of impact statements are complicated, and there is little reason to expect that this process will become radically simplified. However, an understanding of the Act, impact statement mechanics, and coordination of statement preparation greatly simplifies the process. The following procedures are presented to assist the Bureau worker in achieving the above objectives.

1.3 *Multiagency statement preparation.* When the Bureau is part of a multiagency task force drafting an environmental statement, the procedures may deviate from Bureau procedures in accordance with special instructions from the Department.

The level of effort required to prepare a statement depends upon the scope and complexity of the proposed action and of the resources involved. A statement on a small, single-purpose Bureau project may be prepared by one man, while a more complex action would require assignment of an interdivisional drafting team.

2.0 *Actions requiring impact statements.*

2.1 *Criteria.* Section 2 of the April 23, 1971, CEQ Guidelines directs that impact statements be prepared on proposals for legislation and other major Federal actions which would significantly affect the quality of the human environment. Criteria set forth in section 5 of the CEQ Guidelines, for actions requiring an impact statement, are as follows:

Actions included. The following criteria will be employed by agencies in deciding whether a proposed action requires the preparation of an environmental statement:

(a) "Actions" include but are not limited to:

(i) Recommendations or favorable reports relating to legislation including that for appropriations. The requirement following the section 102(2)(c) procedure as elaborated in these guidelines applies to both (i) agency recommendations on their own proposals for legislation and (ii) agency reports on legislation initiated elsewhere. (In the latter case only the agency which has primary responsibility for the subject matter involved will prepare an environmental statement.) The Office of Management and Budget will supplement these general guidelines with specific instructions relating to the way in which the section 102(2)(c) procedure fits into its legislative clearance process;

(ii) Projects and continuing activities: Directly undertaken by Federal agencies; supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance; involving a Federal lease, permit, license, certificate, or other entitlement for use;

(iii) Policy, regulations, and procedure making: In addition, departmental guidelines indicate the following actions relating to natural or cultural resources may require an environmental statement:

(1) Acquisition or disposal.

(2) Regulation, permission, prohibition, or other institutional control of their use.

(3) Their operational or physical management.

(4) Construction or operation of various structures to manage the resource.

(5) Recommendations of comprehensive, program, or project plans for this management.

2.2 *Actions initiated after January 1, 1970.* All activities of the Bureau initiated after the passage of the Act (January 1, 1970) which significantly affect the environment are subject to 102(2)(c) procedures.

2.3 *Actions initiated before January 1, 1970.* Procedures for 102(2)(c) should be applied to continuing 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. While it may not be practicable to reverse the basic course of action, continuing major actions should be shaped to minimize adverse environmental consequences. It is also important in continuing actions that account be taken of environmental consequences not fully evaluated at the outset of the project or program. Ongoing or uncompleted programs and projects which were authorized prior to January 1, 1970, are to be reconsidered to determine whether they constitute major Federal actions significantly affecting the quality of the human environment.

2.4 *BSFW Program items not requiring EIS's.* Bureau program items for which it is determined that the impact on the human environment is generally not significant enough to require preparation of an EIS.

It should be recognized that while some of these activities (as studies and planning) may ultimately lead to significant actions, the current level of activity may not warrant an EIS. Items such as river basin studies and planning may develop information necessary to the Corps of Engineers, SCS, Bureau of Reclamation, or other project planning agency in development of an EIS on the major project by those agencies. Construction or operation activities associated with fish and wildlife management programs on Federal or Indian lands may require an EIS, but this should be the responsibility of the managing agency.

[1] Filed as part of the original document.

(1) Establishment of migratory bird hunting regulations.
(2) Regular law enforcement and import surveillance activities.
(3) Establishment of regulations for fishing or hunting, camping, and other recreational uses and for access to Bureau lands.
(4) Establishment and operation of fishery and wildlife units.
(5) River basin studies.
(6) Fishery Services and Wildlife Services studies and planning on military, Indian, and other Federal and private lands.
(7) Maintenance and repair items.
(8) Conservation and education activities.
(9) Establishment of regional offices.
(10) Establishment of field offices and stations.

2.5 *General statements.* Bureau program items for which it is determined that a single general or blanket statement can usually be used to cover each broad program item.
(1) Fishery research program field or development tests.
(2) Wildlife research program field or development tests.
(3) Waterfowl production areas (lease, easement, fee title, or gift).
(4) Federal aid.
(a) P.R.
(b) D.J.
(c) Anadromous fish.

It is recognized that some elements of the programs conducted by the State Fish and Game Departments with the use of Federal aid funds may have significant effect on the human environment. In those cases, it is expected that EISs will be prepared for those specific projects. The State may be asked to provide all necessary information for preparation of the statement.
(5) Wildlife Services (total program).
(a) Animal damage control.
(6) Fishery Services (total program).
(a) Lamprey control.
(7) Executive Order No. 11507 (pollution abatement at our own existing facilities).
(8) Establishment of Bureau policy on off-road vehicle use, control of camping, picnicking, boating, waterskiing, nonconforming recreational uses, hunting, fishing, access to and across, or other uses of Bureau lands.
(9) Routine operation of all existing refuges.
(10) Routine operation of all fish hatcheries.

2.6 *Specific statements.* Bureau program items for which it is determined that specific EISs should usually be prepared for the individual facilities or actions.

(1) Establishment of a new National Wildlife Refuge, Hatchery, or Research Laboratory. Complete to cover all aspects of the new project from land acquisition to construction, development, and operation at the ultimate planned level (Bureau-owned, leased, withdrawn from public land, received by gift, under cooperative agreement, or any other source—including facilities acquired or developed and turned over to the Bureau by the Corps of Engineers, Bureau of Reclamation, or other Federal or State agency, including those as part of a water development or other project, unless fully covered by the EIS of the other agency.)

(2) Wilderness status proposals for Bureau lands.

(3) When a master plan for an existing refuge is completed or an existing master plan is revised enough to indicate a change in the environmental impact from that expected under the earlier plan.

(4) Whenever portions or all of a refuge are to pass out of Bureau control by abolition of the refuge, termination of lease or easement, land disposition (including by exchange), or by lease to Federal, State, or other agency or party.

(5) Whenever any significant action at that facility, not already covered by an impact statement, is to take place (as land acquisition or disposition, construction program, major change in operation practice or the completion or alteration of the master plan occurs), a full impact statement will be prepared.

(6) All major construction items modifying, adding to, or deleting parts of existing facilities where a significant impact on the human environment may result (unless covered by prior EIS).
(a) Refuges.
(b) Hatcheries.
(c) Research laboratories.

(7) Introductory stocking, or rearing for purpose of introductory stocking, of exotic species of fish, birds, mamals, insects, other animals or their parasites into habitat outside their presently established natural range.

(8) Bureau-conducted programs involving use of major quantities of pesticides, herbicides, or other chemical substances for control of organisms.

(9) Major irreversible actions such as cutting of timber or mining on Bureau lands.

(10) Legislative proposals drafted by or for the Bureau which will be favorably supported by the Department.

(11) Legislative proposals drafted outside the Department which are of major concern to Bureau programs and which are to be supported by the Department.

3.0 *EIS on legislative items and budget items.*

3.1 *Legislative proposals and favorable reports on legislation.*—Environmental statements for legislative proposals and reports will be handled in accordance with page 16, section 3A of OMB Bulletin 72–6 (Appendix B) and section 10(c) of the CEQ Guidelines (Appendix A).

3.1.1 *Administration bills.* On draft legislation prepared in the Department as administration bills, EIS's are to be prepared at the request of the Legislative Council. The statements will be available to transmit in approved "draft" form to OMB when the legislative proposal goes to OMB for review and approval. The EIS should be submitted through AS/FWP and AS/PP when sent to the Office of Legislative Counsel for transmital to OMB for its clearance and transmittal to the other Federal agencies for their comments. This draft statement will generally not be advertised in the FEDERAL REGISTER nor made available to public sources not directly involved in the legislative proposal until after the proposed legislation and EIS are transmitted to the Congress. The official full public release of the draft EIS for public review and comment will be made upon the discretion of the Legislative Counsel.

Preparation of the EIS will generally be the responsibility of the Chief of the Division having primary responsibility for the program item.

3.1.2 *Bills originating outside the U.S. Department of the Interior.*—On legislative items (either numbered bills or unintroduced legislation from other agencies) an EIS will be prepared by the Bureau on instruction from the Legislative Counsel when he determines that the Department may recommend favorably on enactment of the proposal. Because of the time factors involved, the Office of Environmental Quality may, in some cases, take the lead in preparing this statement; however, the concerned Central Office Division will generally have this responsibility.

3.2 *Annual budget estimates.*

3.2.1 Environmental statements for annual Bureau budget estimates and annual authorizing legislation will be handled in accordance with page 18, section 3n of OMB Bulletin 72–6 (Appendix B).

3.2.2 An EIS will be required for all items in the budget for fiscal year 1972 and subsequent years, except those items for which it has been determined that an EIS will not be required or which are already covered by an EIS.

3.3 *Time schedules.*

3.3.1 *Fiscal year 1972 budget items.* An EIS will be prepared at once for each construction item in the fiscal year 1972 budget except where the action has already been treated in a statement, or where a general statement can be used to cover a series of similar items, as waste treatment facilities under Executive Order No. 11507.

An EIS will be prepared at once for each wilderness proposal now under consideration unless such a statement has already been completed.

An EIS will be prepared at once for any Bureau program item considered to require such a statement. A broad general statement may be used for those program items identified in section 2.2.5.

3.3.2 *Fiscal year 1973 budget items.* EISs will be prepared at once for all fiscal year 1973 budget items not already properly covered by an EIS, unless it has been determined that an EIS will not be required for that item.

3.3.3 *Fiscal year 1974 and subsequent year budget items.* For all proposed construction items, land acquisition, and other specific program items requiring EISs and not already properly covered by a statement, the Regional Director will prepare a working draft EIS and submit it to the Director, attention Chief of the concerned Division for further processing by not later than May 1 of the calendar year preceding the beginning of the fiscal year for which budget is under consideration.

All general statements for Bureau programs not previously covered by EISs should be prepared by the Chief of the Division as a completed working draft by June 1 of the calendar year preceding the beginning of the fiscal year for which the budget is under consideration.

All EISs prepared as a result of changes in programs previously covered by EISs should be prepared by concerned Regional Office and Central Office Divisions so as to be available for review by the Office of Environmental Quality in working draft form by June 1 of the calendar year preceding the beginning of the fiscal year for which the budget is under consideration.

The Chief of the concerned Division and the Chief, Office of Environmental Quality, shall review and process the draft EISs and transmit them for approval and release by the AS/PP by not later than September 1 of the calendar year preceding the fiscal year in question.

Release of the final impact statements will not be made until after the President's budget is sent to the Congress but will be made prior to congressional hearings on the budget. Copies of the final statements will be sent to the concerned committees of both houses of the Congress when the final statement is transmitted to the Council on Environmental Quality.

3.3.4 *General budget statements.* A general EIS to cover all items in the annual budget not already covered by an EIS will be prepared by the Division of the budget in consultation with the Office of Environmental Quality, Directorate, etc. The draft statement should be available for transmittal to OMB and for approval by the AS/PP by not later than September 1 of the calendar year preceding the beginning of the fiscal year involved.

3.3.5 *Congressional write-in of budget items.* EISs for all budget write-in items not covered by previous statements are to be prepared as soon as possible after Presidential approval of the appropriations bill.

3.4 *Scheduling of EISs.* All budget items will be reviewed at least once each year by the respective Division Chiefs to determine whether additional or revised EISs should be prepared.

All submissions of budget estimates and proposals by the Regional Directors and by the Division Chiefs shall include a list of pertinent official EISs, showing the related budget item and whether each is a draft or final statement and the date of its approval by the AS/PP.

Budget items not requiring an EIS will be identified. Items lacking an official EIS, and for which a statement is to be prepared, will be marked.

Included with the list of official statements will be a list of the EISs to be prepared before the budget is submitted. This list will give the proposed EIS title, current stage of preparation, date when the working draft will be sent to the Central Office, and whether the proposed EIS will be a general or a specific statement or a revision of an earlier one.

4.0 *Preparation of EIS's.*

4.1 *Definition of statements.* The NEPA provides for preparation and distribution of "draft" statements for the purposes of informing the public of the proposed action and of securing comments upon the adequacy of the evaluations made.

For purposes of reducing the confusion inherent in use of the word "draft" in these instructions, the following definitions should be used for "in-house" designations of statements being prepared within the Bureau:

(a) *Working draft statement.*—All versions of the statement during development at the various levels of the Bureau prior to typing as the finished "draft" proposed to be submitted to the AS/PP for his concurrence and transmittal to CEQ.

(b) *Draft statement.*—This is the "draft" which will be approved by the AS/PP and transmitted to CEQ and others for the formal review and comment. It is the official "draft statement."

(c) *Working final statement.*—This is the revision of the official "draft" statement at all levels in the Bureau during its development to incorporate official comments into the "final" statement. The term "working final" will serve to differentiate the working paper at this stage from the "final" statement.

(d) *Final statement.* The "final" statement is the document after the revision of the draft to reflect comments received. The term "final statement" will apply from the time this document is typed for submission to the AS/PP for his concurrence and transmittal to CEQ as the "final statement." It is the official "final statement."

It should be noted that the expression "preliminary draft" is not used. This is deliberate since it has been widely used in the past, sometimes with meanings not applicable here.

It is suggested that each page of each stage of the EIS under development be marked in the lower left-hand corner with the appropriate phrase of "working draft," "draft," "working final," or "final" in order to reduce confusion in the process of review and revision of the numerous versions of the documents. The date of preparation should also be included in the lower left-hand corner of each page.

4.2 *Responsibility to determine when EIS are required.*

4.2.1 It will be the responsibility of the Chief, Office of Environmental Quality to determine, after proper consultation with the concerned members of the Directorate, Division Chief, Regional Directors, Associate Solicitor, and Director, Office of Environmental Project Review, whether an EIS is needed for a particular item and whether a general EIS may be used for a Bureau program element.

4.2.3 The Chief, Office of Environmental Quality, may, after proper consultation, recommend preparation of an EIS on specific elements of any program, even if already covered by a general EIS, if the matter is, or becomes, controversial, if potential environmental impacts not previously identified are suspected, if the general program element is altered by deletion or addition of any technique, substance or geographic area not previously involved, or by change in use or control of any area or element of the program, or when, in his judgment, it is necessary to do so in order to comply with NEPA or that it would be in the best interest of the public or the United States to do so.

4.2.4 Regional Directors and Division Chiefs may at their own discretion prepare or revise impact statements on any Bureau program or element of such program, whether previously covered by an EIS or not, when in their judgment it is required to comply with NEPA, or it is in the best interest of the public or the United States to do so.

4.2.5 It is anticipated that a program action need be covered but once by an EIS. Therefore, project descriptions in the EI statements should be as complete as possible and should anticipate long-range, future courses of action to the best extent possible. This will not only permit a more complete evaluation of the action and its environmental impacts, but will also minimize the workload in preparing and revising EISs.

4.2.6 EIS's, whether specific to an individual action or of a broad scope covering a generalized program, will be revised and updated whenever there is sufficient change in that program to alter, extend, or reduce the environmental impacts of that program or whenever there are sufficient changes in the physical, biological, social, or legal environment outside the Bureau to cause the unchanged program of the Bureau to have a different environmental impact than that expected when the EIS was written.

4.3 *Content of impact statements.* An environmental impact statement should objectively identify areas of environmental impact which are or may be associated with the proposed action. Conclusions reached in the statement itself should be analytical in nature, and they should not represent a decision on, or a justification of the proposed action. A statement should be comprehensive, concise, well-documented, and cover ancillary developments of the proposed program or action. A narrative form of discussion should be used. When relevant, maps, management plans, or development plans should be attached to substantiate portions of the statement.

4.4 *Impact statement format.* A universal and well-defined format is a basic prerequisite for preparation of environmental impact statements, and this format should be followed throughout the statement. The proper draft statement will have nine sections plus a cover and summary sheet (pursuant to Departmental Manual 516.2.1). Final statements will have an additional section "Substantiating Attachments." Though seemingly repetitious in some respects, each of these sections has a specific meaning and serves a useful purpose in the total statement package. In order to enhance organizational communication and quality of final statements, the format provided by these sections will be rigidly adhered to in the preparation of Bureau statements. A model outline for preparation of Bureau impact statements is provided in Appendix IA.

4.4.1 *Cover sheet.* Every environmental statement will have a cover sheet indicating the type of statement, a brief but descriptive title, the responsible organization, the date, and the signature of the responsible official. The format is provided in Appendix IB.

4.4.2 *Summary sheet.* Each environmental statement will have a one-page summary sheet prepared in accordance with Appendix I of the CEQ Guidelines. Formats are provided in Appendix —.

4.4.3 *Description of the proposed action.* CEQ Guidelines emphasize the need for a description of the proposed project or program adequate to permit a careful assessment of environmental impact by commenting agencies. On some projects it is difficult to summarize details concerning construction and size of operation. However, unless the description is extensive enough to permit appraisal of the potential impacts, the overall environmental impact of the project may not be clear.

Environmental impacts are often the result of identifiable lesser elements of an overall project. Therefore, it is usually necessary to include in the project description a fairly detailed explanation of the project and how it will be accomplished in order to adequately identify the impacts of the project on the human environment.

Where an existing program or project is being added to, the description of the proposed action should describe the existing elements in the best possible detail. It is essential that the description permit easy determination between existing and new items.

The activity description, as when describing a new refuge or other physical installation, should seek to cover all elements of the activity, as land acquisition, construction, development, management, and operation. The ultimate long-range program for the unit should be described insofar as the expected activity can be described.

All statements must include identification of waste discharges to water bodies and fully discuss the type of treatment facility included for each discharge, the level of treatment achieved (as the percentage of B.O.D. removed, etc.), the quality of water discharged, and an assessment of the impact of the discharge on the receiving body of water, including compliance with applicable standards.

Discharges to the atmosphere should be identified and any treatment facilities identified with an assessment of the impact on the environment.

Solid waste disposal plans and any special waste disposal problems, as toxic substances from bioassay work or diseased animals from experiments or autopsy work, should be identified and treatment facility or disposal technique identified together with an assessment of the impact on the environment.

Where relevant, maps should be provided. Management or construction documents should be referenced and in some cases may be appended.

4.4.4. *Description of the environment.* Experience with impact statements in general and environmental evaluation in the past have shown that it is essential to have a thorough description of the physical and biological environment which would be affected by the project or program. Careful and detailed descriptions of the existing human uses must be included as well as the existing fish and wildlife habitat and populations.

While emphasis on fish and wildlife and their habitat is expected to appear here, it is vital to fully treat the human environment. Potential uses and values of importance to quality of the human environment. Potential uses and values of independence on the area, since the critical evaluation is directed toward determining change in the quality of the human environment. Evaluations of effects on fish and wildlife and their habitat will be related to the impact on the quality of the human environment.

This secton may prove one of the more influential in an impact statement in that it provides readers with a perspective of the quality of the specific biota and habitat which would be affected.

Descriptions should recognize all natural resources of unique or great aesthetic value and should describe general topography, vegetative types and land use patterns. Description or enumeration of endangered species or other biota characteristics provide a good baseline for measuring potential impacts which may result from an action or project. A well-prepared statement will summarize nearly all of the available fish and wildlife information, both published and unpublished, about the area of influence pertinent to the proposed action. In cases where background information is voluminous, it would not be feasible to include reference to all background information. However, it is desirable to include enough information to allow thorough documentation of the resources.

Existing facilities should be described where they are important parts of the existing environment.

4.4.5 *Environmental impacts of the proposed action.* This section includes a complete accounting of the expected impacts of the proposed action on the environment. Special emphasis is placed on effects on the quality of the human environment which includes not only human health and wealth but the quality of human life as measured in aesthetic terms.

The section should be comprehensive, detailed, and discuss both tangible and abstract aspects of project impact. It should include all known detrimental or beneficial impacts, including those which could be considered as direct, indirect, potential, secondary, ancillary, and social. When a potential impact might or might not necessarily occur with a project, it is still desirable to discuss it, as its potential nature makes it important. Wherever possible, these impacts will be quantified.

The discussion should include the impact upon the economy and social conditions as well as upon the micro and macro environment, fish and wildlife resources, and other values. Specific mention should also be made of unknown or partially understood impacts, including any associated requirements for research or monitoring. Effects on recreational facilities, including parks, wild rivers, refuges, hatcheries, wilderness areas, etc., will be discussed here. This section is a summary of all impacts and following sections may deal with specific conditions described here.

All waste discharges and their impact on the environment must be discussed here.

No set outline is proposed for this section, since impacts and areas affected will vary from project to project, and development of an outline specific to each different project or program will be necessary. However, Appendix III is presented as a partial list of sample items to consider in preparation of the probable impacts section.

4.4.6 *Mitigating measures included in the proposed action.* A section on mitigating factors may be prepared, where appropriate, and shall include a discussion of measures which are proposed to be taken or which are required to be taken as a part of the proposed action in order to protect or reduce impacts upon the environment. Mitigation measures may include any associated research or monitoring.

(1) With respect to water quality aspects of proposed actions which have been previously certified by the appropriate State or interstate organization as being in substantial compliance with applicable water quality standards under the provisions of the Federal Water Pollution Control Act, as amended, discussion shall include reference to that certification and the comments of the Environmental Protection Agency.

(2) With respect to water and air quality aspects of proposed actions which have been found by the Environmental Protection Agency to meet the requirements of section 4(G)(1) of Executive Order No. 11507, Prevention, Control, and Abatement of Air and Water Pollution at Federal facilities, discussion shall include reference to this finding.

(3) All waste treatment facilities being constructed pursuant to Executive Order No. 11507 at existing facilities of the Bureau may be covered in a single general EIS, provided, however, that each different type of treatment device (i.e., settling ponds, recirculating filter system, septic tanks, etc.) must be adequately described and each hatchery, laboratory, or refuge must be described in a separate paragraph or section, which is to include identification of treatment devices at that facility, volume and kind of waste treated and discharged, degree of effectiveness of treatment, the impact of the discharge on quality of the receiving water or atmosphere, and a statement of compliance with applicable water or air quality standards.

4.4.7 *Unavoidable adverse impacts.* This section provides a discussion of those impacts which would occur of the project were implemented, regardless of what human efforts were made to avoid adverse impacts. As with the balance of the impact sections, this section is abstracted from the environmental impacts section. By nature, this section is much shorter than the probable impacts section, and it includes those impacts which cannot be reasonably avoided, regardless of laws, stipulations, treatment facilities, or other techniques for minimizing impacts. The material included should be carefully edited to exclude mention of impacts which could be avoided or mitigated.

4.4.8 *Alternatives to the proposed action.* The agency responsible for preparation of the impact statement is required to study, develop, and describe potential alternatives to the recommended courses of action. The CEQ Guidelines call for rigorous exploration and evaluation of alternatives, which might avoid some or all of the adverse effects. The section should include exploration of alternative actions that will minimize adverse impacts, as well as analyses of costs and impacts that would accompany the alternatives. The area of alternatives is one of the more difficult to deal with since biologists often lack the training needed to evaluate engineering and economic techniques. This section provides the opportunity to air potential ecological alternatives.

4.4.9 *Relationship between local short-term use of man's environment and the maintenance and enhancement of long-term productivity.* Project or program implementation involves short- and long-term use of the environment. The intent of this section is to compare the relative values of short-term use and the long-term productivity of the habitat (e.g., if the fish and wildlife habitat were left undisturbed instead of being developed for nonfish and wildlife values). A good perspective for preparation of this section is to consider the values of the project site to the human environment over a long term and discuss whether these values exceed those of the short-term use for project implementation.

4.4.10 *Irreversible and irretrievable commitments.* The intent of this section is to pinpoint the extent to which the proposed action would curtail beneficial environmental values. The section will discuss any irrevocable uses of resources, including such things as resource extraction, wilderness destruction, cutting of virgin timber, erosion, destruction of archaeological or historical sites, elimination of endangered species habitat, and significant changes in land use. This section could be viewed as an abstracted version of the unavoidable adverse impacts section, since it also principally deals with factors and impacts which could not be avoided with the project.

4.4.11 *Consultation and coordination with others.*—This section will have two parts.

(a) *Consultation and coordination in the development of the proposal and in the preparation of the draft environmental statement.*—This section will describe the public participation efforts of the bureaus and the consultations with Federal, State, local, and individual interests with jurisdiction or special environmental expertise in the development of the proposal and the preparation of the draft environmental statement, including preliminary statements.

(b) *Coordination in the review of the draft environmental statement.* This section will indicate the procedures used in disseminating the formal draft environmental statement and will list the organizations from which comments have been requested. Upon preparation of the final environmental statement this section will be expanded to summarize public response and to indicate from whom replies were received, their disposition, and any unresolved conflicts.

4.4.12. *Substantiating attachments to final environmental statements.* These will include all responses from other Federal agencies which have jurisdiction by law or special environmental expertise and from Federal, State, and local agencies which are authorized to develop and enforce environmental standards. Comments from responsible private organizations and recognized experts will also be attached.

4.5 *MBCC land acquisition.* All land acquisition items going before the MBCC for approval should be treated in an EIS prior to presentation to the MBCC for approval.

The statement should be at least in a completed draft stage suitable for approval and transmittal to CEQ by the AS/PP.

5.0 *Routing of working draft, draft, and final draft statements.*

(1) Completed working drafts will be routed to the Division Chief responsible for that element of the Bureau program. Those drafts prepared in a region will be sent to the Division Chief by the Regional Director through the Director, BSFW.

(2) The Division Chief, after reviewing the working draft, as to its adequacy, accuracy, and proper reflection of Division responsibility, will forward it through his appropriate Assistant Director, to the Chief, Office of Environmental Quality (OEQ).

(3) The Chief, OEQ, will review the working draft and determine if it is adequate as an EIS, and if it complies with the Guidelines of CEQ, the Department and the Bureau. If the working draft is not acceptable he will return it with his comments to the Division Chief for revision.

If it is acceptable, he will return it to the Division Chief with instructions to type it as a draft impact statement and reproduce a specified number of copies.

(4) The Division will type and reproduce the "draft" statement and forward them to the OEQ.

(5) The Chief, OEQ, will prepare and sign a memorandum (See Appendix) to the ASPP routing it through the appropriate Assistant Director, Director and ASFWP asking the approval of the Director and ASFWP and concurrence of the ASPP.

(6) The Chief, OEQ, will also prepare and attach two letters for the signature of the ASPP. One of these will convey — copies of the "official draft" statement to the Chairman of the CEQ and the other will convey a notice to be published in the FEDERAL REGIS-

TER announcing release of the "draft" and advising the public of where it can be obtained.

(7) Upon notification by the AS/PP of his approval and transmittal of the draft statement, the Chief, OEQ, will promptly transmit to all the parties and agencies designated on the review list, copies of the draft and invite their comments, if any, within 45 days. Circulation to Federal agencies will be through the offices designated in Appendix III of the CEQ Guidelines. Distribution to the State will be through the appropriate State clearinghouse.

(8) If the proposed project concerns an action related to air or water quality, noise abatement and control, pesticide regulation or solid waste disposal, a statement will be sent to the Administrator of the Environmental Protection Agency. His comments will apply to section 309 of the Clean Air Act and section 102(2)(c) of NEPA. A period of 45 days shall be allowed for such review.

(9) All review comments on draft statements are to be sent to Chief, OEQ, by the reviewers. Comments misdirected to other offices, etc. will be forwarded to the Chief, OEQ, promptly.

(10) The Chief, OEQ, will maintain a log regarding the status and disposition of each statement. All comments received from reviewers will be logged and held in OEQ until the review period, including any extensions requested and granted, has [illegible]ed.

(11) At the expiration of the review period, and any extensions thereto, the Chief, OEQ, will send all comments from reviewing entities to the division from which the statement originated. The Chief of the Division will then develop a "working final" statement by revising the "draft" statement to incorporate comments from the reviewing agencies.

(12) The "working final," incorporating comments of reviewing agencies and with comments from reviewing agencies attached, will be sent by the Division Chief to the Chief, OEQ.

(13) The Chief, OEQ, will review the "working final" statement and if it is acceptable will return it to the Division Chief for typing as the "final" statement and for reproduction in the appropriate number of copies.

(14) The Division Chief will then forward the copies of the "final" statement to the Chief, OEQ. The Chief, OEQ, will prepare and sign a memorandum conveying the "final" statement through the appropriate Assistant Director, Director and AS/FWP for their approval, to the AS/PP for his review and concurrence.

(15) With this memorandum will be two letters for signature of the AS/PP, one conveying — copies of the "final" statement to the CEQ and the other conveying a notice for publication in the FEDERAL REGISTER announcing to the public the availability of the "final" statement and locations where it may be obtained.

(16) Upon approval of the "final" statement by the AS/PP it becomes official. When he notifies the Chief, OEQ, of the completion of his actions, the Chief, OEQ, will immediately transmit a copy of the final statement to all the recipients of the original "draft" statement, all those who made written comment on the "draft" and all those who have requested copies of the final statement.

6.0 *Responsibilities.*

6.1 *Assistant Secretary—Program Policy* (pursuant to Departmental Manual 516.2.1).

(1) As he may deem appropriate, shall establish or approve task forces and/or appropriate bureaus and offices to prepare environmental statements in special cases.

(2) Shall designate lead bureaus within the Department and shall consult with CEQ and other Federal agencies in the designation of lead agencies.

(3) Shall review and endorse, prior to transmitting to CEQ, all draft and final environmental impact statements as to their form and content and conformity, in order to determine whether they are formulated in accordance with and represent the full and balanced interests of the Department.

(4) Shall review and approve all Bureau and office procedures for the preparation and utilization of environmental statements.

6.2 *Assistant Secretary for Fish and Wildlife and Parks* (pursuant to Departmental Manual 516.2.1.).

(1) Shall maintain direct and continuing supervision of the bureaus and offices under his jurisdiction in meeting the requirements of section 102(2)(c) of the Act.

(2) Shall review and approve all environmental statements prepared by bureaus and offices under his jurisdiction before forwarding them to the Assistant Secretary—Program Policy.

6.3 *Secretary's Field Representative* (pursuant to Departmental Manual 516.2.1.).

(1) Shall resolve bureau differences that may occur during the preparation of environmental statements.

6.4 *The Solicitor* (pursuant to Departmental Manual 516.2.1.).

(1) Shall assist bureaus and offices in identifying actions requiring environmental statements and in the clarification of legal technicalities.

6.5 *The Legislative Counsel* (pursuant to Departmental Manual 516.2.1).

(1) Shall insure that bureaus and offices prepare environmental statements for legislative proposals of the Department which have significant impact upon the environment.

(2) Shall coordinate or delegate the preparation of environmental statements for favorable reports on bills principally concerning the Department which have significant impact upon the environment.

6.6 *The Director of Communications* (pursuant to Departmental Manual 516.2.1).

(1) Shall maintain a public file or index of draft and final environmental statements which have been transmitted to CEQ and shall arrange for making such statements available for inspection in accordance with the provisions of the Freedom of Information Act.

6.7 *The Directorate.*

(1) The Directorate is responsible for Bureau compliance with the requirements of the National Environmental Policy Act of 1969.

6.8. *Chief, Office of Environmental Quality.*

(1) Has lead role in developing a continuing Bureau-wide impact statement coordination system. Updates Bureau Guidelines, as needed.

(2) Signs for the Director all Bureau draft and final impact statements after determining that these documents conform to Bureau environmental policies.

(3) Provides Bureau-wide assistance resolving 102(2)(c) procedural questions, concerning such things as interpretation of the Act, Bureau Guidelines, environmental information, etc.

(4) To the degree possible foresees departmental impact statement efforts and contacts on an informal basis appropriate Division Chiefs, Regional Directors, and other staff, so that coming efforts can be anticipated and planned for. Coordinates or arranges coordination of intradivisional Bureau involvement for both Bureau and departmental impact statement preparation and reviews.

(5) Maintains a log book and record system of showing the status of all "working draft," "draft," "working final," and "final" stages of all EIS's after the "working draft" statement is first submitted to the Office of Environmental Quality for review. Maintains a list of all official draft and final impact statements released by the Bureau. Maintains a file of all released draft and final EIS released by the Bureau.

(6) Receives, logs, and maintains a file of all comments received from reviewers of draft and final EIS's formally submitted for review until completion of the formal review period and all extensions granted thereto.

(7) Provides administrative information as required on the Bureau's 102(2)(c) involvement.

(8) Provides guidance in final decisions regarding Bureau actions which will require impact statements.

(9) Is responsible for circulating formal draft and final Bureau impact statements according to the procedures set forth by the Department, CEQ, and the Freedom of Information Act, including establishment of length of review period and granting of extensions thereto.

(10) For Bureau impact statements, involving the use of interdivisional expertise, initiates the selection of drafting team members and chairmen and provides available direction and expertise, as needed, to assist the drafting venture.

(11) Upon receipt of a departmental impact statement preparation assignment, assesses the degree of Bureau involvement and relative complexity of the statement, and then formally contacts appropriate Assistant Director(s) and Division Chief(s). Conducts necessary coordination to determine that appropriate expertise and time allotments are available to meet the task. Coordinates selection of a drafting team, including one primary coordinator to direct the drafting venture. Provides the designated statement coordinator with available details, background information, and contacts which will expedite statement preparation.

6.9 *Division Chief.*

(1) Is responsible for preparation of impact statements on programs or projects specific to his (their) Division. Supervises selection of personnel to prepare reports and makes assignments as necessary.

(2) Designates a Divisional Environmental Coordinator who will represent him in 102(2)(c) matters. The coordinator will have the responsibility of developing and maintaining divisional coordination procedures within the framework developed by the Chief, OEQ sufficient to meet impact statement preparation and review requirements.

(3) Reviews and approves draft and final statements prepared under his supervision and routes them to the Chief, OEQ.

(4) Maintains the permanent Central Office file for each EIS prepared, including copies of draft and final statements and any ntermediary stages of these statements required for the records and including the original copies of any written comments received from any agency or person as a result of the formal request for comments on the draft or final statement.

(5) Is responsible for coordination with other Divisions of the Bureau and with the responsible Regional Directors and with other agencies of the Department as may be required during preparation of all stages of the EIS conducted by his Division.

6.10 *Regional, Laboratory, Area Directors.*

(1) Designates a Regional, Laboratory, or Area Environmental Coordinator who will have the responsibility of developing and maintaining coordination procedures within the framework developed by the Chief, OEQ, sufficient to meet impact statement preparation and review.

(2) At the request of the Chief, OEQ, assigns appropriate regional personnel to assist in the preparation of Bureau, departmental, or extra-departmental statements.

(3) Transmits all working draft EIS's to appropriate Division Chief.

(4) In the event of questions or difficult deadlines, contacts the Chief, OEQ, for resolution or rescheduling.

(5) Determines need for public hearings.

6.11 *Drafters and reviewers.*

(1) Develops an understanding of 102(2)(c) procedures for review and preparation of impact statement material, as set forth in these guidelines.

(2) Upon receipt of assignment, conducts review or drafting effort following Bureau Guidelines. Develops and drafts fish and wildlife material or comments, and surnames resulting draft.

(3) When assigned as primary coordinator of multidiscipline drafting or review effort, conducts necessary coordination to complete the assignment.

(4) Obtains guidance as required from Regional Environmental Coordinator.

AGENCY FOR INTERNATIONAL DEVELOPMENT

[Transmittal Letter 11:64; Circular 1221.2]

CONSIDERATION OF ENVIRONMENTAL ASPECTS OF U.S.-ASSISTED CAPITAL PROJECTS

I. *Purpose.* This manual circular is issued to alert missions to the need to insure that project feasibility studies, in analyzing the development benefits of a proposed project, include the identification and assessment of the economic and social environmental costs of the project.

II. *Policy.* It is the policy of A.I.D. to require, during the planning stages of capital projects, consideration and assessment of the direct or potential effects of environmental aspects of each project.

A. The National Environmental Policy Act of 1969 provides that the United States will "promote efforts which will prevent damage to the environment and biosphere, and stimulate the health and welfare of man." The Act calls upon all agencies of the Federal Government to review programs and procedures with "particular reference to their effect on the environment and on the conservation, development and utilization of natural resources."

B. In this context A.I.D. has an important but most difficult role when analyzing and considering the financing of capital projects. There are vast differences in the stages of development between the developed and the developing countries, in the degree of untapped resources, and in the relative economic benefits from projects in contrast to their environmental effects and costs. There are also significant differences in cultural values and the manner in which the developing countries will weigh the economic development advantages of a project against its economic and environmental costs and the resulting effects on the quality of life in the developing country. However, A.I.D. is to help to determine in the design of projects that there is an identification of the environmental costs—project costs and effects which have become evident in the United States and other more developed societies, which we are now finding most difficult and costly to overcome and which through foresight and adequate planning can be avoided.

C. In varying degree, feasibility studies of A.I.D. projects have taken environmental factors into consideration. For example, watershed protection is considered in hydro projects, erosion protection in highway design, location, and internal project design factors in industrial plants or complexes. It is now the policy of A.I.D. not only to focus more carefully on environmental considerations but to attempt to identify more fully the effects of technological change on the environment and their immediate and longer range costs. It is recognized that some of these factors are difficult to consider in the context of specific projects, since they involve broader questions of land and water use planning and natural resource allocation. Nonetheless, future capital project feasibility studies will include in their scopes of work the requirement for such environmental analyses and the results thereof to be expressed quantitatively where facts, concepts, and/or data permit.

III. *Procedure.* A. Interim—Until more formal concepts and instructions can be developed and issued through appropriate manual orders, it is requested that Missions institute the following in collaboration with the host country:

1. For feasibility studies which do not yet have completely developed and approved scopes of work, the Mission is to consider with the borrower/grantee (B/G) the desirability of including in the scope of work an assessment of environmental factors not already covered. The extent and character of specific elements of such an assessment will be left to the determination of the B/G and the Mission Director whose position will reflect the concepts outlined in this manual circular as well as general policy advisory material which was outlined in AIDTO Circular A–688, dated March 25, 1970.

2. For feasibility studies currently going forward under approved scopes of work and approved contracts, the Mission is to explore the possibility of including appropriate assessments under the contract before the work is completed. If the B/G agrees as to the desirability, discussions can be initiated between the B/G and the contractor to determine the additional amount of work required and the methods to be employed in providing the necessary expertise. Should the B/G not agree to inclusion of such assessment in a particular study, the Mission will make a judgment of the environmental effects of the project and if it concludes that they are of appreciable significance and beyond the capability of the Mission staff to evaluate, it will request A.I.D./W to obtain expert assistance through PASA arrangements with an appropriate U.S. Government agency or through the use of the basic ordering agreements for specialized engineering contract services ("M.O. 1425.1—Specialized engineering contract services"). The Mission is to provide, in case either type of assistance is desired, an appropriate PIO/T.

B. A.I.D./W has embarked on a review and possible revisions of its prescribed planning requirements as issued in "M.O. 1221.2—Feasibility studies, economic and technical soundness analysis, capital projects." Until those new instructions are issued this manual circular will be in effect.

C. Capital assistance papers submitted in the future will include the appropriate consideration of environmental factors as developed in accordance with the above and future instructions.

Effective date: August 18, 1970.

[Transmittal letter 11:72; Circular 1214.1]

PROCEDURE FOR ENVIRONMENTAL REVIEW OF CAPITAL PROJECTS

Effective date: September 20, 1971.

I. *Introduction.* A. To implement A.I.D.'s policy to conform with the intent and objectives of the National Environmental Policy Act of 1969 (NEPA, Public Law 91–190) in respect to capital projects abroad (1) for which U.S. assistance through A.I.D. has been requested and (2) which it is determined may significantly affect the quality of the human environment, the following procedure will be followed to provide the Council on Environmental Quality (CEQ), and such other Federal agencies as A.I.D. may select, an opportunity to be informed about and comment on such projects as part of the A.I.D. project review process. In addition, in accordance with the intent of NEPA and the provisions of the Freedom of Information Act (5 U.S.C. 552), the procedure will make available to the public, at the appropriate time, information on the environmental implications of such projects, and the methods by which the environmental aspects are to be treated in the project.

B. It is recognized that the relationship between A.I.D., as an agency of the U.S. Government, and a prospective foreign borrower/grantee is different in respect to the degree of A.I.D. participation in the decisionmaking process regarding a capital project than is the case with domestic agencies participating in decisionmaking on intra-U.S. governmental projects. The proposed project is not, in the foreign assistance case, a U.S. project and the final decisions concerning that project are not properly the responsibility of the United States, but of the requesting foreign country or agency. The intent is to work with the assisted foreign country or agency to insure that project analysis and design reflect consideration of environmental factors and the alternative means, with associated costs/benefits, of minimizing undesirable environmental side effects while maximizing beneficial environmental results. There is no intent to impose U.S. standards, priorities, or solutions on a foreign government through this procedure. At the same time, A.I.D. on behalf of the United States is involved in reaching a decision of its own, viz. whether to provide assistance to the project. The proposed procedure recognizes the bilateral nature of the decisionmaking process and seeks to fulfill the NEPA objective of thorough environmental review while giving appropriate weight to the judgment of the foreign country involved.

C. For the above purposes, the following procedure will be followed by A.I.D. in considering requests for capital assistance to projects overseas.

II. *Procedure*—A. *Applicability.* 1. The steps outlined below will be followed for all projects for which capital assistance (loan or grant) from A.I.D. is requested, and which have reached the stage at which either (a) a prefeasibility or feasibility study or (b) an intensive review request (IRR), whichever is first, is being considered. It will apply to capital projects being considered for dollar assistance from A.I.D. appropriated funds (all appropriation categories) or from U.S.-owned local currencies in those cases where A.I.D. is responsible for the authorization of the uses of such currencies. It will not apply to projects financed with country-owned local currency, although A.I.D. should encourage assisted countries to identify and evaluate environmental considerations in planning and executing capital projects financed with country-owned local currencies generated by assistance programs. Capital projects for the purpose of the application of the proposed procedure, would be defined as set out in "M.O. 1201.1—Capital Assistance: Introduction and Definitions," and "M.O. 1099.1—A.I.D. Implementation System." Capital Assistance is defined in paragraph II. and Attachment A of "M.O. 1201.1" and in paragraph I.D.2. of "M.O. 1099.1."

2. Sector programs, or sector loans, a category not now separately defined by manual order, will have to be evaluated to determine whether they, in fact, constitute a series of "projects" in a sector, in which case such "projects" will be evaluated to determine whether the procedure applies or not. If the sector loan or grant, upon examination, consists of local cost or foreign exchange financing in respect to or in support of a sector-wide program of diverse policy, institutional or investment actions by the assisted government or agency, the proposed

procedure would presumably not apply, although such a presumption should be examined in each case.

B. *Selection.* 1. The first step in the procedure will require a determination, initially made by the A.I.D. organizational unit (in the field or in A.I.D./Washington) responsible for the development of the capital assistance proposal, that a capital project does or does not qualify as a project with a significant environmental impact. This determination will be reviewed and approved by the responsible Regional Bureau or equivalent in A.I.D./Washington.

2. Since, in the broadest sense of the term, all developmental activities have, or should have, environmental impact in the sense that they improve the quality of life, increase production, create jobs, improve standards of living, etc., it is clear that more selective criteria are required. Common sense and the rule of reason are probably the best techniques to apply. When a project will clearly have potential deleterious environmental side effects; e.g., air, water, or thermal pollution; noxious emissions; effects on ecological systems; use of potentially toxic materials; etc., it would be obvious that the environmental impact should be analyzed, alternative methodologies studied, and appropriate safeguards proposed as integral parts of project design and implementation. Projects such as dams, irrigation, roads, industrial plants, malaria or other disease vector control projects, power generating facilities, etc., would, a priori, appear to fall into this category. At least, the questions of whether such projects have a potential for significant adverse environmental effects should be addressed, examined, and answered for such type of activity.

3. At the other end of the scale, projects which provide financing for intermediate credit institutions, development banks, mortgage banks, educational or health services and facilities of a general nature, capital markets, credit unions, savings and loan institutions, etc., when the environmental implications, if any, are the result of second- or third-level actions, removed in time or space from the original project action, and difficult, if not impossible, to predict, the presumption would be that a detailed analysis of the environmental impact of the ultimate subprojects could not be determined and, therefore, would not be required. This presumption should, of course, be addressed and tested in each case. In between, there will undoubtedly arise projects of a type which cannot be categorized in advance; hence judgment and a realistic appraisal will have to be applied.

C. *Action.* 1. When a capital project is determined by the Bureau with initial action responsibility to have significant, potential, adverse environmental implications, this judgment will be recorded at the earliest possible stage in the project development process, the borrower/grantee will be informed, and all subsequent actions will reflect this consideration.

2. Pursuant to "M.C. 1221.2—Consideration of Environmental Aspects of U.S.-Assisted Capital Projects" (TL 11:64), feasibility and nonfeasibility studies for capital projects are required to include in their scopes of work the requirement for environmental analyses. When the feasibility or prefeasibility study has not yet been accomplished or when A.I.D. participation in such studies is not required, the initial identification of environmental problems, the need for analysis, and the proposed methods of dealing with such aspects will be incorporated in the intensive review request. It will be the responsibility of A.I.D. reviewing and approving authorities for feasibility studies or IRR's to insure that environmental considerations have been identified and that means for analyzing and dealing with them are adequately incorporated in the proposal.

3. Review of scopes of work or IRR's for environmental impact purposes will include, but not be limited to, a consideration of:

a. The environmental impact of the proposed action.

b. Any adverse environmental effects which cannot be avoided should the proposal be implemented.

c. Alternatives to the proposed action.

d. The relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity.

e. Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

4. When the reviewing or approving authority, the Regional Bureau or its equivalent, determines that a project proposal should be made the subject of a prefeasibility or feasibility study, or when it approves and issues an authorization for IR, whichever is first, it will include the necessary instructions for consideration of environmental issues in its approval action. At this time in the process, the approving authority will notify the Office of Development Finance, and provide the relevant information and/or copies of the documents.

5. At periodic intervals (to be determined in light of the workload) AID will send a summary report of such approved feasibility or prefeasibility studies and/or IRR's to the CEQ. This report will identify the project, its general purpose, location, etc., and will, to the extent possible at this stage, enumerate (a) the environmental factors which have been identified, (b) the proposed method for analyzing and evaluating such factors, including a listing of such outside, expert opinion and advice as may be proposed for consultation on such matters.

6. The purpose of this proposed report is to inform the CEQ, at the earliest practicable date, of initiation by AID of serious project development action on proposals with significant environmental implications. It will not be necessary to transmit the full documentation on the project proposal to CEQ at this time, although CEQ would be free to review such documentation in AID, if it wished, or to offer such comment or advice to AID as it might deem appropriate at that stage. No distribution of these reports would be made other than to CEQ unless a request was made to and approved by AID. Such requests would have to be reviewed in the light of the classification or administrative control status of the documentation at that stage.

7. As project development proceeds, the information, technical data, analysis, and proposed solution of environmental problems will be made available to the borrower/grantee and will accompany the project proposal through the review process with the borrower/grantee and within A.I.D. CEQ would be free to participate in the review process in A.I.D./W. Other Federal agencies having expertise in the subject matter will, at the invitation of the reviewing authority in A.I.D. (Regional Bureau or its equivalent), be invited to participate.

8. When, and if, the project proposal reaches the stage where a formal project approval document (loan paper or capital grant approval document) is under preparation for A.I.D. consideration of financial assistance to the project, the results of the analyses outlined in paragraph II.C.3. above, proposed solutions, cost implications, etc., will be included as an annex to that document entitled, "Environmental Analysis." The Environmental Analysis annex should be a balanced, summary presentation of the anticipated environmental benefits of the project, as well as an analysis of the environmental problems involved. The annex should include, but need not be limited to, a discussion of the factors outlined in paragraph II.C.3. above, and should:

a. Describe how and by whom the project analysis, including the environmental protection aspects, was carried out.

b. Describe the environmental problems involved.

c. Describe, when applicable, alternative project designs, techniques, and methodologies examined.

d. Discuss the reasons for the choice of the recommended project design and the environmental protection measures recommended or, when appropriate, why such measures are not recommended.

e. Discuss the effect of any special measures recommended for environmental protection purposes on project costs and on the economic evaluation of the project.

f. Discuss, when appropriate, the environmental aspects of the project in relation to the overall cost/benefit analysis.

9. CEQ will be notified when project documentation, including the annex, reaches the stage where formal A.I.D. authorizing action is under way (Development Loan Staff Committee consideration for loans or equivalent for grant projects). CEQ would be free to be represented and participate as a nonvoting member at DLSC or equivalent meetings when projects subject to this procedure are under final interagency consideration.

10. Following DLSC review, final recommendations to the Administrator or other authorizing officer for formal authorization of the project will reflect the analysis of the environmental aspects of the project, the preparatory work done thereon, any unresolved issues, etc., as is done with economic, technical, and financial aspects. The Environmental Analysis annex will be an integral part of the project documentation (loan or grant paper) on the basis of which the final authorization is recommended.

11. At the time when a capital project is authorized by A.I.D. and when the borrower/grantee is notified of the authorizing action, the environmental analysis annex of the authorizing document will be extracted from the documentation and 10 copies will be transmitted to the CEQ, under cover of a letter of transmittal from the authorizing official. These copies will be distributed by CEQ to:

a. CEQ Council and staff.

b. National Technical Information Service (for public availability).

c. Library of Congress Environmental Section (for congressional availability).

d. Environmental law reporting services.

In addition, CEQ will list the annex in its monthly publication, the "102 Monitor."

12. It is recognized that the project authorization is, in reality, an authorization to enter into negotiations concerning the provision of assistance to the project. No final action, irrevocably committing the U.S. Government, is taken until such negotiations are completed and a formal agreement is drafted and signed by duly authorized representatives of the United States and the recipient foreign entity. During these negotiations, the environmental analysis annex should be made available to the borrower/grantee and, when appropriate, agreement sought on any aspects of the project resulting from this analysis.

13. The final decision authorizing U.S. signature of the project loan or grant agreement will be taken by A.I.D. in light of the overall assessment of U.S. foreign policy considerations, as well as the economic, political, financial, technical, and environmental factors (costs and benefits, advantages and disadvantages, etc.) of the project as negotiated.

INTERNATIONAL BOUNDRY AND WATER COMMISSION

U.S. SECTION

El Paso, Tex.

PROPOSED OPERATIONAL PROCEDURES FOR IMPLEMENTING SECTION 102(2)(c) OF THE "NATIONAL ENVIRONMENTAL POLICY ACT OF 1969"

NOVEMBER 26, 1971.

Manual

OPERATIONAL PROCEDURES FOR IMPLEMENTING SECTION 102(2)(c) OF THE "NATIONAL ENVIRONMENTAL POLICY ACT OF 1969," NOVEMBER 26, 1971.

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Appendixes and Titles

A—Guidelines, dated April 23, 1971, for statements on proposed Federal actions affecting the environment.
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OPERATIONAL PROCEDURES FOR IMPLEMENTING SECTION 102(2)(C) OF THE "NATIONAL ENVIRONMENTAL POLICY ACT OF 1969"

The National Environmental Policy Act of 1969 (NEPA), Executive Order 11514 (E.O. 11514) dated March 5, 1970, and the Guidelines of the Council on Environmental Quality (Council) dated April 23, 1971, provide that environmental considerations are to be given careful attention and appropriate weight in every recommendation or report on proposals for legislation and for other major Federal actions significantly affecting the quality of the human environment.

1. *Purpose and scope.* This manual provides general policies, procedures, and guidance required by section 102(2)(C) of the NEPA (Public Law 91-190) to:

(a) Identify actions requiring environmental impact statements;

(b) Obtain information and internal U.S section review required for the preparation of environmental statements;

(c) Designate the official(s) who are to be responsible for preparation, review, and approval of the statements;

(d) Consult with and take into account the comments of appropriate Federal, State, and local agencies; and

(e) Meet requirements for providing timely public information on proposals for legislation and for other major actions having a potential significant adverse effect on the human environment.

2. *Applicability.* This manual applies to all elements of this section concerned with the investigation, planning, development, construction, and management of projects (including leasing and licensing of land and issuing of permits in regard thereto) or activities that affect ecological systems and the human environment.

3. *References.*

(a) Environmental Control—Message from the President (H. Doc. No. 91-225); Congressional Record, February 10, 1970, pages H 743-748.

(b) Budget Message of the President, 1971; Congressional Record, February 2, 1970; see pages S 968, S 970, and S 973.

(c) The State of the Union Address by the President (H. Doc. No. 91-226); Congressional Record, January 22, 1970; pages H 186-188.

(d) Executive Order No. 11507; Prevention, Control, and Abatement of Air and Water Pollution at Federal Facilities, February 4, 1970; FEDERAL REGISTER, Volume 35, No. 25, February 5, 1970; pages 2573-2576 (supersedes Executive Orders Nos. 11282 and 11288).

(e) National Environmental Policy Act of 1969 (Public Law 91-190).

(f) Water Quality Improvement Act of 1970 (Public Law 91-224).

(g) Guidelines of the Council on Environmental Quality, April 23, 1971; FEDERAL REGISTER, Volume 36, No. 79, April 23, 1971, pages 7724-7729.

(h) Bulletin No. 71-3, August 31, 1970, Executive Office of the President, Office of Management and Budget.

(i) Circular No. A-95, dated June 15, 1970, and all revisions thereto, Executive Office of the President, Office of Management and Budget.

(j) Memo entitled "Federal agencies with jurisdiction by law or special expertise to make comments with respect to various types of environmental impact of proposed actions," dated July 29, 1970, by Timothy Atkeson, General Counsel, Council on Environmental Quality.

(k) Memo entitled "Environmental impact statements prepared by the International Boundary and Water Commission," dated April 21, 1971, by Timothy Atkeson, General Counsel, Council on Environmental Quality.

(l) Corps of Engineers procedure regarding preparation of environmental statements.

4. *Requirements of the National Environmental Policy Act of 1969.*

Section 101 of the National Environmental Policy Act of 1969, hereinafter referred to as the Act or NEPA, establishes a broad Federal policy on environmental quality. Section 102 directs that policies, regulations, and public laws will be interpreted and administered to the fullest extent possible in accordance with the policies of the Act, and imposes upon all Federal agencies the requirement to—

(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 in decisionmaking which may have an impact on man's environment (sec. 102(2)(A)).

(b) Identify and develop methods and procedures which will give the environment appropriate consideration in decisionmaking along with economic and technical considerations (sec. 102(2)(B)).

(c) Include in every recommendation a report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed environmental statement (sec. 102(2)(C)).

(d) Study, develop and describe appropriate alternatives (sec. 102(2)(D)).

(e) Recognize the worldwide and long-range character of environmental problems (sec. 102(2)(E)).

(f) Make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment (sec. 102(2)(F)).

(g) Initiate and utilize ecological information in the planning and development of resources-oriented projects (sec. 102(2)(G)).

(h) Assist the Council on Environmental Quality (sec. 102(2)(H)).

Both section 102(2)(C), which requires a detailed five-point statement of environmental impact, and section 102(2)(D), which requires analysis of alternatives where unresolved conflicts occur, are interpreted to be applicable to feasibility reports and to requests for funds to initiate construction of previously authorized projects. Under certain conditions they are also applicable to continuing construction and maintenance projects and to the granting of leases, licenses, and permits.

5. *Policy.* In formulating plans for construction, operation, and maintenance, water resource development or management, impact on the environment will be fully considered from the very initiation of preauthorization planning. Early and continuing search in cooperation with appropriate local, State, and Federal agencies will be undertaken to develop alternatives and measures which will enhance, protect, and restore the quality of the environment, or, at least, minimize and mitigate unavoidable deleterious effects. Preparation of the five-point statement required by the Act will constitute an integral part of the preauthorization feasibility report process. The statement will serve as a summation of evaluations of the effects that alternative actions will have on the environment and as an explanation of finally recommended plan.

6. *Procedure for preparation, planning and coordination of the statements.*

(a) Preparation—Draft and final statements will be prepared by Principal Engineer—Projects, hereinafter referred to as PE/P. PE/P will, after approval by the Commissioner and Department, transmit the statements to the field offices, the contact points listed in the guidelines, those established by Budget Circular No. A-95 (June 15, 1970, or any revisions thereto), and other known interested parties. Exceptions to the procedure are:

(1) Letters of transmittal to Mr. Herter, Special Assistant to the Secretary for environmental Affairs, Bureau of International Scientific and Technological Affairs, Department of State, and Chairman Train, Council on Environmental Quality, will be prepared by PE/P for Commissioner's signature.

(2) An agency or agencies acting as agent for the U.S. section (as distinguished from merely preparing an environmental statement for the section's use) will prepare, distribute, and coordinate the review of the statement according to its established procedures. This includes transmittal to Council on Environmental Quality. However, the agency has the responsibility to confer with the U.S. section and to keep PE/P fully informed.

PE/P is recognized as the responsible Federal official within the meaning of section 102(2)(C), NEPA, except for such changes as reviewing authorities may deem necessary in the original proposal and covering statement, to be consistent with the policies of the U.S. section, and except as hereinafter provided when other agencies are acting as this section's agents in regard to project under the U.S. section's jurisdiction then an officer of those agencies rather than PE/P will be the responsible Federal official. The memorandum of understanding governing the agency relationship shall set forth the responsible Federal official of the

agency acting as agent. Engineers in charge of projects, Project Manager(s) and Superintendent(s) will be reporting officers.

If the U.S. section remains uncertain whether filing an environmental impact statement is required, it should consult the Office of Environmental Affairs (SCI/EN—Department of State) and the Assistant Legal Adviser for Environmental Affairs (L/EN—Department of State) for a final determination. In every case where the U.S. section determines that no environmental impact statement is required, it shall inform SCI/EN.

Statements to be meaningful for review and decisionmaking should:

(a) Describe physical and environmental aspects sufficiently to permit evaluation and independent appraisal of the favorable and adverse environmental effects of each proposal. They should be simple and concise, yet should include all pertinent facts. Length would depend upon the particular proposal and the nature of its impacts and the environmental setting.

(b) Be submitted as a separate document, not as an enclosure or appendix to other documents such as preauthorization studies or design memorandums. Such reports and design memorandums must contain adequate background information to support fully the reporting officer's conclusions and recommendations on environmental matters. The statements should not be construed as a further means for assisting or supporting project justification.

(c) Not be limited to ultimate conclusions, but should demonstrate that the U.S. section has adequately considered the potential impact of the proposal upon the environment. The statement should summarize information and cite sources of overall appraisals which are based upon judgments of complex matters (e.g., water quality by Environmental Protection Agency).

(d) In the final statement include and comment on the views of those opposing the proposal for environmental reasons, if any. The summarized views of agencies having environmental responsibilities, and with which the proposals have been coordinated, should be included.

(e) Include a full and objective appraisal of the environmental effects, good and bad, and of available alternatives. In no case will adverse effects, either real or potential, be ignored or slighted in an attempt to justify an action previously recommended. Similarly, care must be taken to avoid overstating favorable effects.

(f) Discuss the proposal's impact on environmental resources of regional significance whenever the impact extends beyond the immediate area.

(g) Discuss the significant relationships between the proposal and other developments (existing and authorized). For example, a statement on a project which would convert a free-flowing section of a stream into a reservoir should contain information on the amount of flowing and flat water available in the area.

(h) Where possible, the statements should show an indication of the magnitude of the effect including short-term changes. This may include changes in flow in c.f.s. for both peak- and low-flow periods or changes in dissolved oxygen or temperature, which are key parameters for measuring water quality, and other factors vital to the ecology of the area.

(i) Include an appropriate summary. Regardless of the type of summary used within the section for review purposes, when the statements (draft and final) are submitted to the Council on Environmental Quality the Council prescribed format for a summary shall be utilized.

(j) During preparation and review of the statements, the services of the Executive Assistant, hereinafter referred to as C/E, are to be utilized to insure that statements are responsive legally to the requirements of the Act.

The environmental statement will cover the following points:

(i) A description of the proposed action, including information and technical data adequate to permit a careful assessment of environmental impact by commenting agencies.

(ii) The probable impact of the proposed action on the environment, including impact on ecological systems such as wildlife, fish, and marine life.

(iii) Any probable adverse environmental effects which cannot be avoided.

(iv) Alternatives to the proposed action.

(v) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.

(vi) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

(vii) Where appropriate, a discussion of problems and objections raised by other Federal, State, and local agencies and by private organizations and individuals in the review process and the disposition of issues involved.

The guidelines dated April 23, 1971, of the Council on Environmental Quality, Appendix A,[1] and the guidance contained in Appendix B[1] will be considered and utilized in preparing environmental statements, using the prescribed format or any revision thereto.

(b) *Planning relationships.*

(1) In the development of new projects or proposals, the rationale of the environmental statement and assessment of environmental considerations will be integrated into the planning process from the beginning. Preliminary identification and assessment of possible environmental impacts and effects will be made and fully discussed at an early milestone in the study. Even where it is clear from the start that a proposed action will not require an environmental impact statement, the investigation into environmental effects will still be made, and, as required by the Act, the results of that investigation will be an integral part of the decisionmaking process. When kept current, such an environmental assessment can provide valuable assistance in the investigation and study process. The first meeting with the public should be scheduled early in the development stages so that the environmental "pulse" may be felt from the beginning.

(2) Beginning with the formulation stage, all anticipated environmental impacts and effects of each solution under consideration will be identified and discussed. This may entail the preparation of an environmental memorandum. After consideration of all the preliminary environmental factors, including those which may have been forthcoming as a result of the first meeting with the public, a second meeting with the public should be scheduled. Any environmental factors known to the U.S. section should be summarized and made available prior to the meeting. This will generate a meaningful and thorough discussion during the meeting. Interested citizens and citizen groups must be informed of the fact a public meeting is scheduled so that their views may be considered.

By the time the late stage in the planning has been reached the U.S. section's environmental position should have been formulated. A third meeting with the public should be scheduled so that the environmental discussions regarding any proposal and alternatives will be specific and thorough insofar as the environmental impacts and effects are concerned.

(3) On projects which were recommended, authorized or under construction prior to the National Environmental Policy Act of 1969, the range of alternatives and the opportunity to study and evaluate them may be more limited. However, to the maximum extent feasible, alternative solutions and opportunities for environmental enhancement, preservation, and mitigation will be investigated prior to preparation of the statement. Regardless of the level at which formal coordination is to take place, reporting officers will carefully examine and evaluate the environmental impact of all reasonable alternatives in coordination with appropriate Federal, State, and local agencies prior to preparing a recommendation or an environmental statement.

(4) As a "follow-up" the public will be informed of the general content of all statements before or at the time that the recommendation or report is furnished to the Council on Environmental Quality by publishing of an appropriate notice in the FEDERAL REGISTER, by public notice to all parties known to be interested, by press release, or by a combination of such means. In addition, prior to formulation of recommendations and preparation of the statement, in all cases where public hearings are held, PE/P will present, in the notice of the hearing and at the hearing, a discussion setting forth the information, as known to him, upon which his statement will be based. The discussion will include a listing of alternatives; the environmental impacts—positive or negative—associated with each fundamental alternative; the nature of environmental trade-off implied by various alternatives, including irretrievable commitments of each alternative; and the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity under the various alternatives. Whenever public announcement of recommendations or reports is made prior to submission of the statement to the Council on Environmental Quality, the announcement will contain an appropriate summary of the proposed statements and comments of other agencies. The draft statement may be provided interested agencies, groups and citizens. In certain cases, where critical and sensitive environmental effects and widespread public concern have been identified, PE/P will request preannouncement clearance to hold a public meeting. Requests will be supported by full recitation of the problems at issue with analysis of the pros and cons of the proposed and alternative courses of action.

(c) *Coordination of statement.* Coordination of the statement with Federal, State, and local agencies, as well as organized citizen groups, will be in accordance with existing policies and the following clarification:

(1) Coordination with responsible agencies will include transmittal of draft environmental statements for their review and comment. Upon receipt, agency comments will be reviewed and summarized in the statement. Copies of the agency comments will be included as an attachment to the statement when forwarded for further action. The agency comments and the views expressed should be no older than 3 calendar years for previously authorized projects. More recent coordination will be required if significant changes in the proposal or in the associated environment have occurred in the meantime. Copies of the statement will be forwarded to the appropriate contact points listed in Appendix II, Council on Environmental Quality Guidelines dated April 23, 1971, as well as to the field offices. The transmittal letter to field offices will advise that a statement has been furnished to the contact

[1] Appendices A through E filed as part of the original document.

listed in Appendix II. Insofar as distribution of statements within a State is necessary, the clearinghouses established by Budget Circular No. A-95 dated June 15, 1970, or any revisions thereto, will be utilized.

(2) In the event environmental statements are being prepared on two or more units in the same area, the work on preparing statements will be scheduled to result in one transmittal to the Department and Council on Environmental Quality the statements for all units in an area.

7. *Administrative action.* No administrative action—to the maximum extent practicable—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 the guidelines. Further, no administrative action should 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. In the event 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 manual, the thirty (30) day period and ninety (90) day period may run concurrently to the extent that they overlap.

8. *Criteria for determining whether a project or activity has the potential to have a significant adverse effect on the quality of the human environment.* The following criteria will be employed in deciding whether a proposed action requires the preparation of an environmental statement:

(a) "Actions" include but are not limited to:

(1) Projects that are part of treaties and which have a significant impact on the environment.

(2) Recommendations or reports to the Congress on proposals for legislation affecting U.S. section programs, including proposals to authorize projects.

(3) Recommendations or reports on proposals for authorization of projects except for emergency measures.

(4) Initiation of construction or land acquisition on projects which are not yet started for which funds have been appropriated or are provided by the fiscal year 1971 Appropriation Act.

(5) Budget submissions requesting funds for the initiation of construction or real estate acquisition on authorized projects.

(6) Policy and procedure making.

(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 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 (including operations and maintenance activities), the environmental impact of which is likely to be highly controversial or unresolved conflicts concerning alternative use of available resources exist, should be covered in all cases.

Whenever any of the Federal, State, or local agencies which are authorized to develop and enforce environmental standards certify or the U.S. Commissioner determines that the issuance of leases, licenses, or permits for structures, dumping, and other actions in navigable waters of the United States, tributaries thereto, any international dam (storage or diversion) and lands and works under the jurisdiction of the U.S. section which it is proposed to issue and/or to permit would result in significantly and adversely affecting the quality of the human environment, an impact statement must be prepared.

In considering what constitutes major action significantly affecting the environment, bear in mind that the effect of many Federal decisions about a project or complex of projects can be individually limited but cumulatively considerable. This can occur when one or more agencies over a period of years puts into a project individually minor but collectively major resources when one decision involving a limited amount of money 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. The lead agency should prepare an environmental statement if it is reasonable to anticipate a cumulatively significant impact on the environment from the Federal action.

(c) Section 101(B) of the NEPA indicates the broad range of aspects of the environment to be surveyed in any assessment of significant effect. The NEPA also indicates that adverse significant 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. Significant effects can also include actions which may have both beneficial and detrimental effects, even if, on balance, the agency believes that the effect will be beneficial. Significant adverse effects on the quality of the human environment include both those that directly affect human beings and those that indirectly affect human beings through adverse effects on the environment.

9. *Use of statements in U.S. section's review process; distribution to Council on Environmental Quality.*

(a) The principle to be applied is to obtain views of other agencies at the earliest possible time in the development of a program and project proposals. Care should be exercised so as not to duplicate the clearance process, but when actions being considered differ significantly from those that have already been reviewed an environmental statement should be provided.

(b) Ten (10) copies of draft environmental statements (when prepared), 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.) It is important that draft environmental statements 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.

10. *Availability of environmental statement and comments to public.* The U.S. section, when it prepares the statement, is responsible for making such statement and the comments received available to the public pursuant to the provisions of the Freedom of Information Act (5 USCA 552).

11. *Publication in the* FEDERAL REGISTER. Notices will be placed in the FEDERAL REGISTER when:

(a) The draft statement has been approved by the Commissioner and transmitted to the Council on Environmental Quality.

(b) The final statement has been approved by the Commissioner and transmitted to the Council on Environmental Quality.

(c) Comments are received after the final statement has been approved, transmitted to Council on Environmental Quality, and publication regarding final statement has previously been published.

(d) Public meetings are held if deemed feasible.

The notice will contain sufficient information to inform those reading it of the location and purpose of a project and where copies of the statement may be obtained.

When comments are being sought by a publication, a time limit of not less than thirty (30) days may be established for local, State, and Federal agencies to reply. The U.S. section will, in all cases possible, allow private individuals sixty (60) days in which to comment. In cases where extensions of time are requested in which to comment, an endeavor will be made to comply with requests for extension of time up to fifteen (15) days. If no reply is received within the period allowed for comments, it will be presumed the agency consulted has no comments to make.

The notices will be drafted by PE/P, finalized and signed by C/E and transmitted to the Director of the Office of the Federal Register National Archives Building, Washington, D.C. 20408, by Chief of the Purchasing Section (A/PR).

12. *Budget process.*

(a) The requirement of NEPA, Water Quality Improvement Act, Executive Order 11514 and the guidelines shall be met through the U.S. section's budget process to the maximum extent practicable.

(1) *Proposed project or activity resulting from fiscal (fiscal year) 1971 and prior annual authorizations and appropriations legislation.*

PE/P shall review such portions of the fiscal year 1971 and prior annual authorizations and appropriations legislation for which he has programmatic or budgetary responsibility and identify, after consultation as appropriate with Legal, Chiefs of Construction and Operation and Maintenance, Engineers in Charge, Project Manager, or Project Superintendent, any proposed project or activity not yet undertaken which appears to have the potential to have a significant adverse effect on the quality of the human environment. A draft statement should be prepared for each such project or activity for consideration by the U.S. Commissioner. Preparation of such statement, to the extent practical, shall be in accordance with 9, supra.

(2) *Proposed projects or activities for calendar year 1971 and subsequent fiscal year budgets.*

PE/P shall prepare a draft environmental statement in accordance with the provisions of this manual.

(b) Following the necessary review with respect to projects or activities proposed for inclusion in fiscal year 1972 budgets and subsequent fiscal year budgets, PE/P will forward the draft statements to the Comptroller, hereinafter referred to as A/C, who will incorporate them as part of the information to be considered by the U.S. Commissioner for presentation to the Department of State, Bureau of Budget, and Congress.

(c) *Requirements*—(1) *Legislation.* This section is responsible for identifying those of its legislative proposals, or favorable reports on bills on which it is the principal agency concerned, that would require the preparation of the statements and receipt of the comments required under section 102(2)(C). When there is doubt as to which is the principal agency concerned, C/E shall consult with the Office of Management and Budget's Legislative Reference Division.

The proposed section 102(2)(C) statements and the required comments shall accompany

legislative proposals and reports when these are sent to the Office of Management and Budget for clearance. Copies of this material shall have been previously furnished directly to the Council on Environmental Quality for its information. As part of the normal clearance process, the Office of Management and Budget will circulate the proposed statements along with the proposals or reports to appropriate Federal agencies, and will consult with the Council on Environmental Quality. In certain cases, the clearance process may disclose the need for a section 102(2)(C) statement where none has been prepared; in this event, the Office of Management and Budget staff will request the appropriate agency to develop and submit such a statement.

After differences with other agencies over the legislative proposal or report have been resolved, and after the legislative proposal or report has been cleared by the Office of Management and Budget, the final statement and comments shall accompany the proposal or report to the Congress as supporting material.

(2) *Annual budget estimates.* In the event the U.S. section has major program actions with significant impact on the human environment, annual budget estimates shall be accompanied by a special summary statement (prepared by A/C from information submitted to him by PE/P in a timely manner) explaining generally the environmental impact expected to result from those activities and programs for which it is not possible to make an assessment of the potential impact on specific areas of the environment, special summary statements shall include relevant information about general environmental impact and alternatives, and, to the extent possible, important environmental problems that may be caused by proposed actions but which still must be assessed as plans for programs and activities are further refined. The special summary statement shall also include, in the form illustrated in Appendix C,[1] the following information by appropriation or fund account:

Column A—*Action, project, or activity.* Identify the agency actions and individual projects and activities, and the amounts of funds involved, that are considered subject to section 102(2)(C). Where the action is a part of a larger activity, identify only the project or action subject to section 102(2)(C) and the amount involved.

Column B—*Final statement completed.* Check the appropriate category. If there are significant unresolved issues with other agencies, include a copy of the statement with the submission to the Office of Management and Budget.

Column C—*Statement being prepared.* Give the status (e.g., awaiting signature of the Secretary) and estimated completion date.

Agencies that prepare section 102(2)(C) statements for annual authorizing legislation shall submit the proposed section 102(2)(C) statements in lieu of a special summary statement required by paragraph (2) above, except that the information required for the special summary exhibit shall be submitted along with the proposed section 102(2)(C) statement. Copies of the special summary statement or proposed section 102(2)(C) statement (accompanied by information for the special summary exhibit) shall be furnished directly to the Council on Environmental Quality.

13. *Lease, license, and permit applications.* As required by existing regulations, lease, license, and permit applications will be coordinated with Federal, State, and local agencies which are authorized to develop and enforce environmental standards, unless granting of the permit could not possibly lead to adverse environmental effects. In addition, PE/P will carefully evaluate the impact on the environment of the proposed action. Objections from such agencies or from PE/P will be presented to the applicant who will be given the opportunity to explain, withdraw, or modify his application so as to remove the cause for the objection. If the agency maintains its objection and certifies or if PE/P determines that granting the lease, license or permit would lead to significant environmental degradation, PE/P will prepare the statement required by section 102(2)(C) of NEPA. He may require the applicant to furnish the information required for preparation of the statement in addition to any information the applicant may wish to furnish in order to demonstrate that granting of the lease, license or permit is in the public interest. PE/P will furnish a summary of the information on which his statement is based to the public in the notice of public hearing and at the hearing, if one be held. In addition, he will forward the statement with other pertinent documents when the application is forwarded for review and approval.

Leases, licenses, or permits granted or approved by the U.S. section will contain provisions to assure compliance with applicable air and water quality standards; to conserve and protect the environment; and to avoid, minimize, or correct hazards to the public health and safety. The lessee, licensee, or permittee will be required to provide adequate measures to avoid, control, minimize, or correct erosion, contamination, or other abuses and damages to the environment within or without the premises under lease, license or permit that may result from or have been caused by operations conducted on the premises.

Farming and grazing operations shall be conducted in accordance with recognized principles of good practice, conservation, and prudent management. Land use stipulations or conservation plans to define such use and the measures necessary for the conservation, protection, and control of the environment shall be incorporated in and made a part of the lease, license or permit.

Commercial and industrial developments shall be constructed and operations conducted on the premises under lease, license, or permit to control and minimize environmental pollution and abuses. Leases, licenses, and permits shall contain provisions for the lessee, licensee, or permittee to submit, for advance approval, general and comprehensive plans of any proposed construction or developments for the use and conduct of operations as authorized for the premises prior to commencing any actual construction or development activities. Such plans, including architects' designs, construction specifications, machinery or equipment installation and operation or specifications for other operations or developments, shall provide measures necessary to protect, control, or abate environmental pollution or abuses and avoid, minimize, or correct hazards to the public health and safety. PE/P shall cause a technical examination of the plans to be made, and he may either approve or formulate requirements which must be met prior to approval.

Other uses as authorized by leases, licenses, or permits issued shall conform to the requirements and provisions formulated for each such use as adapted to local conditions and the environmental factors which are in need of protection and control measures.

Due to the nature of this section's leasing, licensing, and permit program, all factors are to be carefully considered before determining what is needed for the protection of the environment, conservation and land use requirements.

Environmental statements involving power transmission lines will be prepared in accordance with Bureau of Land Management, Department of the Interior, regulations as published in Subchapter B, Subpart 2850 of Title 43, CFR 2851.2–1 or any revisions or amendments thereto. (Reference attached Appendix D.[1])

14. *Operations at construction sites.* Some operations that contribute to pollution and noise at construction sites and therefore require close surveillance, are enumerated in the following list:

(a) *Air pollution.*
(1) Burning.
(2) Earthmoving operations (dust).
(3) Sandblasting.
(4) Sprayed-on coatings.
(5) Soil stabilization operations (cement or lime).
(6) Concrete mixing plant (dust).
(7) Batch truck operation (dust).
(8) Winter heating equipment (smoke and fumes).
(9) Gunite operations (rebound).
(10) Asphalt operations (dust—smoke—volatiles).
(b) *Water pollution.*
(1) Solid wastes.
(2) Earthmoving operations (runoff).
(3) Clearing operations (erosion).
(4) Core drilling and grouting operations (waste water).
(5) Wellpoint system runoff (erosion).
(6) Concrete operations:
(a) Aggregate washing.
(b) Spillage.
(c) Water curing.
(d) Washing of mixers and batch trucks.
(c) *Noise.*
(1) Pile driving.
(2) Equipment noise.
(3) Drilling and blasting.
(4) Rock crushing.

The construction engineer should ascertain that the contractor complies with:

(i) The current applicable Federal regulations.

(ii) The current applicable local regulations.

(iii) Methods and restrictions of operations that are contract requirements.

On projects where regulations and contract requirements do not specifically outline procedures, the contractor's cooperation in an effort to run a clean and safe operation should be encouraged.

Appropriate provisions will be included in the contract specifications for the works to be performed requiring compliance with Federal, State and local pollution laws, regulations, and rules. Examples of contract specifications are attached as Appendix E.[1]

15. *Coordination of U.S. section activities.* All actions or activities undertaken pursuant to or in accordance with the provisions of this manual shall be coordinated with C/E.

16. *Exceptions.* The nature of negotiations and relations at the international level may make it necessary to depart in some instances from the procedures in the Guidelines. CEQ foresaw the need for such departures in CEQ Guideline 10(d). Exceptions applicable to the U.S. section are set forth below.

(a) The statements which are written to comply with the Act should not normally include any classified material, nor should they normally include statements with respect to positions other than the optimum position of the United States in any ensuing negotiation or discussion. Although environmental impact statements should whenever possible be unclassified and hence available to the public, there may be situations where such statements cannot adequately discuss environmental effects without disclosure of classified information. In these instances, the statement should be appropriately classified. Whenever possible, the classification should

terminate on a specified date or upon the happening of a described event. Such statements, so long as they are classified, will not be made available to the public.

(b) Since final statements may not be available until the conclusion of negotiations for an agreement or of a discussion, the 30-day time delay between submission of such a document and final Federal action set out in CEQ Guideline 10(b) will not apply to actions taken in these situations. Every attempt will be made to comply with the 90-day period which Guideline 10(b) requires between submission of the draft statement and final action. Where schedules of international conferences make this impossible, the U.S. section will notify the Council on Evironmental Quality as soon as possible of the circumstances, with the purpose of fulfilling the intent of the act insofar as possible.

(c) In certain instances, it may be necessary at times to reduce the 30-day period for agency comments set out in CEQ Guideline No. 7. When this is the case, all agencies to whom the draft statement has been sent will be informed by the U.S. section of the reduced time period. The reduced time period must also be included in the public notice published in the FEDERAL REGISTER.

(d) Section 2(b) of Executive Order 11514 establishes requirements for providing public information on Federal actions and impact statements and envisions extensive use of public hearings. Public hearings will be employed by the U.S. section only upon a determation by the U.S. Commissioner that the requirements of carrying on international relations, including the constraints of time and the posture of the United States in negotiation, allow such hearings to be carried out without prejudice to the national interests.

(e) In those instances where the draft and/or final statement is submitted to the Department (SCI/EN) for concurrence before distribution outside the U.S. section and no notification is received from the Department after the expiration of 7 days from the date of mailing by the U.S. section, the U.S. section will assume the Department has concurred and shall proceed on that basis.

DEPARTMENT OF TRANSPORTATION

URBAN MASS TRANSPORTATION ADMINISTRATION

[UMTA 5610.1]

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 HISTORIC PRESERVATION ACT, AND SECTIONS 3(d) AND 14 OF THE URBAN MASS TRANSPORTATION ACT OF 1964

FEBRUARY 1, 1972.

1. *Purpose.* This order establishes internal procedures and policy for the Urban Mass Transportation Administration (UMTA) regarding the preparation of detailed environmental statements on proposals for major Federal actions significantly affecting the environment, as required by section 102(2)(c) of the National Environmental Policy Act of 1969 (Public Law 91-190), and procedures for implementation of related requirements.

2. *Background and authority.*

a. "The National Environmental Policy Act of 1969 (NEPA)" 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 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. Certain procedural requirements are established applicable to the project approval process.

b. "Executive Order 11514," dated March 5, 1970, orders all Federal agencies to initiate procedures needed to direct their policies, plans, and programs so as to meet national environmental goals.

c. "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, wildlife and waterfowl refuge, and historic site of national, State or local significance as so determined by the Federal, State or local officials having jurisdiction thereof until he has determined (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, recreation area, wildlife and waterfowl refuge, or historic site resulting from such use."

d. "DOT Order 5610.1A" provides detailed guidelines to DOT operating administrations for implementing the NEPA.

e. "Section 14(c) of the Urban Mass Transportation Act of 1964" as amended requires that specific findings relating to economic, social, and environmental effects be made on projects under section 3 of the Act before any grant or loan may be approved.

f. "Section 3(d) of the Urban Mass Transportation Act of 1964" as amended requires specific certifications by applicants with regard to economic, social, and environmental effects for certain categories of projects.

g. "Revised guidelines" from the President's Council on Environmental Quality, issued April 23, 1971, set forth broad guidelines on implementation of the NEPA.

h. "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.

i. "Section 106 of the Historic Preservation Act" requires that prior to approval of Federal activities, agencies 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.

3. *Policy.* It shall be the policy of UMTA to promote efforts to improve the relationship between man and his environment. In carrying out this policy, UMTA officials shall utilize the various mechanisms and procedures prescribed by this order to assure thorough consideration and responsiveness to protecting and enhancing the environment in local planning and decisionmaking leading to application for UMTA assistance, in UMTA project development and review, and in implementing approved plans. Thorough consideration and analysis of potential environmental impacts is necessary at all stages, and no action covered by this order shall be approved or recommended for approval unless the requirements contained herein have been fully complied with.

4. *Scope of coverage.* a. The procedures required by this order shall apply to the following actions:

(1) *Capital assistance.* Recommendation for approval of capital grants and loans (or amendments thereto that significantly alter the environmental impact of the project);

(2) *Other assistance.* Recommendations for approval of research, development, and demonstration grants and contracts (or amendments thereto that significantly alter the environmental impact of the project);

(3) *Legislation.* Legislative proposals originating within DOT and reports on legislative proposals not originating in DOT in which UMTA has primary responsibility or interest;

(4) *Budget proposals.* Program or budget proposals, except for continuation of existing programs within plus or minus 25 percent.

(5) Any other action not listed in (b) below which may have a significant environmental impact.

b. This order will not apply to the actions listed below.

(1) Administrative procurements, contracts for personnel services, and normal personnel actions;

(2) Recommendations for approval of grants or contracts for managerial training and university research and training;

(3) Recommendations for approval of technical studies. However, the work program of a technical study undertaken for the purpose of planning a capital grant project shall include an analysis of the environmental impacts of the project studied, unless such analysis is otherwise provided for;

(4) Recommendations for research, development, and demonstration projects which will result in a research study or report, except where such report is incidental to an activity which could involve an impact on the environment.

5. *Responsibilities.* a. The Assistant Administrator for Program Planning (UPP) shall be responsible for general planning and coordination of UMTA policies and procedures to implement the National Environmental Policy Act and DOT Order 5610.1A and the policy stated above. UPP will (1) serve as the point of contact with TEU and other offices with respect to environmental policy; (2) recommend any internal procedures and guidelines necessary to implement DOT Order 5610.1A; (3) consult with the Office of Chief Counsel (UCC), the Office of Program Operations (UPO), the Office of Research, Development, and Demonstration (URD), and other appropriate offices in the development of materials in (b) below; and (4) coordinate environmental statements from other Federal agencies circulated to UMTA for comment (see paragraph 9).

b. The "responsible official" is the UMTA official who approves or recommends approval by the Secretary or Administrator of an action covered by 4(a) above. For such an action, the responsible official shall insure compliance with the provisions of and policies underlying this order and shall use an interdisciplinary approach to acquire all data or analysis necessary to make or support the findings and statements required by this order, including when UMTA is the "lead agency" (see 10(f)) with regard to the action involved. The responsible official shall insure that applicants are aware of and comply with all applicable environmental requirements and he shall recommend issuance of such instructions as are necessary to accomplish this. He shall also insure that projects are performed in accordance with their environmental statements, and that any modification of a project required by the responsible UMTA or DOT official(s) are implemented. This shall include appropriate compliance review during project performance.

6. *Procedures for consideration of environmental impacts of UMTA actions* (also see Attachment 1 for diagram of required steps).

a. *Applicant's environmental analysis.* All applicants for UMTA capital assistance and applicants for other assistance, if such other assistance is for a project which it appears could have a significant impact on the environment (see 10(a)), shall be required to submit as part of their application an environmental analysis of the project (see 10(b)).

b. *Public hearings.* (1) Any applicant for UMTA assistance for a project in (a) above or another public agency designated by the applicant with the concurrence of UMTA shall hold a public hearing to afford all parties with a significant economic, social or environmental interest in the project an opportunity to express their views on reasonable terms without undue hardship. For direct Federal development projects, the responsible official shall make appropriate arrangements for holding a hearing.

(2) The hearing may be held prior to or following the applicant's circulation of its environmental analysis (see (c) below) to State and local agencies for comment, but it must occur prior to final submission to UMTA of the analysis of environmental effects of the project.

(3) A 30-day notice of hearing shall be published in a newspaper of general circulation in the geographic area to be served and shall specify that the following material is available for inspection on a reasonable basis and will be available at the hearing: Application for proposed project in as complete a form as then possible, including environmental analysis; transit development plan for the area. Where feasible, comments of public agencies should be made available to the public prior to the hearing.

(4) A transcript of the hearing shall be taken and provided to UMTA.

c. *Local review of proposed project through OMB Circular A–95 procedures.*

(1) The applicant shall circulate its preliminary application, including its environmental analysis, to the appropriate A–95 agencies for review and comment, along with such review of the application as is required by section 204 of the Demonstration Cities Act of 1966 and section 401 of the Intergovernmental Cooperation Act of 1968. These various reviews are all interrelated and should be undertaken simultaneously in order to afford proper interdisciplinary consideration of environmental impacts. The responsible official should consider deficient any review which does not substantially conform to this model.

(2) In forwarding the preliminary application, including the environmental analysis, to the A–95 clearinghouse, the applicant shall request that comments be solicited from State and local agencies authorized to develop and enforce environmental standards. All comments received by the clearinghouse shall be forwarded to the applicant and shall be forwarded by the applicant to UMTA.

(3) The environmental analysis should be appropriately revised by the applicant before submission to UMTA to reflect comments received as a result of the A–95 circulation, substantive environmental issues raised at the public hearing, and any other relevant comments.

(4) For UMTA projects not involving an applicant, which the responsible official determines to have a potentially significant impact on the environment, the UMTA Draft Environmental Statement (see (e) below) should be similarly circulated to appropriate State and local agencies for comment.

d. *UMTA evaluation of environmental impact of proposed project.* The responsible official shall evaluate the applicant's environmental analysis, comments obtained thereon, the hearing transcript, and such other information as he deems necessary, and determine whether the proposed action is likely to have a significant impact on the environment. If he determines that the action will not have such an impact, and can substantiate such determination, he shall make a "negative declaration" to that effect, which shall be included in the formal approval memorandum (see 10(g)). If he determines that the action may have a significant impact on the environment, he shall follow the procedure in (e) and (f) below governing the development of an "environmental statement." No action requiring an environmental statement shall be recommended for approval unless such statement is included in the formal approval package.

e. *UMTA Draft Environmental Statement; preparation and circulation for comment.* (1) On the basis of his determination that an action under 4(a) of this order may have significant impact, the responsible official shall prepare an UMTA Draft Environmental Statement (see 10(c)).

(2) UMTA Draft Environmental Statements shall be circulated for comment by the responsible official to: Environmental Protection Agency, regional office (five copies); Department of Housing and Urban Development, regional office; Department of Interior (six copies); Department of Health, Education, and Welfare; Department of Agriculture; the Council on Environmental Quality. Where the proposed action involves an item on the National Register, the Advisory Committee on Historic Preservation shall be invited to comment on the Draft Statement, and shall be consulted pursuant to the published regulations implementing section 106 of the Historic Preservation Act. Other Federal agencies may be invited to comment on the draft as appropriate (see 10(d)). Information copies shall be forwarded concurrently to UPP and TEU. At least 30 days must be allowed for receipt of comments from Federal agencies (45 for EPA comments), with an additional 15 days when requested, if feasible. Two (2) copies of the summary sheet (see 10(c)(1)) shall be forwarded to the Office of Management and Budget (OMB). Draft Statements on legislative proposals will be submitted to OMB, together with the legislative proposals, through the normal DOT legislative process; OMB will coordinate the statement with interested agencies.

(3) The responsible official shall make the Draft Statement available to the public upon written request or application in person to UMTA, and at the clearinghouse(s) to which the applicant circulated its environmental analysis, and shall publish notice of its availability in a newspaper of general circulation in the geographic area which would be affected by the proposed project. Where appropriate, those who request Draft Statements from UMTA should be advised of their availability from the National Technical Information Service.

(4) State and local agency comments, which have been made to the applicant and forwarded to UMTA, shall be forwarded by the responsible official to the CEQ at the time the UMTA Draft Statement is circulated for comment unless there has been a major revision in the applicant's environmental analysis. Where additional comments are invited from an A–95 clearinghouse by UMTA as a result of such major revision, the clearinghouse should forward a copy of any revised comments to CEQ as well as to UMTA within 30 days. If no revised comments or other communication is received within 30 days, the responsible official shall forward all of the original comments received from the clearinghouse to the CEQ.

(5) Project approval shall not take place less than ninety (90) days after the Draft Statement has been made available to appropriate Federal agencies, the CEQ and the public.

f. *UMTA Final Environmental Statement; preparation and distribution.*

(1) On the basis of comments received pursuant to the circulation of the Draft Statement as provided in (e) above, and such other information as he deems necessary, the responsible official shall formulate a Final Environmental Statement (see 10(c)). Comments received from State and local agencies, from Federal agencies outside DOT and from the public shall be evaluated in the text of the statement and appended thereto.

(2) The Final Statement (and required comments), in original and 12 copies shall be forwarded to TEU for concurrence; one copy shall be forwarded concurrently to UPP. Two weeks shall be allowed for TEU to act on the statement and forward the requisite copies of the Final Statement and comments of the CEQ; TEU will provide written notice within 2 weeks if they nonconcur. The Final Environmental Statement and comments thereon shall then be made available to the public pursuant to notice of availability and at clearinghouses as in (e) above. A copy of the Final Statement and comments shall be sent to any agencies or private organizations that commented substantively on the Draft Statement. Two (2) copies of the summary sheet shall be forwarded to OMB as in (e) above.

(3) Project approval cannot take place less than 30 days after the procedures outlined in this subparagraph have been completed. The approved Final Environmental Statement and comments shall be appended to the approval package. No recommendation requiring an Environmental Statement shall be submitted for approval by the Administrator without a Final Statement which has been concurred in by TEU.

7. *UMTA actions involving section 4(f) of the DOT Act.*

a. Any proposal for an action which requires the use of any publicly owned land from a public park, recreation area, wildlife or waterfowl refuge, or any land from an historic site of national, State, or local significance, shall require an Environmental Statement. In addition to the information and analysis required to be included in all environmental analyses (see 10(b)(1)), certain additional information (see 10(b)(2)) must be included by the applicant where the action involves any such land.

b. Proposed Final Environmental Statements for projects covered by this paragraph shall be submitted to TEU accompanied by a brief covering memorandum with signature lines for the concurrence of TEU–1, TGC–1, and S–2, and approval by the Secretary.

c. Any terms or conditions of the Secretary's approval shall be incorporated in the UMTA grant contract. Any proposals to deviate from the terms of the Secretary's approval on a prior action must be cleared with TEU.

8. *Environmental protection findings.*

a. Every recommendation for approval of an application for capital assistance pursuant to section 3 of the Urban Mass Transportation Act of 1964 as amended shall cite the certifications required of an applicant by section 3(d) of the Act and shall include the findings required by section 14(c) of the Act (see 10(e)), supported by appropriate evidence. Where an environmental statement is required under this order, the findings and certifications shall be included in the final statement. Where no environmental statement is required, the findings and certifications shall be made in the formal approval memorandum.

b. When the required findings (e.g., under section 4(f) of DOT Act or section 14(c) of the UMT Act) are to be made by the Secretary, an environmental statement, when one

is required by this order, shall be the vehicle for obtaining secretarial approval. When the matter in issue would not require an environmental statement under this order, a statement in similar form shall serve as the vehicle for obtaining a secretarial findings. Statements requiring secretarial findings shall include a cover mtemorandum as provided by 7(b) above.

9. *UMTA comments on Environmental Statements circulated by other Federal Agencies.*

a. UPP shall coordinate development of UMTA comments on environmental statements of other Federal agencies which are of potential interest to UMTA and shall also consult with TEU. When a statement of potential interest is forwarded directly to UM TA, the coordinating official (UPP) shall notify TEU of receipt.

b. UMTA comments on environmental statements of Federal agencies outside DOT will be forwarded to TEU for incorporation in a coordinated DOT comment. UMTA comments on environmental statements of other DOT components shall be forwarded directly to that component, with a copy to TEU.

10. *Definitions.*

a. *Major UMTA actions significantly affecting the environment.* "Major." Any Federal action significantly affecting the environment is deemed to be "major" and a statement shall be prepared. Any action whose environmental consequences are uncertain but potentially significant should be considered significant.

(1) *General.* Effects of UMTA actions which ordinarily should be considered as significantly affecting the environment include, but are not limited to:

Actions involving significant taking of land, change in the use of land (particularly if it requires a change in zoning), or major construction.

Material effect on the amount of land required to be devoted to transportation and related purposes in the future.

Significant increase or decrease of traffic or congestion levels on streets and highways.

Division or disruption of an established community; division of an existing use (e.g., cutting off residential areas from recreation areas or shopping areas), or disrupting orderly, planned development.

A substantial aesthetic or visual effect, especially on areas of unique interest or scenic beauty.

Displacement of a substantial number of people or businesses.

A noticeable change in the ambient noise level for a substantial number of people.

Direct or indirect contribution to substantial changes in the level, composition, or distribution of air pollution.

Destruction or derogation of important recreational areas not covered by section 4(f) of the DOT Act.

Disturbance to the ecological balance of animal or natural resources.

Involve a reasonable possibility of substantially altering or contaminating public resources, e.g., public water supply source, treatment facility or distribution system.

Substantial physical disruption during construction.

(2) *Actions always significantly affecting the environment.*

Any action that is likely to be controversial on environmental grounds.

Any action involving the acquisition or use of a public park, recreation area, or wildlife refuge, or any land from an historic site.

Any action falling under section 106 of the Historic Preservation Act.

(3) *Actions which ordinarily will not have a significant affect on the environment.*

UMTA assistance for projects involving purchase of passenger buses or rolling stock as replacement for existing equipment or any equipment for such buses or rolling stock.

b. *Environmental analysis.* Analysis of the environmental impacts of a proposed project.

(1) *All projects.* The analysis should address the following points in separately numbered paragraphs:

A "description" of the proposed action and its purpose, including such maps, diagrams, or photographs as may be helpful in understanding the project in sufficient detail to permit careful analysis of impacts.

The "probable impact of the proposed action on the environment." (See 10(a)(4) for nonexclusive list of probable impacts to be analyzed.)

Any probable adverse environmental effects which cannot be avoided should the proposal be implemented, and a description of the steps that have been taken to minimize these effects. Where a benefit/cost analysis has been prepared, it should be attached to the environmental analysis.

"Identification and analysis of alternatives" to the proposed action or portion thereof having an adverse impact, including the alternative of not going forward with the proposal.

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.

Identification of any irreversible and irretrievable environmental impacts or commitments of resources which would be involved in the proposed action should it be implemented. This requires identification of the extent to which the action curtails the range of beneficial uses of the environment and contemplates identifying the initiation of a course of action or series of actions which could have cumulative effects.

A discussion of all issues, problems, and objections raised in any hearing and in the review process and the disposition of the issues or objections.

(2) *Public parks, recreation areas, etc.* Where the proposed action involves acquisition or use of a "public park, recreation area, wildlife or waterfowl refuge," or "historic site," the analysis should also address the following points in separately numbered paragraphs:

Description of "any publicly owned land from a public park, recreation area or wildlife refuge" or "any land from a historic site" involved in 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 area, and slides, photographs, etc., as appropriate.

Similar data, as appropriate, for alternative designs and locations, including cost estimates and technical feasibility, and appropriate analysis of the alternatives.

A statement of the "national, State or local significance" of the area. Any finding that such land or site is not of significance must be supported by evidence from the Federal State or local agency having jurisdiction over the area.

Description of all planning undertaken to minimize harm to the protected area and statement of actions taken to implement this planning.

A specific certification that there is no feasible and prudent alternative to the use of such land and that the proposal includes all possible planning to minimize harm to the "4(f) area" involved.

c. *Environmental Statement.*

(1) The Statement should analyze, as appropriate, the points enumerated in 10(b)(1) above and shall be headed:

Department of Transportation, Urban Mass Transportation Administration [Final or Draft] Environmental Impact Statement, pursuant to section 102(2)(c), Public Law 91-190.

The heading for statements on UMTA capital assistance projects shall include, "* * * and section 14 of the Urban Mass Transportation Act of 1964." Where the statement includes analysis of the points in 10(b)(2), the heading should include "* * * and section 4(f) of the Department of Transportation Act."

Where the proposed action involves a district, site, building, structure, or object that is included in the National Register, the heading should include "* * * and section 106 of the Historic Preservation Act," and the environmental statement should address the following points:

Steps taken to take into account the effect of the proposal on National Register property.

Records of consultations, if any, with the Office of Archeology and Historic Preservation of the National Park Service.

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).

The Statement shall include a summary sheet in the form of Attachment 2.

(2) A general class of actions may be covered by a single environmental statement when the environmental impact of similar actions is substantially the same and no covered action will involve construction or the taking of land. The responsible official may develop such a statement, obtain approval, and cite the statement for the purpose of making an environmental statement on a particular project if he is satisfied and can substantiate that the action being recommended falls within the class.

d. *Additional Federal agencies which may be invited to comment on UMTA Draft Environmental Statements.* In addition to the Federal agencies required to be invited to comment on Draft Statements (see 6(e)(2) above), others which may be appropriate or required include those listed below. UPP and TEU will assist regarding these or other potential distributees.

Department of Defense, Army Corps of Engineers: Statements involving 4(f), as appropriate.

Department of Commerce, National Bureau of Standards: Noise control and abatement; DOC (Economic Development Administration): Urban planning, economic impact on low-income neighborhood.

Office of Economic Opportunity: Congestion, housing and building displacement, impact in low-income neighborhood.

e. *Findings and certifications.* Section 3(d) of the UMT Act requires all applicants for UMTA capital assistance to certify that they have:

(1) Afforded an adequate opportunity for public hearings pursuant to adequate notice and has held such hearings unless no one with a significant economic, social, or environmental interest in the matter requests a hearing;

(2) Considered the economic and social effects of the project and its impact on the environment; and

(3) Found that the project is consistent with official plans for the comprehensive development of the urban areas.

Based on the applicant's certifications and any other appropriate information, section 14(c) of the UMT Act requires the following findings for all capital assistance projects:

(1) Adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social, or environmental interest.

(2) 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) A specific statement that there is no adverse environmental effect of the project or there is no feasible and prudent alternative to such effect and all reasonable steps have been taken to minimize such effect.

f. *Lead agency.* "Lead agency" refers to the Federal agency (where more than one agency is involved) which has primary responsibility for committing the Federal Government to a course of action with significant environmental impact. The responsible official 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.

g. *Negative declaration.* A statement in the approval memorandum that "This project will have no significant impact on the environment," with a short explanation where appropriate. This should be taken to mean no significant negative or positive impact since the presence of either is ground for preparation of an environmental statement.

C. C. VILLARREAL,
Administrator.

DEPARTMENT OF TRANSPORTATION

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

[Ref: SLS 2-5610.1A]

DOT ORDER 5610.1A—PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS SLSDC PROCEDURES FOR IMPLEMENTATION

The subject DOT order establishes procedures for preparation of detailed environmental statements, where required, on proposals for legislation or other major Federal actions significantly affecting the quality of the human evironment, as required by section 102(2)(C) of the National Environmental Policy Act of 1969. This section requires that all agencies of the Federal Goverment 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 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."

John B. Adams, III, Chief Engineer, has been named the point of contact and the responsible official for environmental statements for the St. Lawrence Seaway Development Corp. The attached procedures for implementation of DOT Order 5610.1A should be carefully reviewed and followed by all personnel in planning any program or action which will significantly affect the quality of the human environment.

PROCEDURES FOR IMPLEMENTATION OF DOT ORDER 5610.1A

1. *Scope.* These procedures will provide for implementation, by this corporation, where environmental statements are required, of section 102(2)(C) of the National Environmental Act of 1969 (the NEP Act), section 4(f) of the Department of Transportation Act of 1966 (the DOT Act), section 309 of the Clean Air Act of 1970 (the Clean Air Act), and section 106 of the National Historic Preservation Act of 1966 (the Historical Preservation Act).

2. *Applicability.* The requirements in DOT Order 5610.1A 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: All contracts, purchases, leases, construction, research and development involving construction, rule making and regulatory actions, certifications, licensing, permits, 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 (promotions and 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 and (5) issuance of vessel passage permits as a matter of routine Seaway procedures. (See Definitional Guidelines, Attachment 1, Page 1).[1]

3. *Requirements.*

a. As early as possible and in all cases prior to agency decision concerning major programs and actions such as: Construction, waste disposal, regulations, operation of Federal facilities, etc., "all Office Heads are required to forward such proposed programs to the Chief Engineer for review."

b. All such proposed programs received by the Chief Engineer will be reviewed, and within 5 days, a determination will be made of whether a section 102(2)(C) statement is required, or whether a declaration will be made that the proposed action will not have a significant impact on the environment. When a negative statement is prepared, it need not be coordinated outside this agency.

c. When a determination is made that a section 102(2)(C) statement is required, the Chief Engineer, within fifteen (15) days of such determination, shall prepare a draft statement as shown in Items 4 and 5 below.

4. *Form of 102(2)(C) statement.*

DEPARTMENT OF TRANSPORTATION

ST. LAWRENCE SEAWAY DEVELOPMENT CORP.

(DRAFT ENVIRONMENTAL IMPACT STATEMENT PURSUANT TO SECTION 102(2)(C), PUBLIC LAW 91-190

5. *Content of 102(2)(C) statement.* The following points will be covered in the statement:

a. "A description of the proposed action" and its purpose in sufficient detail to permit commenting agencies to assess environmental impacts with reasonable accuracy. Relevant technical data and maps or sketches should be included.

b. "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.

c. "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.

d. "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.

e. "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.

f. 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.

g. *Lead agency.* When working with other Federal Agencies on projects or programs that collectively have a significant impact on the environment, the lead agency, as determined after discussion with other involved agencies, will prepare the environmental statement prior to any action by any of the other Federal agencies.

h. *Interdisciplinary approach.* The resulting environmental impacts of proposed projects will be provided in detail and shall reflect the utilization of a systematic interdisciplinary approach.

i. *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.

j. (This section will be added at the end of the review process in the final text of the environmental statement.) 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.

6. *Content of statements under section 4 (f) of the DOT Act.* In addition to the information listed above, the following information will be included:

a. 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

[1] Filed as part of the original document.

impact on park, recreation, wildlife, or historic areas, and slides, photographs, etc., as appropriate.

b. Statement of the "National, State, or local significance" of the area "as determined by the Federal, State or local officials having jurisdiction thereof."

c. Similar data, as appropriate, for alternative designs and locations, including cost estimates and technical feasibility and appropriate analysis of the alternatives.

d. 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.

e. 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.

7. Content of statement on projects subject to section 106 of the Historic Preservation Act. In addition to the information listed above, the following information will be included:

a. Steps taken by the agency to take into account the effect of the proposal on National Register property.

b. Records of consultations, if any, with the Office of Archeology and Historic Preservations of the National Park Service.

(c) 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).

8. *Comments of Federal agencies.* The draft 102(2)(C) statement shall be circulated for comment to all Federal agencies which have jurisdiction by law or special expertise with respect to the environmental impact involved (see Attachment 2),[2] allowing 30 days for comment. Ten copies of the draft statement shall also be sent to CEQ and three copies to TEU for review.

For actions within the jurisdiction of the Environmental Protection Agency (air or water quality, solid wastes, pesticides, radiation standards, noise), the proposal shall be referred to EPA with 45 days allowed for review and comment.

For actions which affect any object that is included in the National Register, the proposal will 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.

9. *State and local review.* Where review of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, a copy of the draft statement will accompany the proposal per OMB Circular A-95 procedures through the appropriate clearinghouse.

10. *Community involvement.* For any action requiring a public hearing, the draft statement will be made available to the public at least 30 days prior to the hearing. The notice of the hearing will indicate that the statement is available in the Office of the Chief Engineer, St. Lawrence Seaway Development Corporation, Administration Building, Massena, N.Y.

11. *Utilization of comments.* Comments received from Federal, State, and local agencies will accompany the draft statement through the normal internal project or program review process.

12. *Final statements.* Final statements, together with all comments received on the draft from Federal, State, and local agencies will be submitted to TEU for concurrence, together with twelve (12) copies (including ten (10) for forwarding to CEQ).

[2] Filed as part of the original document.

Unless otherwise notified within 2 weeks of submittal, the statement will be considered concurred in by TEU.

13. *Availability of statements.* TEU is responsible for transmitting ten (10) copies of each final statement to the CEQ, which transmittal shall be deemed transmittable to the President.

The final version of the statement and the comments received will be made available to the public at the St. Lawrence Seaway Development Corporation, Seaway Circle, Massena, N.Y., Office of the Chief Engineer, and at the appropriate State and regional clearinghouses. Agencies and organizations providing comments on statements will be notified of availability of final statements and comments from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va., 22151, at a nominal cost.

14. *Timing of agency decision.* 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 actions be taken sooner than 30 days after the final approved text of a statement (with comments) has been made available to the CEQ and to the public.

D. W. OBERLIN,
Administrator.

OFFICE OF ECONOMIC OPPORTUNITY

EXECUTIVE OFFICE OF THE PRESIDENT

GUIDELINES ON ENVIRONMENTAL STATEMENTS

Applicability: All programs assisted under the Economic Opportunity Act if such assistance is administered by OEO.

1. *Statement of purpose.* This instruction provides guidance with regard to the general policies and procedures required by section 102(2)(C) of Public Law 91-190, the National Environmental Policy Act of 1969 (NEPA); Executive Order 11514; and the Interim Guidelines for Statements on Major Federal Actions Affecting the Environment published by the Council on Environmental Quality (CEQ). This instruction will amplify these documents by (a) identifying actions requiring environmental statements; (b) clarifying procedures for obtaining the information and reviews required for their preparation; (c) designating officials responsible for the preparation, review, and disposition of environmental statements; (d) insuring proper coordination of such actions, including consultation with appropriate Federal, State, and local agencies; and (e) explaining requirements for providing timely public information on proposals for legislation, preparation of regulations, and other major actions significantly affecting the quality of the human environment.

The CEQ has provided interim guidelines, which are attached to this instruction and will be referred to where appropriate. (See Attachment C.[1])

2. *Policy.*

(a) At the inception of a major action, the preparation of recommendations on reports or proposals for legislation of primary concern to the Office of Economic Opportunity, or drafting of regulations, all pertinent offies and regional offices within OEO shall make an assessment of the probable ecological and environmental impacts of that action.

(b) In the continuation of an existing program which was initiated prior to the passage of NEPA, all offices and regional offices will similarly assess the environmental impact of the proposed continuing action.

(c) If these appraisals indicate that (1) a significant effect on the quality of the human environment will result from a proposed action, regulation, or piece of legislation, or (2) a proposed action is likely to be controversial with respect to environmental effects, a five-point draft environmental statement will be prepared in accordance with this instruction.

3. *Actions requiring environmental statements.*

(a) The necessity for submitting an environmental impact statement should be evaluated in accordance with section 5 of the attached CEQ guidelines. If in the best judgment of the office or regional office, the proposed action will cause significant changes in natural surrounding, including effects on man, wildlife, plants, fish, and marine life, or will result in "substantial controversy," submission of an environmental statement is required. To assure that the requirements of the NEPA are met, OEO offices or regional offices will interpret broadly the scope of the term "significant environmental effects."

(b) Activities or actions of the following types, in particular, should be assessed carefully for the necessity of preparing an environmental statement:

(1) Housing construction or rehabilitation programs;

(2) Cooperatives which supply any form of energy (such as electricity, natural gas, etc.);

(3) Animal or plant production programs;

(4) Population control programs; and

(5) Programs which may displace significant numbers of people.

(c) In cases where the office or regional office has any doubt about the necessity of preparing an environmental statement for a particular proposed action, the Office of General Counsel should be consulted.

4. *Preparation of environmental statement.*

(1) *General.* Preparation of environmental statements will be based on considerations discussed in section 6 of the CEQ guidelines.

(2) *Format.* Environmental statements will consist of two parts—a summary sheet and the body of the environmental statement. The summary sheet shall accompany each draft or final environmental statement, consisting of no more than one page, and covering the items contained in Attachment A.[1]

(3) *Content of statement.* The body of the environmental statement will contain the following sections with the length of each being adequate to identify and develop the required information:

(a) *Project description.*

(b) *The environmental impact of the proposed action.*

(c) *Any adverse environmental effects which cannot be avoided should the proposal be implemented.*

(d) *Alternatives to the proposed action.*

(e) *The relationship between local short term uses of man's environment and the maintenance and enhancement of long term productivity.*

(f) *Any irreversible and irretrievable commitments of resources which would be involved if the proposed action is implemented.*

(g) *Coordination with other agencies.*

[1] Attachments A, B, and C, filed as part of the original document.

(h) *Comments of the Environmental Protection Agency.*

Section 6 of the attached guidelines should be consulted to determine what type of information is required for each section.

5. *Processing environmental statement originated by an OEO office or regional office.*

a. *Submission of draft statement to the Office of General Counsel.* The relevant office or regional office shall prepare a draft environmental statement in accordance with paragraph 4 above and submit three (3) copies to the Office of General Counsel. This submission will be accomplished prior to any formal review outside OEO.

b. *Review of draft statement by Office of General Counsel.* The General Counsel's Office shall review the draft statement and obtain comments from other appropriate elements of OEO. The General Counsel shall then communicate with the originating office or regional office, indicating concurrence or recommending changes.

c. *Submission of draft statement to the CEQ.* Following receipt of the General Counsel's review and concurrence, the originating office or regional office shall submit ten (10) copies of the draft or revised draft statements to the CEQ. A copy of revised draft statements shall be sent to the Office of General Counsel.

d. *Submission of draft statement to EPA.* In compliance with paragraph 8 of the CEQ guidelines, the originating office or regional office shall submit seven (7) copies of the draft environmental statement to the appropriate Environmental Protection Agency contact point (regional or Washington) for their review and comment. (See attachment B.[1])

e. *Review of draft statement by other Federal agencies.* Immediately after submission of the draft statement to the CEQ, the originating office or regional office shall solicit the views of other Federal agencies having jurisdiction by law or special expertise with any of the environmental problems associated with the proposed action, in accordance with paragraph 7 of the attached CEQ guidelines.

f. *Review of draft statement by State and local agencies.* The procedure to be followed for State and local review of draft statements is set out in paragraph 9 of the guidelines.

g. *Submission of the final statement to the CEQ.* After concluding the review process with other Federal, State and local agencies, ten (10) copies of the final environmental statement, including ten (10) copies of all comments received shall be forwarded to the CEQ. When appropriate, a presentation of the problems and objections raised by other agencies in the review process and the disposition of these issues shall be included with the final environmental statement.

Concurrently, a copy of the final submission shall be provided to the Office of General Counsel by the originating office or regional office.

6. *Processing environmental statements originated by other Federal agencies.* OEO has been designated as an agency with jurisdiction by law or expertise in the sphere of environmental effects of low-income neighborhoods, and will thus be asked to comment by other Federal agencies on environmental effects in this area.

a. When a request for review and comment on an environmental statement prepared by another Federal agency is received by the Office of General Counsel, the following procedure shall be followed:

(1) The Office of General Counsel shall determine which OEO office or regional office should review the environmental statement. This determination shall be based upon the nature of the environmental impact involved and OEO expertise available.

(2) The appropriate office or regional office will be requested to review environmental statements and shall provide the Office of General Counsel with comments.

(3) The Office of General Counsel shall prepare a consolidated review report or designate the office or regional office with primary interest to prepare such a report. The consolidated review report shall be forwarded to the requesting Federal agency by the Office of General Counsel.

b. Should a request for review and comment on an environmental statement from another Federal agency be received directly by an Office or Regional Office, the following procedure shall be followed:

(1) If the proposed action has no significant environmental effect on low-income neighborhoods—then the Office or Regional Office shall reply directly to the Federal agency requesting the information and provide the Office of General Counsel with an information copy.

(2) If the proposed action does have a significant environmental effect on low-income neighborhoods—then the Office or Regional Office shall send the proposed comments to the Office of General Counsel.

c. If it is determined that more than one Office or Regional Office has been requested to review and comment on an environmental statement prepared by a Federal agency, the reply shall be forwarded through the Office of General Counsel for preparation of a consolidated response.

7. *Processing of legislative actions.* Pending definitive guidance from the Office of Management and Budget, the present methods of accomplishing coordinating actions on proposed legislation shall be continued. Necessary comments indicating the impact on the environment shall be included in OEO legislative proposals and in comments prepared by OEO Offices or Regional Offices on legislation prepared by other Federal agencies that are of primary concern to OEO.

8. *Availability of environmental impact statements and comments to public.* The OEO Office or Regional Office which has prepared an environmental statement is responsible for making its statement and all comments pertinent to it available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. Section 552).

9. *Implementing actions.* OEO Offices and Regional Offices shall comply with the provisions of this instruction and shall:

a. Designate an individual who will act as liaison with the Office of General Counsel with respect to environmental impact statements.

b. Identify new and continuing actions and advise the Office of General Counsel no later than 60 days from the date of this instruction of all environmental statements pending preparation or submission.

c. Provide the Office of General Counsel with recommended changes in the policies and procedures delineated in this instruction within 90 days of the date of this instruction.

10. *Attachments.*[1]

A. Format for Environmental Statement Summary Sheet.

B. Washington and Regional Offices of EPA.

C. Guidelines prepared by the Council on Environmental Quality, as well as a list of Federal agencies with jurisdiction by law or special expertise to comment on various types of environmental impact.

[1] Attachments A, B, and C, filed as part of the original document.

[1] Attachments A, B, and C, filed as part of the original document.

SMALL BUSINESS ADMINISTRATION

[Amdt. 16]

IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

The National Environmental Policy Act of 1969 (Act), 83 Stat. 852, 42 U.S.C. 4321, authorizes and 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 for the protection of the environment set forth in the Act. It also requires, among other things, that Federal agencies include in recommendations or reports on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement on specified environmental considerations.

The Small Business Administration has adopted the statement of general policy, in the form of Appendix A, set forth below, indicating the manner in which the Administration will exercise its responsibilities under the Act.

Because this statement provided for herein is a general statement of policy, notice and public procedure are unnecessary and the statement will be effective upon publication in the FEDERAL REGISTER. Nonetheless, the Administration invites all interested persons who desire to submit written comments or suggestions in connection with the statement to submit two (2) copies of such comments or suggestions to the General Counsel, Small Business Administration, 1441 L Street NW., Washington, DC 20416, no later than sixty (60) days after publication of this statement in the FEDERAL REGISTER. Consideration will be given to such submissions with the view to possible further amendments. Copies of comments or suggestions received may be examined in the Office of Interagency Affairs, Room 706, 1441 L Street NW., Washington, DC 20416.

APPENDIX A—STATEMENT OF GENERAL POLICY IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

1. *Purpose.* This statement of general policy sets forth the manner in which the Administration will implement the requirements of the National Environmental Policy Act of 1969 (Act), 83 Stat. 852, 42 U.S.C. 4321, Executive Order 11514 (35 F.R. 4247) of March 4, 1970, and guidelines issued by the Council on Environmental Quality (CEQ) and prescribes the policies and procedures to be followed throughout the Administration in the preparation of environmental impact statements on proposals for legislation and other major actions significantly affecting the quality of the human environment.

2. *General.* (a) The Act authorizes and 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 for the protection of the environment set forth in the Act. It also requires, among other things, that Federal agencies include in recommendations or reports on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement on specified environmental considerations.

(b) Executive Order 11514 further directs that Federal agencies direct their policies, plans, and programs so as to meet national environmental goals.

(c) The CEQ has provided guidelines (36 F.R. 7724) to Federal departments, agencies, and establishments for preparing detailed environmental statements 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 Act.

3. *Policy.* It is the Administration's policy to implement the spirit as well as the letter of the Act, Executive Order 11514 and the CEQ guidelines to the greatest extent possible consistent with the mission of the Administration. Accordingly, the Administration will exercise its responsibilities in accordance with the following policy and guidelines:

(a) Associate Administrators, Assistant Administrators, and the General Counsel are responsible for identifying individual actions (e.g., a specific loan, grant, or contract) within their respective jurisdictions which require the issuance of environmental impact statements. Environmental impact statements relating to legislation will be the responsibility of the Office of General Counsel.

(b) In determining whether a proposed action requires the preparation and issuance of an environmental impact statement, responsible officials will be governed by the guidelines provided by the CEQ.

(c) Interpretations of the Act, Executive Order 11514, the CEQ guidelines and this statement of general policy or any modifications thereof will be the responsibility of the Office of General Counsel.

(d) Environmental impact statements will also be issued with respect to any existing or currently proposed Administration program (e.g., loan program, lease guarantee program) which has or may be expected to have a significant effect on the environment. Responsibility for the issuance of such program impact statements is hereby placed with the responsible officials designated above.

4. *Procedures.* (a) Responsible officials will insure that procedures set forth in CEQ guidelines are observed whenever it is determined that an environmental impact statement be issued.

(b) Information on Administration actions and programs with significant environmental impact will be provided to the public at the earliest feasible time in the development of program and action proposals.

(c) Consultation with other Federal agencies in connection with preparation of draft or final environmental impact statements as set forth in paragraphs 7 and 8 of the CEQ guidelines will be conducted by the responsible officials through the Office of General Counsel.

(d) Any State and local review of the environmental impact of any proposed action or program which may be required under paragraph 9 of the CEQ guidelines will be conducted by the responsible officials through the Office of General Counsel.

(e) All draft and final environmental impact statements will be submitted by the responsible officials to the Office of General Counsel which will be responsible for the circulation and availability thereof to the public as set forth in paragraph 10 of the CEQ guidelines.

(f) To the maximum extent practicable, no administrative action (i.e., any proposed action other than proposals for legislation or reports on legislation) which constitutes a major action significantly affecting the quality of the human environment will be taken sooner than ninety (90) days after a draft environmental impact statement has been circulated for comment by the Office of General Counsel, furnished to the CEQ and made available to the public pursuant to the CEQ guidelines. Nor should such action be taken sooner than thirty (30) days after the final text of an environmental impact statement has been made available to the CEQ and the public.

(g) As a general rule, draft and final environmental impact statements and comments thereon shall be available to the public in the Office of General Counsel, Washington, D.C., and in the Regional or District Offices within whose jurisdiction the proposed action is to take place.

(h) Whenever emergency circumstances may require an action with significant environmental impact without observing the procedures set forth herein or in the CEQ Guidelines, the responsible official shall immediately notify the Office of General Counsel which will consult with the CEQ about alternative arrangements as required by paragraph 10(d) of the CEQ guidelines.

(i) In the event the responsible official is of the opinion that a public hearing is required with respect to any action or program requiring an environmental impact statement, he shall so notify the Office of General Counsel at the earliest practical time. The Office of General Counsel, after consultation with the CEQ, will determine whether such a hearing will be held. In the event a public hearing is held, the draft environmental impact statement shall be available to the public at least fifteen (15) calendar days prior to the hearing.

5. *Content of environmental statement.* (a) Draft and final environmental impact statements shall contain the information required by paragraph 6 of the CEQ guidelines.

(b) A summary sheet in the form prescribed by Appendix 1 of the CEQ guidelines should accompany each draft and final environmental impact statement.

6. *Environmental effects of current programs.* All Associate and Assistant Administrators and the General Counsel shall, in addition to the requirements of paragraph 3 above, prepare for publication in the FEDERAL REGISTER, as supplements to this statement of general policy, statements identifying for the public the manner in which environmental factors are considered in the day-to-day operations of each Administration program or function under their respective jurisdictions. These statements are intended as an aid to the public in identifying the Administration's environmental procedures and requirements. The statements shall be updated periodically as may be required by internal organizational, functional, or other changes.

7. *Effective date.* These statements shall become effective on publication in the FEDERAL REGISTER (10–18–72).

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72–17159 Filed 10–19–72;8:45 am]

federal register

FRIDAY, OCTOBER 20, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 204

PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

Area Wage Determination Decisions, Modifications, and Supersedeas Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decisions, Modifications and Supersedeas Decisions; Deletion of Expiration Date

Pursuant to the provisions of § 1.7 of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 F.R. 21140), all wage determinations, modifications and supersedeas decisions now in effect and published in prior FEDERAL REGISTERS, whether before or after October 5, 1972, the effective date of the amendment to § 1.7, which contain a 120 day expiration date, are hereby revised to delete the 120 day expiration date so that they shall be effective without limitation as to time, as authorized by said § 1.7(a)(2).

Signed at Washington, D.C. this 13th day of October 1972.

HORACE E. MENASCO,
Administrator,
Wage and Hour Division.

[FR Doc.72-17753 Filed 10-19-72;8:45 am]

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decisions, Modifications and Supersedeas Decisions

New determinations. There are set forth below general area wage determination decisions Nos. AP-136 and AP-439 of the Secretary of Labor. These decisions specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein. These decisions are applicable to Federal and federally assisted contruction in the described localities in the States of Georgia, Maryland, North Carolina, South Carolina, Tennessee, and Virginia, and the District of Columbia.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 F.R. 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing, statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

These wage determinations are effective without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable determination together with any modifications issued subsequent to this date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to area wage determination decisions. Modifications and/or supersedeas decisions to area wage determination decisions for specified localities in the States of California, Delaware, District of Columbia, Maryland, Massachusetts, Michigan, New York, Pennsylvania, Tennessee, Texas, and Virginia.

Area wage detemination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	*Date*
AM-1,725; AM-1,727; AM-1,732; AM-1,733; AM-1,735.	Aug. 11, 1971.
AM-1,854	Aug. 20, 1971.
AM-6,130	Nov. 12, 1971.
AM-9,681	Feb. 25, 1972.
AM-9,323	June 16, 1972.
AM-9,699	June 30, 1972.
AP-100	July 7, 1972.
AP-408	July 28, 1972.
AP-409; AP-410; AP-411	Aug. 4, 1972.
AP-306	Aug. 11, 1972.
AP-312	Aug. 18, 1972.
AP-224; AP-313; AP-314; AP-315.	Aug. 25, 1972.
AP-413; AP-414; AP-415; AP-416; AP-418.	Sept. 1, 1972.
AP-23; AP-342; AP-343; AP-345; AP-349; AP-350.	Sept. 29, 1972.
AP-27	Oct. 6, 1972.

Are hereby modified and/or superseded as set forth below. Supersedeas decision numbers are in parentheses following the number of the decision being superseded.

These modifications and/or supersedeas decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since these determinations were issued.

The determinations of prevailing rates and fringe benefits made in these modifications and/or supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 F.R. 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in the foregoing area wage determination decisions, as hereby modified and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

The modifications and/or supersedeas decisions are effective from their date of publication in the FEDERAL REGISTER and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 533 is set forth in the document being modified.

Signed at Washington, D.C. this 13th day of October 1972.

HORACE E. MENASCO,
Administrator,
Wage and Hour Division.

NEW DECISION

STATES: Maryland, Georgia, North Carolina, South Carolina, Virginia and Washington, D. C.

DECISION NO.: AP-439 DATE: Date of Publication

DESCRIPTION OF WORK: All dredging on the Atlantic Coast from the southern border of Maryland to the northern border of Florida, including the Chesapeake Bay but excluding the Chesapeake and Delaware Canal, Baltimore City and Baltimore County, Maryland.

DREDGE -2-ATLANTIC-K 1-2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
HYDRAULIC DREDGES 20" AND OVER						
Leverman and engineer	$5.13	.25	.15	a		
Mate	4.51	.25	.15	a		
Welder	4.69	.25	.15	a		
Derrick operator	4.90	.25	.15	a		
Spill barge operator	4.77	.25	.15	a		
Spider barge operator	4.77	.25	.15	a		
Tug master	4.46	.25	.15	a		
Carpenter	4.87	.25	.15	a		
Tug mate	4.20	.25	.15	a		
Electricians	5.00	.25	.15	a		
Mechanist	4.82	.25	.15	a		
Steward	3.75	.25	.15	a		
Oiler and fireman	3.61	.25	.15	a		
Deckhand, tug deckhand	3.29	.25	.15	a		
Shoreman	3.21	.25	.15	a		
Second cook	3.29	.25	.15	a		
Messman	3.21	.25	.15	a		
HYDRAULIC DREDGES UNDER 20"						
Leverman	4.65	.25	.15	a		
First engineer	4.37	.25	.15	a		
Second engineer	4.25	.25	.15	a		
Third engineer	4.12	.25	.15	a		
Welder	4.46	.25	.15	a		
Mate	3.84	.25	.15	a		
Oiler and firemen	3.55	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Launchman	3.61	.25	.15	a		
Shoreman	3.21	.25	.15	a		
Spill and spider barge operators	3.97	.25	.15	a		
Cook	3.55	.25	.15	a		
Mess cook	3.27	.25	.15	a		
Messman and janitor	3.18	.25	.15	a		
DIPPER AND CLAMSHELL DREDGES						
Operator	5.00	.25	.15	a		
Craneman	4.87	.25	.15	a		
First engineer	4.20	.25	.15	a		
Second engineer	4.09	.25	.15	a		
Third Engineer	3.84	.25	.15	a		
Welder	4.46	.25	.15	a		
Mate	4.15	.25	.15	a		
Fireman	3.60	.25	.15	a		
Deckhand	3.29	.25	.15	a		

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DIPPER AND CLAMSHELL DREDGES (Cont'd)						
Launchman	$3.61	.25	.15	a		
Scowman	3.37	.25	.15	a		
Tug master	4.57	.25	.15	a		
Mate	4.27	.25	.15	a		
Engineer	4.57	.25	.15	a		
Asst. engineer	4.15	.25	.15	a		
Deckhand	3.24	.25	.15	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, plus 5% of straight time pay.

NEW DECISION

STATE: Tennessee COUNTY: Washington
DECISION NO.: AP-136 DATE: Date of Publication
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

90-R-Tenn.-A

RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air condition mechanic	$3.00					
Bricklayers	5.00					
Carpenters	3.50					
Carpenters' helpers	2.00					
Cement masons	2.50					
Drywall finishers	3.00					
Drywall hanger	3.25					
Electricians	3.25					
Electricians' helpers	2.75					
Ironworker, reinforcing	3.50					
Laborers:						
Laborers	2.00					
Mason tenders	2.50					
Mortar mixers	2.00					
Lathers	3.25					
Painters, brush	3.00					
Plasterers	3.00					
Plumbers	3.00					
Plumbers' helpers	2.25					
Roofers	3.00					
Sheet metal workers	3.00					
Soft floor layers	2.75					
Stone masons	4.87					
Tile setters	2.75					
Tile setters' helpers	2.00					
Truck drivers	2.25					
Welders - Rate for Craft.						
Power Equipment Operators:						
Air compressor, large	2.75					
Backhoe	3.25					
Blade grader	3.00					
Bulldozers	3.50					
Front end loader	4.50					
Scraper, pan	3.00					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-6,130 - Mod. #2						
(36 FR 21723 - November 12, 1971)						
San Diego County, California						
Change:						
Bricklayers	$7.95	.58	.75		.05	
Brick tenders	5.96	.30	.45	.40		
Glaziers	9.05	.35	.30			
Ironworkers:						
Reinforcing	8.34	.58	.625	.70		
Fence erectors	8.24	.58	.625	.70		
Ornamental; Structural	8.38	.58	.625	.70		
Lathers (Northern portion of San Diego County from center of City of Del Mar)	7.67	.30	.75	.50		
Lathers (Remainder of County)	8.03	.30	.50		.02	
Marble setters; Terrazzo workers; Tile setters	6.71	.30	.45	.60		
Plasterers	8.10	.45	.55			
Soft floor layers	7.45	.45	.30	.50	.05	
Laborers:						
Fine grader on highways, streets & airports paving (sewer & drainage lines); Landscape gardener & nursery man	4.93	.30	.45	.40		
Laborer (packing rod steel & pans); Tank scaler & cleaner	4.955	.30	.45	.40		
Powdermen	5.315	.30	.45	.40		
DECISION #AP-224 - Mod. #3						
(37 FR 17321 - August 25, 1972)						
San Diego County, California						
Change:						
Laborers:						
Fine grader on highways, streets & airports paving (sewer & drainage lines); Landscape garderner & nursery man	4.93	.30	.45	.40		
Laborer (packing rod steel & pans); Tank scaler & cleaner	4.955	.30	.45	.40		
Powdermen	5.315	.30	.45	.40		
Lathers (Remainder of County)	8.03	.30	.50		.02	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-9,699 - Mod. #3						
(37 FR 13023 - June 30, 1972)						
Statewide, Delaware						
Change:						
Glaziers	$8.38	.35	.30		.01	
DECISION #AP-411 - Mod. #4						
(37 FR 15799 - August 4, 1972)						
Washington, D. C.						
Change:						
Bricklayers	$8.70	.37	.33			
Cement Masons:						
Cement masons	7.75	.255	.20		.05	
Grinding machine	8.00	.255	.20		.05	
Plumbers	8.93	.38	.25		.10	
Steamfitters, refrigeration & air conditioning mechanic	9.04	.30	.25		.07	
Soft floor layers	7.77	.25	.29		.07	
DECISION #AP-409 - Mod. #5						
(37 FR 15821 - August 4, 1972)						
Montgomery and Prince Georges Counties, Maryland; City of Alexandria, Virginia; Arlington and Fairfax Counties, Virginia and Dulles International Airport						
Change:						
Bricklayers	$8.70	.37	.33			
Cement Masons:						
Cement masons	7.75	.255	.20		.05	
Grinding machine	8.00	.255	.20		.05	
Plumbers	8.93	.38	.25		.10	
Steamfitters, refrigeration & air conditioning mechanic	9.04	.30	.25		.07	
Soft floor layers	7.77	.25	.29		.07	
DECISION #AP-410 - Mod. #4						
(37 FR 15283 - August 4, 1972)						
Baltimore City and County, Maryland						
Change:						
Plumbers	$8.28	.35	.35		.04	
Steamfitters	7.91	.45	.60		.06	

MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-413 - Mod. #3 (37 FR 17912 - September 1, 1972) Barnstable County, Massachusetts						
Change: Building, heavy & highway construction:						
Carpenters; Soft floor layers	$7.90	.35	.40			
DECISION #AP-414 - Mod. #3 (37 FR 17915 - September 1, 1972) Essex County, Massachusetts						
Change: Building, heavy & highway construction:						
Electricians: Amesbury, Boxford, Georgetown, Groveland, Haverhill, Merrimac, Newbury, Newburyport, Rowley, Salisbury, & West Newbury	8.35	.25	1%+.20		.02	
Plumbers; Steamfitters: Andover, Georgetown, Groveland, Lawrence, Methuen, & North Andover	8.49	.30	.25		.05	
DECISION #AP-415 - Mod. #4 (37 FR 17919 - September 1, 1972) Hampden County, Massachusetts						
Change: Building, heavy & highway construction:						
Carpenters; Soft floor layers:						
Holyoke	8.33	.35	.30	h	.02	
Remainder of County	8.28	.35	.35	h	.02	
Sheet metal workers	8.38	.40	.65		.02	
Footnote: 1 Paid holiday: Labor Day						

MODIFICATIONS P. 4

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-416 - Mod. #3 (37 FR 17922 - September 1, 1972) Middlesex County, Massachusetts						
Change: Building, heavy & highway construction:						
Plumbers: Bedford	8.59	.40	.40		.02	
Steamfitters: Bedford	8.59	.40	.40		.02	
DECISION #AP-418 - Mod. #3 (37 FR 17930 - September 1, 1972) Worcester County, Massachusetts						
Change: Building, heavy & highway construction:						
Electricians: Fitchburg, Harvard, Lancaster, & Leominster	8.05	.40	1%+.25		.02	
DECISION #AP-23 - Mod. #1 (37 FR 20443 - September 29, 1972 Kent County, Michigan						
Change: Electricians	$7.62	.30	1%		.01	

DECISION #AP-27 - MOd. #1
(37 FR 21252 - October 6, 1972)
Alpena, Antrim, Arenac, Baraga, Benzie, Charlevoix, Cheboygan, Chippewa, Clare, Crawford, Delta, Dickinson, Emmet, Gladwin, Gogebic, Grand Traverse, Houghton, Iosco, Iron, Isabella, Kalkaska, Keweena, Lake, Leelanau, Luce, Mackinac, Manistee, Marquette, Mason, Mecosta, Menominee, Missaukee, Montmorency, Newago, Oceana, Ogemaw, Ontonagon, Osceola, Oscoda, Otsego, Presque Isle, Roscommon, Schoolcraft, and Wexford Counties, Michigan

ADD TO COUNTIES:
Alcona and Alger

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-1,725 - Mod. #5						
(36 FR 14928 - August 11, 1971)						
Erie County, New York						
Change:						
Building Construction:						
Electricians	$9.71	.25	1%+.50		g	
Footnote:						
g. Employer contributes $150.00 per year to a joint apprentice training committee.						
Omit:						
Dredging schedule (See New Decision AM-9,322 published in 37 FR, Page 10693, May 26, 1972						
DECISION #AM-1,727 - Mod. #5						
(36 FR 14938 - August 11, 1971)						
Monroe County, New York						
Change:						
Building Construction:						
Bricklayers, plasterers & stone masons	$8.985	.30	.50		.02	
Carpenters, Building	8.57	.35	.30+.30		.005	
Cement masons, Building	8.785	.30	.50		.02	
Electricians	9.70	.25	1%+.25		½ of 1%	
Glaziers	7.87	.58	.20		.02	
Ironworkers:						
Structural, ornamental & reinforcing	8.51	.50	.40			
Lathers	8.68		.50		.01	
Laborers, Building:						
Laborers	6.98	.43	.45+.40			
Blaster	8.35	.43	.45+.40			
Air track, wagon drill op., asphalt rakers	7.38	.43	.45+.40			
Jackhammers, mortar mixer, concrete vibrator, pipelayers, burners & cutters for wrecking and demolition	7.28	.43	.45+.40			
Piledrivermen & millwrights:						
Building	8.81	.30+.30	.30	h		
Plumbers & steamfitters	9.57	.405	.52		.06	
Soft floor layers	7.455	.30	.30	e+f		
Sprinklerfitters	8.75	.30	.50		.05	
Truck drivers, Building	7.67	.30	.25			
Omit:						
Dredging schedule (See New Decision AM-9,322 published in 37 FR, Page 10693, May 26, 1972)						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-1.732 - Mod. #4						
(36 FR 14965 - August 11, 1971)						
Orange County, New York						
Change:						
Building Construction:						
Boilermakers	8.88	5%	5%+10%	7%	.01	
Electricians:						
Remainder of County	7.95	.33	1%+.44		½ of 1%	
Laborers: (Building)						
Common Laborers, mason tenders, mortar mixers, hod carriers, scaffold builder, concrete men, vibrator men, poured gypsum roof work, wrecking, walking power buggy men, landscaper and chipping hammer (air or electric 1" or under)	6.30	.50	.50	b + .50		
Asphalt men, pipe layers, air or electric jackhammer, powermen, gunite, sandblasting, barmen, chain saw, riding power buggy, vibro barco, joy tamper, or similar walk behind roller	6.55	.50	.50	b + .50		
Painters:						
Reaminder of County:						
Painters	5.83	7%	.38+I			
Spray and sandblasting	6.83	7%	.38+I			
Steel, smoke stack, bridges, towers etc.	6.73	7%	.38+I			
Sprinklerfitters	8.75	.30	.50		.05	
Footnote:						
I. Employer contributes $.20 per hour to an annuity fund.						

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-1,73? - Mod. #5 (36 FR 14972 - August 11, 1971) Rensellaer County, New York						
Change:						
Building Construction:						
Bricklayers	$8.20	.40	.30		.01	
Carpenters, Building:						
Carpenters	7.55	.50	.45		.025	
Millwrights	8.05	.50	.45		.025	
Electricians:						
Remainder of County	9.20	.15	1% + .20	i	j	
Ironworkers:						
Structural, ornamental, reinforcing	7.74	.50	.85		.02	
Painters:						
Brush	7.40	.48	.12			
Structural steel & bridge	8.15	.48	.12			
Spray	8.50	.48	.12			
Plumbers and steamfitters:						
Troy and vicinity	7.27	.45	.85	.50	.04	
Southern part of County	8.10	.35	.62		.04	
Sheet metal workers	8.55	.30	.50		.05	
Truck drivers, Building:						
Straight, winch transit-mix on the site, road oilers, dump, pickups, panel, water trucks and fuel truck on site	7.09	.37	.37	f		
Lowboy or lowboy trailer	7.24	.37	.37	f		
Euclids	7.34	.37	.37	f		
Sprinklerfitters	8.75	.30	.50		.05	

Footnote:
j. Employer contributes $15.00 per year to an apprentice training program.

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-1,735 - Mod. #2 (36 FR 14980 - August 11, 1971) Suffolk County, New York						
Change:						
Building Construction:						
Asbestos workers	$8.30	9%	p	12%		
Boilermakers	8.88	5%	5%+10%	7%	.01	
Carpenters:						
Fishes Island:						
Carpenters & soft floor layers	8.05	.50	.30	.25	.005	
Ironworkers:						
Ornamental	7.50	6%	8%+1.095	9%		
Laborers, Building:						
Laborers	7.15	.50	.70	.51		
Mason tenders	7.15	.50	.70	.51		
Mortar mixers	7.15	.50	.70	.51		
Plasterers' helpers	7.05	1.10		1.15		
Roofers:						
Composition, damp & waterproofing	7.95	.50	1.00+.55	.01		
Omit:						
Dredging schedule (See New Decision AM-9,322 published in 37 FR, Page 10693, May 26, 1972)						

Footnote:
Employer contributes 9% to an annuity fund.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-9,323 - Mod. #3 (37 FR 12023 - June 16, 1972) Philadelphia County, Pennsylvania						
Change:						
Building Construction:						
Glaziers	$8.38	.35	.30		.01	
Glaziers working 38' above ground	8.68	.35	.30		.01	
Sheet metal workers	9.70	.30	.50		.01	
Steamfitters	9.00	.57	.92		.05	
DECISION #AM-9,681 - Mod. #7 (37 FR 4030 - February 25, 1972) Montgomery County, Pennsylvania						
Change:						
Building Construction:						
Remainder of County (Glaziers)	8.38	.35	.30		.01	
Sheet metal workers	9.70	.30	.50		.01	
Steamfitters	9.00	.57	.92		.05	
DECISION #AP-408 - Mod. #2 (37 FR 15275 - July 28, 1972) Delaware County, Pennsylvania						
Change:						
Building Construction:						
Glaziers	8.38	.35	.30		.01	
Glaziers working 30' above ground	8.68	.35	.30		.01	
Sheet metal workers	9.70	.30	.50		.01	
Steamfitters	9.00	.57	.92		.05	
DECISION #AM-1,854 - Mod. #6 (36 FR 16272 - August 20, 1971) Franklin County, Pennsylvania						
Change:						
Building Construction:						
Laborers	$6.28	.30	.30			
Plasters tender	6.18	.30	.30			
Blasters	6.78	.30	.30			

DECISION #AM-1,854 (Cont'd)

HEAVY & HIGHWAY CONSTRUCTION

TRUCK DRIVERS:

PA-2-TD-2-3-E 1 of 1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pick-up, and similar equipment, parts man and warehouseman)	$5.70	6%	3.5%			
Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease)	5.85	6%	3.5%			
Tri-axle trucks	5.93	6%	3.5%			
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as euclids: end or belly dump, single twin-engined or tandem: athey wagon: pay loader, tournawagons, and similar equipment when not self-loaded rated under forty-five tons)	5.93	6%	3.5%			
Heavy off-the-road equipment (rated at forty-five tons or over)	6.03	6%	3.5%			
Heavy duty trailer, such as low boy, hi-boy, pole trailer, A Frames (when used for transporting materials), dumpsters, ross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas and warehouses)	6.01	6%	3.5%			
Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.75	6%	3.5%			
Tandem-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.85	6%	3.5%			
Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.93	6%	3.5%			
Ready-mixed Concrete Trucks with towed or built-in attachments (10¢ per hour additional to respective size truck						
Tar and Asphalt Distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)	5.85	6%	3.5%			
Tar and Asphalt Trailer Trucks	5.93	6%	3.5%			
Trucks with Dolly or Trailer	5.80	6%	3.5%			
Bottom or Belly-Dump Trucks	6.03	6%	3.5%			

MODIFICATIONS P. 11

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-100 - Mod. #2 (37 FR 13419 - July 7, 1972) Washington County, Tennessee						
Change:						
Painters:						
Brush	$3.00					
Power Equipment Operators:						
Bulldozers	3.50					
DECISION #AP-306 - Mod. #4 (37 FR 16365 - August 11, 1972) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Parker, Rockwall, Tarrant & Wise Cos., Texas						
Change:						
Building Construction:						
Electricians:						
Electricians:						
Grayson County	$7.145		1%		.02	
DECISION #AP-312 - Mod. #5 (37 FR 16716 - August 18, 1972) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos., Texas						
Change:						
Building Construction:						
Bricklayers & Stonemasons	6.75					
Carpenters:						
Carpenters:						
Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hartley, Oldham, Potter, Randall, Sherman, Swisher & Wheeler Cos.	6.65					
Millwrights:						
Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hartley, Oldham, Potter, Randall, Sherman, Swisher & Wheeler Cos.	6.90					

MODIFICATIONS P. 12

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-312 (Cont'd)						
Cement masons:						
Cement masons:						
Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Hartley, Oldham, Potter, Randall, Swisher & Wheeler Cos.	$5.70					
Machine operators:						
Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Hartley, Oldham, Potter, Randall, Swisher & Wheeler Cos.	5.95					
Ironworkers:						
Structural; Ornamental; Reinforcing	6.55	.40	.40		.05	
DECISION #AP-313 - Mod. #5 (37 FR 17361 - August 25, 1972) Lubbock County, Texas						
Change:						
Building Construction:						
Lathers	6.50	.20			.01	
DECISION #AP-314 - Mod. #5 (37 FR 17364 - August 25, 1972) Jefferson & Orange Counties, Texas						
Change:						
Sheet metal workers	7.57		.15		.04	
Add:						
Tile setters	6.855	.275	.30		.04	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-315 - Mod. #5 (37 FR 17366 - August 25, 1972) Jefferson & Orange Counties, Texas						
Change:						
Sheet metal workers	$7.57		.15		.04	
Add:						
Tile setters	6.855	.275	.30		.04	
DECISION #AP-342 - Mod. #2 (37 FR 20485 - September 29, 1972) Nueces County, Texas						
Change:						
Building Construction:						
Soft floor layers	5.70	.21	.07		.02	
DECISION #AP-34[illegible] Mod. #2 (37 FR 20488 - September 29, 1972) Bexar County, Texas						
Change:						
Building Construction:						
Ironworkers:						
Structural; Ornamental; Reinforcing	6.35	.40	.45		.05	
DECISION #AP-345 - Mod. #2 (37 FR 20494 - September 29, 1972) El Paso County, Texas						
Change:						
Building Construction:						
Glaziers	4.67	.24				

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-349 - Mod. #2 (37 FR 20503 - September 29, 1972) Galveston County, Texas						
Change:						
Building Construction:						
Carpenters:						
Carpenters	$6.66	.40	.30		.05	
Millwrights	6.92	.40	.30		.05	
Piledrivermen	6.66	.40	.30			
DECISION #AP-350 - Mod. #2 (37 FR 20506 - September 29, 1972) Harris County, Texas						
Change:						
Building Construction:						
Carpenters:						
Carpenters	6.66	.40	.30		.05	
Millwrights	6.92	.40	.30		.05	
Piledrivermen	6.66	.40	.30			

[FR Doc.72-17754 Filed 10-19-72;8:45 am]

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